

1875.
NEW ZEALAND.

OHINEMURI MINERS' RIGHTS INQUIRIES COMMITTEE

(REPORT OF, TOGETHER WITH EVIDENCE AND APPENDIX.)

(*Report brought up, and ordered to be printed, 4th October, 1875.*)

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

TUESDAY, THE 3RD DAY OF AUGUST, 1875.

Ordered, That a Select Committee, to consist of eleven Members, be appointed to inquire into the alleged illegal issue of Miners' Rights at Ohinemuri; five to be a quorum; and Report to be brought up in six weeks. The Committee to consist of the following Members:—Mr. Bryce, Mr. Curtis, Sir G. Grey, Mr. Bradshaw, Mr. O'Neill, Mr. Ormond, the Hon. Mr. Stafford, Mr. Sheehan, Mr. T. L. Shepherd, Mr. May, and the Mover.—(*Hon. Sir D. McLean.*)

WEDNESDAY, THE 11TH DAY OF AUGUST, 1875.

Ordered, That the petitions of certain miners on the Ohinemuri Gold Field, and electors, and inhabitants of Thames District, be referred to the Select Committee appointed to inquire into the alleged illegal issue of Miners' Rights at Ohinemuri.—(*Mr. T. Kelly.*)

THURSDAY, THE 9TH DAY OF SEPTEMBER, 1875.

Ordered, That leave be given to the Ohinemuri Miners' Rights Committee to postpone the bringing up of their Report until the 5th day of October next.—(*Mr. Bryce.*)

REPORT.

1. The Committee appointed to inquire into the alleged illegal issue of miners' rights at Ohinemuri has made very full inquiry into the matters referred to it. The evidence has been taken of various persons likely to be acquainted with circumstances bearing upon the case. The Committee has examined on oath Mr. Edward Torrens Brissenden, Mr. James Mackay, Mr. Gerald Richard Disney O'Halloran, Mr. Patrick Dillon, Inspector J. B. Thomson, A.C., and Captain Fraser, Warden of the Thames Gold Field. Mr. Adam Porter's evidence has also been taken in support of two petitions sent by him to the House of Representatives, and referred to this Committee. The Committee has likewise carefully considered the Report of the Royal Commission, appointed on the 10th May, 1875, to inquire into the alleged illegal issue of miners' rights at Ohinemuri, as well as the evidence taken before that Commission in the Province of Auckland, a copy of which has been furnished to the Committee.

2. I am directed to report that the Ohinemuri Gold Field was opened by Proclamation a few minutes after 10 o'clock a.m. of the 3rd March, 1875.

3. That some days prior to the opening, arrangements were made by Mr. Warden Fraser and Mr. James Mackay, Agent at that time for the General Government, that application for miners' rights to be exercised on the Ohinemuri Gold Field should be received at any time previous to the date at which the field was to be opened, and that the rights so applied for should be issued at Mackaytown as soon as possible after the reading of the Proclamation at 10 o'clock on the morning of the 3rd March, by which the field was declared to be open, this arrangement being publicly notified in the *Thames Advertiser*.

4. That the arrangements made to secure a fair and impartial issue of miners' rights appear to have been reasonable and good.

5. That the filling-up of the miners' rights for which applications had been received occupied the evening of the 2nd March, and until 2 a.m. of the 3rd March.

6. That the greater portion of the rights so filled up remained in the custody of Captain Fraser until a few minutes before the reading of the Proclamation on the 3rd March, when they were given to the persons who were to issue them from the various compartments of the Warden's tent.

7. That 155 miners' rights passed into the possession of Mr. James Mackay on the night of the 2nd March, and remained in his possession until about 6.30 a.m. of the 3rd March.

8. That these 155 miners' rights were put up in several bundles or parcels, one of which contained 53 miners' rights, for which Mr. Brissenden had made application.

9. That on the morning of the 3rd March, at about 6.30 a.m., Mr. James Mackay handed the whole of the miners' rights in his possession to his private clerk, Mr. Gerald Richard Disney O'Halloran, to keep for him during the time he would be occupied in visiting certain survey or road parties.

10. That immediately thereafter, on the departure of Mr. Mackay, Mr. Brissenden (who was present when the rights were given into the charge of Mr. O'Halloran by Mr. Mackay) requested Mr. O'Halloran to give him the bundle containing the rights for which he had made application; that Mr. O'Halloran complied with the request so made, and gave Mr. Brissenden a bundle supposed to contain 53 miners' rights.

11. That about two hours afterwards, Mr. O'Halloran returned the remainder of the miners' rights to Mr. Mackay, without informing him that he had given some of the number intrusted to him to Mr. Brissenden.

12. That Mr. Brissenden, in accordance with an arrangement previously entered into with a person named James Smith, handed over, at about 7.30 a.m. of the 3rd March, the miners' rights which he had received from Mr. O'Halloran to a miner named Patrick Dillon, with the intention that the rights should be distributed by Dillon to miners assembled on the Karangahake Spur, which was the centre of attraction of the Ohinemuri Gold Field.

13. That Dillon did distribute the miners' rights which he received from Mr. Brissenden in the manner intended, before 10 o'clock on the morning of the 3rd March.

14. That some, if not all, of the rights so distributed were exercised on the Karangahake Spur after 10 a.m. of the 3rd March, but before the miners who were receiving their rights in a legitimate manner, at the Warden's tent, Mackaytown, could reach the Karangahake Spur, and that this premature exercise of miners' rights prevented Adam Porter and others from acquiring ground which they were desirous of taking up.

15. That, in the opinion of this Committee, the miners' rights issued by Gerald Richard Disney O'Halloran to Edward Torrens Brissenden, at about 6.30 a.m. on the 3rd March, were improperly and fraudulently issued by O'Halloran and received by Brissenden.

16. That three of the rights, numbered respectively 643, 646, and 648, so given by O'Halloran to Brissenden, were in the name of the said Brissenden, and it would thus appear that he had a direct interest in the fraud committed.

17. That it further appears, from evidence taken before the Royal Commission at Auckland, and from the Warden's books produced before this Committee, that several rights in favour of Mr. O'Halloran were included in an application made by a person named Robert Cashell, and that some or all of these rights were exercised, and must therefore have been issued, before the proper time.

18. That it is probable that the rights last referred to were given by O'Halloran to Brissenden on the morning of the 3rd March, at about 6.30 a.m., but the Committee is not able to say with certainty when or how these particular rights were issued.

19. That it does not appear from any evidence before the Committee that Mr. James Mackay was a party to the improper issue of miners' rights, except in so far as the intrusting of the rights to his private clerk, O'Halloran, may render him so. Nor does it seem that, previous to the appointment of this Committee, he (Mr. Mackay) had any knowledge of the manner in which the rights came into the possession of miners before the proper time.

20. That with respect to the petitions referred to this Committee by the House, signed by Adam Porter and others, I am directed to report that the petitioners have no legal claim against the colony for compensation for losses which they may have suffered by reason of the improper issue of miners' rights, but that, nevertheless, as a matter of equity, the sum of £150 ought to be paid to Adam Porter and Company, to reimburse them for certain legal expenses incurred in an action arising out of the said improper issue of miners' rights.

Dated 4th October, 1875.

JOHN BRYCE,
Chairman.

MINUTES OF EVIDENCE.

THURSDAY, 26TH AUGUST, 1875.

Mr. BRYCE in the Chair.

Mr. E. T. BRISSENDEN in attendance.

1. *The Chairman.*] This is a Committee which has been appointed by the House of Representatives to inquire into the alleged illegal issue of miners' rights at Ohinemuri, and we wish to take your evidence on the subject on oath?—I decline to be sworn.

2. *Mr. Moorhouse.*] On the part of my client I request to be heard.

3. *The Chairman.*] I must put that question to the Committee.

[The resolutions that had previously been passed, to the effect that evidence should be taken on oath, and that counsel might be present to advise Mr. Brissenden, were read.]

4. *Mr. Brissenden.*] Before I am sworn, I have a few remarks to make. I am here not as a witness but as an accused party; in fact, I am a prisoner.

5. *The Chairman.*] That is not so. You appear simply as a witness, and nothing else.

6. *Mr. Brissenden.*] I understand that the papers in reference to the Royal Commission have been laid on the table, and in them I am distinctly accused of a fraud. There is no Court in Great Britain that will compel an accused party to give evidence against himself, and on these grounds I absolutely refuse to be sworn.

7. *The Chairman.*] I can only repeat that there is no accusation against you, and that you are only here as a witness.

[Mr. Brissenden still refused to be sworn, and the room was cleared in order that the Committee might deliberate. Subsequently Mr. Brissenden was recalled, and Mr. Moorhouse was permitted to speak in support of Mr. Brissenden's objection to be sworn.]

8. *Mr. Moorhouse,* counsel for Mr. Brissenden, said he felt it his duty, as counsel for Mr. Brissenden, to state his impression that his client stood, in relation to the Committee, in the same position as a prisoner stood in to the tribunal which was to judge him. From what he had heard outside, and had seen in the reports of the Parliamentary debates, and in the public Press, he had no doubt that the Royal Commission, which had sat to inquire into the alleged illegal issue of miners' rights, had reported adversely of his client, and in a way which strongly reflected on his personal character. That Commission had suggested, by implication to the Government, that it was the duty of the Crown to institute a criminal prosecution against his client for an illegal and unlawful act. It might be said that the Committee was not a Court having power to punish, but that was contrary to all constitutional law. A Parliamentary Committee was the supreme Court of the colony, and had power to deal directly with a man's property or his life. For the purposes of his argument, therefore, the Committee was a Court of Justice. It was not known to English law that a man could be arraigned before a Judge, and by him questioned with a view to his own prosecution; and no man in peril could be asked to say one word in crimination of himself; it was impossible for a jurymen to question an accused person under such circumstances. Under these circumstances, and under the law as he was acquainted with it, he most respectfully submitted that the Committee would be travelling entirely out of its road, and setting a most dangerous precedent, subversive of law, and entirely antagonistic to that judgment which governed our Courts, if, under the circumstances, his client were interrogated. His client had no objection to make a statement, and was quite willing to offer some documentary evidence to the Committee on the subject. In a late number of *Hansard* he found that one honorable member of the House of Representatives had made use of the words "Inquiry into the unlawful issue of miners' rights." Those words implied an offence against the law, which might or might not be prosecuted. He had seen a copy of the Commissioner's report, but it did not state in precise terms what the illegality was; but he had a right to infer from that report that the Commissioner suggested that a larceny had been committed by his client, and larceny was an offence for which a man might be indicted. He also submitted that if anything in his client's evidence rendered him liable to a prosecution, any member of the Committee, or, in fact, anybody who heard the evidence, could bear witness against him in a Court of law. It might, perhaps, be urged that if his client gave evidence under compulsion, and upon the assurance of the Chairman that he must do so, it would amount to an indemnity, but it would do nothing of the kind. Some persons with whom he (Mr. Moorhouse) had conversed on this subject were under the impression that Parliament could indemnify a man against the consequences of any evidence he might give; but there was nothing in the scheme of our law—and he defied any person to produce any English Statute, or a Statute of this colony—which had the effect of enabling the Committee to give any indemnity or assurance whatever. He had taken pains to get at the bottom of the law on the subject, and he would read a leading case bearing on the question from "Starkey's Nisi Prius Cases." This was an indictment against the defendant, who was a Magistrate in the County of Middlesex, for having improperly granted licenses for public-houses which were his own property. In the course of the evidence for the prosecution, it was proposed to prove what had been said by the defendant in the course of this examination by a

Committee of the House of Commons. Defendant had been compelled to appear before this Committee, and had, upon examination, handed in a list of certain public-houses, with the names of the owners. On the part of the defendant it was objected that this statement had been made under a compulsory process from the House of Commons, and under pain of incurring punishment, and that the declarations were not voluntary. Abbott, Chief Justice (than whom there was no higher authority in the law), was of opinion that the evidence was admissible. Upon that evidence he was indicted for an offence against the common law, and found guilty on that evidence. This case was tried in 1820, and no case had occurred since which had upset that decision. Mr. Moorhouse proceeded to say that in all cases where counsel was heard by a Parliamentary Committee, it was the privilege of the party affected that his counsel should be heard first, and he asked to have the opportunity of looking over the Commissioner's report, when he would point to language in it which would show that his client was charged with an illegal act.

[Mr. Brissenden and Mr. Moorhouse then withdrew, and the Committee decided to again tender the oath to the former. They were then recalled.]

9. *The Chairman.*] The Committee has considered the arguments which have been offered by your counsel, and I have been directed formally to tender you the oath.

10. *Mr. Brissenden.*] With all due respect to the Committee I must refuse. I have put myself in the hands of my counsel, and I must be guided by him. I am entirely in your hands. I wish the members of this Committee to understand that I came here intending to make a statement, a true statement, and to lay before them documentary evidence, as stated by my counsel.

11. *The Chairman.*] The Committee cannot hear you except upon oath.

12. *Mr. T. L. Shepherd.*] I submit that the witness should be requested to withdraw, he having refused to be sworn.

13. *Mr. Moorhouse.*] I ask permission to confer with my client.

14. *The Chairman.*] We have no objection to that.

[The witness and his counsel then left, and returned to the Committee-room after the lapse of about five minutes.]

15. *Mr. Brissenden.*] Well, gentlemen, my counsel advises me to take the oath; consequently I am prepared to do so.

16. *The Chairman.*] (After the oath had been administered to the witness.) Your name is Edward Torrens Brissenden?—It is.

17. What is your occupation?—At present I am engaged in the purchase of Native lands for the General Government of New Zealand.

18. Do you remember the opening of the Ohinemuri Gold Field?—I do.

19. Do you remember the date?—Early in March, I think it was.

20. Do you remember the day before the opening?—Yes.

21. Had you about that time made application for a number of miners' rights?—Yes.

22. What was the date of that?—On the day previous to the opening. It was late; about 8 or 9 o'clock at night.

23. That was in the evening of the day previous to the opening?—Yes.

24. How many miners' rights did you apply for?—I handed in a list, and paid £53. First of all I paid £40, and then £13 more, to Mr. Allom, the Registrar.

25. Do you remember the names of those men in whose favour these rights were issued?—I do not. I never saw them.

26. When did these miners' rights come into your possession?—On the morning they were distributed.

27. At what hour?—About 6.30 a.m., I should think.

28. How did they come into your possession?—They were given to me.

29. By whom?—I will lay this document before you. [Hands in letter.] It will, perhaps, save a great deal of questioning, and also your time.

30. By whom is the letter signed?—By Mr. Gerald O'Halloran.

31. I think, however, I had better repeat the question. How did you come into possession of those rights? Who gave them to you?—Mr. Gerald O'Halloran.

32. You have handed in this letter. Do you wish it read?—I should like to have it read. It will perhaps save some trouble.

[The letter was read as follows:—"Nelson, 20th August, 1875.—Dear Sir,—I am informed that the evidence given before Major Keddell, the Commissioner appointed to inquire into the irregular issue of miners' rights at Ohinemuri, points to your having improperly taken the rights in question without any authority. I feel bound, therefore, to say that there is no ground for such an imputation. I was at the time acting as clerk to Mr. Mackay, and a number of miners' rights were in my possession. Knowing that you had paid for about forty, I, at your request, handed to you those I thought you were entitled to.—Yours truly, GERALD O'HALLORAN.—E. T. Brissenden, Esq., Wellington."]

33. After these miners' rights came into your possession, what did you do with them?—I took them down to the place where I had been stopping—the house of one Taipara, a Native.

34. What then?—Some time afterwards—I cannot well tell the time, but I should say it was somewhere about breakfast time—a person named Dillon, one of the prospectors, came to me and asked me if I had got the rights. I said, "Yes, I had," and I gave them to him, with strict injunctions that he was to be careful not to use them before the time.

35. *Mr. T. L. Shepherd.*] You have stated that you got possession of these miners' rights on the morning of the day that the ground was declared open for pegging. That was on the 3rd of March, was it not?—I think that was the day the field was declared open.

36. Do you remember when you put in your application for these rights?—About 10 o'clock on the previous night.

37. To whom?—Mr. Allom, the Registrar.

38. Where?—At the Warden's tent, if you can call it so.

39. Where?—At Mackaytown.

40. Was that application in writing?—A list was given to me by one of the prospectors, a Mr. McDonald.
41. Did you make application for miners' rights?—One was made.
42. Who were present when you gave in that list?—I should think there were from fifteen to twenty people present at the time.
43. Did you say you gave the list to O'Halloran?—No, I gave it to Allom, the Registrar.
44. What did you say when you gave it to him?—I handed in my list.
45. But what did you say when you handed him the list?—I said, "There is a list of miners' rights which I want."
46. Did you request or say anything about getting them before other people?—No, I said nothing of the kind.
47. What did he tell you in reply?—He picked up the money and said, "You shall have the miners' rights at the proper time."
48. What was the proper time?—10 o'clock in the morning I believe, but I am not sure.
49. But how did they get into your possession at 6.30?—I asked Mr. O'Halloran for them.
50. Where?—At Mackaytown.
51. In the Registrar's office?—No.
52. Who was Mr. O'Halloran?—He was, I believe, clerk to Mr. Mackay.
53. Why did you change your application from the Registrar to Mr. Mackay's clerk?—I did not change my application. The Registrar received my list and money.
54. Then who told you to apply to the clerk?—No one.
55. Did you know of your own knowledge that they were to be issued at 10 o'clock on the following day?—I did; at least I supposed so.
56. Was that the proper time for them to be issued?—I believe it was.
57. Yet at 6.30 you went to Mr. Mackay's clerk and asked him for the rights?—Yes, I did. I rode over from Takerei's house, which is a mile and a half from the gold field, and where I had been staying, to where the clerk was.
58. At Takerei's?—Certainly not. The clerk was at Mackaytown, and I stayed there all night.
59. Where do you say the clerk was?—In his tent.
60. What tent?—The tent he slept in.
61. Did you sleep in the tent too?—I did.
62. Did you arrange with him over night?—I did not.
63. Did you wake him in the morning?—No.
64. Who woke first?—I think he did.
65. Did you know he had the rights in his pocket?—I did not.
66. Did you ask if he had the rights?—I saw them.
67. How?—In his possession.
68. Did he show them to you?—He showed them to me in bundles, in a satchel or something of that sort he had.
69. Did you ask him to give them to you before the proper time?—I did not say "before the proper time." I merely asked if I could get them.
70. That was at 6.30 a.m.?—About that.
71. Was there any private arrangement beforehand?—No.
72. Did he give any miners' rights to others before 10 o'clock?—I do not know.
73. You were the only recipient upon that occasion?—I did not see anybody else.
74. How was it you slept there?—I never slept there before, nor since.
75. Were you invited to stay in the tent with him?—Yes.
76. Why did you refuse to give evidence before the Commission?—Well, I was very badly treated; but I should wish, if you will allow me, to make a little statement about that affair. The report of the Royal Commission, dealing with my action as a witness, did a cruel wrong to myself at that time.
77. *The Chairman.*] You can make your statement now, as an answer to Mr. Shepherd's question.—It has been thrown out in Auckland, and in other parts of the colony, and I have been hawked about in the papers to a considerable extent during the last three or four months, because I refused to give evidence. All I can say is, that I was waiting in Auckland somewhere about sixteen or eighteen days for money from the Treasury, when Major Keddell, who then held the Commission, met me several times in Auckland. I have heard that the Government is said to have refused to allow me to give evidence. I hold a telegram from the Native Minister in reference to my examination before a Committee of the Provincial Council of Auckland about land purchasing in the North, telling me by all means to give the fullest evidence. That telegram should do away with the impression that the Government had prevented me from giving evidence.
78. *Sir George Grey.*] You never showed me that telegram.—I went to see you, and waited for three-quarters of an hour, but did not see you, as you were engaged, and afterwards you went to Kawau. Whilst I was waiting on that occasion, I was talking for twenty minutes with Major Keddell. I had been on friendly terms with him for some years, and he held this Commission at the time. We had met several times in the streets of Auckland during the sixteen days I was there, and if he wanted to examine me, it was surely his place to have summoned me, and not mine to have gone running after him. A few days afterwards I left town, and went to pay money for some Native lands I was then dealing with. I had a meeting of between 500 and 700 Natives, at Herd's Point, Hokianga, Major Keddell, Mr. Thompson, and a policeman. I don't know whether the latter left Auckland with them, but he certainly came to Herd's Point with them. Came to the Bay of Islands; singled out the Resident Magistrate, Mr. Williams, and induced him to communicate by telegram with Mr. Von Sturmer. The telegram was to this effect: "Have a boat at 12 at night at the Taheke, for a mutual friend of ours." When I saw this mysterious telegram, I said it was Mr. John Webster who was expected. At 2 or 3 o'clock in the morning these gentlemen arrived. They closeted themselves in a room. It was given out that I was to be arrested before 500 or 600 Natives. I was certainly treated more like a

convict on that occasion—most disgracefully treated, I consider. They did all they could in travelling through the country to damage my character. Would any right-thinking man, after being treated in the way I was, be in the slightest inclined to make the statement I am this day making here?

79. *Mr. T. L. Shepherd.*] Did Mr. Mackay sleep in the tent?—He did.

80. Are you aware that Mr. Mackay has sworn before that Commission that the miners' rights must have been taken out of his pocket?—That is the ground upon which I objected to be sworn, inasmuch as I feel that I am here accused.

81. Did you ever inform Mr. Mackay where you got them?—Well, I don't mind. [After a pause] I don't think I ever did tell Mr. Mackay.

82. Did he ever ask you where you got them?—Never.

83. Have you ever had any conversations with him between March 3rd and the present day?—I have had many conversations with him.

84. And you never told him where you got them?—I never did.

85. Did he never ask you?—No.

86. This is the first time you have made this explanation?—Exactly.

87. Are you aware whether the clerk, Mr. O'Halloran, has ever made this explanation before?—I am not aware.

88. Did you leave before Mr. Mackay got up that morning?—I do not know; I rather think he woke me up.

89. Who were present when you received the miners' rights from the clerk?—I cannot say. I have been trying to think it over; but I cannot swear.

90. Did none of your conversations with Mr. Mackay lead you to believe he knew you got the miners' rights from O'Halloran?—No conversations on that subject took place.

91. Did you not know that when you received those miners' rights, at 6.30 a.m., you were taking an improper advantage over the rest of the miners on the field?—On that head I have also to make a little statement. I shall have to go back some little distance, in order to be better able to tell my story. I think it was somewhere about the middle of February, when the prospectors came to me, and asked me if I would interest myself to induce the Provincial Government to fulfil a promise made by them to secure to the prospectors a claim at Ohinemuri. The promise was made by a letter written by Mr. Williamson, the late Superintendent, I think. If I am mistaken perhaps Mr. Sheehan will correct me. I know the men had been so promised some years ago, and I was ready to some extent to assist them. I think the first person I applied to was Mr. Sheehan, then Provincial Secretary, and asked him if he would see Mr. Williamson upon the subject. He promised to do so, and I think did. I saw Mr. Williamson himself afterwards, and was led to believe that the thing would be carried out. Time went on, and a week or ten days afterwards I went down to the Thames. I looked upon it that the business of opening up Ohinemuri would soon be closed, the agreements be signed, and the field declared open on an early day. The people then became very urgent. I was not sure that the powers Mr. Williamson then held as Superintendent would enable him to carry out the promise he had made; indeed I had been told he could not carry out the promise. I think I then saw the Hon. the Native Minister, at all events I did see the Hon. Dr. Pollen; but I got very little satisfaction from him. While at Ohinemuri, the death of the late Superintendent came to our knowledge; and I asked Mr. Fraser, the Warden, if the delegated powers died with the Superintendent. He said he did not know, but he believed they did. I also consulted with him, and asked what was best to be done to secure the prospectors in their rights. There had been a great deal said about the mob rushing them, and their not being allowed to secure their ground. Indeed I know such was talked about and intended, and so much was thought about it that a lot of the Armed Constabulary were got down in anticipation of it. These men were urging upon me to try every source I could to secure their rights. After Mr. O'Rorke took the Superintendential chair I saw him about it, and urged him to see Dr. Pollen, but at that time no result was arrived at. I had a talk with Major Keddell, and asked him in what way the men could be secured in their right. He replied that only by their miners' rights could they take up the amount of ground they required. From that I had no distinct idea as to how to assist them; but I thought they ought to get abstract justice, and determined to do what I could for them. I could not see at the time that there was anything wrong in it; but I now see it was irregular. However, that is the sense in which I did it.

92. *The Chairman.*] That is your answer to the question?—It is.

93. *Mr. T. L. Shepherd.*] How many prospectors were there?—The promise made in the letter was thirty acres, or so much as the Act would permit of. The number of prospectors was six or seven; but you know a number of people furnish the prospectors with money, and they reckon themselves as prospectors.

94. What were the names of the six or seven?—I can only give you positively the names of four, viz. Smith, Coleman, Dillon, McDonald.

95. What extent of ground did they claim?—The thirty acres which I understood had been promised.

96. How many miners' rights did they require to hold that quantity of ground?—I think it required ninety miners' rights. I think about three rights to an acre.

97. Do you know if any miners had pegged off any ground other than the Prospectors' Claim?—I do not know.

98. Did you give rights to any one but the prospectors?—No, I only gave them to Dillon.

99. Had you any interest in the claim marked off, either directly or indirectly?—There were three different occasions on which my name was mentioned on the lists.

100. Give me a direct answer?—I cannot. I wish to tell you the way in which I understand it.

101. *The Chairman.*] Answer the question first. If you think any explanation is necessary you will be allowed to make it.

102. *Mr. T. L. Shepherd.*] Had you in any sense, directly or indirectly, any interest in the claim marked off by these rights at 6.30?—Three times my name was entered in those lists.

103. What interest had you under the pegging?—If I had three men's ground I would have three fifty-thirds, I suppose.

104. In the Prospectors' Claim?—Yes; but I never intended to claim, nor have I claimed, any interest whatever in Ohinemuri. Those men entered my name three times without any authority for doing so.

105. Were any rights issued in your name?—I believe so.

106. Did you see them?—I never read the lists. It was too dark to do so when I got them.

107. When did you first become aware you had three fifty-thirds in the Prospectors' Claim?—I was told that very day.

108. Did you give notice that you had abandoned your rights?—I did.

109. When?—Some time afterwards.

110. What length of time?—I cannot say. I left there for Tauranga on the following day.

111. Did you give notice before the inquiry, as there had been a great noise about this pegging?—I cannot say I did. I can only say my intention was never to make use of them.

112. *Mr. Sheehan.*] Mr. Brissenden, I believe it was a matter of public notification that money would be received for the miners' rights before the field was open?—There was no fixed time for it. I believe money was actually paid up to 12 o'clock at night, and they were making out rights until 3 in the morning of the day on which they were issued.

113. You speak of the Prospectors' Claim. Did you see the correspondence in the Superintendent's office in regard to it?—I heard of it, but I cannot say that I saw it.

114. *Mr. O'Neill.*] Are you aware of any other persons having obtained miners' rights before 10 o'clock on the morning of 3rd March except those you got?—I think not. I have no knowledge of it. I have heard a hundred things, but I have no knowledge of it myself.

115. *Sir George Grey.*] You say that you knew Dillon some time before?—No, I did not say so. I was told he was the man who would come to me.

