

41. When Sir James Carroll came down and was in his own office do you remember that you and I had an interview with him, when he said, "I am agreeable to these terms. Mr. Treadwell, you just write out a telegram that I can send to Sir Joseph Ward and get his authority to give Jones a letter, so that Jones can cable to London the acceptance of the terms offered in the cable"?—I remember something of the kind you mention—I remember drafting a telegram for Mr. Carroll to send to somebody, but what the details were I do not know. Have you not a copy of it?

42. No. Sir James Carroll did not take a copy of it, but sent it right off?—There must be a copy. His clerk would copy it and it would be on the file. If you can give me the telegram I shall no doubt remember the circumstance. I might have a record of it in my diary. There is no doubt about the fact that Sir Joseph Ward and Sir James Carroll were very anxious to assist you to get this business closed up, just as I and everybody else were.

43. We got no reply to that telegram, because word came up that Sir Joseph Ward was on his way back on account of His Majesty's death?—I could not say anything about that. What time was that?

44. April, 1910?—I do not remember that.

45. You might remember this: After Sir Joseph Ward came up I saw Mr. Hine in Wellington?—I remember that. I remember your getting me to go with Mr. Hine to see Sir James Carroll.

46. Do you remember when we got there, and in the presence of Mr. Hine Sir James Carroll said—Sir Joseph Ward came back on the Monday and this was on the Thursday—"Cabinet has had a meeting, and has decided not to go on with this business"?—I do not remember that. When Mr. Hine and I saw Sir James Carroll my recollection is that Sir James Carroll was then just as anxious as ever to help you.

47. He might have been anxious, but he said Cabinet had decided not to do it?—As I said before, what always stood in the way of this matter being arranged was the fact that under a particular section of the Native Land Act there was power to take the leaseholds compulsorily, and the Government did not want to face the Compensation Court.

48. Do you remember my putting the question to Sir James Carroll, "Was Dr. Findlay at the Cabinet meeting, Mr. Carroll, may I ask you?"—I do not remember your ever suggesting before Sir James Carroll anything about Dr. Findlay.

49. What you are principally brought here for is this: It is set down here in the petition, page 11, paragraph 30, "That on arriving in London in February, 1908, and consulting the solicitor who had acted for me during my absence, Mr. C. H. Treadwell, I lodged caveats drawn up by him preparatory to commencing the action. Consequently I was cited at the instance of a person named Hanna, who had loaned money to one of the subtenants on the property, named Kelly, to show cause why I should not be ordered to remove the caveat. A hearing took place before Mr. Justice Edwards at New Plymouth, who referred the case to the Full Court at Wellington for decision on the 20th July, 1908. That the Full Court, without calling on the other side, and upon precisely the same papers as were before the English Chancery Judge, and save and except a dummy transfer in this country of the property by the executors' agents, Travers and Campbell, of Wellington, to a person named Herrman Lewis, for no consideration whatever, paid or guaranteed, ordered removal of the caveat, refused me the right of trial of action the English Court held I was entitled to maintain, and refused me leave to appeal to the Privy Council. That this decision was given on the merits, not on the ground of jurisdiction." Now, Mr. Bell dwelt very strongly here on the fact that no allegation had been made in the pleadings before the Court that I had been prevented from dealing with the property consequent upon the false report about the coal. I think you have settled that matter to the satisfaction of the Committee, but the fact remains that the reason why an action could not be entered upon was the decision of these Judges?—Of course, the decision prevented the action going on. I do not understand that I am asked to indorse the statements in that paragraph 30, because many of them are quite inaccurate. So long as my answer refers only to the judgment it can stand.

50. Show me one statement there that is quite inaccurate [petition handed to witness]?—In the first place you say that the hearing took place before Mr. Justice Edwards at New Plymouth. He was in Wellington here, and made the order on my application.

51. You are mistaken—it was in New Plymouth. He said he would refer it to the Full Court?—I am pretty certain it was not. I did not go to New Plymouth. Here is the order [produced], showing that it was made by Mr. Justice Edwards at Wellington on the 4th day of July, 1908: "In the Supreme Court of New Zealand, Northern District, Taranaki. In the matter of the Land Transfer Act, 1885, and of the caveat number 529 lodged by Joshua Jones against the land known as the Mokau-Mohakatino Block, and containing approximately 56,500 acres; and of the application of Herrman Lewis to register a transfer to himself of leases of parts of the said block—viz., Mokau-Mohakatino Block numbers respectively 1f, 1g, 1h, and 1j, held under leases numbers 6428, 7428, 7429, 7430, 7431, 7432, and 7433, and to register a mortgage from himself of leases from the said lands. Upon reading the summons herein and the affidavits filed in support thereof and in opposition thereto, and upon hearing Mr. Treadwell, of counsel for the District Land Registrar, I do order that the caveat No. 529 in this matter be extended till the further order of this Court, the said Joshua Jones to serve with all possible despatch Herrman Lewis, the person named as transferee of the above land, and Sarah Jane Lefroy and the other persons named as transferors in the transfer, with the summons and this order; and I do further order that any person alleging an interest in the matters in dispute do have liberty to apply to discharge this order on three days' notice in writing to be given to Messrs. Stafford and Treadwell, the applicant's solicitors; and I do further order that affidavits may be filed in the Wellington office of this honourable Court, and that on the motion to discharge