

Wylde complained that the documents had been abstracted. On page 15 [Exhibit C] Mr. O'Hagan says: "I have not removed any books or documents from the Town Clerk's office, except what the police took charge of. I remember a special audit made by Messrs. Spence and Palliser. Mr. Wylde accused me in the presence of Mr. Spence that I had removed some documents. He said he had heard I was often in the office during his absence. I have not removed any documents from the office. I received the auditors' report from the Government."

FRIDAY, 14TH OCTOBER, 1898.

A. R. GUINNESS, Barrister and Solicitor, further examined.

1. *The Chairman.*] You recollect my drawing attention to the fact that on page 35 we had a statement of what the Mayor said. [Exhibit F 1.] Is it within your knowledge that a statement was made at the trial that the vouchers were missing?—Yes. So far as I recollect it was not stated in the evidence what number were missing.

2. *Mr. Morrison.*] It would be no part of your duty to examine into these vouchers. You were defending a prisoner charged with embezzlement, and it would not form part of his case to go into that matter?—They were not required for the purpose of my defence on the charge of embezzlement.

3. You did not know whether the vouchers were produced at the special audit or not?—No, I have only the statement in the special auditors' report.

4. *The Chairman.*] I think you cross-examined him upon that point?—I do not think there was any minute of the cross-examination as to whether the documents were missing, or what vouchers were missing, as the matter was not in issue at the trial when the accused was charged with embezzlement.

5. *Hon. J. G. Ward.*] Can you say whether or not the vouchers which were referred to were in existence at the time of the trial or not?—I cannot say that they all were, but I understood from the auditors' report that some of them were. It is stated in the report that some of them were not found.

6. Were those vouchers not produced in the ordinary course?—When you spoke of vouchers I understood you were referring to those said to have been received by the Town Clerk for payments to Nathaniel Seddon.

7. Would not all exhibits either in the Magistrate's Court or the Supreme Court remain a record in the Court?—No, the usual practice is to hand them back to the parties who produce them. If the Crown produced them they would be handed back to the Crown or to the officers of the Council.

8. *Mr. Massey.*] There is a man named Simmonds referred to here as having laid the information; who was he?—He was a tinsmith by trade, originally resident in Greymouth, but when the Kumara rush took place he, with others, went and established a business there. He was there from the commencement of the rush, and always took a lively interest in local politics, both in Greymouth and in Kumara, and he was one of those who were strong opponents of Mr. Wylde, and of the party who were Mr. Wylde's supporters.

9. What was his official capacity?—I am not sure whether he was a councillor then or not. That could be got from the records. I know he was a ratepayer.

9A. *Right Hon. R. J. Seddon.*] He was a councillor too?—I know he became a councillor, but how far back I am not certain.

10. *Mr. Massey.*] Is he available now?—I think he is dead.

11. Have you any idea why he laid the information?—He was one of those who were suspicious that the accounts and proceedings of the Town Clerk were irregular, and a petition was got up to have an inquiry, and when he got information as to what was the auditors' report, then, as a ratepayer or member of the Borough Council, he laid the information.

12. *Right Hon. R. J. Seddon.*] When did you find that the vouchers were missing—in the evidence in the Magistrate's Court or the Supreme Court?—I only found it from the report of the auditors.

13. The question was whether these vouchers were missing between the time of the special audit and the trial, or were they missing when the special audit took place?—The auditors say that some of these vouchers were missing when they made the audit.

14. And that is the reason you said vouchers were missing before the trial?—Yes, because some of the witnesses mentioned that fact.

15. But there is no evidence to show that the vouchers were missing between the special audit and the trial?—No; but the same lot of vouchers that were missing when the auditors made their report were the same that were said to be missing after the proceedings were commenced and evidence given of them at the trial.

16. Well, there are two sets of vouchers; were they vouchers for Mr. Wylde's salary or the alleged overpayments to Mr. N. Seddon?—I understand the vouchers related to both.

17. Will you look at the report and show me where you got that from. It is stated in the report that "all the back documents and vouchers were in a very mixed and disordered state, but we commenced our operations by checking all payments from the cash-book with the corresponding vouchers." [Exhibit E.] I draw the inference from that that all the vouchers were not found, but nearly all. They specify these in page 30 in the schedule. They show that some of them are wages—one of them is for "Seddon (no receipt), 10th March, 1878, £15"?—It does not say there were no vouchers, but no receipt. The voucher is there, but no receipt. That is the interpretation.

18. *The Chairman.*] Receipts are taken on vouchers, that is the general practice?—He meant that it was an unreceipted voucher.