

Mr. Sievwright considers the retainer to have been an unusually high one, to be justified only by a large amount of work to be done which would have compelled counsel to visit the West Coast, and to make inquiries on the spot; that he would not have paid so high a fee had it not been for the distinct instructions of Mr. Hoani Nahe to do so.

Mr. Hoani Nahe states this payment originated with him; that he thought the Natives should be represented before the Commission by "lawyers, to look into the promises which had been made by the Government." This, however, as he expresses it, was "not altogether of my own thought;" but Mr. Rees spoke to him first, telling him that Mr. James Mackay would like to see him upon the subject, and that he saw Mr. Rees and Mr. James Mackay together, who advised him to apply to the Government for money, and that Mr. Rees advised that he (Mr. Rees) should be employed. Mr. Mackay also advised him to employ Mr. Rees, and that he took no steps in the matter until he was advised by Mr. Rees to do so. Mr. Rees also informed Mr. Hoani Nahe that the money was wanted in a great hurry. He understood that for the money "Mr. Rees was to attend on the Commission, and enquire into the promises made by the Government to the Natives." He (Mr. Nahe), however, thought that it would be quite time enough to pay the money after the Commission was appointed instead of before, but he "could not keep the money, because Mr. Rees and Mr. Mackay insisted on its being paid. They were continually asking me for it. Mr. Rees asked me for the money, and Mr. Mackay said it ought to be paid." Again Mr. Nahe states:—"If I had been left free I should have left the money in the Treasury. If I had been better up in the ways of lawyers I think I should have kept the money." He also says, "Another reason urged (by Mr. Rees) was that the money was standing in my name, and if the Government went out of office it was probable that the money would not be available afterwards."

Sir George Grey was not aware what work had been done for this money. Mr. Hoani Nahe states that he has only just found out that nothing was done for the money. "I mean to say that I suppose no work has been done by him" (Mr. Rees). Mr. Rees in his evidence admitted that he had not been on the West Coast in connection with this enquiry, and that he had not examined any Natives, but that he had prepared a Brief, the basis of which was a quantity of documentary evidence, consisting of orders in Council, debates, despatches, reports of interviews with Ministers, proclamations, &c., &c., which he admits has been of no practical use. When the West Coast Commission was appointed, Mr. Rees wrote to tell the Commissioners he was prepared at once to go before them, but they did not require his services, nor those of any other barrister.

A point has been raised whether the money received by Mr. Rees was public money or Mr. Nahe's money; whether Mr. Rees was not practically retained by Mr. Nahe in the same way as a solicitor is retained in private transactions; Mr. Rees contending that this was so. Mr. Nahe, however, says that he employed lawyers only on the suggestion of Mr. Mackay and Mr. Rees; that when first the suggestion was made by them he replied, "I could not do much in that way, as I had no money wherewith to pay a lawyer. They then said I had better apply to the Government for the money, and on that I made the application." And again, "I did not think it was my own private money, because when Mr. Rees first applied to me I told him distinctly that I had no money, and he advised me to apply for public money for the purpose." Mr. Rees was from first to last so intimately connected with the transaction that he wrote out the voucher himself, making Mr. Sievwright the Imprestee; yet when he was asked, having written out the voucher, whether he was aware "the money was Government money for public purposes, because the purposes were stated on the voucher," he answered, "I may say that I never thought of that at all." The Controller and Auditor-General had no doubt that this money was public money issued for public purposes.

The following facts are therefore clear:—

I. That a payment of £300 was made from the Treasury on the authority of the Executive Government to Mr. Sievwright, to retain counsel to enquire into