

The Court adjourns till 10 o'clock on 30th March.

The Court reassembles at 10 o'clock on 30th March; and Lovell also appears, the Investigating Officer having insisted upon his presence, notwithstanding the resolve (previously recorded) of the accuser and accused, that they would proceed without him.

Craig calls upon Lovell to produce the receipt which he gave to Lovell for the sum of £34. Mr. Lovell is not able at this moment to produce it, but believes he could find it if he were allowed to go to his residence at Taupiri. (A receipt signed by Craig not being considered of any consequence in this case, its production is not required.) Lovell withdraws.

Mr. Craig calls upon Sergeant Barlow, orderly room clerk, Engineer Volunteer Militia, who states: One day about the end of September last, I had to go down with documents for Major Cooper's signature. I found him talking to Lovell in the street. Mr. Hope was present; so also were Sergeant-Major Small and Craig. The substance of the conversation was that Major Cooper asked Mr. Lovell how much he gave for the mare, who replied, "Well, I can hardly say." Major Cooper said, "Is buying a mare such a frequent occurrence with you that you cannot remember the price you gave for it?" Mr. Lovell answered, "If you particularly want to know, no doubt I have it here," producing his pocket-book. He turned over every leaf of his pocket-book, and then told Major Cooper that he had not got it, and could not tell him. I recollect Lovell saying that he would send and let him know when he got home, or words to that effect. Major Cooper then left him. I accompanied Major Cooper into the store adjoining. Sergeant Sheehy came in at the time Major Cooper was signing some papers. In answer to a question Major Cooper asked Sergeant Sheehy, the latter said that Mr. Lovell told him that he had given £35 for the mare. I then left, and returned to barracks. Lovell was in Sergeant-Major Small's quarters when I returned to barracks, and I went in there too, and heard Lovell tell Sergeant-Major Small that £35 was the price of the mare, but that he did not want to get Rowe into a row. He also stated that if he was called upon to give evidence, he would tell the truth. Lovell was perfectly sober when Major Cooper was addressing him in the street. He was not the worse for liquor when he was in Sergeant-Major Small's quarters afterwards. He was about an hour in Small's quarters. I only heard him leave Small's quarters, as I was at that time in an adjoining room; therefore cannot say in what state he was.

12. *Mr. Craig.*] Did Mr. Lovell seem willing to tell Major Cooper the actual price he paid for the mare?—I consider that he did not show willingness. In the first place he said he did not remember the price, and then he could find no entry in his pocket-book.

13. When Mr. Lovell said that he would screen Captain Rowe if he could, but that if put upon oath he would tell the truth, what was the inference drawn by you from such impressions?—The inference I drew was that he had not told Major Cooper the truth, but would do so if put upon oath—that is, that he withheld the truth from Major Cooper.

14. Was there any sign of drink in Sergeant-Major Small's quarters during the time you were there?—There was no sign of drink whilst I was in Small's quarters.

Mr. Lovell's name being included in Craig's list of evidences for the prosecution, he is called into Court, and the charges being read to him, states as follows:—I am not certain about the date on which I purchased a mare from Captain Rowe. The first knowledge I had of the mare being for sale was through an advertisement. I cannot remember if any price was mentioned in the advertisement. Now I believe the price was mentioned in the paper as £35. I offered Captain Rowe £30 for her. He said that he could not take it, unless he had authority to do so. I offered Captain Rowe a deposit of £1, which he accepted under protest, the protest being she might possibly have been sold by some other officer for the advertised sum; but still the meaning of my offering the deposit was that I would pay the remaining £29, and Captain Rowe telegraphed to Major Cooper to ask if I could get the mare for £30. I cannot say how long after this Sergeant Craig came to me for payment for the mare, and gave me a letter from Captain Rowe. From the tenor of the letter, I thought that unless I paid for the mare at the advertised rate, some one else might be after her; also as, so far as I can now remember, Captain Rowe's letter did not mention any sum, I gave a cheque to Craig for £34. I believe I wrote on the cheque at the time that it was to pay "Mare, or balance due for mare," believing that £35 was to be her price. In fact, I would have given £40 for her. I took delivery of the mare that night, on returning to Taupiri. The note which Craig brought to me from Captain Rowe also asked me to call upon him when I got back to Taupiri, and he (Captain Rowe) would give me a receipt for the money. I waited upon Captain Rowe, and I believe the first words I used were, "Well, I believe I have had to pay through the nose for the mare after all." The reply Captain Rowe made was, "No, you have not, for I have £5 to return to you, as I am authorized to sell her for £30." Captain Rowe then and there on the spot returned to me £5—four in one pound notes, and two half-sovereigns. Captain Rowe informed me that Major Cooper had authorized the sale of the mare for £30. Captain Rowe gave me a receipt for the £30.

15. *Mr. Craig.*] Did you get a receipt from Captain Rowe on the morning that you gave me the copy for Major Cooper?—I have not the slightest recollection of giving you any copy.

16. Do you remember Captain Rowe and you talking in front of your own door that morning, and you and Captain Rowe saying, "We'll go in and stamp it at once"?—Yes, I do perfectly well. The night that I received the receipt from Captain Rowe he had no receipt stamps, and I had none in my house. He told me then that it was not necessary that a Government receipt should be stamped. I suppose I had asked when he gave me the receipt to stamp it.

Craig now proceeds to propose innumerable irrelevant questions to Lovell, to which the Investigating Officer took exception, and overrules them; and Captain Rowe hands in Lovell's receipt for the mare, which is marked B, and attached to these proceedings.

Mr. Craig calls upon sapper Autridge, Engineer Volunteer Militia, who states: Mr. Kay told me several times that Mr. Lovell gave £35 for the mare and £1 on deposit. He told me this frequently, and again last night the same thing in the presence of Craig and Fawcett.

Mr. Craig calls upon Sergeant-Major Small, Engineer Volunteer Militia, who states: Mr. Hope, in the month of September last, informed me that Mr. Lovell had purchased a mare for £35 from Captain Rowe, and that she was worth from £40 to £45. Some time afterwards I saw Sergeant Craig, who