

v. Siemwright.
10th Dec., 1879.

204. Have you any doubt about it?—I certainly have because *none though* the retainer is rather open *in its terms*.

205. I understood you to say you never had any connection with the defence of the prisoners?—If I had, Hoani Nahe would have communicated that, but he never so instructed me.

206. *Mr. Gisborne.*] Are retainers in writing?—Mr. Rees' receipts are in writing.

207. Is that a retainer?—It is the same thing as a retainer.

208. Does it state the object?—Yes.

209. There is nothing more specific?—Nothing more specific.

210. *Mr. Dick.*] I understood you to say that you retained Mr. Rees, not that he retained you?—No; Yes. I retained him. He came to me and asked me whether I would undertake Hoani Nahe's case *the business*, and I said I was willing to do so with him as counsel, but I would not do it otherwise.

211. *Mr. Moss.*] May I ask you what you mean by saying that you would not undertake it alone?—I would not act as counsel, I would not appear and plead the case; I would assist him as solicitor, and leave him to appear before the Commission.

212. Did you consider that Mr. Rees' services in that particular case would be specially valuable?—I certainly thought so. I do not know of any man that would be better *qualified* for the work.

213. *Mr. Gisborne.*] Are you still working at the case?—I am; but I am not sure that I shall work very much more until I see a prospect of getting paid. I think I am quite entitled to look for costs as well as Mr. Rees. I have done a great deal *already* in getting up the case, and I shall *now probably* look for costs before doing more.

214. Certain work has been done up to the present time, and that work can be proceeded with unless Hoani Nahe ~~steps in~~ stops it?—Certainly. I am quite willing to go on, and I think Hoani Nahe would make a mistake if he stopped now. It would be throwing away money.

215. And you think it would be desirable that he should proceed with the case?—I think it would be a matter of great importance to have those West Coast claims disposed of somehow. I fancied I might get a little credit for any efforts that I might make ~~in the~~ *towards* a settlement of the claims. That was one object I had in taking up the case.

216. *Mr. Hislop.*] Did Mr. Rees, when he asked you to undertake the case, stipulate that he should be counsel or that you should be counsel?—He at first spoke as though I should do other work, but I declined to do counsel's work.

217. In the first instance he was willing to turn over the whole thing to you?—I think so, but I declined to take it. I was a stranger to ~~that~~ *the kind of work to be done*, and therefore I said he must be counsel.

218. *Mr. McLean.*] Did he give you any indication of the nature of the work he handed over to you?—No.

219. Then although he wanted you to act as solicitor, he was going to keep the business of counsel in the case to himself?—He was ~~going to assist to act as counsel~~.

220. He came to you and induced you to take it up as solicitor; suppose you had said I will act as solicitor, but I will not have anything to do with you, do you think he would have handed it over then?—~~I do not think so~~, *Perhaps Mr. McLean does not believe in Mr. Rees?* I would have had nothing to do with the case unless Mr. Rees were with me—unless he had undertaken to work as counsel

WEDNESDAY, 10TH DECEMBER, 1879.

HON. W. GISBORNE, M.H.R., was examined.

Hon W. Gisborne
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221. *Mr. Gisborne.*] At a meeting of the Cabinet, the question was raised whether a sum of £300 should not be advanced to Mr. Hoani Nahe, who was a member of the Cabinet, to be spent in the defence of the Native prisoners, who were then waiting their trial. I understood that Mr. Nahe practically represented the prisoners, and, on that understanding, and thinking it right that the Government should contribute a reasonable sum towards the defence of the prisoners, I assented to the advance being made. Since then I have heard nothing of it until quite recently. It was not in my department, and I heard nothing of it until the question was raised and debated in the House of Representatives a fortnight ago. I have heard since, from the evidence given before this Committee, that the advance was spent in retaining counsel for the probable investigation of Native claims on the West Coast before a Commission. That object was not specified at the Cabinet to which I refer; but I am bound to say, if it was, I consider the two questions so intimately connected, that I do not think I should have arrived at any other conclusion than that which I did at the Cabinet.

222. *Mr. Ballance.*] That was the decision of the Government?—Yes.

223. You do not wish to raise any discussion that took place in the Cabinet?—No; I do not think I should be right in stating it.

224. I mean because you said that certain things were raised in Cabinet, and therefore you might be examined with regard to things that took place there. My object in raising the point is to keep it out of the evidence?—I think Mr. Sheehan mentioned that the proposition was made in Cabinet, and that the Government came to a conclusion.

225. *Mr. McLean.*] You have heard from the evidence how this money was appropriated; does that meet entirely with your approval, as a member of the late Government?—I do not know that I am bound to give an opinion upon that. It was an advance to Hoani Nahe to be accounted for. The appropriation was never brought under my consideration.

226. Well, let me put it this way:—Suppose when you were deliberating in Cabinet you had known this £300 was to be handed over in the way it was, how would that have affected your vote in giving the money?—Probably it would not, as the subject of the investigation of Native claims on the West Coast