

says the correspondent of the *Times*, 'an officer marched down his regiment to slaughter the goats sacrificed on the occasion of one of their festivals.' He adds that at these religious festivals 'the colours were actually carried in front of the idols, and blank cartridges were issued by the commanding officers from the Government magazines! The Sepoys attended in full uniform, worshipped the images, and called on them to bless the standards and the arms which they bore in the Company's service.' Mr. Russell might well say, 'For a Christian people we did very odd things in India; and perhaps it may even be doubted whether this light rebuke, which appears to have satisfied his temperate indignation, was altogether adequate to the occasion.' Is it any wonder, then, to find the *Times* making its boast that the Protestant powers preserved the heathenism of the world, and how far are the Jesuits disgraced by the enmity this newspaper displays towards them?—Their persecution may very fitly go to adorn the monument that heathenism forms to the glory of Protestantism, and in which, as we see, Bible-loving England has a principal part.—But that it is so should have a peculiar meaning for thoughtful men.

### AN INTERESTING CASE.

(*Patea Mail*, November 30 and December 3.)

COLONIAL LAND SETTLEMENT AND ENDOWMENT ASSOCIATION V. NUTSFORD—Claim £6. Mr. Hamerton appeared for plaintiff, and said that this was a case under the Evidence Act. The defendant was a shareholder in the Association. The Association were trying to force a call on the shareholders which those in this district resisted, and this case was the outcome.

Thomas Nutsford, the defendant, said: I am a watchmaker, residing at Patea. I was induced to take up shares in the Colonial Land Settlement and Endowment Association of New Zealand, Limited. I first heard of the meeting in Wanganui. There was a meeting called by Father Kirk to discuss the question of starting a fund for the education of Catholics, as the Government would not assist them. Owing to statements made by Mr. Landon, Collector of Customs, with regard to Mr. Cook, the proposed manager, the meeting broke up without doing anything. Some time after this I came to Patea, and Father Grogan mentioned about the Association after service at the church. He recommended us to support it as a body. Father Grogan also stated that Mr. Cook, who was then at Patea, would be able to give us any information and receive applications. A great many took shares from Mr. Cook; I took ten. Father Grogan told me that Mr. Cook had informed him that 15,000 shares had been taken up. Document produced marked A was handed to me by Mr. Cook, and by endorsement on that document he authorised me to receive applications for shares. I stated at the time that it was a poor, paltry prospectus, and asked him if he had not another. He then handed me document marked B. I was induced to take the shares on the representation of Father Grogan and Mr. Cook. I asked him with regard to the endorsement on document A what commission would be allowed on the sale of shares. He answered there was no commission allowed, for economy's sake. I have never received any separate notice for any one of the four calls I am sued for. That produced is a copy of the Articles of Association and the Memorandum of Association. I have not received notice as specified in rule 9C, on page 23. I did not receive a copy of the Articles until the end of July, 1883. That produced is the balance-sheet sent to me from Wellington. On receipt of balance-sheet a meeting of shareholders was held in Patea, at which it was decided to send a delegate to Wellington to ask questions as to the report and balance-sheet. That produced is a copy of the notice I received under which Mr. O'Dea was sent to Wellington. I am not aware of any authority, nor have I heard of any, whereby the Company's money could be appropriated for bonuses. With regard to the item of £168 11s. 1d. commissions, I am not aware of any authority for that. Mr. Cook told me there was none. There is an item £460 2s. 9d., salaries, for which I am not aware that there is any authority in our regulations. With regard to the item "To sundry creditors, £447 18s. 4d.," I cannot understand it. In regard to the direction of the Company prior to the meeting of July, the Hon. William Clifford, Mr. Charles, and Jas. Cook appear as the directors. By the memorandum the Hon. William Clifford had only 10 shares. By the regulations no one can be a director who has less than 50 shares. I am aware that the annual meeting was not over till after the 27th July. All my calls as per summons were made before the conclusion of the meeting. I received the document produced as the result of the meeting.

The Court here adjourned for an hour.

On resuming, the examination of Mr. Nutsford was continued as follows:—

I first decided to pay no calls to the Company in consequence of a conversation I had with Mr. McIlhorne, then living in Wanganui, wherein I ascertained that a petition had been sent in by a number of gentlemen to the Directors, requesting them not to allow Mr. Cook to travel for the Company, as, from his conduct, he was not a fit person to travel for the Company, and, in consequence of this petition, Mr. Cook returned Mr. McIlhorne's application money, stating that the Directors refused to allot him any shares. This conversation resulted from the petition they forwarded from Wanganui to Wellington. If Mr. Cook had represented the Company truly, I would not have taken the shares.

