

but, as a matter of fact, the Cassel Company cannot precipitate gold properly or economically out of a dilute solution under 0·1 per cent., whereas with the Siemens-Halske process we precipitate gold out of a solution of 0·005 per cent., out of a solution so dilute that the Cassel Company has never precipitated and cannot precipitate, simply because the chemical action of the zinc ceases in such a dilute solution. It was, therefore, made out in Africa that it was impossible for the Cassel Company to claim the use of a dilute solution which they cannot use by their own process, and that was put forth and has been proved. The Chamber of Mines can furnish all the details. It has been established by very extensive operations and experiments. Therefore, I say this dilute solution cannot stand from two different points of view. There is no discovery, and consequently the Cassel Company claims something that cannot be patented at all; further, the Cassel Company claims something that she cannot use herself as far as a dilute solution under 0·1 per cent. is concerned. The Chamber of Mines at Johannesburg considered it a very weak claim and rejected it.

56. Do you know whether there is an appeal to any Court from the decision in Johannesburg?—Yes, certainly; an appeal to the Supreme Court of Pretoria, under Transvaal Government.

57. Can you name a single country governed by English law where the Cassel Company have lost it?—In England.

58. Will you tell me when?—In 1895, in the Pielsticker case. They lost their cyanide patent generally, and as nobody has seriously assailed their claim to make use of a dilute solution, they got their amendment through.

59. You are familiar with the details of the litigation in England, and you say the amendment was not assailed?—Yes, I say that.

60. Do you know Mr. Moulton?—No.

61. He was your principal counsel before the Comptroller, when judgment was reserved.—I claim a dilute solution was not assailed.

62. You say a claim for a dilute solution was not assailed?—Yes, that is so.

63. Do you know whether a claim for dilute solution was heard before the Comptroller, where counsel represented Mr. Pielsticker?—I am not intimately acquainted with the London lawsuit. I was in Johannesburg.

64. Would you be surprised to learn that the Comptroller-General reserved judgment, and that the thing had been contested for several days; on the question of amendment, that is. The amendment was applied for in the same way as before Mr. Justice Edwards. Do you know, as a matter of fact, that it was contested in that way?—No.

65. Would it surprise you?—No. I am not surprised at all about that, because, as the lawsuit went on, Mr. Pielsticker lost his object of promoting his company, and consequently all spirit.

66. I thought you said the thing was allowed to slide through?—Yes.

67. Do you not know it was contested by the ablest patent lawyers in England?—No. It is not so much a lawyer question; it is far more a technical question.

68. I think you said the matter was allowed to slide through?—Yes.

69. Do you know that Mr. Pielsticker and his colleagues employed one of the best counsel to contest it?—I am not very well up in this lawsuit.

70. Do you know that the Court of Appeal expressly found that the dilute solution was what we were entitled to in the patent, and that no chemist in the world had known that before?—I do not know, and I deny absolutely that that is a fact.

71. You differ from the finding of the Court of Appeal?—Yes.

72. Do you state that up to the time of the Court of Appeal case the defendants had not fought their case as vigorously as they might?—As I said before, I am not familiar with the lawsuit in London. It is completely a technical question, and you must not listen to what the lawyers say. The case was quite different in Johannesburg. The Chamber of Mines went into facts and proved by actual experiments. Mr. Pielsticker had not the money to do that.

73. Mr. Pielsticker spent £22,000 in England?—Yes.

74. You are not aware that the suit in 1895 was contested by the best lawyers in England?—No.

75. You pointed out to Dr. Fitchett that the patent Mr. Pielsticker now claims bears some similarity to the Court of Appeal case. You know that the Court of Appeal said then that Mr. Pielsticker's patent was invalid?—The cyanide patent is invalid and every clear cyanide patent is invalid too. We do not claim it.

76. Your patent began in New Zealand in June, 1888. Can you tell me how much gold you produced here?—None at all. It has not been introduced here.

77. The Cassel Company have produced seven hundred and seventy-three thousand pounds worth, but you have not produced any?—Yes.

78. Is there any future before it in this colony?—We should use it perhaps.

79. Is there any use for cyanide in the South Island?—Certainly.

80. If cyanide were free it would be a great boon for the South Island?—Yes.

81. You think therefore it would be well if the patent were upset, or that the Government should charge no royalty?—Yes. The Siemens-Halske have not come out to this colony to draw royalties. We are not a purely metallurgical company. We have had to purchase the patent, and we have worked the patent in South Africa, and it works economically and better than the MacArthur process. We want to have the free use of the cyanide here, and the Government stands in the way of it, if it purchases the MacArthur patent and excludes all other cyanide patents.

82. You are aware the Cassel Company are obtaining royalties from a considerable number of mines?—Yes.

83. Has it never occurred to you to share some of that royalty?—Yes; but how could we? It would have been a very small business. We have asked 3 per cent. in South Africa, and here we