

122. Was it before the lower Court or the Supreme Court?—The fact that the report had been made was stated to the best of my recollection in both Courts, but the contents of that report were not given in the evidence; and I think if the contents had been attempted to be given in evidence, it would have been my duty, as counsel for the prisoner, to have objected.

123. You are aware of this schedule in the report which says that large sums of money had been overpaid to Nathaniel Seddon?—Yes.

124. Are you aware that was admitted to be the case by Mr. Wylde while you were defending him? Was that referred to, and did he admit there had been such?—I think it is my duty, as counsel who acted for Mr. Wylde, not to disclose any confidential communications made by him to me without his consent. I have not the least objection to answer the question if I had his consent, but, being an officer of the Court, it is my duty not to divulge anything communicated to me by a client; but, if Mr. Seddon wishes me to ask Mr. Wylde for his consent, I will do so.

125. During the course of preparing his evidence, or during the trial, or at any time, was the auditors' report in respect to the overpayment admitted as being incorrect or correct as to the overpayment having taken place?—I should say that from the evidence that was called for the defence, and which became public property, the fair inference to be drawn would be that it was not admitted as correct.

126. *Mr. Duthie.*] You are referring to the report?—Yes; the report of the auditors states that overpayment had been made. I refer to the evidence elicited from Mr. R. J. Seddon, who was called by me as a witness for the defence in the Supreme Court. He was cross-examined by Mr. Harper, counsel for the Crown, and he gave definite evidence on that point, which, to my mind, contradicts the statements contained in the auditors' report. I refer you to a paragraph in page 23, Exhibit D: "I saw the special auditors' report as published in the newspaper before the meeting of the Borough Council on 10th November. I know its contents. I am a relation to the Mr. Seddon referred to in the auditors' report. I went through the books on my own account. I am certain that the auditors are wrong. The amount as stated to be overpaid to Mr. Seddon is not correct. Seddon has been paid what was due to him." In that connection I may add that, if the Crown thought they could have sustained the accuracy of the auditors' report, and the statement upon this point, and that there was an application to do so in order to sheet home the charge to the accused on the trial of the first indictment, the Crown could have obtained the necessary leave from His Honour the Chief Justice, who was the presiding Judge, to call evidence in rebuttal to contradict this evidence which was given by Mr. Seddon. The document referred to is the one which was produced; it is an order from Nathaniel Seddon to pay all moneys due to him to R. J. Seddon. That document was not in possession of the prisoner or his counsel, but must have been in possession of the Crown, and must have been handed to Mr. R. J. Seddon by the cross-examining counsel, Mr. Harper, when eliciting this evidence. That document should be an exhibit in the Magistrate's or Supreme Court.

127. *Rt. Hon. R. J. Seddon.*] You will see on page 63, *Hansard* No. 17, it is stated by Mr. Hutchison, "The right honourable gentleman, who gave his evidence as an expert so early as that on finance, attempted to prove that the two auditors were all wrong, and that there was no such thing as overpayment. 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." As to the statement that I had drawn the moneys, was there in the evidence, or anything to your knowledge, to support that contention of Mr. Hutchison's?—No, distinctly not.

128. *Hon. W. Rolleston.*] But payments were made to him?—Yes. This order was a general order, to the best of my recollection, to receive the moneys coming from the Borough Council to Nathaniel Seddon.

129. *Rt. Hon. R. J. Seddon.*] Then you say that this statement is not supported by any fact within your knowledge?—It is not.

130. Were you in the House when this statement was made?—I was on that occasion acting as Deputy-Speaker during the absence of Sir Maurice O'Rorke, the Speaker of the House.

131. Had you been free and in the House, what would have occurred?—As I have already stated in the letter which I wrote to you, I should have taken the earliest opportunity of contradicting so far as I could the assertion made by the member for Patea.

132. Did you call upon Mr. Hutchison to withdraw those remarks?—No, I did not. In fact I did not see at the time that they had any connection with the accused, or cast any reflection upon yourself, and no objection or exception being taken by any member of the House at the time, I did not do so.

133. Look at page 65, *Hansard* No. 17, you will see this:—"The Deputy-Speaker: The honourable member for Patea must accept the denial made by the Premier. Mr. Seddon: I must insist upon the statement being withdrawn. Mr. G. Hutchison: I cannot do so. I cannot deny a fact which I am satisfied myself is capable of substantiation." You remember asking Mr. Hutchison to withdraw?—Yes; this refers to the time when the Right Honourable Richard John Seddon was replying on the debate.

134. After he had made that speech, I rose and called upon him to withdraw, and you ruled that the honourable member must accept the denial made by the Premier?—Yes. You referred to those charges made on page 63, and asked me whether I did anything to check the honourable member at that time. I said I did not, and gave reasons. It is recorded in the *Hansard* of the time.

135. In respect to another matter, you did call upon the honourable member to withdraw?—Yes.

136. He did not do so?—He did not.