

Captain Fraser,
R.M.
20th Sept., 1875.

558. Did you not at once think they had been taken from Mr. Mackay?—I did not believe it when I first heard it.

559. And he convinced you from what he said that they had not been obtained from him?—Yes; that was the reason I had this book compiled.

560. Did you point out to him that they had been obtained through him when you found it out?—No; I never had an opportunity of doing so. Mr. Mackay made a statement to me on the subject. He told me that if they were so they must have been stolen.

561. From whom?—From him.

562. Where?—He did not say. There was nothing said to me about rights being missing or mislaid. I could not understand it for a long time, until this case of Blake's came on.

563. He told you that if they had been obtained through him in any way, they must have been stolen from him?—Yes.

564. Did he tell you that he had given them in charge to O'Halloran?—He never said he had given them in charge to anybody. I told him I was going to sleep on mine; and he said he would take precious good care of his.

565. It was understood between you both that great care was to be taken of the rights?—Yes; it was natural to suppose we wanted to take care of them.

566. Have you had any conversation since on the subject with O'Halloran, or Mackay, or Brissenden?—I spoke to Brissenden the same morning, but not about the miners' rights. I have spoken to Mr. Mackay about the rights.

567. When; and what took place?—He made a statement, which I took down in writing at the time. It is this in my note-book:—"Re Miners' Rights.—Mackay states he paid for 102, but only had 88 when counted; 14, all Maori rights, missing; got Allom out of bed, and got them. Brissenden applied for 30, but did not pay, and he struck them off the list. Brissenden afterwards received his lot, and gave Allom a cheque for amount. For some reason these rights were given to Mackay, instead of being issued in usual way, as all were for which numbers had been given. Did not count them. Might have been short delivered." That statement was made on the 2nd of April, 1875, at my office, at the Thames.

568. Mr. O'Neill.] By whom were you appointed to take charge of the gold field?—I was appointed by *Gazette*. It was told me first by the late Superintendent, that it had been arranged between him and the Native Minister and Dr. Pollen that I was to be Warden under his régime. When he died the same arrangement was continued, and I was to be Warden as if Mr. Williamson had continued in life.

569. You began your duties on the 3rd of March?—Yes; at 10 o'clock. Previous to that I was acting as if I had been Warden in conjunction with Mr. Mackay.

570. Hon. Sir D. McLean.] You were asked to go up to look after the interests of the gold field?—Yes; although I was not appointed as Warden, I was Resident Magistrate of that district at the time, and I signed the advertisement as Resident Magistrate. I would not be Warden until after the Proclamation, still I did everything I thought best, in conjunction with Mr. Mackay, for carrying out the business, the same as if my appointment had been in my pocket.

571. Mr. May.] Did Mr. Mackay, in applying for these rights, merely act as agent for these individuals?—Yes; he would have to apply to Mr. Allom. Nobody but Mr. Mackay could have got them. Mr. Mackay had received the money for them previously. He was acting, in the first instance, as the person representing the Government on the gold field, the same as I would be as Warden. Mr. Allom would not issue any rights, even if they were paid for, without my authority or Mr. Mackay's.

572. Do miners sometimes take rights in other people's names without their consent?—I have known miners do so when they thought they had a good thing. They would take out a right for a friend to give him a "show," as they say, in the claim.

573. Hon. Sir D. McLean.] Is that frequently done by miners?—Yes; by mining mates it is often done. Men may be mates who are on different gold fields, or on different parts of the same gold field.

574. Mr. May.] It is done to secure ground for their friends?—Yes.

575. Were the rights in which O'Halloran's name is mentioned issued before 10 o'clock?—One of the lot is known to be out before 10; the others have not come under my notice. I can only speak as to what has been sworn to in my Court. Cashell's right was proved to have been in his possession at 8 o'clock that morning. He acknowledged that he had it, and he refused to say whom he got it from, and said it might criminate him, and of course I could not force him.

576. Was the tent in which O'Halloran slept that night far from the tent from which the rights were issued?—About twenty yards. It was the nearest tent to where the rights were issued.

577. Are you aware whether Mr. Mackay had to ride out that morning before 10 o'clock?—I never heard of that. Mr. Mackay was there in the tent some considerable time before 10 o'clock.

578. Sir G. Grey.] You say you received 247 tickets, which represented 600 or 700 rights. If as many as fifty or sixty of these rights had been stolen during the night, would you have missed them in the morning?—Yes; I should think so. In the morning the rights each man had to give out were placed before him, with the numbers from 1 to 35, and from 36 to 70, and so on. Each man was made to count the bundles he had to give away, to see that they were all right before the issue.

579. Fifty odd rights were taken out for Mr. Brissenden, and he did not appear to claim them in the morning. The point that surprises me is this, that fifty-five rights having been taken out for Brissenden, and not having been delivered from Brissenden's non-appearance, it should have escaped Mr. Mackay's recollection? Do you think it possible, or within the bounds of probability, that a person could forget a thing of that kind?—I do not know about that.

580. What was the total number of rights Mr. Mackay had to answer?—If Brissenden's number were absent there would not be twice as many left—that is to say, that Brissenden's was more than a third of the whole number he had, including Brissenden's.

581. Mr. T. L. Shepherd.] And the largest bundle issued to any man on the field?—Yes; the others were about ten or twelve. The next largest was for Natives, containing fourteen.