

relieve the demand for wagons, and facilitate loading and discharging of ships.' And, again, on the 22nd October, 1879, he wrote as follows: 'I have the honour to inform you that I am this day in receipt of a telegram from the Under-Secretary for Railways, intimating that the Hon. the Minister for Public Works has sanctioned my proposal to hand over the Gladstone Shed to the Harbour Board on the terms arranged for re-erection on their property.' That is from Mr. Conyers, and the whole of Mr. Conyers's proceedings seem to have been taken in complete ignorance of the negotiations which led to the passing of the Act in 1877, because, had he known it, he would have understood that Government declined to hand over the shed to the Board. I explained before that the department did, in a way, assent to the proposal that these sheds should be given to the Board, and I believe actually it went so far that the solicitor down there was asked to prepare the deed for handing over the sheds to the Board—as if the department could give away the property of the Queen in that way. Of course, the solicitor could not prepare the deed, and the thing never came to a point at all; it ended there. I should like to read the answer to the letter from the Chairman of the Harbour Board, as I think it bears on the matter. The latter is dated the 11th May, 1886, and is from the Minister for Public Works.

199. *Dr. Newman.*] Who was Minister for Public Works then?—The Hon. Mr. Richardson. The letter is as follows: "I have the honour, in reply to your letter of the 1st May, with reference to the breakwater shed, to point out that you appear to be under a misapprehension about the action of the Commissioner of Railways in 1879. The shed was handed to your Board for re-erection, as is stated in the letter you quote. The Government had no power to transfer the ownership in colonial property to the Board. Such a transfer could only be made with the sanction of Parliament. The Bill referred to in my telegram of the 30th ultimo was prepared and introduced into Parliament for this purpose. I should also further point out, with reference to the ownership of the land which is vested in the Board by 'The Lyttelton Harbour Board Land Act, 1877,' that it is so vested subject to the right of the Crown to occupy it for railway purposes with shed, offices, or railways, free of any compensation or other allowance to the Board. Notice was given your Board on the 11th July, 1885, that the Government did not feel justified in retaining the Board's large grain-shed, and I am now prepared to place that shed at the Board's disposal, if the Board is in want of further store-accommodation."

200. *Mr. Williams.*] Would you read the reply to that?—The reply from the Chairman of the Harbour Board is as follows: "In reply to your letter of the 11th May on the above subject, I have the honour to say that I am under no misapprehension about the action of the Commissioner of Railways in 1879. The shed and shed-materials were absolutely handed over to the Harbour Board under instructions from the then Minister for Public Works, and the shed-material was used by the Board towards the erection of the three new sheds on the Board's own ground, the Board spending some £3,200 in additional building-materials and labour upon them. If the Government handed the material over to the Board without parliamentary authority it certainly was not the Harbour Board's embarrassment, and if the matter required legislative authority to confirm the Government's action it was certainly the Government's duty to confirm such authority. In reply to the paragraph of your letter in which you say in regard to the ownership of the land which is vested in the Harbour Board by 'The Lyttelton Harbour Board Land Act, 1877,' that it is so vested subject to the right of the Crown to occupy it for railway purposes with shed, offices, or railways, free of any compensation or allowance to the Board, I need only refer you to the correspondence which took place on the same subject in 1881 between yourself, as Chairman of the Lyttelton Harbour Board, and Mr. J. P. Maxwell in regard to the Harbour Board's grain-export shed, Mr. Maxwell, in his letter as per margin, having expressed an exactly similar opinion to that now expressed by you. Your reply to him then was as follows: 'On the other hand, I may be allowed to point out that if the Government desire to press their objections the means of doing so are clearly set forth in sections 143 and 144 of "The Harbours Act, 1878" (which is a subsequent legislative measure to section 10 of "The Lyttelton Harbour Board Land Act, 1877," quoted by Mr. Maxwell), which provides that the Board shall receive compensation for land taken or used by the Government.'" I may again point out that the Harbours Act of 1878 did not apply; the land was dealt with under a special Act. I think I have said all I can say with regard to this Gladstone Shed.

201. *Dr. Newman.*] Have you got the written opinion of the Crown Law Officers as to the tenancy of the Gladstone Shed?—The opinion of _____ is as follows:—

"The Gladstone Shed is vested in the Crown by 'The Lyttelton Harbour Board Land Act, 1877,' section 11. During 1879 it was proposed by the Harbour Board that this shed should be divided into three sheds and re-erected in this form on and about the same position it had before occupied. The shed was handed to the Board for re-erection, and the Government also placed at the Board's disposal a large quantity of timber, some £700 in value, and also expended some £800 in altering the lines of rail to allow of and to fit the altered sites.

"The Board carried out the alterations. It is stated to have spent £3,000 or £4,000 in doing this, and it left the three sheds of a larger area than the one original shed. The sheds have since been in continuous use by the railway, uninterfered with by the Board. The Board now claims that the shed, or part of it, was given to the Board, and it claims one of the sheds as its property. The question is having regard to sections 9, 10, and 11 of the Lyttelton Harbour Board Land Act, whether the Government had any power to give any part of this property away without an Act of the Assembly.

"J. P. MAXWELL."

"I shall be obliged if Solicitor-General will advise me as early as possible on this matter, as Chairman of Board is here seeking interview with me.

"11th June, 1886."

"EDWARD RICHARDSON.