

convict on that occasion—most disgracefully treated, I consider. They did all they could in travelling through the country to damage my character. Would any right-thinking man, after being treated in the way I was, be in the slightest inclined to make the statement I am this day making here?

79. *Mr. T. L. Shepherd.*] Did Mr. Mackay sleep in the tent?—He did.

80. Are you aware that Mr. Mackay has sworn before that Commission that the miners' rights must have been taken out of his pocket?—That is the ground upon which I objected to be sworn, inasmuch as I feel that I am here accused.

81. Did you ever inform Mr. Mackay where you got them?—Well, I don't mind. [After a pause] I don't think I ever did tell Mr. Mackay.

82. Did he ever ask you where you got them?—Never.

83. Have you ever had any conversations with him between March 3rd and the present day?—I have had many conversations with him.

84. And you never told him where you got them?—I never did.

85. Did he never ask you?—No.

86. This is the first time you have made this explanation?—Exactly.

87. Are you aware whether the clerk, Mr. O'Halloran, has ever made this explanation before?—I am not aware.

88. Did you leave before Mr. Mackay got up that morning?—I do not know; I rather think he woke me up.

89. Who were present when you received the miners' rights from the clerk?—I cannot say. I have been trying to think it over; but I cannot swear.

90. Did none of your conversations with Mr. Mackay lead you to believe he knew you got the miners' rights from O'Halloran?—No conversations on that subject took place.

91. Did you not know that when you received those miners' rights, at 6.30 a.m., you were taking an improper advantage over the rest of the miners on the field?—On that head I have also to make a little statement. I shall have to go back some little distance, in order to be better able to tell my story. I think it was somewhere about the middle of February, when the prospectors came to me, and asked me if I would interest myself to induce the Provincial Government to fulfil a promise made by them to secure to the prospectors a claim at Ohinemuri. The promise was made by a letter written by Mr. Williamson, the late Superintendent, I think. If I am mistaken perhaps Mr. Sheehan will correct me. I know the men had been so promised some years ago, and I was ready to some extent to assist them. I think the first person I applied to was Mr. Sheehan, then Provincial Secretary, and asked him if he would see Mr. Williamson upon the subject. He promised to do so, and I think did. I saw Mr. Williamson himself afterwards, and was led to believe that the thing would be carried out. Time went on, and a week or ten days afterwards I went down to the Thames. I looked upon it that the business of opening up Ohinemuri would soon be closed, the agreements be signed, and the field declared open on an early day. The people then became very urgent. I was not sure that the powers Mr. Williamson then held as Superintendent would enable him to carry out the promise he had made; indeed I had been told he could not carry out the promise. I think I then saw the Hon. the Native Minister, at all events I did see the Hon. Dr. Pollen; but I got very little satisfaction from him. While at Ohinemuri, the death of the late Superintendent came to our knowledge; and I asked Mr. Fraser, the Warden, if the delegated powers died with the Superintendent. He said he did not know, but he believed they did. I also consulted with him, and asked what was best to be done to secure the prospectors in their rights. There had been a great deal said about the mob rushing them, and their not being allowed to secure their ground. Indeed I know such was talked about and intended, and so much was thought about it that a lot of the Armed Constabulary were got down in anticipation of it. These men were urging upon me to try every source I could to secure their rights. After Mr. O'Rourke took the Superintendent's chair I saw him about it, and urged him to see Dr. Pollen, but at that time no result was arrived at. I had a talk with Major Keddell, and asked him in what way the men could be secured in their right. He replied that only by their miners' rights could they take up the amount of ground they required. From that I had no distinct idea as to how to assist them; but I thought they ought to get abstract justice, and determined to do what I could for them. I could not see at the time that there was anything wrong in it; but I now see it was irregular. However, that is the sense in which I did it.

92. *The Chairman.*] That is your answer to the question?—It is.

93. *Mr. T. L. Shepherd.*] How many prospectors were there?—The promise made in the letter was thirty acres, or so much as the Act would permit of. The number of prospectors was six or seven; but you know a number of people furnish the prospectors with money, and they reckon themselves as prospectors.

94. What were the names of the six or seven?—I can only give you positively the names of four, viz. Smith, Coleman, Dillon, McDonald.

95. What extent of ground did they claim?—The thirty acres which I understood had been promised.

96. How many miners' rights did they require to hold that quantity of ground?—I think it required ninety miners' rights. I think about three rights to an acre.

97. Do you know if any miners had pegged off any ground other than the Prospectors' Claim?—I do not know.

98. Did you give rights to any one but the prospectors?—No, I only gave them to Dillon.

99. Had you any interest in the claim marked off, either directly or indirectly?—There were three different occasions on which my name was mentioned on the lists.

100. Give me a direct answer?—I cannot. I wish to tell you the way in which I understand it.

101. *The Chairman.*] Answer the question first. If you think any explanation is necessary you will be allowed to make it.

102. *Mr. T. L. Shepherd.*] Had you in any sense, directly or indirectly, any interest in the claim marked off by these rights at 6.30?—Three times my name was entered in those lists.