116. You say he was one of the prospectors?—I believe he was, and had been told he was

117. When did you know him first?—I think I saw him on the day before. At all events he was pointed out to me by one of the prospectors (Smith) the day before he came to me.

118. Did you get a promise from him to keep the fact secret?—I impressed it most thoroughly upon him that he was only to use them properly.

119. Do I then understand that he gave you a promise to the effect that he would keep these rights secret?—I think so. My very remark to him was enough for that.

120. What was your remark?—I told him by no means to use the rights before the time, as to do so would get me and others into trouble. Those are, I believe, the very words I used.

121. What I want to know is, did he make you a promise to keep the fact of your having the rights a secret?—I think he did. The probability is that I asked him to so promise.

MONDAY, 30TH AUGUST, 1875.

G. R. D. O'HALLORAN examined on oath.

122. *The Chairman.*] This is a Committee appointed by the House of Representatives to make inquiry into the alleged illegal issue of miners' rights at Ohinemuri, and the Committee wish your evidence on oath. [Witness was here sworn.] What is your name?—Gerald Richard Disney O'Halloran.

123. What is your occupation?—I am clerk to Mr. James Mackay.

124. Do you remember the opening of the Ohinemuri Gold Field?—I do.

125. What was the date?—March 3rd, 1875.

126. What was your occupation at that time?—Clerk to Mr. James Mackay.

127. Do you remember about that time a number of applications being made for miners' rights, to be exercised on the Ohinemuri Gold Field?—I do not recollect when the applications were being made, not being present.

128. Did you know that applications were made?—Yes.

129. On the day before the opening—on the 2nd March?—Yes.

130. Were these miners' rights issued on that day—on the day previous to the opening?—I believe not. When I arrived it was about 10 o'clock at night, on March 2nd, and I saw a number of clerks engaged in preparing miners' rights.

131. Do you know why the rights were not issued on the day before, when the application was made and the money received?—I knew generally that the field was not to be proclaimed until the next day, when the rights would be issued.

132. The rights were to be kept back until the field was proclaimed?—I understood that generally.

133. And when was the field proclaimed?—I believe at 10 o'clock on the morning of March 3rd.

134. And were the rights issued at that time—the rights applied for on the previous day?—I was not present at the opening. I left for Katikati before 10 o'clock.

135. Do you know whether any rights were issued previous to your leaving—any of the rights applied for the day before?—I gave some rights to Mr. Brissenden before I left that morning.

136. Was it any part of your duty to issue those rights?—No, it was not.

137. Then why did you give them to Mr. Brissenden?—He asked me for them, and I gave them to him on the spur of the moment.

138. How came you to have the rights? How did they come into your possession?—Mr. Mackay left them with me amongst a number of other papers on the morning of March 3rd.

139. When did Mr. Mackay give them to you?—On the morning of the 3rd March, about 7 o'clock, or thereabouts.

140. Did he give them to you for the purpose of being issued?—No, he left them with me to take care of amongst the other papers.

141. Did you give the whole of the rights that Mr. Mackay left with you to Mr. Brissenden?—No, I gave him one bundle of rights.

142. And what did you do with the other bundle?—There were a number of bundles. I returned them to Mr. Mackay.

143. Did Mr. Mackay understand, when you returned those other bundles to him, that he had received the whole?—I believe so. I did not say anything about it.

144. Did you tell him that you had issued some of them?—I did not.

145. Was Mr. Mackay aware that you had issued some rights to Mr. Brissenden?—No one could have been aware of it but Mr. Brissenden.

146. When Mr. Mackay gave you the rights, did he say anything to you by which you could understand that you were to give the rights, or any of them, to Mr. Brissenden?—He did not.

147. I do not quite understand your position. You received these rights, it appears, merely to keep until Mr. Mackay came back, and it would then have been your duty to have handed them back to Mr. Mackay. How could you suppose it any part of your duty to give them to Mr. Brissenden?—I did not consider it any part of my duty to give them to Brissenden.

148. Then I should like you to state plainly why you gave them to him?—When Brissenden asked me to give them to him, and pressed me to do so, I did so.

149. He “pressed you?” What did he say, as nearly as you can remember?—He said, “You know I have paid for these rights, and that I am not going to make any improper use of them,” or words to that effect.

150. What did you understand him to mean when he gave the assurance that he would not make any improper use of them. What did you consider that that expression “improper use of them” meant?—I can hardly say.

151. Would it have been an improper use of them to have forestalled other diggers in pegging out ground on the Ohinemuri Gold Field; is that what you consider an improper use?—No doubt that would have been an improper use.

152. Did you not see that there was a chance of that use being made of them by issuing them some hours previous to the general issue?—I did not consider sufficiently at the time.

153. Your position then, if I understand you, is, that you handed these rights to Mr. Brissenden on the spur of the moment, without sufficient thought.—Yes.

154. You have no further explanation to give? I must remind you that you have promised to tell the whole truth on your oath in this matter, and if you had any other reason at the time for giving Mr. Brissenden the rights, it is now your duty to tell the Committee what that reason was.—I had no other reason. I did it without thought. It was just immediately after Mr. Mackay had given the papers to me and left the tent.

155. At what hour was it?—Between 6 and 7 o'clock in the morning, but I cannot remember exactly.

156. Had you slept in the tent during the night yourself?—I had.

157. Who else was in the tent with you during the night?—Mr. Mackay, Mr. Brissenden, and Mr. Crippin.

158. Was the tent yours?—Yes, it was mine.

159. Did Mr. Brissenden stay there that night by your invitation?—No.

160. How came he to stay there?—Mr. Mackay and Mr. Brissenden thought it was too late to go away, so they came into my tent. I was going away to my tent, and they said they would go and sleep there.

161. Had Mr. Brissenden been in the habit of sleeping in the tent with you?—That was the first night I was there. I had just got the tent pitched for the night.

162. *Hon. Sir D. McLean.*] Where was the tent?—Close to the large building occupied as offices by the Warden.

163. *The Chairman.*] Have you stated to the Committee all that Brissenden said to you when he pressed you to give him the miners' rights?—I think so. I do not recollect his stating anything else.

164. Did he give you any special reason for wishing to have these rights before the general delivery at 10 o'clock?—I do not recollect.

165. I should like you to tax your memory on that point, because the Committee probably attach some importance to it.—I cannot say that he did give any special reason. It all took place, I may almost say, in a moment, and he left the tent immediately afterwards.

166. In handing back the other bundles of miners' rights to Mr. Mackay, you said you did not mention to him that you had disposed of part of them to Mr. Brissenden?—I did not mention it.

167. Why did you not? He left those bundles with you as a matter of trust, and you disposed of some of them in the meantime. Why did you not tell him you had done so?—I did not say anything about it. I did not wish to say anything.

168. It seems to be a most obvious thing that you should have mentioned that you had disposed of some of them. And I ask you distinctly why you did not mention it to him?—I did not like telling Mr. Mackay that I had given them away. Of course I had no right to give them away.

169. You knew, then, it appears, that you had done wrong?—I did, but it was some time afterwards.

170. You knew it was wrong then because you had had time for reflection. Is that what you mean?—Yes.

171. Did you at any subsequent period tell Mr. Mackay that you had given these rights to Mr. Brissenden?—Not until after I wrote the letter to Mr. Brissenden.

172. Have you ever told Mr. Mackay?—I mentioned it to him after I had written the letter, since I came to Wellington.

173. When was that?—On Tuesday last.

174. And, on your oath, you never mentioned it to Mr. Mackay previously to that time?—On my oath I never did mention it to him previously.

175. *Sir G. Grey.*] At what o'clock did Mr. Mackay give you these papers and rights?—I cannot say exactly, but between 6 and 7.
176. What did he give them to you for?—He give them into my charge. He was in the habit of giving me his papers. I had charge of his land-purchase papers.
177. How long did they remain in your possession?—About two hours.
178. What made him give them to you for two hours?—He was going away on horseback to look after some roadwork or survey lines; I forget which.
179. Who was in the tent when you gave them to Mr. Brissenden?—Brissenden and myself.
180. No one else?—No.
181. Did Crippen know you had given them to Brissenden?—He did not.
182. Does he know it now?—I have never told him.
183. Did Mr. Mackay send you with a message to Mr. Allom?—No.
184. Whom did he send with that message to Mr. Allom?—Crippen, I believe.
185. And you knew that the message had been sent about the missing miners' rights?—Yes.
186. And you let the message go without saying anything?—It was the night before that the message was sent.
187. Were those not the same miners' rights?—No.
188. What were they?—Some that had never been made out.
189. Who sent you to Katikati?—Mr. Mackay.
190. When did he order you to go?—Between 8 and 9 o'clock that same morning.
191. Did you know the evening before that you were to be sent away?—I did not.
192. At what o'clock did you give the miners' rights to Brissenden?—Between 6 and 7, I should think; but I do not recollect looking at my watch. There is nothing by which I can arrive at the exact time.
193. Did Mr. Brissenden go back again the same day from Mackaytown?—I did not see him again.
194. And you were sent away the same morning?—Yes.
195. And when did you come back?—On the following day.
196. Were you in the Thames district when Major Keddell made inquiry into the circumstances?—I was at Ohinemuri, and was examined upon the inquiry.
197. Did you swear to tell the truth, the whole truth, and nothing but the truth?—I did.
198. And did you tell these circumstances?—I answered all the questions that were asked me.
199. And you retained these facts from the Commissioner's knowledge?—I was simply asked questions, and I answered them.
200. But you did not tell him these circumstances?—I did not.
201. Have you ever told them to any other person?—No.
202. *Mr. O'Neill.*] Are you aware that Mr. Brissenden had paid for these rights on the previous day, or lodged the money with Mr. Allom, the Registrar?—I saw him pay a sum of money for miners' rights to Mr. Allom.
203. *Mr. T. L. Shepherd.*] When these rights were lodged with you, were you aware they were to be issued at 10 o'clock, at the proper office?—Yes, generally speaking, I was aware of it, but I was not informed of it in any particular way.
204. Did you know that they were not to be issued before 10 o'clock?—It was generally understood that that was the time, but I cannot say I knew it specially.
205. Had you any power to issue them?—No.
206. Were you aware that Mr. Brissenden was going to use them for the purpose of pegging out ground?—I did not consider, but I suppose that must have been the object.
207. Did you think at the time that you were assisting him to commit a fraud?—I did it on the spur of the moment, and if I had taken time to consider I should not have done so.
208. You said he persuaded you to give them to him?—I said he pressed me, I think.
209. In what way did he press you?—He said that I knew he had paid for them, and that he would not make an improper use of them, or words to that effect.
210. Then did he press you to keep it secret?—He did.
211. And was that the reason why you kept your pledge till now?—Yes.
212. Did he offer you any other inducement?—No.
213. Did he agree to give you any share in the claim marked out?—No, he did not.
214. What number of bundles of miners' rights did you receive from Mr. Mackay?—I really do not know. There were a number of them.
215. Did he count them?—No.
216. Neither when you received or returned them?—I returned them—in a bag which he had given me—among other papers.
217. He gave you the bag to mind?—Yes; he had these papers and miners' rights in his pocket, and he gave me the bag, and told me to put them in it and keep them till he came back.
218. Did you put them in the bag?—I did, and while I was doing so I gave Brissenden a bundle.
219. Did you have to look through the bundles to get at the names?—No, I saw his name on the top of the bundle.
220. Have you had any conversation with Mr. Brissenden from that time about the matter?—I think once, in Auckland.
221. What took place then? Who commenced the conversation, and what were the exact words used?—I really could not say the exact words—it was some time after Major Keddell's inquiry—but he said something about having got into a "nice mess."
222. That who had got into a nice mess?—Myself and he.
223. Did he still impress on you the necessity of keeping it quiet?—No.
224. Has Mr. Mackay ever seen you between the "marking out" of the ground and Tuesday last? Yes, very frequently.

225. Has he ever spoken to you about the matter?—Not particularly. He may have spoken to me generally about the issue of miners' rights.

226. Did he never ask you whether you had given away any of these miners' rights while you had charge of them?—I do not recollect his doing so.

227. *Sir G. Grey.*] How many conversations do you think you have had with Mr. Mackay about these missing miners' rights?—I really could not say. I have been his clerk, and have been constantly with him, so he may have spoken to me frequently about it, but I do not recollect any single conversation we had on the subject.

228. Did he never ask you whether the rights had got out of your possession—whether you had been the person who gave them up?—No.

229. And you always concealed the fact from him?—I did, because I did not wish to get Brissenden into trouble over it.

230. And you knew that Mr. Mackay was believed to have done it?—I did not.

231. You were not aware that it had been stated that Mr. Mackay had done it?—No.

232. And that the Commissioner had reported that Mr. Mackay had done it?—I was not aware of that.

233. Were you aware of the nature of the evidence that Mr. Mackay gave before the Commissioner?—No, I was not.

234. He never told you that?—He never told me his evidence, but since I came to Wellington I have seen it.

235. Was it in the tent that you gave them to Brissenden?—It was.

236. And who was there?—Mr. Brissenden and myself.

237. *The Chairman.*] Did you write and sign this letter ("Appendix B")?—I did.

238. Have you seen the report which the Commissioner made to the Government after the inquiry which was made into the alleged illegal issue of miners' rights?—I have seen it.

239. Are you not aware that the conduct of Mr. Mackay has been impugned by that report in respect of the issue of the rights?—I am not. I saw a copy of some evidence, but I do not think I saw any report of the Commissioner. I do not recollect reading it.

240. (Reading.) "And I certify my opinion to be, touching the premises, that the issue of miners' rights as aforesaid by James Mackay was an improper issue by the said James Mackay, and was done prior to the time at which miners' rights were to be issued." If you have seen the report, you must recollect that clause. Do you still say you were not aware that Mr. Mackay's conduct was impugned by the report?—I do say so. I understood that it was Brissenden.

241. After reading the report?—I do not recollect reading the report, but I have seen the evidence. I feel confident I have not read the report.

242. *Sir G. Grey.*] You said to the Commissioner, "I cannot say where the miners' rights were in the morning, but I am satisfied that he (Mr. Mackay) had them in a haversack on his back." That was the evidence you gave?—Yes.

243. But when you gave that evidence you knew that you had them in the morning?—Yes, I did; but Mr. Mackay had them first. When I said in evidence that Mr. Mackay had them in the haversack, I was speaking of the night when he had them in the haversack.

244. You did not then tell the Commissioner that you had had them in the morning?—No, I was not asked the question.

245. *Mr. O'Neill.*] Did Mr. Mackay take the haversack off his back and give it to you to take charge of?—He did.

246. *The Chairman.*] Why did you write that letter to Mr. Brissenden?—I understood that he had been accused of taking these rights, and I thought I would clear him from it.

247. Did Mr. Brissenden apply to you to write this letter? Did he request you to do so?—No, he did not.

248. It was purely voluntary?—Yes.

249. *Hon. Sir D. McLean.*] I see that you wrote the letter from Nelson?—Yes, and re-wrote it here.

250. *The Chairman.*] Were the two letters—the one you say you wrote in Nelson and the one you re-wrote here—the same?—To the same effect.

251. Was it a verbal difference only?—Yes, merely verbal.

252. You wished to improve the wording of it, but did not alter the sense?—Yes.

253. *Sir G. Grey.*] Did you consult with any people here before you sent that letter to Mr. Brissenden?—I did not.

MONDAY, 30TH AUGUST, 1875.

Mr. BRISSENDEN further examined on oath.

254. *Sir G. Grey.*] Were you summoned by Major Keddell, on the 30th of July, at Auckland, to appear on Monday, the 5th, at half-past 2 o'clock?—Yes, I received the summons at 8 or 9 o'clock on Saturday night. I had made it quite public about my going to Wellington. I was not ordered down by the Ministry in any shape or form. It was my own doing. I had business which I considered required my personal attendance at Wellington. I had told Major Keddell, at Hokianga, that as soon as I arrived at Auckland I intended going to Wellington in reference to many matters connected with the Land Court. I had to get back and attend a Court to be held at Kaihu on the 11th of the present month. I made my arrangements quite publicly, and I could not very well alter them. I told Major Keddell I should not give him any further evidence. I told him that distinctly at Hokianga. I said I would let him know when I returned to town. On the Saturday, at 8 or 9 o'clock, I received a summons for Monday. I went to Mr. Hesketh, of Hesketh and Richmond, who lives near me, and requested that he would go and make my excuses, and state why I had gone,

after I had decided to give no further evidence to Major Keddell. It was out of no disrespect to *Mr. Brissenden*. Major Keddell's position, or to the Royal Commission he held. That was the course I had adopted.

255. Did you tell him at Hokianga that you would give him no further evidence?—I did tell him, 30th Aug., 1875. not positively. I said, "It is my impression that I shall give you no further evidence."

256. Did you say, "I must request permission to have my solicitor's advice before I give you further evidence"?—I did say that, but I think it was at his suggestion.

257. But you signed that as your evidence on oath?—I did so. I had not consulted my solicitor up to that time.

258. *The Chairman.*] After being sworn on that occasion, why did you refuse to answer the question?—That letter (the letter marked "B," written by Mr. O'Halloran) is the answer. I think I have, for four or five months, undergone a punishment which few men could have withstood. The papers have branded me as a thief throughout almost the whole of the Province of Auckland. As I have stated before, I considered the secret was not mine to give. That man had done me a kindness, and I did not consider it my place to betray him; and had I not received this letter I should not have uttered a word, no matter what the consequences would have been.

259. Did you refuse to answer that question because it might criminate yourself?—Let me understand. Was the question from Major Keddell to me in this form: "Did Mr. O'Halloran or anybody else give me these rights?"

260. It is this: "When you asked me whether I met Dillon and Corbett on the morning of the opening, and whether I afterwards saw them alone in Takerei's house that morning, I must request permission to have my solicitor's advice before I answer that question"?—Previous to making that remark, it was, I think, the suggestion of Major Keddell that I should terminate in that way. I said, "Now, Major Keddell, I shall answer no more questions."

261. You had been sworn in the usual way to tell the whole truth touching the matter before the Commissioner. You might have been, and would have been, justified in refusing to answer the question if it was likely to criminate yourself. I ask whether that really was the ground of your refusal?—No, I think not. I feel satisfied had it been my own transaction solely, I should have come forward months ago, and made this statement in print. But I had Mr. O'Halloran's secret, and I felt in duty bound to protect him. I may say that, previous to taking that oath, I went to the Commissioner prepared to pay the £20, and say nothing. I was much offended at the manner in which the whole thing had been carried out; I looked upon it as very vindictive. Major Keddell and I had a long conversation before I took the oath. He begged me to do it, saying that it might militate against me if I did not.

262. Your reply to my question is, that you did not refuse because it would criminate yourself?—I think it was more to the other balance—that it would have drawn in Mr. O'Halloran. I was dealing with some 500 or 700 Natives, and it was given out at Herd's Point that I was to be arrested. Any one who knows anything of Natives will know how much that would check my business transactions. I was not in excellent temper at the time, I can assure you.

263. Then you refused, not because it might criminate yourself, but because it might criminate Mr. O'Halloran?—That was the principal reason. I never so much thought of myself as of Mr. O'Halloran. To a sensitive man I have gone through a great deal.

264. Were you not aware when you made your refusal that you were violating your oath to tell the whole truth?—I made the reservation that I would only speak up to a certain point. We had a long conversation of an hour and a half before I took the oath.

265. *Sir George Grey.*] Was any arrangement made with Dillon and Corbett to meet you at Takerei's house?—Smith, the prospector, whom I had all the intercourse with in endeavouring to get their rights—by rights I mean what had been promised by the former Superintendent of Auckland.

266. Had any arrangement been made?—Smith pointed Dillon out, whom I had not seen before, on the previous day, and said, "If you can help us in any way, I will send Dillon to your house in the morning."

267. You expected you would be able to help them?—I had no distinct idea of how I could help them. I had talked about their case with all the officials, with Major Keddell in Auckland, and with Captain Fraser. I went down with Captain Fraser to Grahamstown in reference to the death of Mr. Williamson and the expiring of the delegated powers. We had a great many conversations. He said the only way was to get a sufficient number of miners' rights to hold their ground. Of course he did not say that I was to obtain them before the issue in this way. My arrangement with Mr. O'Halloran was done on the spur of the moment.

268. There was an arrangement with Dillon and Corbett to meet you at Takerei's house?—Yes, with Dillon. I had not any with Corbett. I understood he (Dillon) was to come to my house or Macdonald, the man who brought me the list. Macdonald was ill.

269. Therefore you had some hope you might be able to assist them?—Yes.

270. But you had no arrangement?—No.

271. It was entirely accidental that you were able to fulfil the hope that you had held out to them?—It was entirely accidental that I remained at Mackaytown that night.

272. After giving those rights, did you go away immediately?—No; I was stopping at Takerei's house. It was 3 o'clock before I went to bed; I had been working hard. The following day I went to Tauranga to meet Sir Donald McLean—on the 4th I think it was. I never left Takerei's house on the 3rd.

273. *Mr. May.*] I think, in your evidence before Major Keddell, you stated that you heard Mr. Mackay and Mr. O'Halloran speaking about some lost miners' rights before you left. You said nothing about having these rights?—I did not have them then. That was a packet that had been missed the night before; rights that had not been taken out of the book up to that time.

WEDNESDAY, 1ST SEPTEMBER, 1875.

Mr. JAMES MACKAY examined on oath.

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

274. *The Chairman.*] Your name is James Mackay?—Yes.

275. What are you?—I am a land purchase agent.

276. Do you remember the opening of the Ohinemuri Gold Field?—Yes.

277. What were you then?—I was then acting as Agent for the General Government.

278. Were you requested or instructed by the Government to make arrangements for the opening of the gold field?—I was.

279. Will you describe to the Committee the nature of these arrangements?—I suppose I need not go into the arrangements with the Natives?

280. No.—As nearly as I can recollect, I was instructed, I think, on the 27th of February to make it known that the field would be proclaimed at 10 o'clock on the 3rd of March, and that applications for miners' rights would be received by myself or by the Warden, at Ohinemuri, and that they would be issued at the time the field was proclaimed on the 3rd of March, at Ohinemuri.

281. At what date would applications be received?—Between that time and the 3rd of March. This was published in a sort of paragraph in the Auckland and Thames papers, that afternoon, by direction of Dr. Pollen. I have not a copy of the notice, but in my evidence before the Commissioner I handed one in. I may state that these arrangements were made in consequence of a large number of miners having waited on the Native Minister at Ohinemuri, and requested that some arrangement should be made for the issue of the rights. That would be about the 14th or 15th of February—somewhere about that time—I do not know the exact day.

282. *Hon. Sir D. McLean.*] That was the time when the miners came in a body on board the "Luna"?—Yes, when the "Luna" had dropped down from Ropata's settlement, and was lying at the point in the river. I accordingly went from Auckland to Grahamstown on Sunday, the 28th, and proceeded to Ohinemuri on Monday, the 1st. Some people had given me money and lists of applications for rights before that (before I went to Auckland), if I am not mistaken. In accordance with the promise made on board the "Luna," some persons had given me lists and money to pay for the rights. I found on my arrival at Ohinemuri that there was no provision made for doing anything, and I managed to get a large tent finished to carry out the arrangements. Mr. McKenzie, the clerk to the Warden, took upon himself the duty of receiving applications for the rights, and after he got fairly to work I did not receive any more applications. I was very busy with the roadwork and surveys, and I left it to these people to receive the applications for the rights. On the night of the 2nd of March Mr. Allom and Captain Fraser arrived. Mr. Allom, being the Receiver of Gold Revenue, took charge of the books of miners' rights which were in course of signature. They were engaged in making out rights till nearly 3 o'clock on the morning of the 3rd. I had been out all day, and did not come there until half-past 10 o'clock on the night of the 2nd. I found then that those engaged in making out the rights were still at it, and that there was a large number still to make out. I took the book from the slowest of the men, and made out some of the rights which had been applied for to Mr. McKenzie. I had asked, on the morning of the 2nd, for the miners' rights to be made out which I had received money for. Mr. McKenzie said, "You had better let them stand over till the last." It was nearly 12 o'clock when I asked Mr. Allom to make out 102 rights, for which I gave him £102. These were being written out when Mr. Brissenden came in and asked me if I had applied for some for him. I said "No; the list was given to me in which your name was, but I have not received the money for it, and I have not had it made out." In addition to that, Mr. McDonald had taken some out that where in that list. Captain Fraser was appealed to, and he said that they could be made out. I was at one end of the tent, and Mr. Brissenden went to the other, to Mr. Allom, the Registrar. After my own rights were given to me (meaning those for which I had received application), I got a bundle or bundles (I rather think they were attached together), which I was told were Mr. Brissenden's. I then wrote a letter, and think I went to sleep over the counter, as I had not been in bed for more than about six hours during the three nights previous. Mr. O'Halloran, I think, came to me and said, "Don't go to sleep there." We then went away, and I took the rights in my pocket. When I got to the tent I looked and found that I had only 88 rights, instead of 102, and I at once sent Mr. Crippen, a clerk of mine, to Mr. Allom, to ask him about these rights. The result was, that Mr. Allom and Mr. Dunnett, a clerk who had been engaged in the preparation of the rights, went and searched and found a list of 14, all Maori rights, which had dropped from the counter. Mr. Allom sent me a book with signed rights, and asked me to fill in the names myself. I then went to sleep. About ten minutes to 6 o'clock a half-caste messenger, named George Gage, whom I had sent down with a telegram to Dr. Pollen, about a quarrel respecting the Prospectors' Claim, telling him that I had arranged it, came back to me. He woke me up, and I took the despatch bag from him, which I had lent him, and read the letters. I then returned to the tent and woke the others up, and told Mr. O'Halloran that I wished him to go to Katikati with a telegram, that being the easiest-reached station from Ohinemuri. I may state that there had been a dispute between two parties claiming the Prospectors' Claim. The Government agreed to give ten men's ground to Thorpe, Hoera, and party, and there was a good deal of disturbance on the ground between them and Smith and Coleman's party. I said that I thought that the best thing for both parties—I was personally acquainted with the fact that both parties had prospected—was to have fifteen men's ground among them if they would amalgamate their interests. That was the substance of the telegram I sent to Dr. Pollen, asking him to allow that arrangement. He disallowed it. I sent a telegram to Katikati, declining to do anything more on the Ohinemuri gold field. I thought I had settled a difficult question, and that I ought to have been upheld in it. I went out of the tent to Gage, got the papers from him, and afterwards went in and woke the others.

283. *The Chairman.*] At what hour would this be?—It might have been perhaps half-past 6 o'clock by that time. I rather think that Brissenden rose up when I first left the tent. They did not get up until I went back.

284. Will you proceed to describe what took place between that time and 10 o'clock—how the rights were issued?—I left the bag with Mr. O'Halloran—I was in a bad humour, and did not take

particular notice of that. I was never, until I saw the evidence, able to see why the Commissioner asked me several times whether I had the rights in my pocket or in my haversack. I then saw that O'Halloran had stated that I had them in a haversack. What I told the Commissioner was that "I had them in my pocket." It was true that I had them in a haversack in this respect. I had been carrying the lists of applications and money in that haversack until I sent the orderly down with the telegrams and despatches, and I gave the orderly the haversack, which he returned to me in the morning. I had forgotten that, when the Commissioner asked me where I had those rights at night—did I not have them in the haversack? I now see why the Commissioner pressed me as to where I had them. I did not recollect at the time that I had shifted them in the morning—at least I did not shift them, but I gave them to O'Halloran to put in the haversack.

