

*Rev. W. Gittos.*  
—  
Ang. 5, 1880.

678. Then you were in town some time after the cheque was signed?—I was. I saw Mr. Sheehan. I think I mentioned the matter to Mr. Sheehan. I am positive almost that I mentioned the matter to Mr. Sheehan.

679. What was your reason in not asking him for the money? Was it because you had some delicacy?—[Question not allowed in foregoing form.]

680. Now, Mr. Gittos, will you kindly tell me how it was that you did not ask Mr. Sheehan for this money when you found that you did not get it from him, and when, as you tell us, you were in some straits for the money?—I had no other reason than this, that I took it for granted that when my bank-book was made up the first time and I saw no mention of the cheque, that by the time the book was made up a second time the cheque would be paid in. I had confidence that it would be paid in in due time.

681. Do you mean to say that you did not know it was not paid in?—Not till I got my bank-book.

682. Do you know the exact day that you became aware it was not paid in?—No. It was when I got my bank-book made up.

683. Then what did you do?—I saw Mr. Sheehan, and mentioned it to him. He said it would be all right. I understood from him that there had been some mistake, and that the money would be paid in to me.

684. Did you know that he had drawn the money himself then?—I did not.

685. When did you first ascertain that he had drawn the money himself?—A considerable time after that.

686. Cannot you recollect more precisely?—I cannot.

687. Did Mr. Sheehan ever give you any reason? Did he never explain why he had not paid this money?—Not that I am aware of. I have many times asked for reasons, and never got any.

688. What did he say when you asked him?—All he said was that there was some mistake.

689. Do you think Mr. Sheehan ever understood that this money was to be paid to you?—I did. I took that for granted; or otherwise he would not have taken steps to get the cheques signed.

690. Then, Mr. Gittos, am I to understand from you that you never actually pressed Mr. Sheehan for this money?—No, I did not press him.

691. But that you went to the Frauds Commissioner and asked him to go to the bank and find what became of the money?—I did so on this ground: I became aware of the matter from some evidence given at the Court at Kahu. It was stated in Court to Colonel Haultain that I had drawn £20. I said to Colonel Haultain, "I am positive that I have not had the money. There is something wrong still." And I further said to him, "Will you kindly come to the bank and see?" That was the only opportunity which I had of defending my character respecting this £20.

692. You cannot remember when you went to the bank?—I do not remember the dates.

693. Why was it, knowing that this money was due to you, knowing that Karaka had signed the cheque, and that it was in Mr. Sheehan's hands—why did you not ask Mr. Sheehan point-blank to give you the money, as any business man would have asked?—My feeling in the matter was this: that it was not my money; that I had no right to demand it from the trustees; that, though I spent money myself on the faith of getting it, I had no legal claim upon the trustees, no legal right.

694. Are you sure that the money was not spent in any way for the benefit of Wi Apo's children?—That I cannot say.

695. It is quite possible that he could have spent it in other ways for the benefit of those children?—It is quite possible; but whether he did so is not within my knowledge.

696. The cheque is made payable to Mr. Sheehan?—Yes.

697. Who filled in the cheque?—It is in my handwriting.

698. When you drew the cheque you made it payable to Mr. Sheehan, but not to yourself. Why did you do that?—That was according to the instructions which I understood from Mr. Sheehan.

699. Have you had any communication lately with Mr. Sheehan about this?—I mean since you have been to the bank with Colonel Haultain—and this other matter you told us of, during all the years that have lapsed?—I have written to Mr. Sheehan and received no reply. I saw Mr. Sheehan in Wellington, and told him about the cheque. Mr. Sheehan said to me—he said it to me when I saw him on the wharf in Wellington—that there was some mystery, something wrong, about that cheque.

700. What did you understand by "something wrong"?—That there was some difficulty about it; that he did not understand it himself; that he did not know why the cheque had been paid in to my account. That is what I understood from him.

701. Did you tell him that the money was still due to you?—I gave him to understand that I had not received the money.

702. But he gave you to understand that he had not paid it?—He did not. I merely took it for granted, from the expression that there was something wrong, that he would attend to the matter.

703. Still, are you certain that he ever clearly understood that this money was due to you, and was intended to be paid to you to recoup you the expense you had been put to in connection with Wi Apo's children?—Not to recoup me any expense. He was not aware that I had spent money. This money was to be given to them.

704. This money was never given to you legally?—I could never claim it legally.

705. This is rather a new aspect of the case; because from the petition I gathered that you had laid money out, and this £20 was to be given to you in consideration of money spent?—I do not think that the matter bears that aspect, because Mr. Sheehan was not aware that I had spent the money. The money was granted for the maintenance of the boys at school. That is my explanation. I had spent a small sum of it at the time. You will find that the petition does not state what you were under the impression it did. I had spent a small sum of money at that time.

706. The £20 was to have been got by Mr. Sheehan and placed to your credit for current expenses on behalf of the boys?—Yes.

707. Did you know anything of the cheque of £200?—I know nothing. I asked the manager of