

Mr. Rees.
4th Nov., 1879.

writing from them. I may say that it has been the common practice to get Maori plaintiffs to go to the Supreme Court to withdraw suits after they have been put into my hands, or Mr. Sheehan's, and I have been compelled to issue fresh writs.

66. Are you aware that the Natives claim that a very large sum—of about £12,000—out of the £17,500 has not been paid them?—I am not. I am aware that people offered them money. I am told that Mr. Sutton and other people have offered them money to induce them to say so, but they declined to say so.

67. Do you know anything of a Native named Pohuka?—I know one Native named Pohuka, son of an old chief who died not long ago; he was a well-known old chief, named Te Hapuku. I know Pohuka very well.

68. Are you aware that Pohuka claims £1,000 of money that has been detained belonging to him?—No. I have never heard of such a thing. I do not believe that Pohuka was interested in the matter.

69. Are you aware of any claim being contemplated to recover this money by an action, criminal or civil?—No.

70. Are you aware of any claim at all existing for that money?—No. I am not aware of any claim.

71. Can you give the Committee any information as to the amount of money belonging to Rora Nonoi in Mr. Russell's hands, or in any one else's hands, respecting this £17,000?—No. Orders were given by the Natives first. Any orders that came to me I showed to Mr. Sheehan. If he said they were to be paid, they were paid accordingly.

72. Did Rora Nonoi ever give an order for £100, recently paid to Davie?—Yes.

73. Was the money paid before an interpreter?—Yes. An order was brought from Rora Nonoi to me. Rora subsequently saw me about it. I showed the order to Mr. Sheehan. He said it was an amount that could be paid. The amount was paid and passed through my books.

74. You stated, I think, that Worgan was arrested at the time you commenced criminal proceedings against me. Now, are you not aware that Worgan was two months in prison at the time you commenced proceedings?—No. So far as I am aware, he was not in gaol at all. I am not, however, sure. It might be so.

75. Have you, or did you ever get, any authority from the Natives to institute either civil or criminal proceedings against me?—Yes. I had both. Rora Nonoi was fully and absolutely aware of the steps that were being taken against you in both cases.

76. If Rora Nonoi came here, would she not assert differently?—She would not. I could show that she was wrong, if she said so, and I could show how she had been got to say so.

77. Colonel Trimble.] I should like to know how it was that the proceedings were stopped with regard to Mr. Sutton?—Which proceedings?

78. The criminal proceedings?—They were stopped in this way. Mr. Sutton was accused, along with Worgan, of having obtained these lands by fraud and conspiracy. Worgan was in Wanganui at the time. Mr. Sutton, by his question, suggests that Worgan was in custody before these proceedings were taken against himself (Mr. Sutton). Application was made to the Supreme Court for a writ of *habeas corpus* to bring Worgan to Napier to appear and answer the charge along with Mr. Sutton. I believe the application to grant the writ of *habeas corpus* was refused by Mr. Justice Richmond. The case before the Resident Magistrate's Court was adjourned from time to time, in order to see if there was any possibility of the application for the writ of *habeas corpus* being successful. Upon its being refused to Messrs. Izard and Bell, through whom application was made, I had then no other alternative but to go before the Resident Magistrate and say it was useless to go on with the case. The prosecution had consequently to drop.

79. What had Worgan's presence to do with the case against Mr. Sutton? Could it not be gone on with?—No; the magistrate refused to go on with the case.

80. Did the magistrate refuse to go on with the case without Worgan being present?—Yes.

81. Mr. Acton Adams.] Could you not lay information against Mr. Sutton separately?—No; it was a charge of conspiracy. I wanted to go against Mr. Sutton alone. The magistrate ruled that, as the case was one of conspiracy, there must be at least two persons concerned; that the case could not be brought against one, unless the other were dead. We had the argument out in Court. I did not press my view, as the arguments against it seemed very strong.

82. Mr. Ormond.] Has there been any attempt to get Worgan's evidence?—No.

83. There would be no objection to him being got now?—I thought that there would be no objection to him being got before.

84. It is clear that he could be got now that he is convicted?—I suppose we could get a writ of *habeas corpus*.

85. Are you aware that there is still some money due to Rora Nonoi?—I cannot state so. I do not know the state of accounts.

86. Did you pay it all to Davie?—I paid £100.

87. Did you pay the whole of Rora Nonoi's money?—No. I do not know the state of Rora Nonoi's account. I have no money of hers.

88. Has Mr. Russell, or Mr. Sheehan, or any one else, got any money of hers?—I cannot say.

89. You cannot say that she is impecunious?—So far as I know, she is impecunious. She has interests in land. Every one knows, as a rule, that Natives do not always have money, though they may have lands.

90. Sir G. Grey.] Supposing, as stated in the petition, that spirits were administered to the girls Rora Nonoi and her sister, would that, in the state of the law at that time, vitiate the conveyance?—I think so. It is a matter of fact that, in the great majority of cases, liquor was regularly supplied.

91. And it was against the law to do so?—Yes. It was in the teeth of the Statute relating to the subject.