

1880.
NEW ZEALAND.

REPORT OF PUBLIC ACCOUNTS COMMITTEE.

PAYMENT OF £300 TO MR. SIEVWRIGHT.

Report brought up August, 1880, and ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

WEDNESDAY, THE 7TH DAY OF JULY, 1880.

Ordered, That the Report of the Controller and Auditor-General on the subject of the payment of the sum of £300 to Mr. Sievwright, be referred to the Public Accounts Committee.—(Hon. Mr. Hall.)

TUESDAY, THE 24TH DAY OF AUGUST, 1880.

Ordered, That the evidence taken in the case of the sum of £300 paid to Mr. Sievwright, by the Treasury, which is now before the Public Accounts Committee, be laid upon the table of this House, and be printed.—(Sir G. Grey.)

REPORT.

The Public Accounts Committee to whom has been referred by the House the Memorandum of the Controller and Auditor-General upon the subject of the payment of the sum of £300 to Mr. Sievwright, have the honour to report as follows:—

That the payment was made to Mr. Sievwright, and by him to Mr. Rees, as a retaining fee, in two sums of £150 each, on the 2nd and 4th August, 1879. These dates fall in the interval between the defeat of Sir George Grey's Ministry, on July 29th, and the prorogation of Parliament on August 11th, prior to the dissolution. In granting the dissolution, the Governor stated the circumstances under which he did so to be, "Ministers have lost the confidence of the representatives of the people, and are about to appeal from them to the country. A majority of the House of Representatives have declared that Ministers have so neglected and mismanaged the administrative business of the country that they no longer possess the confidence of Parliament. It is indispensable in such circumstances, if Ministers do not at once resign, that Parliament should be dissolved with the least possible delay, and that meanwhile no measure should be proposed that may not be imperatively required, nor any contested motion whatever brought forward."

The Committee understand from the evidence of Sir George Grey that the reason why it was considered advisable by the then Ministry to retain counsel was, that Ministers intended to appoint a Commission to enquire fully into the whole question of Native rights to land on the West Coast of the North Island, and that they thought counsel should be engaged to get up evidence and represent the interests of Natives before such Commission. Counsel was engaged accordingly, through the instrumentality of Mr. Hoani Nahe, a member of the Administration, but no Commission was appointed. The reason no Commission was appointed is understood to be because of the Governor's general prohibition just quoted. It is, however, difficult to understand how it was that the appointment of the Commission should be held to come within the prohibitory language of the Governor, whilst the payment of a retaining fee to counsel to appear before a Commission that could not be appointed till after the election of a new Parliament was held to be not included in that language. At the time the payment was made Parliament was in session, Supply was not disposed of, and a vote might easily have been proposed in Committee of Supply had the Government thought fit.

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

promises, &c., to the Natives in regard to land on the West Coast, in view of the appointment of a Royal Commission at a future time.

II. That Mr. Rees was the barrister so retained, being a member of the House of Representatives at the time.

III. That the money was paid without a vote, though Parliament was in session at the time of payment.

IV. That pressure was brought upon Mr Hoani Nahe to pay the money with great haste, and against his own judgment.

V. That nothing of any practical value has been done for the money so paid, and that no public purpose has been served by its payment.

The Committee are forced to the conclusion that the money in question has been paid in a most irregular manner; that for the House to vote it would be establishing a dangerous precedent; and that Part VIII. of the Public Revenues Act, 1878, gives full power to the Executive to deal with the circumstances of this case should they agree with the conclusion at which the Committee has arrived.

28th August., 1880.

E. C. J. STEVENS, Chairman.

MINUTES OF PROCEEDINGS.

MONDAY, 12TH JULY, 1880.

The Committee met at 11 a.m.

Present: Mr. Stevens (Chairman), Hon. Major Atkinson, Mr. Ballance, Hon. Mr. Dick, Hon. Mr. Hall, Mr. Johnston, Mr. McLean, Mr. Montgomery, Mr. Moss, and Mr. Wood.

Order of reference from the House, dated 7th July, read.

The Chairman read copy of the evidence given last Session by Mr. Sheehan and Mr. Sievwright, as to the payment of £300.

Moved by Mr. McLean, and *Resolved*, That Mr. Hoani Nahe be summoned to attend the Committee and give evidence respecting the payment of £300 to Mr. Sievwright.

Moved by Mr. Ballance and *Resolved*, That Sir G. Grey, K.C.B., M.H.R., be summoned to give evidence on the case.

Moved by Mr. Ballance and *Resolved*, That when Mr. W. L. Rees arrives in Wellington, he be also summoned to give evidence.

Adjourned.

TUESDAY, 13TH JULY, 1880.

The Committee met at 11 a.m.

Present: Mr. Stevens (Chairman), Hon. Major Atkinson, Mr. Ballance, Hon. Mr. Dick, Sir G. Grey, Mr. Johnston, Mr. McLean, Mr. Montgomery, Mr. Moss, Mr. Saunders, and Mr. Wood.

Sir George Grey present for examination.

The Chairman read to him the report adopted by the Committee last Session, and part of the evidence of Mr. Lewis, in reference to the payment. Sir G. Grey then was examined. (See evidence.)

At the conclusion of the evidence the Clerk was directed to summon the Controller and Auditor-General in reference to the payment, for next day.

Adjourned.

WEDNESDAY, 14TH JULY, 1880.

The Committee met at 11 a.m.

Present: Mr. Stevens (Chairman), Hon. Major Atkinson, Mr. Ballance, Hon. Mr. Dick, Sir G. Grey, Mr. Johnston, Mr. McLean, Mr. Moss, Mr. Saunders, and Mr. Wood.

Mr. FitzGerald, Controller and Auditor-General, attended and gave evidence. (See evidence.)

The Chairman was authorised to hand Mr. FitzGerald all evidence, vouchers, and other papers in reference to this payment for his perusal and return.

The Clerk was directed to summon him again for next Monday.

Adjourned.

MONDAY, 19th JULY, 1880.

The Committee met at 11 a.m.

Present: Mr. Stevens (Chairman), Hon. Major Atkinson, Mr. Ballance, Sir G. Grey, Mr. Johnston, Mr. McLean, Mr. Moss, and Mr. Wood.

Mr. FitzGerald, Auditor-General, was present, and handed in a written statement. (See Statement.) Owing to his having omitted to bring the copies of evidence with him, his examination was postponed to next day.

Motion made (Sir G. Grey) and question proposed—That, looking to the remarks made in Parliament and in this Committee on the subject of the amount paid to Mr. Rees, it would be just that he should be heard before this Committee, and that the Chairman be requested to summon Mr. Rees to give evidence before the Committee.

Motion made (Mr. McLean) and question put—That the consideration of the foregoing proposition be postponed to to-morrow, and that the Chairman telegraph to Mr. Rees to enquire if he is coming to Wellington.

The Committee divided.

Ayes, 5: Mr. Ballance, Mr. Johnston, Mr. McLean, Hon. Major Atkinson, and Mr. Wood.
Noes, 2: Sir G. Grey, and Mr. Moss.

The Chairman was requested to communicate with Mr. Hoani Nahe in similar terms, and ascertain if he were coming to Wellington.

Motion made (Sir G. Grey) and it was *Resolved*—That the West Coast Commissioners be requested to furnish any correspondence between themselves and Mr. Rees in relation to his being heard before them in reference to the rights and position of the West Coast Natives.

Adjourned.

TUESDAY, 20TH JULY, 1880.

The Committee met at 11 a.m.

Present: Mr. Stevens (Chairman), Hon. Major Atkinson, Mr. Ballance, Sir G. Grey, Mr. Johnston, Mr. McLean, Mr. Montgomery, Mr. Moss, and Mr. Saunders.

Telegram from Mr. Rees read, stating he was coming down by next boat. Subsequently, while Committee was sitting, another telegram was received, as follows:—"Have treated your telegram as a formal summons to attend. Am I correct?" The Chairman was instructed to summon Mr. Rees and Mr. Nahe formally by telegram.

The Chairman read a letter from the Secretary, West Coast Commission, forwarding copies of correspondence between the Commission and Mr. Rees; and also the copies referred to.

The Auditor-General again in attendance, and was further examined. (See evidence.)

Adjourned.

TUESDAY, 3RD AUGUST, 1880.

The Committee met at 11 a.m.

Present: Mr. Stevens (Chairman), Hon. Major Atkinson, Mr. Ballance, Hon. Mr. Dick, Sir G. Grey, Mr. Johnston, Mr. McLean, Mr. Montgomery, Mr. Moss, Mr. Saunders, Mr. Wood.

Mr. W. L. Rees was present, and examined. (See evidence.)

Adjourned.

TUESDAY, 10TH AUGUST, 1880.

The Committee met at 11 a.m.

Present: Mr. Stevens (Chairman), Hon. Major Atkinson, Mr. Ballance, Hon. Mr. Dick, Sir G. Grey, Mr. McLean, Mr. Montgomery, Mr. Moss, and Mr. Saunders.

Mr. Hoani Nahe was in attendance, and gave evidence through the interpreter, Mr. Hadfield. (See evidence.)

Adjourned.

WEDNESDAY, 11TH AUGUST, 1880.

The Committee met at 11 a.m.

Present: Mr. Stevens (Chairman), Hon. Major Atkinson, Mr. Ballance, Hon. Mr. Dick, Sir G. Grey, Mr. Johnston, Mr. McLean, Mr. Moss, and Mr. Saunders.

Mr. Hoani Nahe again present, and his examination through Mr. Hadfield, continued. (See evidence.)

Adjourned.

WEDNESDAY, 18TH AUGUST, 1880.

The Committee met at 11 a.m.

Present: Mr. Stevens (Chairman), Hon. Major Atkinson, Mr. Ballance, Hon. Mr. Dick, Sir G. Grey, Hon. Mr. Hall, Mr. Johnston, Mr. McLean, Mr. Montgomery, Mr. Moss, Mr. Saunders, and Mr. Wood.

Motion made (Mr. Wood), and question proposed, That the Committee find as follows:—

"The Public Accounts Committee, to whom has been referred the memorandum of the Comptroller and Auditor-General, upon the subject of the payment of £300 to Mr. Sievwright, report as follows:

The payment was made to Mr. Sievwright, and by him to Mr. Rees, as a retaining fee, in two sums of £150 each, on the 2nd and 4th of August, 1879. This date falls in the interval between the defeat of Sir G. Grey's Ministry on July 28th and the prorogation of Parliament on August 11th, prior to the dissolution. In granting the dissolution, the Governor stated the circumstances under which he did so to be, 'Ministers have lost the confidence of the Representatives of the people, and are about to appeal from them to the country. A majority of the House of Representatives have declared that Ministers have so neglected and mismanaged the administrative business that they no longer possess the confidence of Parliament. It is indispensable in such circumstances, if Ministers do not at once resign, that Parliament should be dissolved with the least possible delay, and meanwhile no measures should be proposed that may not be imperatively required, nor any contested motion whatever brought forward.' The Committee understand from the evidence of Sir George Grey, that the reason why it was considered advisable by the Ministry to retain counsel was that Ministers intended to appoint a Commission to inquire fully into the whole question of Native lands on the West Coast of the North Island, and that they thought counsel should be engaged to get up evidence and represent the interest of the Natives before such Commission. Counsel was engaged accordingly through the instrumentality of Mr. Hoani Nahe, a member of the Administration, but no Commission was appointed. The reason no Commission was appointed, from the evidence of Sir George Grey, is understood to be because of the Governor's general prohibition just quoted. It is, however difficult to understand that the appointment of the Commission should be held to come within the prohibitory language of the Governor, whilst the payment of a retaining fee to counsel to appear before a Commission that could not be appointed till after the election of a new Parliament, was held to be not included in that language. At the time the payment was made, Parliament was in session. Supply was not disposed of, and a vote might easily have been proposed in Committee of Supply had the Government thought fit.

"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 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 till 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 inquire 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 the 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 inquiry, 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 further, '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 vouchers himself, making Mr. Sievwright the imprestee; yet when he was asked, having written out the voucher, whether he was aware that the money was Government money for public purposes, he answered, 'I may say that I never thought of it at all.' The Controller and Auditor-General had no doubt that the 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 promises, &c., to Natives in regard to land on the West Coast, in view of the appointment of a Royal Commission at a future time.

"II. That Mr. Rees was the barrister so retained, being a member of the House of Representatives at the time.

"III. That the money was paid without a vote, though Parliament was sitting at the time of payment.

"IV. That pressure was brought on Mr. Hoani Nahe to pay the money in great haste and against his own judgment.

"V. That nothing of any practical value has been done for the money so paid, and that no public purpose has been served by its payment.

"The Committee are forced to the conclusion that the money has been paid in a most irregular manner; that for the House to vote it would be establishing a dangerous precedent; and that the 70th clause of the Public Revenues Act gives full power to the Executive to deal with the circumstances of the case, should they agree with the conclusion at which the Committee has arrived."

Question proposed, That the report be now adopted, whereupon motion made (Mr. Moss), That the consideration of the report be adjourned.

Motion by permission withdrawn.

Original question again proposed, whereupon motion made (Hon. Major Atkinson), and it was *Resolved*, That before further considering the report, the Chairman ask permission of the House to have the evidence in the case and such other papers as may be thought necessary printed.

Motion made (Hon. Major Atkinson), and it was *Resolved*, That all the evidence be printed.

Motion made (Mr. Ballance), and it was *Resolved*, That the Chairman select for printing such papers as he may deem necessary.

Motion made (Mr. McLean), and it was *Resolved*, That the consideration of the subject be postponed to Wednesday, 25th instant, at 11 a.m.

Mr. Moss handed in the following notice of motion for consideration on the 25th:—

Mr. Moss to move as an amendment to Mr. Wood's motion, That Mr. Wood's resolutions, whilst only stating a part of the facts, impugn the policy of the late Government, upon which the Public Accounts Committee are expressly prohibited from expressing an opinion. That it appears from the evidence that the £300 was paid in pursuance of that policy, and that the whole question raised by the Auditor-General

is caused by its having been paid as an imprest instead of there having been at the time of payment a direction to charge to such votes as Native contingencies, the Civil list native, or Unauthorised. The Government have full power therefore to deal with the question by bringing it before Parliament without the intervention of this Committee, either as a sum to be voted among unauthorised expenditure, or in such other way as they may think fit.

Adjourned.

WEDNESDAY, 25TH AUGUST, 1880.

The Committee met at 11 a.m.

Present: Mr. Stevens (Chairman), Hon. Major Atkinson, Hon. Mr. Dick, Sir G. Grey, Mr. McLean, Mr. Moss, and Mr. Wood.

The Clerk reported that the printer had not yet forwarded the evidence in the case.

Motion made (Sir G. Grey), and it was *Resolved*, That the Committee adjourn to next day, at 11 a.m., for the consideration of this matter.

Order of the House, dated 24th instant, received, That the evidence in the case be laid before the House.

Adjourned.

THURSDAY, 26TH AUGUST, 1880.

The Committee met at 11 a.m.

Present: Mr. Stevens (Chairman), Hon. Major Atkinson, Mr. Ballance, Hon. Mr. Dick, Sir G. Grey, Mr. Johnston, Mr. McLean, Mr. Montgomery, Mr. Moss, Mr. Saunders, and Mr. Wood.

Printed copies of evidence laid on the table.

Motion made (Sir G. Grey), and it was *Resolved*, That the further consideration of the case be adjourned to next day at 11 a.m.

Adjourned.

FRIDAY, 27TH AUGUST, 1880.

The Committee met at 11 a.m.

Present: Mr. Stevens (Chairman), Hon. Major Atkinson, Mr. Ballance, Hon. Mr. Dick, Sir G. Grey, Hon. Mr. Hall, Mr. McLean, Mr. Montgomery, Mr. Saunders, and Mr. Wood.

Debate resumed.

Question again proposed, (See Mr. Wood's motion on 18th instant.)

Motion made (Sir G. Grey), and question put, That the debate be further adjourned in order that Mr. Wood's motion may be printed and placed in the hands of members for consideration and comparison with the evidence.

The Committee divided.

Ayes, 4: Mr. Ballance, Sir G. Grey, Mr. Montgomery, Mr. Wood. *Noes*, 5: Hon. Major Atkinson, Hon. Mr. Dick, Hon. Mr. Hall, Mr. McLean, and Mr. Saunders.

Motion therefore lost.

Original question again proposed.

Question put, and it was *Resolved*, That Paragraph I be now adopted.

Paragraph II. Amendment proposed (Mr. Ballance) after the words "1879" to strike out the words "This date," in order to insert the words "These dates."

Question put, and *Negatived*, That the words proposed to be left out stand part of the question.

Question put, and it was *Resolved*, That the words "These dates" be inserted.

Another amendment proposed (Major Atkinson) after the word "July" to [strike out the words "28th," in order to insert the words "29th."

Question put, and *Negatived*, That the words proposed to be left out stand part of the question.

Question put, and it was *Resolved* to insert the words "29th."

Another amendment proposed (Sir G. Grey) to strike out all the words from the words "These dates" to the word "dissolution," both inclusive.

Question put, That the words proposed to be left out stand part of the question.

The Committee divided. *Ayes*, 6: Hon. Major Atkinson, Hon. Mr. Dick, Hon. Mr. Hall, Mr. McLean, Mr. Saunders, Mr. Wood. *Noes*, 3: Mr. Ballance, Sir G. Grey, Mr. Montgomery.

Motion made (Sir G. Grey), and it was *Resolved* that the debate be adjourned.

Motion made (Sir G. Grey), and question proposed, That the Committee do adjourn to Monday next, at 11 a.m.

Amendment proposed (Major Atkinson) to leave out the words "Monday next," in order to insert the words "to-morrow, Saturday."

Question put, That the words proposed to be left out stand part of the question.

The Committee divided.

Ayes, 4: Mr. Ballance, Sir G. Grey, Mr. Montgomery, Mr. Wood. *Noes*, 5: Hon. Major Atkinson, Hon. Mr. Dick, Hon. Mr. Hall, Mr. McLean, Mr. Saunders.

Question put, That the Committee do adjourn to to-morrow, Saturday, at 11 a.m.

The Committee divided.

Ayes, 6: Hon. Major Atkinson, Hon. Mr. Dick, Hon. Mr. Hall, Mr. McLean, Mr. Saunders, Mr. Wood. *Noes*, 3: Mr. Ballance, Sir G. Grey, Mr. Montgomery.

Adjourned.

SATURDAY, 28TH AUGUST, 1880.

The Committee met at 11 a.m.

Present: Mr. Stevens (Chairman), Mr. Ballance, Hon. Mr. Dick, Hon. Mr. Hall, Mr. McLean, Mr. Saunders, and Mr. Wood.

Consideration resumed.

Question proposed, That the proposed report be now adopted as follows:—

That the Public Accounts Committee to whom has been referred the Memorandum of the Controller and Auditor-General upon the subject of the payment of the sum of £300 to Mr. Sievwright, report as follows:—

That the payment was made to Mr. Sievwright, and by him to Mr. Rees, as a retaining fee, in two sums of £150 each, on the 2nd and 4th August, 1879. These dates fall in the interval between the defeat of Sir George Grey's Ministry on July 29th, and the prorogation of Parliament on August 11th, prior to the dissolution. In granting the dissolution, the Governor stated the circumstances under which he did so to be, "Ministers have lost the confidence of the representatives of the people, and are about to appeal from them to the country. A majority of the House of Representatives have declared that Ministers have so neglected and mismanaged the administrative business of the country that they no longer possess the confidence of Parliament. It is indispensable in such circumstances, if Ministers do not at once resign, that Parliament should be dissolved with the least possible delay, and that meanwhile no measure should be proposed that may not be imperatively required, nor any contested motion whatever brought forward."

The Committee understand from the evidence of Sir George Grey that the reason why it was considered advisable by the then Ministry to retain counsel was, that Ministers intended to appoint a Commission to enquire fully into the whole question of Native rights to land on the West Coast of the North Island, and that they thought counsel should be engaged to get up evidence and represent the interests of Natives before such Commission. Counsel was engaged accordingly, through the instrumentality of Mr. Hoani Nahe, a member of the Administration, but no Commission was appointed. The reason no Commission was appointed, from the evidence of Sir George Grey, is understood to be because of the Governor's general prohibition just quoted. It is, however, difficult to understand how it was that the appointment of the Commission should be held to come within the prohibitory language of the Governor, whilst the payment of a retaining fee to counsel to appear before a Commission that could not be appointed till after the election of a new Parliament was held to be not included in that language. At the time the payment was made Parliament was in session, Supply was not disposed of, and a vote might easily have been proposed in Committee of Supply had the Government thought fit.

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 inquire 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 inquire into promises, &c., to the Natives in regard to land on the West Coast, in view of the appointment of a Royal Commission at a future time.

II. That Mr. Rees was the barrister so retained, being a member of the House of Representatives at the time.

III. That the money was paid without a vote, though Parliament was in session at the time of payment.

IV. That pressure was brought upon Mr. Hoani Nahe to pay the money in great haste, and against his own judgment.

V. That nothing of any practical value has been done for the money so paid, and that no public purpose has been served by its payment.

The Committee are forced to the conclusion that the money in question has been paid in a most irregular manner; that for the House to vote it would be establishing a dangerous precedent; and that the 70th Section of the Public Revenues Act, 1878, gives full power to the Executive to deal with the circumstances of this case should they agree with the conclusion at which the Committee has arrived.

Motion made (Mr. Wood), and it was *Resolved*, in line 21, to strike out the words "from the evidence of Sir George Grey."

Motion made (Mr. Wood), and question proposed, in the last paragraph, to strike out the words "the 70th section," in order to insert the words "Part VIII."

Question put and *Negatived*, That the words proposed to be left out stand part of the question.

Question put, and it was *Resolved* to insert the words "Part VIII."

Question proposed, That the report, as amended, be now adopted.

Motion made (Mr. Ballance), and question proposed to leave out all the words after "That" to the end of the question, in order to insert instead thereof the words "from the late period of the session, and the fact that the printed evidence and resolution have only recently been in possession of the members, the final decision cannot fairly be arrived at in the present session. That accordingly the evidence and minutes only be reported to the House, and that the matter be further considered at an early period of next session for the final report."

Question put, That the words proposed to be left out stand part of the question.

The Committee divided.

Ayes, 5 : Hon. Mr. Dick, Hon. Mr. Hall, Mr. McLean, Mr. Saunders, Mr. Wood. *Noes*, 1 : Mr. Ballance.

Question put, That the report as amended be now adopted.

The Committee divided.

Ayes, 5 : Hon. Mr. Dick, Hon. Mr. Hall, Mr. McLean, Mr. Saunders, Mr. Wood. *Noes*, 1 : Mr. Ballance.

Motion made (Mr. McLean), and it was *Resolved*, That the Chairman be instructed to report to the House in accordance with the foregoing resolutions.

Motion made (Hon. Mr. Hall), and it was *Resolved*, That the Committee do now adjourn.

Adjourned.

MINUTES OF EVIDENCE.

PAYMENT OF PUBLIC MONEY TO MR. SIEVWRIGHT.

Mr. E. C. J. STEVENS, Chairman.

TUESDAY, 9TH DECEMBER, 1879.

Mr. JOHN SHEHAN, M.H.R., was examined.

1. *The Chairman.*] The Committee wished you to be good enough to attend for the purpose of giving some information upon this question, which has been referred to the Committee to decide upon with regard to the money which has been paid to Mr. Sievwright, as shewn by the correspondence.—
What is the point in respect to which the Committee desire me to give evidence?