James O'Dea deposed as follows: I am a carpenter and builder, residing in Patea. I am a shareholder in the Company, to the amount of eight shares. I was acting agent for the Company here. That produced is my authority. I first heard of the Company through seeing a telegram signed Cook and Brown addressed to Father Grogan. This was on a Saturday. The next day at morning service

the Rev. Father Grogan stated that Messrs. Cook and Brown were canvassing the country for shares to the Company, and stating the object. Father Grogan told any who wished to take up shares to remain in the church after service. After service no one remained to take up shares except myself. Mr. Cook asked me to go with him in the afternoon in order to canvass for shares. I went, and we sold shares to two parties. In the evening Father Grogan stated he was surprised that no shares were taken up, and he held out further inducements. The inducements were that there would be an eventual benefit to shareholders, education of Catholic children, the advantage to the labouring classes in the acquisition of land, etc. The result was that a great many people took up shares at that night's service. There was representations made to me by Mr. Cook as to the prosperity of the Company. He said that there were 100,000 shares of £2 10s. per share, but that it was only contemplated to call up £1 per share. Mr. Cook asked me that night if I would go round the district with him the following day and show him where he would be likely to sell shares. I did so, and we were successful nearly everywhere we went. He went away to Hawera after three or four days, leaving me as agent, giving me a written authority, and also asserting in the *Patea Mail* my authority to act. After Mr. Cook left Patea he returned and had a conversation with me. He told me he had dispensed with Mr. Brown's services, and sent him to Wellington with hardly enough to pay his passage. He said he was aware that Mr. McIlhorne was as the head of the petition sent to Wellington to the Directors calling him (Cook) back to Wellington. Cook said if McIlhorne did not keep quiet he would do the same with him in Auckland as he had Brown in Wanganui. After this conversation Cook left for Hawera again. I next heard from Cook at Auckland. I received letter produced. That was the first letter I got from him. Previous to this I had received the allotment paper produced. After comparing the dates of these documents I am certain I received the allotment paper first, and from Auckland. I received a number of others along with this one. I collected the money for this and the others, and sent a bank draft to Wellington through the Bank of New South Wales. When Mr. Cook appointed me agent he said the work was to be done economically, and he did not promise me any commission. When I wrote to him with the bank draft, I told him I could not act as agent any longer, and recommended him to appoint a commission agent. The letter (produced) is the answer. In this letter he recommends I should pay local accounts without reference to the Directors. I next received letter (produced) requesting me to make a call. In this letter he recommends me to send the call direct to him without registration. After I had refused to act for the Company I received a letter (produced) stating that I was to have commission. That was the first intimation I had that I was to have commission. I received letter (produced) which stated that I was to have 6d commission per share for the shares sold by me, provided I collected the calls and proxies. Mr. Cook forwarded me a lot of proxy papers made out in his favour. On receipt of that letter I called a meeting of shareholders and pointed out to them the steps Mr. Cook had taken. After discussing the matter we decided that we would scratch out Mr. Cook's name and put in that of Bishop Redwood. We did so and sent the papers to Wellington. They were all duly signed by the shareholders. There were about 50. When the proxies were lodged at the Company's office Mr. Cook said they could not be acted on, as the calls were not paid, and he rejected them. According to the rules of the Association he was justified in rejecting them. I was sent by the Patea shareholders to attend the meeting of shareholders in Wellington on the 25th July, which I did. This meeting was adjourned till the following day owing to the chairman not attending. There were six present at the meeting. The meeting was finished on the 26th. The report (produced) was considered at the meeting. One of my objects in attending the meeting was to ask questions on that report. After the minutes of the previous meeting had been read and confirmed, I asked the permission of the chairman to make a few remarks on the report and balance sheet. To this Mr. Cook strongly objected, and called the attention of the chairman to my being out of order. The chairman, however, consented to my addressing the meeting. I asked the chairman what was the meaning of the first item under the heading Expenditure:—Bonus charges £25. Mr. Cook refused to answer at first, but on my insisting on an answer, the chairman told him he would have to reply. Mr. Cook said it was given to a shareholder in shares so that he might act as a director of the Company. I don't know the shareholder to whom the shares were given. I next asked as to the item Commissions, £168 11s. 1d. what it was, and who it went to. His reply was that it came to me and my equals, the local agents in the various districts of New Zealand. In answer, I told the meeting that I was in a position to deny this, as I had applied to Mr. Cook for my commission and he had refused it. I asked about the item Salaries, £460 2s. 9d. The Chairman's reply was, "I suppose it's for Cook." I then asked the chairman who fixed the salary, and he said "I suppose Cook himself." No other directors made any remark, nor did Mr. Cook contradict the statement. The next item I asked about was £100, directors' fees, which Mr. Cook said was fixed by the directors for themselves, but that none of them would accept of it. I did not ascertain from him where the money was at that time. Mr. Michael Bolun, whose name appears on the Articles of Association and also on the Memorandum of Association, informed me that he had no shares and that he had never taken up any in the Company, and that Mr. Cook had been to him and requested him to put his name in the book in order that he might get shares taken up as he travelled through the country. Previous to the meeting on the 26th, I had an opportunity of speaking to Mr. Richard Dignan, who is represented as being the holder of ten shares, and I asked him if he was a shareholder. He told that it was only a few days before I saw him that he had taken fifty shares. I gathered from him that before he took these fifty shares he had none at all, also, that Mr. Cook had induced him to take these shares in order that he might place him on the directory. It appears from the Articles of Memorandum that the Hon. W. Clifford, one of the first directors of the Company, has only ten shares, whereas by Rule 6, he should have at least 50. Messrs. Dignan and O'Brien informed me that they had advanced by bill to Mr. Cook the sum of £25 for expenses. They