

There were other packages of goods we obtained after she broke up; we gathered them from the beach opposite the wreck. We marked all casks, and left them where they were lying.

By witness Lane, by leave of the Bench: I went for the goods next morning, and found one of the casks had been broken open and all the flour taken out. There was 1,100 lb. in the cask. I should have judged that the packages that went up the river, if they had come back again, would have gone on the beach—the Ohora beach—because the wind was blowing on to the shore. I identify the keg of butter as the same as that obtained from the ship. The pork in the Customs I also identify: it could not have floated out of the ship.

Thomas Mair Lane, sworn, states: I am of the firm of Lane and Brown. In consequence of a telegram received from Mr. Brown I chartered the "Iona," and proceeded to the wreck. The following morning we commenced to take things out of the wreck and put them on board the "Iona." We used a piece of whale-line, about half a coil. When we had done with it it was left on board the "Janus," on the house. There was also a tub of line on the tryworks. I am sure it was there. I took off the cover and looked at it. I only judge it was about half a line. The following morning, when I went alongside, the whale-line was all gone, both lots. One of the ship's boats had been left at the "Medora's" stern that night; in the morning the boat was all smothered in tar. The can of tar was on board the wreck; the tar had been capized on board the wreck, and the tracks were on the "Medora" and the wreck. I asked Ludolph Subritzky if he knew anything about it—in fact where the rope had gone to; he said he knew nothing about it. He went to his vessel and got a piece of rope. That night there were a number of Maoris about the vessel, passing backwards and forwards from the "Medora." The ship broke up on Sunday, and a quantity of casks floated out of her. Tow-line and butter would float: according to the captain's books we are several casks short of each. Pork would sink: we have since recovered five casks from the bottom. Mr. Subritzky sent a message to us to say that he had some copper bolts which he got from the wreck, which we could have on application. I have since received a letter from Mr. Subritzky saying that the captain had given him permission to take the goods from the wreck: this was since the goods were seized. I cannot identify the goods, but they are exactly the same as those missing. I am satisfied they are a portion of the missing goods. When we left the wreck we left a half-caste named Wi Kanara in charge, and promised to pay him for anything he got ashore in the meantime. He is the only person we gave any authority to to remove things from the wreck.

*Statement by Defendant.*

J. A. Subritzky states: I was away at Auckland when these things came to my house. If I had had them unlawfully in my possession I might have had them put away, as Mr. Shannon told me some days before that the policeman was coming with a warrant to seize things belonging to the wreck. If I had considered that they did not belong to my sons or me I could have put them away. The policeman was told by Mr. Shannon to tell me that Mr. Shannon had told me that the warrants were out. I am in a position to prove that the captain gave my sons all that they could pick up.

Ludolph Subritzky, sworn, states: Captain Gifford gave me permission to keep all the things I could pick up. This was before Mr. Brown bought the wreck. I first spoke to the captain at our house. He told me I had better go down with the vessel, and if there was any chance of getting anything he would give me the first offer. He talked of chartering the vessel. Wi Kanara, Himiona, Hone Torewa, Charlie, and myself were on board. The captain met us half-way down the river. My brother John was in the boat with the captain. The captain came on board. He went down in the cabin. We made arrangements about the freight to Mangonui. After this, in the evening at the tent, the captain said, "Between you and me, all the things you can pick up you can have." The charter fell through. I did not pick anything up.

John William Subritzky, sworn, states: I heard the captain say to my brother that "Anything you find adrift, between you and me, you can pick up and keep it." This conversation occurred at the tent. This was on a Monday, and it was the first time I was at the wreck. I did not understand that anything picked up was to be divided with the captain. I am not certain—yes, it was before the agreement was made with Lane and Brown. Plenty of goods were thrown overboard. I was told so. I picked them up—some of them. I picked up some rope in the tide. This is the rope in the Court. I picked it up up the harbour about a mile from the wreck. It was in a cask—a good-sized cask. There were two pieces. I did not take it out of the cask. I picked up a cask of pork about six miles away from the wreck, close to Mangatete River. The cask of pork was not full. There was a hole chopped in the cask. The cask was not afloat when I found it, but it would float at high water. I think I picked up the pork after I picked up the line. Some Natives saw the pork, and wanted to claim it. I can bring two witnesses to prove it if the case can be adjourned. I do not think any one could carry the cask to where it was if full. After we found it we went and got a canoe. It was about half a mile away from the cask of pork. We took the pork out of the cask, and two of us had as much as we could do to get the empty cask in.

Rechana Whare, sworn, states that he heard the captain say to Ludolph Subritzky that "If you see anything lying on the beach you can pick it up." A lot of other Natives heard the captain say so. He said this outside of his tent. There were present when the conversation took place Himiona, Hone Torewa, and Henare Tumataiti. The Subritzkys were standing at the door of the tent when the conversation took place.

Henare Ngaro states: I am the sailing-master of the "Medora." [No evidence, only hearsay.]

Charles Stirling, sworn, states: I am a hand on board the schooner "Medora." I heard the captain say to Ludolph that there were five or seven cases went up the river—he could have them if he could get them. I was aft, lying down. I was sea-sick. The "Medora" was on her way to Mangonui and Whangaroa. The conversation took place on Sunday morning. I think it was after Lane and Brown bought in. The things on board belonged to Lane and Brown.

Ludolph Subritzky, recalled, states: On the "Medora" coming round to Mangonui the captain