Mr. J. Shehan.
9th. Dec. 1879.

2. You will find a requisition at the end of the documents. Will you state to the Committee the circumstances under which that was given?—Yes, certainly. The advance was made under the following circumstances:—On the arrival of the Native prisoners a good deal of discussion took place amongst the Native chiefs then present in Wellington. Several meetings were held, at which, I think, the Maori members of both Houses attended, and an endeavour was made by means of subscriptions amongst themselves to procure funds for the purpose of employing counsel. Hoani Nahe was a member of that Committee, and he brought the matter before myself in the first instance, and then, through me, before the Cabinet. This application was that provision should be made to procure legal assistance for the prisoners during the trials, and, after some discussion, it was agreed that an Imprest should be made to him of £300 (three hundred pounds), to be employed by him in procuring legal advice for the prisoners. These were all the circumstances of which I am aware. I believe he afterwards employed Mr. Sievwright, of Sievwright and Stout.

3. That is all, is it?—That is all.

4. In that requisition there are these words: "To be spent under the direction of the Hon. Hoani Nahe?—Yes.

5. That is yours, as well as this minute No. 2976?—Yes.

6. You say here, "*Re* Imprest of £300, authorised to be advanced to the Hon. Mr. Nahe, as contribution towards defence of Native prisoners. To meet the difficulties raised by the Audit Department you had better take the Imprest to yourself, paying the same in such manner and to such persons as the Hon. Mr. Nahe may direct." Will you please state how the difficulties have been raised? I understand you to say that the Cabinet determined to give an Imprest for the purpose of an advance for legal assistance to those Natives?—Yes.

7. When were the difficulties you mention there raised by the Audit Department?—They may possibly have been brought before me verbally by Mr. Lewis. It was not actually a legal difficulty, but the Audit Department pointed out the advisability of not Impresting to Ministers, in which I think they were quite right. I asked them to relieve me of two or three Goldfields accounts, which I had been working myself, and to get through that difficulty I suggested that Mr. Lewis should take the money, and pay it under the direction of Mr. Nahe.

8. You will observe that in Dr. Buller's statement, he says that Mr. Hoani Nahe was not a member of the Committee of chiefs; did you notice that?—Yes.

9. He distinctly says that at one time Hoani Nahe proposed to become a member of the Committee, but, having regard to his official position, he afterwards withdrew his name, and declined to take any part in the movement?—That may be; I could not say it was not so, but he certainly was a member of the Committee in the first instance, because I saw his name amongst the other Native chiefs, and he came to me on the matter. I can only say I had not anything to do with the matter. It was done by my colleague, the Hon. Hoani Nahe, and if he had not been on the Committee it would have been the same.

10. *Mr. McLean.*] Was there any understanding about employing Mr. Rees in this case?—With me?

11. Yes?—None.

11A. Or with Sir George Grey?—I could not say. Hoani Nahe mentioned to me his intention to employ Mr. Rees, and he proposed that the money should be paid to Mr. Rees directly, which I refused, and that is the reason that I directed on the requisition that the money should be paid to Mr. Nahe himself.

12. Did you know of this refusal on the part of the Natives to accept any advice from the Government when you made this payment?—No, I knew the Natives declined to have any lawyers at all, and refused to accept any advice.

13. Then how did you come to pay this £300 when they refused to accept advice?—Because when

Mr. J. Sheehan. Natives are brought up for trial it is quite common to appoint counsel, even though they will not accept them.

9th Dec. 1879.

14. What has Mr. Rees done for this £300?—I do not know; I do not know as a matter of fact that Mr. Rees has been employed. I have only heard so.

15. *Mr. Montgomery.*] How did Mr. Sievwright come to be employed in this transaction?—I could not say, except I presume that Mr. Hoani Nahe employed him as solicitor for the prisoners. I may say I did not take any part in the matter myself, because I felt that as the Government were prosecuting, the less we had to with it and with monies given to Hoani Nahe, the better, otherwise it might appear that the persons employed by him on behalf of the prisoners were employed by the Government.

16. *Mr. Gisborne.*] Were Messrs. Sievwright and Stout employed as solicitors; we have not got that answer here?—I could not say, but I have just been looking through the correspondence, and I should imagine they were employed as solicitors.

17. Was not the arrangement in Cabinet that Mr. Hoani Nahe should have the advance, and that he should expend it, accounting for it in the defence of the prisoners?—That was so.

18. And that practically he represented the prisoners?—Yes.

19. *Mr. Ballance.*] Were there not some claims also involved? Was not part of this money to be devoted to claims which the Natives of Taranaki had then, or to the investigation of claims which the Natives had on West Coast?—I understood that money was to be employed in their defence, and I presumed that in their defence by counsel the question of the question of unfulfilled promises would be raised, and on that question a question would be raised as to the charge.

20. *The Chairman.*] The telegram from Mr. Hoani Nahe reads as follows:—"Grahamstown, October 16, 1879.—The Under-Secretary Native Department, Government Buildings.—The services performed by Messrs. Sievwright and Rees were to make arrangements respecting the reserves consented to by the Government for the Maoris of Taranaki who are now in prison; and when a Commission is appointed to enquire into the troubles at Taranaki, Mr. Rees and others will act as lawyers for me at Taranaki, for I represented Taranaki, and that is why I asked the Government to show me consideration, and give me money to retain the services of a lawyer for my people at Taranaki.—(Signed) HOANI NAHE."

21. *Mr. Ballance.*] You say the defence of the prisoners was mixed up with the question of Native reserves?—Yes, so far as I knew it was a question between the Government and the Native prisoners, and, in fact, between the Government and the whole of the West Coast population.

22. That is, the question of reserves would enter into their defence?—Yes, necessarily, unless they meant to plead guilty.

23. *Mr. Hislop.*] At the time this £300 was imprested, was the Government aware that Dr. Buller had been employed?—I think I was aware that Dr. Buller had been acting—in fact I saw him once or twice.

24. *Mr. Saunders.*] Dr. Buller also told you that the Natives would not accept any provision of this kind made by the Government?—No; I saw that statement, but it is untrue. I feel a delicacy in referring to the matter, because the two interviews which took place in the matter were held in my house, and were understood to be strictly private and confidential; but, if an answer is required to the question, I say he did not tell me. On the contrary, when I told him Mr. Hoani Nahe was anxious to have assistance, Dr. Buller expressed pleasure at the idea, and expressed his willingness to have assistance, on account of the pressure of his other work.

25. *Mr. McLean.*] Hoani Nahe was a member of the Cabinet when this took place?—Yes.

26. What was the objection of the Audit?—There was no difficulty in getting over the objection, because there was no law against it. The only objection I took was that it was not desirable, and therefore I suggested that Mr. Lewis should take the imprest.

27. Have you had any conversation with Mr. Rees in connection with this matter?—I saw Mr. Rees about a week or ten days ago, when he asked me where Hoani Nahe was, and I told him his address was Grahamstown.

28. I suppose he is at Grahamstown now?—He lives within a mile and a half of the telegraph station, and there would be no difficulty in getting him.

29. *Mr. Gisborne.*] You said you knew about Dr. Buller being employed? What did you imagine would be his position in reference to Hoani Nahe, as counsel or separate counsel? Did Dr. Buller say he would be leader or would work with another counsel; or what did you understand?—I did not understand anything more than that he would be glad to have assistance. That is all. In any case it would be certain, when the case did come on, that at least two counsels would appear.

30. You understand that the division of duties between the counsel would be a matter of amicable arrangement?—Of course between the counsel that would be determined by the date of admission to the bar; whichever would be senior would take the lead.

31. Dr. Buller gave you to understand that there would be no difficulty in the arrangement of the bar in the case?—None whatever. I would like to state that I heard that letter of Dr. Buller's read in the House, and that it is essentially untruthful from beginning to end. I would like to put that on the evidence, because he may be called. If Dr. Buller likes to give me leave to make known what took place I will do so.

32. *The Chairman.*] Dr. Buller's letter is as follows:—

DEAR MR. BRYCE,—

Hunter Street, Wellington, 8th November, 1879.

A matter came to my knowledge to-day, which I feel bound to mention, both in justice to myself and the Natives for whom I am acting. You are probably aware that I have been, for some time past, acting as counsel for the Maori prisoners now confined in Mount Cook Barracks. In that capacity I had frequent interviews with the late Native Minister, Mr. Wi Parata being generally present. Whilst remembering that my duty to my clients was the paramount consideration, I always assured him that so far as possible, I must avoid embarrassing the Government. That as I believed the real question

at issue to be that of confiscation, I would assist my clients by commencing proceedings in the Supreme Court, for the purpose of testing the validity of the Acts under which the lands had been taken, and that considering time to be an important factor in the matter, I would get the consent of my clients to a postponement of their trial.

At one of these interviews (Wi Parata being present) Mr. Sheehan said that Sir George Grey was willing to assist the disaffected Natives with funds for the above purpose. I told him at once that all such help must be declined, and that the Natives would have no confidence whatever in the proceedings to be taken unless the whole expense was borne by themselves, and the conduct thereof entrusted to lawyers entirely independent of the Government.

Acting under the instructions of a self-constituted committee of ten chiefs, I prepared and submitted for approval a manifesto in English and Maori [copy herewith], setting forth to the Maori tribes generally the nature of the proceedings proposed to be taken.

That manifesto was adopted by the committee, and two thousand copies were printed and distributed throughout New Zealand. Subscription lists were circulated in various parts of the Colony, and a Trust Account opened at the Bank of New Zealand here.

From the first the Committee resolved to decline all assistance from the Government, and when a rumour became current that the Government had supplied funds, the President and Secretary (Tairaroa and Wi Parata) came to me in great consternation to know if it was true.

At the request of the Committee, conveyed in a formal resolution, on the motion of Wi Parata, I retained Mr. Travers, of this city, to act with me in the contemplated proceedings.

To my astonishment I learned to-day, from Mr. Rees, that through Hoani Nahe, a member of the then Cabinet, who professed to represent the Committee, Mr. Sievwright of this city had been employed as solicitor, and Mr. Rees himself, as counsel; that at the instance of Sir George Grey, £300 of the public money was paid over to Mr. Sievwright and shared with Mr. Rees (nominally as a retainer); and that this payment is treated as a grant in aid of legal expenses to the West Coast natives.

It is not for me to express any opinion on the propriety, or otherwise of these dealings. But on behalf of the Committee of Chiefs, for whom I am acting, I wish at once to state that Hoani Nahe's action in the matter was absolutely and wholly unauthorised; that the members of the Committee knew nothing of Mr. Sievwright in the matter, and decline to be connected in any way with the payment of Government money, about which they were not consulted. It will be my duty to advise them to publish this repudiation in the widest possible manner, but I have thought it right to communicate the facts to you in the first place.

At one time Hoani Nahe proposed to become a member of the Committee, but having regard to his official position he afterwards withdrew his name and declined to take any part in the movement.

I am, &c.,

W. L. BULLER.

Hon. J. Bryce, Minister for Native Affairs.

Mr. T. W. Lewis, Under-Secretary Native Department, was examined.

33. *The Chairman.*] The Committee have asked you to attend, Mr. Lewis, for the purpose of giving them information with regard to this case, with which I have no doubt you are familiar. [Documents handed to witness.] Perhaps you will be good enough to make a statement as to the circumstances?—I received instructions from the Native Minister, Mr. Sheehan, to arrange for an imprest to Mr. Hoani Nahe, a member of the Executive, for a sum of £300, to be expended under Mr. Nahe's direction in the employment of counsel in connection with the claims of the Maoris on the West Coast, and a requisition was made out in Mr. Nahe's name and forwarded to the Treasury in due course. It came back with a Memo. from the Comptroller to the effect that the Audit had objections, which had been expressed before, to making Imprest advances to a Minister, and to the Executive. That paper was referred, to the best of my recollection, by Mr. Sheehan to Sir George Grey, as Premier, for consideration in Cabinet, but that paper has not been found. I think the next step in the matter was that I received this paper from Mr. Sheehan:—"Mr. Lewis.—*Re* imprest of £300, authorised to be advanced to the Hon. Mr. Nahe, as contribution towards defence of Native prisoners; to meet the difficulties raised by the Audit Department, you had better take the Imprest to yourself, paying the same in such manner and to such persons as the Hon. Mr. Nahe may direct. Please attend to the thing at once." As I understood that the amount was to be paid over at once, I considered I had better see the Comptroller, as to the form of the receipt that I should take to relieve myself as Imprestee. Mr. FitzGerald said he saw no occasion for my being Imprested with the money. As he understood the money was to be paid over to Mr. Sievwright, it was far better it should be paid direct to him, and the Audit could call upon him for accounts. I reported this to Mr. Sheehan, and wrote the minute on the papers:—"File with my requisition. It has since been arranged that the money had better be paid to Mr. Sievwright direct, so that he may be held responsible to furnish detailed accounts when required by the Audit Department. Native Minister has approved.—T. W. Lewis. 1st August, 1879." That embraced the result of my interview with Mr. FitzGerald. The next step in the matter was an account furnished by Mr. Sievwright for the sum of £300, which was approved "for immediate payment" by Mr. Sheehan. Because the money was required at once, the Paymaster-General was requested to make immediate payment. The matter next came before me when the amount was sent forward to be charged. There had been a number of expenses in connection with the Maori prisoners on the West Coast, and it had not up to that time been decided as to which Department would deal with the matter of the expenditure. It was ultimately decided that the expenses of the prisoners were to be dealt with by the Department of Justice. I suggested that this payment should be dealt with in same manner as the other expenses for the Maori prisoners. I suppose the Committee is familiar with the subsequent correspondence that took place between the Audit Department and Mr. Sievwright.

34. *The Chairman.*] No, it is not here.—Supposing this was the subject on which I should be

Mr. J. Sheehan.

9th Dec. 1879.

Mr. T. W. Lewis.

9th Dec. 1879.

Mr. T. W. Lewis,
9th Dec. 1879.

required to give information, I have obtained from the Legislative Council a précis of the papers I produced before the Committee of the Council. I have looked over the paper, and it seems to me to give an exact précis of the history of the case. I would suggest that as this paper includes the extracts I have already read, that I should now read the whole of it, and it might be incorporated in the report.

The following is an accurate statement of the case so far as I know it:—

“On the 1st August a requisition was sent in by the Native Department in the following terms; ‘Required the sum of £300, as an advance for payment of legal expenses in connection with West Coast Natives. To be spent under the direction of the Hon. Mr. Nahe. To be charged to Advances Consolidated Fund.—J. SHEEHAN.’

“The Audit objected to the advance being made; but what the precise nature of their objection was does not appear on these papers.

“On the same day the Native Minister gave the following order to the Under Secretary: ‘Mr. Lewis; *Re* imprest of £300, authorized to be advanced to the Hon. Mr. Nahe, as contribution towards defence of Native prisoners. To meet the difficulties raised by the Audit Department, you had better take the imprest to yourself, paying the same in such manner and to such persons as the Hon. Mr. Nahe may direct. Please attend to the thing at once.—JOHN SHEEHAN. 1st August, 1879.’

“Whereupon the Under Secretary minuted as follows: ‘File with my requisition. It has since been arranged that the money had better be paid to Mr. Sievwright direct, so that he may be held responsible to furnish detailed accounts when required by the Audit Department. Native Minister has approved.—T. W. LEWIS. 1st August, 1879.’

“The £300 was thereupon paid to Mr. Sievwright by the Treasury Cashier, in the following way: A voucher was prepared showing the Native Department to be ‘Dr. to Basil Sievwright: This money is wanted as part costs of legal advice to and for the Ngatiawa and Taranaki Natives, in regard to their lands on the West Coast. Approved: For immediate payment. J. S. 1st July [Aug.], 1879.’ ‘The Paymaster-General: Please direct the immediate payment of this amount to Mr. Sievwright.—T. W. LEWIS. 1st August, 1879.’ ‘The Cashier; Please pay.—J. C. G. 1st August, 1879.’

“An Imprest Account was afterwards sent in, minuted thus: ‘Account of W. T. Thane, 6th August, 1879. Mr. Lewis: Be good enough to direct how this expenditure of £300 is to be charged.—J. MORETH. 6th Oct., 1879.’ Upon which the Under Secretary minuted: ‘Hon. Native Minister: For your instructions. This payment should, I think, be dealt with in the same manner as the amounts paid on account of Native prisoners, papers relating to which are before you for consideration. T. W. LEWIS. 9th Oct., 1879.’

“The Native Minister thereupon minuted that he would bring the matter before the Cabinet.

“On the 10th October the Native Minister (Mr. Bryce) directed the Under Secretary to procure the detailed accounts referred to in the preceding minute, and to ascertain the actual services for which the £300 had been paid. A letter was accordingly written to Mr. Sievwright on the 10th October, calling upon him to furnish as soon as possible an account in detail of the expenditure of the £300, and of the actual services for which the payment had been made.

“Next day (11th October) Mr. Sievwright replied that he was employed by and received his instructions from Mr. Nahe, and was not employed or instructed by the Government, and he therefore referred the Native Department to Mr. Nahe, who had procured the sum in question towards costs which he was incurring in connection with Native claims; that the money was only received by himself (Mr. Sievwright) as Mr. Nahe’s agent; but that if Mr. Nahe desired it, he (Mr. Sievwright) would supply all the information he possessed. Mr. Sievwright added that the business towards the costs of which the sum was granted had only begun, and would probably be both laborious and expensive.

“On the 13th October the Native Minister directed a telegram to be sent to Mr. Nahe for the particulars of the services rendered; and also directed Mr. Sievwright to be reminded that the money did not appear from the vouchers to have been paid to him as solicitor for a private person, but as the person who was himself to render the service.

“Mr. Nahe replied to that telegram, on the 16th October, as follows: ‘The services performed by Sievwright and Rees were, to make arrangements respecting the reserves consented to by the Government for the Maoris at Taranaki, who are now in prison; and when a Commission is appointed to enquire into the troubles at Taranaki, Mr. Rees and others will act as lawyers for me at Taranaki: for I represented Taranaki, and that is why I asked the Government to show me consideration, and give me money to retain the services of a lawyer for my people at Taranaki.—HOANI NAHE.’

“Mr. Sievwright replied to the Native Department’s letter on the 18th October, referring the Native Minister to his employer, and repeating that he himself had never directly or indirectly applied to the Government for money in connection with the West Coast Native business; had never, in fact, known of an application having been made until he was asked to draw the money; and never had been asked or employed by the Government to advise the Natives, or to obtain advice and legal assistance for them. He therefore declined to supply any information in his possession, unless instructed by Mr. Nahe to furnish it.

“Upon this, the Under Secretary recommended that, as the Controller had power under the Revenues Act to demand whatever information was necessary to elucidate any public account, it might be advisable to leave the matter to be dealt with by that officer.

“The Native Minister, on the 2nd November, referred the matter to the Controller for investigation, requesting him to obtain from Mr. Sievwright the particulars of the service rendered, which he had himself failed in obtaining.

“On the 3rd November the Controller sends the following minute to Mr. Sievwright: ‘The Controller finds that a sum of £300 was paid by the Treasury to Mr. Sievwright on the 2nd August, as part costs for legal advice to the Natives as to their land on the West Coast. Mr. Sievwright is requested to send to the Audit Office the account of the expenditure of these moneys.—J. E. FITZGERALD. 3rd November, 1879.’

“ Mr. Sievwright replied in the following terms : ‘ In reply to Mr. FitzGerald’s memorandum of 3rd November, Mr. Sievwright begs to refer to correspondence he has recently had with the Native Office on this subject.—W. SIEVWRIGHT. 4th November, 1879.’ Mr. T. W. Lewis.
9th Dec. 1879.

“ The Controller then sent Mr. Sievwright the following order : ‘ The Controller and Auditor-General directs Mr. Sievwright to account to the Audit Office for the public moneys, in pursuance of the powers vested in him by law, without reference to any correspondence which may have passed with other offices.—J. E. FITZGERALD. 4th November, 1879.’

“ To which Mr. Sievwright replied on the 5th, repeating to the Controller what he had already stated to the Government : namely, that he was employed by Mr. Nahe ; that he was not in any way employed by the Government, either directly or indirectly ; that he had been informed that the Ministry, on the application of Mr. Hoani Nahe, had consented to give the Natives the £300 ; that the warrant made the amount payable to himself (Mr. Sievwright) ; and that he had drawn the money as part payment of the legal costs of his clients, but not in any way as a payment to him from the Government with whom he had had no communication. Mr. Sievwright represented that therefore the £300 could not be ‘ public money ’ within the meaning of the Revenues Act : but that personally, he had no objection to afford the fullest information, and had telegraphed to Mr. Nahe for his consent ; and that, in anticipation of such consent, he was preparing his own bill of costs, which would show how the £300 had been spent.

“ On the 6th November the Controller replied to Mr. Sievwright that the £300 had been paid by the Treasury Cashier out of imprest moneys, from which he could not be relieved, as the voucher conclusively showed that the money had been paid to a solicitor as part payment of legal costs, on the authority of the Native Minister and another member of the Executive Council, but had not been charged to any vote or other authority of Parliament, and remained a debt to the Crown until the Imprestee was discharged by the Audit. The Controller, therefore still required the money to be accounted for.

“ Thereupon, on the 16th November, Mr. Sievwright replied, sending in his bill of costs, which he stated had been ready for some days, but he had asked Mr. Rees to send him a memorandum of work done by him (Mr. Rees) to accompany the account, which had not been received ; and Mr. Sievwright called attention to two receipts by Mr. Rees, one for £150, paid to him on 2nd August, and the other for the further sum of £150, paid to him on 4th August.

“ The bill of costs is for £377 16s. 2d., and includes, besides the payment of the two sums of £150 each to Mr. Rees, a charge for £52 10s. to Mr. Sievwright himself. The bill of costs, which is made out to Mr. Nahe, shows that the consultations with Mr. Rees began on 18th July. On the 2nd and 4th August the two payments of £150 are entered as follows : ‘ Attendance on Mr. Rees, to pay him as desired on account retainer and fee, 6s. 8d. ; paid him per receipt, £150 ; meeting with you and Mr. Gannon and Mr. Rees to-day, when you instructed me to pay the £300 to Mr. Rees, 13s. 4d. ; attendance on Mr. Rees to pay him further, 13s. 4d. ; paid him, per receipt, £150.’

“ The receipts themselves are as follow : ‘ 2nd August : Received retainer and fee from Mr. Sievwright, on account of costs for Ngatiawa and Taranaki Natives, £150.—W. L. REES.’ ‘ 4th August : Received from Mr. Sievwright the sum of £150 on account fees for Natives, Taranaki.—W. L. REES.’

