

1886.
NEW ZEALAND.

CHARGES OF BRIBERY AGAINST CERTAIN NATIVE LAND COURT ASSESSORS

(REPORT OF INQUIRY BY MR. COMMISSIONER H. G. S. SMITH INTO.)

Presented to both Houses of the General Assembly by Command of His Excellency.

Mr. H. G. SETH SMITH to the Hon. the NATIVE MINISTER.

SIR,—

Auckland, February, 1886.

I have the honour to return herewith all papers relating to the charges of bribery against Waata Tipa and Pomare Kingi, together with my report of the proceedings upon the inquiry. I forward also for your consideration the claims of the witnesses for expenses.

I have, &c.,

The Hon. the Minister for Native Affairs, Wellington.

H. G. SETH SMITH.

SIR,—

Auckland, 15th February, 1886.

His Excellency the Governor having been pleased to intrust me with a Commission to inquire into certain charges of bribery made against Waata Tipa and Pomare Kingi, Native Assessors of the Native Land Court, I have now the honour to report as to my proceedings in the matter as follows:—

I.—In respect of the Charge against Waata Tipa.

1. I commenced this part of the inquiry at Cambridge on the 19th November, 1885. Waata Tipa did not attend. The evidence of Harry Simmons (Hare Teimana), Richard Thomas Blake, and William Moon was taken on oath.

2. I subsequently appointed the 22nd December, 1885, for the attendance of Waata Tipa in Auckland, in case he wished to make any statement. He did not attend; and, having regard to the evidence given at Cambridge, it seemed to me unnecessary to incur additional expense in pursuing the inquiry.

3. It appears that three several sums, of £10, £20, and £25, were lent by William Moon to Waata Tipa, on the 4th April, 10th May, and 12th November, 1884, respectively.

4. With regard to the payment of the sum of £25 on the 12th November, it appears that this payment was not made until after the decision of the Native Land Court in the Maungatautari case had been given, and therefore does not support any charge of bribery against the Assessor.

5. With regard to the two payments, of £10 and £20 respectively, it appears that those sums were lent to Waata Tipa by William Moon while the hearing of the Maungatautari case was pending, but, so far as I can ascertain, without any corrupt motive on the part of either party. A receipt for the sum of £20 was given, and both sums were repaid.

II.—In respect of the Charge against Pomare Kingi.

1. After one adjournment, at the request of Mr. J. M. Fraser, I began this part of the inquiry on the 22nd December, 1885. On that and subsequent days the evidence of Messrs. J. M. Fraser, W. L. Buller, William Jackson, and Pomare Kingi was taken; and, at the request of Messrs. Fraser and Buller, Mr. J. E. Macdonald, Chief Judge of the Native Land Court, was also examined, but on collateral matter only.

2. It appears from the evidence that, while the Rangipo case was pending before the Native Land Court, Pomare Kingi, being Native Assessor, borrowed the sum of £25 from the late John Sheehan, and gave a receipt for the amount. Mr. Fraser alleges that in the presence of himself and Pomare Kingi the receipt was destroyed by Mr. Sheehan. Pomare Kingi denies this, and alleges that he repaid the amount soon after he had borrowed it, and before the conclusion of the Rangipo case. I do not think there is sufficient evidence to sustain the charge of bribery.

3. Mr. Sheehan, at the time the sum of £25 was borrowed by Pomare Kingi, was acting as counsel for Mr. Moorhouse, one of the parties interested in the result of the Rangipo case.

4. While it seems to me that the evidence does not disclose any corrupt motive on the part of Waata Tipa or Pomare Kingi, or of the persons from whom they respectively obtained loans of money, I would call attention to the fact that in both cases the money was borrowed by a person holding a judicial office from another who was interested in the result of pending proceedings, and the transactions cannot in any circumstances be regarded as otherwise than improper.

5. The minutes of evidence and copies of documents are annexed hereto.

The Hon. the Minister for Native Affairs, Wellington.

I have, &c.,

H. G. SETH SMITH.

Resident Magistrate's Court, Cambridge, 19th November, 1885.

INQUIRY into charge of bribery against Waata Tipa, Assessor, at hearing of the Maungatautari case by the Native Land Court.

Present : H. G. Seth Smith, Commissioner ; H. F. Edger, clerk ; and H. H. Lawry, interpreter.

Inquiry opened at 10.30 a.m. Some thirty Natives and Europeans present. Messrs. Moon, Blake, and Hare Teimana were present ; Waata Tipa was not.

Extract from Commission read by the clerk and interpreted into Maori.

Hare Teimana (called) asked for expenses. The Commissioner said the Government would pay costs—at any rate, his expenses.

Hare Teimana (sworn) : My name is Hare Teimana. Will there be any cross-examination by lawyers?

The Commissioner said, No : the inquiry was to find out what he had to say.