285. Will you fill up the time between that and 10 o'clock, as near as you can?—As near as I can recollect, when I went back to the tent I gave the telegram which I had received and some letters and papers, and the miners' rights which were in my pocket, and handed to Mr. O'Halloran the whole that I had in my pocket. I said to him, "Just bring these things to Hogg's store; I am going to look at some of the survey lines, and do not want to be carrying them about." The haversack was only fastened with a strap; the lock was broken. I left them in his charge. Some time afterwards, it might have been between 8 and 9 o'clock, he gave me the haversack at Hogg's store. I went on with my work. I went to see another party of surveyors, got my own horse from the Native settlement, and got back again to Mackaytown about half-past 9 o'clock. I found all the miners assembled. I saw Captain Fraser, and agreed what we were to do, and that I was to introduce him. I had a Government *Gazette* in my possession, and a telegram from Wellington, stating that Captain Fraser would be appointed Warden of the district at 10 o'clock that morning. I announced that fact, and the Warden, as near as I can recollect, immediately read out the Proclamation. I stepped down, and went to the place which had been allotted to me to issue miners' rights. I began to issue the rights given to me, and had handed over two or three bundles, when a Native named Takerei came for his, and he found out there were two names on the list which he had not sent in. He had given me a list of twelve, and another Maori who had come to me at the same moment gave me £2 and two names, and I had put these down on the same list in the hurry. This fellow, when he saw the names, disputed them, and brought some other Maoris, and they got into a row about it. I told the Native he was stopping the delivery of the rights, and that if he wanted to peg out a claim he should take them and give them to the proper people afterwards. This went on for some time, and Europeans came up and asked for their rights, and I gave them to them. I had three small bundles—two of two each, and one of only one—all the rest were tolerably large bundles. I knew all the men who had applied to me. They were men who had been prospecting in Ohinemuri before the general rush. That is all I know about it. The miners' rights in my charge were all distributed in about six or seven minutes.

286. You described to us how these rights were filled up on the night previous to the opening. After they were filled up, and a certain number handed to you, what was done with the rest?—The rest were handed to Captain Fraser, and he gave them in the morning to the seven persons who were to distribute them. I was the eighth.

287. Who had the custody of these during the night?—Captain Fraser.

288. He had the custody of the whole of the rights with the exception of those given to you?—Yes.

289. Were those of the bundle we understand as Brissenden's given to you?—They were given to me.

290. You kept these rights in your own custody during the night?—Yes, in the left-hand pocket of my coat.

291. I understood you to say that in the morning you shifted them from your pocket to the haversack?—I did not shift them. I gave the whole of the papers in my pocket to O'Halloran, and told him to put them in the haversack, and to give them to me at Hogg's store.

292. Did you fill these up yourself?—I did not fill any of Brissenden's, to the best of my belief. To the best of my belief I filled in several of my own, and some of those Captain Fraser had. As nearly as I can tax my memory, I do not think I filled one of Brissenden's. When Captain Fraser said the rights were to be divided into seven lots—from 1 to 35, and from 36 to 70, and so on—the bundles were fastened together; and when Mr. Horne would look out, say, No. 40, I would put it in the second lot, No. 80 the third, and so on. I was engaged in that, and during that time Mr. Brissenden's rights were being made out.

293. Did you notice the names in the rights called Brissenden's?—I did not know any name in them except Mr. Brissenden's own.

294. What numbers were included in Brissenden's bundle?—I never looked. I was not answerable for the money.

295. What did you do with them? You put them down on the table, and requested Mr. O'Halloran to put them in the haversack?—There was no table; it was only a small tent. I think I put them down on the blanket in the tent. I gave them to Mr. O'Halloran. I then went into the big tent, and wrote a telegram to Dr. Pollen, and a letter, which I gave to O'Halloran.

296. The rights went out of your possession, and into the charge of Mr. O'Halloran?—Yes.

297. I find that in your evidence before the Commissioner, you state that you had the rights when you left the tent; that you could feel the bulk of them?—That was when I went out to speak to Gage. I had forgotten that I had put them into the haversack afterwards. The Commissioner asked me if I had them in the haversack, and I said No. I had forgotten that I had told O'Halloran to put them there in the morning. When I saw the evidence it occurred to me.

298. You said, "When I left the tent, after speaking with Gage, I had miners' rights in my pocket, but did not examine them. I could feel the bulk of them, but did not count them"?—The Commissioner asked the question, "Did you feel the rights in your pocket in the morning?" I said "Yes," when I left the tent I felt them in the pocket."

299. I wish to call your attention to this: You refer to speaking to Gage, and then go on to state that after that you left the tent, and at the time you left you had the rights with you?—I spoke to

Mr. James Mac- Gage when he came to the tent, went out, and then I went back again to the tent. All these were
kay. in answer to particular questions. I gave my evidence up to a certain point, and then was asked
1st Sept., 1875. questions. I knew that I had the rights in my pocket when I got up.

300. I will continue reading from your evidence: "Mr. Brissenden was not in the tent when I left. I do not know where he had gone. If Mr. Brissenden had any miners' rights in his possession before 10 o'clock, I do not know where he got them. I returned as I have stated at half-past 9 o'clock, and was present at the reading of the Proclamation. I then proceeded to give out bundles of miners' rights?"—That was in answer to questions.

301. It would be clearly understood by a casual examination, or indeed any examination, that the rights had never left your possession during the interval?—I say that I forgot all about it. I was in a bad humour at my decision respecting the prospecting claim being upset, and was also very busy, and when the Commissioner examined me, I had forgotten about the haversack. I had not the haversack all night. I was asked, "When you finally left the tent, where was Brissenden?" and I said, "he was not in the tent." He was there when Gage was there.

302. Do you remember any conversation with Mr. Brissenden on the night of the 2nd of March, with reference to the issue of rights? Did he ask you to give him rights then?—I do not think that on that night I spoke three words to Mr. Brissenden one way or another, except when he applied to Captain Fraser. I am not certain that I had any conversation with him after I left the big tent.

303. Did he on the morning of the 3rd of March, previous to 10 o'clock, ask you to issue rights to him?—He did not.

304. Had you any conversation with O'Halloran upon the subject?—I had not.

305. You did not know on the 3rd of March that O'Halloran had given a bundle of rights to Brissenden, previous to 10 o'clock?—I did not.

306. When did you first ascertain that he had done so?—Since I have been in Wellington. Since O'Halloran arrived here he told me so, within the last seven or eight days.

307. And you had no idea previously to that time that O'Halloran had given the bundle of rights to Brissenden?—I did not know in what way Brissenden had got them, otherwise than by public report that Brissenden had got them.

308. Have you had no conversation on the subject with O'Halloran between the 3rd of March, and seven or eight days ago, when you saw him here?—I have spoken incidentally about the miners rights affair, but I never suspected O'Halloran.

309. When O'Halloran gave you back the bundles, did he tell you that he had issued any of them to anybody?—No; he simply gave them to me, and went to look for a horse. I do not think I saw him for two minutes then.

310. Then if O'Halloran did issue Brissenden's bundle, it was entirely without your authority?—I gave him no authority whatsoever.

311. You know, as a matter of fact, that if rights had been issued to Mr. Brissenden previous to 10 o'clock it would give the miners in whose name they were an advantage?—Always provided he gave them away before 10 o'clock. It would depend upon when he gave them.

312. Do you know that any of the ground was pegged out before 10 o'clock, or so near to it that the rights could not have been issued from the tent?—I was at the tent, not on the ground at all. I heard so. I could not say how true it was. There was a dispute at the time. Some people said the pegging out took place before 10, others said it was seven minutes after, and others said it was ten minutes after. That is what I heard.

313. Was it brought officially to your notice?—It was brought to the Warden's notice. I heard in course of that day or next. As soon as the rights were issued I went away. I went and had a sleep. I went out in the afternoon or evening to see Walker's party of surveyors. I think I heard the day after that some rights had been issued before the time.

314. Assuming that ground was pegged out so shortly after 10 that the rights could not have been issued from the tent, would that have been in violation of the arrangement made for the opening of the gold field?—Of course it would. It was understood that no rights were to be issued before 10 o'clock. It was no part of the regulations that it should be done so. There was only an advertisement to that effect published.

315. *Mr. T. L. Shepherd.*] You received the rights back again from O'Halloran?—I received the haversack containing the rights.

316. You knew the number of rights that bag should contain?—No, I did not.

317. You counted them, and found there were fourteen short?—I paid for 102, but I did not know how many there were of Brissenden's.

318. You counted them the night before; what was the number?—There were fourteen short of 102, exclusive of Brissenden's, which I did not count.

319. You told us how many bundles you had?—I said mine were in large bundles except three, and that of these three, two contained two, and one contained one.

320. How many large bundles were there?—I do not know exactly. I do not know the last number of the ticket issued by Captain Fraser—whether 245 or 247. I do not know whether mine began at 248 or 247. I rather think it was 248. I had about ten bundles altogether, exclusive of Brissenden's.

321. How many large bundles were there containing more than ten?—There were, I should say, eight large bundles.

322. Which was the largest bundle you received of the 102?—I cannot say.

323. Was not Brissenden's the largest?—I had his over and above the 102.

324. You were under the impression, when you went down to the office, that you had them in your possession?—I never looked for them.

325. When you opened that bag, did you see Brissenden's?—I did not notice that particularly.

326. Were they tied up with the rest?—They were altogether. They were not tied at all.

327. Was there a bundle as large as Brissenden's among them?—I never noticed.

328. Was there so large a number that you did not miss this large parcel?—I did not miss them.

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. *Mr. James Mackay.*

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. *1st Sept., 1875.*

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. Adam Porter.

1st Sept., 1875.

Mr. ADAM PORTER examined on oath.

356. *The Chairman.*] What is your occupation?—A miner.

357. Do you remember the opening of the Ohinemuri Gold Field?—I do, on the 3rd of March.

358. You have sent a petition to the House on the matter?—Yes.

359. Will you describe the circumstances of the opening, so far as affected yourself?—When the "Luna," with Sir Donald McLean, Dr. Pollen, and Mr. Mackay, was at Ohinemuri previous to the opening, there was a meeting of miners, and myself and two others were appointed to wait upon Sir Donald McLean, when he had finished negotiating with reference to the opening, to ask when the country would be proclaimed open. He informed us that it would be opened in about ten or fourteen days. That was about fourteen days before the opening—about the middle of February. We had a conversation about how the rights were to be issued, because we thought, if there were two or three thousand applications, some would have a great advantage over others by being able to get them sooner. It was then understood, from a suggestion made, I think, by Captain Fairchild, that the rights would be written out on the night previous to the opening, and that the Armed Constabulary would be employed to issue those rights. Some short time after this a Proclamation was issued, signed by Mr. Mackay, Agent of the General Government, and saying that the field would be opened on Wednesday, the 3rd of March, and that money for rights would be received on the 2nd March, the day previous. It was understood that the regulations, as published, would be issued at the same time. When on board the steamer, I myself, in conjunction with others, put a question to Sir Donald McLean, if, after paying the money for our rights, we could go on the ground, peg out, and get our rights afterwards. Sir Donald McLean said that, in his opinion, we could not do that, as we had no business there until in actual possession of our rights. That was the impression left on the minds of some 150 men, who were on board the steamer. We went away with that impression, and the question then was, who could get first on the ground. On the evening previous to the opening, I was the first that paid money into the Warden's office for rights. Myself and C. F. Mitchell went in together. I paid for sixteen or eighteen rights, and Mr. Mitchell paid for thirty. We got tickets representing the money we paid in. On the Wednesday morning, the 3rd of March, I got a horse—everybody seemed to be getting horses. I got a horse belonging to Te Kepa, of the Ngatikoe, which was supposed to be as good as any. When we got the rights, some ten or twelve started at once for Karangahake. I managed to get there first, but when I got there the very first words told me were that I was too late. Some said, "We have had our rights here this hour." The ground that I intended to peg off had been pegged off; I found there were four other parties who claimed possession. Three of those parties claimed possession by having prior rights on the ground. These parties afterwards registered one as "The Golden Hill." I myself registered as "No. 1 South." Immediately I found that these rights were issued, I went to Auckland to take legal advice, and from what I learned there and elsewhere I believed that these rights which had been got before the time of issue were of no value whatever. Acting upon the advice I received, I did not commence proceedings, but became defendant in a case, Payne and party *versus* Porter and party, that lasted up to the 23rd of April. The Warden's opinion was that he had no jurisdiction to divide the ground. I myself was agreeable to divide the ground and take a portion, instead of amalgamating. The Warden, from the Act, had no power to divide, but advised an amalgamation of interests. The amalgamation took place, I think, on the 23rd of April, that a company should be formed for the ground claimed by all the parties, the No. 1 South and the various other names. I was to surrender one-half of the ground to these other three parties, each party to pay their own expenses. A Company was then formed of 10,000 shares, called "The Mazeppa Company." I took 5,000 as representing my party; and the three other parties, known as Payne and party, Howard and party, and Riordan and party, took the other half of the capital of the Company. During the time that the lawsuit was going on, from the 3rd of March to the 23rd of April, we had twenty men on the ground, because if we did not man the ground it could have been jumped within twenty-four hours. The value of the ground up to the present time has never been ascertained. Immediately after the ground was pegged out, some of the holders sold at from ten pounds to twenty pounds per quarter-share. At present, we cannot tell exactly the value. When I left, they were negotiating to endeavour to get a battery erected for the purpose of testing the ground. I may say that it is my own opinion that if these rights had not been issued we should have had no lawsuit regarding the ground, because no one, I think, disputes that I was the first that arrived on the ground. From the place where the rights were issued to the Karangahake Spur is a distance of a mile and a half or two miles, and on the whole length of the road there were miners, two or three hundred probably, and I could not be lost sight of until I got to the Karangahake Hill, and when I arrived at the foot of the hill, that I was the first that had arrived. It was impossible for any person to pass me, as there was only one road, and that a very narrow one.

360. Was there no short-cut?—There was no short-cut. The only short-cut was one I made myself. I have known Ohinemuri for some years, and the reason I made such a rush was that Thorpe and party had put in an application for a prospecting claim some years previous. They told me where the ground was, and I arranged not to interfere with their application for a prospecting claim, but agreed to peg out alongside of them. Three days previous I went over the ground with one of the Natives, who showed me where they intended to claim as a prospecting claim. I then took my mates on the ground and showed them where, in my opinion, they ought to peg out. On the Tuesday previous to the opening, a surveyor went up and surveyed what was to be the Prospector's Claim, and I believe were stopped by some of the parties claiming the ground. The decision was not then given who was to have the prospecting claim. Then the ground became as well known to hundreds as it did to me. The surveyors went up to survey the ground, and Mr. Mackay went up himself and pointed out the supposed course of the reef, and where the pegs of the prospecting claim were to be put in. So far as the miners were led to understand, the men who were there first with rights were to be the owners of the ground. That was the reason why the race out took place.

361. You state that you had reason to believe you were the first on the ground after the issue of rights from the tent. When you reached the hill, did you find the ground you had intended to peg

out already pegged out?—I had agreed with my mates that they were to peg out as soon as I came to the foot of the hill, where they could tell me from another. A Maori rode with me in case I should break down. They did peg according to my instructions. When I went on the ground I found men belonging to Howard's and Catran's parties, who told me I might have saved myself the trouble, for that they had had their rights before I left the camp.

362. What did you do then?—I immediately went round the ground to see what pegs were in. Our party had two men at each peg, and as soon as they saw me, as a matter of course they put the pegs in. There was a difference of opinion as to when the pegging should be done—whether when the rights arrived or immediately when the gold field was proclaimed, and the rights issued.

363. *Hon. Sir D. McLean.*] There had been a question as to which was the right time?—Yes. We arranged to peg immediately when I got on the ground, and as soon as I got on the ground I knocked in a peg.

364. *The Chairman.*] But did you find the ground you had intended to peg already pegged by another party?—I found thirteen pegs in one place and nine at another.

365. *Mr. T. L. Shephard.*] Were your mates on the ground? Did they tell you when the first pegging took place? Was it before 10 o'clock?—Everybody had watches, all set by Captain Fraser's time, and some said the first pegging took place at 10, some at five minutes before 10, and some at ten.

366. *The Chairman.*] At what time were the pegs driven which anticipated yours?—At 10.

367. Did you ascertain that these people had rights before you had the rights which were issued?—When the lawsuit took place, they acknowledged in Court that they had the rights.

368. Their acknowledgment did not prove it. How do you know they had the rights?—By persons who were sitting on the ground, and who took the rights out of the men's hands and read them.

369. What were the numbers?—I cannot tell.

370. You claim compensation for having been prevented from taking up this ground. How much do you claim?—I may say that up to the present the lawsuit has cost not a shilling under £150, as we had to take lawyers and witnesses to Ohinemuri. We believe the ground to be of great value. Some parties, even when the whole ground was in dispute, sold quarter-shares, or 1-80th of the whole, at sums varying from £10 to £20.

371. You must tell us how much compensation you want the House to give you?—The claim, at the lowest rate I have mentioned, would be worth £400.

372. You want the colony to pay £400 on account of loss of ground, and you want it to pay something on account of loss sustained by litigation. How much is that?—Mine is £150 and £400.

373. Does that refer to yourself alone?—It includes the whole of the names on the petition.

374. *Mr. Bradshaw.*] Is that £400 a fair value for the half of the claim; you said that an 80th part sold for £20?—Some of the men sold quarters, and they realized different sums, up to £20, and I think some sold as low as £7.

375. Do I understand you to claim £400 as the lowest value?—Yes.

376. *Mr. O'Neill.*] Does the £400 include the £150 of expenses?—No, the £150 is the sum actually paid for expenses. The other sum is what could have been obtained for the ground.

377. How many men's ground were in the claim?—Twenty men's ground in the Prospecting Claim, and ours was supposed to be as good as it. £120 was obtained for half-shares. There were fifteen shares in the claim, which was of fifteen men's ground.

378. *Hon. Sir D. McLean.*] You are acting in this on behalf of your party?—Yes.

379. *Sir George Grey.*] You call this mine No. 1 South. Had Mr. O'Halloran any shares in that ground?—Yes; 393 scrip.

380. How many shares does that represent?—It would represent two shares so far as he was concerned. O'Halloran was registered with Howard and party and Payne and party, and in the division these parties had a re-division. In the one, one full share had 185 scrip, and in the other 208, so that he has 208 and 185.

381. Was Howard's party one of those that got their rights before the proper time?—Yes; Howard himself was the first who showed a right on the ground.

382. Did Payne and party come there in the same way?—Yes; one of themselves in the action said that he had his right at 8 o'clock in the morning.

383. Do you know the mine called the Waitekauri?—There are a number of mines at the Waitekauri. Another prospecting claim was applied for there. Eight or ten claims are there at present.

384. How were they taken up?—In the same way as at Ohinemuri.

385. By rights issued before the proper time?—The impression is that one claim was taken up by rights issued in that way.

386. Has O'Halloran any shares in that?—He is registered for one claim at Waitekauri.

387. Is there a mine called the Home Rule?—That is peg and peg with the Mazeppa and the Prospecting Claim.

388. Who took that up?—I think ten men were in that originally.

389. Did they get it under rights issued before the time?—It is supposed to have been, but they have never been disturbed, and no actual fact has come out. The truth seems to be that they intended to have the whole hill. I have seen a plan, drawn by Captain Fraser, of the ground covered by the rights supposed to have been issued before the time, and it includes the Home Rule.

390. Has O'Halloran any share in that?—I think he has.

391. *The Chairman.*] What reason have you for thinking he has?—I think his name is on the register.

392. *Mr. T. L. Shepherd.*] Do you know Mr. Brissenden?—Yes.

393. Did he own shares in this claim?—He has shares both in the Home Rule and the Mazeppa. He is registered as one of the original shareholders.

394. Were those interests obtained in the same way as O'Halloran's, under the same rights?—Under the same rights, and registered at the same time, both in the Home Rule and the Mazeppa. I think the name in the register has now been transferred.

395. Transferred since the lawsuit?—Yes.

Mr. Adam Porter.
1st Sept., 1875.

396. You stated that there had been a lawsuit. Has the point been decided whether the issue before the proper time was a legal issue?—There have been two lawsuits, but no judgment has been given on that point. There was one case of Blake *versus* the Pai o Hauraki, where the plaintiffs claim the ground by these rights, no matter how they got them. The Court has not given judgment upon it.

397. Was it known upon the field that O'Halloran had been the means of supplying the rights?—Everybody had their own surmise. The impression was that they could come in no other way than through O'Halloran, Mackay, and Brissenden. The reason that got wind at first was that it was known which booth the rights came from. One booth had from 1 to 75, and another from 76 to 150, and so on.

398. It was believed that those miners' rights which were to have pegged out the whole hill, in the way you have described, were amongst those which Mr. Mackay had in charge?—Yes.

399. *Sir G. Grey.*] Has Crippen any shares in the Mazeppa?—No; none.

400. Or Guilding?—No, nor Guilding—none in their own names, at all events.

401. *Mr. T. L. Shepherd.*] You stated that there were thirteen pegs at one place and nine at another. They did not all claim under rights issued prior to the opening?—There were three parties when the prospecting claim was pegged off. Everybody got as near as possible to it. All these pegs did not represent exactly the same ground. There were overlaps and corners taken in. At the lower end there were thirteen pegs, and at the upper nine. That was in the clear ground. Down in the bush was a mass of bush.

402. You pegged out in two ways—at 10, and afterwards when the first rights were on the ground?—Yes.

403. But others did the same thing as you did?—I do not know. All the parties withdrew but the three which afterwards amalgamated.

404. *Sir G. Grey.*] Who were the three parties?—Payne and party, Howard and party, and Riordan and party.

405. *Mr. T. L. Shepherd.*] Did they all get their rights improperly, as you believe?—

406. *The Chairman.*] I think you stated there were twenty of you. I see only twelve names to the petition?—Some of the men were away when I left, and I could not get their signatures. I hold three interests myself. Some of the men were at Tairua and elsewhere.

407. Why do you hold the colony responsible for the damage you have sustained?—Because I believe the damage was received at the hands of colonial officers.

408. Will you explain how?—The gold field, when opened, was under the management of the General Government; if it had been under the management of the Provincial Government, I would have petitioned the Provincial Council.

409. Why do you hold any Government responsible?—I believe every Government is responsible if, through the carelessness or negligence of their servants, loss or damage is sustained by any of the inhabitants.

410. If a servant commits a fraudulent or criminal act, do you think the Government is responsible?—I do to a certain extent. If it were proved who did this, I would take criminal proceedings against him.

411. What officer of the Government did this wrong?—I cannot say positively. I believe, so far as I have been able to find out, Messrs. Mackay, O'Halloran, and Brissenden.

412. Do you mean to say that the whole of these three did the wrong or one of them?—My own impression is that one could not do it without the others.

WEDNESDAY, 15TH SEPTEMBER, 1875.

Inspector THOMSON, A.C., examined on oath.

*Inspector Thom-
son, A.C.*
15th Sept., 1875.

413. *The Chairman.*] What is your name?—John Bell Thomson.

414. And your occupation?—I am an Inspector of the New Zealand Armed Constabulary.

415. Do you know anything in connection with the alleged illegal issue of miners' rights at Ohinemuri in March last?—Yes.

416. Will you tell the Committee what you know?—Yes. In the latter part of May last I received instructions from the Hon. Major Atkinson, through the head of my department (the Commissioner of Armed Constabulary), to place my services at the disposal of Major Keddell, and to assist him in conducting an inquiry into the alleged improper issue of miners' rights at Ohinemuri. We proceeded to the Thames on the 1st June, and for some two or three weeks afterwards were engaged at the Thames and Ohinemuri endeavouring to collect evidence. After getting as much evidence as was forthcoming just then at the Thames and Ohinemuri, Major Keddell informed me that he proposed to go up to Hokianga to examine Mr. Brissenden, who, we understood, was engaged in making important land purchases. We went there, saw Mr. Brissenden, took his statement (or as much as he volunteered at the time), and returned to Auckland. On the day following our arrival in Auckland, Major Keddell proceeded to the Thames by himself. I had official duties which kept me in Auckland for a few days. During the few days in which he was at the Thames alone—before I joined him—I believe he examined Warden Fraser and one or two other Government officials. Then I joined him at the Thames, and remained with him. By this time the period mentioned in the Commission had expired—it expired on the 10th July. I remained with him until he sent in his report, and since then I have had nothing further to do with it. I have had no communication from the head of my department on the subject until I got the Speaker's order to attend this Committee.

417. Do you know anything of the matter personally?—No, I do not. I had no connection with it until I was ordered by the Government to assist Major Keddell. The matter was quite foreign to me up to that time.

418. *Sir G. Grey.*] Do you know anything of a man named Patrick Dillon?—I do. He was examined by Major Keddell at Ohinemuri, and is now a passenger by the steamer "Hawea," which is on her way to Wellington.

419. Did you obtain any information whether he had been bound by any promise of secrecy to Mr. Brissenden?—No; there was nothing of that sort elicited in evidence. He expressed a disinclination to give his evidence at first, but afterwards he gave it in a very straightforward manner indeed. *Inspector Thomson, A.C.*
15th Sept., 1875.

420. Do you know a man named Cashell?—I do.

421. Did you hear anything of his getting a miner's right before the proper time?—Yes; he admitted that in his evidence, but refused to state from whom he got it, as he had previously done before the Warden. He declined to state from whom he got it, and said he was prepared to take the consequences. It was pointed out to him that he ran the risk of getting into serious trouble, but he said that would not affect the decision he had come to.

422. Do you think he would not give information?—I am certain he would not. Nothing short of criminal proceedings would induce him to give evidence, unless recent proceedings may have induced him to alter his determination.

423. *Mr. O'Neill.*] At what date did you go to Hokianga?—At the latter end of June; I think about the 27th or 28th.

424. Could you not obtain Mr. Brissenden's evidence without going to Hokianga? Could not Mr. Brissenden have been summoned to the Thames?—I was entirely under Major Keddell. My orders were to place myself at his disposal, and act under his directions. Major Keddell gave as a reason for going to Hokianga that it was difficult for him (Brissenden) to come to the Thames, because he was engaged in important land negotiations. We went to Hokianga, and returned within a week by means of riding almost night and day.

425. Did Brissenden get notice to attend the Commission before he went to Hokianga?—Not that I am aware of. Major Keddell led me to believe that we could get Mr. Brissenden's evidence after we had got that which was available at Ohinemuri.

[*The Chairman* requested the witness to read a portion of the evidence which Mr. James Mackay had given at the Thames.]

426. Did Mr. Mackay, in his evidence given before Major Keddell and yourself, state that the bundles of miners' rights had never left his possession on the morning of the 3rd of March until he had issued them at the proper time?—He stated that was the case to the best of his belief.

427. He did not tell you, then, that these bundles of rights had been out of his possession for several hours during that same morning?—I do not remember that he said so. Although the evidence was taken down pretty fully, I do not think that Major Keddell took it down for word for word. In reading the evidence, I see no reference made to the fact that the rights left his possession; still I would not say that he did not say so.