“ The last paper in the series is a letter from Dr. Buller to the Native Minister, dated the 8th November, in which he states that, the matter of the payment of this £300 having come to his knowledge that day, he begged to say that he (Dr. Buller) had been acting as counsel for the Maori prisoners ; that in that capacity he had had frequent interviews with the late Native Minister, in the presence of Mr. Parata, when he had assured the Minister of his desire to avoid embarrassing the Government, that he intended to assist his clients by taking proceedings in the Supreme Court for testing the validity of the confiscation, and that, considering time was important, he would get the consent of his clients to a postponement of the trial. Dr. Buller went on to represent that on one of these occasions the late Native Minister had said that Sir George Grey was willing to help the disaffected Natives with funds for the above purpose ; but that he had told Mr. Sheehan at once that all such help must be declined, and that the Natives would have no confidence whatever in the proceedings unless the whole expense was borne by themselves, and the conduct thereof intrusted to lawyers entirely independent of the Government ; that a Native committee had been appointed, under whose guidance a certain manifesto had been prepared and circulated, subscription lists opened, and a trust account opened at the Bank of New Zealand ; that from the first this Native committee had resolved to decline all assistance from the Government ; that when a rumour became current of the Government having supplied certain money, the President and Secretary (Hon. Mr. Tairua, M.L.C., and Wi Parata) had come to him in great consternation to know if it were true ; that Mr. Travers had been retained by him (Dr. Buller) as the counsel for the Natives ; that it was with astonishment that he (Dr. Buller) had heard from Mr. Rees (that day) of Mr. Hoani Nahe, as professing to represent the Natives, having employed Mr. Sievwright as solicitor, and Mr. Rees as counsel, as well as of the payment of the £300 to Mr. Rees. Dr. Buller concluded by saying, on behalf of the committee of chiefs, that Mr. Nahe had been wholly unauthorised to act in the matter ; that they declined to be connected in any way with the payment of Government money ; and that it would be his duty to advise them to publish a repudiation of the transaction in the widest manner.”

I may mention that this is a précis of the papers made by the clerk of the Select Committee of the Legislative Council. I am acquainted with the original papers, and have read through them, and I believe this to be a fair précis of the papers themselves.

35. *The Chairman.*] You give them as your statement?—Yes.

36. Then I may take them as evidence by you?—Yes ; but the précis is not my own, but has been made by the clerk of the Committee of the Legislative Council.

37. The presumption is, I suppose, Mr. Lewis, that Mr. Rees would defend those prisoners?—I presume so. I may mention that I was not aware at all that Mr. Rees came into the matter. The first

Mr. T. W. Lewis. thing that connected Mr. Rees with it, in my mind, was his inquiring in the office whether a sum of £300, payable to Mr. Sievwright, had passed through. The Native Office had nothing whatever to do with Mr. Rees in the matter, and I only know what appears in the records.

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38. *Mr. McLean.*] I think I understand you to say that the payment of this money was pressing when you made this minute and held that interview with the Controller-General. Would you explain how it was so pressing to pay the money at that time, if you have any knowledge?—Of course. In the matter I acted under the instructions of the Native Minister, who in his minute “approves for immediate payment.” Acting under those instructions I took steps to have it paid immediately. I had no knowledge why it was pressing.

39. You had no knowledge of any negotiations between Mr. Rees and any member of the Government?—None whatever.

40. And it never came to your knowledge that Mr. Rees was in it at all until he called at your office pressing for this money to be paid to Mr. Sievwright?—At the time this amount was passing through, Mr. Rees came to the office. I do not think he saw me about it, but he inquired whether this money was ready for payment to Mr. Sievwright, and when I saw this question on the Order Paper my mind reverted to this sum, but had not that occurred I should not have connected Mr. Rees with the matter at all.

41. *Mr. Gisborne.*] Who asked about the money?—Mr. Rees called personally.

42. *Mr. Dick.*] After Mr. Rees applied for this money, did you make any effort to ascertain what part Mr. Sievwright had in the matter?—No, sir, it was no part of my duty to do so. The Native Minister had directed this sum to be paid to Mr. Nahe; the Audit objected, and it was arranged the money should be paid to Mr. Sievwright. I had done with the matter when the account was passed.

43. Did you know of any negotiations that took place between Mr. Sievwright and the Native Minister in the matter?—No; and I may mention that although I have had correspondence with Mr. Sievwright, I have never seen him to my knowledge, and I knew nothing of the matter, except that the sum of £300 that was proposed to be imprested to Mr. Nahe was to be paid to Mr. Sievwright.

44. Then there is a sum of 6s. 8d. for paying the money to Mr. Rees?—The full amount, including the sums paid to Mr. Rees, of the Bill of Particulars, is I believe £377.

45. Does that bill show that he had done anything in the matter in connection with the Maori defence?—I forget: there is I believe in the Bill of Particulars, charges for interviews with Mr. Nahe, and interviews with Mr. Rees. I forget whether there are any interviews with members of the Government. The Bill itself was with these papers.

46. There were interviews with Mr. Nahe:—Yes: I am speaking to the best of my recollection.

47. *Mr. Montgomery.*] Was any reason given why the money was required, or should be paid before the services were rendered?—No reason, except the direction on the voucher. It was not a reason, but an instruction by the Minister to make immediate payment. I was not aware of the reasons that moved him to give these instructions.

48. *Mr. Gisborne.*] Mr. Nahe is not an Imprestee at all?—No.

49. Mr. Sievwright is the Imprestee?—The Imprestee is the Treasury Cashier, but under the Public Revenues Act it is in the power of the Audit to call upon any person who has public money to account for it.

50. Who told Mr. Sievwright that he was to take instructions from Hoani Nahe?—That I suppose would be at one of the interviews between Mr. Nahe and Mr. Sievwright, because Mr. Sievwright refers to interviews he had with Mr. Nahe, and of which, up to the time I saw them noted in the bill, I was not aware.

51. Where is this bill?—The bill was with the papers when they were given to the Minister for the Committee.

52. You do not know where it is now?—No.

53. *Mr. Reader Wood.*] Dr. Buller is employed in the defence of these Native prisoners?—Not by the Government, sir; it is difficult to say by whom he is employed.

54. But he is employed?—Yes.

55. When was he employed?—I cannot say. The Government have nothing to do with Dr. Buller's employment, and I have heard the Maori prisoners themselves repudiate it.

56. I think there was a question asked in the House of Representatives with regard to the payments made to Dr. Buller, and they amounted to something like £600?—Those payments have nothing to do with this matter. They are in connection with land purchases. It had nothing to do with this whatever.

57. Then the Government do not know Dr. Buller in this matter at all?—Not at all. If you will notice the terms of Dr. Buller's letter, he states that the Government could have nothing to do with it.

58. That I perceive, but knowing money was paid to him, I connected the two together, and thought it was for this business as well?—No, sir.

59. *Mr. Ballance.*] Are you aware that a Committee of Chiefs was appointed for the defence of the Natives?—Yes, sir. I am aware that a Committee has been appointed in some way.

60. Was not Hoani Nahe a member of that Committee?—I think not. Dr. Buller in his letter in connection with these papers explains.

61. I want to know from your own knowledge, not from anything you have gained from Dr. Buller's letter?—I have no knowledge of the matter. The only paper that has come before me on the subject is a manifesto, printed by Dr. Buller, in which Hoani Nahe's name does not appear.

62. Did Hoani Nahe take any interest in the defence of these prisoners?—I believe so. I believe he had conversations with the Native Minister, his colleague, upon the subject, but I was not present at any of the interviews, and I do not know the nature of the conversations that took place.

63. You do not know that he was a member of this Committee?—No.

64. *Mr. Hislop.*] Have you a copy of the manifesto by Dr. Buller?—There is a copy in the records of the office, I believe.
65. Has that Hoahi Nahe's name on it?—I believe not.
66. What is the date of it?—I cannot remember the date without reference to the paper.
67. Have you any idea; was it last March?—It appeared about July or August, I think.
68. Then upon what do you base your statement that the Maoris repudiated Dr. Buller's appearance for them?—I base that upon information I have received as Under Secretary of the Native Department.
69. *Mr. M'Lean.*] How did you come by that information?—It was reported to me by someone in connection with the prisoners, I forget for the moment by whom, that Dr. Buller had visited the prisoners with this manifesto, and that they stated they did not wish to have anything to do with it; they trusted entirely to Te Whiti.
70. That was in connection with counsel?—They did not want any counsel.
71. You say you saw that manifesto, can you remember the names on it?—I have seen the manifesto, but cannot call to mind all of the names just now.
72. You saw the names of Tairaroa and Wi Parata?—Yes.
73. There is a number of others?—Yes. There is Major Kemp, and a number of others.
74. When you saw the manifesto was not that sufficient justification for Dr. Buller's being employed by those chiefs, some of them being from the West Coast themselves?—The manifesto I got was, I think, sent to me by Dr. Buller, and I brought it before the Native Minister as a piece of Native information. I considered so far as the manifesto was concerned, that Dr. Buller was acting against the interests of the Government.
75. But what I want to get out of you is your justification for the statement that you did not think Dr. Buller was recognised by the Maori prisoners or their representatives?—I expressed that simply as a matter of opinion from information I had received with regard to the prisoners, and I have stated my ground for believing the information.
76. *Mr. Dick.*] Mr. Sievwright has sent in his account for £377?—Yes.
77. Do you consider from the arrangements made with Mr. Sievwright that the country is liable for the whole £377?—I do not think I can give an opinion upon the matter, because except in passing the voucher, I had no official knowledge of the service.
78. *Mr. Gisborne.*] Can you let the Committee have a copy of this manifesto?—Yes.
79. *Mr. Wood.*] Have you Mr. Sievwright's account?—I believe it is attached to the papers. The witness was thanked for his attendance, and withdrew.

WEDNESDAY, 10TH DECEMBER, 1879.

Mr. WILLIAM SIEVWRIGHT, of Messrs. Sievwright and Stout, was examined.

Considerable alterations having been made in this evidence by the witness when revising, the portions struck out by him are printed in erased type, and the new matter written in by him printed in italic.

80. *The Chairman.*] The subject under consideration by this Committee is the payment that was made by the Government, through Mr. Hoani Nahe, to provide funds for the defence of the Native prisoners in Wellington. There is some correspondence with you in the papers, and the Committee would wish to obtain from you some information. You are familiar with all this?—Yes, I had some correspondence with the Government.

81. The minute says, "I authorize Mr. Sievwright to receive this £300 through Hoani Nahe." In the evidence that is before the Committee there appear certain accounts of yours, acknowledgments by you for this money, and also receipts given to you by Mr. Rees. You are aware of the circumstances, of course?—Of course I am; I paid Mr. Rees.

82. Is Mr. Rees still retained for the defence of these prisoners?—I do not understand so. I should call upon him when required, but I am not quite sure whether it is defence of the prisoners exactly. It may have been meant for that, but what I understood he was employed for was the claims of Natives on the West Coast which were to be investigated.

83. You took your instructions from Hoani Nahe?—He was present in my office, and I understood that the whole thing was authorized by him. The first person who ever spoke to me upon the subject was Mr. Rees himself, and he seemed to have been instructed by Hoani Nahe to do so.

84. Who spoke to you?—Mr. Rees spoke to me.

85. Did you understand that Mr. Rees had been instructed by Hoani Nahe to communicate with you?—Certainly, that was the way I was communicated with first.

86. It was not you, in your professional capacity, who selected Mr. Rees?—Under instructions from Hoani Nahe I retained Mr. Rees.

87. But not of your own motion?—I considered it probable that from his large knowledge of Native matters that he was the best man to be got.

88. I want to know whether it was at the instance of Hoani Nahe that you retained Mr. Rees?—Certainly, it was.

89. Was it with the consent of the Native prisoners?—I do not know whether the Natives consented.

90. You knew nothing of the relations between Hoani Nahe and the prisoners in connection with this defence?—How do you mean?

91. I mean to say you did not know whether he was authorised by the Natives to instruct anyone for the defence?—~~Except from his own instructions and the conversation I had with Mr. Rees upon the matter.~~ I had no negotiations with the Natives myself.

92. When you gave Mr. Rees this retainer what were the terms of it; what was he retained for? I apprehend, though I am not a lawyer myself, that it is customary when counsel is retained to know what he is retained for?—I think you will find that the receipts which Mr. Rees gave me will shew what he was retained for.

Mr. Sievwright.
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Mr. Sievwright.
10th Dec. 1879.

93. "Received retainer and fee from Mr. Sievwright on account of costs for Ngatiawa and Taranaki Natives, £150.—W. L. REES." You see that is very general?—I understood it was in relation to West Coast claims which were to be investigated by a Commission. The receipt does *may* not bear that *very plainly*, but you will see it was taken in accordance with the imprest warrant.

94. "4th August.—Received from Mr. Sievwright the sum of £150 on account fees for Natives, Taranaki." That does not appear to be more specific?—It is about the same.

95. Is it clear what it was for?—Perfectly clear; it was understood what he and I were to do in order to have these claims properly cared for and investigated before the Commission.

96. Then in the event of the prisoners being tried in the Supreme Court, Mr. Rees would not be justified in appearing to defend them?—I cannot say that I understood that was part of the work I was appointed to do.

97. Then you did not retain Mr. Rees to defend the Native prisoners in the Supreme Court?—I certainly did not; I did not acknowledge that to be part of the work I was to undertake.

98. Then Mr. Rees' retainer from you was for the purpose of protecting the interests of the Natives, on the West Coast, in the event of a Commission sitting?—Precisely so.

99. Was any commission appointed at the time?—I do not think so; it was only *meant proposed* that a commission should be appointed.

100. It was a provisional arrangement?—Yes.

101. Is it customary in retaining gentlemen to represent a particular interest before the tribunal has been appointed, when it is non-existent, to give him the full amount of the retaining fee, in anticipation of the possibility of such a tribunal being brought into existence?—I think it is quite usual when it involves preparatory work, as in this case, that the fee should be paid before, and Mr. Rees refused to do any work until he was paid. The custom is to pay counsel's fees in advance. I do not know what Hoani Nahe had in his *view mind* at the time, but my knowledge of the thing was limited to an investigation of the West Coast claims. I did not understand about anything else.

102. *Mr. Montgomery.*] What were the instructions that you received from Hoani Nahe?—Am I bound to communicate the instructions that my client gives me?

103. I ask the question.—~~Mind~~ I do not want to refuse *any reasonable information*, but as a solicitor I do not know whether I should *am not prepared* to answer a question as to any course of procedure which a client may instruct me to pursue. I think that is a matter which is confidential.

104. *The Chairman.*] I shall take the sense of the committee upon the question.—(*Witness*) *Mr. Sievwright knows the power of the committee, and he will take the consequences of refusing. Mr. Sievwright ought not to be threatened with consequences. As a solicitor I am not entitled to divulge my client's instructions.*

105. *The Chairman.*—If a question of that kind is put, and the witness declines to answer it, I should ask the witness to leave the room while the committee is considering the subject. I would just ask you first whether you decline to answer that question?—I consider the matter confidential, and I am not bound to communicate my instructions. I do not know that there is anything to conceal, ~~and~~ *but* I do not care to take any responsibility in the matter. I am only acting as a solicitor.

106. *Mr. Ballance.*] Do you refuse to answer on the ground that it is contrary to professional etiquette?—Certainly, because the question you put to me shews that you want to know my relations with Hoani Nahe, and I do not choose to reveal anything. *am not entitled to give any information relating to my client's business.*

107. *Mr. Reader Wood.*] That may be perfectly right as regards the ordinary relations between a solicitor and his client, but this is a case which involves the payment of public money, and I should fancy that in a committee of the House there ought to be no secrecy of this kind, because, in point of fact, the public become your clients, and Mr. Nahe was simply the exponent of the views of the public at that time.—*I regard Mr. Hoani Nahe just as I would any ordinary client, whose communications to me I have no right to divulge.*

108. *The Chairman.*] The only point I would call Mr. Sievwright's attention to, and it is perhaps fair that it should be done, is that Mr. Hoani Nahe was a Minister at the time, and that Mr. Sievwright received money from the public treasury, for which we hold his receipt. It is a matter for Mr. Sievwright's consideration whether the public are not his clients, and whether that does not appear on the face of the papers?—~~I have heard that, and do not understand it;~~ I had no communication with the Government or any of its members, *and I was not employed by the Government.*

109. The Treasury voucher is made out in your name?—Yes.

110. And it appears your receipt is approved by the Minister; and is simply signed by Hoani Nahe to be paid to you, not as his own money, but as public money to be paid to you?—I confess I did not know it was public money that was paid to me, but I have since *been so informed.*

111. I do not want you to be under any misapprehension?—I suppose you want to get out why I disbursed the money, and how I disbursed it. Shall I retire?

112. I should like to know before you retire whether you refuse to answer the question or not?—I think Hoani Nahe employed me in his individual capacity to ~~consider the case of these Natives, act for West Coast Natives in regard to their land claims,~~ and I regarded him as in the position of an ordinary client. He got ~~possession of~~ *as a gift, as I believed, towards the costs the sum of £300,* and it was paid to me. I may be right or wrong, but I consider I acted under his instructions.

113. *Mr. Montgomery.*] I asked a simple question—what instructions did you get from from Hoani Nahe?—As to this £300?

114. Certainly. He was the person who employed you, either for himself or for the Government, and I wish to ask you what instructions he gave you?—I think you will find from the bill of costs what instructions he gave me.

115. I want to know what Hoani Nahe wished you to do?—I think you will find my bill of costs will shew what he instructed me to do. It was simply to ~~watch the~~ *attend to the interests of the Natives*

in the investigation of the West Coast Native claims, and I took a great deal of trouble in order to get up all all about it, information about the business, and was prepared with Mr. Rees to go into the matter, and investigate all the claims. Mr. Sievwright.
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116. I shall have other questions to ask after getting a reply to this first question, but I wish to know if Mr. Rees is engaged now, and can make a further charge?—I hold that I am entitled to call upon Mr. Rees to come from Napier whenever he is required upon this particular business.

117. Without further charge?—That is a question which would depend upon what work he has to do. I do not say £300 would be remuneration for all he has to do; possibly very far from that.

118. So that if you call upon him to appear before the Commission to do work in connection with this matter upon which you instructed him, his charge may be considerably more?—I cannot say; it depends on the circumstances when the case comes on, and the amount of work he is called on to do.

119. *Mr. Ballance.*] You say, Mr. Sievwright, that you were retained to investigate certain claims on the West Coast?—Yes, all those disputed claims to compensation, and others.

120. Who retained you?—Mr. Hoani Nahe; I was retained employed as solicitor, with and retained Mr. Rees to act as counsel.

121. Then as a matter of fact these are instructions that were given by Hoani Nahe?—Yes; they were very general, and necessarily so.

123. Would you object to answer as to details?—I do not intend to answer as to the course which my client instructed me to take might take in dealing with the claims.

124. On particular details?—That is it. I do not propose to answer as to these.

125. But as to the general instructions that were given you?—I do not object to answer as to that such.

126. *Mr. Gisborne.*] Did Hoani Nahe instruct you upon the point of defending the prisoners at the approaching trial?—I cannot say that was mentioned to me at all.

127. Is Mr. Rees, by the payment of this money, under any instructions to defend the prisoners in the Supreme Court?—Certainly not, from any retainer I gave him.

128. Then this fee of £300 was paid to him within that short time on account of the possibility of a Commission being appointed and his appearing before that Commission to investigate the claims on the West Coast?—As to possibility, I understood that it was to be a certainty, and we set to work laboriously to prepare, but for some reason which I do not know the Commission was not appointed.

129. Is it usual for solicitors to pay sums like this to retain counsel within so short a period?—I think it is quite usual. I paid only £150, until Hoani Nahe instructed me to pay the other £150 also. Probably without his instructions I should have withheld endeavoured to exercise a discretion in paying the second £150 until we had got into our work.

130. Did you consider that Hoani Nahe's instructions over-ruled the usual custom?—I considered I was getting his instructions to pay Mr. Rees a large fee.

131. But how did you get his instructions?—Mr. Gannon and Mr. Rees were present.

132. Did Hoani Nahe instruct you through an interpreter? Mr Gannon was present.

133. Did you go through the form; did Mr. Nahe speak to you in Maori, and the interpreter translate it into English?—Yes; and I think I learned knew from Mr. Rees that he would not undertake the work unless he got a large fee.

134. Why was the sum paid within so short a time in two accounts, instead of being paid in one account?—Simply because of the instructions of Hoani Nahe Hoani Nahe directed me to pay the whole £300 to Mr. Rees.

135. Is a solicitor bound by the instructions of his client as to the way in which fees are paid?—Certainly; if my client instructs me to give a large fee, I must do so. But I cannot say that £300 is a very large fee. If Mr. Rees were to do the work I expected him to do he might would have to go to the West Coast in order to make inquiries into the details of every claim, and then he would have had to appear before the Commissioners in support of those claims.

136. I want to know what the custom is, whether in these cases it is usual to pay in advance, before even the tribunal is appointed?—Counsel's fees are always payable in advance, and I say Mr. Rees was not bound to do anything until he got the fee paid into his hand.

137. Is it usual to pay such a large amount before anything is done?—It is a matter of bargain or arrangement. Counsel is entitled to say he will not do anything unless he gets a large fee, and Mr. Rees, I believe, said so in this case.

138. We have had in evidence that this sum was advanced for the purpose of defending the Maori prisoners, but I understand you to say that was not the object, that it was to inquire into certain claims on the West Coast that Mr. Rees was retained?—Certainly, that was what I was required to do.

139. Under instructions from Mr. Nahe you paid the whole sum in full by way of advance?—Yes.

140. *Mr. Wood.*] Is not the defence of the Maori prisoners and the claims on the West Coast connected together?—Probably they are, more or less, and if one runs into the other in that way, I suppose Mr. Rees would be bound possibly might be called on to defend the prisoners also.

141. And if that question came up on the trial, Mr. Rees would be bound to defend the prisoners so far?—I suppose so, Possibly, if that is one of the results of their having claims, if they got into trouble through it that. But I cannot say that question of defending the Maori prisoners under trial ever came up before us at all. I could not say that I was to have any connection with it.

142. No connection?—No.

143. Then what has Mr. Rees done in this matter for which he was to receive fees?—He has assisted me in this matter for in regard to which there was to be a commission was to sit.

144. But the commission has not been appointed yet?—No.

145. *Mr. Dick.*] Are you the principal in this matter; I see the voucher is made out in another name, to Basil Sievwright, your brother?—I never saw that before; that must have been a mistake.

146. Then that is simply a mistake?—Certainly, that is a mistake.

Mr. Siewright. 147. You got £300 of public money from Hoani Nahe?—I did not know it was public money at all, but Hoani Nahe told me there was £300 payable to me. I understood he was a client, and though it may be public money, I applied it in the way he wished.

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148. And Mr. Rees got all the money, while you got none?—~~No~~; Yes; I told Mr. Rees that I would not advance money at all. I knew it would cost a large sum of money, and I gave him to understand that he was not to look to me for fees.

149. But you were prepared to advance all you got?—I expected it would open up a field of business, and I did not mind going into it and taking some trouble, *though I should not get immediate payment for my own services.*

150. Did Hoani Nahe tell you there would be more after that £300 was gone?—That other funds would be got; that he was taking means to raise other funds.

151. *Mr. Gisborne.*] Did he say "more means" or "other means"?—Other means. He was trying to raise funds. While I ~~did not wish to be was not particular about being paid at once for my own services,~~ I did not ~~desire wish~~ to be out of pocket by it. Hence I ~~wished to be paid.~~

152. *Mr. McLean.*] You say the first you knew of this transaction was from Mr. Rees himself?—He called upon me and asked me whether I would be willing to act as solicitor in connection with these West Coast claims. He had suggested to Hoani Nahe to call upon me, and Mr. Rees called upon me to see whether I would be willing to act. Then this question of fees came up. I told him I was not going to advance funds, and he said he had stipulated for the payment of a large fee before he would act.

153. Stipulated with whom?—With Hoani Nahe.

154. Were there any meetings before this?—There were several meetings with Mr Rees.

155. Before you met Hoani Nahe at all?—Yes, before.

156. Was Mr. Rees pressing you much for this £300 before you got it?—Certainly not.

157. Did you know of his pressing the officers of the Native Department and going to the Treasury?—I never heard of such a thing until this moment.

