

employer's work. Such a statement throws little light upon Mr. King's state of mind, but a good deal on Mr. Seaman's.

The same point is further elucidated by a reference to the file of papers relating to the same subject, from which it appears that whilst Seaman was employing King in his office he never made any complaint to him, nor asked him for any explanation of the manner in which he was doing his work; but he was all the time writing to the Government, making the strongest assertions about King, and the quality of his work, without ever saying a word to King on the subject.

(4.) There is proof that Mr. King asked some of those applying for employment as sub-enumerators to insure their lives in the Government Office, for which he was agent. There is no proof that he in any case made this a condition of the employment. Nevertheless, it does seem to me that the mere request to insure under such circumstances is almost equivalent to the use of undue influence, and would be felt so by a person seeking employment. But I venture to hope that Mr. Mitchelson's statement in *Hansard* (page 720), that this was done in order that King might take the "premiums" was not intended to imply, as it seems to do, that King took the premiums and did not account for them. Perhaps the word "premiums" ought to read "commissions." At all events, there is no evidence of anything more than what I have above stated.

My review of the whole matter shows that in my opinion all the graver charges against Mr. King have completely broken down. In the face of the gross and scandalous character of those charges I do not like to dwell much upon some very minor points which may be regarded as wholly or partly proved. There may have been some instances of laxity, or carelessness, or, perhaps, of incompetence, and there may have been one or two incidents which, if known to the head of the department and not satisfactorily explained, might give rise to a feeling of uneasiness or suspicion; but these things, even when combined with the important statement showing the great cost of Mr. King's work, would hardly, I apprehend, have induced your Excellency's Ministers to advise a Commission of Inquiry, but would have been left for departmental action.

I have only to add that, although I cannot tell what unknown statements might have been made by unknown witnesses had they been present, yet I see no reason to think that my conclusions would have been substantially different had the case been conducted by counsel. My reason for so thinking is that in statements and letters to me Mr. Mitchelson has assigned, as a chief reason for employing counsel, the great importance of cross-examining the witnesses, whom he has roundly accused of prevarication and shuffling, and keeping back the truth; and the only other evidence that he has suggested was to show that the witnesses had made different statements in other places to those which they made on oath in the witness-box.

I scarcely know what to say to this view of the mode in which a prosecution ought to be conducted. It would seem that a charge of fraud and embezzlement may be proved by calling witnesses who deny it, and then proving by their own or other evidence that they are untrustworthy witnesses. Further comment seems needless.

I have now the honour to return with this report, and the minutes of evidence taken in this case, your Excellency's Commission, and subscribe myself,

Your Excellency's most obedient servant,

Auckland, 25th January, 1893.

J. GILES.

MINUTES OF EVIDENCE.

WEDNESDAY, 21st DECEMBER, 1892.

FRANCIS HUMPHREYS HIGHTWAY sworn and examined.

I am a commission and insurance agent residing at Mount Eden. In the year 1886 I was employed as sub-enumerator in collecting census returns and agricultural statistics. I was employed by Mr. John King about the months of March, April, and May. There was no arrangement about my remuneration; but after the work was done Mr. King asked me what I should want for it, and I said I would leave it to him. I got the money about three months afterwards. I went into Mr. King's office, and he presented to me a document (which I think was in a book) to sign. I said, "I had better fill it in;" and Mr. King said, "Oh, never mind, I'll fill it in." I signed the document, accordingly, in blank. I think the document was about half the size of a page of foolscap, and it had printed words on it; but I cannot speak particularly to it. Mr. King then filled in a cheque, and then went with me to the National Bank. The cheque was paid over the counter, and Mr. King counted out twelve sovereigns and gave them to me. I do not know how much he drew—the cheque was never in my hands; I was satisfied at the time. Nothing had been previously said about the amount, except that I may have mentioned the sum of £10 or £11; and Mr. King said, "Oh, I'll give you more than that." I have no idea how the amount was distributed, as regards the different descriptions of work—that is, the agricultural returns and the census schedules. I never made any specific charge for those specific items. I never gave him a written note of the number of days occupied. I think I told him the number of days I was employed. I think the document I signed would be a receipt; but I did not see it after I signed it. I do not recollect a person named Edmiston. I was never asked to sign an authority to any one to draw the money for me. I was not well at the time, and my sight was weak, when I signed the document. [Copy of indorsement on voucher shown to witness.] The paper I signed may have been a similar one to the one now shown me. I am quite sure no one ever asked me to sign any authority to any one else to draw the money for me. This is the first time I ever heard of it. I cannot remember the name of Mr. Edmiston at all.