

1177. The rights were in the possession of four persons. Can you account for Robert Cashell's knowledge the night before that he was to get his right?—I cannot. *Mr. G. R. D. O'Halloran.*
1178. Can you account for how he got it?—I cannot. *22nd Sept., 1875.*
1179. They were in no other persons possession but yours and Mr. Mackay's?—No.
1180. And you can give no account of how your right and Crippen's got out in that way? I cannot. I do not think mine got out. I saw that Cashell's had got out.
1181. They were in the same bundle?—Yes.
1182. You see your name is wrongly entered on the list, clearly for the purpose of misleading?—There was no intention of misleading.
1183. It was not a frank open transaction. This man knew the night before that he was to get them: there was an arrangement, therefore, made previously, and he did get them. Can you account for that?—I cannot. I know nothing of any arrangement being made. I do not think I saw Cashell on the night before, or on the following day.
1184. Did you see him a few days before?—I have seen him frequently at Ohinemuri and the Thames. He lives at Ohinemuri. He is a storekeeper at Ohinemuri.
1185. This list in your handwriting passed from you to Hennelly, your agent in this other transaction?—In what transaction?
1186. This selling of shares in the Tairua Company?—Yes.
1187. Then it passed from Hennelly to Mackay?—It would in the ordinary course.
1188. And Mackay got this right in his possession?—I believe he would; I believe he had it.
1189. And out of his possession it got, according to some previous arrangement with Cashell. That is sworn to. How do you account for that?—I cannot account for it.
1190. *The Chairman.*] Mr. Mackay gave you the bundles of rights to keep while he went away?—Yes.
1191. And you gave one bundle to Brissenden, and returned the remainder?—I did.
1192. When did you give the remaining rights back to Mr. Mackay?—About two hours afterwards.
1193. At what hour in the day?—Somewhere about 9 o'clock, between 8 and 9.
1194. Where was that?—It was at Hogg's store.
1195. Did Mr. Mackay and you leave that store then to go somewhere?—He left there. I was waiting while a horse was getting a feed to go to Katikati.
1196. Did you part company with Mr. Mackay at Hogg's store?—Yes.
1197. It comes into this position, assuming the evidence to be correct—that is to say, this bundle of rights, in which your name and Cashell's were included were not given by you to Brissenden; you state that to the best of your belief; then they must have been given by you to Mackay?—I believe so.
1198. You must have given the rights on this list to Mr. Mackay?—I believe I gave all the others to Mr. Mackay but what I gave to Brissenden.
1199. Supposing your statement to be correct, it must follow naturally that if Cashell's right and your right were in the same bundle, and Cashell's right was exercised before the proper time, Mr. Mackay must have given them to some one else before the proper time?—In an ordinary course, Mr. Mackay would have had those rights on the night of the 2nd.
1200. You state that you did not give those rights to Brissenden?—To the best of my knowledge and belief I did not. I did not know the name or number of any of the rights which Brissenden got.
1201. You appear to be pretty positive that the rights in this list were not amongst those given to Brissenden?—The rights were all pinned together in the separate applications.
1202. I will ask you again, in order to give you an opportunity of qualifying your statement if you like, whether you gave that list, including your own name and that of Cashell, to Brissenden on the morning of the 3rd?—To the best of my knowledge and belief, I gave him the bundle which appeared to be the bundle applied for by him.
1203. To the best of your knowledge and belief, did you return the rights on that list to Mr. Mackay?—I returned all the rights with the exception of those given to Brissenden.
1204. You have already stated that these rights were given to Mackay on the night before?—In the ordinary course they would be, and no doubt they were.
1205. They were in Mackay's possession when he parted company from you at Hogg's store?—Yes, I believe they were.
1206. Then, if these rights were exercised before the proper time, Mr. Mackay must have given them to some one else?—Assuming everything you stated to be correct—assuming that he got them on the night before—I cannot swear that he got them—assuming that he got them, and assuming he gave them to me, and assuming they were not included in Brissenden's bundle. I may say that I did not see the rights or any single name.
1207. *Hon. Sir D. McLean.*] You saw the bundle, not the individual rights?—Yes, not the individual rights.
1208. *Sir G. Grey.*] Who delivered the rights for Mr. Mackay in the morning?—He delivered them at the booth.
1209. What was Robert Cashell by trade?—He was keeping a store at Ohinemuri.
1210. Did you ever give Cashell any orders to supply Natives?—I did, some time before. He was keeping a store lower down.
1211. He was one of the people you gave the orders to?—Yes, for a short time; he was not in business long.
1212. I understand that you did not give these rights to Brissenden—those of Cashell and your own?—To the best of my knowledge and belief, I did not give them to him. I gave him a bundle which I believed to be the bundle which he said he had paid for.
1213. You did not look to see if you gave him any other?—I did not.
1214. You mean to say that you handed it over to him in that careless way?—No; I thought I was giving him the bundle which he had applied for. I did not open the bundle and look at the names.