158. You say that you are employed by Hoani Nahe, and that it is to him you look for payment of costs?—He is my client.

159. You put in a bill of £377. I suppose you have no claim upon the Government for anything further than you have got?—I never expected the Government to pay me anything.

160. And you do not mean to apply to the Government for anything more than the £300. You have quite done with the Government?—Certainly: I did not know the Government had anything to do with the £300 until after it had been paid over, and the Auditor-General made a demand upon me for an account, when I understood that as an Impressee I was holding *had got* public money, but I have had no communication with the Government, nor did I look to ~~them~~ *Government for payment.*

161. Could you name an instance in which a commission is not in existence, and it is doubtful whether it will be in existence, in which it is usual to pay any lawyer or barrister such a sum of £300 in anticipation that a case will come on?—I should think so.

162. Is it not usual when you retain a legal gentlemen to pay him a fee of ten guineas?—Yes, in ordinary cases before a Court, but this was a special case where it was necessary that a great deal of preliminary investigation must be made. It was not like an ordinary case that would come before a Court. I would then pay a small retaining fee, and, when the brief was delivered, another. But in this case I required Mr. Rees' assistance before a brief could be prepared.

163. How many days were you in consultation before you paid this £300?—I cannot say from memory, you will find it in my Bill of Costs. We had begun about the middle of July, and it was the 15th *in the beginning* of August before Mr. Rees got anything.

164. And can you say how many days you were employed with him. I ask you this because £300 is such a large sum to be paid down as fees. I should like you to recollect what you did before paying this £300. Will you give us some particulars of the services rendered before you paid that £300?—Of course, he got the £300 for services to be rendered, not *for* services rendered.

165. You said he did work with you before you paid him this £300:—No; I never said ~~that so.~~ I only said he was engaged with me after taking up the business.

166. Then he was simply negotiating with you when this money from the Government was paid over to Mr. Rees, and it was after the £300 was paid that he did any work for you?—Yes; that he did any work in connection with the business in hand. He negotiated with me *previous to the payment* as to whether I would take ~~over up~~ the business ~~previous to the payment,~~ and after the payment we had long meetings.

167. Suppose this Commission is never appointed, and he is not instructed to proceed any further, would you think he was entitled to pay back the £300?—I do not know; when a counsel gets a fee I do not think you are entitled to ask it back from him.

168. *Mr. Ballance.*] Perhaps a fee is in the nature of a honorarium?—Yes, certainly; nobody can claim it back.

169. How many meetings had you with Hoani Nahe before you paid this fee?—He was twice in my office.

170. And you knew nothing of any negotiations going on between him and Mr. Rees?—Except from what Mr. Rees told me.

171. You were in no way taken into their confidence?—No.

172. And you did not know what the arrangement was between them?—I could not say what the arrangement was. I had no communication with them except what I *have* stated first, I did not know what their *private* relations were to each other *might be.*

173. Were you aware of what this £300 was given by the Government for when you got it?—I read the Imprest warrant at the time, and I retained Mr. Rees in accordance with it.

174. You did not know whether the Government, when they granted this, granted it specially for the defence of the Natives?—I did not know they granted it for the defence of the Native *prisoners.* I think I have told the committee, as clearly as I could, what I understood the grant of £300 was for.

175. Have you any papers or briefs prepared in connection with this case. I have a large parcel *brief partially* prepared, and a quantity of notes. I was taking ~~to have taken~~ much trouble, and I may ~~not be paid now~~ *it does not now look as if I had much likelihood of being paid for it.* Mr. Siewright.
10th Dec.

176. *Mr. Moss.*] Has Mr. Rees any office in Wellington?—No, he has none that I know of.

177. Then can you say that he came from Napier on purpose to go into this business. Did he leave his business in Napier and come here to devote himself to it?—I cannot say that specially.

178. It was a business that would require time?—He would have had to accompany me to the West Coast *if when* I required him.

179. He would have been required to go to the West Coast, and travel about in order to devote himself to it?—Certainly, because how could we get up specific claims, and find out who had certificates to entitle them to the land, or get up ~~the business up~~ *evidence in support of claims of various kinds* unless we did so.

180. Then it was not a business that a barrister would take up in the ordinary course of his business?—No, it was a case that required a large fee, only if the matter had been left to my discretion I should have ~~paid~~ *proposed to pay* £150, and then waited until we had done some work ~~only~~ *Hoani Nahe came in however directed the whole to be paid.*

181. It was not ordinary work that could be done in a lawyer's office, it would require travelling about?—We could have got a great deal *of information* from the literature on Native matters, and I got a great deal myself, but that was not all that was required. We would require to go on the spot and investigate particular claims.

182. *Mr. Dick.*] Did Mr. Rees expect the £150?—Yes.

Did he do anything for the second?—I was not going to pay him, but ~~Hoani Nahe came in, and requested me to pay the second sum.~~

183. Was Mr. Rees with him?—Yes, and Mr. Gannon.

184. And is it customary to pay a second retaining fee to a lawyer before he has done anything for it?—I quite understand that he ~~was wanting~~ *wished* more money, but I wished to exercise a certain amount of discretion with regard to the money, and but for Hoani Nahe I would have ~~kept it back for a time, and endeavoured to pay a smaller sum on account until we had gone into the work more.~~ *Mr. Rees, however, only took the first £100 on to account.*

185. *Mr. Gisborne.*] Did you advise Hoani Nahe that this *was the usual course?* ~~was to retain a certain sum in hand?~~—I cannot say I did.

186. Is it usual for a client to instruct a solicitor to pay more?—A client often wishes *that* a large fee should be paid.

187. What is the custom in this country? Does a solicitor select a barrister, or a barrister a solicitor?—The *barrister solicitor* selects the *solicitor barrister*.

188. Mr. Rees came to you?—I believe Hoani Nahe had been asking him to undertake *it, the work,* and he said a solicitor in Wellington was necessary.

189. *Mr. Moss.*] Do you know whether Mr. Rees is engaged specially in Native work?—Yes, and that is why I thought he was the best man for this business.

190. Then he has been engaged for some time specially in Native cases?—*Yes.* I knew that he had a large amount of information on Native matters.

191. And that was one of the reasons why he was considered the most suitable person for the work that was to be done?—That was *one of* the reasons.

192. And if he were now called upon he would have to undertake the work that Hoani Nahe wished him to do?—If he did not do so he would subject himself to dismissal from the bar.

193. *Mr. Gisborne.*] Is Hoani Nahe still communicating with you?—Yes; I had a telegram from him authorising me to place the bill of costs before the Auditor-General, and he asked me to let him know how the case is going on.

194. *Mr. McLean.*] Suppose you called upon Mr. Rees to continue this work and he declined unless you gave him another £300 fee?—I should certainly refuse to pay another fee.

195. And if he declined, could you take means to compel him?—I should certainly take means to compel him, and if he refused should have him struck off the rolls.

196. Then there is means to compel him to proceed?—Yes; his whole professional reputation is at stake.

197. *The Chairman.*] I understood you to say that Mr. Rees would have to come at your summons to attend the sittings of the commission if one were appointed in this case?—Yes; and the same if I wanted him to go to the West Coast and investigate these claims. I think he would have to accompany me.

198. I also understood you to say in answer to one of the members of the committee that you consider that ~~in all probability~~ the defence of the prisoners would *might* come in with the investigation of the Native claims?—~~I dare say it may,~~ *Perhaps,* but I could not say that the defence of the prisoners was part of the work that I was called upon to undertake.

199. But I understand you to say it would come in?—It might come. I can quite see *understand* how ~~it might~~ *the one thing runs into the other.*

200. And then Mr. Rees would be brought into the defence of the prisoners?—~~I think so~~ *do not say so.*

201. And I understand that you instructed him simply as to the case that would come before the Commission?—That was the ~~meaning of the work~~ we had to do. I am quite clear about that.

202. Then it would be a fair inference that although you could call upon Mr. Rees in the matter of appearing before the Commissioners on the land claims you would not be able to call upon him to defend the prisoners?—I am ~~not quite~~ *sure* about that.

203. I want to know whether you could call upon Mr. Rees for the defence of these prisoners?—I do not think I could. I certainly did not retain him for the defence of these prisoners. *That was not present to my mind when he was retained.*

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 ~~stops 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
10th Dec. 1879.

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

is so intimately connected with the defence of the prisoners that I think I should have assented to an arrangement, that the advance should be made to Hoani Nahe, for the purpose of enabling the Natives to be properly represented on the Commission. *Hon. W. Gisborne*
10th Dec., 1879.

227. What I want to get at is, are you satisfied with the expenditure of the money after you had voted?—That I cannot tell. I do not know what the practice is with regard to retaining counsel, and how they are paid. I am not prepared to give an opinion whether that was properly done or not. It is a question on which I am not competent to give an opinion. The money was put into Hoani Nahe's hands for him to consult a lawyer, and take the usual course to secure professional services. Whether these sums were paid properly for the purpose of securing professional services I am not prepared to say.

228. Suppose you had to deal with it yourself—suppose you had been put in the position of Hoani Nahe, would you have acted in the same way as he had done?—No; I do not think I should. One is a Native unacquainted with our customs, language, and official business, and I happen to be acquainted a little with these three subjects. I do not think I should have acted as he did.

229. *The Chairman.*] You are aware, Mr. Gisborne, that it was intended that the £300 should be devoted to the defence of the prisoners; is not that so?—Yes, and I may also say that I am aware it was the intention of the Government, if they had continued in office, to appoint a Commission for the purpose of investigating the claims.

230. But the procedure would be quite different?—Whether the Commission would have sat before the trial took place I am not prepared to state, but I am of opinion that the two things are practically mixed up together.

231. Were not the defence of the prisoners, and the representation of them before a Commission, two distinct things?—I do not think they were distinct, because the defence practically hinged on the results of the enquiry into the claims of the Natives. I do not mean legally, but morally and practically it would be a justification in one sense, if it was found that engagements had not been properly carried out by the Government, and that land which belonged, or had been promised to be reserved, to the Natives had been taken away and devoted to other purposes. They were, according to my view, intimately connected; but whether the trial would take place before or after the Commission had not been arranged.

232. But was the money not being devoted to retaining counsel to represent the West Coast claims, as Mr. Sievwright says, applied in accordance with the intention of the Cabinet?—Well, so far as my intention was concerned, it was not exactly applied in accordance with it, because my intention only referred to the trial of the prisoners; but I cannot speak as to the intention of other members of the Cabinet.

233. I suppose you knew what the general view of the Government was in giving that money?—I do not know that I have a right to say all that passed, but I think I can say so far, that the special investigation of the claims was not mentioned in my hearing as part of the defence.

234. This is what I want to point out: that Mr. Sievwright, who was engaged by Hoani Nahe, has no *locus standi* with regard to the criminal procedure at all?—That was a mistake, I think, by Mr. Nahe in not instructing him to defend the prisoners. The conclusion of the Government was that the money was to be spent in the defence of the prisoners on the trial.

235. *Mr. Ballance.*] Suppose the result of the trial had chiefly depended upon the investigation of the claims, would not a Commission have issued in all probability before the trial came on?—I think that very probable if we had continued in office.

236. In order that evidence might have been obtained on the Commission, which would have influenced the trial?—I do not know how far the evidence at the Commission might have been in law placed before the Supreme Court, but the witnesses might have been called.

237. But the result of the trial would have depended largely upon the nature of the claims?—I understand it was the keystone of the defence almost.

TUESDAY, 13TH JULY, 1880.

SIR GEORGE GREY, M.H.R., K.C.B., was examined.

238. *The Chairman.* The committee wish to examine you, Sir George, with reference to the payment of £300 to Mr. Rees, in connection with the Maori prisoners. [The Chairman here read several documents bearing on the subject, and amongst others a portion of the evidence which had previously been given by Mr. T. W. Lewis. Documents printed herewith.]—I do not know anything about the papers which you have produced.

239. Can you tell the committee, from your recollection of the circumstances, whether the payment was made for the defence of the prisoners or for the protection of their interests in the event of a commission sitting on the West Coast question, or for both of these objects?—I can only tell the committee what actuated myself in dealing with this matter. Before I make any statement about this payment, however, I wish to say that I do not think that this is a matter which should come before the Public Accounts Committee at all. This question relates to the conduct of the Premier of the day, on a question of policy, and I know of no precedent for a Premier's conduct being handed over to a committee to decide upon, especially to a committee which I regard as being to a certain extent hostile to me, and one the members of which have prejudged the case against me. I think I am justified in saying this, for Mr. Reader Wood, one of the members of the committee, has said in the House, "I do not think that my hon. friend the Premier will ever dip his hand, or permit any agent of his to dip his hand, into the Public Treasury and take out therefrom three hundred sovereigns to pay to a pet lawyer as a retaining fee for doing nothing at all." I apprehend that no person who has so far prejudged the case ought to sit in judgment on it. Then again I am not aware of any precedent for a Premier being brought before a

Sir Geo. Grey.
13th July, 1880.

Sir. Geo. Grey. committee on a question of public policy, which I believe has no instructions to go into a question of this kind. I feel that it is a sort of degradation to me, which I can hardly describe. Coming to another member of this committee, I may say there can be no doubt that Mr. George McLean has for years past evinced signs of hostility to me; you have only to turn to his speeches in Parliament to see that.

After some conversation the witness said he did not object to answer the question, because it would give him the opportunity of making a statement.

240. *Sir George Grey.*] I do not know of any precedent for anything of this kind, and I may say that I would rather have made my statement to other people than to a number of persons who were hostile to me. In answer to your question I have only to say that the payment was made for both of the objects named in your question, and for another object also. The question was a very grave one between two races, and the result was likely to be war. The result upon my mind, after going through all the papers with great care, was that the Natives had suffered great injustice in consequence of the delays which had taken place in the fulfilment of promises made to them, and in one instance, owing to certain land having been improperly taken from them. I conceived that the matter was one which should be investigated by some High Court or Commission, and that the rights of the Natives in regard to the disputed lands should be fully ascertained by such High Court or Commission. I felt also that the Government had taken a large number of Natives prisoners under circumstances which rendered it doubtful what their degree of culpability might be. Amongst these prisoners there were some who had extraordinary claims upon my sympathy and protection, one of whom was Wiremu Kingi Matekatere, with whom I had at the commencement of the previous war personally communicated in my capacity of Governor of the Colony, at the desire of my responsible advisers. The chief whom I have named promised me faithfully that neither he himself nor any of his people would take any part in that war, and I on the other hand promised him on behalf of the Government of the Colony that no portion of his land should be confiscated or taken from him, if he fulfilled the conditions which he had promised to observe. I had reason to believe that, notwithstanding my promise, a portion of his land had been taken from him, and that the pledged word of the Government had thus been broken. Consequently I felt that he had been injured, and I considered it my duty to see that proper steps were taken to have the matter fully investigated. Then Hoani Nahe, a Native who was a member of the Ministry, asked that a sum of £300 should be placed at his disposal to enable preliminary steps to be taken for the purpose of collecting information and for making the necessary provision for the defence of the Native rights before the Commission which was to be appointed; and I may say that I considered the sum of £300 which was asked for was a very small amount even as an advance. I thought, moreover, that Parliament would, under the circumstances, unhesitatingly vote the amount when the Prime Minister had sanctioned the expenditure of it. In reading over the papers, I saw last night, for the first time, the statement made in a letter by Dr. Buller, to the effect that inasmuch as two Natives, Wi Parata and Wi Tako, had undertaken to provide for the defence of the Natives, therefore no other person ought to have interfered. But that argument does not alter or influence the judgment I had already formed in regard to the matter. I hold that the Government was responsible to the Natives and to the country for seeing that justice was done. Even if I had known that the two Natives named had done what they had I should not have been content to remain quiet. I may say that I had nothing to do with the appointment or selection of any lawyer or lawyers who were to conduct the case on behalf of the Maoris, but when I heard of the selection which had been made (Mr. Rees) I thought that no better man could have been chosen. I do not believe any more able or reliable assistance could have been procured than that which was secured by Hoani Nahe. I had no knowledge of the amounts paid until last night, when I read Mr. Sievwright's account. I am quite unable to say whether the charges he makes are correct or not, never having paid a lawyer's bill in my life, except for the drawing of a title deed or something of that sort.

241. *Mr. McLean.*] In the evidence which he gave before this Committee Mr. Gisborne stated that in Cabinet he voted for this £300, as a contribution towards the cost of defending the Maori prisoners. Was that your understanding?—I have already stated that I cannot say what the intentions of the members of my Ministry were. I only know what my own intention was. I may say that the Government cannot be said to have voted this £300. I understand that the £300 was simply an advance on account, and I thought that the advance was a very reasonable one.

242. Suppose the Maoris said, "We will not have Government money for our defence, we will defend ourselves," do you think it will be right as a matter of policy to force Government money upon them?—I should not think it right to force Government money upon these particular men, but the Government owed a duty to the Natives and the country to fully inquire into the grievances of the Natives and fully ascertain what the rights of the people were.

243. Were you not aware that a Committee of West Coast Natives had been formed for the purpose of seeing that the prisoners were defended?—I did not know that until last night, but even if I had known it, it would not have influenced me. I had myself to protect as well as the Natives to whom I had made promises.

244. Then when you voted and handed over that £300 you took no further interest in it, and never enquired what was to become of it?—Quite so. I did not think about the money after it was voted, but if I had remained in office I should have attended to it.

245. You considered that you had no further responsibility with regard to the money after you had handed it over to Hoani Nahe?—I conceived that I had no further responsibility.

246. Had you ever any conversation with Mr. Rees in connection with retaining him on behalf of the Natives?—No; but I may often have expressed a wish that he might have something to do with the matter, because I knew that he was a man who thoroughly understood the subject. I may have expressed a wish that he should defend the prisoners, but I cannot say positively that I did so.

247. Do you think it was a proper business transaction to pay away £300 to a solicitor when he had done nothing for it?—I cannot say what a lawyer may have to do. I know that Dean Swift's

advice is that if you get into a scrape you should run to the best lawyer you can find and pay him a fee to defend you, and that if you get his aid you have secured a great advantage. *Sir Geo. Grey.*

248. *Mr. R. G. Wood.*] Are you aware whether Mr. Rees was actively employed at any time either in defending the prisoners or in ascertaining their rights to certain lands?—I have no knowledge as to the manner in which Mr. Rees was employed. 13th July, 1880.

249. Then for all you know, Mr. Rees may have received that sum of £300 for doing nothing at all?—It might be so, but I do not think it likely. His time may have been occupied in getting up the case.

250. *Hon. Major Atkinson.*] I understand you to say that you met Wiremu Kingi Matakere with the consent of your responsible advisers?—Yes.

251. Can you say when that meeting took place?—No, I cannot; but it took place at New Plymouth when I was with General Cameron.

252. Is there any record of the promise which you made to Wiremu Kingi?—I cannot remember. I know that Wiremu Kingi was brought to me, and I suppose that my Ministers recorded the matter. My Ministers knew that I had promised Wiremu Kingi that none of his lands should be taken if he remained peaceable.

253. As Governor you did not consider it necessary to see that that promise was recorded?—No; because I considered that whatever passed would be taken down by the officers present.

254. Did you, either as Governor or as Premier, take any steps to see whether your promises to the Natives was carried out?—I had no knowledge of the promises having been unfulfilled.

255. What I wish to know is whether you, either as Governor or Premier, took any special measures in order to ascertain whether your promise had been fulfilled?—I can only say that I believed the promise which I made had been carried out, and I did not take any steps to find it out until the Native disturbances occurred.

256. Then am I to understand that you authorised the survey of the Waimate Plains without having first ascertained whether or not your promises had been carried out?—The survey was ordered by the Native Minister, and when the survey was ordered I had no idea that the promise had not been fulfilled. I understood from the Native Minister that the survey on the Waimate Plains had been begun before we took office, and that it was simply being continued while we were in office. I was not aware that the promise which had been given was not carried out, until the disturbances on the Plains occurred. It was then that I discovered that the promises I made had not been fulfilled, and I then considered it necessary that some High Court should consider the matter, and that lawyers should appear on all sides, and consequently when Hoani Nahe asked for £300 wherewith to pay lawyers, I did not object.

257. That is to say, that you consider it was our duty to the Natives to supply them with money to enable them to appear before a proper tribunal for the purpose of testing their rights?—Yes.

258. I suppose that Hoani Nahe had no authority to go to a lawyer and make a private arrangement with him?—I do not know anything about that. That was a matter for the Native Minister to decide. As Premier I did not interfere in the matter. The money was public money given to Hone Nahe to be publicly used for a public purpose.

259. You say you have only read a portion of the papers?—Yes.

260. And you did not consider it necessary to ascertain from the Native Minister, or Nahe, who the lawyer they were employing was?—No; I had every faith in them.

261. Did Nahe consult you with regard to the lawyer who should be employed?—I have no distinct recollection, but I do not think so.

262. It is the custom in Governments, generally speaking, for Ministers to consult the Premier in matters of this kind?—No, it is not the practice, because each Minister is responsible for his own department, and members of the Government do not interfere with each other.

262a. *Mr. Moss.*] Is it the practice in carrying on the Government of the country for Ministers to acquaint the Premier with everything they do?—The rule at Home is this: The Minister is responsible for his own office to the extent of the sums voted by Parliament, and placed at his disposal. If he requires any additional sum he has to get the assent of the Premier to his getting the amount, and the Chancellor of the Exchequer is then consulted. If he and the Premier concur, the amount is spent. Having given his assent the Premier has nothing more to do with the money?—In this case; I was not responsible for seeing that the money was properly spent. The money was handed over to Nahe with the consent of the Premier and Colonial Treasurer.

263. *Mr. McLean.*] Is the fact of your having made these promises to the Natives recorded in any dispatch which you sent Home when you were Governor?—I do not think so. It was a simple arrangement between the chief and myself. I may say that a proclamation was issued to the effect that the lands of those Natives who remained quiet during the war should not be touched. My promises to the chief was merely an explanation of a proclamation which had been sent Home and was known to all.

264. Had you any conversation with Mr. Sheehan in regard to the employment of Mr. Rees in this case?—I cannot recollect any such conversation.

265. Do you think you acted rightly in paying over this £300 before the commission of which you spoke was appointed?—Yes, I think so, the case required much study and preparation. Of course I do not think it would be right to pay a lawyer £300 for doing nothing.

266. *Mr. R. G. Wood.*] Why was the Commission not issued while you were Premier?—We intended to meet Parliament first, and it is possible that I might have brought in a Bill on the subject. The payment to Mr. Rees was, I see by the papers, made on the 2nd and 4th of August last. That was about two months before my Ministry was outvoted in the House.

267. *Hon. Major Atkinson.*] I think you did appoint a Commission to inquire into the Native grievances south of the Waingongoro river?—I think we did, but that was not the Commission which I intended to deal with the whole matter.

