

576. *Mr. Napier.*] Do you think the Board were treated fairly in having the information I have referred to withheld from them?—The only unfairness I see is that the Board were not allowed the option of having the land back again that was not wanted.

577. What I mean is this: Supposing Brewer's letter had stated the whole of the facts, instead of having written those very philanthropic phrases about the Government's intention of treating the Board with very great consideration—supposing that he had disclosed the whole of the facts, and had told you that the land was not required for a battery at all, that only three-quarters of an acre was so required, and that the Government were going to give $3\frac{1}{2}$ acres to Mrs. Kissling and £1,150, and that they had arranged all that, would the Board have treated the matter in the same way as they did, seeing that all those facts were withheld from them?—I do not see that the Board could have acted any differently, because the land had been taken by compulsion.

578. The land was not taken for some months after that?—They were in possession though.

579. On the 20th November, 1885, the letter was sent to the Board which I have read to you, and on the 21st—that is, the day after—Mr. Brewer wrote to the Government telling them that the Trustees desired to sell, but they could not, which was, of course, incorrect, and on that day, the 20th, a letter was written to the Board, and it was considered at the first meeting after the letter was sent. Supposing that the whole of the facts which the Board now know were then within the knowledge of the Board, would you, as an individual member of the Board, have consented to the matter being arranged in the way it was?—I do not think I would.

TUESDAY, 9TH OCTOBER, 1888.

JOHN HENRY UPTON sworn and examined.

580. *Dr. Giles.*] You are a member of the Church of England General Trust Board, Mr. Upton?—Yes.

581. Were you so in the year 1885?—Yes.

582. And since, up to the present time?—Yes.

583. You recollect the taking of land at Point Resolution, then in the occupation of Mr. Kissling?—Yes.

584. And certain compensation being awarded and paid by the Government to the Board for it?—Yes.

585. I think the best way is to be kind enough to give us a short statement of the history of the matter as far as you know—how it first came before the Board, and what was done upon it?—The first letter was from Kissling, in which he stated the fact, and asked the Board in what way they would like to have the compensation ascertained.

586. The fact you mentioned was, I think, that the Government were going to take the whole instead of part?—No; that is another thing I will tell you presently. The letter of Kissling was that the Government were taking the land, and he asked the Trust Board in what way they would like the compensation ascertained. A general discussion took place in the meeting of the Trust Board on this question, and the result of that general discussion was that a resolution was passed by them in which they stated to Kissling that if the Government proposed to take this land the members of the Board preferred that the value of it should be ascertained by the Government Valuator; and I think that is really all that took place on the subject of that letter. Subsequently to that a letter came to the Trust Board—I think, a fortnight later, it may have been more or less—from Mr. Brewer, the Government Valuator, in which he assessed the value of the Trust Board's interest at £632. This the Board believed to be a reasonable sum, and they accepted it. That really is all that the Board had to do in the matter. I saw a letter containing a valuation—either Kissling showed it to me or it was at the Board meeting—by Mr. Waymouth. I think Waymouth, in that letter to Kissling—a letter which had nothing whatever to do with the members of the Board—had made for Kissling, or for some one else, probably Kissling, a valuation, in which he set out that, in his opinion, the value was so-and-so—what it was—and in that letter, I think, he suggested to Kissling that he should settle the claim of the Trust Board, and that the Government should deal alone with him. That is really, I think, all I know about it.

587. Did you understand that letter from Waymouth to have been written before Kissling wrote to the Board?—I could not say. I had forgotten the existence of the letter until the other day, when Mr. Theophilus Kissling showed it to me. I should imagine from the letter that Mr. Kissling, when the Government proceeded to take his land, had decided what he thought was a fair value for it, and had then gone to a competent accountant to ascertain in what way the different interests should be ascertained, and how allocated.

588. Was it between the two meetings of the Board you heard that about the matter?—I am not sure. The first valuation I heard of was from Cochrane. Of course, I am not speaking now of what took place at the Trust Board. Cochrane came to me and told me that the Government had entered on Kissling's land, and proposed to take it, and then told me what value had been fixed for it, and also the basis of the allocation of the interests, which amount much astonished me at the time.

589. Can you tell us something about that?—About the basis that was taken? I could if I knew what it was you wanted to know.

590. Can you tell us what basis was taken for the estimate of £632?—Yes; the total value of the land was held to be £6,000. Who estimated it at that value I do not know.

591. You do not know whether that was Waymouth's?—I do not see why it should be. Probably it was Kissling's, the owner of the lease. He would say, "I will go out of this if you give me £6,000."

592. You spoke of Waymouth giving an estimate?—It was simply an allocation. The valuation of an interest is a different thing from the valuation of a piece of land.