

EXHIBIT II.

DEAR SIR,—

Mokau, Taranaki, New Zealand, 25th November, 1908.

In the Dominion of New Zealand Parliament: The Mokau lands petition (Joshua Jones), reported upon by Select Committee of the Legislative Council and referred to the Government by the Council on the 9th October, 1908, with the recommendation "that the matter should be referred to a Royal Commission, and that pending such being held further dealings with the land should be prohibited."

As an inquiry will probably be held as recommended by the Committee, would you do me the favour of answering the following questions for the information of the Royal Commission or other official body that might require the information? As you had the management of the business you are in a position to state the facts:—

1. Did or did not Justice Parker, on or about the 31st October, 1907, in the action *Jones v. Lefroy*, reject the motion by Flower to dismiss the action upon the alleged grounds of its being frivolous?

2. Did or did not Justice Parker in the same action, in November, 1907, express the opinion that the jurisdiction was not in the English Court, and did or did I not, acting under counsel's advice in consequence of the expression of that opinion, leave for the Dominion with the intention of commencing an action?

3. Was or was not the dismissal of the action by Justice Warrington a consent dismissal consequent upon the expression of opinion by Justice Parker as to want of jurisdiction?

4. Was or was not Flower and Flower aware some time prior that I was leaving for New Zealand on the 28th December, 1907?

5. Were or were not the facts brought to your notice by documents and oral evidence that in 1896 Flower and Hopkinson put out the report of Wales condemning the Mokau property, and thereby prevented the sale thereof to the West Australian Mining Company?

6. Had you any knowledge direct or indirect of the same report being made use of to the prejudice of sale or dealing with the property between July, 1904, and December, 1907? If so, state what you do know.

Kindly add any other statement of fact or fair comment that might appear to you to be of service to the Royal Commission or other competent authority of inquiry.

Yours, &c.,

JOSHUA JONES.

J. W. Jenkins, Esq., Managing Clerk to Messrs. Lewin, solicitors,
Southampton Street, Strand, London W.C.

Please initial these pages as "Received," and return with your reply.—J.J.

Received the above letter on the 9th January, 1909, and my reply to the queries or questions are attached hereto.

J. W. H. JENKINS.

DEAR MR. JONES,—

32 Southampton Street, Strand, W.C., 15th January, 1909.

I have your letter of the 25th November, 1908, to which I reply as follows:—

1. Mr. Justice Parker, by an order dated 1st November, 1907, made upon a motion by the defendants in an action entitled *Jones v. Lefroy and Others*, 1907, J. No. 1410, directed that all proceedings be stayed other than and except the claim by you (the plaintiff) for an account and for redemption of the mortgage to the defendants, signed by you in accordance with the order of August, 1906. I enclose a copy of such order, which is countersigned by Mr. Buckley, a member of the English Chancery Bar, who acted for you at the time, as a guarantee of its correctness.

2. Mr. Justice Parker on the date above mentioned expressed an opinion that, although he allowed the action for redemption to proceed, he was of opinion that the proper place to have brought the action would have been in New Zealand, as he could not, as then advised, see how the English Court had any jurisdiction in the matter, and thought that this was a matter for the careful consideration of the parties. I was present in Court upon this occasion. Mr. Buckley confirms my statement.

Acting under the advice of counsel, on the 28th December, 1907, you sailed for New Zealand in order to commence proceedings in New Zealand. You instructed me to keep the English proceedings alive until your arrival in New Zealand, after which, your New Zealand action being commenced, the English proceedings were to be abandoned.

3. An application for the dismissal of the English proceedings was made on the 24th February, 1908, by the defendants (the executors of the late Mr. Wickham Flower), they having been informed prior to your sailing from England of your intended departure.

I attended the summons personally, and pointed out to Master Hulbert that upon the advice of counsel you had sailed for New Zealand on the 28th December, 1907, and intended to recommence the proceedings in New Zealand, in view of Mr. Justice Parker's expression of opinion as to the jurisdiction, and that you did not desire the proceedings to be stayed until you had had an opportunity of placing yourself in a proper legal position in New Zealand. The Master then suggested that he should (to save a second application) dismiss the proceedings as asked, but direct that the order was not to be drawn up for ten days, so that you might have ample time to cable instructions if you found any technical difficulty in commencing the proposed proceedings.

By the English practice Master Hulbert had no power to make any order except by assent of the parties, and if I had not so assented he would have been bound to refer the matter to his