Mr. F. A. Whitaker asked whether the inquiry would be confined to the subject of the bribery, because, if any questions were asked affecting title he would like to appeal.

The Commissioner said inquiry would be so confined.

Witness (evidence continued) : I live at Waotu. It had been alleged that Waata Tipa received £25 from Mr. Moon.

What do you know?—With reference to the £200, it was stated to me by Blake that it was more than £100. I have no personal knowledge. I heard it from Mr. Blake. He told me. I have no knowledge of anything previous to Mr. Blake's statement to me. By his statements to me I became aware of it, and he showed me the documents and Tipa's signature, and the stamp on the document. When I saw the receipt there were three, signed by Tipa. Mr. Blake brought them in his hand and showed them to me. He took them out of an iron safe. It was an iron box, and he showed them to me. One was for £50, signed by Tipa across the stamp ; another was for £20 ; the third was for £15. The name of Tipa was signed to all three receipts, and Mr. Blake said there were others.

When was this?—I cannot give you the exact time ; it was during November, 1884—last November. The reason I cannot state the exact day is that Mr. Blake and I were working conjointly on behalf of the same party. Therefore I said to him, "Give me those receipts." He replied, "No ; leave them with me, to be taken care of," in order that he might show them to the Chief Judge when he went to Auckland. It commended itself to me that the Chief Judge should know about them. I asked Mr. Blake how he got these receipts. He said Mr. Grice was vexed with Mr. Moon, because Mr. Moon had given as much as £14,000 to Ngatikoroki.

Mr. Whitaker objected to this statement as having nothing to do with the charge of bribery.

The Commissioner directed the witness to confine himself to the circumstances of the bribery.

Witness said he was explaining the reasons of the quarrel.

Do you know anything except what Mr. Blake told you?—I know only what Mr. Blake told me. These statements have been already made before the Chief Judge, and the receipts shown to him, and a fresh receipt was subsequently shown, which proves my statement that there were other receipts. I have myself seen two. One was shown to the Chief Judge at first, the other two were not spoken of.

How do you know all this?—When the Court sat here I made the statement before the Chief Judge, and Mr. Blake brought in two receipts, signed by Tipa—one for £25, one for £20. Of the three I formerly mentioned one was shown to the Court, two were not. One was then shown to the Court which I had not previously seen. The Chief Judge said to me, "Are these the two receipts shown by Mr. Blake to you?" I said, "One of them is so ; the other is a new one : " thus justifying my statement that there were others.

Witness wished to explain further about the reason why Blake showed him the receipt.

Mr. Whitaker objected.

The Court directed witness to reserve anything further till Mr. Blake had given his evidence.

Mr. Whitaker withdrew his objection, and left it in the hands of the Court to see that no injury was done to the title.

Witness said these things all affected the title to the land.

The Court said it was then outside the jurisdiction of the Court.

Witness : Whether it be money paid to the Assessor, or as a present to him, it was improper. The Assessor should not receive money during an investigation. Mr. Blake said this to me : "As to the award affecting this land, I do not agree to it." So said Blake. Mr. Grice gave to Blake Grice and Moon's documents. Mr. Blake told me he got them from Mr. Grice. He told me this in reply to my question as to how he had got the receipts. In consequence of what Mr. Blake told me I knew that the Assessor had received money.

Mr. Blake (sworn) : My name is Richard Thomas Blake. I am a surveyor and Native Agent. The Ngatiraukawa case was conducted by Hare Teimana at Kihikihi. I joined in with him. At the close of the case I assisted Hare Teimana and others in getting up their applications for

rehearing. It was even intended at one time that I should go to Wellington to urge their applications. Certain reasons prevented my going, and all papers connected with the rehearing application were handed to Teimana to take to Wellington. He left here on the 27th October, 1884. On the 12th November Grice and Moon's papers and books were handed to me to make up. As I was not well I arranged with Hewitt for a sitting-room upstairs. On the 13th Mr. Moon handed me a schedule of credits to enter up, including two receipts from Waata Tipa—one dated the 10th May, 1884, at Kihikihi, for £20; another receipt, 12th November, 1884, at Ngaruawahia. [Receipt handed into Court. (Translation.)—"Kihikihi, 10th May, 1884.—Mr. Moon has issued to me this money, £20. I will repay him.—WAATA TIPa."'] Mr. Moon gave me these receipts. On the 17th November I met Teimana at Hewitt's Hotel. He had returned from Wellington on the 15th. I invited him upstairs to settle some accounts. Afterwards I asked him what he had done in Wellington. He gave me a long account, saying he had left the matter of the rehearing in Mr. Sheehan's hands. He alluded to a report that the Assessor had received £200, and asked, would it not be better to bring forward the charge in order to strengthen the application for rehearing? I said that the Assessor had received no such amount to my knowledge. It was quite true the Assessor had borrowed money from Mr. Moon. The only amounts I knew of were the £25 and £20, but there might be other sums that I did not know of. I reminded him that he knew himself that Tipa got £20 at Kihikihi. Tipa came to Teimana and myself at Kihikihi and said he had got £20 from Moon, either to bring his wife from the Thames or to make a return for the presents he had been receiving. This was about May, 1884. I told him it would never do to bring forward a charge of bribery. I also assured him that Mr. Sheehan would give him the same advice. As to Teimana's assertions that I said I would show the receipts to the Chief Judge in Auckland, I have no recollection of my saying so. I shall say nothing about the £14,000 said to have been paid. I did not give this as a reason. I did not say £14,000 had been paid.