428. But he told you that these miners' rights had not left his possession that morning until he issued them?—Yes, "to the best of his belief." He was asked to try to remember it, but he could not do so.

MONDAY, 20TH SEPTEMBER, 1875.

Captain FRASER, R.M., examined on oath.

429. *The Chairman.*] This is a Committee of the House of Representatives appointed to make inquiry into the alleged illegal issue of miners' rights at Ohinemuri. What is your name?—William Fraser. *Captain Fraser, R.M.*
20th Sept., 1875.

430. What are you?—Resident Magistrate of the district of Hauraki, Warden of the district of Hauraki, and also Warden of the Ohinemuri Gold Field.

431. Do you remember the opening of Ohinemuri?—Yes.

432. What was the date?—3rd March.

433. Can you describe to the Committee the general arrangements that were made for opening the gold field?—Some time previous to the opening of the field, the late Superintendent, Mr. Williamson, the Hon. Sir Donald McLean, and the Hon. Dr. Pollen intimated to me that the gold field would shortly be opened, and that they intended to appoint me Warden. They requested me to make the necessary arrangements with regard to drawing up regulations under the Act of 1866, and this was done. In the meantime the late Superintendent, Mr. Williamson, died, and the delegated powers were transferred to the Hon. Dr. Pollen, who was then Colonial Secretary. The same arrangements were continued as had been previously intended under Mr. Williamson, and the regulations were drawn up. The proofs of these were printed at the *Thames Advertiser* Office. In the meantime these regulations were taken in hand by the Hon. Dr. Pollen and Mr. Mackay in Auckland. I think it was about Saturday, the 27th February, that the proofs of the regulations which had been printed at the Thames were all complete. The gold field was then intended to be opened—the day, however, had not been fixed—some day during the following week, on the 6th, 7th, or 8th of March; and, in the meantime, to prevent confusion at the issue of miners' rights, I had arranged a system by which confusion should be avoided as much as possible on the day of opening. This was, that each party or each person who applied for a miner's right was to receive a ticket corresponding to the right or the number of miners' rights these persons were to receive, and that immediately on the opening of the field the rights were to be ready and issued to some officer in trust for those persons, and that they were to act as if they had personal possession of the right; and that after they had done pegging out they could quietly, at their convenience, within ten days before the time of registration, get the rights represented by the tickets that were issued to them. I put an advertisement to that effect into the *Evening Star* at the Thames, on the 27th February. I got the proofs of the regulations and Schedules and took them to Auckland, and in the meantime I received a telegram from Mr. Mackay, as Agent for the General Government, saying that the regulations were to be printed at the General Government Printing Office in Auckland (the *Evening Star* Office, I think), and that the gold field was to be opened on the 3rd March. This telegram I produced to Major Keddell at the inquiry. The telegram also

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stated that I had made some arrangements about the matter which must be countermanded. That night I proceeded to Auckland by the night boat, and got there about midnight. I saw Mr. Mackay and Mr. Allom, who was Mining Registrar of the Hauraki District. Mr. Allom had been in town assisting Mr. Mackay to get the Proclamations and Schedules drawn up, and they told me what arrangements had been made—that my arrangements had been altered, and that the gold field was to be opened on the 3rd March, which was a Wednesday. I then told Mr. Mackay that first thing next morning I should go and see Dr. Pollen, because I did not think that the arrangement he proposed would succeed; that it would be very apt to create confusion, and that I thought he had better allow my arrangements to be carried out. I went to Dr. Pollen's house at the Whau, about six miles from Auckland, where I saw him on Sunday, and we arranged everything that was to be done. All the arrangements that were made by Dr. Pollen and Mr. Mackay were to be carried out, with the exception of the arrangement for the issue of the miners' rights, which was to be carried out on the system that I had advertised. Dr. Pollen wrote a telegram in his own house to this effect, to be sent to Mr. Mackay if he had left Auckland. I took that telegram to town myself, and, as Mr. Mackay had left Auckland in the steamer "Effort," I forwarded it to him. I also sent telegrams to the proprietors of the *Thames Advertiser* and the *Evening Star*, telling them that my advertisement should be continued as it was, merely altering the date, when we first supposed the field would be opened, to the 3rd March, and making the days of the attendance of Mr. Mackenzie (who was clerk in my office) at Ohinemuri on Monday and Tuesday, instead of Monday, Tuesday, and Wednesday, as had been previously arranged. I remained in town on the Sunday night, and on Monday forenoon I got the Proclamations and everything completed with Dr. Pollen, and the regulations ready to take down with the *Gazette* containing the Proclamations. I left town by the night steamer at 5 o'clock that evening. Mr. Allom, who was superintending the printing and other things, missed his passage; but the Government forwarded him by the "Luna" that night, and he arrived at the Thames early next morning with all the documents. When I arrived on the Tuesday morning at the Thames, I found that my advertisement had been taken out of the *Thames Advertiser* with regard to the issue of miners' rights, and that one of Mr. Mackay's, as Government Agent, had been substituted. Immediately I discovered this, I told the proprietors of the paper that they had no business to alter my advertisement at all, and they said that Mr. Mackay had been there and said that all the arrangements had been altered, and that I had no business to put the advertisement in. Consequently they took my advertisement out and substituted his. I telegraphed the circumstance to the Hon. Dr. Pollen, and I presume he put himself into communication with Mr. Mackay on the subject, because Dr. Pollen telegraphed to me informing me that Mr. Mackay stated he had not received the Hon. Dr. Pollen's telegram; but that the best must be made of things now, and he would take care that everything would go on smoothly, or something to that effect. I produced that telegram at the inquiry. On that day Mr. Allom and myself went to Ohinemuri, where we arrived between 1 and 2 o'clock. Mr. Mackenzie, a clerk whom I had forwarded to carry on the arrangements with Mr. Mackay, was also at Ohinemuri. Mr. Mackay had so far modified his arrangements that he introduced the ticket system as I proposed to do, with the difference that miners were to come in the morning immediately after the Proclamation and get the miners' rights exchanged for their tickets before they went to peg out. When I got there, money had been received and tickets were being issued for applications. I got some coloured tickets that might easily be identified as coming from the office, and they were numbered, and as each man or party of men came for their right, or bundle of rights, they got the right or rights which corresponded with their tickets in number. When these rights were made out, a ticket corresponding with the one that was given to the party was doubled over them, and they were all pinned together. When a man produced a ticket, the bundle of miners' rights with the corresponding number was handed to him in exchange. This arrangement continued, and Mr. Mackenzie continued issuing tickets till 5 o'clock that evening; and at 5 o'clock, as a great many people continued coming to the gold field, I arranged to continue issuing tickets up to 10 o'clock that night, so as not to inconvenience them. I decided that anybody who had not got a ticket at 10 o'clock would require to come after the Proclamation, and immediately the whole of the people who had applied and who had paid money had theirs issued to them, the others would get their rights. Then these rights had to be made out and arranged. In the meantime Mr. Mackay had got the use of a very large tent, in which it was intended to issue the miners' rights. To prevent the crowd knocking down this tent it was left open at one side, along which a barricade of post and rails was put up to prevent the miners forcing into the place. That night we also had some clerks employed, consisting of a detachment of the Armed Constabulary that was stationed there, Mr. Dunnott, Mr. Crippen, and some other persons who were in Mr. Mackay's employ, to help to make out the miners' rights after 10 o'clock that night. They were making out the miners' rights in the daytime after the people had made their applications. None of them were signed till I arrived. When I arrived I commenced signing them, and signed 900 of them, in books containing 100 each, and gave them to Mr. Allom, who was appointed Receiver of Revenue for the district. Between 1 and 2 o'clock that night the whole of the rights were ready. They were compared with the pieces of paper that the people gave. Whenever anybody came to apply for miners' rights who did not bring a list of the names of the persons for whom he wanted the miners' rights, the clerk wrote the names on a slip of paper, which was numbered with the number of the ticket given to the applicant. There were 247 tickets issued. Previous to this, at Ohinemuri, it had been arranged by the Hon. Dr. Pollen and Mr. Mackay how the applications for these miners' rights were to be received from Natives and other people, and Mr. Mackay had arranged with these people that if he got their names and the money, the miners' rights would be issued to them on the morning of the Proclamation. A good many people had applied to Mr. Mackay before the ticket arrangement had come into operation, and after all my miners' rights had been made out, Mr. Mackay's had to be made out; and it was arranged that the applications that were made to Mr. Mackay should be dealt with, and the rights issued for them at another compartment simultaneously with the issue of the ones for which tickets had been given at 10 o'clock, immediately after the reading of the Proclamation. The front of the tent was divided into ten compartments, which were placarded on the outside. Mr. Mackay's was "for applications received by Mr. Mackay." Mine

were distributed from 1 to 35, from 35 to 70, and so on up to 247, so that the public would immediately know from their tickets where to come to receive their miners' rights. Mr. Mackay got his rights late that night. After 10 o'clock Mr. Brissenden came to get some miners' rights issued to him, but I told him I could not issue them to him because it would be unfair, as we had refused other people, and he said he had applied to Mr. Mackay for them long before, and I said, "If you have applied to Mr. Mackay long before, he can get the rights and issue them to you in the same way that he does to the other people who made previous application to him." All the tickets were compared, and all Mr. Mackay's rights were ready by 2 o'clock in the morning. The rights represented by the 247 tickets issued by Mr. Mackenzie, and which I was to superintend the distribution of, were taken possession of by me. The other rights for the applications received by Mr. Mackay, and which Mr. Mackay accounted to Mr. Allom for, were taken possession of by him. Mr. Mackay was to issue the latter at the compartment set apart for him simultaneously with the issue of those represented by the tickets immediately after the reading of the Proclamation, at 10 o'clock exactly next morning. For some considerable time previous to that hour there was a crowd of people in front of the tent securing positions, which would enable them to get their miners' rights first. They had been there from half-past 8 or 9 o'clock, waiting for 10 o'clock. When that hour arrived, Mr. Mackay addressed the diggers, and handed me the Proclamation, which I read. There were several Proclamations, one opening the gold field, another about the reserve for the township, and another with reference to the Prospector's Claim at Karangahake. I addressed a few words to the people upon matters connected with the field, and all this occupied, I suppose, about 9 minutes altogether from 10 o'clock. There was a counter running alongside the barricade, and the people were outside it, on the other side of the post-and-rail fence. Before this, about half-past 9 o'clock, we went and cleared everybody out of the tent, except Mr. Mackay, Mr. Bullen, Inspector of Armed Constabulary, and Mr. Newell, of the Armed Constabulary. Policemen of the Armed Constabulary were stationed at the back door, because it was said that there would be an attempt to give some people the preference by giving them their rights out of the back door, but there was very little in that statement. There were seven of the smartest people I could find (including the men who were to be officers of the gold field, Mr. Mackenzie, Mr. Mackay's clerks, Mr. Crippen, and Mr. Andrews) selected to issue the rights for me. They were stationed at the different compartments, and there was a blank space in the centre, from which I addressed the people and read the Proclamations, and I could see all that was going on. The rights represented by the 247 tickets were divided amongst these seven persons consecutively, and counted to ascertain whether they were all right. Nobody else was admitted to the tent. Immediately after the Proclamation was read, I ordered that the rights should be issued, and they were all gone in less than seven minutes. Everything passed off very quietly, and there was a rush to peg out. The Karangahake Spur was the great scene of attraction, where the Prospectors' Claim was marked out, and the aim of everybody at that time was to get there as quickly as possible, and all sorts of contrivances were made use of to get the miners' rights on the ground as quickly as possible. Between 11 and 12 o'clock a gentleman belonging to the *Thames Advertiser* (Mr. Horton), and Mr. Berry, a reporter for the same paper, who had been up to the Karangahake Spur previous to the pegging out, came to me, and informed me that miners' rights with my signature to them had been issued before 10 o'clock. I did not pay much attention to them, and they said that Cashel and a man named Howard had those rights, which they had seen. I thought they were merely imitations which they had got for the purpose of preventing other people from pegging out, by making them believe they were genuine rights. I got a description of Howard, and I knew Cashel, and that evening I watched for the man Howard. I came across him and asked him whether he had been up to the spur in the morning. He said he had, and I then asked him whether he had a miner's right at the time. He then showed me his right, which was, I think, numbered 659. I saw that the right was a *bonâ fide* one, and asked him whether that was the right that he had shown to Messrs. Horton and Berry. He said it was the only miner's right he had. I did not do anything in the matter. I simply thought it very odd, and that I would try to find out how he got it. Then the idea struck me to make up the applications in a book—a large book which I put in evidence at the inquiry. After the book was prepared, I looked at the miner's right and saw that it was one of those that should have been issued by Mr. Mackay. Nothing more was done about the matter until a case of disputed ground arose in the Warden's Court, in which case a number of Natives, who had been instrumental in a great measure in getting the place opened, brought an action against Blake and party for encroaching on their claim. This case involved a question of who had possession of miners' rights, and who were there with the rights first on the morning of the 3rd March. It was admitted by Blake and party that these Natives had done everything the law required. Blake and party only said that they had done it before them—that they were in possession of the rights before them. Takarei and other Natives had made such arrangements that they were on the ground as early as it was possible for any white man or Native to be, and such was proved to be the case. On inquiry it was found that Blake was in possession of ten miners' rights for his party for some considerable period before it was possible for any miners' rights legitimately issued from the office to be on the ground. These rights I impounded, and sent a telegram to the Hon. Dr. Pollen stating that such was the case; and that as there was something wrong about the business, it would be better to have an inquiry. I could not leave Ohinemuri then, so I sent the telegram to Grahamstown; and for fear of any mistake I took a horse that afternoon and rode to Katikati, and got there before the office was closed, and from there I sent a duplicate. Knowing that the Native Minister was at Maketu with the Arawas, I went on to see him. I thought that it would not be right that these Natives, who had done everything that the law required, and had done everything in a legitimate and proper manner, should be ousted from the ground. When I got to Maketu, I saw Sir D. McLean, and he agreed with me that there should be an inquiry. During the time I was at Maketu, I received a telegram from Dr. Pollen, saying that an inquiry would be instituted into the proceedings. When I returned, this large book was prepared, and a list of the rights represented by the number of tickets. I made every exertion to trace where all the rights came from. I found that the rights which had got out before the proper time had come from the lot which had been applied for through Mr. Mackay by Mr. Brissenden; and all the rights that had been

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got by Brissenden, I traced them on to the ground, and found they had been used in surrounding the Prospectors' Claim, which was at that time thought very valuable.

434. *Sir G. Grey.*] Did they get the whole of the ground round it?—Yes, all round it. I put in a plan showing the claims which had been taken up by these rights.

435. *The Chairman.*] I understand that the arrangements made by yourself originally were in effect cancelled by the Government Agent?—Yes.

436. And that your duty was to assist in carrying out the subsequent arrangements?—Yes. After I came back, I endeavoured to discover how these rights had got out before the time, and this big book was made, showing every application and the numbers that were issued with the 247 tickets. I traced that the miners' rights that had been found to have been issued previous to 10 o'clock had been amongst the rights that had been applied for by Mr. Brissenden through Mr. Mackay. Howard had a right in two lots. Cashell's was in another application made by Hennelly, McLean, and others. All the miners' rights that ever have been called in question, and all the claims that were ever registered under them, I found were issued upon applications made through Mr. Mackay, and were to be issued by him at 10 o'clock that morning. It was found that two of the suspicious rights used in registering claims had been issued by me, but I discovered that these people had each two miners' rights, one which was applied for through Mr. Mackay, and one which was applied for through me. I endeavoured to trace these two, and discovered that these rights issued by me were not in the possession of the parties until a day after the opening in one case, and some considerable time after in the other. These were the rights of O'Hara and of another man; and, in registering the claims, they did not register under the rights which they had had in their possession, but under the others subsequently taken out. With the exception of these, all the rights ever called in question had been issued on applications received through Mr. Mackay.

437. Were all these rights supposed to be included in Brissenden's bundle?—The bulk of the rights that were questioned as having been on the ground before the hour, were issued through Mr. Brissenden—were traced to Brissenden's application; but those of Howard and Cashell, which were seen in the morning, were not in Brissenden's, but were on an application made to Mr. Mackay by Hennelly, McLean, and others.

438. It was your duty to assist in carrying out the second arrangement made by Mr. Mackay?—Yes.

439. At what hour on the 3rd was the field to be proclaimed?—At 10 o'clock.

440. When were the applications received for rights to be exercised on or after that time?—Applications were received on the day previous, and on the day before that.

441. On receiving applications you issued tickets?—Yes. If one man came for one right, he received a ticket, with a number corresponding to the number put on the application.

442. Did the numbers on the rights subsequently issued correspond with the number on the tickets?—No; the tickets corresponded with the number on the applications; it could not correspond with the numbers on the rights. Sometimes there would be ten or twelve in one application, and, of course, the number on the applications corresponded with the number on the bundle. There were 247 tickets, and that represented perhaps 700 rights.

443. Then the numbers upon the rights issued did not correspond in all cases with the number of the bundle?—In no one case, except in No. 1.

444. The whole of the rights issued were signed by yourself?—Yes.

445. When did you issue these rights to the people who had applied to you the day before?—I issued them at about seven minutes past 10 o'clock. The issue commenced then.

446. *Hon. Sir D. McLean.*] After the Proclamation was read?—Yes.

447. *The Chairman.*] I think you stated that you had issued a number to Mr. Mackay?—I gave Mr. Mackay a number for issue.

448. But you are the person responsible for the issue. You had issued them as far as you were concerned?—They were given to Mr. Mackay for custody, the same as myself or one of the clerks in my department.

449. In whose custody were the rights between the time of being written out and the issue?—Rights representing 247 tickets were in my custody, the others were in Mr. Mackay's custody.

450. How came they to be in Mr. Mackay's custody?—Mr. Mackay was Agent for the General Government, and he had received applications by their sanction. He arranged that he was to issue those rights at the same time as mine, because he said some of the people would not be known, and many of them were Natives. The names of these people had been received by Mr. Mackay previous to my making arrangements for the issue.

451. Were you the person responsible for the proper issue of those rights at 10 o'clock?—For the 247.

452. I am speaking generally?—Mr. Mackay and I were both responsible.

453. *Hon. Sir D. McLean.*] Was the arrangement between you and Mr. Mackay?—Yes.

454. *The Chairman.*] You mean to say that the responsibility did not rest on one distinct person?—No, it did not unfortunately.

455. When Mr. Mackay applied for these to be handed over to him, was it not in your power to have refused the application?—It was not in my power. I was not Warden, and would not be Warden until 10 o'clock next morning.

456. Then I understand you to say that Mr. Mackay demanded a certain portion of the rights in your custody?—There was no necessity for demanding.

457. He requested, and you gave him a portion of the rights, the rest remaining in your custody until 10 o'clock?—I took the rights represented by the 247 tickets to my tent, and placed them under my head.

458. Was Mr. Mackay representing the Government, and the chief authority upon the Ohinemuri Gold Field at that time?—Up till 10 o'clock in the morning. Then my duties were distinct.

459. At 10 o'clock you became Warden?—Yes; but at the same time we were to assist each other to carry out the arrangements.

460. *Hon. Sir D. McLean.*] Was it not the case that you were asked to go as Warden long before the field was opened?—Yes.

461. *The Chairman.*] You signed these rights yourself the day before?—I signed 900 rights, which were given in charge of Mr. Allom, who was to be appointed Receiver of Revenue in the district next morning, and he was accountable for the money.

462. The point I wish to bring out is this: Were you responsible for the custody of these rights after you had signed them and before the issue?—I was responsible for the custody of those I took charge of myself.

463. You were not responsible for the custody of the rights generally?—No; the Receiver of Revenue was responsible for the custody of rights; he is the man answerable, but I, as Warden, would be responsible to see that everything was done properly and correctly.

464. I understand you to say, that you took charge of the whole of the rights, with the exception of those handed to Mr. Mackay, and slept with them under your head?—Yes.

465. At what hour did you hand these rights to Mr. Mackay?—I never handed them to Mr. Mackay. Mr. Allom handed them to him, or Mr. Mackay had them himself. He had made the arrangements, and had employed the men. I had only one man there, Mr. Mackenzie, and Mr. Allom came up with me and took charge of the books containing 100 rights in each.

466. I want to know about the custody during the night. Mr. Allom then gave part to you and part to Mr. Mackay?—Yes; the whole of the miners' rights represented by 247 tickets were given to me, and the rights for which application had been made to Mr. Mackay were given to Mr. Mackay.

467. After you signed, they passed into the possession of Mr. Allom, who subsequently gave a portion to you and another portion to Mr. Mackay?—Yes.

468. How were the rights which passed into the possession of Mr. Mackay numbered?—They were numbered according to the applications in this book.

469. I want to get the actual number, if possible?—There were about 155, I think.

470. *Sir George Grey.*] Did they go on over 247?—They went on after mine. They were all high numbers.

471. *Mr. T. L. Shepherd.*] These were consecutive numbers?—I do not know that they would be. There was more than one person making out the rights. All these rights are machine numbered in the books.

472. *The Chairman.*] I want to know what the numbers actually were for the purpose of identifying them, if possible?—The numbers given to Mr. Mackay were after the 247 issued to me.

473. Consecutively?—I do not know whether they were consecutive or not. The applications given to Mr. Mackay are in this book, and can be seen.

474. How many bundles did Mr. Mackay receive?—I do not know. I suppose eight or ten bundles.

475. One of those bundles contained the applications made by Mr. Brissenden, through Mr. Mackay?—Yes.

476. And the numbers of these rights can be ascertained by reference to the book?—Yes.

477. Do you know where these rights received by Mr. Brissenden were exercised?—They were exercised all round the Prospectors' Claim on the Karangahake Spur.

478. Do you know at what hour they were exercised?—I have got sworn testimony that some of them were in the possession of parties before 10 o'clock on the ground. That was found in the case of Blake, and in the case in which Cashell was concerned he swore that he had possession of his right at 8 o'clock that morning.

479. Do you know that they were exercised so shortly after 10 o'clock that they could not have been obtained from the office?—Yes.

480. You are especially referring to the ten in possession of Brissenden?—Yes.

481. These ten were a portion of the rights included in Brissenden's bundle?—They were.

482. You have stated also that rights were issued to one Cashell and one Howard; were these rights exercised so nearly after 10 that they could not have been obtained from the office?—Cashell acknowledged, in this case, to having had his right on the spur at 8 o'clock in the morning. He refused to say whom he got it from on the ground that his doing so would criminate him.

483. Were these rights of Cashell and Howard a portion of Brissenden's bundle?—They were not.

484. They can also be ascertained on a reference to the book referred to by you?—Yes.

485. You state that Mr. Brissenden applied to you to give him the rights the night before?—Yes.

486. Your recollection is quite perfect on that point?—Yes.

487. Do you remember what he said when he applied?—I do not remember what he said. I told him that if he had made application through Mr. Mackay, Mr. Mackay could please himself whether he gave him the rights or not. He got his rights through Mr. Mackay, as he had made his application through him.

488. You said something in your evidence just now about a back door, and having heard that it was intended to receive rights through the back door? Will you explain how you heard it?—Some of the miners came to me and said they had heard something about some people getting preference in having rights issued at the back door, that they had heard that some people were to have them by the back door. Both Mr. Bullen, the Inspector of Police at the Thames, and Mr. Newell, who was in charge at Ohinemuri, were there, and precautions were taken that nothing of that kind should occur.

489. When did you first ascertain that any rights had been obtained previous to 10 o'clock?—I first positively ascertained it in the case in which Blake and party were against Takarei and party. That was the first time I was perfectly convinced.

490. Did you hear previous to 10 o'clock that any rights had been obtained?—I never heard a whisper until Mr. Horton and Mr. Berry, of the *Thames Advertiser*, came down from the Karangahake Spur and told me that rights were on the ground before 10 o'clock.

491. Had you no suspicion that such a thing had been done?—No suspicion at all. I never thought of such a thing.

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492. *Sir G. Grey.*] Was it any part of Mr. Mackay's proper duty to apply for these rights for Brissenden and others?—Mr. Mackay said that he had received certain applications from certain people before the arrangement was made, and that he would issue these himself.

493. Was it part of his duty—did it belong to his office to do it?—That is a matter for his own judgment. He was Agent for the General Government in the matter, and I was ordered to act in concert with him, and to get along as well as I could.

494. Does the Agent for the General Government usually issue such rights?—It is not for me to say what his duties were as Agent for the General Government. The Government will know what his duties were.

495. Was it a matter of favour that Mr. Brissenden should have been allowed to put in his application so late?—Anybody could have made application up till 10 o'clock. If he had made the application previously, I do not think it was any favour as long as they were paid for. If he had made application to me previously he would have received a ticket, and would have got them from me. I had at first fixed 5 o'clock as the last time for receiving applications, but as a number of men were coming up I agreed to keep open till 10 o'clock. At 10 o'clock I closed, as it would be late before they could be made out.

496. Was Mr. Brissenden's application lost?—Mr. Brissenden's application could not be found.

497. Was it believed to have been stolen?—It was believed to have been stolen or mislaid—it was either stolen or mislaid. At that time, it was not thought that these things would ever be required. We thought that they had served their purpose. This book was only compiled when we heard it whispered that rights had been issued before 10 o'clock. These were preserved on purpose to trace them.

498. One of the witnesses on the inquiry says he is positive it must have been stolen?—Mr. Allom says it must have been stolen, and that it could not possibly have been mislaid.

499. Is its disappearance a singular circumstance?—A few others have gone, but it was a large one, and was more liable to get thrown down in the dust than a smaller one. There were fifty-two or fifty-three names on it, and it would require a pretty good sized piece of paper to contain them.

500. Have you been able, notwithstanding the loss, to trace all the names for which he applied?—Yes.

501. *Mr. Bradshaw.*] Mr. Allom was the Receiver of Revenue?—Yes.

502. By whom is he appointed?—By the General Government.

503. And paid by them?—He is paid through the Province of Auckland.

504. To whom does he account?—He accounts to the General Government—to the Treasurer and Auditors here.

505. And his accounts, are they certified by anybody on the field?—He deposes to his accounts before a Justice of the Peace every Saturday. At the close of the month I examine his stock of blank forms of rights, and see that the correct number are there.

506. From whom does he receive these?—He receives them upon application to the authorities at Wellington.

507. He has a corresponding number on each block?—Yes, each block has a corresponding number to that issue.

508. This book was made up from that block?—Yes, and from the applications. Those are the applications in that book—all that were recovered.

509. Was there no other Receiver on the field?—No.

510. Then he is the officer accountable?—Yes, for the money part of it.

511. And for the issue?—He ought to be, but the regulations in Ohinemuri are different from those in other places. The regulation there states that the miners' rights "shall be issued by the Warden."

512. *Hon. Sir D. McLean.*] In the new regulations, framed at Auckland?—Yes.

513. *Mr. Bradshaw.*] You say this is a new thing in regulations that the Warden is made responsible?—It does not say the Warden is responsible, but the regulation says "he shall issue." The Receiver of Revenue accounts for everything direct to the Treasury. He is subject to the Commissioners of Audit. All the Warden has to do with his accounts is to compare the returns with the stock of blank forms.

