

68. I would like to caution you now, by telling you that the evidence given here will be taken into another Court.

*The Chairman*: This evidence is privileged; it cannot be taken into another Court.

*Mr. Lundon*: I am informed by legal authority that evidence given here on oath can be taken into the Supreme Court; and I want to warn him.

*The Chairman*: I do not think it is necessary, Mr. Lundon, to warn the Native on the point. You heard his statement yesterday, and it is for you to cross-examine him on that statement. He knows the consequence of the oath he took yesterday. I do not think it is necessary to warn him at all.

*Mr. Lundon*: That is so: but I am accused of stealing that money, and I am going to lay an action against him for perjury.

*Hon. Mr. Mitchelson*: Mr. Lundon is here to cross-examine the witness. He must not brow-beat and intimidate him. He is here to cross-examine, and not to threaten.

*The Chairman*: I think, Mr. Lundon, you had better confine yourself to cross-examination.

*Mr. Lundon*: If the Committee objects I am done; but unless a man is cautioned you cannot pull him up for perjury. I wish to caution him, and I should like a note to be made of it.

*The Chairman*: The Committee have full power to do anything that is necessary. If the witness gives false evidence on oath the Committee have the power to deal with him. He understands the nature of an oath, and the position in which he places himself by taking that oath.

*Witness*: Will Mr. Lundon ask me any questions he has to put, and I will answer them.

69. *Mr. Lundon*: Are the allegations made in the petition true?—They are true. The statements in the petition are true.

70. Do you still persist in saying that I took the cheque for £87?

*Hon. Mr. Mitchelson*: I do not think that is a fair way of putting the question. Yesterday, the Native, in giving evidence, stated most clearly and distinctly that he agreed, with others, to sell his interest in the Kaiataia Block for £130 10s., and that subsequently to that he heard, by some means or another, that Mr. Lundon had received from the Government, for payment to the Natives, the larger sum of £217 odd for each share—that he considered that, as the Government had paid that sum, Mr. Lundon, instead of retaining it to himself, ought to have paid it to him. That is the position.

*Mr. Lundon*: I am cross-examining him now in regard to the position. In answer to my question, "Are the allegations true?" he says they are true—that is, that I took £87 of his money. I ask him now, "Is that true?" I have not cross-examined him as to his evidence at all yet.

*The Chairman*: He has answered that question. He was asked, "Do you still adhere to the statement you made?" and he answered twice, "Yes."

71. *Mr. Lundon*.] Are the allegations true that I kept these cheques of yours?—We believe that these moneys have been kept back, as we have not received them. They are lost so far as we are concerned.

72. Were you near Hone Papahia, or within fifty miles of him, when you got that money?—No, I was not.

73. Well, how do you know I kept his cheques so long?—Hone Papahia knows that his cheques were kept back, because he applied to Mr. Millar for the numbers and amounts of the cheques paid to him.

74. How do you know that he applied to Mr. Millar? Were you there—were you with him?—I advised Hone Papahia to go to Mr. Millar and make these inquiries.

75. Then, you do not know from your own knowledge?—I did not see him go myself.

76. Notwithstanding, you say you do not know anything of it of your own knowledge?—Hone Papahia wrote to me telling me what he had done.

77. And you are willing to swear that what you heard is true?—I believe the statements in the petition are true.

78. The petition states that I paid the sum of £108 odd to Raiha of your money?—Which money do you allude to?

79. The money stated in the petition as having been paid to Raiha Tamaho.

*The Chairman*: The petition says, "Afterwards Raiha Tamaho applied to Government for the portion of her money which was missing, and £108 15s. was restored to her."

80. *Mr. Lundon*.] Was there a sum of Raiha's money missing?

*Hon. Mr. Mitchelson*: He said, in his evidence yesterday, that Raiha had a portion of his money.

*Witness*: Raiha's money was not lost, but it narrowly escaped being taken by Mr. Lundon.

81. *Mr. Lundon*.] How do you know that? Were you there?—Mr. Lundon went to Raiha and told her that her share would only amount to £78; but she, in the meantime, had received a letter from the Government saying that they were sending her £108 15s.

82. Were you there when the alleged conversation took place with Raiha?—No.

83. Were you within fifty miles of the place?

*Mr. W. Kelly*: The witness can only give evidence of what he knows himself; he must not give us hearsay evidence.

*Witness*: Herewini te Toko told me.

*The Chairman* (to interpreter): Tell him we cannot allow hearsay evidence; he must speak of what he knows himself of the matter.

*Witness*: I was trying to answer the question as it was put.

84. *Mr. Lundon* (to witness).] Then, you were not within fifty miles of her when this conversation between her and I took place?—I cannot say what distance it was—what distance I was away at the time.

85. Was that conversation I had with Raiha before you got your money, or after?—Why should that question be asked, because I have just been told that I am not to give hearsay evidence.