

For how long prior to that would this matter come within your jurisdiction?—I do not quite understand the question, because during the whole of the time I have been employed in the New Zealand Railways I have been engaged on such questions.

How long has that been?—That is thirty-six years; and prior to that I was employed on similar questions on the North British Railway.

Matters of this character relating to the administration of the railways, and particularly with reference to Palmerston North, would have come under your notice officially at any time during how long a period past?—The last thirteen years. It is during the last thirteen years that I have been attached to the Head Office.

And during that period, though you were not all that time occupying the position of Chief Engineer, matters of this description would naturally have been referred to you for consideration?—Not always.

Was this question of additional accommodation required at Palmerston North referred to you before?—It was discussed with the Chief Engineer on many occasions during that time.

It was in your memorandum of August, 1919, that the question of the deviation in the manner you have indicated was first put forward, was it not?—That is so—a definite proposal.

I take it, then, that as a result of that recommendation the confidential meeting with the members of the Palmerston North Borough Council was held with a view to getting the voice of that body upon the proposals which you then put forward?—That is so. My proposals were laid before the General Manager. They had to receive his consideration, and they did so.

Do you say that the matter was discussed with the Mayor of Palmerston North?—Yes. The first meeting with the Palmerston North Borough Council, so far as I am aware, was in June, 1920.

As a result of this?—Yes.

It is well known, according to the evidence given, that this idea emanated from your Department entirely, and not from the Palmerston North Borough Council?—That is so.

And the first indication given to the public was the interview with the Palmerston North Borough Council?—As far as I know.

Prior to that time your report was the first indication of your proposal to deviate?—So far as I know.

Prior to that all the proposals in connection with the improvement in the condition of things in Palmerston North had not been by way of deviation?—Proposals were made, and it was suggested in one memorandum, at any rate, to the General Manager, that it might be necessary to consider the question of removing to another site altogether. That was in 1911.

At any rate, the first time when it was formally proposed as a practical necessity was put forward in 1919?—That is so—a definite proposal.

Nearly all the other proceedings that have been taken related to an improvement of the conditions as they exist at the present railway-station: is that not so?—That is so.

Involving the purchase of that additional area of land from the New Zealand Express Company and the Rhodes Trustees, which took place about ten or twelve years ago, was it not?—That took place about 1911 or 1912.

But since then no step has been taken to make use of the additional accommodation provided?—The war intervened, and it was practically impossible for us to do anything.

And, but for the war intervening, may I take it that some steps would have been taken to make use of that additional accommodation?—Conditional on Cook Street being closed.

Is it not a fact that Cook Street was legally closed?—No.

It says so in your evidence—that it was closed again in 1912?—No.

If you did not actually close it you took authority to close it?—A certain Proclamation was issued, but previous experience showed that Proclamations were of no avail. On two occasions the closing had been approved, but doing the thing is a different matter.

But you had been advised that you had legal power to close Cook Street?—The Crown Law Office stated that there was existing legislation which partly gave us the power, but special legislation was absolutely necessary.

Is it not a fact that you have power to close Cook Street?—I know we have not.

Why?—It is a question which has been tested in the Court of Appeal on two previous occasions, and we have failed.

But was not that due to the fact that the wrong method was adopted in doing so?—No.

Your evidence with reference to Cook Street makes it clear that there was something wrong with the Proclamation?—On the first occasion the Court of Appeal stated that wrong steps had been taken; when those steps which were indicated were taken, then the Court of Appeal said we had not the power, so we did not know where we were.

But since then a third Proclamation has been issued, has it not?—Taking that area I was referring to—those sections from the Express Company and the Rhodes Trustees; and included in the Proclamation was the taking of a portion of Cook Street—but there are other steps necessary before we can close Cook Street.

It is only a matter of compensation, is it not?—No.

What else is it?—If you look at the Municipal Corporations Act you will see the steps that are necessary to take. The question has to be submitted to a Magistrate, and his decision is absolute and final, and he can say whether the street is to be closed or not.

This question has not been referred to a Magistrate yet, has it?—No.

Or Pitt Street?—Yes.

And Pitt Street was closed conditionally on a subway being provided?—Yes.