

45. It was a partnership transaction?—Quite so, as far as the profits were concerned.

46. *Hon. Mr. Stafford.*] Was the money placed to the account of the partnership?—Yes.

47. *Hon. Mr. Reynolds.*] You are aware that the receipt was given in the name of H. H. Lusk, and not in the name of "Lusk and Beale"?—Yes.

48. *Mr. Curtis.*] This receipt appears to be made out in your office. It does not appear to be a receipt presented to you by the Council?—Looking at it I say manifestly it was not made out in my office; it is described as a voucher.

49. I should presume that it is marked "voucher" in the sense that it is produced to the Auditors?—That may be so, but I am confident it was made out by the City Council, because it is not the form in which a receipt would be made out in my office; and I believe the receipt was sent to me, together with a cheque for £50, and that I signed the receipt and handed it back to the messenger. I may say further, from recollection, that I believe the receipt was partly printed and partly filled up in writing, and was on yellow or orange-coloured paper.

50. *Hon. Mr. Gisborne.*] How do you account for Mr. Beale saying that he could not enter into details without considerably swelling the amount. I suppose he said that because he considered that the usual result; or because he had not much information himself?—I have no doubt that he spoke from general knowledge. If he went into details he must have communicated with me, because he could not have made the account out in detail himself. Possibly he used that excuse as a reason why details should not be given.

THURSDAY, 4TH OCTOBER, 1877.

51. *Mr. Lusk:* I wish to state with regard to Mr. Macfarlane's letter, which has just been read, that I was asked by Captain Morris's solicitors to undertake the charge of that gentleman's case, which was a petition for a seat in the House, and brought against the sitting member, Captain Read. I asked one or two people in Auckland whether in their opinion it was improper for me to act or take a brief. They seemed to think not; but when I came down here (to Wellington) I made some further inquiry. I went to Major Campbell and asked him for his opinion on the subject as to whether I was or was not at liberty to act. His reply was to the effect that it was not consistent with the Standing Orders of the House, and that if I acted I might place myself in a false position. I thereupon telegraphed to Messrs. Wilson and Dufaur, the solicitors for Captain Morris, informing them that I could not undertake to do the work, and requesting them to tell me what to do with the papers that had been handed over to me. They referred me to Captain Morris, and he arranged with a solicitor in Wellington—Mr. Shaw, I think—to whom I handed the brief and the papers that were in my possession. I had nothing further to do in the matter. The question of fee or reward has not been mentioned from that day to this. It was entirely upon Major Campbell's opinion that I could not act as Parliamentary agent for Captain Morris upon an election petition that I refused to go further. I did not peruse the Standing Orders, but simply took his word for it. But I did not consider, and do not consider that what I undertook to do for the Auckland City Council in respect to these bills was in any way upon the same footing as acting as Parliamentary agent for Captain Morris.

52. *Hon. Mr. Reynolds.*] How long was it after you arrived here that your attention was called to the fact that you could not act for Captain Morris?—Within a few days. I am not certain of the day. But I may say my attention was not called to the matter at all. I myself made inquiries to satisfy myself, and not in consequence of anything said to me on the subject in the first instance.

53. And what steps did you take in order to ascertain your position?—I went to Major Campbell when I came down here. I did not go to my books, because being almost ignorant on the subject, I thought I should only puzzle myself if I went into it in that manner. I knew the Clerk of Parliament would be well up in this sort of thing, and therefore I went to him and at once accepted his statement.

54. Did you ever satisfy yourself that he had given you proper advice by reading the Standing Orders?—No; I did not. I took his word at once, and as I saw there was a doubt, threw up all connection with the case, and never thought of the matter afterwards.

55. *Hon. Mr. Gisborne.*] He did not call your attention to any of the Standing Orders?—No; he merely said it was contrary to the Standing Orders, and contrary to the practice of Parliament.

56. *The Chairman.*] Did it never occur to you that as it had appeared it was improper for you to act professionally in one matter before Parliament, that it was equally improper to act in another matter of something of the same class?—No doubt it would have done; but in reference to the Auckland Bills I did not consider that I was acting professionally in regard to any matter before Parliament. But I may say at once that it might have occurred to me had I appreciated the force of the 384th Standing Order. It would have raised a question, I think, had I been aware of that Standing Order. But my view of the case was this: That I was not acting in what I did in regard to the Municipal Corporations Act as a matter before the Parliament. I would submit to the Committee that it could not in any way come within either the 383rd or 384th Standing Order, from the fact that the Act never came before Parliament.

57. Do you not consider that your interviews with the Government, and the endeavours you made to get the substance of your Act incorporated in the Government measure, was in the nature and character of promoting the passing of those clauses?—The Government did not bring in these clauses. It was promoting a Bill, perhaps; but the Bill never came before Parliament, and I do not think that comes within the meaning of the Standing Orders.

58. *Hon. Mr. Stafford.*] I understood you to say that some of the clauses which you had originally drafted were accepted by the Government?—The substance was accepted in some respects, but I do not think any of the clauses in the Bill are in the same terms as those which I drafted. In fact, I am positive of that. If the substance is the same the wording is quite different.

59. Did you read the clauses of the Bill that you had prepared with the Solicitor-General after