

Mr. Brookfield (Crown Prosecutor) and Mr. T. Cooper appeared for the prosecution; Mr. Hesketh and Mr. Tyler appeared for the defence.

The Crown Prosecutor, in opening the case, said that the facts to be proved for the prosecution were few and brief. A sum of money (£1,000) was advanced to the prisoner, from which he was to pay for the lands purchased, or on account of purchases. He did account for an expenditure on behalf of the Government to the extent of £581 13s. 6d., leaving a balance in favour of the Government of £418 6s. 6d. The manner in which payments to Natives on account of purchases were acknowledged was by voucher signed by the Natives. The present charge originated in the alleged false signature of a Native to one of these vouchers. The voucher was dated on the 26th of August, 1879, and the amount represented in it to be paid to the Native was £51. The case for the prosecution was, that the Native, Retireti Tapihana (Retreat Tapsell), whose signature was to the document, was never put there by the Native (*sic*); that it was a false signature; and consequently that this £51 was not paid to Tapihana on account of land purchase. The Inspector of Government Audit would prove that the sum was not accounted for to the Government, and the prisoner, when called upon to account for it, did not do so.

John Frederick Churton, Audit Inspector, deposed: It was the duty of the prisoner to spend the moneys entrusted to him, and to account to the Government weekly for them. After some time he was allowed to send in "monthly" returns. He was appointed about August, 1878. I produce the returns between the 20th August, 1878, and 20th September, 1879, signed "J. C. Young, Land Purchase Officer." The return is made "as per schedule attached." There is a certificate by the prisoner that the return is "true and correct." I produce a voucher signed by Retreat Tapsell (Retireti Tapihana). The return is made out, "Payment on account of above block, £51." Former payment, £112, signed by prisoner, and witnessed, "A. Warbrick." The £51 for which the voucher was sent in is a portion of the £1,000 on the opposite side. Received instructions to investigate these accounts and others. Went to Tauranga, and required the prisoner to hand over the cash-book, ledger containing the payments on account of blocks, also the "butts of cheques." There were some accounts sent in by tradesmen against the office. I did not get the blank-cheques produced from the prisoner. Received them some days afterwards. They are blank forms purporting to be signed by different Maoris. There are more than one hundred and seventy in all. There is in the cash-book an entry for the 26th August, 1879, "£51 to Retreat Tapsell." There is a similar entry in a small "detail" book, which has been left with Mr. Mitchell, in Tauranga. There is no butt in the cheque-book for £51; but the sum is included in cheque No. 714, for £125, which is made up of £25 paid to Hans Tapsell, £50 paid to Philip Tapsell, and £50 (and £1) paid to Retreat Tapsell. There are receipts for the amounts from Hans and Philip, and from Retreat (Retireti), but he has denied it. I have here other signatures by Retreat Tapsell. Some of them have been admitted by Retireti, others have been denied. I have seen Retireti sign a great many documents. I was at Tauranga on the 26th February with Mr. Batkin, who is Assistant Controller and Auditor. Remembered the prisoner attending before Mr. Batkin and being asked about the £51; the prisoner said that he had given Retireti £1, or rather handed £51 to Hans Tapsell to take to Retireti.

Cross-examined by Mr. Tyler: Mr. Young was arrested on the 26th of February. I am not aware that Mr. Young left the room before the examination. I laid the information after the examination took place. The examination was not held in the presence of the Natives concerned, or of Mr. Warbrick. There is a voucher for £25 paid to Hans on the 23rd of August. I do not know that it was alleged by Young that there was £200 received by these three brothers, except from what I heard in the Court. Hans is charged with £25 on the 23rd of August, £25 on the 26th, £15 on the 24th of September, and £35 on the 27th of September. Hans is charged with £100 between the 23rd of August and the 27th of September inclusive. Assuming that £200 was paid to Hans, there is another voucher for £50. [Voucher produced.]

Mr. Tyler: Do you not know that was paid by Mr. Wilkinson?

Witness: I only know that it was paid on the Patetere Block.

Mr. Tyler: Our case is that the whole £200 was paid to Hans.

Witness: There was a second £35 paid to Hans Tapsell by Mr. Mitchell. Mr. Mitchell told me that he paid two sums of £35 to Hans—one in Young's account, and one in his own account. Warbrick acted as clerk and interpreter to Young when he witnessed, but I only know he drew Government pay. The body of every voucher is filled by Warbrick, but the certificate is signed by the prisoner: "I certify to the best of my knowledge and belief that the above is true and correct in every particular, and that the person mentioned therein, to whom payment as above has been made, has agreed to sell to the Government." Mr. Warbrick seemed to be better acquainted with the details of the office than Young. He told me they were in a portfolio. I asked Mr. Warbrick to explain some discrepancies. He said, "Oh! it's this d—— system of blank vouchers again." I naturally asked where they were. He may have handed them to me. I do not think he said, "Be careful of these, for they represent unpaid accounts." I was so much astonished that I do not know exactly what was said. I should be very much astonished to hear that this was a common practice with Land Purchase Officers. I have said that Natives admitted some of the signatures to the blank vouchers. The Natives told me whenever they wanted goods they signed one or more of these things. There was an examination at Maketu. Some of the Natives denied the signatures to be in their handwriting. Mr. Young was dismissed from the Government service on the 1st of February.

Re-examined: The prisoner had opportunity given to him to explain his accounts. He expressed himself willing to give information why the Natives of the Otawa Block, who received money, were not grantees. Reti admitted his signature for £5 on account of Te Puke Block.

Retireti Tapihana, called and examined by Mr. T. Cooper, before answering any questions, wished to know whether he was to apply to the Court or the Government for compensation for losses he had sustained.

His Honor: Tell him the Court has nothing to do with that. He must answer the questions put to him.