Do you know anything of your own knowledge as to the circumstances?—Mr. Moon told me himself he had lent Tipa £20. I know nothing of the £25 except that Mr. Moon gave me the receipt to enter up. Afterwards, on scrutinizing the account, I found a sum of £10 on the 4th April requiring to be charged against Tipa. This £10 was a cheque of J. P. Thomson's. I have since been told by Thomson that the £20 lent to Tipa at Kihikihi had been repaid by Tipa at Thomson's office here in Cambridge. Later, again, Mr. Moon told me the £10 had been refunded. [Statement handed into Court of account between Moon and Tipa—handed in by Blake.] I may add that I was personally interested in Ngatiraukawa winning on account of my wife, who is nearly-related to Rewi. Mr. Moon was also interested in their winning, through the connection of his wife with Ngatiraukawa. So, if the money had been given as a bribe it should have been in favour of Ngatiraukawa. It is true I said to Teimana that it was improper for the Assessor to be borrowing money from private people. This is all I wish to say. I have no receipt for £50, as mentioned by Teimana.

By the Court: It was on the 12th November the books were given to me. On the 13th I received the accounts from Mr. Moon. This was the day after one of the receipts was signed.

Mr. Moon (sworn): My name is William Moon. I am land agent and farmer, and live at Cambridge. In regard to this matter, there is no doubt I lent the sums mentioned to Tipa. There was also the sum of £10 lent to Tipa by Thomson at my request, and subsequently repaid to him. Mr. Thomson has been laid up; I have sent a buggy for him to give evidence as to the repayment of the money. As to the £25, this was lent at Ngaruawahia after the whole case was over and finished. Tipa's wife, Ema te Aoru, is a great friend of mine: she had done me a great kindness, and this was the first opportunity I had of returning the kindness I had received. As to the £20 lent at Kihikihi, it was done quite openly in the office occupied by Blake and Teimana; and Tipa himself was the first to inform Blake and Teimana that he had borrowed £10 from me. Leaving the question of the repayment of the money out of sight, the Assessor gave his judgment directly against Ngatiraukawa, in whom I was greatly interested. Mrs. Moon and relatives were the original claimants on the Ngatiraukawa side.

By the Court: Were any of these payments made for the purpose of influencing the Assessor?—None. The last payment was after the Court was all over. There was no understanding between us that the repayment was conditional on the way in which the case was decided. I cannot give exact date of repayment. I have sent to Thomson for the information. These three sums are the only ones I know anything of. I do not wish to add any more.

Hare Teimana said: It was not correct that Tipa told Blake openly that he had borrowed money. I cannot produce the receipt for £50. If Blake has hidden it I cannot help it. As to what Moon said about Ema te Aoru being a friend of his, why did he leave it till 1884 before he returned the kindness shown him? The statements I have made to the Court are not of my own knowledge. They are as given to me by Mr. Blake. A telegram was sent to me from Auckland by Blake telling me not to say anything about the money. Mr. Blake's brother has the telegram. Before I received it I had made my statement to the Chief Judge. He proposed that if the Chief Judge took no notice they should be produced before the Supreme Court.

Mr. Blake said: It is quite true my brother sent me a telegram saying that Teimana wished to bring forward a charge of bribery against the Assessor, and wished to quote me as an authority. I replied, saying he had better not make any such charge.

Evidence read over and confirmed by the several witnesses.

Mr. Whitaker undertook to get the dates of the repayment by Tipa, and furnish them to the Commissioner.

Teimana inquired whether the investigation was concluded.

The Commissioner said fresh notice would be given if there were any further sittings.

Inquiry concluded at 1 p.m.

H. G. SETH SMITH.

Payments made to Waata Tipa by Mr. W. Moon.

1884.—4th April, To cash, J. P. Thomson's cheque (private account), £10; 10th May, To cash, W. Moon, £20; 12th November, To cash, W. Moon, £25. By refund made by Tipa, £10 and £20. To balance due, £25.

Copies of Receipts.

Ngaruawahia, 12 Noema, 1884.

