

169. That was when Sir George Grey held an official position: what did he say in Parliament in connection with your claims ten or fifteen years afterwards?—I believe that when the statute of 1885 was passed Sir George Grey spoke in the House upon it. He was not then a Minister. I do not know that it ever came in Sir George Grey's way in later years to speak upon it. I do not see why he should.

170. Sir George Grey had a great affection for the Native race?—No one knows that better than I do. I fancy he did speak.

171. I would like you to get all the references you can, because it would help us and help you too?—I do not know where I could find any speeches of Sir George Grey's, and I do not know that he made any.

172. They are in *Hansard*?—He said something about the matter in Auckland, and in New Plymouth he said it would be a good thing if he could get Wetere to meet him, and when he did he said, "I have to thank these Australians for it."

173. He was never antagonistic to your claims?—Never to the day of his death, and I was present at his funeral at St. Paul's Cathedral.

174. I want to ask you a few questions about Wales's report. When the action was compromised in 1904-5 you say there were conditions made and points were conceded. You say in your petition "that if the report damaging to the coal arose again, or any other action of the defendants defeating or prejudicing a sale, the Court would hold a compact and anything done under it to be void"?—That is so.

175. I want to know what evidence you have as to that point being conceded to you. Was that entered on the Judge's minutes?—It was contained in the contention between the two counsel.

176. Can you produce any document about it?—No, I do not think I can. It is in the order that they should join in removing the tenants. That is one of the conditions.

177. Where can we find proof of that?—It is in the order of the Court. It was what counsel agreed upon in the room with the Judge. Sir John Lawson Walton said they had conceded that. It goes further—"if in this compact you are interfered with again by such report the Court will hold the compact void"; and he said, "not only did we agree to that in the room, but it is a matter of law."

178. When was this statement made which is at the bottom of the order of the Court in England in 1904—"The carrying out by the plaintiff of his part of this order was frustrated by the other side slandering the value of the estate and his title to it, as had been previously done in 1895-96, when the West Australian Mining Company was purchasing the property at £200,000 and putting up £20,000 deposit"?—That is a memo. of mine.

179. If Sir John Lawson Walton had incorporated that in the order it would have strengthened your case. This was a condition of the compromise, that if the slanderous statement leaked out and you were injured by it the compact would be null and void. That is in clause 23 of your petition?—Yes, and not only that, they also circulated another report which affected my title, not being satisfied with a statement damaging the property on account of the coal. [See exhibit, correspondence between Lewin and Co. and Flower, Nussey, and Fellowes.]

180. There was an application to the Court to remove your caveat in 1908: did not your counsel, Mr. Treadwell, know that you had been injured in London by the further publication of the slanderous coal report?—Yes, I told him of it when I came out, and he said, "We will prove that at the trial." We never dreamt that we would be refused our trial by the five Judges.

181. You and he knew of this?—Yes, I explained that we would have brought that out in the evidence.

182. But it was not mentioned before the Judges here?—I do not know whether Mr. Treadwell mentioned it or not, but he knew of it.

183. Was there a copy of it on the file of the Court before the Judges?—I do not know. My counsel had it.

THURSDAY, 17TH OCTOBER, 1912.

JOSHUA JONES further examined. (No. 8.)

*Witness:* Mr. Bell put a question to me yesterday which I desire to refer to—it is in both decisions. Mr. Bell said, "It was not in your pleadings that these people put about a bad report in connection with the estate." He said, "I cannot understand that. I cannot see on what ground the Judge made the order." I will state exactly what occurred. Lord Justice Parker said, "Who holds this property now?" Mr. Jellicoe answered, "The executors, my Lord." "The executors are the trustees, the plaintiff claims," said his Lordship; "what is the value of this property?" Mr. Jellicoe said, "It is of untold value. It shows coal all over it—a large area—and other minerals." The learned Judge said, "How do you know?" He did not know Mr. Jellicoe came from New Zealand. Mr. Jellicoe said, "I belong to New Zealand and know the proverbial value." The learned Judge said, "The claim is only £17,000?" Mr. Jellicoe said, "That is so, my Lord." And the learned Judge asked, "Is that good policy to allow a large estate like this to pass? It is bad morals." That is what the learned Judge gave the decision upon. There was something said about the bad report, but the Judge did not base his decision on the bad report, and it was not in the pleadings. I want to show that clearly, because it will give you an opportunity to cable to London if necessary. Mr. Bell said, "That was not in your pleadings here." I do not see any reason why the pleadings should be here, as they were not in England. There was precisely the same evidence brought before the English Court to oust me there as there was here. The English Judge said that notwithstanding all these things the plaintiff is entitled to his equity. The matter came before the Judge incidentally. We told him that the executors as trustees had bought the pro-