- Sir Geo. Grey.* 268. You say that injustice was done in one case by the taking of certain land?—Yes.
- 13th July, 1880. 269. Where was that?—At Opanake.
270. *The Chairman.*] Do I understand you to say that the Government depended upon Mr. Sheehan and Hoani Nahe to arrange for the defence of the Natives?—That is the impression on my mind.
271. Would you consider that your desires had been carried out if you found that the whole matter had been left to Nahe as far as the selection of counsel went?—I am perfectly satisfied with the arrangement which was made.
272. Would you have been satisfied if you had known that Mr. Rees was only retained for one of the two objects for which the Government put aside this money?—(The Chairman here read an extract from Mr. Sievwright's evidence.)
273. I understood you to say that the Government had a twofold object in voting this money?—Yes, I had three objects: 1st, the setting right of general grievances; 2nd, the alleged grievances of Wiremu Kingi; and, 3rd, the defence of the Natives.
274. Do you consider it satisfactory that the retention of Mr. Rees, or any other counsel, should have excluded that element in the arrangement?—I think that if Mr. Sheehan and Mr. Nahe were satisfied I should also have been satisfied with the arrangements for the defence.
275. *Mr. Moss.*] If the Commission which you contemplated had been appointed, would the work of the lawyer engaged have been of a peculiarly onerous character?—Yes, it would have required great research to have got up all the facts, and questions of law of a very difficult nature would have arisen. I believe that the mere getting up of the case would have been a stupendous work.
276. Are you aware that Mr. Rees has had a great deal of experience in these Native matters?—Yes, and I believe he is a person who is particularly calculated to influence the Natives and win their confidence. If I had had to make the choice of a lawyer I should have chosen him, for I believe he is the ablest and fittest man in the country for the work.
277. *Mr. Ballance.*] Are you aware whether Mr. Rees went to any trouble in order to get information on this subject?—I could not say whether he did so or not.
278. Have you ever heard that he made some enquiries?—No.

WEDNESDAY, 14TH JULY, 1880.

MR. J. E. FITZGERALD, Auditor-General and Comptroller, being duly sworn, was examined.

- Mr. FitzGerald.* 279. *The Chairman.*] The committee wish to know whether you still adhere to the opinion expressed in the following paragraph in your report:—"The solicitor is, in the opinion of the Audit, properly discharged by accounting for the money as paid to counsel by order of a Minister. Against Mr. Rees himself no proceedings can be taken by the Audit, because he did not receive the money as imprest, and the money ceased to be public money when it came into his hands. It was to him a final payment for professional services rendered, by the order and upon the responsibility of a Minister of the Crown?"—It is our duty to see that when public money is placed in anybody's hands it is spent in the manner intended. In this case we considered that the receipt of Mr. Rees for money paid to him for legal advice was a proper receipt for services rendered, especially as that expenditure had taken place under the authority of Ministers. We did not consider it the duty of the Audit to say whether or not Mr. Rees should have been employed. The money was placed in Mr. Sievwright's hands to pay for legal services to be rendered in connection with two classes of work; that is to say, for the defence of certain Natives in an action which was being brought against them, and for services in connection with the settlement of their titles to lands. We hold that it was not the duty of the Audit to enquire what sort of legal advice was required by the Government or by the Natives. All these were matters which rested with the Executive Government of the country. We say that the money was paid to Mr. Sievwright for certain purposes, and that he handed over the money to counsel in a legitimate manner.
280. There was no appropriation for this money?—I cannot answer that question. We do not know whether there is an appropriation or not until the claim made by the Treasury is shown upon the voucher in so many words. We have no knowledge as to the vote to which the Government intend to charge money, of which they authorise the payment, except as it appears charged on the vouchers. Of course if it was shewn to be an unauthorised expenditure we should have passed it as such.
281. *Hon. Mr. Dick.*] It seems that that voucher was stopped in its progress?—Yes.
282. And the reason for that was that you were not instructed to place it against any particular vote?—Yes.
283. *Mr. Ballance.*] Have you any doubt about this solicitor being discharged, as you state in your report?—No.
284. Is your reason for refusing to release Mr. Best that the money had not been charged to any particular vote?—Yes.
285. Could you not charge it to the vote for contingencies?—There is always some latitude allowed in the case of the vote for contingencies, but I am not prepared to say that we should have considered this a legitimate charge on the contingencies vote. At the same time I cannot say that if it had been charged to that vote we should have refused to pass it.
286. But supposing that it had been put down as unauthorised expenditure?—Then we should certainly have passed it.
287. And you are not certain what you would have done if it had been charged to contingencies?—No; contingencies is a word which has a very wide meaning.
288. Have not moneys been paid from contingencies when the payment has been authorised by Ministers?—Yes.
289. *Mr. Johnston.*] I suppose the Audit office is quite entitled to ask Mr. Sievwright to show how

he spent the £300 which he received?—We thought we had a right to demand that, and we considered he was bound to send in a bill of costs. Mr. FitzGerald.

290. I notice that his account is sent in to Nahe, as a private client, instead of to the Government?—I consider that Mr. Sievwright is wrong when he says this is a private account, as he was appointed to act by Messrs. Sheehan and Nahe, two Ministers of the Crown. We asked Mr. Sievwright how he spent the £300, and he replied that he had paid it to Mr. Rees on public service under the authority of two Ministers. 14th July, 1880.

291. But even as a matter of form should there not have been an account against the Government of this £300? Yes, and we have Mr. Rees' vouchers.

292. Should not the Audit office have obtained an account from Mr. Sievwright showing how he had spent on the public account the public money which had been placed in his hands?—I think we did obtain such an account.

293. Is such an account amongst the papers now on the table; is the account rendered by Mr. Sievwright against Nahe the one you refer to?—Yes.

294. Do you know that that account amounts to £377?—Yes.

295. And that Mr. Sievwright says that the Government is not indebted to him for any part of that money?—I am not aware that he said so.

296. (Portions of Mr. Sievwright's evidence bearing on this point were then read.) On hearing that evidence, I have no hesitation in saying that if that statement of Mr. Sievwright's had been before the Audit, he would have been called upon to repay the £300 into the Public account.

297. *Sir George Grey.*] Supposing the Government had regarded this as public money, and that it was an advance made to Nahe as part of a public policy, and supposing that Mr. Sievwright has misunderstood the thing, would you still consider that he was bound to repay the money?—I think Mr. Sievwright is bound to repay the money, if he did not spend it on public affairs.

298. Supposing it was shown that it had been a misunderstanding on Mr. Sievwright's part?—I do not see how we get away from the fact that Mr. Sievwright positively states he has spent the money on private matters. I think Mr. Sievwright could make Nahe pay him. If you state positively that this was a private account, the question must be settled in another way.

299. *Mr. Ballance.*] Have you any recollection of Mr. Sievwright having said that he was not employed by the Government?—Yes, he said he was not employed by the Government as a ground for declining to account for what he said was not public money; but I don't see that has anything to do with the question, as to what he did with the public money he did actually receive.

300. You have said that the question which concerned you was the disposal of the money?—Yes.

301. Then when Mr. Sievwright furnished you with his account, did you consider that the money was expended on behalf of the Government for public purposes?—Yes, certainly.

302. Then would you consider that that account was a sufficient answer to your memorandum, asking him to furnish the account, and saying that you came to the conclusion that it was public money?—Yes.

303. *The Chairman.*] You considered it public money because vouchers for the £300 were furnished to you?—Yes.

304. Has any communication taken place between yourself and Mr. Sievwright in reference to this money since the receiving of this account which you considered to be an acknowledgement on his part that it was public money he was dealing with?—No.

305. *Mr. Wood.*] You say this amount might have been charged to unauthorized expenditure?—Yes, but it would have to be voted by the House. The result would be that the Imprestee, Mr. Best, would be relieved of responsibility.

306. In the mean time Mr. Best troubled about this matter?—No, he is simply a debtor to the Crown for the amount.

307. *Sir George Grey.*] Suppose Mr. Best died now, might it not be an awkward matter for his family?—Yes, I believe his estate would be debtor to the Crown.

MONDAY, 18th JULY 1880.

The following memorandum was handed in by Mr. FitzGerald:—

"I understand that the point upon which the Committee desired me to make an explanation was whether Mr. Sievwright is properly discharged of the use of public moneys, seeing that he used it to pay what he asserts to be a private account. I have carefully studied the evidence taken before the Committee last year, and after full consideration I see no reason to alter the conclusions stated in my memorandum of the 9th April. If Mr. Sievwright's evidence is to be taken as a statement of fact, no doubt he should refund the money to the public account. But he is evidently under a misapprehension. He ignores the fact that he did draw the money from the Treasury 'on account.' And I gather from the evidence of all the Ministers, and the Under-Secretary to the Native Department, that the money was issued and intended to be issued as an advance to be accounted for, and that having been paid as fee to counsel under Ministerial authority, it is properly accounted for so far as Mr. Sievwright is concerned. I further respectfully submit that the money could only be recovered from Mr. Sievwright by action in the Supreme Court under the Crown Debts Act; and with the evidence before the Committee, which would be repeated doubtless in the Supreme Court, I do not see how any hope can be entertained of a verdict. And I may respectfully submit that the whole question is one of a *quasi* political character, involving not the misuse of public moneys by an accountant to the Crown, but the use of public moneys by a Minister without the authority of Parliament, and is therefore a question with which it is clear, from the Revenues Act, the Audit Office was not intended to deal. I would point out that had the voucher come up to the Audit Office charged to unauthorised, the Audit Office must have passed it, and if charged to Mr. FitzGerald.

18th July, 1880.

Gerald.
18th July, 1880. any other vote, the utmost power of the Audit Office would have extended to requiring it to be charged to unauthorised; in other words, to relegate the matter back to Parliament for final decision, because if any moneys are expended under unauthorised, and not subsequently voted in the next session, they are by the Act recoverable from the Ministers. And, indeed, I further point out that under the 50th section of the Public Revenues Act the expenditure might have been charged in any manner whatever directed by the Governor in Council, subject only to the objections of the Controller and Auditor-General being laid before Parliament.—JAMES EDWARD FITZGERALD."

MONDAY, 19TH JULY, 1880.

MR. J. E. FITZGERALD, Comptroller-General, was re-examined.

(The Chairman read Mr. FitzGerald's written memo. as above.)

Mr. FitzGerald.
19th July, 1880. 308. *Mr. Johnston.*] Am I right in supposing that when you say these moneys were paid as fees to counsel by order of a Minister you are referring to Mr. Rees as the recipient?—Yes.

309. Mr. Sievwright, I think, was in the position of accountant to the Crown, and you think that this payment to Mr. Rees satisfactorily discharges him (Mr. Sievwright) because the payment was made on the order of a Minister?—Yes; the payment was made on the order of two Ministers, Messrs. Sheehan and Nahe.

310. By what Minister was the payment authorised, and when?—I should like to refer again to the papers before I answer that question. I may say, however, that there is not the slightest doubt that the payment to Mr. Rees was authorised.

311. I want to know what particular documents they had to act upon?—I do not admit that the Audit Office could not act without any documents. It is not disputed that the £300 was paid to Mr. Rees on ministerial authority.

312. Do you not consider that the payment was illegal as to a member of Parliament?—I am not aware that there is any illegality in the payment of money by the Government to a member of Parliament. The illegality rests on the person who receives it, if he is a Member of Parliament. In other words the ministers are not debarred from paying the money, but the members cannot receive it without being disqualified and subject to a penalty.

313. *Mr. Moss.*] Mr. Sievwright, having received the money, would, I presume, have been justified in paying it away in the manner he thought best for carrying out the object for which it was granted?—As far as we know Mr. Sievwright was not restricted in any way as to the manner in which the money should be spent, except that he was to spend it according to the directions of Hoani Nahe, who was a minister. Two ministers, Messrs. Sheehan and Gisborne, stated that fact in evidence given before this committee. I think Mr. Sievwright was under a delusion when he sent the account in to Nahe as a private person instead of forwarding it to the Government.

TUESDAY, 20th JULY, 1880.

MR. J. E. FITZGERALD, Comptroller-General, was re-examined.

Mr. FitzGerald.
20th July, 1880. 214. *Mr. Johnston.*] In the course of your examination yesterday you said that Mr. Sievwright was discharged from his liabilities because he had disbursed the public moneys entrusted to him on the authority of two Ministers, and according to their directions. If you had had the papers with you yesterday, which you had not, I should have asked you to produce the vouchers on which the money was paid?—There are no vouchers to be produced, except Mr. Rees' receipt for the money, but it is quite clear that the money was to be expended on Government purposes; there seems to have been some doubt as to whether the money was to be spent under the direction of the Native or the Defence Department. All public moneys are spent under the authority of some one Minister, and in this case Mr. Hoani Nahe was to have the power of expending it. It is also stated in the papers that Nahe ordered that the money should be paid to Mr. Rees.

215. Then you think that the Audit Department is right in considering that Mr. Sievwright is discharged as an accountant to the Crown?—Yes, but I think there is some misunderstanding with regard to the action taken by the Audit in this matter.

216. The Audit has ceased to ask Mr. Sievwright to account?—Yes, the position is this: Mr. Best is an undischarged accountant, and the Audit Department refuses to discharge him. Mr. Sievwright only comes into the matter in consequence of the action of the Public Accounts Committee last session of Parliament. Then the question arose whether, in order to relieve Mr. Best, we could not prosecute Mr. Sievwright, but I was, and am, of opinion that Mr. Sievwright has sufficiently accounted for the money, and I am also of opinion that if you proceed against Mr. Sievwright the proceeding would be unsuccessful.

217. Can the Audit discharge an accountant to the Crown unless his account is rendered?—Mr. Sievwright has rendered an account showing what he has done with the money he received. I consider that he spent the money under Ministerial authority.

218. If public money is to be spent in this way ought you not to have a written authority from the Minister to show how it was to be spent?—Yes, no doubt, before discharging Mr. Best we should have had such an authority.

219. Then how came you to discharge Mr. Sievwright without it?—I could give two or three answers to that question. First, Mr. Sievwright never received an imprest, technically so called. The money was issued to Mr. Best as an imprest, and it was paid by him to Mr. Sievwright as a final payment on account of services to be rendered as a solicitor, and Mr. Sievwright had to furnish Mr. Best with an account of how he spent it. Technically speaking, Mr. Sievwright was not an imprestee. I may say that we stopped this voucher because it was not charged to any particular vote, and sent it back to the Gov-

ernment to be so charged, but they soon afterwards went out of office and the new Government declined *Mr. FitzGerald.* to charge it at all.

220. Then you considered it right to make Mr. Sievwright account for these public moneys and when he did so account, why did you hold Mr. Best responsible?—Because according to our books he is responsible. I may say that there would have been no trouble at all if the amount had been charged to any vote. I have read the evidence given by the other witnesses before the Committee, and I am perfectly satisfied that the money was intended to be paid for public purposes.

221. *Mr. Montgomery.*] I understand that Mr. Best is debited with this amount as Imprestee?—Yes.

222. And that until the account is passed, he cannot be held to be not liable as an Accountant to the Crown?—Quite so.

223. What course would require to be adopted to relieve Mr. Best?—The money must either be paid back in cash by Mr. Best, or the amount must be charged to some other authorised account.

224. What would the entries be in that case?—Credit Mr. Best, debit the vote.

223A. *Mr. McLean.*] You have read Mr. Sievwright's evidence?—Yes.

225. And you have seen that he gave his receipt for the money as an imprestee?—Not technically as an imprestee, but for money received on account.

226. Have you read Mr. Gisborne's evidence?—Yes.

227. Then you know that he has told the Committee that this £300 was voted by the Cabinet for the defence of the Maori prisoners?—Yes. It appears to me that there was a difference of opinion amongst the Ministers with regard to the use intended to be made of this money, some of them thinking that it was intended for the settlement of land claims, and others that it was for the defence of the Maori prisoners.

228. You have seen that Mr. Sievwright gave a receipt for public money, and you have noticed also that he insists that he has received no public money, and that this was a private matter between himself and one of his private clients; and further, you have observed that he says he has no claim whatever on the Government for the extra £77 16s. 3d.?—Yes; I know all that.

229. Well then, seeing that the man who received public money says that he did not spend it for public purposes, are you still satisfied with his voucher?—Put the case this way. Has any man a right to discharge himself as an accountant by the simple process of asserting that this is a private account—Am I to take the mere assertion of any man

230. Do you not think you should call upon Mr. Sievwright to return this public money which he received, and which he spent on private purposes?—Not necessarily; if I thought he was mistaken in his view. If Nahe gave instructions that the money should be paid without having authority from the Government to do so, he is liable to be called upon to pay it back. If the Government consented to Nahe spending more than £300, I should consider that a debt against the Crown, if within the vote of Parliament, but not beyond it.

231. Is it a fact that the law says, that neither insolvency, nor anything else, discharges a debt to the Crown?—I do not know what the law is. The Crown Debts Act has so altered the old law as to the recovery of Crown debts, that I do not know how the law stands now.

232. Having advanced the £300, should it not be your duty to get it back?—Yes, if Mr. Sievwright's statement is to be believed.

233. *The Chairman.*] Mr. Best is an Imprestee?—Yes.

234. Do you consider Mr. Sievwright an Imprestee?—No.

235. Then why was Mr. Sievwright asked to render an account?—Because all lawyers are required to render accounts, and their bills are taxed, and he had to render it in order that it might be taxed—first by the Registrar of the Supreme Court, and, secondly, by the Audit Department, if necessary.

236. Then this bill of Mr. Sievwright's being for £377, you would anticipate that it would be sent to the Audit Department for taxation?—Yes, in order to be passed.

237. Does the Audit Department consider that the authority of the Ministry is sufficient to justify an excess of appropriations by £100,000:—Yes, to the extent of the unauthorised vote of £100,000.

238. And after the issue of that sum, or of any amount within it, what does the Audit consider itself bound to do further in regard to the expenditure of these funds?—The Audit has to carefully scrutinise the statement that is laid before Parliament, showing the moneys which have been expended under the authorised vote.

239. What is the nature of the inquiry?—Do you judge as to the propriety of the expenditure, or do you simply see that the money has not been embezzled?—We do not exercise any control whatever over the expenditure of the unauthorised; but we see that the statement made to Parliament as to the manner in which the unauthorised money is spent is in accordance with the vouchers; that it is a true statement of the manner in which the money has been spent.

240. Supposing a requisition came in with the following upon it: "£1000 to purchase a racehorse for the Hon. Mr. So-and-so," what would you do?—I think we should pass it. I may say that a vote has been proposed to Parliament which Parliament has deliberately refused to pass; then, I think, if the amount were ordered by the Government to be charged to unauthorised expenditure the Audit would not be justified in passing it.

241. Mr. Best being the Imprestee in this case you will, in the event of no action being taken by the Government or by Parliament, call upon him to repay the money?—Yes.

242. Would he be able to call upon anyone to indemnify him?—I am not prepared to say whether he would or not. I have not considered the question. We have never considered it our duty to stop a payment to a member of Parliament, because we are not acting illegally in paying it. If there is any illegality at all it is on the part of those who receive the money.

243. *Hon. Major Atkinson.*?—You say that in your opinion Mr. Sievwright is not stating facts?—Yes; he states what is not a fact when he says he was not receiving public money, but he must have known that he was drawing public money, because he went to the Treasury himself and drew the money.

244. And you hold that Mr. Sievwright was dealing with public money?—Yes.

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Mr. FitzGerald.
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345. Have you read Nahe's telegram in those papers?—Yes, but there is nothing there that show that Nahe was not authorised as a Minister to spend the money as he thought proper.

346. And after seeing the statements of Mr. Sievwright and Mr. Nahe you are still prepared to say that this was public money?—Yes.

347. Then that being the case why have you not called upon Mr. Sievwright to give an account of the public money he expended?—I can only say that if it is necessary the word "Nahe" on this account can be struck out, and the word "Government" substituted.

348. Has the Audit done anything towards clearing Mr. Best?—No, we have done nothing towards clearing Mr. Best's accounts.

349. And the £300 which you now hold Mr. Best responsible for—you traced it from his hands to those of somebody else?—Yes; it was paid to Mr. Sievwright by Mr. Best on the authority of Mr. Sheehan and Mr. Nahe. We should not have taken any official action had it not been for the report of the Public Accounts Committee last session. The action which we took was in consequence of pressure from the present Government, who moved us to carry out the intentions of the Committee.

350. But the Committee did not report until December 12th, 1879, whereas you began to take action in November?—Yes (after looking at papers); I see that. Then I was under a misapprehension, and we did not take action in consequence of the report of the Committee; but we did so in consequence of pressure being put upon us by the Government.

351. What do you mean when you say that pressure was put upon you by the Government?—The Government requested us to proceed in the matter. The Audit Department in the first place requested Mr. Sievwright to account for the money, but he objected to do so. I would call attention to the following memorandum by Mr. Lewis?—[See Mr. Lewis's endorsement on Mr. Bryce's memo. of 2/11/79.] We were requested to put the law in force.

352. When you say that pressure was brought to bear on you, do you mean that the Government having failed to obtain an account from Mr. Sievwright requested the Audit to obtain it?—Yes, and Mr. Sievwright explained that he had paid the money to Mr. Rees. I know that Mr. Rees came to the Treasury and wrote out the voucher himself. Mr. Rees got the money for Mr. Sievwright, and Mr. Sievwright paid it over to Mr. Rees.

353. Amongst the papers I have found an account from Mr. Sievwright to Nahe as a private individual. That being the case, why did you not call upon Mr. Sievwright to account for the money?—I considered that the account was a public one, and that the money had been properly accounted for.

354. Why did you consider that Nahe had not dealt with Mr. Sievwright privately?—I had nothing to do with Mr. Sievwright's private accounts.

355. Will you explain to the Committee how it is that, having traced this money to Mr. Sievwright, and having ascertained that he spent it in accordance with the direction of one or two Ministers, you still hold Mr. Best responsible for it, and charge him with it?—That is merely the technical way in which the account stands. If Mr. Best had sent up his voucher clearing himself and impresting Mr. Sievwright as a sub-imprestee, Mr. Best would have been out of the matter, and Mr. Sievwright would have been regarded as the imprestee. But that was not done.

356. Having traced the money past Mr. Best, and having obtained a satisfactory acquittance from the persons who expended it under the direction of Ministers how is it that you did not consider it necessary to pass the voucher?—If the money had been charged to a vote we should have accepted Mr. Sievwright's acquittance in favor of Mr. Best. All we say to Mr. Best is, "You are retained as an accountant because you cannot show a voucher for the money charged to some proper account."

357. Mr. Johnston.] Do I understand you to say that if Mr. Best sent in a claim to the Audit Office, supported by the signature of Mr. Sievwright, he (Mr. Best) would be relieved?—Yes. Mr. Best remains an accountant to the Crown for this money, simply because the amount was not charged to any particular vote.

358. Mr. Moss.] In proceeding in matters such as these, would you be guided by your own knowledge or by that of the Law Officers of the Crown?—In nearly every case, but not necessarily, we should be guided by the Law Officers.

359. Mr. M. Lean.] Did Mr. Rees ever urge you to get the account passed at once?—No.

360. Did he call at the Treasury and ask that it should be paid at once?—I do not know.

361. Did Mr. Rees really get the money out of the Treasury himself?—No; Mr. Sievwright got the money and gave a receipt for it.

362. Were Mr. Rees and Mr. Sievwright together on the occasion when the money was paid?—I do not know.

362A. The Chairman.] Mr. Batkin, in his memorandum of the 3rd July, 1879, draws attention to the fact that the Public Revenues Act imposes on all recipients of public money the obligation to render accounts, and he says also that it is undesirable that advances should be made to Ministers, and then again he says:—"Assuming it to be the intention of the Government that the money applied for in the requisition should be under the sole control of the Hon. Mr. Nahe, it is respectfully suggested that that object can be attained, without the inconvenience to which reference has been made, by making the advance to some officer of the Government, with instructions to issue it in such manner as the Hon. Mr. Nahe shall direct.—C. T. BATKIN.—3/7/79."

