

37. *Hon. Mr. R. McKenzie.*] If you get an order from the Supreme Court to register a transfer, are you bound to do it?—Undoubtedly, with the order of the Court. I know in a general way that it was made, but I cannot remember the particulars.

CHARLES HERBERT TREADWELL examined. (No. 5.)

1. *Hon. Dr. Findlay.*] You are—?—A barrister and solicitor, in practice for twenty years and upwards.

2. I want you to tell the Committee, shortly, how Mr. Lewis's name appears on the Land Transfer Register as transferee of the Jones leases?—I do not quite understand what you want me to say.

3. I want you to tell the Committee, shortly, how Mr. Lewis became registered proprietor of Mr. Jones's leases at Mokau?—I have no personal knowledge at all. The only information I have as to the method by which Mr. Lewis became a transferee is derived from the register. I acted, of course, for Mr. Jones for very many years before he went to England, and when he came back he came to me again, and I took up his business for him. My recollection of the registration of the transfer to Mr. Lewis is this—I did not come here prepared for this branch of the case, but my recollection is this: The matter came before Mr. Justice Edwards and, I think, Mr. Justice Cooper, and an order was made for the registration of the transfer to Mr. Lewis and the mortgage by Mr. Lewis to Flower's trustees. I do not know the date, but it was some time during the period when Mr. Jones was in England. I could have looked it up if I had been asked, but I confined myself to the period for which I was asked to produce my diary entries. It was registered under an order. Of course, I may be wrong, but at the same time my recollection tells me that the caveat was to be continued so as to prevent the registration of any other dealings.

4. The whole will be shown by a copy of the register if Mr. Bamford supplies an exact copy of it, and you will see the dates?—Yes.

5. Do you recollect the first time you saw me with regard to Mr. Jones's business?—Yes.

6. Can you give me the date?—It was on the 30th July, 1908, according to my diary, which, no doubt, is correct.

7. Do you know where it was?—It was in your office—I think in the other building, but I am not certain about it.

8. Not my present Ministerial office?—When was the fire?

9. *The Chairman.*] 1906?—Then it would be certainly there. That was shortly after the motion with reference to the caveat had been dismissed by the full Court. That was in July, I think, at that time. At any rate the date on which I saw Dr. Findlay was the 30th July, and I saw him for the purpose of putting the position of Mr. Jones before him.

10. *Hon. Dr. Findlay.*] Do you know whether at that time my firm had anything whatever to do with Mr. Lewis's purchase?—Of course, I do not know.

11. Do you or do you not know whether it was the 3rd August before he consulted us?—No.

12. Do you know what passed on the 30th July?—I put before you a memorandum, of which this is a copy, which sets out the whole history of the Jones case. It sets out what in my opinion are the circumstances under which Mr. Jones had suffered great wrongs. The memorandum bears date in Mr. Jones's handwriting, and is dated the 23rd July, 1908. This is a draft corrected by me, with certain emendations by Mr. Jones.

13. Was that after the decision of the full Court?—Yes.

14. The effect of the decision of the full Court was that Mr. Jones had no title either in law or in equity?—The effect of the decision of the full Court was that they would not allow me to bring an action to show whether he had any title. The full Court thought that the matter ought not to be further litigated, and refused my application.

15. You were left without any legal rights?—Yes. I went to Dr. Findlay to ascertain whether I could get any assistance from the Government. This last paragraph seems to show what the object of this memorandum was: "22. In the circumstances it seems fair that Mr. Jones's position, brought about by no fault of his own, should be considered, and that Parliament should again exercise in Mr. Jones's favour the supreme power that it has to enable him to obtain justice. The law may be said to be against Mr. Jones in this matter, but unquestionably any inquiry into his position from an equitable point of view (an inquiry which Mr. Jones courts) will disclose the fact that he is a much ill-used man, who has now suffered for over twenty years from the improper actions of persons who ought to have protected his interests, and not set up adverse claims of their own. The report of the Royal Commission on Mr. Jones's transactions with the Maoris, &c., discloses the honourable nature of Mr. Jones's dealings with them." I received a letter from Dr. Findlay upon that matter dated 21st August, 1908, in which he says, "I have read and carefully considered the memorandum submitted by you in connection with this matter, which, as you know, fully sets out the history and present position of the litigation which has taken place. I regret to say, however, that the Government feel that it would be wholly contrary to precedent and constitutional rule, in such a case as this, to interfere with the rights of private parties as determined now by the Court of Appeal, by legislation. It is necessary to point out to you that such interference would establish a most dangerous precedent, apart from other considerations which arise from a perusal of the memorandum you have submitted to me. The Government therefore cannot see its way to accede to the request contained in your application."

16. Can you recall the next interview you had with me?—I have notes of the dates, but as to what took place at the interviews I cannot recollect.

17. Do you know whether at the next interview you came with Mr. Dalziel?—On the 8th October—that is the date which appears in my diary. The following is my diary entry: "Oct. 8.