

1908.
NEW ZEALAND.

CHARLES HENRY GREENHEAD

(REPORT OF INQUIRY HELD BY H. W. BRABANT, ESQ., INTO CERTAIN COMPLAINTS
AND ALLEGATIONS MADE BY).

Presented to both Houses of the General Assembly by Command of His Excellency.

REPORT.

SIR,—

Auckland, 31st January, 1908.

In accordance with the instructions contained in your letter dated the 9th December, 1907, I have made the fullest possible inquiry into the allegations made by Mr. C. H. Greenhead, of Waiuku, contained in the papers transmitted to me, and particularly in his petition to Parliament dated the 13th August, 1906, and I have the honour to submit the following report:—

I took statements from Mr. Greenhead at considerable length, and heard the statements of the following witnesses: Mr. Nicholls, farmer, of Mauku; Mrs. Hill, widow of the late W. J. Hill; Mr. E. Mahony, solicitor, of Auckland; Mr. R. G. Thomas, Registrar of Supreme Court, of Auckland; Mr. C. F. Griffiths, solicitor, of Auckland; Mr. F. W. Brookfield, solicitor, of Auckland; Mr. M. H. Wynyard, solicitor, of Auckland; Mr. L. H. Holloway, Deputy Registrar of Deeds at Auckland; Mr. W. G. Fletcher, Stamp Clerk at Auckland; Chief Detective W. B. McIlveney, of Wellington; Mr. R. H. Bourke, Clerk in Deeds Office, Auckland; and Mr. W. D. Cossar, managing clerk for Mr. Mahony, of Auckland. These witnesses were nearly all of them called at Mr. Greenhead's request. He also proposed to call the manager of the Australian Mutual Provident Society, but only to produce a policy which was sent to me by the agent here to save trouble. He also applied to have Mr. Massey, M.H.R., examined, but subsequently withdrew that application.

Some delay was caused by difficulties in obtaining attendance of witnesses, and particularly the inquiry had to be adjourned over the Christmas holidays, owing to the serious illness of Chief Detective McIlveney.

Some of the evidence taken is no doubt irrelevant, and Mr. Greenhead's own statements are fragmentary and confused, and given as the circumstances referred to occurred to his mind; but he was conducting his own case, and I considered that it would doubtless be the wish of the Government that he should be given the fullest opportunity of conducting his case in his own way.

Amongst the papers referred to me was a report by Chief Detective McIlveney, and in consequence of a remark from Mr. Greenhead at the commencement I agreed not to read that report until after I had heard Mr. Greenhead's case, and did not do so until the report had been referred to during his examination of the detective.

I obtained a large number of letters and other documents from Mr. Greenhead, Mr. Mahony, solicitor, and others, relating to these complaints. They have been put together and indexed, and I shall have occasion to refer to some of them in the course of this report. (Lettered "A" to "Z," and "A1" to "A5.")

It seems convenient that I should first refer to the circumstances leading up to, surrounding, and following the litigation between Mr. Greenhead and Messrs. Hill and Arrowsmith. They are as follows: In the year 1897 Mr. Charles Henry Greenhead was a farmer farming his own land at Waiuku (Lot No. 42, Waiuku East; about 44 acres). The land was then mortgaged to a neighbour, the late Mr. William Arrowsmith, of Waiuku. The sum lent on it was £232, at 5 per cent. At the end of February, 1897, the interest under the mortgage had fallen in arrear, and Mr. Arrowsmith was dissatisfied with this state of affairs; but he was unwilling himself to take legal proceedings against his neighbour.

Mr. Griffiths and the firm of Hill and Mahony had both acted from time to time as Mr. Arrowsmith's solicitors. The latter asked Mr. Griffiths to accept a transfer of the mortgage to himself, and enforce the payment of interest or foreclose, but Mr. Griffiths declined. Subsequently Mr. Walter J. Hill, who about that time retired from the firm of Hill and Mahony, but still attended their office, and influenced what business he could to the remaining partner, agreed to take