

Cross-examination continued: I remember asking Mr. Sheehan to advance me £200 on account of the Patetere and Rotorua Blocks. It was to be charged to me and Philip and Retireti, but it was for my use.

*Mr. Quintal*: Did you receive that money?

*Mr. Brookfield*: I must ask the Bench once for all to rule on this point. This has nothing to do with the case. The question is, Is that voucher for £51 a false one? It has been proved it was.

*Mr. Quintal*: Our defence is, that this £51 is part of this £200.

*Mr. Brookfield*: Mr. Young told Mr. Churton it was not.

*Mr. Quintal*: Mr. Young was not on his oath then. We are not obliged to believe everything Mr. Young said. Hans Tapsell applied for an advance of £200, and, though it was for himself, the three were to stand for it. (To the witness): Did you receive that £200 you applied for to Mr. Sheehan?

*Mr. Brookfield*: That is very evident. (Laughter.)

*Witness*: Yes; £35 of it was paid through Mr. Mitchell.

*Mr. Brabant*: We cannot see the slightest connection between what you are examining this witness on and the subject of the information.

*Mr. Quintal*: A part of our defence is that this £51 is a portion of the £200 authorized by the Native Minister to be paid to the Tapsells, and therefore we are entitled to ask the witness the circumstances attending the matter. They have simply pounced down upon Mr. Young about this £51 because they go to Retireti and ask him is that his signature, and of course he says No. We shall be able to prove that Mr. Young was authorized by the proper authorities to pay this money.

*Mr. Brabant*: Is that disputed?

*Mr. Quintal*: Yes; their charge is that Mr. Young, being an officer of the Government, has stolen this money. Mr. Young says he was authorized to pay this amount, and that the £51 was part of the amount so paid. Why do they not call Mr. Warbrick, who was witness to the transaction?

*Mr. Brookfield*: My learned friend seems to misapprehend the case. Mr. Young is not charged with taking a portion of this £200. Our allegation is that this document, which purports to be a receipt for £51 and to be signed by Retireti, was never signed by Retireti, and that Retireti never received the money either personally or otherwise, and that this receipt was returned to the Government as showing how part of the £1,000 received in August last had been expended. We say this money has not been accounted for, and therefore Mr. Young has sent a false voucher. All this evidence about the £200 is irrelevant to the matter at issue. The whole question is: Did he on the 26th of August pay £51 to Retireti, and did he receive that receipt? If Mr. Young can show that Retireti has committed perjury let him do it.

*Mr. Quintal*: We shall be able to prove that this £200 is a portion of the £1,000 received in August, and that the £51 is a portion of the £200. We shall also prove that he paid the money as instructed. (To the witness): Did you not say when you received the money on the 26th of August that you would give some of it to Retireti.

*Witness*: No. It was my affair; not his.

*Mr. Quintal*: Did you not tell Mr. Young that you were going to send Retireti and Philip down the Coast to canvass the Natives for you, and that you wanted this money to give them to pay expenses?

*Witness*: My brother Philip was going along the Coast, and I gave him money; but I do not know what arrangement may have been made between him and Retireti. I gave Philip £50.

*Mr. William Matravets*, Clerk of the Court and Native Interpreter at Maketu, was examined, and stated he had resided for the last ten years at Maketu. He had had good opportunities of knowing Retireti's signature. The signature attached was not like his usual signature, as he generally inserted his second name. The writing resembled Retireti's, but was somewhat bolder.

Cross-examined by *Mr. Quintal*: I was commissioned to ask the Tapsells about certain payments. I asked Hans about his having received £125. In the first instance he said he had received only £100; he afterwards said he had received £125 and £15. He told me that the £100 was received on the day the money was given to Philip. He afterwards said it was about that time he got the £25, and the £15 some other time.

*Mr. Quintal*: Mr. Young is accused of stealing £51. We have it in evidence that Hans Tapsell has received a certain sum of money from Mr. Young, and what we say now is that this £51 was a portion of the £125 paid to him in August. If we could get the documents we could prove that Hans received £200, of which £35 was paid through Mr. Mitchell. This £51 is a part of the £200.

*Mr. Brookfield*: The question is, Is the voucher a *bonâ fide* document—did Retireti Tapsell receive the £51, and did he sign his name?

*Mr. Quintal*: Then the case would be forgery, and not larceny. We are charged with stealing £51, and if we can prove that the £51 was not stolen by Mr. Young, but paid according to the instructions of the Native Minister—if the signature is not genuine—they should charge us with forgery. We can prove that the £51 was paid to the Tapsells for a block of land according to the Native Minister's instructions, and hence the charge should fall to the ground. They may afterwards institute an action for forging Retireti's name, but the charge of larceny cannot be substantiated.

After an unsuccessful attempt on the part of the defence to obtain an adjournment,

*Mr. Brabant* said the Bench were of opinion there was sufficient evidence to warrant them in sending the accused for trial. They were prepared to hear any evidence for the defence.

*Mr. Quintal*: The information was laid on Thursday, and we had no opportunity of getting the necessary documents. That voucher for £51 is signed by Retireti, and Mr. A. Warbrick has signed his name as witness to the signature. Now, why did not the prosecution call Mr. Warbrick, who should be able to tell something about it?

*Mr. Brookfield*: He has been sitting in Court all day. If you want Mr. Warbrick, you are at perfect liberty to call him.

*Mr. Quintal*: It does not matter. You did not call him. We want the originals of these telegrams sent to Mr. Young by Hans Tapsell, and hence we are entitled to an adjournment.