

year. I entered on the land in September, 1875, I think. I believe I was a year on the ground; I abandoned it in August, 1876. I paid rent after I left it—that is, the amount was stopped. I could not keep occupation of it because of the water on it. It was useless. I did not give notice of abandoning the land. I left the land and went to Jackson's Bay. I think it was about six miles from Jackson's Bay. I remained at Jackson's Bay about four weeks, and came to Hokitika in September, 1876, about a month after I abandoned the land. I have not been to Jackson's Bay since. For the last month £9 was due for work. Mr. Macfarlane detained £6, and I had £3 worth of provisions. My son is at work at a farm. He came with me to Hokitika. I demanded the money, but it was deducted. My son said Mr. Macfarlane said he kept £6 for rent, and we could have £3 worth of stores. I wished for the money, not the stores, but I could not get the cash. I spoke to Mr. Macfarlane with my son. I met Mr. Macfarlane on the road.

JOHN TOBIEN recalled.

I can only say my son went to Mr. Macfarlane, who wished to see me myself. I met Mr. Macfarlane on the road, and Mr. Macfarlane said, "I suppose you want your money?" I said, "Yes." Mr. Macfarlane used some bad words, and I did not speak to him any more. I asked Mr. Macfarlane for the £9, but he said, "£6 goes for the land and £3 remains." When my son went, only he was in the store with Mr. Macfarlane. Afterwards I met Mr. Macfarlane on the road, and he said, "I suppose you want your money?" I said, "Yes, I want it." I did not say anything more. I speak English very little. My son told me that Mr. Macfarlane said we must take goods. My son is sixteen miles away at work. My son used to live with me. I did not mention the amount, being under the impression that my son had mentioned it.

Mr. MACFARLANE sworn and examined.

During the time referred to, the store was in the hands of the Government. This person was getting supplied with goods from the store at the time, and the account was not closed until the man was going away, and so he received stores for his money. I think the account was squared. I am almost positive I did not refuse him any money. The book given to me is in my handwriting. I deny that I refused money instead of stores. I cannot recollect about the stores. He had evidently taken the book away. It will appear in my ledger. I remember an objection being made to paying the rent. No difficulty was put in the way of giving cheques. I never asked any one to take goods. I do not remember meeting Tobien on the road. It would be no advantage to me to force a settler to take goods instead of money. I think Tobien gave his own section to his neighbour. I had no notice of his abandonment. He told me several different stories about his intentions; one was that he was going to Queensland to fetch his son. I think that when he was getting payment for his last month's work I pointed out to him that under the regulations the rent was payable in advance, and that I must collect the amount. I got no notice of abandonment. One section covered the whole of the improvements, and the other was kept. In the event of Mr. Tobien applying for that section again, we could not refuse it him.

FRIDAY, 9TH MARCH, 1879.

JOSEPH COLLYER sworn and examined.

I was in Jackson's Bay in September, 1877. About seventeen miles away, at the Okura, I had a ferry and cattle, and charge of the branch store for Government. I rendered my accounts to Mr. Macfarlane. I had some transactions with Mr. Murdoch as to some sheep. I have referred to my books. [Murdoch's evidence read.] I have had one or two settlements with Mr. Murdoch since, and no reference has been made to me with regard to any balance due. I do not think any special arrangement was made, and I should prefer to see the man who was in my employ at the time. I think I remember making two payments to Mr. Macfarlane in reference to the sheep.

FRANZ MAX sworn and examined.

[Book handed in showing account between witness and Resident Agent—*i.e.*, pass-book.]

I did not transfer my section to Mr. Lipinski, and I had no conversation with him, because I did not wish to acknowledge the house. I did not ask Lipinski to ask Mr. Macfarlane to transfer £14 14s. on my account to Lipinski. I was never in the house referred to. I lived in the Government houses erected for the settlers as temporary residences while their houses were building. I was with a friend who could not speak English. I had no interpreter with me. My nephew did not act as interpreter. I came to Mr. Macfarlane. I said, "I want a house," and he built a house for a good deal. I said, "I do not want that house; it is too dear. When I want a house I will build one for myself." I bring the book. Mr. Macfarlane kept money before he built the house. I did not have any conversation with Lipinski before I left. I do not want the house. I wanted the house, but not the section. The house stands on the ground which I wanted. If Mr. Macfarlane gives me work I stop. I did not want any other section. I did not mean to stay, but I could not go. I could not get the money. I did not ask for the money. I went with the intention to settle there, but I am a farmer from my youth, and I saw the land was no good, so I altered my mind. When I took the section I had been there five months, but I took up the land for the sake of getting work to help me to get away from the place. When I went I had a firm intention to stop. About five or six months after I changed my mind. I did not tell Mr. Macfarlane, or I should never have been able to get the money to come away. Mr. Macfarlane would not let me go till all was settled. When I left Jackson's Bay I refused to give my book to Mr. Macfarlane. I made no arrangement with Lipinski. If Lipinski says I did so it is not true. I have a nephew here in Hokitika. He knows the same as I do. In September, 1875, I went to Jackson's Bay, intending to take up land and settle under the Government regulations. I took up my residence in one of the buildings, and opened an account at the Government store. I got work, and lived on in this way for four or five months. We waited for the land to be marked off. We were three or four days looking over the