

329. Did you not know that you had Brissenden's?—I cannot say that I knew or that I did not know. Very likely if the Maoris had not come making a disturbance I would have noticed them.

330. So that when you opened your haversack you did not notice that Brissenden's large bundle was missing?—I did not notice. It did not occur to me. I wish to explain to you that the miners' rights were not on parchment but on thin glazed tracing cloth. You would not know twenty from fifty unless you counted them.

331. You never noticed that no one applied for Brissenden's rights?—I thought some one did apply for them. There were a number of men scrambling, and such a confusion was made, that I assure you I did not notice.

332. *Sir G. Grey.*] Were you the Agent of the General Government?—I was.

333. Was Brissenden's bundle of rights given to you?—It was; what I believed to be it. It was given to me, as nearly as I can recollect, by Mr. Allom, the Registrar.

334. In the morning, when you found Brissenden had gone, and you had not his bundle of rights?—I never found that I did not have them, *i.e.* that they were missing.

335. You say you knew the night before that you had them, and that in the morning you knew that you did not have them?—I handed them to O'Halloran with others.

336. Did O'Halloran give you the others back?—I did not look when he gave me the haversack. I took it naturally from him, not thinking there was any difference.

337. O'Halloran gave you back the haversack with certain bundles of rights in it?—He gave me back the haversack. I did not look in it to see the rights.

338. Did he give you the haversack with certain bundles in it?—He gave me the haversack. I found the bundles afterwards when I opened it at the office.

339. Whom did you give the other bundles to?—To various people who applied for them.

340. You did not observe that Brissenden's bundle had gone?—I did not.

341. You saw that Brissenden had gone?—That was long before.

342. And you knew that Brissenden did not apply for his bundle?—I had always believed that somebody else had applied for them. It was my impression that I had given the bundle representing Brissenden at the same time as the others.

343. Why did you not tell the Commissioner that you had given the bundles to O'Halloran?—The fact is that I forgot all about it. If I had recollected it I should have said so. I did not recollect. It did not occur to me why the Commissioner kept asking me if I had them in the haversack. I was in the habit constantly, when I came in, of taking telegrams and papers from my pockets, and giving them to O'Halloran to sort. If I had given them to any one else I would have remembered it; but I looked on him as the same as myself.

344. You knew that O'Halloran had received the bundles of rights from you?—I gave him a number of rights.

345. Including Brissenden's?—I believe so. I did not examine them when I gave them to him.

346. You knew, also, that Brissenden was with O'Halloran?—I would not like to swear that Brissenden was there when I gave them to O'Halloran. Mr. Crippen stopped in the tent also, but I could not say whether Crippen was there or not. Very likely they had gone to get a wash. They went in and out. I did not notice.

347. Did you hear from rumour that Brissenden was the person who had delivered these rights to other people?—I heard it stated that the rights which had got out were some of those Brissenden had applied for.

348. Did it never occur to you that Brissenden might have got them through O'Halloran?—I never thought of it. I had no reason to mistrust O'Halloran. I had trusted him with hundreds of pounds of my own money. He was my confidential clerk, and agent for all my private business.

349. There were two circumstances known to you—that you had given them to O'Halloran, and that Brissenden had got them?—I would not be positive I gave them to O'Halloran in the morning. I took all the miners' rights and papers I had in my pocket and gave them to him. I believe I gave them to him. [Mr. Mackay then stated as follows:—"When I was before the Commissioner, he asked me a question—indeed, it was suggested by Inspector Thompson, who said 'I know Mackay is a fellow that when he goes to sleep nobody can wake; you had better ask him whether they (miners' rights) could have been taken out of his pocket while he was asleep.' I said 'Oh yes, any one could have taken them out of my pocket.' I have heard it stated that I had charged Brissenden with taking them from my pocket. I was very far from meaning that; I merely said that a person could have taken them."]

350. *The Chairman.*] How long were these rights in O'Halloran's possession that morning; I mean out of your possession?—Perhaps an hour and a half.

351. You stated that these rights were on thin calico, so that you could scarcely tell twenty from forty; if the bulk was so small, what reason had you for giving them to O'Halloran?—Because I was going on the hills and into the bush, and having them in a shooting-jacket there was a risk of losing some of them, and, if so, I should have had to pay for them. I was going to visit three parties of surveyors, and roundabout in various directions, while O'Halloran was going the short road down.

352. Are you sure you took them out of your pocket, and had not the haversack upon your own back?—I gave the haversack to Gage the evening before, as he had nothing to carry the despatches in, and I said, "You take the haversack, and I will put the letters and papers into my pocket."

353. If O'Halloran says you had the haversack on your back that morning, he is mistaken?—He did not see it. I had given it to Gage. He saw me with it when I returned to the tent after speaking to Gage, and therefore might think so.

354. O'Halloran states, "I cannot say where the miners' rights were in the morning, but I am satisfied that he had them in the haversack on his back"?—That is a mistake.

355. On your oath, was there no other reason for giving them to O'Halloran than the fear of losing them?—Just so; to take care of them.

Mr. James Mackay.  
1st Sept., 1875.