Received from Mr. Wm. Moon the sum of twenty-five pounds, cash lent.
12th November, 1884.

WAATA TIPa.

Kihikihi, 10 May, 1884.

Kua whakaputaina mai e te Munu (Wm. Moon) ki au inaianei tenei moni erua tekau pauna he nama naku kia te Munu makue whakahoki ki a ia £20. WAATA TIPa (over duty-stamp).

Translation of the above.—Has been issued to me by Mr. Moon now this money, twenty pounds, a debt of mine to Mr. Moon. I will repay it to him—£20.

WAATA TIPa (over stamp).

DEAR SIR,—

Cambridge, 28th November, 1885.

I have made diligent inquiry as to the dates of repayment of the sums of £10 and £20 paid to Waata Tipa. I enclose you a letter from Mr. Thomson, who was alluded to by Mr. Moon, which refers to the £10. Repayment of the £20 seems to have been made direct to Mr. Moon; but I will forward you further particulars in a day or two—say Wednesday. I regret the delay which has taken place, and which I have been unable to avoid.

Seth Smith, Esq., Commissioner, Auckland.

I have, &c.,

F. A. WHITAKER.

Cambridge, 28th November, 1885.

Re Waata Tipa Case.—I have to state that in April, 1884, at the request of Mr. William Moon, I gave Waata Tipa, Native Assessor, the sum of £10, as a loan. About ten days or a fortnight after Waata Tipa called at my office and paid me the amount, stating that he did not require it, on account of his not having gone to the Thames to see his wife, as he had intended.

F. A. Whitaker, Esq., Solicitor, Cambridge.

JAMES P. THOMSON.

INQUIRY held at the District Courthouse, Auckland, on Tuesday, the 22nd December, 1885, at half-past ten o'clock.

Present: H. G. Seth Smith, Commissioner; H. F. Edger, clerk; and H. H. Lawry, interpreter. Also Dr. Buller, J. M. Fraser, Major Jackson, and Pomare Kingi.

The Commissioner read extract from the Commission appointing him to inquire into the charge of a bribe of £25 having been paid to Pomare Kingi on the rehearing of the Rangipo case at Upokongaro. At the request of Mr. Fraser the Commissioner read the evidence given by Dr. Buller before the Native Affairs Committee, which was interpreted to Pomare Kingi.

Mr. John King, as one of the executors of the late John Sheehan, was present at the opening of the inquiry, but stated to the Commissioner that in the opinion of himself and his co-executor it would serve no good purpose his remaining. He would therefore retire.

Dr. Buller requested that the correspondence which followed might also be read. [Letter read from Dr. Buller to the Native Minister, dated January, 1884, enclosing correspondence between himself and Mr. Fraser.]

Dr. Buller stated that he wished it to be understood that he was not desirous that any inquiry should be held in this matter now that Mr. Sheehan was dead.

Mr. Fraser said he had been asked by the Government to go on with his petition for an inquiry, but he had refused to do so on the ground that Mr. Sheehan was now dead, and he would not cast a slur on Mr. Sheehan's character now that he was no longer able to defend himself.

Pomare Kingi said it was not true that he had received a bribe of £25, nor that Mr. Fraser had been to Whangarei to see him on the subject.

John Munro Fraser (sworn): My name is John Munro Fraser. Before giving evidence I desire to say that I have not asked the Government to grant this inquiry; that I have been asked by the Government to petition for an inquiry, by letter, and also verbally, but I have refused to do so because of the death of Mr. Sheehan, and his mouth is closed. I told Messrs. Buller, Jackson, and Searancke, at Cambridge, and no one else, and in the presence of no other person, except, perhaps, Dr. Buller's son, that when I was in the employment of Mr. Sheehan, at Upokongaro, in March, 1882, Pomare Kingi came to me and said there was a horse he was anxious to get, which would cost £25; that he had not the money, and would I ask Mr. Sheehan to give it him. I said I knew Mr. Sheehan had not the money. Mr. Sheehan was at Wanganui that day. Pomare pressed me to ask for it. I went to Wanganui that evening and repeated to Mr. Sheehan the conversation I had with Pomare. Mr. Sheehan said, "We must get the money for Pomare." We got it from Mr. Moorhouse. I paid the cheque into the bank to Mr. Sheehan's credit, and Mr. Sheehan gave a cheque for the £25. Mr. Sheehan told me to write out a receipt for the money as a loan. I looked upon it in that light at that time. The money was paid to Pomare. He got the horse. Shortly after judgment was given in the Rangipo case, on Easter Monday, 1882, Pomare came from Upokongaro to Wanganui. Mr. Sheehan asked me for the receipt. Pomare and Sheehan were in the lower room in the Rutland Hotel. Sheehan took the receipt and tore it up. This is the whole statement I made at Cambridge. With reference to my replies to Dr. Buller of the 11th September and the 24th September, 1883, I wish to say that they were based on Dr. Buller's letter to me, dated August, 1883. The evidence given by Dr. Buller was not then in my possession; had it been, I could not have stated its correctness so positively.

