

not be allowed. I then communicated with Mr. Morison, solicitor, of Wellington, who started business once in Woodville, and I cut out and sent him all the reports from the papers of Hawke's Bay. I wished to have his opinion as to whether I could not get this land. The result was, he advised me to appeal against the decision of the Board. That extended over nine months, at any rate, with the result that the Judge has allowed the appeal with costs. I may say that it has caused a good deal of talk and interest in the district.

735. Going back to the time that Mr. Peebles came into your office, did he ask you to go in for this section on his account?—No, by no means.

736. You said just now that he suggested to you that you should go in?—Just in the same way that others had done before.

737. Would not that have lessened his chances?—I suppose it would.

738. Were you on such intimate terms with Mr. Peebles that you thought he was doing this as a matter of friendship to you?—Well, I have been in the district a long time—in fact, I founded the settlement upon which he has a section.

739. If he says he asked you to go in for the section on his account would he be speaking the truth?—No. He denied the same thing in my office the other day.

740. *Mr. Cowan.*] Before whom?—Before myself.

741. Before no witness?—No. He came into the office since the trial and wanted to make arrangements about this section.

742. *The Chairman.*] Did he tell you to pay the deposit?—Yes; and he said he would get the cheque, exactly in the way I have told you.

743. Did he show you the cheque in your office?—I do not know, as a matter of fact, whether it has ever been paid. I did not see it.

744. Would the section have been allotted to you if you had not paid it?—I could not say.

745. Have you taken any trouble to repay the amount?—I told him I would pay it.

746. Have you made him any tender of it?—No; I told him I would pay it.

747. Do you not think it would give him some colour for supposing that you were going in for the section for him, when you first stated that you were not going in, and then going in for it, and afterwards asking him to take your application to the Land Office and pay the deposit?—It might give him some colour. I never thought of it at the time. As to taking the paper to town, there was scarcely time to post it. I should have had no difficulty in getting a cheque if I had wanted it. It was simply a matter of time; it was all done on the spur of the moment.

748. *Mr. Smith.*] Do you state absolutely that when Mr. Peebles spoke to you about the section you told him that you were not going in for it yourself?—I said it was no use going in. I could not get a paper, I told him. When I went in I said, "I suppose it does not matter if I do not win it." It was entirely a chance. I scarcely thought it worth while troubling about it.

749. Then you absolutely did nothing about going in for it until Mr. Peebles spoke to you?—I had before up to the Saturday when I went for the paper.

750. You had not gone in for it?—I had not taken any further steps.

751. Suppose you had not gone in for it until you had seen Peebles, it would then have been too late?—It was the last time you could send applications in.

752. Therefore you virtually sent in your application at Mr. Peebles's suggestion?—Yes, on his producing the paper.

753. And you did not promise him that you would go in for this section for him?—No.

754. Have you told any person or persons in Woodville, either before or after you drew the section, that you were going in for the section for Mr. Peebles?—Not that I know of. I have heard it was rumoured so. I have a large family of grown-up boys, and they told me that it was rumoured about the place that it was so.

755. Not that you know of?—Not that I remember.

756. Did you or did you not—because that is a very important thing? Did you tell any one that you went in for him?—I have no recollection of doing such a thing—not the slightest. I never remember doing anything of the sort to any one. Of course the thing has extended now over twelve months.

757. It was only nine months. You stated in your evidence that Mr. Peebles said he was having seven chances, or shots, at it. When he had a talk with you afterwards did he tell you how that seven was made up?—He told me at the time, I think, they were all members of his family. In fact, there was a son-in-law, as far as I remember.

758. Can you tell us how the seven was made up?—I am not quite sure. There was himself and his wife, two of his sons, I understand—that was four—and his daughter and her husband. I think that was the way. I would not be positive of that. It was just an off-hand expression at the time. I did not think much of it.

759. Do you know, Mr. Sowry, that your explanation about these seven applications bears out what Mr. Peebles says, because you have only given us six names? You might have forgotten one. In fact, we have the papers before us, and Mr. Peebles in his statement says that the seven applications were made up of five of his family, Mr. Barrott, and yourself?—I never knew of that before. I knew nothing about that.

760. I am only pointing out that you agree with him that to make up the number he includes your application. On what plea did the Land Board refuse to give you this section, if you were the successful applicant?—As far as I remember, quoting from memory, they refused to allot it on the ground that several persons who had gone in already held leasehold land—Mr. Menteith and others. I saw this in the newspaper reports. I got a notification that it was my section.

761. Did they absolutely refuse to give you this section?—Yes.

762. Why did they?—On the ground, at the second meeting, that I had had a deferred-payment section within two years. That was the ground—that I was a deferred-payment holder.