

38. Up to that time, 28th July, 1906, had you made a claim yourself?—No, I had not signed the petition on my own account.

39. Did you, after this, sign a petition yourself?—No.

40. I think your brother signed one—F V Lysaght?—Yes, I think so.

41. He was also a west coast lessee?—Yes.

42. Now, did you, after receiving that last letter from Mr Symes that I have just read, make any application for a refund of the moneys that had been paid on your account as lessee?—Yes, I made inquiries then, and I got a refund from the Government.

43. Of about how much?—£40-odd. I do not remember the exact amount.

44. For yourself?—Yes.

45. And did your brother also get a refund?—Yes, I think so.

46. But he petitioned and you did not?—Yes.

47. To your knowledge there were other lessees who were in the same position as yourself who did not petition, but made application and got paid?—Yes.

48. *Mr Skerrett.*] The lessees of those west coast leases had a very long-standing grievance—was that not so?—Do you mean to say they had been waiting for this refund for some time?

49. In the first place, they had surrendered their leases in the expectation of getting valid leases at a rental to be fixed by arbitration—is that not so?—Yes.

50. They paid the arbitration fees incurred not only by their own arbitrators, but also by the Natives?—Yes.

51. Although the regulations provided that the Natives should pay their own cost of the arbitration?—I could not say what the regulations are.

52. The arbitration proved to be abortive, and the expense was thrown away—is that not so?—Yes.

53. They had surrendered their own leases, and they had nothing to show in lieu of the surrendered leases—is that not so?—We did not surrender our leases until we got new ones, I think.

54. Do you know that W and A. Symes were lessees in the same position as yourself and others?—At the time, do you mean?

55. Did you know it then, and do you know it now?—I was not aware of the names of all the lessees in Waverley at that time.

56. I am not asking you that, I am asking you whether you were aware of the fact that W and A. Symes were in the same position as yourself and the other lessees?—No, not at the time.

57. Do you not know that Mr Symes conducted an expensive litigation in connection with the leases?—I do not know that he personally conducted it.

58. Do you not know that he spent a considerable sum of money in law-costs and in personal expenditure in testing the various questions which arose in consequence of the regulations being declared *ultra vires*?—No.

59. Do you know that he acquired a great deal of information in consequence of this litigation, which extended over many years?—No, I do not know that.

60. Now, who came to you with this petition?—Mr Davidson.

61. Who was Mr Davidson?—He was a west coast lessee residing in Hawera.

62. Do you know Mr George Johnston, one of the signatories to the first petition?—Yes.

63. Do you know that he took a very active interest in pressing on behalf of the lessees for a return of the arbitration fees paid by them?—Yes.

64. He was regarded indeed as a sort of manager for the claimants for the return of the arbitration fees, was he not?—Yes.

65. And I suppose that the claimants would regard themselves bound by anything reasonable which Mr Johnston did?—I think so, but we had given him no power to act.

66. But he was general manager of your claims, and if he made any reasonable arrangement you would have felt bound to carry it out?—Yes, I expect so.

67. You admit that from the date you signed this petition—which was in August, 1905, because it was presented on the 15th August, 1905—until after you had received payment of the amount of your claim as executor, there was no understanding, express or implied, that Mr Symes was to receive anything for his services in presenting and conducting the petition?—That is so.

68. You are quite clear about that: there was no understanding, express or implied, that Mr Symes was to receive anything for his services in presenting and conducting this petition?—I was not aware that there was any understanding.

69. You are not aware of it from any person directly or indirectly?—No.

70. And I think you received your money about February, 1906?—I do not know the date.

71. Mr Moore was coexecutor with you?—Yes.

72. Do you know if Mr Moore was in communication with Mr Johnston?—I do not remember his writing any letters. If he had written any I should have been aware of it at the time.

73. But you may have forgotten since?—Yes.

74. Can you say that he did or did not communicate with Mr Johnston with respect to this matter?—I could not say.

75. Now, if a satisfactory report was given by Parliament upon these petitions, and the Government decided to give effect to it, it was necessary for the individual lessees to collect their money, was it not?—To collect the refund, do you mean?

76. Yes. After Parliament had favourably recommended their claim and the Government had determined to give effect to Parliament's recommendation, it was necessary for those lessees to collect their claims—is that not so?—The money was then forwarded to them.

77. Are you not aware that it became necessary for each of the petitioners to make a claim upon the Government, supported by vouchers showing their payments?—Are you asking me whether I signed a voucher?