By the Commissioner: There was no understanding as to the return of the £25 under certain conditions. Dr. Buller states in his evidence that I paid £25 as a bribe. That is not in the letter from Dr. Buller to me; and I deny having ever stated that I paid the £25 as a bribe. It is true I paid the money as a loan. I never said to Dr. Buller or any one else that I paid it as a bribe. Mr. Sheehan destroyed the receipt, and I told Dr. Buller that he did so. Dr. Buller says these statements were made openly at Cambridge. I did speak on these matters several times, but only in the presence of Dr. Buller, Major Jackson, and Searancke. He also says in his evidence that I visited Pomare at Whangarei. He did not mention this in his letter to me; and it is not true that I visited Pomare at Whangarei. I saw Pomare at Kawakawa, Bay of Islands, at the hearing of the Puhipuhi Block, and told him there would be an inquiry. This was in February, 1883. Pomare said he would tell the truth about the £25. Dr. Buller says in his evidence that he had my permission to mention this if he should be pressed. I do not remember giving such permission. The matter was not freely talked of, but only between the three I have named.

By the Commissioner: My explanation of my statement that I would substantiate on oath Dr. Buller's evidence is that I was very busy at Ohinemutu, and I made a mistake in making that statement. I could not have gone so far had I sufficiently considered it. The receipt was simply a receipt for money lent. The last part of my letter to the Under-Secretary of the 4th September, 1885, was written after my interview with the Native Minister, and after it had been decided to hold an inquiry. I did draft a petition for inquiry, but on Mr. Sheehan's death I tore up the petition, and refused to go on with it. After that I became aware that the inquiry would be held nevertheless.

Evidence read over to and signed by Mr. Fraser.

Walter Lawry Buller sworn: The evidence given by me before the Native Affairs Committee having been read over, I affirm its correctness. The letter read from me to the Native Minister was sent by me, and the enclosures are true copies. I wish to say that the statement I made to the Committee was made under a full sense of responsibility, at a time when the facts were fresh in my recollection. I believed then, and still believe, that my statement was correct in every particular. In the matter of Mr. Fraser's visit to Whangarei, I spoke of my own knowledge. I thought he had gone to Whangarei, and I was under a misapprehension in that respect. It seems he saw Pomare at Kawakawa. It is not material where he saw him. It was understood at Cambridge that Mr. Fraser would see Pomare. I accept this correction. The whole matter is the circumstances under which the cheque was paid. There is no question of the money having been paid. I understood it was paid for a corrupt purpose. I could not have put the point more strongly than I did in my letter to Mr. Fraser dated the 31st August, 1883, in the words following: "That the cheque for £25 was drawn by Mr. Moorhouse, Mr. Sheehan's client, in Pomare's own name, and could, no doubt, be obtained at the bank; that you held for a short time a receipt for the money, handed over as instructed, on the express understanding that in a certain event it would be destroyed, and that it was so destroyed by yourself under the same instructions after the delivery of the judgment in the rehearing of the Rangipo case." I would remark that, in Mr. Fraser's reply, he speaks of having received my "interesting letter," from which we may infer that he had read them carefully, and uses these words: "So far as the Pomare Kingi-Sheehan affair is concerned, you may depend on my giving evidence of so conclusive a character as cannot easily be broken; substantiating in every material particular your statement of fact to the Committee." The only statement of fact before Mr. Fraser at that time was the letter I have just quoted; and if I had misrepresented Mr. Fraser on so important a point, then was the time for putting it right, inasmuch as the whole gist of the matter was, was this money paid with a corrupt motive or not? and the motive could only be gathered from the surrounding circumstances. Mr. Fraser said he never told me or Major Jackson that this money was paid as a bribe. I say I have no recollection of it being said that the money was for a horse; and if he says it was simply as a loan, I do not see why I should have been made the subject of communication. In my conversations with Mr. Fraser and Major Jackson the payment of this money was all along referred to as a bribe. Mr. Fraser did understand me when referring to the "episode," that I mentioned it as a bribe, for in his reply to the Under-Secretary of the 10th September, 1883, these words occur: "It has been alleged that you stated to Dr. Buller and others that, when in the employ of Mr. Sheehan, and acting under that gentleman's directions, you paid to Pomare Kingi, who was at the time acting as Assessor in the Rangipo rehearing case, a bribe of £25." In his reply—of which he furnished me a copy—he did not in any way repudiate the charge, but said on the 24th September, 1883, "I am aware that upon the hearing of the Whakamaru petition, before the Native Affairs Committee certain evidence was given *re* the payment referred to in your letter. That evidence is in every material circumstance correct; and I shall be prepared to substantiate it on oath when called upon to do so by competent authority." Mr. Fraser did not attempt to correct me in the statement then made. On the contrary, Mr. Fraser, in his letter of the 24th September to me, practically verifies all I advanced, and uses the following words: "Any statement made by you, whether under privilege or not, should be accepted as perfectly correct." Mr. Fraser says to-day he does not remember giving me permission to repeat what he told me. In my letter to him, already quoted, I said, "He gave me permission to mention them." In his reply, Mr. Fraser did not say that he had not given me such permission. I did send to Major Jackson a copy of my letter to Mr. Fraser, because Major Jackson's name had been mentioned. Major Jackson did not deny the truth of the statements I made in that letter. Although two years have elapsed, I have not received from Mr. Fraser any communication calling in question the accuracy of my statement. When writing to Mr. Fraser I had no intention of making any other use of the letter. It was only in January, 1884, in consequence of certain communications which I understood from Mr. Bryce that he had received from Mr. Fraser, that I felt bound, in justice to myself, to place the whole matter in the hands of the Native Minister. On the first occasion when I saw Mr. Fraser afterwards, in Wellington, I read to him from my letter-book the

