

FRIDAY, 25TH OCTOBER, 1912.

Right Hon. Sir JOSEPH GEORGE WARD, Bart., further examined. (No. 16.)

1. *Mr. Jones.*] I think when we closed last evening I was drawing your attention to paragraph 6 of the report of the A to L Committee of 1910. In issuing the Order in Council enabling this land to be purchased did you pay any attention to this recommendation, sir?—The position, as far as I recollect, is that the question as to the legality as between yourself and the lessors was one between yourself and the Natives. Now, the fact that the Government were not able to purchase the estate stopped the Government's opportunity of considering anything they could do for you as a matter of grace. What was attempted to be done at one juncture was to see if we could have a Commission of inquiry set up, but as the matters involved concerned private individuals and not the Crown we found we could not do so, because the law was against it, so that my answer is on the lines I have already indicated.

2. But that answer does not meet my question. The Committee recommended "that in any such mutual understanding the petitioner's claims to equitable consideration should be clearly defined"?—Yes, between yourself and the Natives, or between yourself and Flower's executors. We were always of the opinion—it was my opinion, and I knew my colleagues shared it—that whatever legal points were in doubt, so far as you were concerned, you never had any legal claim against the New Zealand Government, but against private individuals. We always looked at it from that standpoint, and we could not look at it from any other.

3. I cannot follow you. The matter was fully threshed out by the Committee, and they say "that in any such mutual understanding the petitioner's claims to equitable consideration should be clearly defined." That is an understanding between myself and the Government, and not Herrman Lewis and his friends?—The point at this juncture is that the interests of the Native owners, who were not able to arrange for a sale to the Government, had to be considered so far as the Government were concerned, because we had no right to prevent them from doing the best in their own interests. The point of legality as between "Mokau" Jones and the executors and "Mokau" Jones and the Natives stands in quite a different category. The question was not between the Government and Mr. Jones, but between the lessors, the executors, and Mr. Jones.

4. In issuing the Order in Council have you paid any attention to this recommendation? Could you not have issued the Order in Council subject to Jones's equitable claims, whatever they might be? You know that he was claiming against the executors who had sold the property?—I can only say again that the Government of the day had to consider the matter from the point of view of the Native owners, who wanted to sell their land. Mr. Jones's claim could not be affected, Order in Council or no Order in Council. What he had then by right he has now. The Natives were the only owners, subject to lease.

5. That is not the intention of the Committee's recommendation?—Whatever the Committee recommended nothing could get the Government to directly involve the country in heavy and extended litigation by interfering in a private dispute concerning Native lands which the Government had no direct responsibility in.

6. The Order in Council was issued on the application of Mr. Dalziel on behalf of Herrman Lewis, and by Mr. Skerrett on behalf of the Natives. This Order in Council was issued in the interests of Herrman Lewis—that, I think, you will agree to?—My opinion is that the Order in Council was issued in the interests of the Natives. I have no recollection of the conditions under which the Order in Council was issued ever coming before me at all. If the Government of the day had had an obligation—a moral one or a legal one—towards you as the lessee, then I think they would have been in duty bound to protect your interests as between the Government and yourself; but the Government had no such obligation, as, unfortunately for you, the troubles you found yourself in were the result of a private, not a public, lawsuit in England, which went against you.

7. Are you aware that the Supreme Court in England did not do as you say? The Chancery Court in England made an order that I was entitled to a trial of my action for redemption and accounts, not as you put it?—I do not profess to know the details, but I want to say that the cause of the trouble between "Mokau" Jones and the Natives, or between "Mokau" Jones and Flower's executors, or any legal doubt that has arisen about it, was due to the action of the mortgagees, and not due to the action of the Government.

8. Did you pay any attention to this recommendation of the Committee at all?—The Government in my time always paid proper deference and attention to every recommendation a Committee of Parliament ever reported to it, and I have no doubt that they considered what this Committee reported to it.

9. Now I will go back to the 1908 report. That report said, "Set up an inquiry by Royal Commission or other competent tribunal, and in the meantime prevent any dealings with the land"?—I have already dealt with that. I do not know that I am expected to deal with it again.

10. On the 26th August, 1908 (*Hansard*, page 391) it is recorded: "Mr. Jennings (Egmont) asked the Premier, Whether, in view of the fact—(a) That Mr. Justice Parker, in England, intimated that in his opinion the High Court of Justice in England had no jurisdiction to entertain a suit for the redemption of the Mokau leaseholds, the property of Mr. Joshua Jones; (b) that the Supreme Court of New Zealand has expressed a contrary opinion, refusing leave to appeal; and (c) that grave injustice is suffered by Mr. Jones in the connection—the Government will introduce legislation to give him relief." The report goes on: "The Right Hon. Sir J. G. Ward (Prime Minister) replied, The course suggested of legislation to settle a decision of the Courts of justice is one involving such grave issues that I regret no promise in the direction indi-