

10. That immediately thereafter, on the departure of Mr. Mackay, Mr. Brissenden (who was present when the rights were given into the charge of Mr. O'Halloran by Mr. Mackay) requested Mr. O'Halloran to give him the bundle containing the rights for which he had made application; that Mr. O'Halloran complied with the request so made, and gave Mr. Brissenden a bundle supposed to contain 53 miners' rights.

11. That about two hours afterwards, Mr. O'Halloran returned the remainder of the miners' rights to Mr. Mackay, without informing him that he had given some of the number intrusted to him to Mr. Brissenden.

12. That Mr. Brissenden, in accordance with an arrangement previously entered into with a person named James Smith, handed over, at about 7.30 a.m. of the 3rd March, the miners' rights which he had received from Mr. O'Halloran to a miner named Patrick Dillon, with the intention that the rights should be distributed by Dillon to miners assembled on the Karangahake Spur, which was the centre of attraction of the Ohinemuri Gold Field.

13. That Dillon did distribute the miners' rights which he received from Mr. Brissenden in the manner intended, before 10 o'clock on the morning of the 3rd March.

14. That some, if not all, of the rights so distributed were exercised on the Karangahake Spur after 10 a.m. of the 3rd March, but before the miners who were receiving their rights in a legitimate manner, at the Warden's tent, Mackaytown, could reach the Karangahake Spur, and that this premature exercise of miners' rights prevented Adam Porter and others from acquiring ground which they were desirous of taking up.

15. That, in the opinion of this Committee, the miners' rights issued by Gerald Richard Disney O'Halloran to Edward Torrens Brissenden, at about 6.30 a.m. on the 3rd March, were improperly and fraudulently issued by O'Halloran and received by Brissenden.

16. That three of the rights, numbered respectively 643, 646, and 648, so given by O'Halloran to Brissenden, were in the name of the said Brissenden, and it would thus appear that he had a direct interest in the fraud committed.

17. That it further appears, from evidence taken before the Royal Commission at Auckland, and from the Warden's books produced before this Committee, that several rights in favour of Mr. O'Halloran were included in an application made by a person named Robert Cashell, and that some or all of these rights were exercised, and must therefore have been issued, before the proper time.

18. That it is probable that the rights last referred to were given by O'Halloran to Brissenden on the morning of the 3rd March, at about 6.30 a.m., but the Committee is not able to say with certainty when or how these particular rights were issued.

19. That it does not appear from any evidence before the Committee that Mr. James Mackay was a party to the improper issue of miners' rights, except in so far as the intrusting of the rights to his private clerk, O'Halloran, may render him so. Nor does it seem that, previous to the appointment of this Committee, he (Mr. Mackay) had any knowledge of the manner in which the rights came into the possession of miners before the proper time.

20. That with respect to the petitions referred to this Committee by the House, signed by Adam Porter and others, I am directed to report that the petitioners have no legal claim against the colony for compensation for losses which they may have suffered by reason of the improper issue of miners' rights, but that, nevertheless, as a matter of equity, the sum of £150 ought to be paid to Adam Porter and Company, to reimburse them for certain legal expenses incurred in an action arising out of the said improper issue of miners' rights.

JOHN BRYCE,  
Chairman.

Dated 4th October, 1875.