

(e.) That by the arrangement come to between the petitioner and the executors of the said Wickham Flower in December, 1906, with reference to an extension of time for registration of documents, the petitioner estopped himself from complaining of any matter which occurred prior to that date.

(f.) That there was no suggestion of any impropriety on the part of the said Wickham Flower or his executors subsequently to the compromise of the 27th day of July, 1904.

31. That an affidavit sworn by the petitioner on the 16th day of July, 1908, was before the Court on the hearing of the said application, which affidavit alleges that a certain report defamatory of the coal in the Mokau-Mohakatino Block had been published to certain people by the said Wickham Flower prior to the year 1896, and that the fact of the said report being in circulation had hampered the petitioner in his dealings with the said leases both before and after the said compromise of the 27th day of July, 1904; but the said affidavit did not allege that the said report had been again published by the said Wickham Flower or his executors subsequently to the said compromise.

32. That the effect of the decision of the full Bench of the Supreme Court was to deprive the petitioner of such protection as the said caveat might afford him pending any action which he might institute against the executors of the said Wickham Flower.

33. That in May, 1911, the petitioner issued a writ in New Zealand against the said Herrman Lewis and the executors of the said Wickham Flower, claiming that the said leases should be ordered to be transferred to the petitioner on payment by him to the executors of the said Wickham Flower of all sums found to be due by him to such executors in respect of principal, interest, and costs under the mortgage given by the petitioner pursuant to the said compromise of the 27th day of July, 1904.

34. That as the executors of the said Wickham Flower named in the said writ resided outside the jurisdiction of the Supreme Court of New Zealand it became necessary for the petitioner to apply, and he did apply, to the said Supreme Court for leave to serve the said writ upon the said executors in England.

35. That on the said application being made, His Honour the Chief Justice refused leave to serve the said writ upon the defendants in England.

36. That His Honour the Chief Justice granted leave to the petitioner to appeal against his said refusal, but the petitioner has not the means to prosecute such appeal.

37. That in the statement of claim attached to the writ issued in May, 1911, there appears the allegation that the defamatory report mentioned in paragraph 31 hereof was circulated by the executors of the said Wickham Flower subsequently to the month of December, 1906.

38. That the petitioner now alleges that it was a term of the compromise of the 27th day of July, 1904, that the said defamatory report which had theretofore been circulated should never thereafter be circulated by the said Wickham Flower, but no such term appears in the order of the Court of the said 27th day of July, 1904, embodying the said compromise, nor was such term alleged by the petitioner in any of the Court proceedings hereinbefore mentioned, although it was alleged in the statement of claim attached to the writ issued in 1911 that the circulation of the said report was an unconscionable act.

39. That in 1908, after the judgment of the Full Bench of the Supreme Court of New Zealand, the petitioner petitioned the Legislative Council for inquiry into certain alleged grievances and relief, and the Public Petitions Committee of the Legislative Council reported recommending the Government "to refer the case to a Royal Commission or other competent tribunal for inquiry into its merits, and that pending the investigation by that body steps should be taken at once to prevent further dealings with the land in question." This report was ordered to lie upon the table.

40. That the Government did not carry out the recommendations of the Committee, and the evidence of Sir Joseph Ward, Bart., then Prime Minister, is to the effect that the said report was considered by the Government, and that the Government found themselves unable to give effect to the recommendations of the Committee.

41. That in the year 1909 a Commission was appointed under the hand of His Excellency the Governor to inquire and report as to (*inter alia*) "What areas of Native land there are which are unoccupied, or not profitably occupied, the owners thereof, and, if in your opinion necessary, the nature of such owners' titles, and the interests affecting the same."

42. That His Honour the Chief Justice, Sir Robert Stout, and Judge Jackson Palmer, of the Native Land Court, were appointed Commissioners, and Sir Robert Stout was appointed Chairman of the said Commission.

43. That on the 4th day of March, 1909, the said Commissioners forwarded to His Excellency the Governor an interim report on the Mokau-Mohakatino Block, in which they reported adversely as to the claims of the petitioner in regard to the block.

44. That this inquiry was held without the knowledge of the petitioner, and therefore he did not have an opportunity to appear and give or produce evidence on his behalf.

45. That in 1910 the petitioner petitioned the House of Representatives for permission to present himself at the bar of the House for examination and production of papers, or other relief.

46. That the said petition was referred to the Public Petitions Committee A to L, who reported (*inter alia*) "That according to the evidence submitted to the Committee the petitioner does not appear to have any legal interest in the estate, and therefore the Committee cannot recommend that he be heard before the bar of the House. That in order to settle a long-standing dispute in connection with the Mokau-Mohakatino Block, the Government be recommended to assist in bringing about an amicable understanding between the parties concerned, with a view of settling the land. That in view of the fact that the petitioner believed his original leases from the Natives to be legally sound, and taking into consideration the treatment meted out to him by solicitors in England whereby he lost his legal interest in the estate, the Committee recommends that in such mutual understanding the