whole of the correspondence. He expressed dissatisfaction at my having disclosed his letter, and for the first time told me that I had not fairly represented to the Committee his statement at Cambridge. This was during the Parliamentary session of the present year. This was the first intimation he received that the correspondence had been given by me to the Native Minister; and in justification of my action I then told Mr. Fraser what had passed between Mr. Bryce and myself. I wish to say I deplore the fact that this inquiry did not take place during Mr. Sheehan's lifetime. Before his death I several times urged on the Native Minister that an inquiry should be held; but it was not granted. I disclaim all responsibility in connection with the holding of the present inquiry, now that Mr. Sheehan's mouth is closed. I expressed the same view to Mr. Fraser in Wellington, and understood he quite concurred therein.

By Mr. Fraser. Do you remember any other persons present at Cambridge except the three gentlemen named?—I cannot tax my memory with the names of any other at this lapse of time, but I did have several conversations with the three gentlemen named. I did not understand that you spoke to me in confidence; I understood that I had your full permission to repeat it, and that Major Jackson was authorized to inform the Native Minister of the facts. I was pressed by the Committee to give evidence; I did not volunteer it. I do know Mr. Hobbs; he is a friend of mine. It was not arranged between us beforehand that he was to ask me those particular questions. I had put Mr. Hobbs in possession of the facts, and I knew he would press me to answer questions. I consider that in my letter to you I put the salient points of my evidence before you. I wrote this letter the very day I knew of the resolution of the Committee. The full paragraph of the quotation from my letter to Mr. Fraser, referred to in the later part of my evidence to-day, is, "He (Mr. Fraser) has more than once expressed his readiness to go before any tribunal to establish the truth of those statements." He gave me permission to mention them here, although I should not have done so except under pressure.

Pomare Kingi (sworn): I have heard the former evidence. It is quite true that I received the £25 from Mr. Fraser. I asked him to ask Mr. Sheehan for the money to pay for the horse. I had not then seen Mr. Sheehan. I had no money, and wanted to buy the horse. Mr. Fraser went to Wanganui, and in two or three days he came back and brought me the money, and I signed the receipt which Mr. Fraser spoke of. I applied to Mr. Sheehan for the money because he was an old friend of mine. I afterwards saw Mr. Sheehan at Upokongaro, and he said, "Make haste and return the money, because it is not mine, but belongs to Mr. Moorhouse." I said I would. The rehearing of Rangipo had not then commenced. I object to Mr. Fraser's evidence where he said I was present when the receipt was torn up. I also object to Mr. Fraser's statement that he went to Whangarei to see me. He saw me at Kawakawa, where he went to oppose me in the Puhipuhi case, and said Mr. Sheehan and I would find ourselves in the wrong over the £25. He also spoke against Mr. Sheehan, and said they had quarrelled. He said he was now employed by Dr. Buller, and had ceased working for Mr. Sheehan. I thought it was all fun. He was very angry with Mr. Sheehan. This was all Mr. Fraser said to me at Kawakawa. I deny that I received a bribe on the Rangipo case. I received no payment.

By the Commissioner: Did you make any arrangement that the receipt was to be destroyed?—No; Mr. Fraser knows all about it. He was the person who held the receipt. I have no knowledge of the proposal to tear up the receipt. I did not see it torn up. I heard to-day for the first time that it had been torn up. I was not aware of it previously. I repaid Mr. Sheehan the money as soon as I had money of my own. Mr. Nelson knows about that.

