

and preventing the sale of the property by myself and my agents, reverted to the position of trustees of my interests, both according to the compact and in law, and consequently possessed themselves of what title they hold as such trustees and not otherwise.

28. That prior to the sale and purchase in the last paragraph mentioned your petitioner had commenced an action for redemption and accounts; that the executors, on the 1st November, 1907, moved to have the action stayed upon the ground that it was frivolous. Mr. Justice Parker dismissed the motion, and made an order for the action to be tried, but expressed the opinion for both sides to consider that the action should have been brought in New Zealand, where the property and, he believed, the jurisdiction lay. That upon this expression of opinion from the Bench I spoke to Sir J. Lawson Walton, then Attorney-General for England, who had for some years been my counsel, and he, after looking into the matter, gave me his opinion that the jurisdiction was in New Zealand, and pointed out that an order of the New Zealand Court would not be enforceable over property in England, and the same rule would apply. There was also the fact that the other side pleaded in their defence that the jurisdiction was in New Zealand, and the further fact that the other side, Flower, had obtained a foreclosure order over this property in London in June, 1896, that could not be enforced in New Zealand for want of jurisdiction.

29. That, following the circumstances stated in the last preceding paragraph, your petitioner determined to return to this Dominion to enter the action here, leaving instructions with my solicitors in London to allow the English action to lapse, or consent to its being dismissed. That I informed the other side of my intentions before leaving. The striking-out of the action was subsequently not opposed by my solicitor.

30. That on arriving in New Zealand 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. That consequently I was cited at the instance of a person named Hanna, who had loaned money to one of the sub-tenants 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-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.

31. That in May, 1911, my counsel made application to the Court (Chief Justice Stout) for leave to re-enter the action, but this was refused on the ground that the jurisdiction was in England, not in New Zealand; that the Chief Justice, who was one of the Bench that ridiculed the application for leave to appeal to the Privy Council on the 20th July, 1908, gave leave in this instance, and there the case remains, as I have not the means to prosecute the appeal.

32. That upon the decision being given by the Full Court on the 20th July, 1908, your petitioner laid the situation before the Prime Minister, Sir Joseph Ward, who replied that he knew the hardship of the case, but that the Government could not molest the judgment of the Court. He, however, advised me to petition Parliament, and stated that he would be glad to give effect to any recommendation made by a Committee in my favour.

33. That during the session 1908 I petitioned the House of Representatives, but it being near the end of the session and honourable members being fully engaged, it was suggested I should petition the Legislative Council, which suggestion I acted upon; and the Council Committee, being also limited to time, held a short inquiry, and reported recommending the Government to set up inquiry by Royal Commission or other competent tribunal into the merits of the petition, and that pending such inquiry steps be at once taken to prevent any further dealings with the land in question. That the report passed the Council on the 9th October without discussion.

34. That upon the report being brought up I instructed the solicitor acting for me, Mr. Treadwell, to move the Minister in charge of the report, Dr. Findlay, to get the Commission of inquiry set up as soon as possible. That Mr. Treadwell reported to me the same day that he had seen Dr. Findlay, who informed him that the Government would not give effect to the recommendation, and that no inquiry should be set up, nor any steps taken to prevent the property from being further dealt with; and, further, that no legislation would be passed by the Government for my relief. But that Dr. Findlay placed certain terms of compromise with respect to the property on behalf of Herrman Lewis that had been approved of by the Hon. Mr. Carroll on behalf of the Natives before him for me to consider, with instructions for him (Treadwell) to take the terms to Mr. Dalziell, Dr. Findlay's partner, and put them in proper form upon paper, and that he and Mr. Dalziell were to see Dr. Findlay together when this had been done. That this direction was carried out, and Treadwell and Dalziell saw Dr. Findlay together, within a day or two, to my knowledge.

35. That your petitioner was astounded when informed by Treadwell, as stated in the last preceding paragraph, that the Minister had refused the inquiry, and demanded the terms on behalf of Lewis as aforesaid, and questioned him as to the accuracy of the Minister acting in the dual capacity of solicitor for his firm's client at the same time, when Treadwell replied that the Minister certainly did so act; and, further, that although the Minister did not say so in words, he left him to draw the inference that if I did not accept the terms I should get nothing from the Mokau Estate. That this circumstance recalled to my memory a speech of Dr. Findlay's in the Legislative Council on the 25th August previously condemning my appeal to Parliament as being unconstitutional, although I had been advised by the Prime Minister to adopt the course; as also in the same speech his own suggestion that I should petition Parliament and get some