TUESDAY, 3RD AUGUST, 1880.

Mr. W. L. REES, examined.

Mr. W. L. Rees,
3rd Aug., 1880.

363. The Chairman.] The Committee, Mr. Rees, wish to take your evidence in regard to the £300 paid to Mr. Sievwright. You are generally familiar with the circumstances?—Yes

363. Are you familiar with the report of the Public Accounts Committee of last year?—No, I am not; I have not seen it. *Mr. W. L. Rees.*
3rd Aug., 1880.

[Report referred to read.—See Appendix.]

364. Would you state whether that correctly expresses the facts as far as your recollection goes?—Except one item—Yes. The only part in which this report is incorrect is in regard to the defence of the Native prisoners. In my instructions from Hoani Nahe, the defence of the Native prisoners was excluded. Mr. Sheehan stated that if any money was paid to Hoani Nahe it should not be devoted to the defence of prisoners taken up for a breach of the law, or anything of that sort; but that I should make the strictest investigation as to claims for land upon the West Coast.

365. Then are the Committee to understand that you were in no sense retained for the defence of the Native prisoners?—I was retained in no sense for the defence of the Native prisoners.

366. Who did you take your instructions from?—From Hoani Nahe.

367. You received the retaining fee from Mr. Sievwright?—Yes.

368. But you were not instructed by him?—Partly, in Hoani Nahe's presence. Hoani Nahe applied to me on behalf of the prisoners in the gaol, or some of them, and some persons who were not in gaol, equally. He stated that they looked to him to take up this matter of their lands, and I suggested that some solicitor should be employed who would be on the spot in Wellington. I suggested the names of several solicitors—Mr. Fitzgerald, Mr. Chapman, and others; and also Mr. Sievwright.

369. Then it was you who suggested Mr. Sievwright?—Yes.

370. And is it correct to assume that you practically took your instructions from Mr. Sievwright?—Perhaps you will let me tell the history of the matter.

371. That I think is the wish of the Committee.—At the time when these West Coast difficulties commenced—at the time of the ploughing—I was staying in Wellington, having come down upon some business. The House was not then sitting. Sir George Grey, in the course of conversation I had with him about other matters, spoke to me about the claims these Natives alleged they had to lands upon the West Coast, and which claims they were attempting to assert, or bring into public notice by ploughing. I may state that Sir George Grey, in confidential terms, had done me the honor to ask my opinion upon that and many other political questions. After I had returned, Sir George still continued advising with me about matters. I find I have telegrams from him about this matter. When I came down to attend the House—simply speaking from memory—Hoani Nahe came to me and asked me if I would act for the Natives in getting up their case as regards the confiscated lands. At that time the Natives were arrested and in prison. I had been for a considerable period in Gisborne and elsewhere concerned in Native affairs; and Hoani Nahe asked me if I would get up the case for the Natives thoroughly in regard to this confiscation of Native lands upon the West Coast, and the alleged delay and breach of promise on the part of various Governments; and if I would undertake to appear, if any Commission or Court was appointed to sit on the West Coast and argue the whole case out. After considering the matter, I told him that I would do so; but I said that inasmuch as these men were in prison, and he himself alleged they had not possession of their land, I must receive a substantial fee before undertaking the work. Hoani Nahe then told me that the Government had promised to advance money. I understood him to mean money to be charged against any lands of these people—that the Government had agreed to advance money for the purpose of getting the whole question thoroughly investigated as regards the confiscated lands, and alleged promises to return lands on the West Coast. He asked me to name a sum. I said if I was expected to leave my place of business at any time and go to the West Coast and attend the sittings of a Court or Commission appointed to sit there—I knew it was the intention of the late Ministry to appoint a Commission to sit there—I should require at least £300. Hoani Nahe said he had no doubt he could obtain that sum, and he would pay it if I consented to act. I then said “I shall be away from Wellington; you had better get another solicitor to act through whom I can communicate. I mentioned the names of several solicitors, as it was a business of enormous importance, and likely to bring credit to any person conducting it properly. He then told me he had been to Mr. Sievwright. I went with him to Mr. Sievwright, and told him I had made these terms with Hoani Nahe, and that I could not undertake a task which would interfere with my own business and take me a long time from my own place, as there would be considerable trouble in getting up the case—in fact, the history of New Zealand as far as the Natives were concerned during 16 or 17 years—that I could not afford to do that without the payment of a substantial fee. Hoani Nahe assured me that the Government would advance sufficient money to enable assistance to be obtained to investigate the whole case for the Natives. I saw Mr. Sheehan, about the same time I think it was—I haven't a distinct recollection in the order of time as to what happened first or afterwards; it was about the same time, and I asked him if the Government were about to advance to the Natives money for the assistance of the Natives with regard to confiscated lands. Mr. Sheehan replied that such was the case, as the Government thought the Natives ought to have legal assistance if they required it in order to ventilate and settle the whole question. He asked me if the Natives had spoken to me. I replied that Hoani Nahe had spoken to me and asked me if I would act. Then, Mr. Sheehan said, if Government money is spent—if we advance money to Hoani Nahe and the Ngatiawa, I don't think it ought to be used in defending persons who are arrested for a breach of the law; it ought to go for the investigation of these lands, which is a matter of political importance. I agreed with Mr. Sheehan in that idea, and told Mr. Nahe so. I said another solicitor should take up the defence of the prisoners if necessary. Hoani Nahe then brought me a paper which I signed, acknowledging that I agreed to act. It had, I believe, the names of a Maori Committee on it, including the names of members of both Houses, and other leading Natives. I may state that I immediately set to work to get up the whole information; that I did get it up, and was prepared at any moment to appear. It became a matter of public notoriety that although the Government had changed, the incoming Government had determined to carry out the idea of a Commission. I therefore had the whole case got up—obtained copies of correspondence and Acts to enter into the case thoroughly, and when the sittings of the Commission were announced to take place on the West Coast, I sent to the Commissioners—Sir Dillon Bell and Sir William Fox—and told them of these facts. I told them that I

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was quite prepared on behalf of the Natives to attend the Court and go into the question thoroughly, and to give assistance to throw such light upon the subject that the affair might be thoroughly investigated; but I received an answer that the Commissioners declined to allow any legal gentleman to appear, and that they would do the business without legal assistance. That was their answer. I replied stating that I was still prepared to appear if they reconsidered their decision, and that the inquiry would not be so satisfactory without legal assistance as with it.

372. Then that generally comprises what you did?—Yes; as far as I can remember.

373. Those are your receipts (two receipts produced)?—Yes; both of them.

374. Then we are to understand that the services for which you were retained were exclusively in connection with the defence of Native rights in regard to the West Coast lands, and in no degree in regard to the defence of the prisoners?—That is what I told Hoani Nahe.

375. And it was under these conditions that he retained you?—Yes; I understood so. I must say I cannot speak Maori, and had to speak through an interpreter. I did what any other lawyer would have done. I received instructions to do certain work, and I stated that I could not do it without being paid. After being paid I was prepared to carry out the work thoroughly; and I am prepared to do it at the present time.

376. *Mr. Saunders.*] I should like to ask Mr. Rees if he understood Hoani Nahe to come to him on behalf of himself and other Natives, or on behalf of the Government?—On behalf of the Natives.

377. Not by the instructions of the Government?—Not by the instructions of the Government. I told Hoani Nahe I could in no sense act for the Government, nor could I as a member of the Legislature receive anything from the Government. My services were given as a barrister of the Court to the Natives; but for the Government I could not act.

378. And yet you say he told you the money would come from the Government?—I understood that I received the money from the Natives.

379. You said in evidence that you understood the money came from the Government?—The money came from the Natives, who could employ whom they chose.

380. *The Chairman.*] Was it a fact that you were practically retained by Mr. Nahe in the same way as a solicitor is retained in private transactions:—Yes; absolutely the same. Hoani Nahe came from the Natives—having seen the prisoners in the Wellington gaol—he came from them to me and asked me if I would act for them, and I said upon certain conditions I would.

381. *Mr. Saunders.*] You are aware of the statements made by Dr. Buller in evidence to the contrary?—I have never seen them. I know Dr. Buller has made some statements, but I have not seen them.

382. *The Chairman.*] You mean the letter of last year?

383. *Mr. Saunders.*] Yes; I think so. Do you know, Mr. Rees, what Natives Hoani Nahe represented in the matter?—The Ngatiawa more particularly.

384. Did he represent any prisoners:—Yes; he went and saw them in the gaol; I am not speaking of my own knowledge, but from what Mr. Nahe told me.

385. *The Chairman.*] This is Dr. Buller's letter. I have not seen it. [The letter was here read by the Chairman. See Appendix] I remember having had a confidential conversation with Dr. Buller, and he asked me what I was doing; but I had no idea he had written about a conversation of that kind to the Government. I told Dr. Buller exactly what had happened. I am quite sure Hoani Nahe represented the prisoners quite as much as any Committee Dr. Buller was acting for.

386. *Mr. Saunders.*] Then I understand from this letter that you distinctly said Hoani Nahe acted for the Natives in employing you, and not for the Government?—Absolutely and distinctly. He went to see the Natives in prison about it, so he told me—and I have no doubt he did—and he came from them to tell me the names of a number of chiefs;—if I am not mistaken he brought me the names of a committee. I stated absolutely I was retained by Hoani Nahe for the Natives to go into this question of confiscated lands, and that I was prepared at all times to do what was within the scope of my agreement, and to carry it out.

387. *Mr. McLean.*] You had some conversation you say with Dr. Buller?—Yes, I had a conversation with him in his office.

388. Did you offer him any share in that money that you were to get?—No; he spoke to me about working in unison with regard to Native lands. In the course of that conversation he asked me if I was doing anything about lands on the West Coast. I told him Hoani Nahi came to me about acting for his people, and we had a long conversation, but I never dreamt it would be brought up here.

389. There was no conversation such as I have insinuated—that he was to have a share of that money?—Never; that was not spoken of at all. He told me he and Mr. Travers were acting for the Natives, at which I expressed my surprise. I knew that Dr. Buller had written, and that this question had come up in the House; but if I thought he had sent in the subject of a confidential conversation I should have expressed my surprise to him that he should have acted in such a way.

390. *Mr. Saunders.*] That letter was published a year ago.—I am sorry to say I have not paid that attention to matters in the House that I should have done, but I have been very busily engaged in other things. I knew a letter had been written, but had no idea that it contained anything like this. The statement that he learnt from me, that Hoani Nahe professed to represent the Committee, is not correct; he came to me from the prisoners in the gaol. I never told Dr. Buller that at the instance of Sir George Grey £300 of the public money was paid over to Mr. Sievwright. I mentioned to him the main fact here that I had been employed by Hoani Nahe, and that I said to him, you must get a solicitor in the town. I did not tell him that Hoani Nahe represented the Committee, or that the money was to be paid at the instance of Sir George Grey. I did tell him that £300 had been paid: as far as I am aware no secret was made about the matter—there was no necessity for it. With regard to the expression “nominally his retainer” in Dr. Buller's letter—well I took that as a fee. Dr. Buller also told me he was getting up similar information. As to the remark that “this payment is treated as a grant in aid of legal expenses to the West Coast Natives,” I might have given an opinion as to that. I knew Mr.

Sheehan had promised to assist the Natives, and I knew from Sir George Grey that he would be glad if I would act for the Natives, because he had telegraphed before to a Native called Bobe Rangi stating that I would assist them if they desired, but I don't think he got an answer to it. I was deeply interested about the Natives, and I was very much disappointed at not being allowed to appear before the Commission, as I believe I could have been of great use to them, and could have put some of these things in a way that would have assisted the Commissioners to come to a sound conclusion, and given the Natives satisfaction. In the main this letter of Dr. Buller's is correct.

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391. *Mr. McLean.*] With the exception of the points you have just pointed out the letter in the main is correct?—Yes, as regards the conversation between myself and Dr. Buller.

292. Just now you said Hoani Nahi came from the prisoners and employed you?—Yes.

293. Then if he came from the prisoners would they not have made some stipulation that they should be defended?—I told Hoani Nahi I could not do so.

294. Did you tell Mr. Sievwright you would defend them?—I don't think I could have done so.

395. You distinctly deny that you offered afterwards—after this thing came up in the House—to share the matter with Dr. Buller?—Certainly: I never said anything of the sort at any time or under any circumstances.

396. I want to get at how this transaction arose; you say through a conversation with Sir George Grey?—I cannot say that I had a conversation with Sir George Grey about this matter.

397. And that he was anxious that you should represent the Natives?—I believe he was.

399. Can you tell us how the question of the £300 came up?—It came up when Hoani Nahe asked me whether I would take the matter in hand. I said I would do so, but that inasmuch as it necessitated my being called away at any time to attend a court or commission on the West Coast, I must receive a fee in advance.

400. Then you are not aware by what process it came before the Cabinet?—No.

401. Well then, after this, is it a fact that you, and not Hoani Nahe, instructed Mr. Sievwright?—I went with Hoani Nahe to Mr. Sievwright. I cannot tell you exactly what took place.

406. Put it this way: If Mr. Sievwright states that you came and saw him by yourself, and arranged the matter with him, you would not contradict him?—Certainly not.

407. You first got £150 of this retaining fee, and two days after you got the other £150?—I believe the money had been paid to Mr. Sievwright before the second payment.

408. Did you take an active part in getting the money out of the Treasury yourself?—I enquired when the money was payable.

409. Had not you to do with the transaction of getting the money out of the Treasury? Did you not go to the Treasury and write out the vouchers yourself?—I cannot remember; I don't think so. I have no recollection of it.

410. If it was stated by the Treasury that you did so you would not contradict it?—I don't know; I think I should. I have no recollection of doing so.

411. As a matter of fact I think I am right in saying that the vouchers were made out in Mr. Rees' own handwriting?

412. *The Chairman.*] There is no evidence to show that. I have no recollection of it.

413. *Mr. McLean.*] If evidence was given that you went to the Treasury pressing for this money to be paid you would not deny it?—Well, I don't know. Hoani Nahe said to me, "Will you do this or will you not?" I said, "Before I give you an answer definitely I must receive a fee; I will not do it without." And I did enquire on one or two occasions. That was the reason of my speaking to Mr. Sheehan as to whether the Government would advance this money. I asked at the Treasury or Native office whether this money would be paid, because I could not afford to do this important work without it.

414. It would look very bad to get this £300 fee while you were a member of the House and no commission appointed, would it not?—No, it would not. I was retained by Hoani Nahe direct.

415. It is not usual for a solicitor to retain counsel?—In New Zealand a solicitor can act as both.

416. I ask is not it usual for a solicitor to employ counsel?—Yes.

417. It is not at all usual for any counsel to employ a solicitor to act?—In New Zealand it is usual—it is not at all unknown.

418. We have had it in evidence that you went to the Treasury and wrote out the vouchers, and did the whole transaction yourself?

419. *Mr. Ballance.*] I don't think we have that in evidence.

420. *Sir Geo. Grey.*] I should like to know if it is in evidence.

421. *Mr. McLean.*] I heard Mr. FitzGerald state from that table that it was no secret that Mr. Rees went to the Treasury and wrote out the vouchers himself, and that it was pushed, as I understood him, on the way.—"It was no secret;" I never desired to make any secret of it.

422. *Sir Geo. Grey.*] As I understood, a distinct statement was made that we have it in evidence that you prepared the vouchers at the Treasury. I wish to have this cleared up.

423. *The Chairman.*] The whole of Mr. FitzGerald's evidence is not here yet (part of evidence read).—I may state that Mr. FitzGerald is quite correct if he says it was no secret; I remember going to the Native Office, but not to the Treasury.

424. *Mr. McLean.*] Don't you think it is an extraordinary thing for a solicitor to give a fee of £300 before the Court at which you were to appear was constituted?—No.

425. And before the intentions of the Government that it was to be were known?—Even that would not be extraordinary; but in this instance it was known; I don't think the Government was out of office. I may tell you this, that in taking a case of this sort, where it is not a contested suit in which costs will be taxed, no counsel would take a case unless he were to get a fee beforehand; and very justly, because probably he would not get paid afterwards.

426. Mr. Sievwright says in his evidence that he would not have given over the first £150 until the work was done. Do you agree with that?—I am not responsible for Mr. Sievwright's opinion.

427. Well, there is the £150 paid on the 2nd?—I don't think at that time Mr. Sievwright had

- Mr. W. L. Rees.* drawn the money. I think you will find that he had not drawn it, but that he gave me his own cheque. He gave me a cheque for £150, and I think he said he could draw the money afterwards.
- 3rd Aug. 1880. 428. *The Hon Major Atkinson.*] The arrangement was for £300?—Yes.
429. *Mr. McLean.*] What steps did you take to get the £150 afterwards?—I saw Mr. Sievwright, but I don't think I saw Hoani Nahe afterwards. So far as I remember it was on a Saturday that I received the first payment, and on the Monday or Tuesday I received the second amount. Mr. Sievwright said it would leave nothing to pay his expenses, but I pointed out that the expense would come out of my pocket.
430. Are you aware what services Mr. Sievwright rendered in the matter?—I know he went into it very thoroughly to assist me. We both looked upon it as a very important matter. I had many conversations and consultations with Mr. Sievwright on the subject.
431. Then would you have considered yourself justified in taking up the case against the wish of the Natives, as Dr. Buller has put it?—I do not admit that he is correct in stating that. I will undertake to state that more Natives would employ me than Dr. Buller, and more would choose me to defend them in the Courts than Dr. Buller.
432. Is it a usual thing for a barrister to prepare a brief before a tribunal is constituted?—Well, in an exceptional case like this where it was known there would be one, it would be a lawyer's duty to get all the evidence up, because he would be open to be called upon at a moment's notice. I might have been called upon at any time if the Commissioners had decided to hear counsel. I must have been prepared, and I was prepared.
433. Have you any of the papers?—I have only one here, but I have a series of papers, which all make up a large and heavy brief.
434. When were they prepared?—Nine or ten months ago.
435. Was it that time you got this fee?—Yes, I did a considerable amount of work. I paid between fifteen and twenty pounds for having the records searched through, and I was employing the same person that Dr. Buller was employing to do the very same work.
436. *Mr. Dick.*] You say Mr. Sievwright did a good deal of work along with you. Well, is it a usual arrangement for a barrister to draw all the money while a solicitor does the work?—No. But in this case he would be at no cost, nor was it intended he should attend the Commission, whereas I had to bear the trouble and expense. He demurred at first to the arrangement, but he agreed afterwards that as I had made the arrangement with Hoani Nahe it was right.
437. Did he expect to get paid at all?—Yes, we both expected to get paid. Hoani Nahe told me these Natives would no doubt get various lands given them which they had been promised year after year, and that they would be able to make payment for the work done to get those lands.
438. That £300 then was only a first instalment?—It was to ensure my attendance at the Court wherever and whenever that might be.
- 438A. *Mr. Reader Wood.*] I understand from you Mr. Rees that you were employed, and received this fee for the purpose of investigating the claims of Natives to lands upon the West Coast?—Yes.
439. Have you been on the West Coast?—No.
440. Then in the work that you have done what evidence did you obtain as the basis of your brief?—I procured copies of all the Orders in Council; the New Zealand Settlements Act, and the reasons for that Act; part of the debates in the English House of Commons, alluded to in Sir George Grey's despatches; debates here, and statements made by Ministers here and in England, even with regard to your own interview with Ministers in London; despatches, proclamations, statements of Natives, and whatever I could glean of the facts both anterior to the rebellion, and as relating to the settlement of the tribes, the results of commissions and compensation courts, the evidence taken by them, and statements made by Commissioners; and generally the whole official documents to be found in relation to the whole matter.
441. Has that been of any practical use? No, it has not. I wrote down to tell the Commissioners I was prepared at once to go before them, and I am sorry I did not go, as I should not only have fairly earned the money paid to me, but I also should have been of assistance to the legislature, the commission, and the Natives.
442. I understand they did not require your services, or of any other barrister?—Yes.
443. And they have done the work of that Commission themselves?—They sat and made an interim report.
444. Do you consider that a complete report, an abstract of the whole case, an epitome of the history of the New Zealand wars and other facts?—Of the wars, yes, but not of facts. I would undertake to compile a more complete one myself.
445. The Commissioners were on the West Coast and took evidence?—Only from some of the Natives; they would not attend.
446. The Commissioners gave the Natives an opportunity of giving evidence?—The Natives wanted a public examination.
447. But they gave the Natives an opportunity of coming forward to give evidence?—Yes, I believe so.
448. But on what you prepared you did no such thing. You contented yourself with documents and records, which anybody could get hold of, but you took no evidence for the preparation of your brief?—That is so.
449. I believe I am correct in saying it is the practice of a barrister if anybody came to him and offered him a fee—in a case, say Jones v. Robinson—to take that fee without enquiring into the merits of the case?—As a rule.
450. It would have been quite professional on your part to take that fee without enquiring further into it?—Yes.
451. *Mr. Moss.*] Are you aware that Hoani Nahe represents a large number of these Natives?—He told me he did.

452. Did he speak as a member of any committee?—No, he did not, though he afterwards brought me a paper to sign which I believe contained the names of a committee. *Mr. W. L. Rees.*

453. Don't you think this self constituted committee to which Dr. Buller refers contained the names of persons who would be glad to retain your services?—Every one of them. *3rd Aug. 1880.*

454. You have never received any intimation to the contrary?—The very opposite. I received intimation that they desired me to act. Taiaroa and others were aware that Hoani Nahe asked me to act.

455. Was it not necessary for the conduct of this case to have a solicitor in Wellington as you were not residing here?—Yes, that is why I asked Hoani Nahe to secure the services of a solicitor here.

456. Did you not take up this case at very considerable sacrifice to your business?—As it happened I did not go to the West Coast, but I would have gone at any sacrifice in order to attend to this case, as it was not only of importance to the Natives, but to the peace of the country.

457. It occurs to me that some few months ago I heard it stated that you had to pay a fee to a barrister here for appearing at the Magistrate's Court and getting a Native case adjourned. Do you remember the amount of that fee?—I sent down £25. Mr. Bell, of Izard and Bell, told me he could not get any counsel to appear without a fee of £25 or guineas. I sent that down and he paid it to Mr. Ollivier, but as Mr. Ollivier simply went into court and asked for an adjournment he returned the greater part of it to Mr. Bell afterwards.

458. What I mean is this: there is considerable difficulty in getting lawyers to take up a Native case?—Yes, without they are very largely paid.

459. It interferes very much with their business as a rule?—Yes, I may state with regard to fees I have been paid a much larger fee by Parliament in the case of Mr. Jones' prosecution for libel.

460. Have you for some time past devoted yourself very largely to Native cases of this kind?—Yes, I know more about Native matters probably than any other solicitor practising in New Zealand.

461. And have a much larger business in Native matters than any other person?—Yes.

462. *Mr. Ballance.*] You have stated Mr. Rees that Hoani Nahe instructed you to investigate these claims of the Natives to lands on the West Coast?—Yes.

463. And that he went to the prison and saw the Natives there?—Yes.

464. What was his object?—I understood it was to get the personal permission of the Natives to retain me.

465. For what purpose—the defence of the prisoners, or the investigation of their claims?—The investigation of their claims.

466. Was the question of defence in any way related to the question of investigation of claims?—I don't know that I can answer that. The defence of the Natives was for an alleged breach of the law; the investigation of their claims was a very different matter, and I myself did not want to enter into the other matter. I thought another man should be retained for that.

