

small sums of money belonging to the Kumara Borough Council, in his capacity as Clerk of the Council.

7. That was a charge of larceny, was it not?—The indictment was framed in such a way that it could be turned into larceny in the course of the trial if it was thought necessary to do so.

8. What was the result?—The result was he was found guilty of larceny on the first set of charges. The Crown had to abandon the charge of embezzlement.

9. There was a second indictment, was there not?—Yes, but he was found not guilty upon that.

10. He was found guilty upon the first charge, was he not?—There was a third indictment, but that was withdrawn by the prosecution after the result of the second indictment.

11. You followed the usual course in respect to your brief, and in that brief certain information was supplied to you. Was there anything said in respect to moneys that had been overpaid to a person by the name of Seddon?—I worked up the case on my arrival on the Coast, but I have no recollection whatever of any suggestion of any moneys being overpaid to anybody named Nathaniel Seddon.

12. In the course of the trial you remember my giving evidence on behalf of the prisoner?—Yes, you gave evidence on behalf of the prisoner.

13. On page 63 of *Hansard* the following appeared: “In the course of his examination, however, a document was put into his hands. It was an authority in his own favour from his uncle, Nathaniel Seddon, under which the right honourable gentleman had to admit that he himself had been the person who had drawn the moneys so paid and overpaid.” Was such a document handed to me?—I have no recollection of it at all.

14. Have you any recollection that I stated I had received moneys overpaid to Nathaniel Seddon, or was there any question asked in respect to such money?—I have no recollection of that taking place.

15. Was there anything said, or did anything transpire, reflecting upon my uncle or upon myself?—I am not aware that anything transpired. That was no part of the case in any sense, and no such a suggestion at all was made. I am not aware of anything happening of that kind.

16. Do you think it likely you would forget a thing of that sort if it had occurred?—I do not think so, and my memory is clearer now after reading the *Hansard* and the papers.

17. *Mr. Duthie.*] Mr. Seddon has asked you about a document put in. I see in the course of the examination of Mr. Seddon he said, in answer to a question, that a document had been produced in the form of an order from Nathaniel Seddon to pay the moneys. There must have been some mention of the matter, because I think you will find the auditors mentioned something about it in their report. Did you produce the document?—I cannot recollect whether any document was produced or not.

18. Turn to page 19 [see Exhibit D], where you were cross-examining, and it is stated, “The overpayment I referred to was not paid to Mr. Seddon, the councillor, but to his uncle.” So that question must have been before you?—It was in the auditors’ report, which was not taken into consideration by the Court at all. I have read these depositions that occurred in the Court, but I have no recollection at all outside them. I see the auditors’ report was referred to in the course of the case, but that report was not taken into consideration by the Crown or by the Judge in his summing-up.

19. *Rt. Hon. R. J. Seddon.*] In page 28 [see Exhibit E] the document produced is said to be an order by Mr. Nathaniel Seddon to pay the moneys to me. Do you remember the contents of that document?—I have not the slightest recollection. I do not know whether the Crown had it, or whether it was in Mr. Guinness’s possession. I have no recollection of the fact.

20. *Hon. J. G. Ward.*] You stated, in answer to a question by Mr. Duthie, that your recollection was that in the brief there was no charge or reflection made upon Mr. Seddon?—None whatever, to my recollection.

21. If, in your recollection or experience as Crown Prosecutor, that was a material point it would have been briefed if there was any proof in that direction or in the direction referred to?—Most certainly.

22. Then it does not imply that there was a reflection upon any one?—No; but another point in the case occurs to my mind. I may point out that Mr. R. J. Seddon was called as a witness for the defence, and we followed the usual course. The Crown had closed its case some time previous to this, and it had not made the document a part of its case, directly or indirectly, so far as I recollect.

23. Then there was no charge whatever so far as Nathaniel Seddon was concerned, implied or direct, as to anything improper?—Certainly not. I am speaking with recollection of matters which occurred some years back. It would be a wrong thing for the Crown in prosecuting not to confine the matter to the issue before the jury so far as the prisoner himself was concerned. It would be a wrong thing to cast a reflection upon any person outside, and it would necessarily weaken the case for the prosecution.

24. But if the Town Clerk was in collusion with any other person, and had done something improper, it would be your duty to sheet it home?—Not upon the indictment as framed. That would have been a matter more of conspiracy between the other parties and the Town Clerk.

25. But they were not mixed up?—No; the issue was confined to the charges against the Town Clerk.

26. *Hon. W. Rolleston.*] Who produced the document?—That I cannot recollect.

27. What was the object of producing this document?—It may have been to clear up something that had taken place before, so as not to allow the jury’s attention to be called away from the issue, because this witness was called for the defence, and Mr. Guinness was doing his best for his client, and any suggestion of there being any collusion between Mr. Nathaniel Seddon and the