By Mr. Fraser: I repaid Mr. Sheehan at the time when he gave up Hiraka's case and took up Keepa's. I did not get back the receipt I had given to Mr. Fraser. I remember the day when I left Wanganui. The Volunteers were out on parade. I remember being in the hotel with Mr. Sheehan and Mr. Moorhouse on that day. I did not hear Mr. Sheehan ask you for the receipt. He might have done so. I did not see Mr. Sheehan tear up the receipt and throw it in the fire-place.

In reply to the Commissioner: I cannot say exactly on what day the money was repaid. It was on the morning of the day when Mr. Sheehan changed his client in the Rangipo case.

William Jackson (sworn): The commencement of my connection with Dr. Buller and Mr. Fraser was at Cambridge: I had engaged both these gentlemen in connection with the Native Land Court—Dr. Buller as counsel, and Mr. Fraser as agent. I had frequent consultations over the conduct of the Native Land Court. The case of Te Whetu No. 3 was a long time before the Court; and after it was closed judgment was expected to be given. The case was adjourned from day to day, when the Court announced that, consequent upon the Assessor not agreeing with the Judges, judgment would not be given. This caused a great talk amongst both Natives and Europeans, and Dr. Buller expressed himself very strongly on the matter, and it was generally rumoured that the Assessor had been bought, and on one occasion, in my room, when Dr. Buller and Mr. Searancke were present, the question was raised whether an Assessor had been bought before. Mr. Fraser said that it was generally understood that an Assessor at a Court upon the West Coast had been bribed, and from the facts within his knowledge he had no doubt that it was true. He then stated that at that time he was employed by Mr. Sheehan keeping his books, and that by his directions he had given Pomare Kingi a cheque for £25, and had taken his receipt, and that afterwards Mr. Sheehan had asked him to produce it in the presence of the Assessor, when Mr. Sheehan had destroyed it. I understood from Mr. Fraser that this receipt was not destroyed till after the giving of the judgment, and that it was not till then that the transaction had assumed to his mind the character of a bribe—not based altogether upon the fact of the receipt being destroyed, but upon the general feeling of the Natives. Dr. Buller himself told me that there was great dissatisfaction with the judgment. There was no doubt upon my mind that Mr. Fraser thought the Assessor had been bribed, but that he did not think so at the time the money was paid—not until after. At the request of the Natives I went to see the Native Minister at Alexandra. After that I saw Mr. Fraser and told him that I expected there would be a Commission of Inquiry into the

charges of bribery, including that against Pomare Kingi. The Court was then sitting at Cambridge. Mr. Fraser then went to Bay of Islands. On his return he said he had seen Pomare, who admitted receiving the money, but declined to put anything in writing. I knew at this time that Mr. Fraser had applied for an interpreter's license. I spoke to the Native Minister about it, and he told me he could not sanction Mr. Fraser receiving a license in face of the part he had taken in bribing Pomare Kingi. I argued that Mr. Fraser did not at the time the money was paid know that it was paid as a bribe.

By Mr. Fraser.] Dr. Buller, in his evidence before the Native Affairs Committee, stated "that in the Rangipo rehearing case, at Upokongaro, near Wanganui, he (meaning Mr. Fraser), acting under the direction of Mr. Sheehan, or on Mr. Sheehan's behalf, paid the Assessor Pomare Kingi a bribe of £25." Did you ever hear me state to Dr. Buller that I had paid a bribe of £25 to Pomare Kingi?—I heard Mr. Fraser say that he had paid, on Mr. Sheehan's behalf, a sum of £25, which from after-events he understood must have been a bribe.

(Question repeated.)—No; Mr. Fraser did not tell me that of his own knowledge the payment was a bribe, but that he only surmised it.

Quotation from Dr. Buller's evidence.—"Mr. Fraser states that he handed the Assessor a cheque for £25, and took his receipt for that amount as a loan, and that he received the money from Mr. Sheehan for that purpose; and that it was given on the express understanding that if the judgment went as prayed for by Mr. Sheehan the receipt would be torn up; that if it went the other way Pomare would be called upon to repay the £25." Did you hear me say to Dr. Buller or any one else that the money was paid on that understanding?—No; certainly not.

Did you hear me say that I had destroyed the receipt?—No, I never heard you say so. You said that Mr. Sheehan asked you for it, and that you saw him destroy it.

With reference to the evidence of Dr. Buller, "The original judgment was affirmed and Mr. Fraser destroyed the receipt," did I give you permission to mention the case to Mr. Bryce?—I cannot remember.

Was the matter of this particular bribe often talked about?—No; only between ourselves, and not very often at that.

Did you ever hear me make any statement that would lead you to believe that I had been a party to bribing Pomare Kingi?—No, certainly not.

By Dr. Buller.] Did you regard Mr. Fraser's statement to you as confidential?—I did not understand it to be confidential, and I did not understand that it was not confidential; but I did mention it to Mr. Bryce in confidence. I did not write to you challenging the accuracy of your account of the circumstances, neither did I write admitting its correctness.