514. The Receiver of Revenue being the responsible officer after you have signed them, on any other field he alone would issue them?—Yes, he alone would issue them.

515. *Mr. T. L. Shepherd.*] When did Mr. Brissenden's application first come under your notice? When did his list come under your notice?—It never came under my notice at all.

516. You signed the rights not knowing that he had applied for them?—I signed them in blank. The applications for the ones I issued came before me, but not the applications for the rights Mr. Mackay issued. All my applications were compared with the rights.

517. Do you know what number of rights Mr. Mackay received from Mr. Allom?—I did not know the number until afterwards. It was about 150 or 153.

518. He never spoke to you about it?—No. He told me he would get his after the other applications were made out. I know this: that there were about fourteen rights that he had not got, and he awoke Mr. Allom about 3 in the morning and got them.

519. Was there any special reason for Mr. Mackay receiving Brissenden's applications more than any other application for rights.—No; except that Mr. Brissenden had made application to him at Ohinemuri previously. There was a sort of feeling amongst a certain lot of people that those who had first made application should be the first to receive their rights.

520. But the bulk applied to you?—All the people who applied that day applied to me. Mr. Mackay received no applications that day, or after the advertisement appeared. All these applications had been received previously by Mr. Mackay, most of them at the time when the "Luna" was there.

521. Do you know what number he received?—153.

522. What number did you receive?—I had 247 tickets, representing about 700 rights.

523. It appears from what you state that you had great anxiety to arrange things so that the miners should all start fair?—Yes. *Captain Fraser,
R.M.*
524. Your arrangements were all made for that purpose?—They were not made by me, but by Mr. Mackay. I did not go up until the night previous. 20th Sept., 1875.
525. He had instructions to make arrangements so as to enable them all to start fair?—I do not know. He told me he had made arrangements so as to enable them to start fair.
526. It appears you knew the importance of taking care of those rights; you state you placed them under your pillow, and therefore you looked upon them as of great value?—Not so much as of great value, but I wanted the ignorant miners to believe that they were getting fair play and justice, and that one man had not an advantage over another.
527. Would you consider it an imprudent thing for you to have passed over these rights to another person to take care of for you?—Certainly; I would not have passed them to my mother.
528. I suppose you have gone through the list, and inquired into the names on the rights issued by Brissenden, and the claims marked out by them. Are you aware whether O'Halloran has any interest in the claims marked out by the rights issued to Brissenden?—I think so.
529. Is he entitled to any share in the claims marked out by the rights issued before 10 o'clock?—He is. [Book produced containing the applications made for miners' rights.] One of the applications, No. 253, is for rights for the following:—Charles McLean, Michael Hennelly, Gerald O'Halloran, Charles Alexander, Richard Disney, Robert Baird, William Lorrie, Frederick Crippen, Patrick Quinn, William Livingstone, Joseph Gavin, Robert Cashell.
530. O'Halloran's name is amongst these.—Yes.
531. Without referring to the plans we have sent for containing the names, can you tell us what claim they marked out with these rights?—I cannot.
532. A claim was marked out?—Yes.
533. Was the ground claimed under these rights?—Yes. There were several other claimants, and they amalgamated their claims.
534. Have they got possession of the shares yet. As far as you know?—I do not know.
535. Was there more than one right issued to O'Halloran?—I think so. I cannot tell how many. I know there was more than one issued to him; and one, I think, was exercised at Waitekauri.
536. This right was issued to Brissenden? Not at all. It was on an application made to Mr. Mackay. The reason I know is because Robert Cashill's right was traced to Mr. Mackay.
537. Was that issued before 10 o'clock?—I know that one in the bundle was issued before 10 o'clock. I know that Cashell's right was issued before 10 o'clock.
538. Was that issued for this claim you refer to?—Yes.
539. Do you know whether the others were used before 10 o'clock?—I cannot tell.
540. Were they issued at the same time?—I cannot tell when they were issued; they were not issued by me. They were all given in one bundle.
541. Can you tell us whether O'Halloran appears on any other application, and also Brissenden's?—I cannot tell by this, but I know of my own knowledge that his name does appear in others. I do not know whether in Brissenden's or not. Yes, I find O'Halloran's name in another application made through Mr. Mackay. The names are—George Downey, Oliver M. Creagh, Richard Eyre, John Hennelly, George O'Halloran. I find it is George O'Halloran—Gerald O'Halloran's brother.
542. Were they also issued through Mr. Mackay?—They were.
543. Are there any others? I know there was one at Waitekauri.
544. Do you know whether any of these rights were used at 10 o'clock, before the issue took place?—I cannot tell that.
545. Were they exercised?—The only proof I have of any rights being exercised before the proper time is respecting those issued to Brissenden, and one of Howard's and one of Cashell's. These are the only ones I have proof about.
546. *Sir G. Grey.*] Is Howard's name down there? Can you trace his bundle?—I think Howard's name is in Brissenden's bundle.
547. *Mr. T. L. Shepherd.*]—When did you see Brissenden's application last?—I never saw it at all.
548. When you had suspicions that rights had been issued improperly, did you speak to Mr. Mackay?—Yes.
549. What did you say to him?—I told him, and he said he was quite certain that nothing of the kind could have taken place; that he had given them to the people after 10 o'clock; that just immediately after the Proclamation all the rights were issued which had been given him to issue.
550. Did you ask whether he had retained in his possession throughout all the rights he had to take charge of?—No. He was perfectly positive, and assured me that nothing of the kind could have occurred, and all the rights given to him were issued simultaneously with those issued by me.
551. *Sir G. Grey.*] Including Brissenden's?—Yes.
552. *Mr. T. L. Shepherd.*] Did you ask where he had kept them on the preceding night?—No, I did not.
553. Did he say they had never been out of his possession?—He told me that all the rights given to him to issue were issued simultaneously with mine.
554. Did he state that they had never been out of his possession; did you ask him that?—I never said so to him; it would have been impertinent on my part to ask him such a question.
555. Did you ever hear him say that if they were taken from him they must have been stolen from him?—No. He never left the slightest doubt about the point that all his rights were issued at the same time as mine were.
556. Do you know the shares that were pegged out for Mr. Brissenden?—No; I have no means of knowing except the mining register. A plan was made out by me showing where all the rights had gone to.
557. You were sure that you had taken such care that no one could have got them from you?—I was not sure. They might have been stolen from me at night.

Captain Fraser,
R.M.
20th Sept., 1875.

558. Did you not at once think they had been taken from Mr. Mackay?—I did not believe it when I first heard it.

559. And he convinced you from what he said that they had not been obtained from him?—Yes; that was the reason I had this book compiled.

560. Did you point out to him that they had been obtained through him when you found it out?—No; I never had an opportunity of doing so. Mr. Mackay made a statement to me on the subject. He told me that if they were so they must have been stolen.

561. From whom?—From him.

562. Where?—He did not say. There was nothing said to me about rights being missing or mislaid. I could not understand it for a long time, until this case of Blake's came on.

563. He told you that if they had been obtained through him in any way, they must have been stolen from him?—Yes.

564. Did he tell you that he had given them in charge to O'Halloran?—He never said he had given them in charge to anybody. I told him I was going to sleep on mine; and he said he would take precious good care of his.

565. It was understood between you both that great care was to be taken of the rights?—Yes; it was natural to suppose we wanted to take care of them.

566. Have you had any conversation since on the subject with O'Halloran, or Mackay, or Brissenden?—I spoke to Brissenden the same morning, but not about the miners' rights. I have spoken to Mr. Mackay about the rights.

567. When; and what took place?—He made a statement, which I took down in writing at the time. It is this in my note-book:—"Re Miners' Rights.—Mackay states he paid for 102, but only had 88 when counted; 14, all Maori rights, missing; got Allom out of bed, and got them. Brissenden applied for 30, but did not pay, and he struck them off the list. Brissenden afterwards received his lot, and gave Allom a cheque for amount. For some reason these rights were given to Mackay, instead of being issued in usual way, as all were for which numbers had been given. Did not count them. Might have been short delivered." That statement was made on the 2nd of April, 1875, at my office, at the Thames.

568. *Mr. O'Neill.*] By whom were you appointed to take charge of the gold field?—I was appointed by *Gazette*. It was told me first by the late Superintendent, that it had been arranged between him and the Native Minister and Dr. Pollen that I was to be Warden under his *régime*. When he died the same arrangement was continued, and I was to be Warden as if Mr. Williamson had continued in life.

569. You began your duties on the 3rd of March?—Yes; at 10 o'clock. Previous to that I was acting as if I had been Warden in conjunction with Mr. Mackay.

570. *Hon. Sir D. McLean.*] You were asked to go up to look after the interests of the gold field?—Yes; although I was not appointed as Warden, I was Resident Magistrate of that district at the time, and I signed the advertisement as Resident Magistrate. I would not be Warden until after the Proclamation, still I did everything I thought best, in conjunction with Mr. Mackay, for carrying out the business, the same as if my appointment had been in my pocket.

571. *Mr. May.*] Did Mr. Mackay, in applying for these rights, merely act as agent for these individuals?—Yes; he would have to apply to Mr. Allom. Nobody but Mr. Mackay could have got them. Mr. Mackay had received the money for them previously. He was acting, in the first instance, as the person representing the Government on the gold field, the same as I would be as Warden. Mr. Allom would not issue any rights, even if they were paid for, without my authority or Mr. Mackay's.

572. Do miners sometimes take rights in other people's names without their consent?—I have known miners do so when they thought they had a good thing. They would take out a right for a friend to give him a "show," as they say, in the claim.

573. *Hon. Sir D. McLean.*] Is that frequently done by miners?—Yes; by mining mates it is often done. Men may be mates who are on different gold fields, or on different parts of the same gold field.

574. *Mr. May.*] It is done to secure ground for their friends?—Yes.

575. Were the rights in which O'Halloran's name is mentioned issued before 10 o'clock?—One of the lot is known to be out before 10; the others have not come under my notice. I can only speak as to what has been sworn to in my Court. Cashell's right was proved to have been in his possession at 8 o'clock that morning. He acknowledged that he had it, and he refused to say whom he got it from, and said it might criminate him, and of course I could not force him.

576. Was the tent in which O'Halloran slept that night far from the tent from which the rights were issued?—About twenty yards. It was the nearest tent to where the rights were issued.

577. Are you aware whether Mr. Mackay had to ride out that morning before 10 o'clock?—I never heard of that. Mr. Mackay was there in the tent some considerable time before 10 o'clock.

578. *Sir G. Grey.*] You say you received 247 tickets, which represented 600 or 700 rights. If as many as fifty or sixty of these rights had been stolen during the night, would you have missed them in the morning?—Yes; I should think so. In the morning the rights each man had to give out were placed before him, with the numbers from 1 to 35, and from 36 to 70, and so on. Each man was made to count the bundles he had to give away, to see that they were all right before the issue.

579. Fifty odd rights were taken out for Mr. Brissenden, and he did not appear to claim them in the morning. The point that surprises me is this, that fifty-five rights having been taken out for Brissenden, and not having been delivered from Brissenden's non-appearance, it should have escaped Mr. Mackay's recollection? Do you think it possible, or within the bounds of probability, that a person could forget a thing of that kind?—I do not know about that.

580. What was the total number of rights Mr. Mackay had to answer?—If Brissenden's number were absent there would not be twice as many left—that is to say, that Brissenden's was more than a third of the whole number he had, including Brissenden's.

581. *Mr. T. L. Shepherd.*] And the largest bundle issued to any man on the field?—Yes; the others were about ten or twelve. The next largest was for Natives, containing fourteen.

582. *Sir G. Grey.*] You mentioned Michael Hennelly and John Hennelly; were either of these share agents?—Michael Hennelly is a sharebroker in Grahamstown, and has been so for years. John Hennelly is his brother.

*Captain Fraser,
R.M.*

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583. Is this the Michael Hennelly to whom Crippen's shares in the Tairua Prospectors' Claim were given to sell afterwards?—I do not know whether they were given to him, but he sold Crippen's shares.

584. *The Chairman.*] In what capacity did you sign the miners' rights?—As Warden.

585. You signed them, I think you said, on the 2nd of March?—I signed them up till about 2 o'clock on the morning of the 3rd—between the night of the 2nd and the morning of the 3rd.

586. You signed part of them on the 2nd of March?—Yes; they would not legally be rights, and I would not be a Warden until 10 o'clock, which was the hour fixed in the Proclamation.

587. You said, I think, that Mr. Mackay was equally responsible with yourself for the proper issue of these rights?—He was exactly in the same position with regard to the rights he had to issue as I was with regard to those I had to issue.

588. I would call your attention to the first of the Ohinemuri regulations, which says that, "miners' rights shall be issued by the Warden." Was Mr. Mackay the Warden?—No.

589. Were you?—Yes; after 10 o'clock.

590. Did you sign yourself as Warden?—As Warden that was to be.

591. When did you receive your appointment as Warden?—It was handed to me by Mr. Mackay at 10 o'clock, before the public. Of course, it was understood for nearly a month previously that I was to act as Warden.

592. *Hon. Sir D. McLean.*] You were to perform the duties of Warden as far as you could?—Yes.

593. *Mr. T. L. Shepherd.*] There was no issue of rights before 10 o'clock?—Any right issued before 10 o'clock would not be a right at all. I would look upon it as not a right until 10 o'clock.

594. *The Chairman.*] Under that regulation, would you not consider yourself solely responsible for the proper issue of these rights?—I do so now; but if my superior were to come to me, and to tell me to do so and so, I should certainly do it.

595. Regulations to the contrary notwithstanding?—Yes; I should take my authority from my superiors. I should point out anything in the regulations affecting the matter, and if they chose to override them in the matter they could do so. These regulations were not in existence until after 10 o'clock. They would not come into force until then.

596. *Sir G. Grey.*] Do you recollect having any conversation with Mr. Brissenden respecting the Prospectors' Claim at Ohinemuri, and his saying that the prospectors were badly treated by the Government?—I had conversations with a great many, and with Mr. Brissenden, previous to the opening.

597. Did you suggest that the only way these people could do was to get a sufficient number of rights to enable them to take up the ground?—I told him that if they kept their own counsel, and did not tell anybody where the ground was, that it would be easy for them to get as much ground as they wished. It turned out, however, afterwards, that everybody knew the ground, that all the parties had discovered the same ground.

598. *The Chairman.*] I would ask you to put yourself in Mr. Mackay's place for a moment; it would have been quite competent for Brissenden to have sent a friend for his bundle if he had had a ticket?—There was no ticket in Mr. Mackay's. He knew the parties. I did not recognize anybody. I only recognized the ticket. If anybody brought a ticket they got their rights. In Mr. Mackay's case, if anybody but the applicant were to come for the rights, a previous arrangement would have to be made, so that Mr. Mackay would know he was giving them to the right person.

TUESDAY, 21ST SEPTEMBER, 1875.

Mr. DILLON examined on oath.

599. *The Chairman.*] What is your name?—Patrick Dillon.

Mr. Dillon.

600. What are you?—A miner.

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601. Where are you mining?—At Ohinemuri.

602. Do you remember the opening of the Ohinemuri Gold Fields?—I do.

603. On what date was it?—3rd March last.

604. Did you make application for a miner's right for yourself to be exercised on that gold field?—No.

605. Did you receive any miners' rights for others, to be exercised on that field?—Yes.

606. From whom did you receive them?—Mr. Brissenden.

607. At what date?—3rd March.

608. At what hour?—Between 7 and 8 o'clock in the morning, I think.

609. In whose favour were these rights?—I do not know.

610. Do you mean to say you do not know in whose favour those rights were issued that you received from Mr. Brissenden?—I do not. It is true that I know some of the names, but not all.

611. What names do you remember?—Coleman's and Smith's, and I think my own, but I am not certain.

612. Any more?—I think a man of the name of Donovan.

613. Any more?—I do not remember any more. I did not examine them at the time.

614. You are speaking to the best of your knowledge?—Yes.

615. How came you to receive these rights from Mr. Brissenden?—I do not know.

616. Where did you receive them from him?—Between Paeroa and Mackaytown.

617. Can you describe that locality; was it in the direction of the gold field that was to be opened?—Yes.

618. How came you to be there at that time of the morning—what reason had you for going there?—I was going because the field was to be opened. I was proceeding to the field from where I slept.

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619. Where did you sleep?—In my tent.
620. And did you expect to meet any person there with miners' rights?—I did not.
621. Were you told by anybody that you might meet a person there with miners' rights?—No.
622. Did you ask Mr. Brissenden for them?—I did not.
623. He offered them to you, and asked you to take charge of them—was that it?—Yes.
624. What did he say?—He said I was to give them to the parties. I do not remember exactly what he said. It is a long time ago.
625. Try to remember as nearly as you can what he said to you?—He gave them to me and told me to give them to the parties whose names were on them. I think there was more than one bundle.
626. Do you know how many bundles there were?—I think there were three or four.
627. And how many rights would be in each bundle?—I cannot say.
628. The names you gave us just now were perhaps the names on the outside of a bundle?—I think so.
629. Had you any previous acquaintance with Mr. Brissenden?—I never saw him before that morning to my knowledge.
630. Were you introduced to him by any person that morning?—No; I was told by a man that his name was Brissenden. It was a man named Corbett who told me so.
631. Did it not strike you as extraordinary that Mr. Brissenden, almost a total stranger to you, should give you bundles of rights in that way?—I was with Corbett, and Mr. Brissenden may have heard me mentioned as a claimant for the reserve "A."
632. As a person having an interest in that field, were you aware that the arrangement made by the Warden and Mr. Mackay was that the field should be opened at 10 o'clock, and that no rights should be issued before that time?—I heard that the field was to be declared open at 10 o'clock.
633. Were you not aware that the arrangement was advertised in the papers?—I heard so.
634. Did you understand that the rights were to be issued at 10 o'clock, and not before?—Yes.
635. Between 7 and 8 o'clock in the morning Brissenden gave you some bundles of miners' rights?—Yes.
636. Did it not strike you as a most extraordinary circumstance that he should hand them to you between two and three hours before the proper time?—No; I knew they would become the property of the miners at 10 o'clock, although they were not to be used before.
637. Did Brissenden explain how these rights came into his possession?—No.
638. Did you ask him?—No.
639. You knew that the general issue of miners' rights was to be made at 10 o'clock?—I heard so.
640. And you heard it was advertised?—I heard it merely as a public rumour.
641. Did you intend to take up any of the ground yourself?—No; I was a claimant for reserve "A," and I thought if I marked out any other ground it would lessen my title to that.
642. I understand you to swear positively that you did not meet Brissenden by any arrangement whatever with anybody?—Yes.
643. And that no one told you, either on that day or the day before, that you might possibly meet a person there who would give you the rights, or anything to that effect?—No; that is quite right.
644. What did you do after you took those rights from Brissenden?—I put them in my pocket and kept them there until I reached the Karangahake Spur.
645. And what did you do then?—Brissenden told me not to give the rights to the parties until 10 o'clock, or about 10 o'clock, and when I got to Karangahake I gave them to some of the parties at about that time.
646. At what hour did you reach the Karangahake Spur?—I think it was about half-past 9 o'clock, but I am speaking entirely from memory.
647. Did you go straight to the spur after leaving Brissenden?—I went straight to Mackaytown, and remained there for perhaps a quarter of an hour.
648. How far was it from the place where you received the rights from Brissenden to Karangahake?—Between three or four miles, I think.
649. You stayed about a quarter of an hour at Mackaytown?—Yes.
650. An hour would then be accounted for, and you would arrive at the spur at half-past 8 o'clock?—No; I think it was about half-past 9.
651. Did you give any of these rights to the people in whose favour they were issued as soon as you arrived at the spur?—No.
652. You kept them in your pockets?—Yes.
653. Did you tell those people you had them?—I think I told one.
654. Who was he?—A man named Riordan.
655. You told him you had a right in his favour, but that you would keep it?—No; I merely said I had some miners' rights.
656. As a matter of fact, did you keep them in your possession till 10 o'clock?—Till about 10 o'clock.
657. When you say "about 10 o'clock," what latitude do you allow yourself; what do you mean?—I mean that it may have been a few minutes to 10 o'clock.
658. Did you give up the rights or any of them as early as 9 o'clock?—No; I do not think I was on the hill at 9 o'clock, as nearly as I can remember.
659. Did you give up any of the rights as early as a quarter-past 9 o'clock?—No; I do not think so. I do not think I reached the hill till half-past 9.
660. My object is to ascertain as nearly as possible the exact time when these rights passed from your possession into the hands of the people in whose favour they were drawn. I ask you, then, did you give up any of those rights to those people as early as half-past 9 o'clock?—I could not say exactly, but to the best of my knowledge I did not.
661. If you had fully made up your mind at that time to keep the rights until 10 o'clock, I presume you would remember the circumstance?—In going up I made up my mind not to do so,

- but when I got there, I met a party, and gave them to him lest I should not see him again at 10 o'clock. *Mr. Dillon.*
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662. You think you may have given up these rights, or some of them, as early as twenty minutes to 10 o'clock?—I may have done so.
663. Which parties did you give the rights to first?—I think it was Riordan that I gave them to first.
664. He was the person from whom you said you had them, but I understood you to say that you did not give them to him?—Not then.
665. After telling him that you had them, how long did you keep them in your possession before you gave them to him?—Three-quarters of an hour or an hour.
666. Have you now, or had you at any time, any interest in the ground taken up by these rights?—No, except my own, which was taken up on the 4th.
667. You stated that you had not applied for any miners' rights on the day previous?—I never made application for a miner's right at all.
668. Was any miner's right issued in your name?—Yes.
669. Applied for by somebody else?—Yes.
670. By whom was it applied for?—I do not know.
671. Did you exercise the right so procured?—Not on the 3rd March.
672. When did you exercise it?—On the 4th March—the day following the opening.
673. Do you remember the number of your miner's right?—I think it was 636 or 638.
674. Do you remember the date on which the claim known as the Golden Hill was taken up—I mean the claim immediately adjoining the prospectors' reserve?—There are two Golden Hill Claims. It was taken up on the 4th March.
675. We have it in evidence that it was an object to get the claim as nearly as possible to the prospectors' reserve. Can you explain how it is that this claim was not taken up on the 3rd March?—I can.
676. Will you do so?—Yes. I was one of the claimants to the prospectors' reserve, which contained ten men's ground. There were several claimants for it; and, seeing that there were so many, Mr. Mackay asked Thorpe's party and us whether, if the reserve contained fifteen men's ground, we would amalgamate. We agreed to do so. The fifteen men's ground was reserved on the 3rd March, and on the 4th March went over and pegged out the extra five men's ground, called the Golden Hill.
677. I understood you to say that miners' right No. 638, issued in your favour, was issued on the 3rd March, although not applied for by yourself?—Yes.
678. And you state positively that that right was not exercised on the 3rd March?—Yes; it was exercised on the 4th March.
679. Did you mark off any ground whatever on the 3rd March?—None.
680. I see in this claim the name of James Smith, miner's right 635; was that one of the rights Brissenden gave you?—I do not know.
681. Did you give one of the rights which you received from Brissenden to a person named James Smith?—I do not think so.
682. Did you give one of them to a person named Michael Coleman?—No.
683. Or to J. M. McDonald?—No.
684. You say positively you did not?—I do.
685. Did you receive any miners' rights in their favour from Brissenden?—I think they were amongst those I got.
686. What reason have you for thinking so?—Because I found them afterwards in the same bundle, but I did not give them to those men. I gave a bundle to each of three or four parties. I did not separate the bundles myself.
687. And these people's names may have been included in the bundles although you did not see them?—Yes.
688. Have you any claim upon any other mining claim in that locality?—No; none, except the Karangahake Gold Mine Company.
689. Have you any interest in the Home Rule Gold Mine, or the Alert, or the Rising Sun, or Rogers's Claim—three men's ground?—No.
690. But you have an interest in the Golden Hill Claim close to the Prospectors' Claim?—The Golden Hill that I marked out is amalgamated with the Karangahake. It is now the Karangahake Amalgamated Gold Mine Company.
691. Upon this plan there are two claims marked Golden Hill—one immediately adjoining the Prospectors' Claim, and the other adjoining that. Which is Corbett's Claim?—Corbett is a shareholder in the Karangahake. The five men's ground known as the Golden Hill is the one I marked out.
692. And you are quite certain that you marked that out not on the day of the opening, but on the day following that?—Yes.
693. Had it not been previously marked out?—It was included in the Prospectors' Claim on the 3rd.
694. Has Brissenden any interest in this amalgamated claim?—Not that I know of.
695. How many men are concerned or have any interest in that amalgamated claim—the Karangahake and Golden Hill?—I do not know how many there are now.
696. Are you aware that Brissenden ever had any interest in it?—He never had any interest in it. His name was never registered.
697. Do you know whether Mr. Gerald O'Halloran has any interest in the amalgamated claim?—Not unless he has bought scrip.
698. And never had?—No.
699. Had he any interest in any of the gold mines before the amalgamation?—No.
700. Nor yet Brissenden?—No.

