

4. Did you take any steps to get the Governor to sign the deed that had been prepared?—Yes. I have tried every session, and have been promised that the thing should be done, but it never has been done.

5. *Mr. J. Buchanan.*] The bondholders in London were notified that the money was being raised on the security of this land?—Yes.

6. *Mr. Hurst.*] How much did it cost the Provincial Government to reclaim the land?—About £3,500.

7. *Mr. Macandrew.*] When did the Board first raise money under the authority of this Act?—Early in 1878, and I think before “The Harbours Act, 1878,” came into operation.

8. Does not the Harbours Act provide for the payment of compensation when land is taken?—Yes.

9. To what extent did you borrow?—£200,000.

10. *The Chairman.*] Was the land supposed to be given up, not only for the present railway purposes, but for prospective ones also?—I cannot say that.

11. Was any Crown grant issued for the Mount Eliot Reserve?—Yes.

12. Why has not the Governor acted in the manner the Superintendent would have done in regard to this matter?—I do not know; the Board have urged the Government to get the deeds signed, but they have failed.

13. Do you think the Harbour Board is worse off than it would have been had not this occurred?—I think they are undoubtedly in a worse position.

H. J. H. ELLIOTT, Under-Secretary for Crown Lands, examined.

14. *The Chairman.*] You have heard Mr. Kelly's evidence on this petition. Have you anything to say in regard to it?—The grant was signed by the Governor in Council on the 9th June, 1875; and it was made to the Superintendent of Taranaki “in trust for the construction and maintenance of such docks, piers, or other works as may be deemed advisable by the said Superintendent, his successors in office, or assigns, for facilitating the trade and commerce of the Town and Port of New Plymouth.” When the question of granting the land was first considered, it would appear from the papers that the future requirements of the railway were kept in view. The opinion of Sir James Prendergast, with regard to the manner in which the grant could be made, was taken; his opinion is as follows: “If the land proposed to be conveyed to the Superintendent has been reserved for military purposes or other General Government purposes, and is no longer wanted for such purpose, it may be granted to the Superintendent as a reserve under section 13 of ‘The Public Reserves Act, 1854;’ and if the land granted to the Superintendent as a harbour reserve is to be used for railway purposes by the General Government, and is now vested in the Superintendent as a harbour reserve, it may be surrendered to the Crown under ‘The Public Buildings Reserves Act, 1867.’ I think therefore the grant may be made in exchange for the surrender.” On that opinion Major Atkinson, on the 18th March, 1875, made the following minute: “Prepare Crown grant as requested by Superintendent in accordance with opinion of Attorney-General. Do this at once.” On the 21st June, 1877, Dr. Giles made a minute to this effect: “A Crown grant for Mount Eliot Reserve was executed in June, 1875, but has been detained ever since because the Superintendent had not conveyed certain other lands for railway purposes, and because the grant had been made to include a site for a Native hostelry. Abolition has complicated the matter, both as to the question of Mount Eliot Reserve and the other lands which the Superintendent should have conveyed. I think the case is one for the Law Officers.” The grant was then detained in the office until 1879. As a matter of fact, it never left the Crown Land Office until the 13th November, 1879. On the 14th June, 1875, Mr. Oliver Wakefield, who was then Record Clerk, made this minute: “The Crown grant to which Mr. Parris refers, of part of Mount Eliot Reserve, Town of New Plymouth, including the site of the Native hostelry, was prepared under an arrangement with the Superintendent (Mr. Carrington) to surrender adjoining land for railway purposes in exchange for this Crown grant for harbour purposes. The grant was signed in the Executive Council on the 9th instant, and it is now in this office. The deed of surrender has not yet been received.”

15. *Mr. J. Buchanan.*] We understand that the grant was not fully executed until 1879?—It was executed, but the Government kept possession of it. The Harbour Board pressed for their conveyance, and on the 13th November, 1879, I wrote this memorandum to Mr. Rolleston: “The Hon. Major Atkinson has spoken to me about the immediate issue of grants to the Taranaki Harbour Board for the reserves which the Governor is empowered to convey to the Board under the 135th section of ‘The Harbours Act, 1878.’ There is no legal difficulty about the issue of the grants or conveyances as requested, but if you want any further information the Hon. Major Atkinson can supply it. The best course will be to request the Commissioner of Crown Lands to supply the solicitor of the Harbour Board with the necessary information to enable conveyances to be prepared, the draft being submitted through the Commissioner for the approval of the Crown Law Officers in Wellington. The Solicitor-General agrees with this suggestion. With regard to the portion of Mount Eliot Reserve required by the Public Works Department, it can be taken without compensation under the provisions of ‘The Harbours Act, 1878.’” The papers were then sent to the Commissioner of Crown Lands, at New Plymouth, and draft conveyances were prepared. These conveyances are still with the papers in the General Crown Lands Office.