

*Right Hon. Sir J G Ward* I do not think we should proceed with the Flaxbourne case in the absence of Mr Skerrett.

*Mr A M Myers* I do not think Mr Myers raised any objection, if Mr Skerrett would say what he was appearing for

*Right Hon. Sir J G Ward* I should think that, as far as Mr Macdonald is concerned, the position is perfectly clear, that if that statement made by Mr Hine is true—which I want to say it is not as far as the Government is concerned—then he would be disqualified, and would lose his seat, and he certainly should be represented by counsel.

*Mr Massey* There is nothing which comes within the scope of the Disqualification Act.

*Right Hon. Sir J G Ward* Yes. If Mr Macdonald received the payment which is alleged, apart from any direct charge, it is quite certain he was a member of the Legislative Council when the alleged payment was made, and if he received it it is beyond all doubt that it comes within the Disqualification Act—he would have received it from the Government.

*Mr Massey* There is no charge of Kennedy Macdonald receiving any money from the Government.

*Right Hon. Sir J G Ward*: Is there not?

*Mr Massey*: The charge reads, "That, in or about the year 1904, the Government, having taken steps to acquire compulsorily the property known as the Flaxbourne Estate, and appointed a member of the Legislature—to wit, Thomas Kennedy Macdonald, a member of the Legislative Council—as their assessor, and knowing or believing that by reason of his being a member of the Legislature the said Thomas Kennedy Macdonald could not be paid any remuneration for so acting as assessor, sent the then partner of the said Thomas Kennedy Macdonald, one Alexander Lorimer Wilson, to make a casual inspection of the said property, and paid him an exceptional and wholly extravagant fee therefor, with the intent or object of indirectly remunerating the said Thomas Kennedy Macdonald or his partner or firm for the services of the said Thomas Kennedy Macdonald as such assessor as aforesaid."

*Right Hon. Sir J G Ward* As a matter of fact, the statement is not true—that is certain; but if it were true it certainly would involve Mr Macdonald.

*Mr A M Myers* Seeing that the charge is associated with the name of Kennedy Macdonald, I do not see why he should not be represented by counsel.

*Right Hon. Sir J G Ward* Mr Myers must be ready in the case against Kaihau. The charge has been made some time ago in the House, and I do not see why the Committee should not proceed with that case first.

*Mr Massey*: I will not raise any objection.

*The Chairman* May I take it as agreed that the charge against the Government, in which Mr Macdonald is involved, be heard last?

*Right Hon. Sir J G Ward* Yes, and at our next meeting I want to take the other case which has been held over on account of three witnesses. I want that finished.

*The Chairman* You are referring to charge No. 4—the newspaper case?

*Right Hon. Sir J G Ward*: Yes.

*The Chairman*: Then we continue the Bayly cases, the newspaper case, and then proceed with Kaihau's case, and hear the charge against the Government last.

*Right Hon. Sir J G Ward* I also move that the Committee sit on Tuesday, Wednesday, and Thursday of next week at 10.30 a.m.

On the motion of Mr Massey, the Committee adjourned till 10.30 a.m. on Tuesday, 8th November, 1910.

TUESDAY, 8TH NOVEMBER, 1910.

FRED. BAYLY sworn and examined. (No. 15.)

1 *Mr Myers*.] You are a sheep-farmer?—Yes.

2 Living where?—At Tututawa, near Douglas. My family is in New Plymouth, but I am mostly to be found at the farm.

3. You formerly lived and owned property at Toko, near Stratford?—Yes.

4. And that property was sold to the Government through Mr Major, and is now known as the Clandon Estate?—Yes.

5. We have been told that you paid Mr Major commission on the sale, of £300: that is correct, is it not?—Yes, that is right.

6. Are you able to inform the Committee how long the property had been in Mr Major's hands before the offer was submitted to the Government?—I cannot say from memory. It may have been one month or three months.

7 Are you able to say whether any efforts had been made to sell the property privately before it was offered to the Government?—That I cannot say. I do not know what Mr Major did.

8. Well, it was offered by Mr Major to the Government, and accepted, at £12 an acre?—£12 10s. an acre, and so-much for what had been done afterwards.

9 Some £450 for improvements?—Recently made.

10 *Mr Skerrett*.] Can you remember whether the property was put into any other land agent's hands?—As far as I recollect, it has been in no other hands than Mr Major's.

11 A suggestion was made in cross-examination by Mr Myers that this property had been hawked about for sale before it was offered to the Government?—I think he was the only agent who had it, as far as my memory serves me.

12. Have you any information or knowledge as to whether the property was hawked about before it was offered to the Government?—No, I have not.