

30. The assumption is that the patent is valid. If the Cassel Company's patent is valid you could not use your patent without the consent of the Cassel Company?—Certainly not.

31. If the patent be valid this Bill will not affect you?—It could not affect us in that case.

32. If the patent be valid then your position would practically be the same. There would be no further bar offered to you by the Bill. Your main objection is to the patent itself?—Yes.

33. Your essential objection is to the patent itself?—Yes.

34. There is a clause in the Bill which says: "In the absence of the said patent rights, or in so far as they or any of them may cease to exist or may not extend, any process wherein cyanide of potassium, or any compound of cyanogen in any form, combination, or strength whatsoever, is employed as a solvent." First, it provides that no person shall use the patent rights or any of them. Then it provides that in the absence of the said patent-rights, &c. My point is this: The only solutions of cyanide which are of any value commercially in extracting gold from ores are the weak solutions?—Yes.

35. There is nothing in the point that the Bill carries it as far as strong solutions. The Bill really carries the principle no further?—No.

36. If the patent rights are given the Bill carries it no further?—Yes. The question is that the Government Bill excludes every other cyanide patent in the colony.

37. What I want to say is that there is nothing in the Bill outside the patent rights that you object to. Your objection is that the Bill validates or seems to validate a patent which you say is invalid?—Yes.

38. Is not that purely a question of law?—It may be finally.

39. The Courts must be the judge in a matter of that kind?—I could show that this patent must be invalid, and can be made invalid if properly assailed. The patent is a very weak one.

40. You admit that the ultimate test then must be the Courts? Now, do you know that in the Court of Appeal in England judgment was given by Lord Justice Smith on the 9th April, 1895?—Yes.

41. Do you know that Mr. Pielsticker was one of the defendants in that case?—Yes.

42. Is Mr. Pielsticker connected with the company you are associated with?—Yes, he was.

43. Your principal?—No.

44. He was your predecessor here?—Here.

45. Do you know whether this patent (the Siemens-Halske) was referred to at all in the action brought against Mr. Pielsticker in England?—The Siemens-Halske supported the action, as far as I know.

46. Was the Siemens-Halske patent brought before the Court of Appeal?—Not at all. The Siemens-Halske had no direct interest whatever in this action against Mr. Pielsticker. It was simply a private concern of Mr. Pielsticker.

47. Do you know if the Siemens-Halske process was referred to in the evidence?—No, it was not. It was patented long before the Siemens-Halske patent was obtained.

48. When was it patented in New Zealand?—It was patented some four or five months after the Cassel Company. Our patent was obtained in England in 1897.

49. Do you suggest that your patent was patented before that?—I am not certain about the date.

50. Consequently it could not brought before the Court of Appeal?—No.

51. I suppose you familiarised yourself with the evidence before the Court of Appeal in England?—I am not very well up in the details of it.

52. Do you know that it lasted thirteen days?—Yes.

53. Do you know that the Court of Appeal had heard many specialists, and that the judgment contains this paragraph: "In our judgment the plaintiff's invention as claimed by his second claim has novelty, invention, and utility: it has not been anticipated, and it has been infringed." Will you express an opinion about that verdict?—That is about the dilute solution. I know that the Cassel Company brought an action against Mr. Pielsticker. They did not think at all about their claim of a dilute solution in the beginning: they only thought of their claim to make use of cyanide generally. Then, when they could not uphold this, they went over to their second claim about the dilute solution. The lawsuit went on for a very long time. The whole object of Mr. Pielsticker was to promote a company, and as the lawsuit was going on the promoters went back. And when it had gone so far that the Cassel Company had lost their first claim of cyanide altogether, and went over to their second claim, Mr. Pielsticker had no interest to contest it seriously. That has never been properly assailed, but it has been assailed in South Africa.

54. Where Dutch law prevails?—No, not Dutch law; Transvaal law.

55. You have to face the Judges having so found in England?—It never has been assailed. There was nobody there to attack the claim. Mr. Pielsticker abandoned it; there was no one there to oppose it, and it went through unopposed. I was in South Africa at the time that it was known that the use of cyanide altogether could not be upheld by the Cassel Company, but the Judges hinted that the dilute solution perhaps could be. The Cassel Company afterwards brought in their amendment. In Johannesburg the Chamber of Mines decided that this question of dilute solution should be tested. They then went into experiments to discover what the real facts about this dilute solution were. Well, it was known for a very long time that cyanide solution altogether can dissolve gold, that cyanide solution can be and will be destroyed by many refractory ores, that dilute solution also will dissolve, or that dilute solution also will be destroyed by refractory ores, of course in comparison with the respective quantities, and that nothing was especially preferential to dilute solution in the question of dissolving gold, or in dissolving baser metals. That has been asserted in Johannesburg. The question at that time arose: What is dilute solution? Some expert in England has expressed his opinion to the effect that the dilute solution is everything below 0.4 per cent. That may be the opinion of the expert, but every one can have an opinion of his own about this. The maximum was said to be 0.4 per cent., all under this should be dilute solution;