

192. You did not tell Andrew, senior, that he was guarantor for Lonney; and you let Mr. Andrew in for the responsibility?—I did not conduct all the affairs of the firm of Howorth, Barton, and Howorth. Mr. Barton attended to Lonney's business.

193. Mr. Andrew also swore on oath that his father's sheep were not running on this land—that he was in occupation?—I say it is not true; his father's sheep were there, and his father sheared them.

194. How do you know that?—His father told me.

195. When did Andrew, senior, die?—I cannot tell. I think it happened since I came up here, but I cannot be sure.

196. You left Dunedin in 1885?—Yes. I have had no occasion to think of these circumstances, since the time of their occurrence, to the present time.

197. Do you know where this came from? [Producing a type-written copy of an agreement.]—That reminds me of the memorandum that I drew up myself.

198. Where is that memorandum?—I do not know.

199. *Hon. Sir R. Stout.*] Were you in the colony when Lonney entered into a contract with the Provincial Government?—I was in England in 1886.

200. If Mr. Barton had anything to do with Lonney you had nothing to do with it?—No.

201. Then you had nothing to do with advising Lonney about Andrew's transactions?—Nothing.

202. You say, positively, that the railway would not have been completed if Andrew had demurred to give the land?—It would not have been gone on with.

203. Was the railway of any value but for improving Andrew's land?—Only that and, of course, the profits the company could make out of it.

204. Except for the coal, what was the land worth per acre?—About £5 per acre. It was very rough.

205. It was fern-hills, really?—Yes. It was very steep. There being no other grazing land in the district—and being near the town—a value was given to it it otherwise would not have had.

206. *Mr. Macgregor.*] And yet you gave Mr. Freeman £50 per acre for adjoining land for the same purpose?—That was for severance as well. There were two values—severance and land value, including coal under it.

207. There is nothing said about severance in the agreement?—Of course not, the law provides for it.

208. *Hon. Sir R. Stout.*] Was not Freeman's land flat?—Yes. It was a different class of land altogether. It was cultivated land, lying quite close to the Green Island Railway-station. Besides, there was coal in Mr. Freeman's land where he was working.

209. *Mr. Macgregor.*] Was that not also the case with Andrew's land?—Yes.

210. *The Chairman.*] Was this deed under draft agreement in evidence ever made out for these part sections?—I do not think so.

211. Did this clause 2, in reference to mining, include taking out any ballast from Andrew's land?—We had the right to mine for gravel.

212. *Mr. Macgregor* here quoted from *Hansard* page 117.

213. *Mr. Lake.*] During the time you were connected with the line, was there a mortgage with a mortgage association?—Yes, for £5,000.

214. Would it be likely that the company would have advanced the money but for the assurance that the land was the company's?—We had to satisfy the mortgagee that the Andrews gave the land for the railway, and I presume they were satisfied.

215. Does the mortgage still exist?—I do not know.

*Hon. Sir R. Stout:* It was bought by Logan. It is still registered.

216. *Mr. Moore.*] If there was any agreement between the company and Andrew I presume it would have to be registered?—The railway was made under the statute, and by virtue of the provisions of the Public Works Act; whatever was necessary the Government did. I believe there was a Proclamation about taking the land. I am not aware whether it was registered or not.

217. The Government made the line?—The money was paid into the Treasury by the company, and the Government made the line.

218. *The Chairman.*] Were the Andrews amongst the promoters?—Yes.

219. *Mr. Macgregor.*] The Andrews surely were not promoters?—Yes; they were. They signed that agreement.

*Mr. Macgregor* pointed out that the agreement was one between the Andrews and the promoters.

220. *The Chairman.*] Was David Andrew one of the promoters of the company?—I am not sure.

221. *Mr. Lake.*] Can you give me any idea of the date about which that mortgage was registered?—I cannot give you the exact date; I think it was in 1882.

222. And, whatever date it is registered at, it mortgaged the line as well as the mine?—Yes.

223. *Mr. Moore.*] You say Andrew got a certain amount of money in the shape of compensation for a water-race taken through his land leased to the company?—Yes, certainly.

224. I want to know whether the company also got compensation?—Yes; they got about £2,700. It was mainly for the coal taken; David Andrew for the land, and loss of royalty.

225. The water damaged the mine as well as the surface?—Yes; a large area being required for lateral support.