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701. *Mr. Bradshaw.*] You said the reserve was for fifteen men in the first instance?—Yes.
702. And it was afterwards decided that it should be only for ten?—Yes.
703. From whom did you get that information?—From a *Gazette* which I purchased at Mackaytown.
704. Was that on the 4th?—No, on the 3rd.
705. And upon that *Gazette* notice you marked off these five men's claim?—Yes. Mr. Mackay also told me that only ten men's ground would be allowed by the Government.
706. When did Mr. Mackay tell you that?—On the 4th March.
707. Before or after you marked out?—Before I marked out.
708. *Mr. T. L. Shepherd.*] You are a miner?—Yes.
709. Where were you working before the Ohinemuri Gold Field was opened?—At the Thames.
710. Who were your mates?—Patrick Sullivan, Mat Kinsella, and Sam Patterson.
711. Did you dissolve with them?—Yes.
712. You split up, and you yourself went to Ohinemuri?—Yes.
713. On what day did you go there?—I do not remember the date.
714. How many days before the 3rd March?—Perhaps ten or twelve days.
715. Where did you live?—In a tent.
716. With whom?—No one part of the time; but during another part of the time two or three slept with me, I think. Corbett slept with me one night prior to the opening, I think.
717. How did you pass your time at Ohinemuri before the field was opened?—In going round from one place to another listening to what we could hear.
718. Did you not go on the ground with the object of getting the best claim?—I did.
719. Did you not look round for the best claim?—I wanted to get a share in Reserve A.
720. Did you get that?—I got a share in it afterwards by amalgamation.
721. Did you look at this ground?—I knew the ground years before.
722. To whom did you speak about Reserve A. You say you wanted to get a share in Claim A; what steps did you take to get it?—Through the Government.
723. But what steps did you take?—A party I was connected with, named James Smith, went to the Superintendent of Auckland, who gave a promise that he would give him a prospector's claim at Ohinemuri when it became a gold field. The Superintendent, however, died prior to the opening, and the promise was ignored, and the Government then marked out the Reserve A, and the Warden was to decide who should get it.
724. Did Smith arrange that you should have a share in it?—Yes, I was to have a share with him.
725. Were you told you would have to take your chance on the 3rd March?—I was not.
726. Did they refuse to grant you the share in the Prospectors' Claim?—The Government reserved ten men's ground, and the Warden was to decide who should get it.
727. Were you one of the ten men?—No; you do not understand me. There were three or four parties expecting to get it, and I was one of the parties.
728. But yours was not the successful party?—No; but my party, and another called Thorpe's party, agreed that if either got it, the two should share alike.
729. Did Thorpe's party succeed in getting it?—Yes.
730. The reserve A?—Yes.
731. And you got a share in that claim through Thorpe?—Yes. There were ten names put down for Reserve A, and five names for the five men's ground, in order to secure them, and they were afterwards amalgamated.
732. Which do you call the "five men's ground"?—The Golden Hill, next to Reserve A.
733. Then you amalgamated with the Prospectors' Claim?—Yes.
734. Were you aware before that you would require miners' rights to get this extra piece of ground?—I was not aware on the forenoon of the 3rd March that there would be an extra piece of ground. On the 4th March we found there would only be ten men's ground reserved, and I went at once and pegged out the five men's ground.
735. Was the Prospectors' Claim pegged out on the 3rd March; was it not reserved from the miners?—On the 2nd March.
736. What area was reserved?—Fifteen men's ground.
737. Did that include the piece that you took up afterwards—on the 4th?—Yes.
738. And on the 4th you discovered that they had marked out too much ground?—I found out that the Government would only allow ten men's ground, and that fifteen men's ground was reserved.
739. Did you get the first information about this extra five men's ground?—No, I do not think I did.
740. When did you get the first information about it?—On the 3rd March.
741. At what time?—After 12 o'clock. After I came back from the Karangahake Hill to Mackaytown, where I bought the *Gazette*.
742. What did the *Gazette* say?—It said there was a reserve made of 500 by 300 feet.
743. Had you measured the ground before?—No.
744. How did you know too much ground had been marked off?—I was told there was fifteen men's ground, and I believed it; but by the *Gazette* I saw that only ten men's ground was to be reserved.
745. Did any one tell you what was in the *Gazette*?—I saw the *Gazette* myself.
746. Did you buy the *Gazette* on purpose to read that?—No; I went in to get a form to make application for a water-race, and I asked Mr. Allom, the Registrar, for one, but he said he had none, and advised me to buy a *Gazette*, in which I would find a form. I did so, and that is how I got the *Gazette*.
747. And that was the only way in which you found out that the reserve was only ten men's ground, and that therefore they had pegged out too much?—Yes, but Mr. Mackay made it fifteen men's ground on the day previous.
748. Did you go and mark out the five men's ground immediately after you discovered that the reserve was only ten men's ground?—No.

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749. What steps did you take?—I took no steps on that day.
750. Did you not confer with Smith, Coleman, McDonald, and Blake? I told some of my party about it in the evening, but they did not believe me, and thought there was a mistake in the *Gazette*; so we took no steps at that time.
751. What did you do next day?—On the next day I found there were parties going to peg it out. I do not remember all the circumstances exactly, but I know that as soon as I heard about the other men, I took a horse and hastened away, and pegged it out.
752. Did Smith, Coleman, McDonald, and Blake authorize you to mark it out?—Smith did.
753. Did the other men?—No; they were not there.
754. Did you not mark it out for those men?—I marked out five men's ground, and afterwards gave shares to them.
755. When did you first see Brissenden?—The first time I saw him, to my knowledge, was on the 3rd March.
756. Where?—Between Paeroa and Mackaytown.
757. Why were you walking there?—I was going along the road to Mackaytown.
758. What for?—To proceed from there to the Karangahake Hill.
759. Were you walking?—Yes.
760. Was Brissenden walking?—No, he was on horseback.
761. Who spoke first when you met?—Neither of us spoke. He passed, and Corbett, who was with me, said, "That is Brissenden." After this, we went together to a house.
762. Whose house—a Maori's?—I do not know.
763. Why did you go to the house?—Corbett told me to go.
764. You went back together?—Yes.
765. And what occurred then; did you knock at the door of the house?—I think so; at any rate we went into Brissenden's room.
766. At Corbett's request?—Yes. He was the principal; I was only in company with him.
767. What took place then?—Brissenden handed me those rights.
768. Who spoke to Brissenden—you or Corbett?—I don't remember now.
769. But the result was that Brissenden handed you a bundle of miners' rights?—He handed me three or four bundles.
770. And what did he say to you?—He said, "Take these to the Karangahake Hill, but don't give them to the parties until about 10 o'clock," or something to that effect.
771. Were the names of the different parties written outside these bundles?—No.
772. Well, how did you know how to distribute them; were they to be distributed singly?—There were three or four bundles.
773. At any rate you took the rights. Did he say anything further to you?—I do not remember what took place exactly.
774. Did Corbett say anything?—No; there was very little talk about the matter.
775. Did Corbett take you there on purpose to get these rights?—I believe so.
776. And you went off at once to the hill with them?—No, I went to Mackaytown.
777. Did you give any of the rights away there?—No.
778. When did you first part with them?—About 10 o'clock, on the Karangahake Spur.
779. What did you do with them?—I gave them to two or three persons.
780. Did you look at the names?—I did see the names of some, and I gave them to three or four persons, who were to give them to the owners.
781. They were different persons, were they not?—Yes.
782. Did you keep your own right?—No, it went with the bundles, if it was there at all.
783. When did you get it?—The same day, I think.
784. Was it arranged that all those claims should be marked out for the common benefit?—I do not know.
785. How was it that your miner's right was amongst them?—I do not know. Some friend took it out for me, I suppose.
786. Did you not know on the 4th March that you required a right to mark out the ground?—Yes.
787. And did you not use your right?—Yes, on the 4th.
788. And did you not pay a pound for it?—Yes.
789. To whom?—To Brissenden, I think.
790. When did you pay it to Brissenden—was it prior to the 3rd March?—After the 3rd March.
791. Did you give it to him by itself or with other moneys?—With other moneys.
792. What other moneys?—Moneys that the other men told me to give to the man who gave me the rights.
793. Brissenden gave you the rights without getting the money?—Yes.
794. And yet he never knew you?—He knew me through Corbett, I suppose.
795. Can you say when you paid for them?—It might be two or three days afterwards.
796. Can you state the amount you paid him?—About £23 or £24, I think.
797. Do you know where you paid it?—In the place where I got the rights.
798. Did you go up to the house?—Yes; I went there one evening.
799. By appointment?—No.
800. Then why did you go there?—Brissenden told me he would be leaving, and that it was only right these parties should pay for their rights.
801. When did he tell you he would be leaving?—After the 3rd March, in Mackaytown.
802. Did you go to see him at the house by yourself?—I went up and gave him the money that the miners had given me.
803. Who were present?—None but the two of us.
804. And you paid him the money that you had received?—Yes.
805. Did you have any conversation about the pegging out?—No.

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806. Did he inquire about the share or shares in the Home Rule?—I do not think so.
807. Will you swear he did not?—No; from what I remember he did not.
808. Did he ask you about the Golden Hill Claim?—I do not think he did. I was only there a few minutes.
809. And you settled the amount at once?—I merely handed him the money.
810. At this time had there been a great noise about the marking out of these claims—I mean at the time when you went to see Mr. Brissenden?—There was some dispute among the diggers.
811. Did he ever tell you you were to keep this affair a secret?—He told me when he gave me the miners' rights not to say anything about it, or something to that effect, and I said "All right," or I would not.
812. Were you not aware that the miners were very anxious to be the first on the ground to mark out these claims?—Yes; I believe they were.
813. Did you not know when you got possession of these rights that the miners who got possession of them obtained an advantage over the other miners?—They were not to be used till after 10 o'clock.
814. Did you not know that they were not to be issued till 10 o'clock?—I heard so.
815. Have you not on a previous occasion stated that you distributed the miners' rights while the men stood by the pegs?—Yes; perhaps I did.
816. Then was not that giving them an unfair advantage?—Not in my way of thinking. For my own part, whether my right had been in my possession or not at 10 o'clock, I would have marked out.
817. Did you not swear that, when you distributed the miners' rights, and the other men stood at the pegs, you saw the first horseman galloping from the place where the rights were issued, at 10 o'clock, to the ground?—I remember saying that, after I gave the rights to the men, I went to the hill to see the horsemen coming up. What I meant when I said parties stood by their pegs was, that they stood with pegs in their hands ready to drive them in when the proper time arrived.
818. Was that before the horsemen came on the ground?—Yes.
819. And they pegged out the ground before the horsemen arrived?—I think so.
820. In your evidence given at the inquiry, you stated that you heard Brissenden was an official?—I heard so.
821. From whom?—Common rumour.
822. How many shareholders were there in this Prospectors' Claim when it was amalgamated with the five men's ground?—I do not remember.
823. Can you tell us their names?—There was ground for fifteen men.
824. Were there fifteen shareholders or more?—There were twelve shareholders in Thorpe's party for half the ground, and Smith's party had the other half. Smith's party consisted of Smith, Coleman, Blake, McDonald, Corbett, and Dillon.
825. They were in the small claim?—No; they had half the fifteen men's ground.
826. Can you name the twelve men in Thorpe's party?—They were Alfred Thorpe, John Thorpe, Tom Arnold, Philip Holt, John Beach, James Beach, Alexander Mackay.
827. What Alexander Mackay is that—the Government Agent?—No; he has been living with Thorpe for some time. There was also a man named William Quinn in the party, I think.
828. *Hon. Sir D. McLean.*] Were there any Natives in the claim?—Yes; two Natives were in it.
829. *Mr. T. L. Shepherd.*] Do you remember the names of the other men?—I do not; but there were twelve in all.
830. Were any of the shares given to anybody but miners?—No; at least I do not know whether they were miners or not.
831. Was Brissenden to have any shares in that claim?—I never heard that he was to have any—in fact, I know he never had any.
832. And you got into this Prospectors' Claim through marking off the five men's ground?—Yes; but even if I had not done so, I should have had a share in the ten men's ground, but I wanted to secure the five men's ground for the party.
833. Have you seen Brissenden since you paid him for the rights?—I think he passed me in Auckland once or twice.
834. Did you speak to him?—I think so on one occasion.
835. What did he say to you then?—I do not remember. "Good day," or something of that sort.
836. Did he ever speak to you about these claims?—I believe not since I gave him the money for the rights.
837. Have you had any conversation with Corbett since that time?—Yes; Corbett and myself were in the same house at Ohinemuri.
838. Has he ever told you since why he took you to get these rights from Brissenden?—No.
839. But you were satisfied to do as he told you?—I was satisfied to take the rights from Brissenden.
840. Then if any arrangement was made it must have been made with Corbett?—I do not know anything about any arrangement.
841. Do you believe that Corbett went out that morning for the purpose of getting the miners' rights?—I do not think so. I think the meeting was entirely accidental.
842. *Mr. O'Neill.*] You mentioned a man named Philip Holt. Is that his name?—Yes, I think so.
843. Have you been long mining?—Ten or twelve years.
844. *Sir G. Grey.*] Where did you sleep on the night before March 3rd?—In my tent, not far from Mitchell's store.
845. How far is that from the house where Brissenden gave you the miners' rights?—Between a quarter and half a mile, I think.
846. And the house is about a quarter of a mile nearer the gold field than where you slept?—About that.
847. Did you sleep in a tent?—Yes.

Mr. Dillon.

21st Sept., 1875.

848. Who slept with you?—Corbett.
849. Did Corbett tell you what he was there for?—He came, like me, to get a share in the claim.
850. And you had no conversation with Corbett on the night you were in the tent?—No.
851. How far had you gone from your tent when you met Brissenden?—About half-way between my tent and Mackaytown.
852. And what did Brissenden say as he passed you?—He said nothing to me. Corbett said, "That is Brissenden;" who thereupon reined up. Corbett spoke to him, and then said, "Let us go down; Brissenden has miners' rights;" and we went down.
853. You did not hear what Brissenden said to Corbett?—No.
854. And Corbett asked you to go back?—Yes.
855. Brissenden gave you the rights—not Corbett?—Yes; he gave me three or four bundles of them.
856. And you say no conversation passed between you?—No. Corbett may have said, "This is my mate," or something of that sort, but I do not remember it.
857. What was the first thing Brissenden said to you?—As nearly as I can remember the first thing he said was, "Don't tell anybody you have got these, and don't give them away till about 10 o'clock."
858. Did he say that before he gave them to you?—About the time he handed them to me.
859. And what did you say to him?—I promised that I would do as he asked me.
860. You said you would keep it secret?—Yes.
861. Did you make a special promise that you never would tell?—Partly.
862. Did you use any words to the effect that you would suffer punishment rather than tell?—No; not then.
863. Did you at any other time promise that?—I said to some of my friends that I would sooner be punished than tell, and had not Brissenden himself told it I would not like to tell it now.
864. You said nothing more before you left Brissenden?—I remember no other remarks.
865. You know a man named McDonald?—Yes, a good many of them.
866. But there was one McDonald who arranged this with Brissenden. Did you know him?—I do not know.
867. Did a man named McDonald tell you to go to that place and wait there?—No.
868. Did you start that morning with the expectation of getting the rights?—I did not.
869. And Corbett never told you you were to get them?—No.
870. Did any person tell you that the five men's ground you pegged out was not included in the Prospectors' Claim?—Mr. Mackay told me, I think, but I got the first intimation of it from the *Gazette* on the 3rd March. On the 4th March Mr. Mackay told me that the Government would not allow fifteen men's ground to be reserved.
871. At what hour did he tell you?—About 9 or 10 o'clock on the 4th March.
872. Did you go at once and peg out?—I went very soon, and was accompanied by a surveyor.
873. At what o'clock did you purchase the *Gazette*?—After 12 o'clock on the 3rd March.
874. Mr. T. L. Shepherd.] I will read to you what Corbett swore before the Commission. He said, "I got up between 6 and 7 o'clock on the morning of the 3rd. I had breakfast, and walked up with Dillon. I went to Takerei's house with Dillon, on the road up. We did not stop more than a quarter of an hour there. I saw Brissenden there, and several others—Europeans and Natives—were about the place. Only Dillon and myself went inside. I was a witness to Brissenden giving Dillon some miners' rights. There may have been three or four bundles. I believe mine was amongst them. I got it three or four or perhaps five days afterwards. Some person in the Golden Hill was to peg out, and did peg out with that right for me on the morning of the 3rd March." Is that correct?—As regards the Golden Hill, I do not know when it was pegged out.
875. And you believe some of the miners' rights were used on the 3rd March—some of the rights that you received from Brissenden?—Probably they were.
876. (Reading:) "I think Brissenden said, 'peg out the best ground you can.'" Did he say that?—I do not know.
877. Will you swear he did not?—No.
878. Corbett left you, did he not?—Yes, in Mackaytown.
879. And you went on with the rights to the ground?—Yes.
880. Corbett swore that he was not aware that he was to meet Brissenden before that morning, did he not?—I believe so.
881. Then you must have told him about it?—I knew nothing about it.
882. He says, "We met Brissenden on the road. He was on horseback, and told Dillon he wanted to speak to him." Is that correct?—No.
883. Corbett swore, "I heard there was an arrangement to get miners' rights as early as possible, but I had no idea of its being possible to get them before the proper time. I thought we might meet Brissenden at Mackaytown. I knew he was the man to get the miners' rights out." Is that true?—I do not know.
884. Sir G. Grey.] Do you know a man named Cashell?—Yes; two or three Cashells.
885. Do you know Robert Cashell?—Yes.
886. Did you give him his right on the morning of the 3rd of March?—I did not.
887. You are sure that his right was not in one of the bundles you gave?—I am not sure, but to the best of my belief it was not. I never heard any one say it was.
888. Did you know all the names in the rights you gave?—No; I did not.
889. Did you give Charles Alexander his right?—No.
890. Or Patrick Quinn?—No.
891. Or William Livingstone?—No; I do not know him.
892. Do you know the names of all the rights you had?—No.
893. Then can you say that these men had not their rights through you?—I won't say yes or no to that. They may have been in the bundles.

Mr. Dillon.
21st Sept., 1875.

894. How many bundles did Brissenden give you?—Not less than three or more than four.
895. *The Chairman.*] Will you describe again your object in going to that field? What was your object in going from the Thames to Ohinemuri?—To get a share in this Prospectors' Claim.
896. And did you succeed in getting a share in the Prospectors' Claim?—Yes; but I got it through the amalgamation at a subsequent period. Even if I had not marked out, I would have had a share under the amalgamation with Thorpe.
897. You had made this arrangement prior to the 3rd of March?—Yes.
898. And you were satisfied with that arrangement, and did not intend to try for anything else?—I did not intend to mark out any ground that day.
899. Now, when you received these rights from Brissenden, I understand that you met him, and that you went back to the house, and got them. Did you pay him for them?—No; I did afterwards.
900. Did you pay him for these rights then?—No.
901. And how had these rights been procured?—I do not know.
902. Could they have been procured without payment?—I do not think so, but I do not know.
903. You paid for them at a subsequent period?—Yes.
904. It would appear from that, then, that Brissenden did not receive the money for these rights at the time he gave them to you?—No.
905. He held you accountable to pay him the money for them at some subsequent period?—No; I was not accountable at all for them; I was only responsible for my own.
906. When he gave you these rights, he gave them to you without payment. Now, did not that strike you as something extraordinary, that a stranger to you should give you several bundles of rights?—No; I dare say some one told him who I was, and that he would be safe in sending them by me.
907. You believe that when Brissenden got these rights he must have paid for them himself?—Yes; I think so.
908. Did you know, then, that he had not received any payment for them himself?—No; he afterwards told me he wanted the money for them.
909. Your own right was included among them?—Yes, I think it was with them.
910. Did you pay him at that period for your own right?—No.
911. Is that not an extraordinary way to get rights, including your own, without payment?—No; he knew, I suppose, that I would pay him for my own at least.
912. Can you suggest a motive which could have induced Brissenden to do this most extraordinary thing?—I knew nothing of Brissenden, and never saw him before the 3rd of March.
913. A total stranger puts rights representing a lot of money into your hands without receiving anything for them?—The only thing I thought at the time was, that he knew most of these parties, and that he would get the money from them.
914. And you think, then, that he did not do it as a matter of pure benevolence?—I did not think about it at all. I merely took the rights from him to certain parties on the Karangahake Hill. He told me not to give them away until 10 o'clock, although I may have given some of them away before that time, but I am not certain.
915. When you reached the hill, did any person come up to you, and ask you whether you had rights?—No.
916. How did it become known that you had these rights in your possession on the hill?—I went to two or three of those whose rights were included, and told them,
917. Were these people waiting there by arrangement instead of going to the office?—Not waiting for me. They may have been waiting for the rights. There may have been some other mate of theirs waiting at the booth for them, for all I know.
918. And you told the people you had those rights, and some time afterwards you gave them to them. Did they pay you for them then?—No, not then; before I left the hill two or three of them paid me.
919. Did you know at the time you received them from Brissenden, that Brissenden had not received the money?—No, I do not remember his telling me so.
920. When you gave the rights to those people on the hill, did you know whether these people had paid Brissenden for them or not?—No, but before I left the hill that day two or three gave me money to pay for them. They did not know from whom I got the rights.
921. Did any conversation occur when they paid you?—No.
922. Then how came you to take the money if you did not know whether Brissenden had been paid. This money was not handed to you in consideration of your services in bringing them there?—Certainly not.
923. Did you keep a list of the names of the people who paid you these moneys?—I did, so as to remember who had paid me.
924. *Sir G. Grey.*] Did Brissenden tell you how many rights he gave you?—I think not.
925. Did you count them?—No.
926. *The Chairman.*] At this subsequent period, when Brissenden asked you for the payment, did he then tell you how many rights he had given you?—I do not think so. He did not ask me for the money, but merely said he was going away, and that if I could get some of the money for him he would be obliged.
927. Did he explain to you at this time his reason or motive for his benevolence in buying these rights?—He did not.
928. And it did not excite your curiosity?—No; as I said before, I took these rights from him to oblige him, just to give them to the people for whom they were intended.
929. *Mr. T. L. Shepherd.*] Do you know Michael O'Haire?—Yes; he is a miner.
930. Has he a share?—Yes; I heard so.
931. Do you know the Home Rule Claim?—Yes.
932. Are you aware that Brissenden's miners' rights were used to peg out a claim called the Home Rule Claim at 10 o'clock?—No.

933. Do you know Mahoney?—Yes.
934. Do you know that he has a share?—I do not.
935. Did you give any of these rights to any of the people who pegged out the Home Rule Claim?—Yes; I either gave them to Donovan, or to a person to give to him.
936. Do you remember the number you gave to him?—No.
937. Were they in a separate bundle?—I gave one bundle to him.
938. Did you know that that bundle included Brissenden's right?—I did not.
939. Have any of the men in the Home Rule Claim got any share or interest in the Prospectors' Claim?—No.
940. There are no partnerships in the Home Rule Claim and the Prospectors' Claim?—Not that I know of.
941. *The Chairman.*] You have already said that you did not go to Brissenden and ask him if he had the rights?—I did not ask him that.
942. If Brissenden says that a "person named Dillon came to me and asked me if I had got the rights," does he say what is false?—I never went to Brissenden to ask him that; and I never saw him to my knowledge before the 3rd March.
943. Then, I may tell you that Brissenden has sworn before this Committee that you went to him and asked him whether he had got the rights. He says, "I said 'Yes, I had,' and gave them to him with strict injunctions to be careful not to use them before the time"?—I only went to him at Corbett's request. Brissenden told me not to give them to the parties until 10 o'clock, and I promised that I would not do so. His statement is not true except the latter part about not using them before 10 o'clock.
944. (Reading from Mr. Brissenden's evidence:) "Q. After these miners' rights came into your possession, what did you do with them?—A. I took them down to the place where I had been stopping—the house of one Takerei, a Native." "Q. What then?—A. Some time afterwards—I cannot well tell the time, but I should say it was somewhere about breakfast time—a person named Dillon, one of the prospectors, came to me and asked me if I had got the rights. I said, 'Yes, I had,' and I gave them to him, with strict injunctions that he was to be careful not to use them before the time." Do you state distinctly that what he has stated is false?—That statement is not true about my going to the house and asking him for them.
945. *Sir G. Grey.*] When Brissenden gave you the rights he did not tell you how many there were?—No, he did not.
946. And he did not tell you they were to be paid for?—No.
947. Had he been paid for any portion of them at that time?—No; I paid him no money for them until after the 4th March.
948. Did he give you a list of the persons to whom the rights belonged?—I think I saw a list somewhere, but whether I took it or not I do not know. I think I did not.
949. Then these persons were waiting on the hill to get their miners' rights?—Yes, some of them were.
950. Some went with you from Mackaytown?—Yes.
951. You told them you had these rights?—There was only one man who went with me, and I told him I had the rights; but I did not say I had his.
952. You told the people in Mackaytown you had the rights?—No, I only told one—a friend.
953. Then you distributed the rights upon the hill?—I gave them in the parcels as they were on the hill.
954. And there must have been some arrangement for the people to be there to receive them?—I do not know. I saw afterwards the claims all pegged out. The men were running about in confusion changing rights—each man was getting his own.
955. *Mr. T. L. Shepherd.*] It appears that there were two bodies of miners, one who expected their rights on the ground through you, and another who expected to get them at the Government offices?—I do not know that anybody expected to get their rights through me, except five or six.
956. They were waiting there to receive their rights, were they not, although they knew that the proper office was some distance away?—I do not know what they were there for.
957. You went on the ground; did you not know whom you should go to?—I met two or three of my friends and told them I had the rights, and I gave the rights to them.
958. *Sir G. Grey.*] They did not come and ask you for them?—No.
959. *Mr. T. L. Shepherd.*] They never went near the office; they remained on the ground, did they not?—I do not know. I believe they went on the ground.
960. And you swear that they did not expect them until you gave them to them?—I do not think they did, except the five or six before mentioned.

WEDNESDAY, 22ND SEPTEMBER, 1875.

GERALD RICHARD DISNEY O'HALLORAN re-examined on oath.

961. *Sir G. Grey.*] How many bundles of rights did you give to Mr. Brissenden?—One; a bundle tied up, I believe.
962. You only gave him one?—Only one, as far as I know. There may have been subdivisions in the bundle; they were tied up in one.
963. If this was separated into three or four, this must have been done by Mr. Brissenden himself?—Yes.
964. It was not done by you?—Not by me.
965. How many rights had you in your own name in the bundle given to Mr. Brissenden?—I did not know I had any.

- Mr. G. R. D. O'Halloran.*
22nd Sept., 1875.
966. I ask you from your present knowledge how many you had?—I believe I had one.
967. You are not aware you had more than one?—I am not.
968. What other names were associated with you in that application?—I really do not know. It was afterwards used to register a share in the Golden Hill Claim.
969. I find that really three were in what I believe is your name in the list given to Brissenden?—I was not aware of it. I know there was a right applied for me in the list sent in by Peter Austin. That, I know, was applied for by Peter Austin himself, who got the rights from the office.
970. He did not get them from Brissenden?—No.
971. There is another list headed by the name of Charles McLean; you had a right in that?—I had.
972. There is one in your name, and another in the name of Richard Disney; was that yours?—Yes, that was mine too.
973. You had those two rights?—Yes.
974. What interest have you in any mines that were taken up under the rights obtained by Mr. Brissenden?—I believe one was registered in my name in the Golden Hill.
975. Have you no other in the Mazeppa?—I have.
976. Was that taken up by those rights?—The Golden Hill was afterwards, I believe, amalgamated with a claim called No. 1 South, and they are now called the Mazeppa.
977. In the rights taken out by Brissenden, were there any for a sharebroker named Hennelly?—I do not know really any of the names of anybody, I may say, that were in Brissenden's list. I do not believe I ever saw the list or knew any of the names with the exception, I believe, of Brissenden's name, and that was written round it. I afterwards objected to have the share in the Golden Hill. A man came to me about it; I said I had nothing to do with it. He told me it was one of Brissenden's, and that I was to sign for it. I never considered that I had that share; I do not consider that I have it now, or any interest in it.
978. Have you ever been asked to pay £1 for this right?—I have not; I have never paid for that. I believe it was taken out by Brissenden.
979. Who took out the rights on this list headed by Charles McLean?—These were taken out by Michael Hennelly.
980. Had Hennelly any rights himself?—I believe he had.
981. Is he a sharebroker at the Thames?—Yes.
982. You say you gave nobody else any rights except Brissenden?—I did not. I did not give anyone else rights but Brissenden.
983. Did you give him a bundle containing the right of a man named Cashell?—As I said, I did not know the names in these rights I gave to Brissenden.
984. But you only gave him one bundle?—I gave him one bundle.
985. Because there are some rights still unexplained. It appears that Michael Hennelly, John Hennelly, and Richard Disney have rights in the bundle given to Cashell?—I was not aware of that.
986. Do you know Frederick Crippen?—I do.
987. Do you know whether you gave a right to Brissenden for him or not?—I do not believe I did; I really cannot say. It might have been in the bundle, but I do not believe he was likely to be there.
988. After you got the rights from Mr. Mackay, you never parted with the whole of the rights to any other person but Mr. Mackay himself?—I did not; I returned them to Mr. Mackay.
989. You never put them into Crippen's hands?—I never did. Until I returned them to Mr. Mackay, I kept them in the haversack on my shoulder.
990. You had not any knowledge of the names of the persons for whom Mr. Mackay had taken out rights?—I did not know that he had taken out any. Hennelly told me that he had applied to Mr. Mackay for some, and Austin also applied to him; these were all I recollect.
991. You are Mr. Mackay's clerk, and you had no knowledge that these people had applied to him to take out rights for them?—No, I did not know as his clerk.
992. Are you aware whether Crippen had any other dealings with Hennelly?—I cannot say. I know Crippen was in the habit of buying and selling shares, and he may have had dealings with Hennelly in that way, and I have no doubt he had.
993. Do you know if Crippen had a share given him in the Prospectors' Claim at Tairua?—I do.
994. Do you know who sold the scrip?—Several brokers—Hennelly, Gellion, and Frater.
995. Had you any interest in that share?—I had.
996. What part of it did you get?—A half with Crippen.
997. Had any other person any share in it?—Not that I am aware of.
998. Was any other person to have had any share in it?—No. Crippen had the share. I arranged with him.
999. Have you and Mr. Mackay been partners in any transaction?—None.
1000. You have never been partners together?—No.
1001. Had you anything to do with the Hikutaia Township?—No.
1002. You had no share in that?—No.
1003. Then the same Hennelly who got this claim at Ohinemuri was the broker who acted with you and Crippen in selling the Tairua shares?—Yes. He was acting as one of the miners at Ohinemuri at the time.
1004. How much money did you get for your half of that share in the Prospectors' Claim at Tairua?—I cannot say exactly. We sold at different prices.
1005. Was it £1,000?—No, not so much as that, I think; somewhere about £800.
1006. You had a full half of the share?—Yes.
1007. There has been a return showing that it sold for more than £2,000, but you only received £800?—It was about £800. I have no account sales.
1008. It was not as much as £1,000?—No, not so much. I can hardly say exactly the sum, as Hennelly bought other shares for me; and bought and sold shares.

