

8. You know nothing about the company's purchasing the land, or the title?—No. By the Railways Act the line has become vested in the Commissioners. Before that came into force no land had been taken, and there was great doubt as to how matters stood.

9. But the Commissioners taking the land over under the Act clears matters up?—The Government Railways Act definitely settled the point.

10. *The Chairman.*] That gave you power to prosecute Gray for using the line without authority?—Yes.

11. *Mr. Valentine.*] That gave you the title to the land?—Yes.

12. *Mr. Lake.*] Have any claims for ballast taken for this line ever been made to the Commissioners?—Not to my knowledge.

13. Have any claims been made on the Government, since the Proclamation was issued under section 10 of the Act of 1889?—I have a general recollection of the clause you refer to; no claim has been made on account of this line.

14. In this case part of the claim is for compensation for making the line. In section 10 of "The Public Works Act, 1889," it says that any claims for compensation must be made within two years after the coming in of that Act; and any claims now put in would be of no avail, as the Act came into operation?—That is so.

15. *Mr. Moore.*] This land has now really been taken by the Commissioners, but the owner of the property claimed against them for compensation?—I do not think the owners had anything to do with it. The Queen undertook to make the line, and any one with a claim about the land should have made it against the Queen. That is my impression.

16. *Mr. Lake.*] You came into power in 1887?—I am not at all sure that claims might not have been made about the line during 1881 to the Public Works Department. I will inquire about it and inform the Committee if there is anything on that point.

17. *The Chairman.*] Have you been taking the ballast to repair the line from the same place that the company took it from?—I cannot say.

18. We have a claim for taking ballast from part of this land, from Mr. Andrew?—I do not know anything about where the ballast for this line has been obtained.

19. *Mr. Valentine.*] During the evidence it has been stated; in fact, there is a certain portion of the claim for maintenance of the railway by Hamill, who had been a surfaceman. He lays a claim against some one or other. Surely if the railway came into your possession under the Act of 1887 you ought to have been responsible for the maintenance of the railway since that time?—I think we had a claim for wages from some one.

20. Could any one go and maintain that line without authority, as Hamill did?—No one had any right to.

21. You never engaged Hamill?—No.

22. If he has maintained the line all this time, you are not responsible?—He has done it without our authority, or the Commissioners' knowledge. Whether he has done it without the knowledge or instructions of any of our men I cannot say.

23. You have said that all along the line has been the property of the Crown, that it was constructed under the Public Works Act?—It is my impression that it has been the property of the Crown all along; but I said the question was a doubtful one. It is a legal question that I do not understand.

24. If it had been the property of the Crown, the Fernhill Company need not have maintained it all these years?—No; but they did do so.

25. Therefore, even that Fernhill Colliery Company would have a considerable claim against the Crown for the maintenance of the railway?—I am not sure about that.

26. If they maintained it with the cognisance of the Government, the inference that I would draw would be that the railway did not belong to the Government, but to the Fernhill Railway Company?—I do not know. I was merely an officer of the Government at the time, and the whole thing to me was in a fog. I was told that the line had to be worked by the Government.

27. *Mr. Earnshaw.*] This Mr. Hamill, who has been platelaying and surfacing on the line in question, while he was employed by the mine company yet he was really working on Government works; and, as the mine-owners practically refused to pay his wages, do you not think he has got a good claim in equity for really maintaining the works of the Railway Commissioners, although not primarily employed by them? He has been working all the time for you, although not employed by you?—Yes; I individually am inclined to believe that he has a claim, provided, of course, that he has done good work. It would, however, have to be investigated by my colleagues before we could give a final decision upon it.

28. *The Chairman.*] It could only be a claim in equity?—Yes.

29. *Mr. Valentine.*] Could any one, in your opinion, hold a mortgage over this property?—I cannot give an opinion. It is a legal question, and I do not know enough about the law to give an answer to that question.

30. This railway, you have stated on your oath, belongs to you and the Crown?—To the Commissioners.

31. You have not given a mortgage over it?—No.

32. Then, if you have not given a mortgage over it, no one else could have done so?—I should not think so.

33. *Mr. Macgregor.*] If you are told, Mr Maxwell, that Hamill has kept the line in repair, would that satisfy you that he has done *bonâ fide* work on the line? I should say that this would be part of the evidence necessary. The Commissioners will have this matter investigated. I think some of our local officers were not aware of the change that took place when the Railways Act came into operation; and the Commissioners, until their attention was more especially drawn to