467. For what purpose would the interview take place?—I understood from Hoani Nahe that he went to see them for the purpose of obtaining their personal authority to ask me to act for them.

468. Would they not understand that their own defence was involved in the investigation of the claims?—They might have done.

470. You stated that the Natives would prefer to employ you to Dr. Buller?—I think so.

471. Did you think the Natives might have contemplated their own defence?—Yes; and I think more so from what has since taken place.

472. Had you reason to suppose that Hoani Nahe had the confidence of the Natives on the West Coast?—Yes; he was their representative in Parliament, and was related to many of them by tribal connections.

473. Although Hoani Nahe employed you, you understood the money was to come from the Government?—I had reason to believe the Government were advancing money to the Natives for the purpose. I of course was not present when it was decided to advance the money, but I knew that it was to come from the Government.

474. You say you had several interviews with Sir George Grey about the matter of these Native claims. Did Sir George Grey intimate his intention of retaining you?—No, never. I knew he would have liked me to be retained. He sent a telegram to Bobe Rangī stating that I was staying in Wellington.

476. Did he express any opinion to you that it was desirable to investigate the case?—It was the subject of many conversations. He thought they ought to be enquired into.

477. Then you look upon Hoani Nahe as representing the Natives?—Yes; I have no reason to doubt he had authority from them, and was the proper person to employ anybody for them.

478. *Mr. Johnston.*] Mr. FitzGerald gave the Committee to understand that you wrote out the voucher yourself, making Mr. Sievwright the Imprestee, so that it would seem you were aware that the money was Government money for public purposes, because the purposes were stated on the voucher?—When you speak of money for public purposes, I may say that I never thought of that at all.

479. Is it possible for an Imprestee to get money in that way?—I could not say. I told Hoani Nahe I could not act for the Natives without I received a fee in advance, and that if he paid me a substantial fee I would undertake the work.

480. I don't see the connection between that and your receiving this particular amount. However, if the construction was not in your mind that it was public money, I have nothing to say?—I never thought of that at all. Hoani Nahe was pressing me for an answer, and I said the money must be paid. He said "it will be paid out by the Treasury," and Mr. Sheehan said the same. I never thought about this being in the technical sense public money. I looked upon it as the Government advancing money to these natives. I went down to the Treasury and asked if the money was paid (vouchers put in). I see now these are in my handwriting.

481. *The Hon. Major Atkinson.*] I should like to ask, whether you understood Mr. Nahe to be acting as a member of the Government, or as a private person?—Not as a member of the Government.

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482. Had you any conversation with any other member of the Government, with regard to the advance to Hoani Nahe of this £300?—Mr. Sheehan told me that the Government had determined to advance the money to the Natives.

483. Any other Minister?—No; I do not think I spoke to any other Minister about it. I told Sir George Grey I was going to act for the Maoris. I asked Mr. Sheehan: "Have you agreed to advance the Natives a sum of money?" He said: "Yes, we have."

484. You told Sir George Grey that Hoani Nahe was going to employ you before this £300 was paid?—I think it was afterwards.

485. Had Sir George Grey expressed an opinion that he would like you to be employed?—Yes, he had on many occasions. I was with Sir George Grey when the news came about the ploughing, and we talked the whole matter over, as to the justice of their claims, and how their injuries, if any, could be rectified. Long before this Sir George Grey sent a telegram to Bobe Rangi. I do not think I mentioned to Sir George Grey anything about money, nor do I think I spoke to him about Hoani Nahe having employed me about the Natives till afterwards.

486. Did you have any conversation with either Mr. Sheehan, or Hoani Nahe, about defending the prisoners?—I had a short conversation with Mr. Sheehan, but not with Nahe; it did not amount to much. The conversation with Mr. Sheehan was up in his house. I said Hoani Nahe had asked me to act for the Natives; would there be any objection. Mr. Sheehan said: "We are giving the Natives money, but I do not think it ought to be used to defend prisoners arrested for breach of the law. If you go into the matter of lands, so as to be of assistance to the Natives, and the Government, I think it will be good."

487. I understand that your services were simply retained for the land, and not for the defence of the prisoners?—I understood so.

488. No Minister then proposed to advance money for the double purpose?—No Minister proposed to advance money for any purpose.

489. You have mentioned Mr. Sheehan?—I saw Mr. Sheehan after Hoani Nahe said the Government would advance money. Hoani Nahe said Mr. Sheehan told him the Government would assist them if they could get any person to act for them. Then I asked Mr. Sheehan whether it was so, and he said it was.

490. No Minister intimated to you that part of this money was to be employed for the purpose of defending the prisoners? You have just told us that Hoani Nahe and Mr. Sheehan told you that the Government was going to set apart a certain sum of money?—Yes; all the conversation I had about the destination of the money was not much.

491. For what purpose was this £300 paid to you?—For the purpose of investigating the whole claims of the Natives for the alleged non-delivery of their lands on the West Coast. I was to appear before any Commission or Court and argue the case thoroughly on behalf of the Ngatiawa and Taranaki Natives.

492. And not to argue the defence?—No. It is quite possible that the idea might have been associated in their minds with the investigation of their claims, but I desired to keep the two matters distinct.

493. *Mr. McLean.*] You have seen this voucher now to refresh your memory; have you still a recollection where that voucher was made out?—No.

494. If anybody stated that you made it out at the Treasury you would not deny it?—No.

495. The date is in your own handwriting?—Yes.

496. And the body of the voucher is also?—The particulars are.

497. Did you get the money from Mr. Sievwright on the day you gave the receipt—2nd August?—I think so.

498. Well, look at the date Mr. Sievwright has given the receipt for £300?—I am pretty sure I got the money before he got this. Mr. Sievwright said he would give me the money before he got it himself.

499. You have stated that it is usual to get a very large fee in these Native matters?—Well, conducting a case of this magnitude—yes.

500. Is that owing to the uncertainty of the money coming from the Natives?—Partly, and partly because it is not like ordinary work. It is much more tedious, and entails a large amount of trouble.

501. Then the question of uncertainty of payment would not refer to this case where you were getting cash down?—No; but it is an important enquiry. It is not only an enquiry into the lands, but the peace of the country hinges upon it.

502. *Mr. Montgomery.*] Would that £300 you have received have covered the expenses if you had appeared before the Commission?—Yes; that was expressly stated. It was to be a fee for attending the Commission and arguing the case. I was to prepare everything.

503. And you were to make no further charge?—No; not for attending the Commission, but if there was work afterwards I should have.

504. But for getting up the case and bringing it before the Commission, and for travelling expenses, you would make no further charge?—No.

505. *Sir George Grey.*] Supposing a Commission is appointed again and you are required to attend?—My retainer holds good.

Hon. H. Nahe
10th Aug., 1880.

TUESDAY, 10TH AUGUST, 1880.

MR. HOANI NAHE examined.

506 *The Chairman.*] You were one of the members of the late Government?—Yes.

507. Do you remember the payment of a sum of £300 being made to you for legal expenses in connection with the West Coast Natives?—Yes.

508. Was that money paid to you to procure legal assistance for the prisoners or for the defence of the Native rights in regard to land on the West Coast?—It was for the purpose of investigating the rights of the Natives, and inquiring as to promises made to the Natives with regard to the returning of certain lands to them. *Hon. H. Nahe.*
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509. Was that in view of a Commission sitting to enquire into those rights?—Yes. The money was given for the purpose of obtaining a lawyer to appear before the Commissioners.

510. Then it had nothing to do with the defence of the prisoners—is that so?—It was not for that purpose. I think that was clearly understood, because Dr. Buller was appointed to defend the prisoners.

511. You asked the Government for the money, did you not?—Yes, but I did not ask for it as one of the Ministers. I asked for it as the representative of the Natives.

512. And the Government agreed to let you have it for that purpose?—Yes.

513. What did you do when you knew you were to have the money?—Before I answer your question I wish to explain that it was not altogether of my own thought that I applied for this money. I was told by Mr. Rees and Mr. James Mackay that I might do some good for my own people if I could get the money.

514. What did they say to you?—They said that, considering I was the representative of the Natives in that district I should endeavour to find out all the promises which had been made to the Natives by the Government at different times. I replied that I could not do much in that way as I had no money wherewith to pay a lawyer. They then said that I had better apply to the Government for money, and on that I made the application to the Government.

515. What I wish to know is what you did when you knew that you were to have the money?—Mr. Rees said I should place the money in somebody's hands to be taken care of, and used for the purpose of retaining Mr. Sievwright and Mr. Rees to enquire into the matter. I did not actually have the money in my own hands, for it was paid over to the two gentlemen I have named in the Government office, and I signed a voucher authorising it.

516. Is this document you signed (producing voucher)?—Yes, that is my signature.

517. Was the money paid to one of these gentlemen—Mr. Rees or Mr. Sievwright? I presume it was paid on that authority which I signed, but I did not actually receive the money myself.

518. Were you present when the money was paid in the Government office? I do not know. I do not remember having seen any notes or money paid.

519. Did you sign this voucher in the Government office?—I am not quite certain. I think I might have signed it in the lawyer's office.

520. Did you give any instructions to Mr. Sievwright or Mr. Rees about the defence of these rights?—I asked them at the time whether they would attend the sittings of a Commission if one were appointed, and they said they would.

521. At what time was that?—About the time that I signed that voucher.

522. Did Mr. Sievwright undertake to go and attend the meetings of the West Coast Commission if required?—Both these gentlemen were present, but I addressed myself to Mr. Rees, and he said he would attend to them. They were to work together.

523. Did Mr. Sievwright ever send you in a bill of costs on account of this matter, or did he ever make any claim upon you?—Last year, about the time this Parliament met I received a telegram from Mr. Sievwright asking me whether he should send in an account to the Government. I also saw an account published in the newspapers, but I did not receive an account myself.

524. When you signed that authority for the £300, was there, or was there not, any understanding that the £300 was to cover all the services to be performed by Mr. Rees and Mr. Sievwright?—There was nothing said about any future payments, and I thought that the £300 was quite sufficient to cover the whole expense.

525. Did you understand that Mr. Rees, or Mr. Sievwright, or both, were in any way acting for the Government in this matter, or only for you personally, as representing the Taranaki Natives?—No; I did not suppose they were working for the Government, but for me as the representative of the Natives. I considered that the money was advanced to me; but I did not suppose that I should ever be asked for it again.

526. Are you aware that Mr. Sievwright's bill of costs made out against you in this matter amounts to £77 16s. 2d. over the £300?—I saw it stated in a newspaper that such was the case.

527. Have you ever written to Mr. Sievwright or Mr. Rees on that subject; or have you ever taken any notice of the additional sum?—I did not write to them, but on seeing the amount set forth I supposed that the Natives had had their case fully settled, and that their land would be given back to them in consequence of the exertions of these two gentlemen.

528. Do you know what work has been done by Mr. Rees or Mr. Sievwright, or both?—No; I do not. They have not told me what they have done. When Mr. Sievwright telegraphed to me asking me whether he should forward his account to the Government, I sent back a telegram asking that I might be informed whether they had done any work for the money.

529. And what did he say to that?—He did not reply to that. The only communication I received from him after that was another telegram asking me whether he should present his account to the Government. I sent a telegram, asking whether they had completed the work, and informed them that there was a new Government in office, and that I did not know what steps they might take in the matter.

530. When was that?—It was during the session in which the present Ministry took office.

531. When you say you made inquiries, because you did not know what the new Government might do, what do you mean?—I felt that this was money which ought to be paid by the Natives themselves; and I did not know whether this Government would assist me as the former Government had done. That is why I stated that I did not know whether the Government would pay any further sum, as it was not really money which should be paid by the Government, because these lawyers who

Hon. H. Nalae. were to get the money were to oppose the Government to a certain extent, inasmuch as they were going to inquire into the promises of the Government in connection with the returning of Native lands.

532. *Sir G. Grey.*] Had you any relations or constituents amongst the Natives on the West Coast?—I do not know that I had any relatives there, nor do I know that any of the Natives there voted for me, but they resided in the district which I represented, and I considered it my duty to look after their welfare.

533. Then you felt that they had a claim on your consideration?—I consider that it is the duty of the Maori members to look after the welfare of the Natives in the districts they represent.

534. Did you believe in your own heart that they had been wrongfully deprived or kept out of their lands?—I knew that the land had been confiscated; but I also thought that they had very little returned to them, and I have frequently had letters and petitions from the Natives, saying that too much land had been taken from them and too little reserved for them. They also complained that many blocks which had been promised to them had not been returned.

535. Did you believe that this was a case which required investigation and judgment?—Yes; that is why I wished to have lawyers to look into the promises which had been made by the Government, and after Mr. Rees and Mr. Mackay had spoken to me I was confirmed in the opinion that a lawyer should be employed.

536. Do you think that if the people had been for many years kept out of the land to which they were entitled, they would have been left very poor?—Yes; I did think so, after receiving letters from them.

537. Then would that prevent them from having the means of defending themselves?—Yes; I thought so. They had no money with which to pay a lawyer. I went to see some of the prisoners when they were in Wellington, and asked them whether they would like to have a lawyer to defend them; but they would not give a definite answer because they had no money with which to pay for legal assistance. At the same time they said that if any Native who possessed means felt that he would like to employ a lawyer for them they would not object.

538. Do you think it just that the Government, which had kept them so poor, should find the means for them to defend their rights?—I did not feel that this was money which the Government were bound to pay; but I thought that, as they gave it to me for the purpose, it was given fairly and justly. I considered that the Government were giving the money out of pity to those who were suffering and could not help themselves; and I also thought that the money would be well spent if it brought peace to the district.

539. Do you think that the Government ought to give an example of justice to the whole country?—Yes; I thought that if good came of this, it would be for the benefit of the Native race, and be a good example to them also. I thought it would be beneficial to both Europeans and Natives.

540. Do you think that the conduct of the Natives which led to their imprisonment arose to a great extent from their lands having been withheld from them?—Yes.

541. And that the Government was in part to blame for their imprisonment?—Yes; I think so, because they did not complete their promises.

542. You think then that it was only just that an inquiry should have been made into that?—Yes.

543. And you are glad that you took a part in trying to get that inquiry?—Yes; I was pleased when I obtained the money, for I thought the Natives would give me credit for endeavouring to get justice done to them; but, at the same time, I thought that perhaps the Government would afterwards blame me to a certain extent for having asked for the money.

544. But you felt it your duty to incur that blame if necessary for your people?—Yes, I thought it was my duty.

545. *Mr. Saunders.*] Who first spoke to you about this whole business?—I think it was Mr. Rees who told me that Mr. Mackay would like to see me about it.

546. How long was that before the money was obtained?—About a week.

547. Had you any conversation with any of the Ministers about it?—I applied to the Government for money wherewith to pay a lawyer.

548. To which members of the Government did you apply?—I applied to the Native Minister.

549. Did you give the same reason for wanting the money to the Native Minister that you have given to this Committee?—Yes.

550. Did you understand that the money was wanted in a very great hurry?—I said that I should like the money given to me as soon as possible, in order that I might know how to act in the matter of obtaining a lawyer.

551. You are quite sure that you did not give Mr. Sheehan to understand that the money was wanted for the defence of the Maori prisoners?—I am quite sure I did not ask for the money for the purpose of defending the prisoners in the Supreme Court. I asked for it for the purpose of enquiring into the land claims.

552. Then I suppose you can give us no reason why Mr. Sheehan ordered the money for the defence of the Native prisoners from the Treasury?—I do not know what Mr. Sheehan applied for, or for what purpose he asked for the money.

553. Are you aware the Comptroller of the revenue objected to pay the money to you as Minister?—I did know that is the reason why I did not receive the money.

554. Is that the reason why Mr. Sievwright was employed to receive the money?—I suppose that may have been the reason, but I do not know anything beyond what I did myself.

555. You yourself did not seek Mr. Sievwright's assistance then?—I may have done so, but I am not sure; I cannot recollect. I think, however, that I said one of the officers of the Government should pay the money to him, but I do not recollect, telling him to go and get the money.

556. Do you know with what object Mr. Sievwright was employed?—He was to receive the money because I could not receive it myself as a Minister.

557. Did you take anybody's advice as to the lawyers you should employ?—No; I had no other advice than that of Mr. Rees and Mr. Mackay, and they advised me to employ Mr. Sievwright and Mr. Rees. *Hon. H. Nahe.*
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558. You say that Mr. Rees advised you to employ himself?—Yes; and Mr. Rees gave me a paper which showed that he and Mr. Sievwright had received the money.

559. But, before that, did Mr. Rees advise you to employ himself, and did you employ him?—Yes, he did, and Mr. Mackay also advised me to employ Mr. Rees.

560. Did you consult your colleagues in regard to the employment of counsel?—No; but I fancied the other members of the Government would agree to the employment of Mr. Rees.

561. Did Mr. Rees tell you that the money was wanted in a great hurry?—Yes.

562. Did Mr. Rees say that he would not take any steps in the matter until he had received a handsome sum from the Natives in cash?—Yes; Mr. Rees said the money should be paid in order that he might know that he was to do the work, and not be kept waiting with the chance of not getting the work after all.

563. Did you think you were serving the interests of your constituents by paying this money to Mr. Rees without knowing what he was to do for it?—I thought that the money was obtained for the benefit of the Natives, but I did not feel satisfied in having to pay the money before any work was done.

564. Then why did you pay the money before any work was done?—I paid the money, because they (the lawyers) told me that they would not consider themselves retained to do the work unless the money was paid.

565. Did you understand what Mr. Rees was to do for the money?—I understood that Mr. Rees was to attend on the Commission, and enquire into the promises made by the Government to the Natives.

566. But there was no Commission at that time?—There was no Commission at the time, but the Government had proposed that a Commission should be appointed to enquire into these matters.

567. Do you not think it would have been quite time enough to pay the money after the Commission was appointed instead of before?—Yes, I thought so, but I 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.

568. And if you had acted on your own judgment you would have thought it safer to leave the money in the Treasury until the work was done?—Yes, 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.

569. Did Mr. Sievwright tell you the amount of his account when he asked you to pay it?—No.

570. Then I suppose you do not know what Mr. Sievwright charged for his share of the transaction?—Mr. Rees and Mr. Sievwright applied jointly for the money, but their individual shares were not defined.

571. Do you know that the whole of the £300 was charged to Mr. Rees?—The receipt which I received for the £300 was signed by Mr. Rees. This document was given to me in their office.

572. Do you not know to whom the money was paid, whether to Mr. Sievwright or to Mr. Rees?—I know that Mr. Sievwright was to receive the money from the Government office, but I presume it belonged to both of them.

573. Then you do not know how it was divided between them?—No.

574. Did any one advise you as to which lawyer you could most advantageously employ in this matter?—No.

575. Was the subject not made a matter of enquiry by the Government?—Was the matter not discussed in Cabinet?—There may have been something said there, but not while I was present.

576. After the money was paid did Mr. Rees take any instructions from you as to what he was to do?—I asked Mr. Rees whether he would attend the sitting of the Commission if that Commission were appointed.

577. But Mr. Rees has not sought any instructions from you since he got the money?—No, I understood he would attend the Commission if it was appointed.

578. *Mr. Ballance.*] When was this Commission to have been appointed?—I do not know the month or day on which it was to be appointed, but I understood that a Commission was to be appointed.

579. Had you any conversation with Mr. Sheehan about this Commission?—I asked Mr. Sheehan whether a Commission was to be appointed, and he replied in the affirmative.

580. What was that Commission to do?—It was to enquire into the question of confiscated lands, and to see whether certain lands could be returned to the Natives; also, to inquire whether the claims of the Natives were just.

581. Had that inquiry anything to do with the Natives who were in prison?—Yes, it affected them as well as those who remained at home.

582. Was the object of the Commission to inquire into promises made with respect to their rights?—It was to ascertain whether the Government had promised to return these lands, and also to see whether these disturbances took place on lands which the Government had promised to return.

583. Did you think that the result of the inquiry before the Commission would show that the Natives in prison had done no wrong?—I thought it would show whether what they had done was right or wrong—whether the prisoners had acted wisely or otherwise.

584. Did you think that if the promises which had been made had been kept, peace would have been restored?—I think so, considering that some of the persons interested were loyal Natives.

585. And did you think that these Natives would have been released if, after the inquiry, the Commission had found that the promises had not been kept?—I did not think that the prisoners would be released by the Commission, but I thought that they might be supplied with land upon which they might settle if they were released after being tried.

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586. What was Mr. Rees to do before this Commission?—He was to find out how much land should be returned to the Natives, and to see whether the promises made by the Government had been fulfilled; he was also to ascertain the amount which was intended to be confiscated at first.

587. Did any of the Natives desire that the Commission should be appointed?—They may have done so, but I do not remember, and cannot speak positively. I know that when I first came to Parliament I asked that some such Commission should be appointed to make enquiries.

588. You thought that a Commission would do some good?—It was not exactly a Commission that I asked for; it was a Court of some kind, to made inquiries, that I wanted.

589. Had you any conversation with Wi Parata on this subject?—No.

590. Were you aware that Wi Parata was a leading man among the West Coast Natives?—Yes.

591. Why did you not see him on the subject?—When Mr. Mackay and Mr. Rees advised me to apply to the Government for the money, I did not think it necessary to see Wi Parata; but if it had happened that the Natives should pay the money, I should have consulted Wi Parata.

592. Were the prisoners consulted on the subject of their claims to the land?—Yes.

593. Did the prisoners express any desire to have those claims and the promises of the Government investigated?—They said they were in trouble, and, being prisoners, could not do anything; but if anybody outside chose to move in the matter he could do so.

594. Did they make any complaint about promises not having been fulfilled?—No; they did not say that that was the reason they had got into trouble, or that that was the reason why they were in distress. There were four of them brought into the room where I was sitting.

595. Did they give any reason why they were there?—No.

596. Were you aware that the trouble arose through the land?—Yes; I knew that.

597. And did you think that the Commission would settle this trouble; did you suppose that the Commission would find that promises had been made to return the land?—Yes; I thought so.

598. Did Mr. Sheehan tell you that the £300 would be given for the purpose of making the inquiry?—No; he did not say so. When I applied to him for the money, he said he would talk the matter over with the other Ministers. Afterwards I was told that the money would be given to me. Mr. Sheehan did not tell me this, but some of the clerks in the office did.

599. Did Mr. Sheehan speak to you afterwards about it?—He did not give me any directions about the money. I was simply told that the money would be paid, and that was all.

600. *Hon. Mr. Dick.*] When Mr. Rees told you to employ him, did he say where you would get the money to pay him?—He told me that the money would be received from the Government office, and that it would not be directly to me.

601. Did he say how much it would be?—Yes; and the clerks in the office also told me the amount.

602. But I mean when Mr. Rees first came to you; did he say where the money would be got from, and how much it would be?—The first time Mr. Rees spoke to me on the subject I told him I had no money, and he said I should apply to the Government for it.

603. Did he tell you how much to apply for?—Yes; he told me to apply for £300.

604. To give to Mr. Rees?—Yes. That is to say to pay him for doing this work.

605. For doing nothing?—I have only just found that out.

606. What have you just found out?—I mean to say that I suppose no work has been done by him.

607. Did you know that Dr. Buller was employed in the service of the Natives?—Yes; I knew that before Mr. Rees came to me.

608. And were you not content with Dr. Buller?—Mr. Rees and Mr. Mackay told me it was quite right that Dr. Buller should be retained for the defence of the prisoners, but that another lawyer should be employed to enquire into the promises made in connection with the land by the Government.