1009. Was that share a present made to you?—It was an understanding that Crippen was to have an interest in a claim at Ohinemuri, and he gave me the half of this share. *Mr. G. R. D. O'Halloran.*
1010. Did Mr. Mackay tell you not to take any part of this share?—No, he did not.
1011. Then you had no knowledge that Crippen had a miner's right applied for by Mr. Mackay?—*22nd Sept., 1875.* I was not aware that Mr. Mackay had applied for anybody's rights. Applications were made to him.
1012. You were not aware that Crippen had made an application?—I knew an application had been made to Mr. Mackay for a right for Crippen.
1013. Were you aware that application had been made for a right for Hennelly?—I was.
1014. Did you know that Natives had applied to Mr. Mackay for rights?—I heard that a number of Natives had applied.
1015. Did you ever manage anything connected with the Native Department for Mr. Mackay?—I have had a good deal to do with Natives in buying land, and paying the Natives.
1016. How do you pay them?—Sometimes in money, and they sometimes used to get advances of goods.
1017. How did they get advances of goods? In what form was that done—by orders on storekeepers?—Sometimes by orders, and sometimes I went with them and saw what they got.
1018. Did you give orders?—Frequently.
1019. Was it for such and such articles these were made out?—They were nearly always for articles. The Natives used to state the articles they wanted.
1020. Were the names of special storekeepers put down, to whom the Natives must go?—No; I invariably asked them where they wanted to buy.
1021. They might name any store in Shortland or Grahamstown; there were not two or three on whom the orders were always given?—The Natives generally went to three or four stores. They were in the habit of going there, and hardly ever went anywhere else.
1022. Was there any commission paid by those storekeepers who got the orders?—No.
1023. They never offered you a commission?—I have been offered a commission.
1024. By them?—Yes.
1025. Did you report that to Mr. Mackay?—No; I did not.
1026. Were the same storekeepers dealt with afterwards?—Yes.
1027. Did you never take anything yourself—neither directly nor indirectly?—No; neither directly nor indirectly.
1028. And you did not know that Hennelly had applied for a right for you?—I did know that Hennelly had applied.
1029. You knew that both he and Crippen had?—Yes.
1030. But you did not know that you handed the rights over to Brissenden?—I know I did not from what I have heard since.
1031. Then have you heard who handed them over to these people—to one of the people in the list, Robert Cashell?—No.
1032. But you knew that Brissenden did not have it?—I cannot say. I do not believe that any of the names you mentioned were in Brissenden's list from what I have heard since.
1033. Did any person sleep in the tent but yourself, Mackay, Brissenden, and Crippen?—No one.
1034. You say you are only aware of one right having been taken out in your name?—I am only aware of one right having been taken out in my own name in Brissenden's application.
1035. I mean altogether?—There are a good many more—either six or seven were taken out in my name.
1036. With regard to this share in the Tairua Claim which you and Crippen had between you, you say that Mr. Mackay never desired you to have nothing to do with that share?—I do not recollect his ever doing so.
1037. You never heard that he had forbidden you to take that share?—No, I never recollect his forbidding me to take that share.
1038. Was Mr. Mackay in any partnership in that share?—None with me.
1039. Nor with Crippen?—Not as far as I am aware.
1040. You can give us no information as to how Cashell got his right before the time?—No, I do not know.
1041. *The Chairman.*] When you gave that bundle to Brissenden, did you know there was one in your own name?—I did not.
1042. When did you first ascertain the fact?—A man named Riordan, I think, came and asked me to sign the registration paper for the Golden Hill Claim.
1043. Some one must have paid for that right, or I presume it would not have been issued?—No doubt.
1044. Who did pay?—I do not know; I never paid for it.
1045. You tell us you do not know who did?—No further than this, that it has been stated that Brissenden paid for all these rights.
1046. Can you offer any explanation of that circumstance, that a right was applied for in your name, and that you were not called upon to refund the money?—Shares are often taken out to be held for others, instead of one taking out a number. They are very often taken out in other person's names, and transferred over.
1047. These rights were applied for, I understand, by Mr. Brissenden through Mr. Mackay, as you say?—I thought they were applied for to Captain Fraser in the first instance.
1048. Do you know to whom Brissenden paid the money?—I saw him pay money to Mr. Allom.
1049. How much did you see him pay?—I cannot say.
1050. Brissenden says he paid in two sums of £40 and £13?—I believe it was the larger sum I saw him pay; it was a considerable sum of money.
1051. Did you ever pay for that right?—I did not.

- Mr. G. R. D.
O'Halloran.
22nd Sept., 1875.
1052. When did you direct Hennelly to apply for rights in your name?—I did not direct him at all. He came and told me he was going to do so.
1053. When?—Some days before.
1054. Do you know when the application was made?—I believe some time on the 2nd.
1055. Did you give him the money to pay for the right?—I did not then.
1056. Have you done so since?—I have.
1057. He advanced the money from his own pocket?—I think I advanced him some money.
1058. Then you gave him the money to pay for the rights?—Yes, and I think he gave me back the balance.
1059. You gave him money to apply for rights for you?—He asked me for a loan of money. He promised to return it, and I gave it to him.
1060. When was this?—Some days before the opening?—Yes.
1061. How many rights did he apply for for you?—I think for two.
1062. Do you know when these rights were issued?—I do not, unless in the ordinary way.
1063. Were they in the bundle you gave to Brissenden?—I believe not.
1064. Can you say positively they were not?—I cannot say positively. I did not look into it. Hennelly told me he had got them afterwards.
1065. How did he tell you he had got them—in what way?—There was a discussion about who first got the rights at the tent. Hennelly said he got them first, and Hogg said he got them first.
1066. Did he tell you he had got them before or after the issue?—He told me he had got them at 10 o'clock.
1067. Was Cashell's name in the same list as yours?—I believe it was.
1068. If it could be shown that Cashell's right was exercised so shortly after 10 o'clock as to render it impossible that it could have been issued in the usual way, that would indicate that yours was somewhat in the same position?—Yes.
1069. It has been stated in evidence, in the sworn testimony in the Warden's Court at the Thames, that Cashell's right was exercised before the time. Yours being in the same list, the probability is that yours was issued before the time too, assuming that to be true?—Yes.
1070. In view of that, I ask you again whether you are prepared to say positively that the list containing Cashell's name and your name was not in the bundle you gave to Brissenden?—If it was in the bundle, it was in by mistake. I was not aware of it.
1071. Will you explain what you mean?—I mean that in sorting (as they were sorted in different bundles), such a mistake might have occurred.
1072. Can you tell the Committee at what time these rights, including your own and Cashell's—I am speaking of the particular list—were exercised?—I cannot say; I was not there. I had nothing to do with them.
1073. Where were they exercised; in taking up of which claim?—The rights applied for by Hennelly were to take up a claim at Waitekauri.
1074. What claim did they take up?—A claim was taken up in which I had two interests with these rights.
1075. That particular list was then exercised at Waitekauri?—I believe so; I was not there myself.
1076. Some one must have exercised the right on your behalf?—I believe Hennelly did.
1077. To the best of your knowledge and belief that is the way they were exercised?—It is.
1078. Will you state to the best of your knowledge and belief the hour at which they were exercised—on the 3rd, I presume?—As nearly as I can recollect, I was told they were exercised about 2 or 3 o'clock on the afternoon of the 3rd March.
1079. Is that in your handwriting? [List headed by Charles McLean's name referred to.]—It is; I wrote that at the request of Hennelly. I copied it from his list.
1080. You have stated, in answer to Sir George Grey's question, that these rights were applied for on your behalf by Hennelly?—Yes.
1081. In point of fact, did you not apply for them yourself?—I did not.
1082. Did you draw up the list for Hennelly?—Hennelly gave me a list of the names, and asked me to copy it, and I did so.
1083. Having copied it, you handed it back to him?—Yes.
1084. That is the way you account for this list appearing in your handwriting?—It is.
1085. Then, if it has been stated in evidence that this particular right of Cashell's, which was included in the same list with your own, was exercised previous to the proper time, that evidence is false?—I do not say so.
1086. You stated that it was exercised about 3 o'clock on the afternoon of the 3rd. If it is stated that it was exercised at 10 o'clock in the morning, one of these statements must be wrong?—I did not say that any particular right was exercised on the afternoon of the 3rd. I know that the claim these rights were intended to be taken out for was registered as having been pegged out at 2 or 3 o'clock on the afternoon of the 3rd.
1087. It seems pretty clear that the right could not have been exercised upon that spur at 10 o'clock or within a few minutes of 10 o'clock, and also at Waitekauri at 3 o'clock?—Of course it could not be exercised at both places.
1088. You stated that these rights were not exercised upon the Karangahake Spur?—I do not believe they were as a whole; one may have been.
1089. Was Cashell's?—I have seen it stated in sworn evidence that it was; that is my only information on the subject.
1090. Are there more Cashells than one in that neighbourhood?—I cannot say there are any, unless they are his brothers.
1091. You stated, in reply to Sir G. Grey, that you had never received commission from store-keepers on account of goods supplied to the Natives?—Yes.

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1092. You also stated you had been offered commission?—I believe I have.
1093. Who offered it to you?—I do not recollect. I cannot say that any storekeeper offered me commission. People would come to me and ask me to collect accounts, telling me to charge commission upon them.
1094. This is a question of commission on goods. You stated that offers had been made to you, and you must surely remember who offered you the commission?—I really cannot recollect the person.
1095. What commission were you offered?—There was no commission stated, further than giving commission upon orders. They were to give me a commission if I gave them orders.
1096. You do not remember any names?—I do not.
1097. Do you remember what you said to the persons who offered commission to you?—I told them I did not want any commission.
1098. That you would not take any commission?—Yes.
1099. You remember about the time these offers were made?—It is some considerable time ago.
1100. Offers were made to you more than once?—People frequently asked me to collect Native debts, and one thing is mixed up with the other in my mind. These storekeepers trusted the Natives, and were very anxious to get their accounts collected.
1101. They wished you to pay these debts out of moneys in your possession, or in Mr. Mackay's possession, and were quite willing to give you commission?—Yes.
1102. Can you give us the names of some of the people who desired to make that arrangement?—They were generally people of small means.
1103. You are not justified in keeping back anything out of delicacy for these people—we will take the responsibility of that?—I cannot recollect the names of the persons who offered commission.
1104. You have been offered commission in that way more than once?—I have.
1105. How many times do you suppose?—I really cannot say.
1106. You said that such commission had been offered to you frequently by a number of people, but you are not prepared to state the amount of the commission, nor yet one of the names of the parties?—I did not mean to say that I had been offered commission frequently by a great number of people. I meant to convey that it had been done more than once, and by more than one person.
1107. And you cannot give us the name of any one person?—I cannot recollect at this moment.
1108. *Sir G. Grey.*] This list is in your own handwriting. You positively knew that the right had been applied for for you?—Yes.
1109. *The Chairman.*] You have stated that you had six or seven rights?—Yes; I learned that afterwards.
1110. It appears here that you have two. How were the others applied for?—One was applied for by Peter Austin, and one by Hogg. Two are applied for in that application—one was applied for by Brissenden, and the other by Mitchell.
1111. Why was this application made in the name of Richard Disney?—Mr. Hennelly suggested doing so in order that my name should not appear so often in the registration.
1112. What reason had he for making that suggestion?—No particular reason beyond, as I have already stated, that it is very unusual for persons to hold two shares in a claim.
1113. Did he mean that if your name appeared too often there would be suspicion of improper conduct?—No.
1114. Why should not your name appear in full repeatedly?—I cannot say, further than that it is a very unusual thing for one person to hold more than one share in a claim.
1115. By "unusual" you do not mean "unlawful"?—No.
1116. With respect to these rights on this list, which you practically paid for by advancing a sum of money, there was another applied for on Brissenden's list which you did not pay for?—No; I did not pay for it.
1117. Have you paid for the other four?—I have.
1118. When did you pay for them; was it previously to the issue?—No; after the issue.
1119. The persons advanced the money for you?—They did.
1120. Why did they do that?—They told me beforehand that they were going to do it. They were friends of mine.
1121. Was there no special reason?—No further than they said they were going to take up a claim, and would give me a share in it. I took no interest in the matter. They told me they had taken out the rights, and I paid for them.
1122. When did you pay for them?—Shortly afterwards—within less than a month, I think.
1123. *Mr. T. L. Shepherd.*] Do you know No. 1 South Claim?—I do.
1124. What number of scrip have you in that claim?—I believe I have 208, and I have 100 and something more in my name for the share in the Golden Hill, which I do not consider my own, and never have done so.
1125. Who marked out that claim for you?—Hogg.
1126. Is he a miner?—He is a storekeeper at Ohinemuri.
1127. Did you authorize him to mark out this claim for you?—He offered to take me in, and I agreed.
1128. Who took out the right for it?—Hogg.
1129. Have you any other scrip in any other claim on that field?—I have shares in the Waitekauri Gold Mining Company.
1130. Who took out the right in that case?—Mitchell, I believe.
1131. Did you authorize him to do it?—Yes; in the same way as Hogg.
1132. Have you any other shares?—I have none now.
1133. Have you had since the opening?—At the opening I had a share in a claim called the Golden Knob, I think, which was taken up by Austin.
1134. Who took up the right for that claim?—Austin. I was also in a claim at Waitekauri, which was taken up by Hennelly.

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1135. Who took the right out for that?—Hennelly.
1136. It appears to have been the regular practice in connection with these shares that the rights should be taken out for you by others?—It was not my practice. I never had anything to do with taking up claims before.
1137. Yet you disallow the use of that right in application No. 253. You say you did not know anything about the right taken out by Brissenden?—No.
1138. Do you mean to inform the Committee that no one was authorized to take out that; that you were not willing to accept a share in that?—I never had heard of a right being taken out by Brissenden for me.
1139. Was no one authorized to apply for that?—No.
1140. When did you first get information that a right had been applied for by him in your name?—When Riordan, a couple of days after, came and wanted me to sign the registration paper. I told him I was not aware of having a share in it. He said the rights had been taken out by Brissenden, and that I was to sign it.
1141. Then it was registered in your name. You accepted the share?—I said to the man, when I signed it, that it was not my share; that I would not be responsible for anything in connection with it.
1142. Are you not aware that, according to the regulations, if you sign your name to a paper of that sort, that the share belongs to you?—Yes.
1143. Then were you not aware that you became legally the possessor of that share when you got it registered?—I was.
1144. Did you transfer it?—I did not.
1145. It still remains in the same position?—Yes.
1146. Has the ground been worked since?—I do not think it has.
1147. Is it protected?—It is protected at present.
1148. You have the same interest now as you had then?—I believe I have.
1149. Have you sold any shares in any other claim at Ohinemuri?—No.
1150. No scrip or share?—No.
1151. You hold these interests still?—I hold only two interests now; the others were abandoned.
1152. Have you any partners in your mining speculations?—I have not.
1153. Did you go on the ground on the 3rd of March?—I did not. I never was on any of the claims. I went to the Prospectors' Claim a month or two afterwards.
1154. Where did you live during that time?—I lived at the Thames.
1155. Had you no letters or messages from parties employed on the claim?—I heard about the interests I had—the two interests—the others were abandoned almost immediately.
1156. Why did you abandon them?—No one went to work them.
1157. How do you know that?—I think the first I heard of it was from Mr. Horne, in the Warden's office, at Ohinemuri. He suggested that as these claims in the register were not worked, I had better pay a fee and have them struck out.
1158. How long was that after you became possessed of them?—I can hardly say—a comparatively short time—about three weeks.
1159. How did you know about claims being turned into scrip if you had no communication about them?—There were reports in the papers. I was in the habit of meeting shareholders, as most of them lived at the Thames.
1160. Did you ever pay any money into those claims?—I did; not very much.
1161. These claims have turned out less valuable than was expected?—I believe so.
1162. *Mr. O'Neill.*] You have been registered as having shares at Ohinemuri?—Yes.
1163. Was that with Howard and party?—Yes; I believe that is the same as Hogg got out.
1164. *Sir G. Grey.*] That list, commencing with Charles McLean, is in your handwriting?—Yes.
1165. You are a clerk of Mr. Mackay's, and Crippen is also a clerk of Mr. Mackay's?—Yes.
1166. In this list your name appears for two rights; in one case your real name is given with one Christian name, and in the second case you appear as Richard Disney, which are your other two Christian names?—Yes.
1167. Why did you put it in that form?—As I said before, Hennelly suggested that I should not have two shares in my own name; that it would be much better to have one share in each name.
1168. And you put down the name of Crippen for a right?—Yes.
1169. Whom did you give the list to?—To Hennelly.
1170. Whom did Hennelly hand it to?—I think to Mr. Mackay; I believe Mr. Mackay got it.
1171. And Mr. Mackay got the rights consequently?—Yes.
1172. Therefore these rights were in Mr. Mackay's haversack?—Yes, they would be.
1173. Yourself, Mackay, Crippen, and Brissenden slept in the tent together on the night before the opening?—Yes; no one else.
1174. You gave one bundle of rights to Brissenden?—I did.
1175. You are aware that Robert Cashell's right was exercised on the 3rd of March, on the Karangahake Spur, before he could have got it from the office?—I have seen it stated so.
1176. In his evidence before the Commissioners, Robert Cashell says,—"I did not get my miners' rights from any of those in my company. We overtook several going up to the claim. It was from some person that was on the spur that I received the miner's right. I must decline to say who that person was. I have thoroughly made up my mind not to tell who gave me my miner's right. I know the person. He was on the spur. I do not know whether he gave any other person a miner's right. The answering of the question as to who gave me my miner's right might tend to criminate me and perhaps him on a charge of conspiracy to obtain miners' rights. He was not a Government official of any kind. I expected to have got my miner's right in the way I did. I arranged the night before to have this miner's right given to me as I have stated." It appears from that, that the night before Robert Cashell knew that these rights, in which you had two shares, out of eleven, and Crippen one, were to be handed to him in a fraudulent manner, and that he got them; can you account for that in any way?—I cannot.

1177. The rights were in the possession of four persons. Can you account for Robert Cashell's knowledge the night before that he was to get his right?—I cannot.

1178. Can you account for how he got it?—I cannot

1179. They were in no other persons possession but yours and Mr. Mackay's?—No.

1180. And you can give no account of how your right and Crippen's got out in that way? I cannot. I do not think mine got out. I saw that Cashell's had got out.

1181. They were in the same bundle?—Yes.

1182. You see your name is wrongly entered on the list, clearly for the purpose of misleading?—There was no intention of misleading.

1183. It was not a frank open transaction. This man knew the night before that he was to get them: there was an arrangement, therefore, made previously, and he did get them. Can you account for that?—I cannot. I know nothing of any arrangement being made. I do not think I saw Cashell on the night before, or on the following day.

1184. Did you see him a few days before?—I have seen him frequently at Ohinemuri and the Thames. He lives at Ohinemuri. He is a storekeeper at Ohinemuri.

1185. This list in your handwriting passed from you to Hennelly, your agent in this other transaction?—In what transaction?

1186. This selling of shares in the Tairua Company?—Yes.

1187. Then it passed from Hennelly to Mackay?—It would in the ordinary course.

1188. And Mackay got this right in his possession?—I believe he would; I believe he had it.

1189. And out of his possession it got, according to some previous arrangement with Cashell. That is sworn to. How do you account for that?—I cannot account for it.

1190. *The Chairman.*] Mr. Mackay gave you the bundles of rights to keep while he went away?—Yes.

1191. And you gave one bundle to Brissenden, and returned the remainder?—I did.

1192. When did you give the remaining rights back to Mr. Mackay?—About two hours afterwards.

1193. At what hour in the day?—Somewhere about 9 o'clock, between 8 and 9.

1194. Where was that?—It was at Hogg's store.

1195. Did Mr. Mackay and you leave that store then to go somewhere?—He left there. I was waiting while a horse was getting a feed to go to Katikati.

1196. Did you part company with Mr. Mackay at Hogg's store?—Yes.

1197. It comes into this position, assuming the evidence to be correct—that is to say, this bundle of rights, in which your name and Cashell's were included were not given by you to Brissenden; you state that to the best of your belief; then they must have been given by you to Mackay?—I believe so.

1198. You must have given the rights on this list to Mr. Mackay?—I believe I gave all the others to Mr. Mackay but what I gave to Brissenden.

1199. Supposing your statement to be correct, it must follow naturally that if Cashell's right and your right were in the same bundle, and Cashell's right was exercised before the proper time, Mr. Mackay must have given them to some one else before the proper time?—In an ordinary course, Mr. Mackay would have had those rights on the night of the 2nd.

1200. You state that you did not give those rights to Brissenden?—To the best of my knowledge and belief I did not. I did not know the name or number of any of the rights which Brissenden got.

1201. You appear to be pretty positive that the rights in this list were not amongst those given to Brissenden?—The rights were all pinned together in the separate applications

1202. I will ask you again, in order to give you an opportunity of qualifying your statement if you like, whether you gave that list, including your own name and that of Cashell, to Brissenden on the morning of the 3rd?—To the best of my knowledge and belief, I gave him the bundle which appeared to be the bundle applied for by him.

1203. To the best of your knowledge and belief, did you return the rights on that list to Mr. Mackay?—I returned all the rights with the exception of those given to Brissenden.

1204. You have already stated that these rights were given to Mackay on the night before?—In the ordinary course they would be, and no doubt they were.

1205. They were in Mackay's possession when he parted company from you at Hogg's store?—Yes, I believe they were.

1206. Then, if these rights were exercised before the proper time, Mr. Mackay must have given them to some one else?—Assuming everything you stated to be correct—assuming that he got them on the night before—I cannot swear that he got them—assuming that he got them, and assuming he gave them to me, and assuming they were not included in Brissenden's bundle. I may say that I did not see the rights or any single name.

1207. *Hon. Sir D. McLean.*] You saw the bundle, not the individual rights?—Yes, not the individual rights.

1208. *Sir G. Grey.*] Who delivered the rights for Mr. Mackay in the morning?—He delivered them at the booth.

1209. What was Robert Cashell by trade?—He was keeping a store at Ohinemuri.

1210. Did you ever give Cashell any orders to supply Natives?—I did, some time before. He was keeping a store lower down.

1211. He was one of the people you gave the orders to?—Yes, for a short time; he was not in business long.

1212. I understand that you did not give these rights to Brissenden—those of Cashell and your own?—To the best of my knowledge and belief, I did not give them to him. I gave him a bundle which I believed to be the bundle which he said he had paid for.

1213. You did not look to see if you gave him any other?—I did not.

1214. You mean to say that you handed it over to him in that careless way?—No; I thought I was giving him the bundle which he had applied for. I did not open the bundle and look at the names.

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- Mr. G. R. D. O'Halloran.*
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1215. *Mr. T. L. Shepherd.*] Was the bundle marked?—It was either marked, or Brissenden's was the first. I think it was marked on the outside.
1216. *Sir G. Grey.*] Was it tied up?—I do not think it was. I am not quite sure.
1217. Did you ever let the rights pass into Crippen's possession after Mackay gave them to you?—No.
1218. He never had them in his custody?—No; I had them myself.
1219. No other person but you?—No.
1220. Then it must rest between Mackay and yourself?—I suppose so—in that way.
1221. *Mr. May.*] You stated that, to the best of your belief, you did not give Cashell's bundle to Brissenden. Is it not possible that they were in the bundle. It was possible. I do not think I had them.
1222. *Sir G. Grey.*] You declare you know of no arrangement by which these rights were to be given up?—I declare I know of none. I never heard that such a thing was to be done.
1223. The preconceived plan lies between Cashell and some other person. It does not lie with you?—I never had any conversation with Cashell about the rights.
1224. Have you had any conversation with him since?—Yes; I do not recollect what it was. It was while he was waiting to be examined at Ohinemuri. I do not recollect what took place.
1225. Did he ever tell you how he got the rights?—He did not.
1226. You have no idea how he got them?—I have not. I may state further, that although that application is in my handwriting, I did not recollect any of the names further than my own. I simply copied it for Hennelly, as I had access to the tent where I could write.
1227. *The Chairman.*] You stated that you did not know whether these rights of Brissenden's were tied up or not?—I fancy they were tied up or rolled up. I think they must have been.
1228. You have stated repeatedly that you only gave one bundle to Brissenden. Is it not possible that you are mistaken in that?—I do not think so. I believe it was only one bundle.
1229. *Sir G. Grey.*] Did you let Brissenden select for himself, or did you do it?—I handed the bundle to him.
1230. You did not let him touch all the rights and pull them over?—No; I gave the bundle to him.
1231. How did you give them?—I was engaged putting them in the haversack at the time. They might have been on the floor of the tent. I was kneeling down.
1232. Was he down?—No; he was in the tent. I do not think he was particularly close.
1233. Could he have taken one bundle without your seeing it?—I do not think so. I had them all in front of me.
1234. Cashell swears there was an arrangement that he was to get the rights in the morning. Yourself, and Crippen, and Brissenden were the only persons who could have got it, and if it was obtained by previous arrangement, it is difficult to understand how it could have got out by mistake?—Yes, it is, of course.
1235. Are you aware whether Brissenden had any interest in the list of names you wrote for Hennelly?—I believe he had not. I do not think he had.
1236. Therefore it could not have been for himself?—No.
1237. In the other case he had an interest?—I believe he had three or four rights in his name in the other.
1238. Was there any arrangement that, if you gave him the rights he was interested in, he would deliver those which you were interested in?—I had no arrangement of the kind.
1239. *The Chairman.*] You see the difficulty the Committee are in to understand the matter, and you are still prepared to say that you only gave Brissenden one bundle?—That was all.

