

particular notice of that. I was never, until I saw the evidence, able to see why the Commissioner asked me several times whether I had the rights in my pocket or in my haversack. I then saw that O'Halloran had stated that I had them in a haversack. What I told the Commissioner was that "I had them in my pocket." It was true that I had them in a haversack in this respect. I had been carrying the lists of applications and money in that haversack until I sent the orderly down with the telegrams and despatches, and I gave the orderly the haversack, which he returned to me in the morning. I had forgotten that, when the Commissioner asked me where I had those rights at night—did I not have them in the haversack? I now see why the Commissioner pressed me as to where I had them. I did not recollect at the time that I had shifted them in the morning—at least I did not shift them, but I gave them to O'Halloran to put in the haversack.

285. Will you fill up the time between that and 10 o'clock, as near as you can?—As near as I can recollect, when I went back to the tent I gave the telegram which I had received and some letters and papers, and the miners' rights which were in my pocket, and handed to Mr. O'Halloran the whole that I had in my pocket. I said to him, "Just bring these things to Hogg's store; I am going to look at some of the survey lines, and do not want to be carrying them about." The haversack was only fastened with a strap; the lock was broken. I left them in his charge. Some time afterwards, it might have been between 8 and 9 o'clock, he gave me the haversack at Hogg's store. I went on with my work. I went to see another party of surveyors, got my own horse from the Native settlement, and got back again to Mackaytown about half-past 9 o'clock. I found all the miners assembled. I saw Captain Fraser, and agreed what we were to do, and that I was to introduce him. I had a Government *Gazette* in my possession, and a telegram from Wellington, stating that Captain Fraser would be appointed Warden of the district at 10 o'clock that morning. I announced that fact, and the Warden, as near as I can recollect, immediately read out the Proclamation. I stepped down, and went to the place which had been allotted to me to issue miners' rights. I began to issue the rights given to me, and had handed over two or three bundles, when a Native named Takerei came for his, and he found out there were two names on the list which he had not sent in. He had given me a list of twelve, and another Maori who had come to me at the same moment gave me £2 and two names, and I had put these down on the same list in the hurry. This fellow, when he saw the names, disputed them, and brought some other Maoris, and they got into a row about it. I told the Native he was stopping the delivery of the rights, and that if he wanted to peg out a claim he should take them and give them to the proper people afterwards. This went on for some time, and Europeans came up and asked for their rights, and I gave them to them. I had three small bundles—two of two each, and one of only one—all the rest were tolerably large bundles. I knew all the men who had applied to me. They were men who had been prospecting in Ohinemuri before the general rush. That is all I know about it. The miners' rights in my charge were all distributed in about six or seven minutes.

286. You described to us how these rights were filled up on the night previous to the opening. After they were filled up, and a certain number handed to you, what was done with the rest?—The rest were handed to Captain Fraser, and he gave them in the morning to the seven persons who were to distribute them. I was the eighth.

287. Who had the custody of these during the night?—Captain Fraser.

288. He had the custody of the whole of the rights with the exception of those given to you?—Yes.

289. Were those of the bundle we understand as Brissenden's given to you?—They were given to me.

290. You kept these rights in your own custody during the night?—Yes, in the left-hand pocket of my coat.

291. I understood you to say that in the morning you shifted them from your pocket to the haversack?—I did not shift them. I gave the whole of the papers in my pocket to O'Halloran, and told him to put them in the haversack, and to give them to me at Hogg's store.

292. Did you fill these up yourself?—I did not fill any of Brissenden's, to the best of my belief. To the best of my belief I filled in several of my own, and some of those Captain Fraser had. As nearly as I can tax my memory, I do not think I filled one of Brissenden's. When Captain Fraser said the rights were to be divided into seven lots—from 1 to 35, and from 36 to 70, and so on—the bundles were fastened together; and when Mr. Horne would look out, say, No. 40, I would put it in the second lot, No. 80 the third, and so on. I was engaged in that, and during that time Mr. Brissenden's rights were being made out.

293. Did you notice the names in the rights called Brissenden's?—I did not know any name in them except Mr. Brissenden's own.

294. What numbers were included in Brissenden's bundle?—I never looked. I was not answerable for the money.

295. What did you do with them? You put them down on the table, and requested Mr. O'Halloran to put them in the haversack?—There was no table; it was only a small tent. I think I put them down on the blanket in the tent. I gave them to Mr. O'Halloran. I then went into the big tent, and wrote a telegram to Dr. Pollen, and a letter, which I gave to O'Halloran.

296. The rights went out of your possession, and into the charge of Mr. O'Halloran?—Yes.

297. I find that in your evidence before the Commissioner, you state that you had the rights when you left the tent; that you could feel the bulk of them?—That was when I went out to speak to Gage. I had forgotten that I had put them into the haversack afterwards. The Commissioner asked me if I had them in the haversack, and I said No. I had forgotten that I had told O'Halloran to put them there in the morning. When I saw the evidence it occurred to me.

298. You said, "When I left the tent, after speaking with Gage, I had miners' rights in my pocket, but did not examine them. I could feel the bulk of them, but did not count them"?—The Commissioner asked the question, "Did you feel the rights in your pocket in the morning?" I said "Yes," when I left the tent I felt them in the pocket."

299. I wish to call your attention to this: You refer to speaking to Gage, and then go on to state that after that you left the tent, and at the time you left you had the rights with you?—I spoke to

Mr. James Mac-  
kay.  
1st Sept., 1875.