

buildings. The portion taken was by far the most valuable of the whole estate, the remainder being rendered unavailable in consequence of the proper access to it being on that portion awarded to Mr. O'Neill. A large portion of the land so awarded was cleared by me at a large expense. There were about 100 acres cleared, at a cost of £30 sterling an acre. I bought the estate, comprising 2,873 acres, in March, 1859, at 10s. per acre. The only road to take the flax to the mill was through the portion awarded to Mr. O'Neill, and that is now entirely cut off from the flax field.

Taken before me this 7th day of March, 1872.

THOMAS BECKHAM.

*William J. Dalton* stated: I am a civil engineer and licensed surveyor, residing in Auckland. I know Mr. Kelly's farm at Waitakere, and Mr. O'Neill's. I was a witness for the plaintiff O'Neill in the Supreme Court, in the suit of O'Neill v. Kelly. I did not make a survey myself, but I accompanied Mr. Wrigg and my brother over the land. Those gentlemen made the plan, which I afterwards examined and found correct. The plan produced is a fac-simile of the one placed on record in the Supreme Court, and signed by the Judge, Sir George Arney, for the purpose of showing the land awarded by the Court to Mr. O'Neill. I have been all over the piece of land in dispute between Kelly and O'Neill, and know it well. The piece of land taken from Kelly comprised an area of 148 acres; it is coloured pink, and marked figure 2 on the plan. The piece given by the Court to Mr. O'Neill comprises the finest part of the estate belonging to Mr. Kelly, a great deal of the other being very broken. When I surveyed the piece, there were from 75 to 80 acres cleared out of the 148 acres. I believe, if measured on the ground, it would turn out to be about 100 acres of cleared land. That portion of it is in grass. The land cleared was all heavy bush land. There is a tramway running alongside the river. About 50 chains of the tramway was taken from Mr. Kelly on the land taken from him. The tramway was almost completed; it seemed to be a good sound job; it was being finished whilst I was there. The tramway, from the boundary of the land taken from Kelly by O'Neill to the mill, was 25 chains in length, which is now rendered useless to him. In my opinion, the mill and the whole of the works were rendered useless for the purposes for which they were placed there. The mill was a flax mill. They could not now get flax to the mill. The taking of the land from Kelly destroyed the purpose for which the mill, mill-dam, and race were put there. The piece of land taken from Kelly by O'Neill carries with it nearly a mile of water frontage. The land taken renders the remainder of the farm left to Kelly nearly unsaleable.

Taken before me this 7th day of March, 1872.

THOMAS BECKHAM.

*Peter Joseph Dalton* stated: I am a surveyor and civil engineer, residing in Auckland. I know Mr. Kelly's and Mr. O'Neill's land at Waitakere. I was a witness in the case O'Neill v. Kelly, in the Supreme Court. For the purpose of giving evidence on that trial, I made a survey jointly with Mr. Wrigg and my brother. The plan produced was made by myself. It is a fac-simile of that which remains on record in the Supreme Court in the case of O'Neill v. Kelly. It is the plan upon which I gave evidence in the case. The portion marked "E" on the plan, containing 26 acres, was common to both surveys of Mr. O'Neill's land, on which there was no dispute.

Taken before me this 14th day of March, 1872.

THOMAS BECKHAM.

NOTE.—This is the same plan upon which Mr. William James Dalton gave his testimony on 7th March.

*William James Dalton*, recalled, stated: I am a surveyor, residing at Auckland. Since giving evidence on the 7th March, I have visited Mr. Kelly's farm, for the purpose of ascertaining the exact quantity cleared, and find the quantity cleared on Mr. Kelly's land to amount to 87 acres and 16 perches. I have again gone over the whole farm, and reconsidered the matter, and the evidence I gave on the 7th March, and I am satisfied that evidence is quite correct. The plan marked "F," now produced, shows the position of the flax field, and upon which the flax was to be obtained by Mr. Brissenden. The point to which the river is navigable is marked on the plan, and a canal has been cut to make a communication between the navigable portion of the river and the tramway. The land awarded to Mr. O'Neill comprises a large portion of the tramway, which was the only available route by which flax could be taken from the flax field to the mill.

Taken before me this 14th day of March, 1872.

THOMAS BECKHAM.

*John Forster* stated: I am a farmer, residing at Ongarhu. I know Mr. Kelly's farm and Mr. O'Neill's farm at Waitakere. He had some cattle there. I have seen them. They are running on Kelly's land, and on the coast at the back of O'Neill's. I have seen about a score of them. I consider the value of them, to drive them from where they are now, would be from £1 to £1 10s. per head. If they could be brought to the market they would be worth £9 each. The difference of value is caused by the difficulty of getting them from where they are now running. That difficulty arises from O'Neill's land being fenced, which necessitates their being driven a long distance round, and through a very difficult country.

Taken before me this 14th day of March, 1872.

THOMAS BECKHAM.

*John Kelly*, re-called, stated: The amount which I have paid in costs and incidental expenses, and also subsequent expenses, is £351 8s. 6d., a detailed account of which I now put in, marked "G."

Taken before me this 14th day of March, 1872.

THOMAS BECKHAM.