

put Mr. Jones in an independent position, and practically assured a settlement of this troublesome matter. May I ask you to bring the matter again before Cabinet as you suggested, and see whether something cannot be done to bring the matter to a close.—I have, &c., C. H. TREADWELL." This is the letter I referred to yesterday. When Sir Joseph Ward, on the 8th December, 1912, was leaving for Rotorua, he said if I came and saw him after he came back he would arrange the matter. I said, "Upon what basis?" and he said, "Something on the lines of Mr. Treadwell's letter," and this is the letter he referred to. [Exhibit LL.] It has been contended that there is no power vested in the Crown to set up an inquiry into this matter. I do not agree that there is no power. You will find on the 14th November, 1910, that the matter was discussed in the House, and that Sir Joseph Ward said there was no power, but he was met by the Opposition with, "Well, if you want the power the House will give it to you." But I deny that he wanted the power. The contention was based upon the Ohinemuri decision, but the Ohinemuri decision is not applicable to the Mokau case in any way. The Government were connected with the Mokau troubles. The Crown, Sir Joseph Ward, and others shelter themselves by stating that the Government was not connected with the dispute. I maintain that there was power, and that the Government were interested. The reason they gave was that it was a matter between private parties. I differ from that view entirely. The main difficulty that was created was when the Legislative Council Committee of the 7th October, 1908, recommended that the Government should set up a Royal Commission or other competent tribunal to go into this case. Dr. Findlay said, "No, you shall not have it; the Government will not do it." My contention is that, Dr. Findlay's firm being interested in the matter, he had no right to assume that attitude. I say that the Government were interested in that affair through his action. In the Hine case Sir Joseph Ward endeavoured to get special legislation, and he wrote a letter to the Chief Justice pointing out that if legislation were necessary he would ask Parliament to pass it at once. Here is his memo. [Exhibit MM.] Now, if he could advocate special legislation for that case, surely he could have done it in this. The answer of the Chief Justice was in effect that the Judges did not want to be mixed up in the matter—"Settle your own troubles." What I contend is this: that if Sir Joseph Ward had wanted an inquiry and did not think he had power to set it up, he could have taken the same action in the Mokau case as he did in regard to the Hine charges and have got his Commission set up. Here is a document I will ask leave to put in. The Full Court on the 20th July, 1908, refused to allow me to enter any action on the merits of the case, and also refused me leave to appeal to the Privy Council. On the 1st June, 1911, application was made by counsel for me to enter an action here to get the Court to reconsider it and enter the action again. His Honour the Chief Justice, Sir Robert Stout, sat upon the bench. He gave judgment upon the question of jurisdiction, and refused the application to enter the action here. Mr. Jellicoe appeared for plaintiff. [Exhibit NN.] His Honour refers to the judgment of the 20th July, but he omits to state that that Court, of which he was one, refused to allow me a trial of the action to prove that the defendant prevented me from dealing with the property after the understanding was come to.

8. *Mr. Bell.*] That does not appear to have been alleged before the Full Court?—Because they would not allow me to allege anything. That was the position—you shall not have a trial of the action to prove anything. I will not go away from that. It was tried to be made out that I had got behind the documents I had signed. But I had a right to my action, and when everything was before Lord Justice Parker he said, "I know all about the New Zealand law, but he shall have his trial." We had not put in our full statement of claim then. The suit was allowed to lapse because the Judge expressed the opinion that the jurisdiction lay in New Zealand. He said it was dismissed for want of prosecution. The reason I did not prosecute was because I was on the road out here to enter the action, but the Court here would not allow the action to be tried, and, further, refused me leave to appeal to the Privy Council. They never even called upon counsel for the other side. They said, "Upon the papers before us you shall not have your action; you shall not be heard."

9. They did not refuse your action, they only refused to allow to extend your caveat?—They said, "Remove the caveat—you have no ground for your action." Did that not amount to the same thing? The Chief Justice says so afterwards.

10. *Mr. Statham.*] When you commenced that action in New Zealand where the Judges would not allow you to allege anything, how was it that you did not allege it originally in the statement of claim?—It had not come to the statement of claim. It was the question of the removal of the caveat.

11. You put in certain affidavits when you brought this motion before the Full Court?—No. There was a writ served on me to show cause why I should not remove the caveat.

12. *Mr. Bell.*] And then you filed an affidavit?—I do not think so.

13. *Mr. Statham.*] What you wanted to bring before the Court was this: you wanted to show that this mortgage was given subject to a condition that they should not slander your title?—That is so.

14. Why did you not allege that at the very beginning of the action?—We did not allege that before Lord Justice Parker. That was a matter of evidence.

15. *Mr. Bell.*] Each one of the Judges of the Full Court says that the reason why Jones was not allowed to keep his caveat on pending an action was that no impropriety by Flower's executors was alleged from the date the mortgage was given?—They were wrong in alleging that. I can prove to any impartial jury that these people put this bad report out, as Mr. Flower did ten years previously, the same as was done after the compromise of 1904 and after the mortgage of 1906.

16. But all the Judges seem to have implied that if you had alleged that Flower's executors had committed any impropriety since the mortgage was given it would have been different?—