

72. *Hon. W. Rolleston.*] Did you not assist in preparing Mr. Perkins's brief?—Yes. We worked it up in connection with these charges in the indictment.

73. But there were other charges of large overpayments to Mr. Wylde himself?—Yes.

74. Were they not material to the brief?—No, they were not. There were other charges upon which he was found Not guilty. They were all small sums of twenty shillings and ten shillings, and so on. There was great difficulty in confining the case to any particular charge upon which he could be convicted. There was also a general assertion of his having misappropriated moneys generally. That is very often the case in matters of this kind.

75. *Mr. Duthie.*] Were you consulted upon what items he should be prosecuted in the Magistrate's Court?—I was not connected with the charges in the Magistrate's Court. I happened to be going over to Hokitika in connection with civil business in the Supreme Court, which is more in my line than criminal business, and Mr. Perkins asked me to take part in the prosecution.

76. You were not consulted, then, as to the items in the Magistrate's Court?—Certainly not.

77. You have stated in your evidence that the only charges you dealt with were those you could sheet home?—That is in the Supreme Court.

78. A case does not go to the Supreme Court until it has been first dealt with in the Magistrate's Court?—No.

79. You have stated they were the only charges that could be sheeted home. Does that imply that there were others that could not be sheeted home?—I was not consulted upon that. To the best of my recollection, the indictment would have been prepared when I got to the Coast. I only arrived on the Saturday, and the indictments were prepared at that time. In working up the case with Mr. Perkins we found a difficulty in sustaining those charges upon which Mr. Wylde was indicted.

80. Your answer implies you thought, as a skilled professional man, there were other charges that could not be sheeted home?—It would be the duty of the Crown Prosecutor to bring forward other charges if he thought he could have supported them, but evidently there were no other charges that could be sheeted home to the prisoner.

81. If a prisoner is charged in a Court, and there are twenty charges against him, would it be considered the duty of a professional man to select the strongest cases and go no further: would that be the line he would adopt?—That is always done as a rule. The Crown Prosecutor bases his indictment upon such charges as he thinks he can prove in the higher Courts. If there were other cases I certainly think the Crown Prosecutor would have brought forward such other charges if he had been able to support them.

82. Were there not other charges against the man?—There were other charges, but the most of them were small, and there were suggestions of larger embezzlement other than those small ones.

83. I presume you took those cases that were easy to prove?—Yes.

84. That is the limit of your evidence on that point?—Yes, that is the limit.

85. *Mr. Morrison.*] I suppose you are thoroughly conversant with the Crown Prosecutor's duties?—Yes; but I have been more on the civil side than in criminal prosecutions; but I have taken a Crown Prosecutor's business in his absence.

86. You have stated it would be a Crown Prosecutor's duty to go through the cases and see what charges you would be able to prove?—Yes. He would go through everything in the depositions, and pick out those charges he would be able to substantiate.

87. If the Crown Prosecutor had gone through the cases against Mr. Wylde he would have officially decided only to bring those small charges?—I should think so. I should think that would be the ordinary duty of the Crown Prosecutor.

88. *Rt. Hon. R. J. Seddon.*] Was the auditors' report before you when you were preparing the brief with the Crown Prosecutor?—I certainly think it must have been of necessity before us. It formed part of the brief. The depositions would have been before us regarding the auditors' report.

89. If you thought you could bring home defalcations to the extent of £500 would you have confined yourselves to charges of £5, and so on?—No.

90. The greater the offence the greater the chance of conviction if you had the same evidence?—Yes.

91. You still say, after going through the depositions which contained the auditors' report, so far as myself and my relatives are concerned, there was no reflection upon either of us?—I have not the slightest recollection of any.

92. *Hon. W. Rolleston.*] Are you aware that the depositions contained the auditors' report?—I have not seen them lately.

93. They might have been taken before the auditors' report?—The auditors were called as witnesses. Mr. Spence was called. That is his evidence. His evidence is reported, but the report was not put in as evidence in writing. That did not form part of the case.

94. *Mr. Duthie.*] You, in preparing the indictment with Mr. Perkins, were confined to the allegations made in the Magistrate's Court. Mr. Seddon asked if you could have brought a case of £500 would you have preferred one of £5? You say you had no power to take up one of £500. You had to take what was prepared in the brief?—Yes, unless in the depositions there were larger charges against the prisoner.

95. But there was nothing of that sort?—Not that I am aware of. It would have been the duty of the Crown Prosecutor to have preferred the larger charge, rather than the smaller ones, if he could have supported it.

96. Then the depositions contained nothing about that?—That would tend to show there was no larger charge.

97. What I want to make clear is that at the stage you came upon the scene the Crown Prosecutor could only deal with the charges the prisoner was committed upon?—That is all, sir.

98. Mr. Seddon asked you if a case of £500 had come out you would have preferred to bring a