

amongst other works, a tunnel under the land running between the battery and the house. [Direction indicated on plan.] Of course that would have been a subsequent case of compensation. That was one of the main reasons for my suggesting that the property should be bought out bodily and held by the Government.

23. Is there any other reason?—I had the idea, though not a military engineer—being only a civil one—that there was too little land taken there for defence purposes, and that it was quite possible that further land might be considered necessary to be taken; and it was looking forward to those questions that induced me to advise the Government to purchase out the property and to hold it in their own hands.

24. Did you ever mention that proposal to Mr. Kissling?—No; that proposal was simply a confidential one between myself and the Government.

25. Did you make any estimate or valuation upon that basis—that of the whole value of the property, and what ought to be paid to each of the parties?—I have no recollection of giving an opinion upon that. I may have made calculations, the same as I made with regard to the £1,250, but I have no recollection of having made any specific calculation of what would be the interest of the owners, the Diocesan Trust, and the interest of the leaseholder. The interest of the leaseholder with such a long lease, of course, would be very much the largest.

26. The only specific valuation you made, as far as your recollection goes, was the £1,250?—Just the simple question of what was actually occupied by the battery—that is, of Mr. Kissling's leasehold.

27. Then you have no recollection of any demand he made, or what demand?—No.

28. Had you any reason to think, were you ever told, or any suggestions made during your negotiations, that Mr. Kissling desired to get the freehold of the land?—No.

29. And how did your part in the matter terminate?—My part in the matter terminated when Judge Gillies stayed the action under the new Act that was passed to enable him to do so. Then it simply became a matter of dealing with Mr. Kissling for compensation, and with the Trust Board, which I had nothing to do with.

30. When you ceased your part in the matter, had the Government agreed to this proposal to take the whole of the land?—I am not aware what views they had at the time.

31. You had no intimation?—I had no intimation.

32. You had no communication at all with the Church Trustees?—No, none whatever. They had taken no action whatever in the matter.

33. *Mr. Mahony.* You came up to Auckland, I think, at that time in connection with this particular matter, with Mr. Kissling's claim?—Yes; with the writ of trespass.

34. You spoke of it as Mr. Kissling's claim. It was Mrs. Kissling's claim: Mrs. Kissling was the plaintiff?—Yes, there is no doubt.

35. She was, in fact, lessee by assignment?—Yes.

36. That action, you will remember, was the outcome of fruitless claims by Mrs. Kissling on the Government, whom she claimed to be trespassers?—I believe it was that. I had known nothing of it until I was directed to come up here on the matter.

37. You did not know personally there had been claims and negotiations previous to that?—No; I knew nothing until I was suddenly asked to come up here.

38. Did you know that the Government—I think it was Sir Robert Stout who was a member of the Government then—maintained they had statutory power under “The Public Works Act, 1882”?—No.

39. A writ was issued and served, and the action was just pending in the Supreme Court, being an action for damages for trespass against the representatives of the Government?—Yes.

40. Which action, I think, was adjourned temporarily?—Yes.

41. And you recollect it then transpired that the Government had not statutory power to take land for defence purposes?—No; they had not power.

42. And a hurried Bill was passed through the House in all its stages in, I think, one day—that being the Bill of the 1st August, 1885?—Yes.

43. You recollect this: that the result of that passing of the Bill was that judgment could not be given for the claimants, but that his Honour held that it would have been a matter for compensation, and adjudged that the Government should pay all the costs of the plaintiff—costs on the higher scale?—Yes.

44. The costs amounted to some £60?—I believe so.

45. That was money subsequently paid by the Government to Mrs. Kissling—all her costs of suit?—Yes.

46. So that it was not an ordinary case of staying proceedings. It was a case in which the proceedings were stayed, but in favour of the plaintiffs in as far as all the costs?—Certainly; the Government was in the wrong.

47. So that the position of Mrs. Kissling and her representatives, between them and the Government—the position was hardly a friendly one at that time?—I should hardly say it was.

48. In fact, they were openly hostile?—There is no doubt about it.

49. Do you say you did not subsequently or at any other time know the position Sir Robert Stout took up?—No, I did not know.

50. With regard to that tunnel matter, that was a matter which I think you said was a confidential one between yourself and the Government; so that, so far as you know, Mr. Kissling had no knowledge then of any valuation made on the basis of taking possession of land for that line of railway?—No; he knew nothing about it.

51. And, as far as you know, not by the Government or its representatives?—No.

52. *Dr. Giles.* I find by the papers that at a later period you called the attention of the Government again to the question of the railway?—I suppose there is a letter or memorandum of mine in the papers. [Letter of 17th August, 1886.] Until that date I had no information what-