

with the leave of the Solicitor-General himself, I consented to a Crown grant being made out. It ultimately came to this, that with the leave of the Solicitor-General (I know not whether it is in writing, but when the Solicitor-General is examined I will soon bring it to his memory), that it was with his leave that I recommended to my colleagues to Crown-grant that land between the Ocean Beach Railway and Anderson's Bay Road, including ten acres of land along the Anderson's Bay Road. That explains why the grant apparently was issued against the wish of the Solicitor-General, and that is why I said, if you would examine me first, and then examine him on my evidence, it would leave it to his recollection. The year that the Otago Harbour Board Empowering Act was passed (myself, Mr. Reid, and others were active in getting it passed), we went to Mr. Richardson, who was then Minister for Public Works, as a deputation; and, in speaking to him to-day, I brought this deputation to his recollection by certain circumstances. I had nothing to do with the Government at that time. There was a portion of that land about which there was no doubt about it being under high-water mark, and another piece supposed to be Crown lands; and he afterwards, on behalf of the Government, gave the whole of this land to the Harbour Board, and it was considered then, when that Act was passed, that it belonged to the Harbour Board; and if you call Mr. Richardson, he will state these facts himself, and he will tell you that on behalf of his Government he gave them this land. He now remembers them perfectly well. The 4th August, 1876, was the date upon which the Secretary of the Otago Harbour Board applied for this Crown grant for the quantity of land I have explained to you.

2. The 4th August, 1876?—Yes. It was for 140 acres. Mr. Seed stated that that was with my leave, and on my memorandum I presume he wrote this letter. [Read.] On the 21st August Mr. Richardson said he could not give the 140 acres; and on the 7th October Mr. Seed, by my instructions, reiterated objections to the grant. Then the correspondence was going on about this land up to the 14th October, when I was minuted as having recommended that a Crown grant may now be issued for all the land between the Ocean Beach Railway and Anderson's Bay Road, about twenty acres out of the 140, and that the Crown grant was prepared and handed over to them. I see by the Provincial Executive Council minute that it was on the 24th October, 1876, that the Superintendent, who was present, Mr. Green, and Mr. Davie had an Executive Council, which was amongst the last meetings they held, I think. The last resolution on the minute-book was that the Waste Lands Board were recommended to reserve it for South Dunedin. There was no Provincial Council to sanction it afterwards, and my opinion is that the Provincial Council would never have sanctioned it, even if it had not been given to the Harbour Board. This is a private township; it was bought by speculators. It was laid out as a township, and sold by these people; and I am sure that, to increase the value of private people's property, I am very well sure that the Provincial Council would never have given ten acres of this valuable land. These are my reasons why I think the Provincial Council would never have sanctioned it had they been called together. On the 28th September, 1876, I advised that the grant should issue for that portion between the Ocean Beach Railway and the Anderson's Bay Road, and it was approved in Cabinet on the 14th October. The meeting of the Executive did not take place until after that.

3. Had it been intimated to the Provincial Executive that you had done so? You could not say whether the Executive was advised?—I could not say the Executive had any power to do it. Every one was agreed that a Crown grant should not issue for the 140 acres. There is a memorandum which brings the matter to my recollection. Before this was granted, I asked the Chief Surveyor to reserve a piece along the Anderson's Bay Road to make that road a chain and a half wide. [Mr. Reid's opinion read.] I make known that I think a Crown grant should issue for a portion of the land, because I considered that that land was sufficiently reclaimed to come within the opinion of the Solicitor-General here; and, whether Mr. Reid recollects it or not, I may say that he afterwards agreed, on my explanation of how this was situated between the Ocean Beach Railway and Road, the Crown grant might be issued. It is reclaimed already in Mr. Macandrew's opinion. Messrs. Richardson and Reynolds, I believe, will bear out what I say.

4. *The Chairman.*] Do you wish to give any further evidence now?—I may say that, after getting this opinion from Mr. Reid, I explained to him the position of this land between the Anderson's Bay Road and the Peninsula and the Ocean Beach Railway. I explained to him that there were parts of it that did not want reclaiming, and referred to parts of the land which I considered pretty well reclaimed by the Ocean Beach Railway. Afterwards I wrote this memorandum to the Minister of Lands.

5. *Mr. Wood.*] Which referred to the issue of the grant?—The Minister of Lands read and agreed with it, and then it was brought before the Cabinet and agreed to.

6. *Mr. Seaton.*] Who was Minister of Lands at the time?—Major Atkinson.

7. Would you be kind enough to read the memorandum. [Memorandum read.]

8. You were not aware at this time that there had been any promise made to reserve?—There was no promise made at this time. The Provincial Executive, some time after the grant was ordered to be issued, promised it.

9. That was the first time it was ever mooted as a reserve for South Dunedin?—Yes; the first I heard of it. After I had obtained Mr. Reid's opinion, the Crown grant was issued for that portion between the Ocean Beach Railway and the Anderson's Bay Road.

10. Then the Otago Executive must have been in ignorance of the issuing of this Crown grant?—I could not say.

11. *Mr. Seaton.*] If Mr. Macandrew in his evidence should say that they had considered that matter a long time previous to that, what would you say?—Well, of course, I would not like to contradict him; but I should doubt him saying so, there would be some trace in writing if it was so.

12. If you will read Mr. Reid's evidence, you will see he admits it?—I do not see that by the evidence at all.

13. If you will look at the questions you will see it?—I have looked them over. Of course this thing about the reclaimed land. I took it myself always that Mr. Richardson, on behalf of this Government, at the time we were passing the Empowering Act through the House on behalf of the