

72. He is not held responsible directly?—No. I was answering a question of deficiency of a Receiver's cash. The first thing would be to ascertain that Receiver's deficiency and fix his responsibility, but the ultimate loss would be borne by all the officers under the Guarantee Act.

73. He is responsible individually?—No; he would be for his proportion of the whole.

74. Collectively?—Yes.

75. *Right Hon. R. J. Seddon.*] Have you known a case where the Receiver or Warden's Clerk, or whoever he may be, has had a defalcation, and where the check has not been sufficient?—I do not recollect any. It would be very difficult to prove any if the Receivers check their own accounts. It would be impossible to prove any.

76. The other day, Mr. Warburton, you gave us in detail from a slip of paper you had the principal amounts in Mr. Moresby's surcharges, and £300 odd was moneys belonging to the Natives, I think you said?—I think the whole of it, £700 odd. At all events, a very large proportion of it was due to the Natives.

77. Have you gone into that matter?—No, I spoke generally.

78. You had gone into it—that was your evidence?—I should have to get precise evidence on that point. I should have to refer to the accounts and books, but that was my impression at the time.

79. Do you not think in a matter such as this, where you surcharge an officer, and where it is not the local body but the Natives who are interested, that you should look into it to see whether the statement made by you is correct?—No. It does not affect the surcharge. There is nothing in the Act to make a surcharge depend upon that point, whether the money should go to the Natives or local bodies.

80. Why did you impress on the Committee the fact that the greater part of this was owing to the Natives: what was your reason?—I had asked about it in the Audit Department generally.

81. And they told you that the greater part went to the Natives?—No, that the money in this case went to the Natives.

82. The Audit Office informed you of that?—If precise evidence on the point is wanted I can go to the books and get a certificate.

83. Have some of the local bodies approached the Mines Department or your officer and said that they were prepared to forego the revenue?—I quoted a letter showing that it did not affect the question.

84. But if the local bodies had said they were prepared to waive the revenue it would not affect the matter?—They are not authorised to forego it.

85. And representations were made asking for leniency towards the people owing the money?—I have nothing to do with that. All I have to do is to see that the money payable is collected by the Receiver, and if he neglects to do so he must be surcharged.

86. I have in my hand the following communication, namely: "Only £1 12s. out of the £781 odd surcharged me for arrears rent is in respect of Native lands.—T. A. MORESBY." You said, "The importance of the question of arrears in this case is in the fact that the moneys go to the Natives." That is in your evidence?—I would like to correct that evidence, to make it "local bodies or Natives."

87. But you did not say so?—No; but I would like to correct that. What I meant was that we were trustees of the money. Put it in that shape.

88. That will not alter the fact when you were giving evidence the other day?—It is very difficult for me to give *viva voce* evidence on points like that, if the evidence is not to be interpreted liberally. What I mean is that the importance of collecting the revenue in this case is that we are trustees for the money—that we collect the money on behalf of other persons, local bodies or Natives.

89. You have interpolated the words "The importance of the question of arrears in this case is in the fact that the moneys go to the Natives," and you asked to be allowed to withdraw it?—I would ask the Committee to allow me to withdraw it. I may have used the word "Natives" there rather than local bodies, because there is a large amount of Native land there which is let for claims. My contention is that the Government, in collecting that revenue, is collecting it for somebody else. It is a very much more important matter than if the revenue were collected for the Crown itself.

90. Do you know the total amount that is due for rent? You have only surcharged in one case?—At present I have only surcharged in this case of Mr. Moresby at Paeroa.

91. Has the Receiver any power to compound? Supposing a party is prepared to pay him so much, can he take it, or must he have the lot or nothing?—I am not aware of any authority for that.

92. *Hon. the Chairman.*] The Minister has power to disallow?—He has power to disallow a surcharge.

93. *Right Hon. R. J. Seddon.*] The point I am going to ask about now is important, and probably you will have to get legal advice on it. It is this: Can rents be charged on a right that has been abandoned by law—that is to say, a person has taken up a piece of ground, and taken out a right for it; he has never done anything on it, and abandons it: can rent be collected on it after the abandonment?—Section 60 of "The Mining Act, 1891," says; "Any claim, licensed holding, special claim, lease, residence-site, business-site, or dam-site which shall be unoccupied, and upon which there is no plant or machinery, and which has been unworked for a longer period than is allowed by the regulations for the district, or for the part thereof in which such claim is situated, or, in the case of residence-sites, if the same shall be unoccupied for a longer period than is allowed by this Act, and during such period shall have no building erected thereon, shall be deemed to be actually abandoned ground, and may without any adjudication of forfeiture or abandonment be taken up for any purpose under this Act, in accordance with the regulations, by any holder of a miner's