THURSDAY, 23RD SEPTEMBER, 1875.

Mr. E. T. BRISSENDEN re-examined on oath.

- Mr. E. T. Brissenden.*
23rd Sept., 1875.
1240. *The Chairman.*] You have already stated in evidence that, on the morning of the 3rd of March, at 6.30 a.m., you received a bundle of miners' rights from Mr. O'Halloran?—I did.
1241. What did you do with the bundle when you received it?—I left Mackaytown when I received it, and went down to Taipari's house with it.
1242. Are you certain that you did not receive more than one bundle?—I am perfectly certain of that.
1243. Did you, before you reached the house of Taipari, separate the bundle?—No; I did not. I took them exactly as I received them.
1244. Do I understand you to say you gave them to Dillon, exactly as you received them, in one bundle?—I think so. At all events I have no recollection of separating them. You will understand that the Gold Fields Regulations provide that no party of men should have more than ten miners' rights. Each bundle would have ten. I think they were all fastened together. You cannot possibly have thirteen or ten, because no party of men can hold more than ten men's ground, but they can amalgamate afterwards. They were, I believe, fastened together in tens, or in less than tens.
1245. You have already stated that you did not know the names of the people in whose favour these rights were issued, except perhaps the one on the outside?—I do not.
1246. That one was perhaps your own?—No, I think the first name was Smith's. Yet I have no recollection of that. Whether I was in the miners' rights, or whether it was the knowledge of Smith, Coleman, and three or four others being in it, I cannot now bring to my mind. At all events my name was three times repeated in the list. I also know that such was the case, inasmuch as since when it has been attempted to form companies, I have been asked to transfer my interest, which I have done. I have been registered in certain claims, but they could not use them until I had given a transfer, and when asked for them I have given the transfers.

*Mr. E. T.
Brissenden.*

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1247. At any rate you are certain you gave these rights to Dillon, as you received them in one bundle. That is my impression.

1248. If Dillon states you gave them to him in three or four separate bundles he would be stating what is not true?—I tell you that they were done up in tens, eights, or sevens, whatever the applications were, but how many similar bundles there were I cannot tell you. My impression is that they were all fastened together. If they were separate, I do not know what names there were in each. As to the little minutiae of what occurred at that time I cannot now positively say. At all events the whole of the rights I got were given to Dillon.

1249. I may state for your information that Mr. O'Halloran is firmly under the impression that he gave you one bundle only, and that was tied up?—That is my impression.

1250. You are perfectly certain you did not separate them?—I do not think I did. I have no recollection of their being separate, unless the pin burst.

1251. You paid for these miners' rights?—I first gave a cheque for £40; but it was not enough. Thirteen pounds more was required; and that I gave in cash.

1252. Had you previously received that money from the people in whose favour the rights were issued?—I had not. I was asked to supply the money temporarily.

1253. What inducements were offered to you to do so?—None whatever. I have always been on friendly terms with the Grahamstown and Thames diggers, and very often lent them money.

1254. Then I understand you that the money was advanced as a matter of benevolence or of kindness?—As an act of kindness.

1255. Have you ever since that time had the money repaid to you?—I am under the impression that a day or two afterwards some four or five pounds were paid to me. I really do not recollect the amount; but some trifling sum was given to me by Dillon. I have that impression; but cannot say so positively.

1256. Do I understand you to say that you have lost the balance of the money you advanced?—I have never received it; in fact I did not much expect to do so at the time.

1257. Was that an ordinary transaction?—I have had a great many transactions with the Thames miners which have turned out as profitless as that. For instance, J. B. Hannah and another—I think his mate Porter came to me that very day, saying that they really did not know what to do, and asked me for a little money. I gave them £5.

1258. We have it in evidence by Mr. O'Halloran that his name was included—that is to say, among the rights he gave you at that time was one in favour of himself. You probably do not know about that; but I will ask you if O'Halloran ever paid you for it?—I am certain that I never received any money from Mr. O'Halloran in my life.

1259. In point of fact, that would be equivalent to making O'Halloran a present of a pound?—If his name was in it.

1260. I want you to tax your memory and to say what you told Dillon to do with the rights when you gave them to him?—I distinctly recollect one thing: I told him not to make an improper use of them. I enlarged upon that remark, and said, "If you do you will lose your ground, because it will be valueless if you take up the ground before the proper time. Besides getting me and others into trouble, you will lose your ground. Now, be sure and do not use them before the proper time."

1261. What did you consider the proper time to be?—I understood after 10 o'clock.

1262. Exactly. As the miners' rights were only issued from the tent at 10 a.m., and there was a certain distance to be travelled with them, it was impossible the rights could be used at 10 o'clock?—I said before the proper time; I did not know that was 10 o'clock.

1263. I will put it in another way, Mr. Brissenden: Did you say anything to any of the people in whose favour the rights were issued, about waiting until a crowd had arrived from the tent, and then to commence pegging with the others?—It was a general impression that for every one of the prospectors there were about ten other men who were determined to jump their ground. It was publicly threatened that they would not allow the prospectors to put in their pegs, but that they would be crowded out.

1264. Did you mention that the rights were to be exercised before the crowd from the Warden's tent arrived?—I merely told them not to use the rights improperly. I had no intention that they should be used in any other than the ordinary way.

1265. Then about this interview with Dillon, I am anxious to get what transpired. I understand you to say that you cautioned him against exercising the rights before 10 o'clock?—Against exercising them improperly. I know I used that word once, and gave him this warning, "You now quite understand the term." I went clearly into it, and explained how he would lose his ground. That I distinctly remember.

1266. But did you not mention to him to exercise the rights as soon after 10 o'clock as possible, so as to anticipate the crowd from the Warden's tent?—I suppose that was the object.

1267. But, in fact, it was giving them an advantage over the people coming to the field?—No doubt it gave them an advantage. My main object was to get the men their ground, in a sense of abstract justice.

1268. Can you give the Committee any evidence as to when the rights were actually exercised?—I cannot. I never left Taipari's house that day. I passed through Mackaytown on the following day on the way to Tauranga.

1269. I understand, Mr. Brissenden, that you wish to make a statement to the Committee?—Merely to request that the Committee may arrive at some decision, so far as I am myself concerned; and that, feeling as I do that I have been really to blame in the matter, you will visit it lightly on Mr. O'Halloran. It was really my fault that he got into the difficulty. I feel that most distinctly, and I should feel very much hurt if he is injured by the transaction. It was stupid and quixotic on my part; but I was not actuated by any sordid motives. I have suffered greatly, socially a great deal, and on personal grounds I ask the Committee to release me as quickly as possible.

1270. *Sir George Grey.*] Are you a member of the Northern Club at Auckland?—Yes.

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1271. What is the name of the manager?—Daveny.
1272. Did you get a miner's right for him?—I did not.
1273. Nor for any one connected with the management of the Northern Club?—I have no knowledge of getting one for anybody connected with the Club. If the name is included in the list, I did not know it.
1274. Was there any conversation in the Club afterwards about that having been done?—No; I had a conversation with Captain Fraser, but not with any people connected with the Northern Club. I cannot distinctly state so; but I do not think I had.
1275. You must not think; I want a direct answer, yes or no?—To the best of my knowledge and belief, I never spoke to any one at the Club.
1276. About getting miner's rights for them?—I swear that to the best of my knowledge and belief I did not.
1277. Had you any conversations with people at the Northern Club about getting these miners' rights?—With no one but Captain Fraser.
1278. With no one else?—No; I have told you I do not think so. You will allow me to explain. It is a long while ago, but if any one had asked me saying, "As you are going down to the Thames, I shall be thankful if you will get me a miner's right," I should have done so with pleasure.
1279. I do not mean that: I meant in reference to getting miners' rights before the proper time?—No, I never did. As I have just said, I might have been asked to get a miner's right, and I may have said, "I will get one with pleasure," but I do not recollect it.
1280. You now admit Mr. O'Halloran gave you these rights improperly?—I asked him for them.
1281. But did you not ask him to do that which was wrong?—I admit it was an irregular thing for me to do.
1282. You never told Mr. Mackay that such was the case, after the disturbance about it began?—I thought it was a safe enough thing for him to do.
1283. Did you feel it was a frauduleut thing to have taken them from Mr. Mackay without his knowledge?—I did not.
1284. Do you not think it so now, to take documents out of a man's possession without his knowledge?—I did not so look upon it at the time, nor do I think so now. I should have asked Mr. Mackay had he been there at the time.
1285. Why did you not acquaint Mr. Mackay before?—He was not there.
1286. He was all night in attendance?—It was just at the time the things were exhibited to me that I asked.
1287. Then you do not think it wrong to take a man's documents from his clerk without his consent?—It did not strike me at the time that I was doing any great wrong. I had paid for the papers, and I argued in that way.
1288. But you have told us that you had arranged the day before to get the rights in some way?—I said if I could procure the men any advantage I would do it.
1289. You said you arranged to get the rights in some way before, and that you had arranged for a man to be there to get the rights from you?—I said if anything can be done I will do it; and that Smith, pointing to Dillon, said, "There is the man who will come to you."
1290. You slept in the tent with Mr. Mackay, and, knowing the arrangement that had been made, you could have asked Mr. Mackay at any time for them?—I could not have done so; I left in the morning.
1291. You did not ask Mr. Mackay?—I did not.
1292. But you went to the clerk and got them surreptitiously?—Yes.
1293. You believed when you told the man not to use them improperly, they would not do so?—I believed so, from the arguments I used.
1294. Knowing all you had done yourselves, you still believed that?—I believed so, for their own protection.
1295. Then, what was the use of getting the rights for them in the way you did?—To prevent a jostle, threats of which were abroad at the time.
1296. Why did you keep it secret afterwards?—On account of Mr. O'Halloran.
1297. But if you thought no wrong had been done, there was no reason for it to be kept secret? I admit there was an irregularity. On Mr. O'Halloran's account, I felt bound to hold my tongue. Had the case been my own, I should have come out with the facts in print at once, as soon as a fuss was made about it.
1298. Do you know who gave Cashell his right?—I do not.
1299. You say it was a man named Smith who spoke to you about Dillon meeting you?—Yes.
1300. Who is that man?—He was one of the prospectors.
1301. Where does he live?—At the Thames.
1302. Have you seen him since?—Not since I was at the Thames that time.
1303. When it was arranged that Dillon was to meet you?—He pointed out Dillon as the man who was to meet me.
1304. Did you know Corbett before?—I had never met him before that time; but I have seen him two or three times.
1305. *Sir G. Grey.*]—When you met Dillon and Corbett on the road, what passed between you and them?—That is a question I cannot very well arrive at. I have thought it over since my former examination whether they came and spoke to me or I to them first, but I have no distinct recollection about it.
1306. Who spoke to you on the road, Dillon or Corbett?—My memory will not serve me.
1307. But you must recollect?—I really cannot answer that.
1308. But surely you must know whether the men spoke to you first or you to them?—I should like to answer your question, but I cannot be sure to tell you rightly. I was on horseback, and they on foot.

1309. Yet you say Dillon was pointed out to you as the man to whom you were to give the rights, and you do not know whether he was the man who spoke to you or the other man?—I cannot say positively.

1310. What did Smith say to you?—He said, "This is the man you are to give them to. If he comes to you, he will do anything he can for you." I am not certain about the words.

1311. What did you say before?—"If I can do anything before the time I will." That was on the last day previous to going down.

1312. What did you mean "by doing anything"?—I was going to speak to the officer in charge. I had no distinct idea of what I would do.

1313. Why have had a man to meet you, if that was the case?—If I wanted assistance.

1314. Why was it necessary to meet in such an out-of-the-way place?—It is not in an out-of-the-way place; it is on the main road from the lower town to the upper.

1315. But it was going back from the mines?—Certainly.

1316. Why did not the men come to you at the tent?—I do not know. It was at the lower town where I had my conversation with Smith, two and a half miles from Mackay Town, and three miles from the diggings.

1317. Why did you not arrange for them to come to you and Mr. Mackay together?—That I cannot answer.

1318. You have stated that there was a distinct arrangement, if you could get the rights for these men, you were to give them to Dillon?—Yes; they said, "If you can do anything for us, this man will come to you."

1319. You do not know whether this was the first man who spoke?—I am not certain.

1320. When O'Halloran gave you the rights, did you select the ones you wanted?—No; he gave me the package.

1321. He had a great many packages. Did you select the package you wanted; did you show him the one you wanted?—There was no mistaking our lot; there were fifty-three rights in it.

1322. Did you pick it out yourself?—I did not.

1323. Did you say, "That is my package"?—I do not think so. I merely said, "Give me the miners' rights." I was standing four or five feet away from Mr. O'Halloran at the time.

1324. *Mr. O'Neill.*] Was your name upon the package?—My name was among the fifty-three, as I understand, three times repeated.

1325. Was it on the outside of the package?—I do not think so. I rather think Smith's was the one visible.

1326. Can you tell the Committee what was the cause of your anxiety to get the miners' rights. Had you any reason for it?—I have already stated that my anxiety was because it had been stated publicly that the men would be rushed, would not be allowed to peg their ground; that whoever went up to the tent would be rushed; and that they would not be allowed to get their rights by being jostled at the Warden's tent. That was publicly stated.

1327. I think you are a member of the Northern Club?—I am.

1328. Is not Mr. Daveny secretary or manager of the Club?—I understand so; he gets a salary for his work.

1329. *The Chairman.*] You have stated, Mr. Brissenden, that you told Dillon not to make improper use of the rights?—Most distinctly.

1330. I am going to put a question—a leading one—to bring this out clearly: Would it have been an improper use of these rights to have exercised them before 10 o'clock?—They would have become valueless.

1331. I want you to answer yes or no to my question.—Not only before 10 o'clock, but before the time of issue, whenever that was. They might not have been issued at 11 o'clock. I am under the impression they were not issued until after 10 o'clock. They did not, I believe, commence to read the Proclamation until 10 o'clock; and, if it was so, it must have been some time after 10 that the rights were issued.

1332. Then it would have been an improper use of these rights to have exercised them before the reading of the Proclamation?—Clearly; there were no miners' rights until the Proclamation was read. In fact, there was no Warden of the gold field.

1333. Would it, according to your impression at the time, have been an improper use of the rights to have exercised them one minute after the reading of the Proclamation?—I should think so. It would take time to arrive at the place.

1334. Do I understand you to say—and it seems almost absurd—that no object was to be gained by the men holding the rights in their possession until the crowd arrived. What advantage could it be?—The advantage would be that they would be saved from being jostled in getting out miners' rights; but, I think, I told the men at the time that they should have a person at the tent to travel over as fast as he could.

1335. Did you explain that to Dillon?—It runs in my mind that I did.

1336. That they were not to exercise the rights until the other diggers arrived?—Yes.

1337. In that case the advantage disappears. Did Dillon tell you, when he came back to the house to receive the rights, that he was there by arrangement to receive them; that he had been requested to meet you and to receive them?—I did not raise any question.

1338. We have it in Dillon's evidence that when you met him on the road, you on horseback and they on foot, you did not speak to him nor he to you, but that you spoke to Corbett; that you rode to the house, leaving them on the road; and that Corbett came back to Dillon and told him that you had the rights, and that he was to go back to the house and get them?—That is a thing I cannot gainsay.

1339. Can you tell us what Dillon told you when he came back to the house?—I think when he came back to the house, I was the first to speak, and said, "These are the miners' rights." But I held them in my hand until I explained to him what to do with them.

1340. You did not ask him whether he was sent there to receive them?—I am certain I did not.

*Mr. E. T.
Brissenden.*

23rd Sept., 1875.

Mr. E. T.
Brissenden.

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1341. What was your belief: that he was sent there to receive them?—I understood he was to come there for them.

1342. He must have come there by arrangement, either expressed or implied, at some previous time?—Yes; it is just possible what he says, that Corbett may have come to me and said that Dillon would come down to the house.

1343. But he says more than that?—However, that is my impression.

1344. At any rate you are quite certain, and do not at all wish to qualify the statement you have already made?—I am certain he was the man to get them.

1345. Mr. O'Neill.] I think you have stated that before you took out these rights you took the advice of Captain Fraser?—Yes; I asked him how the men were to get their ground, and he told me the only way was to get sufficient rights to secure that quantity of ground. My conversations with Captain Fraser had nothing whatever to do with procuring these rights before the proper time.

Captain FRASER, being in attendance, was examined as follows:—

Captain Fraser,
E.M.

23rd Sept., 1875.

1346. The Chairman.] Can you produce a copy of the advertisement inserted by yourself and Mr. Mackay?—The advertisement inserted by me is marked "J," and that by Mr. Mackay "L."

1347. Can you also produce a copy of the Proclamation?—The Proclamation is in the *Gazette*.

1348. Hon. Sir D. McLean.] It will have appeared in a Provincial Government *Gazette*?—Yes. I can produce a copy of the *Gazette* in the course of the day.

1349. The Chairman.] You stated in your evidence that Mr. Brissenden requested you to give him rights on the night of the 2nd of March?—He wished to get his application for rights received by me after 10 o'clock on the night of the 2nd March.

1350. He wished to get possession of them before the proper time of issue?—No; he inquired when he could get his rights in ordinary course—that would be after 10 o'clock on the morning of the 3rd.

1351. I have misunderstood you; I thought you to say he had requested you to give him the rights before the proper time of issue?—The explanation of that is, that I intended to receive applications for miners' rights up to 5 o'clock at night; but, finding that the miners kept arriving, and rather than that they should have come to be disappointed, and that cause for discontent should be given, and knowing that there would be a heavy rush in the morning, I determined to receive applications up till 10 at night.

1352. In that case the request was not an improper one?—No; up to 10 o'clock I would have received applications from any one; but I received none after 10.

1353. I ask you, whether you know now there was a strong desire on the part of anybody to procure rights before the proper time of issue?—I know there was a great desire on the part of everybody to get miners' rights if possible.

1354. Improperly?—Yes.

1355. Do you know that one method of so acting was to arrange to get the rights previous to the issue?—My business was to try and circumvent as far as possible anything of the kind.

1356. Did you know there was a necessity for exercising great care in that way?—Yes.

1357. Did you ever hear that an arrangement had been concocted at the Northern Club at Auckland, whereby possession of the rights was to be so obtained?—I heard it long after the event, but not before.

1358. Can you give the Committee any information on the subject?—My information is only hearsay. I know nothing of my own knowledge.

1359. How and where did you hear it?—I heard it from a gentleman at the Thames, but it was a long time after the fact, and it was purely hearsay evidence. I took no notice of it.

1360. Still, if any person who was a party to the arrangement told you of it, it would be very good evidence for this Committee. Was the person who gave you the information a party to the arrangement?—Not directly.

1361. Perhaps you can state what was the nature of the arrangement as you heard it from this person?—The fact of the matter is this: there was a party of people who held a written communication from the late Superintendent, who held that they would be entitled to a preference with regard to a prospecting claim; and they felt sure that that would not be carried out. Of course they wanted to secure some benefits otherwise than by what was given by the Government, who set their faces against granting prospecting claims there at all. It was a matter of great difficulty, and I don't believe the ten or fifteen men's ground that was granted would have been given if it had not been that some of the Natives were mixed up in the matter. There were a good many applicants for prospecting claims; and it turned out that the prospecting ground was on the same place. It had been the desire of everybody to secure this. These people were told by me that if they kept their counsel as to where the locality was they would be able to secure the ground by manning it with holders of miners' rights. But the same locality appeared to have been discovered by everybody. The gentlemen who told me said that the whole thing had been arranged at the Northern Club at Auckland.

1362. Did he describe the nature of the arrangement?—He said they meant to have it somehow, but he did not tell me the nature of the arrangement.

1363. Concerning these people who, you were told, felt sore at not being able to get the preference promised them: I want to ask you whether the parties to that arrangement were confined to these people who had some right to expect a preference, or whether there were others in it?—Oh, yes, the numbers became very large.

1364. Sir G. Grey.]—I succeeded the late Mr. Williamson as Superintendent?—Yes.

1365. Had I any power to give them a preference?—No; you did not then possess the delegated powers

1366. Look down this list of Mr. Brissenden's, and say if you see any name there of any person who was connected with that proceeding at the Northern Club?—I do not know the names of the parties said to be connected with the arrangement at the Northern Club.

1367. *Mr. O'Neill.*]—What was the effect of that letter written by the late Superintendent?—I forget the exact words now, but the effect of it was that the claims of the parties to whom it was addressed would be granted; that is to say, the Superintendent intended to secure to them a preferential claim.

*Captain Fraser,
R.M.
23rd Sept., 1875.*

1368. *Hon. Sir D. McLean.*] Were there many applicants of that kind to the Superintendent?—There were several, but this was one particular party—Coleman and Smith.

1369. *Mr. O'Neill.*] They had been on the ground previously?—There had been hundreds of people at Ohinemuri years before the field was opened; in fact, there was great difficulty in discovering who was entitled to be considered the first discoverer of the field.

1370. Then they were not entitled?—The fact was they were trespassers there. Still, I suppose, the late Superintendent threw all that over, believing that it would do good to have gold discovered, although in doing so the law was broken. If people who went upon Native land, and who discovered gold there after they were warned off, were given a preferential claim, it would be giving encouragement to people to break the law, and would be giving them an unfair advantage over those who abided by the law and stayed away.

1371. *Hon. Sir D. McLean.*] Are you aware that the Thames miners had a meeting with me on board the "Luna," and asked me about the opening of the gold field?—Yes.

1372. Do you recollect whether I said that the field would be open to all alike on fair and equal terms?—You did.

1373. And that the Government objected, as you stated just now, to granting any preferential claims?—Yes; and the only reason for granting the one claim that was granted was in consequence of the Natives being mixed up in the matter.

1374. The Natives were the owners of the land?—The reason given at the time was that these people would not sign the deed of cession unless their claim for a prospecting claim was recognized.

1375. And they had a claim?—In this particular locality? Yes. The claim at that time was limited by the Government to ten men's ground. Afterwards it was increased to make an amalgamation with Coleman and Smith's party, and they, with the Native party—Thorpe's—got fifteen men's ground. But the Government would not recognize this claim; hence the peculiar shape of the claim, from which five men's ground had to be excised by Mr. Mackay when the Government would not recognize the extended claim.

1376. *The Chairman.*] That was on March 4th?—The day after the opening. The miners religiously abstained from interference with the Prospecting Claim.

1377. *Hon. Sir D. McLean.*] With the ten acres?—With the fifteen.

1378. *Mr. O'Neill.*] I think you have stated in your evidence that if there was a conversation at the Northern Club it was before the 3rd of March?—I had no conversations there myself.

APPENDIX.

Evidence of JAMES CORBETT, given before Mr. Commissioner KEDDELL.

James Corbett, being duly sworn, saith as follows:—I am a miner, living at present at the Karangahake Spur. I remember Wednesday, the 3rd March, the day the Ohinemuri Gold Field was opened. I arrived at Paeroa the night before. I slept near Mitchell's place in a tent that night, known, I think, as the Peach Grove—a friend's tent; I am not positive whose. I got up between 6 and 7 o'clock on the morning of the 3rd. I had breakfast and walked up here with Mr. Dillon. I went to Takeri's house with Dillon on the road up. We did not stop more than a quarter of an hour there. I saw Mr. Brissenden there, and several others; Europeans and Natives were about the place. Only Dillon and myself went inside. I was a witness to Brissenden's giving Dillon some miners' rights. There might have been three or four bundles. I believe mine was amongst them. I got it three or four or perhaps five days after. Some person in the Golden Hill was to peg out, and did peg out, with that right for me, on the morning of March 3rd, I think. Mr. Brissenden said, "Peg out the best ground you can," or something to that effect. I cannot precisely remember the exact words used, as I was to a certain extent disinterested. After we left, Brissenden, Dillon, and I walked up as far as Mackaytown together, when he went on to the Karangahake, as I supposed. I remained in Mackaytown for some time afterwards. I went on to the spur at about between 9 and half-past. I was there at the pegging out. I don't think any other person was in the room at Takeri's house besides Brissenden, Dillon, and myself. I never knew we were to meet Brissenden before that morning. We met him on the road; he was on horseback. He told Dillon that he wanted to speak to him. He rode on to Takeri's house, and we went on and joined him there. I heard there was an arrangement to get the miners' rights as early as possible, but I had no idea of it being possible to get them before the proper time. I thought we might meet Brissenden at Mackaytown. I knew he was the man to get the miners' rights out. I did not expect to meet him at Takeri's. There ought to have been forty or more miners' rights. I should judge so by the appearance of the bundle of miners' rights.

JAMES CORBETT.

Taken and sworn before me at Mackaytown, Ohinemuri, this 17th day of June, 1875.

Jackson Keddel, Commissioner.

Evidence of R. CASHHELL, given before Mr. Commissioner KEDDELL.

This deponent, *Robert Cashel*, being duly sworn, saith as follows:—My name is Robert Cashel. I am a storekeeper at Mackaytown. I remember Tuesday, the 2nd of March last. I was at Mackaytown that day. I was at the tent used as the Warden's office that day. I did not make a written application myself that day for a miner's right, but my name was included amongst other names in one of the applications. I don't remember whether I spent the night at Mackaytown or at the Puke; I fancy I slept here. I remember the morning of the 3rd. I intended with others to mark out a claim on the Karangahake Spur. I think it must have been getting on for 9 o'clock in the morning when I left

Mackaytown for the Karangahake Spur. I know the document produced (A); it is a certificate for lost miner's right's. It was my miners' right that was lost. The miner's right was numbered 749, dated 3rd March, for the Ohinemuri Gold Field. I did not take the miner's right with me when I went up to the claim. I called at Lipsey's and Mr. Swiney's on my way. I had not my miners' rights when I left Lipsey's, nor when I got to Mr. Swiney's, nor when I left there. We went up to the claim from there. The Cattran's, (two of them,) Martin Cattran was one of them; Freirhela was there; Patrick Dillon was not in our company. We went up to the piece of ground we intended to mark out. I had my miner's right before I got to the claim. I do not know whether any one else of the party had their miners' rights. I did not get my miner's right from any of those in my company. We overtook several going up to the claim. It was from some person that was on the spur that I received the miner's right. I must decline to say who that person was. I have thoroughly made up my mind not to tell who gave me my miner's right. I know the person; he was on the spur. I do not know whether he gave any other person a miner's right. The answering of the question as to who gave me my miner's right might tend to criminate me and perhaps him on a charge of conspiracy to obtain miners' rights. He was not a Government official of any kind. I expected to have got my miner's right in the way I did. I arranged the night before to have this miner's right given to me as I have stated. I was outside the big tent when I made the arrangement. The person from whom I got the miner's right was not the one arranged to obtain them from the office. I decline to say with whom I made the arrangement outside the tent, on the same grounds as before—I mean a charge of stealing miner's rights.

ROBERT CASHEL.

Taken and sworn before me at Mackaytown, Ohinemuri, this 17th June, 1875—
Jackson Keddell, Commissioner, Miners' Rights Inquiry.

By Authority: GEORGE DIBSBURY, Government Printer, Wellington.—1875.

[Price 3s. 3d.]