INQUIRY continued at District Courthouse at 10.30 a.m.

John Edwin Macdonald (sworn):—*In reply to Dr. Buller*—Did I see you on the proposed inquiry at Wellington after I saw Mr. Fraser?—Yes; I saw you, and expressed my feeling that, having regard to the death of Mr. Sheehan, there was no good in going on with the inquiry. You concurred in that, and requested me to express that view to the Native Minister. I told you afterwards that I had spoken to Mr. Lewis on the subject. You always expressed a desire that the matter should not go on now that Mr. Sheehan was dead. I may add that I never saw the Native Minister on the subject, but I spoke to the Under-Secretary. What use he made of the communication I cannot say.

In reply to Mr. Fraser: Did Mr. Lewis inform you that the inquiry was to be held in consequence of pressure brought to bear by me?—No, neither by conversation nor by letter. I never supposed so until recently. When I heard of your application for an interpreter's license I did hear that you had brought pressure to bear. I have a confidential telegram from Mr. Lewis, received yesterday.

Mr. Fraser applied that the inquiry be adjourned to enable Mr. Lewis to give evidence as to whether he (Mr. Fraser) had ever asked for the inquiry to be held since Mr. Sheehan's death.

The inquiry was then adjourned for an hour to enable a telegram to be sent to Mr. Lewis asking permission for the confidential telegram received by the Chief Judge to be produced.

On the inquiry being resumed, and no reply having been received from Mr. Lewis,

Mr. Fraser asked that the inquiry be further adjourned to enable the telegram to be produced or, failing permission being given, to enable Mr. Lewis to give evidence.

Inquiry accordingly adjourned till Tuesday afternoon, at 2 o'clock.

TUESDAY, 29th December, at 2 p.m.

Permission having been received from Mr. Lewis for his telegram to the Chief Judge to be produced, it was accordingly produced; also the Chief Judge's telegram, to which it was a reply.

Mr. Fraser said: With reference to the telegrams of the Chief Judge and Mr. Lewis, I reiterate my previous statement that I was asked by letter from Mr. Lewis, and verbally by Mr. Ballance, to petition Parliament on the evidence given by Dr. Buller before the Native Affairs Committee. I declined to petition, and gave to Mr. Ballance as my reason therefor that evidence prejudicial to Mr. Sheehan might be forthcoming, and, as he was dead, he would be unable to controvert it. I told Mr. Ballance that if fifty licenses depended on my petitioning I would still refuse. Mr. Ballance informed me that the Government had made up their mind to proceed with the inquiry; and the day I saw him Mr. Ballance said in the House, "It was the intention of the Government, before even the Native Affairs Committee reported, to hold an inquiry into this and another case which had occurred some years ago; and we shall include both cases in the inquiry."—(*Hansard*,

No. 24, page 453.) That statement of Mr. Ballance refers to the Pomare Kingi inquiry. I never, either in writing or in conversation, made any statement that could lead Government to be under the impression that I was anxious for the inquiry.

(Telegram.)

Auckland, 23rd December, 1885.

Confidential.—*Re* Pomare Kingi bribery inquiry: Before Commissioner yesterday, Fraser said Government had asked him to go on with inquiry, but he refused, as he would not cast slur on Sheehan, deceased; also that he had not asked Government to grant inquiry; and that he had been asked by Government to petition for inquiry, but he had refused to do so on account of Sheehan's death. The inquiry adjourned till to-morrow.

T. W. Lewis, Esq., Wellington.

J. E. MACDONALD.

Government Buildings, 23rd December, 1885.

No. 880. *Confidential.*—There is no foundation that I am aware of for the statements made by Mr. Fraser. The inquiry into Pomare's case was recommended by Native Affairs Committee, and it was in consequence of that recommendation that the Commission was issued. Mr. Fraser has not been asked by Government to go on with inquiry, and has never refused on any grounds. The Hon. the Native Minister and myself were under impression that Mr. Fraser was most anxious for the inquiry, in order that he might have an opportunity of clearing himself from imputation on the matter. So far as the Government are concerned, the inquiry has relation only to the conduct of the Assessor. Other issues are simply collateral.

His Honour J. E. Macdonald, Auckland.

T. W. LEWIS,

Under-Secretary.

(Telegram.)

Auckland, 24th December, 1885.

Re Fraser: Have left your confidential telegram with the Commissioner. Please wire him "very urgent" if he is to read it. I recommend your saying "Yes."

T. W. Lewis, Esq., Wellington.

J. E. MACDONALD.

(Telegram.)

Government Buildings, Wellington, 24th December, 1885.

No. 886: No objection to your perusing my confidential telegram to Chief Judge.

T. W. LEWIS,

His Honour Judge Smith, Royal Commissioner, Auckland.

Under-Secretary.

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