609. But was not Dr. Buller employed to make those enquiries as well as to defend the prisoners?—I did not think so at the time. Both Mr. Rees and Mr. Mackay told me that Dr. Buller was retained for the defence of the prisoners.

610. Do you know that the Maoris got up a subscription to pay Dr. Buller?—Yes; Wi Parata and others collected money for that purpose.

611. What do you say that was for?—For the defence of the prisoners when they were brought before the Supreme Court.

612. When you went to see the prisoners in the gaol did you say anything about their defence in the Supreme Court?—No; but they told me that they would not object to what Wi Parata, Wi Tako, and others were doing for them. They said they could do nothing themselves.

613. *Mr. McLean.*] Have you had any conversation with anyone about this £300 since you came to Wellington this time?—I have stated to several persons that I came here about this £300.

614. Who were those persons?—Major te Wheoro, and other Natives whom I have met.

615. Have you spoken to any Europeans on the subject?—Yes; in reply to questions I have told Europeans what I came down for.

616A. Was Mr. Rees one of them?—No, I have seen Mr. Rees in the buildings, but we have had no conversation on this subject.

617. Have you discussed it with any of your late colleagues?—No. I have met Sir George Grey, but I have not spoken to him about it.

618. Apart from Mr. Rees' asking you to employ him, had you any special reason for engaging him?—No.

619. Can you tell us what Europeans you have spoken to on the subject since you came down?—When I have been met by some European members of the House they have asked me what brought me to Wellington, and I have told them that it was in connection with this matter. Nothing further than that has taken place, and nothing has been said to me to guide me at all in the matter.

620. You say you had no other reason for employing Mr. Rees than that he asked you to do so. Did you not think that your colleagues would be pleased if you employed him?—I did not think it

necessary to enquire of my colleagues who should be employed, because I felt that the other Ministers would approve the appointment of Mr. Rees. *Hon. H. Nahe.*

621. And that was the reason why you sought no other lawyer?—After hearing what Mr. Rees and Mr. Mackay had to say, I thought that Mr. Rees would be a proper person to employ. *10th Aug., 1880.*

622. Who was present in the Government office with you when you signed this voucher for the £300?—If this is the only paper that I signed, I may say that it was signed in the lawyer's office.

623. But who was present when you signed it?—Nobody, except the two lawyers, Messrs. Sievwright and Rees, and the interpreter. I am assuming now that I only signed one document.

624. Did you go to the Government office with Mr. Rees and Mr. Sievwright about this money?—I did not see Mr. Sievwright in the Government office; I only saw him in Mr. Rees' office.

625. And so far as you were concerned all your dealings were with Mr. Rees?—Yes; Mr. Rees was the only person with whom I made arrangements.

626. Did you order the money to be paid all in one sum?—They directed me in the matter, and I simply signed the paper.

627. And you did not order that it should be paid all in one sum to Mr. Rees?—I thought that it should not be all paid at once.

628. Do you know that Mr. Sievwright objected to pay Mr. Rees more than £150 at a time?—I do not know that the money was divided in any way.

629. And you gave no special orders to pay an extra £150 after the first £150 was paid?—I do not remember that it was done in that way at all.

630. How many interviews had you with Mr. Sievwright and Mr. Rees altogether?—I cannot say.

631. Had you many interviews with Mr. Sievwright?—I did not go to them, but Mr. Rees came to me several times, and I think I went twice to Mr. Rees' office with him.

632. You think that you only saw Mr. Sievwright twice?—I saw Mr. Sievwright twice only.

633. And you have had no communication with him since you paid this £300? You have not been to the office since then?—No. After the money was paid they left off coming to me, because it was understood that they were to undertake the work.

634. Were you aware that money was being subscribed by the Natives for the defence of the Maori prisoners, and the testing of their claims to the land?—I knew that money had been collected amongst the Maoris for the defence of the prisoners.

635. Were you aware that the trial of the prisoners would involve this question of their right to land on the West Coast?—I thought that in the enquiry about the prisoners something would be said about the land.

636. Were you aware that the Committee which had charge of the affairs of the Natives declined to take any money from the Government?—No, I did not know that.

637. You knew that that Committee of Natives had employed Dr. Buller?—Yes.

638. And did you expect that Mr. Rees would work with Dr. Buller?—I understood that Dr. Buller was to act for the prisoners on their trial, and that Mr. Rees was to act for them in regard to the land enquiry. I understood this from what Mr. Rees and others said to me.

639. Supposing that this Commission was not appointed would you have expected to get back from Mr. Rees the money that had been paid to him if he had not done any work?—I should have thought so, looking at it as a Maori, because the Maoris think that if there is no work there should be no pay.

640. Suppose this £300 had been Maori money, would you have paid it over to Mr. Rees as you did?—I think I should have been blamed by the Natives if I had done so, because the Natives would not have liked to see their money go; but the Maoris know now that the English custom is that even if there is only a few words said the money has to be paid.

641. Did you think that if a Commission were appointed it would have settled all the difficulties on the West Coast with the Natives?—I did not think the Commission would settle the difficulty, but I thought that if the Maoris did not agree to the decision of the Commissioners it would be the fault of the Natives.

642. Do you think that if the Government acted on the report of members of the West Coast Commission, (Sir William Fox and Sir F. D. Bell) the Natives would be justified in giving any further trouble?

[Sir George Grey objected to this question, and Mr. McLean withdrew it.]

643. Did you ever attend any meetings of the Cabinet at which this matter was discussed, before the money was paid over?—I went to a meeting of the Cabinet with Mr. Sheehan, and he explained what I wanted the money for.

644. Were all the Ministers present at that time?—Yes, they were all there. I may say that I did not attend the meeting as a Minister, but as a Maori member, and I was not told at that time whether the Government would grant the money or not.

645. But had you not a voice in these matters yourself? Did you not attend the Cabinet meetings?—I have attended such meetings, but I did not make any proposals to the Cabinet. In this case I made application to Mr. Sheehan for the money, and he represented the matter to the Cabinet.

646. You say that Mr. Sievwright never presented his account to you. Now, if he puts in an account for £77 16s. 2d. extra, would you be prepared to pay that sum yourself, or get the Natives to pay it?—I could not pay it, for there is no money to pay it with, and besides that, I do not know what work has been done for the money.

647. Do you think that the instructions which you gave Mr. Sievwright when you put that money in his hand would justify him in claiming from you any more than the £300 which you have already paid?—They did not tell me that any further sums were to be paid. If they had done so, I could not have agreed to it, for I understood that the £300 was to cover the whole of the expenses.

648. Are you aware that Mr. Sievwright asserts that you employed him privately, and not for the Government?—I am not aware that he said that.

Hon. H. Nahe. 649. If you were asked for this balance of account, would you consider that you owed it?—No, I would not, because if I had understood that the lawyers were to receive anything more than £300, I would not have agreed to their appointment.

650. *Mr. Moss.*] On occasions of this kind, do not the Maoris like to be represented by a lawyer, and do they not feel more confident when they have counsel, than when they are conducting their own case?—Yes, I think they do.

651. And is not Mr. Rees a lawyer in whom the Maoris have considerable confidence?—Yes; he is well known to the Natives on the East Coast, and they have confidence in him.

652. And I believe he has been largely engaged by them?—Yes.

WEDNESDAY, 11th AUGUST, 1880.

Mr. HOANI NAHE was further examined.

Hon. H. Nahe. 653. *Hon. Major Atkinson.*] I understand you to say that you received letters and petitions from the Natives on the West Coast asking you to protect their interests. I wish to know from whom you received those letters and petitions, and what was their purport?—They were complaining that their lands had been taken from them.

654. From whom did you receive those letters and petitions?—I cannot remember who the letters were from.

Who were the petitions from?—One petition, referring to the land question, was from Mrs. Plumridge and others.

655. Could you say who the others are?—I do not remember any of the others.

656. Were there any other petitions from Taranaki?—I do not remember who wrote the petitions from Taranaki.

657. Could you produce the petitions for the inspection of the Committee?—No, I cannot produce them.

658. Can you tell us whether any of the prisoners whom you saw in the gaol were petitioners?—I do not know. I do not remember. The letters which I received were not translated, because the interpreter told me that they were letters to myself, and not documents which could be presented to the House. These papers were like petitions, but they were addressed to me personally, and Mr. Young told me that they could not be presented to the House. I may say that the documents were not all addressed to me personally, but to all the Maori members of the House.

659. Are all these documents destroyed?—I do not know where they are now. When I was told that they were addressed to myself, and could not be made use of in the House, I did not think it necessary to take care of them. I think that perhaps some of the prisoners may have signed some of the papers, but I cannot say for certain whether they did or not.

660. Did you take any action upon these documents before you saw Mr. Mackay and Mr. Rees, who advised you to move in the matter?—No, I had done nothing with reference to what was asked of me in these letters, but I made mention of them when speaking in the House.

661. Then you took no steps until you were advised by Mr. Rees to do so?—No, I took no steps.

662. You have stated that the Natives were poor and in distress, and that they required help?—Yes, I said that yesterday.

663. Do you know the amount of land that has been returned to the Natives on the West Coast by the Government?—I do not.

664. Do you know that large sums of money have been paid to them within the last two years by the Government?—No. I heard nothing about money being paid to them by the Government while I was a member of the Ministry.

665. While you were a member of the Government did you hear anything about the large reserves that were to be made for the Natives in the Waimate Plains, and the money that was to be paid to them? I heard that some land was to be returned to them, but I did not hear how much.

666. Then how was it that if you did not know anything of their circumstances you could state that they were poor?—I know that the Maoris, generally speaking, are poor, and have no means.

667. What do you mean by "no means?" Take the case of Karaitiana, who died recently, had he no means?—You cannot say that all the Maoris had means such as he had; but those who have money are few and far between.

668. Then do you mean to imply that if a Maori has no money, but owns land, he is poor?—Of course those men who have land have means, but the majority of the people have not much land.

669. Is that generally the case with regard to Maoris in all the tribes?—The Natives do own blocks of land, but many of them would not fetch much if they were sold, and besides, many of the owners might not agree to sell.

670. Then I understand that you describe all Maoris generally as poor?—Yes; Maoris may own land, but yet have no money. It is very seldom that they have any money.

671. Then you described them as poor because they were Maoris, and not because you had any general knowledge of their personal possessions or means?—I did not know personally that they had no money, but I knew that Maoris seldom had money, and besides that I knew that this was a tribe which had had most of their land confiscated.

672. Did you know how many thousands of acres they had had returned to them, and how much money was paid to them?—No.

673. Then you spoke without any general knowledge of their means?—I have given my reasons for thinking that they had no means.

674. I want a direct answer to my question—whether you did or did not know what their means really were?—I do not know positively; I can only guess. When I saw the prisoners in the gaol they told me that they could not employ a lawyer because they had not the money wherewith to pay him.

675. Is it not a fact that a committee was appointed by the Maoris to collect money for the prisoners, and that they have opened an account at one of the banks?—Yes; that has been done. *Hon. H. Nahe.*

676. What was that money collected for?—It was collected for the purpose of paying for the defence of the prisoners at the Supreme Court. *11th Aug., 1880.*

677. If there had been a commission appointed, and the Maoris had been permitted by Te Whiti to go before it, would the Maoris have been able themselves to raise money to enable them to go before it?—I do not think they could have got the money, and I will give my reasons for saying so. The Natives had collected about £100 I think, but as far as I know the amount may have been less. In fact I do not think the amount came up to £50. As the amount was so small I think that the Maoris were very poor.

678. Then you think that they would have had to appear before the commission without counsel?—I do not think the Natives themselves would have been able to collect the money, because the Natives would not give their consent to it; and, moreover, the money that was collected was contributed here by the Maori members and others.

679. What do you mean when you say that the prisoners would not consent to it?—I think they would not have consented to the money being collected, nor do I think they would have contributed anything towards the amount.

680. Do you mean to say that the prisoners did not want counsel?—I will not say that, but I do say that they had no money wherewith to pay counsel.

681. But what do you mean by saying that they would not give their consent?—The prisoners told me that they could not do anything themselves, but that if any individuals outside would retain a lawyer for their defence they might do so, and I gathered from the way in which they spoke that they only refrained from engaging a lawyer themselves because they had not the means.

682. They did not decline on account of any orders which they had received from Te Whiti?—They did not say so, but still that might have been the cause of their declining. They might have had Te Whiti in their mind when they declined.

683. Do you not think that they had Te Whiti in their mind when they declined?—Well, perhaps that may have been the case, but that did not strike me when I was talking to the prisoners.

684. Were all these prisoners under the influence of Te Whiti?—I cannot answer that question decidedly, because I was told that many of the prisoners had been loyal Natives, and had fought against the rebels during the wars.

685. Did they get into prison in consequence of obeying Te Whiti's commands?—I am not aware that these natives were acting under the orders of Te Whiti. Some of them may have been under his orders, and others may have acted on their own judgment.

686. Is Te Whiti a prophet?—It is said he is a prophet. I have seen Te Whiti, and for my part I only know that he is a clever man.

687. Are the Natives on that coast generally under the influence of Te Whiti, and do they obey his commands?—I think perhaps it is so, but I do not know how many Natives are under his influence, nor do I know how many are Queen natives.

688. But, generally speaking, Te Whiti is a great power there, is he not?—Yes, he is thought a great deal of by the Natives, and has a good deal of power.

689. And generally the Natives obey his directions as regards their land on the Waimate Plains?—If the people of his tribes live there, I suppose they are the persons who obey his commands.

690. Do you know that the Government through Mr Sheehan, while he was a Minister, made an offer to Te Whiti at Parihaka to have a thorough investigation into the matter, and to pay all the costs of that investigation?—I did not hear of that. If Mr. Sheehan did make an offer of that kind when we were at Parihaka together he must have made it in the evening when I was not present.

691. Then you knew nothing about the offer?—No.

692. With regard to the £300, did you give a direct order to Mr. Sievwright to pay the money over to Mr. Rees?—I do not know anything of an authority of that sort. I only know of the paper which I gave Mr Sievwright authorising him to receive the money from the Treasury.

693. *The Chairman.*] Mr Sievwright says that he had your instructions to pay the whole £300 to Mr. Rees; is that so?—It may be so, but I am not clear about it. I understood from the first that the £300 was to be paid to Mr. Rees. When I applied for the money I applied for it for the purpose of paying it over to Mr. Rees, and it was only when he told me that he had a partner that I knew Mr. Sievwright was connected with the matter.

694. While under examination yesterday you stated that you understood that the money was given for the remuneration of Mr Rees and Mr. Sievwright. Now I understand you to say that you knew from the first that the whole £300 was to be paid to Mr. Rees?—Yes; but in the first instance I only knew of Mr. Rees as the lawyer, and it was not until afterwards that I learned he had a partner (Mr. Sievwright), and then I understood that the money was for both of them. In the first instance when asked for the money for the purpose of retaining a lawyer, I only knew of Mr. Rees, but after the money was paid I understood that it was paid to both of those gentlemen.

695. You said yesterday that you were advised by Mr. James Mackay and Mr. Rees to apply for money from the Government in order to protect these claims. Did you agree with Mr. Rees to pay him £300 before he began working in the case?—We did not make any definite agreement in the first instance, but when Mr. Rees knew that I had the money he came and asked for it, saying it was necessary that it should be paid for the purpose of retaining Mr. Sievwright and himself.

696. Did you agree with Mr. Rees to pay him £300 for himself or for himself and Mr. Sievwright before any work was done?—When the money standing in my name was available, Mr. Rees came to me and said I had better pay the money over to himself and Mr. Sievwright, because it would not do to leave it until the work was begun. He said it should be paid as a retainer, and another reason he urged 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.

Hon. H. Nale. 697. Do you know whether Mr. Rees has done any work for that money?—I do not know that he has done anything.

11th Aug., 1880. 698. Have you made enquiries with the view of ascertaining whether Mr. Rees has done any work for this money?—I have made no enquiries. I have neglected to do so, but if I had come back here as a member of the House, I think I should have made enquiries.

699. *Mr. Reader Wood.*] Did you understand that the money which was paid to Mr. Rees was your own private money, or public money?—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. Mackay was present and heard what Mr. Rees said.

700. *The Chairman.*] Did Mr. Mackay advise you to apply to the Government for money for this purpose?—It was owing to Mr. Mackay being present, and to his pressing the matter, that I felt clear about it. If only Mr. Rees had been present, I do not think I should have seen my way clear to apply for public money.

701. In the interviews that you had with Mr. Rees on this subject, who acted as interpreter between you and him?—Mr. Gannon acted as interpreter.

702. Did he act as interpreter on this particular occasion?—I think he did.

APPENDIX.

No. 1.

HON. COLONIAL TREASURER.

Memo. of Cabinet Meeting for your information.

That, with a view to giving West Coast Natives an opportunity of having legal assistance in any inquiry which may be held into their alleged grievances on the West Coast, the Hon. Hone Nahe be authorized to employ legal assistance, and be imprested with a sum not exceeding £300 on account of such service. Any arrangements to be made to be binding only on the Natives and the professional persons employed.

J. SHEEHAN,

Jy. 28/79.

Approved:

G. GREY,

28/8/79.

No. 2.

*Correspondence relative to the sum of £300 paid to Mr. Sievwright.**Vide Parl. Paper H.—36, Sess. II., 1879.*

No. 3.

Memorandum for the Hon. the Attorney-General.

HEREWITH are the papers in connection with the payment of a sum of £300 to Mr. Sievwright, and ultimately to Mr. Rees. You may remember that I brought this matter before the Cabinet during the last session, when it was decided that the item should not be placed on the supplementary estimates, but should be recovered. You will remember, also, that it formed the subject of a Parliamentary inquiry during last session. At present you will observe that it remains charged to Mr. Thane, who was acting as cashier in July last, and therefore the matter must be dealt with. If you are still of opinion that an attempt should be made to recover the amount, you will kindly advise as to the proper course to be adopted.

JOHN BRYCE,

20/2/80.

It appears to me that the report of the Public Accounts Committee places the matter in such a position that some steps must be taken to recover the money. I think, therefore, that proceedings should be taken against Mr. Rees, into whose hands the money has come, and who has not rendered any services for it, or, indeed, will ever be required or permitted, it appears from Dr. Buller's letter, to do so. See "Public Revenues Act, 1878," section 76.

FRED. WHITAKER,

5/3/80.

No. 4.

*Memorandum by the Controller and Auditor-General.**Vide Parl. Paper H.—11, of Sess. 1880.*

No. 5.

Correspondence between the West Coast Royal Commissioners and W. L. Rees, Esq., Napier, in reference to Mr. Rees being heard before the Commission upon the rights and position of the West Coast Natives.

1.—W. L. REES, Esq., to the WEST COAST ROYAL COMMISSIONERS.

SIRS,—

Napier, 11th February, 1880.

I have to ask you to be so good as to inform me if solicitors are to be allowed to attend to represent the Natives on the West Coast by tribes, hapus, and individuals.

Also, if it is intended to allow persons claiming to be heard before the Commission to enter upon the legality and regularity of the original confiscation, and the subsequent dealings with confiscated lands.

Also, whether the Natives may urge promises and agreements entered into, subsequently to confiscation, between the Government and the Natives.

Should your replies to these inquiries lead me to hope that I could be of service to my clients, I shall be glad to attend before you.

Would you, therefore, be so good as to reply at your earliest convenience to my inquiries, and to give me reasonable notice of the time and place of trial, so as to enable me to attend with such witnesses as may be necessary.

I have, &c.,

W. L. REES (per C. A. De L.),

Solicitor.

The Hon. the West Coast Royal Commissioners.

2.—WEST COAST ROYAL COMMISSIONERS to W. L. REES, Esq.

SIR,— West Coast Royal Commission office, Hawera, 17th February, 1880.

I am directed to acknowledge your letter of 11th instant, addressed to the West Coast Commissioners, requesting that you may be informed whether solicitors are to be allowed to attend to represent the Native tribes, hapus or individuals.

The Commissioners do not think that any advantage, either to the Commission or the Natives, would result from the claims of the latter being presented or conducted by members of the legal profession. What they have to inquire into and report upon are questions of fact, not, so far as they are aware, involving any technical difficulties, and not with a view to a legal decision; and their proceedings can, by the terms of the Commission, be conducted without any formal process conformity with which might be supposed to require the vigilance of persons acquainted with the practice of Courts of law.

In reference to your inquiry as to the nature of the promises and agreements which may be urged by the Natives, the Commission does not limit the discretion of the Commissioners, nor are they prepared to lay down beforehand any peremptory rule on the subject. They must be guided by circumstances as they arise. But no question can be entertained as to the legality or sufficiency of the confiscation. Of course Natives may urge any promises alleged to have been made subsequent to the confiscation.

I have, &c.,

E. D. BELL,
Secretary.

W. L. Rees, Esq., solicitor, Napier.

3.—W. L. REES, Esq., to the WEST COAST ROYAL COMMISSIONERS.

SIRS,— Napier, 23rd February, 1880.

I have to thank you for your prompt reply to my letter of the 11th instant, received this morning.

Notwithstanding your decision not to hear counsel, I cannot help thinking that the Maoris have a right to an opinion as to whether the report of the Royal Commission would be more favourable to themselves, as well as more likely to lead to a beneficial settlement of the difficulties which have made such an inquiry necessary, if they were allowed the exercise of the professional assistance they have provided themselves with in presenting to the Commissioners questions of fact, stripped of all unnecessary and misleading surroundings.

Nor do I see that I can advise my clients to appear before you, notwithstanding the high confidence I myself have in your high personal qualifications for such office, if they have to meet, against their own unaided and untrained intellects, the skilled experts acting for the Government.

The decision arrived at to allow of no question of the legality or sufficiency of the original confiscation in any case, although such confiscation may have arisen from mistake in a great measure, strips the inquiry of the final significance it would otherwise have to the Maoris.

I have, &c.,

The Hon. the West Coast Royal Commissioners.

W. L. REES (per C. A. De L.).

4.—WEST COAST ROYAL COMMISSIONERS to W. L. REES, Esq.

SIR,— West Coast Royal Commission, New Plymouth, 1st March, 1880.

I am directed to acknowledge your letter of 23rd February, addressed to the West Coast Royal Commission, in which you again urge upon them the expediency of allowing the Natives to avail themselves of professional assistance in preferring their claims. It will be formally laid before the Commission when the Hon. Sir W. Fox returns from Rangitikei, which will be in a few days.

Meanwhile, the Hon. Sir F. D. Bell would be glad if you would communicate the nature of the matter which, in the interests of the Natives, you desire to be heard upon; and also say whether those Natives are resident in the West Coast District.

With reference to that part of your letter in which you state that you cannot see your way to "advising your clients to appear before the Commission, if they have to meet, against their own unaided and untrained intellects, the skilled experts acting for the Government," I am to point out that this must be a misapprehension, as no skilled experts whatever are acting for the Government in any proceeding before the Commission.

I have, &c.,

E. D. BELL,
Secretary.

W. L. Rees, Esq., solicitor, Napier.

5.—W. L. REES, Esq., to the WEST COAST ROYAL COMMISSIONERS.

SIRS,— Napier, 8th March, 1880.

I am in receipt of your letter, this day, of the 1st instant, for Mr. W. L. Rees. I will at once make Mr. Rees acquainted with your views; and, as soon as possible, will obtain and forward to you his reply.

I fear that this cannot be arranged to reach you next week, in consequence of the Gisborne mail arrangements.

I have, &c.,

C. A. DE LAUTOUR (for W. L. Rees).

The Hon. the West Coast Royal Commissioners.