

adjacent to what is now known as South Dunedin. Messrs. Stout and Robson owned part of this property, and I had to arrange with them to carry the road through a part of it. Their property crossed over where a part of the road was then formed, and came down a little way beyond the Anderson's Bay Road, and to the extreme of high-water mark.

27. *Mr. Seaton.*] Not on to the Forbury?—Their property was bounded by high-water mark, at the end towards the bay.

28. That was at high-water mark you mean?—Across the road. The original selection map shows their property as bounded by high-water mark, taking up part of what is now the Anderson's Bay Road. Part of the Anderson's Bay Road at that time was at the extreme high-water mark. I remember perfectly well when I first settled in Otago, twenty-eight years ago, that the road at this point, being partly under water, was impassable. You could not have gone over it with dry feet; it was nothing but soft slush, and the water came right up to and over it. But now it is not so much under water, and part of it seems pretty well filled up with vegetable matter. There is a sea-growth on parts of these ten acres, as also on the balance of the reserve.

29. How was this caused?—I suppose the stuff washed by floods from the adjoining lands would fill it up by degrees. I may say that the Harbour Board lately, since the issue of the Crown grant, has let the land on, I believe, twenty-one years' leases, and the lessees have to fill it up and reclaim it. I do not know that I have any further evidence.

30. *Mr. Turnbull.*] You referred to a map of the Harbour Board, Sir. Is that still in existence?—I do not know anything more of it, except that it was signed by the two Speakers, and, I understand, deposited with the Clerk of Parliament.

31. Is it still in existence?—It ought to be; it is one of the records of Parliament.

32. It would not belong to the Harbour Board?—Oh, no.

33. What would be the value of the land referred to at that time, in 1875?—It would be impossible for me to put any value upon it. It would be impossible to judge its value. If any one had offered it to me at the time, unreclaimed, I do not believe I would have given £10 an acre for it.

34. In 1875?—Yes, in 1875. I do not believe I would have given £10 an acre for it.

35. When it was granted to the municipality what would you have valued it at then?—It never has been granted to the municipality.

36. Reserved?—That was said to have taken place after the abolition of the province, and the Abolition of Provinces Act was passed in 1875. But the supposed reservation did not take place until, I think, the 1st November, 1876. The whole correspondence about it commenced after the abolition of provinces.

37. What would it be worth then?—Well, I could not give an opinion.

38. *Mr. Seaton.*] Would you have taken £10 an acre for it?—I might have taken it, but I do not know that I would have given it even then.

39. Would you have taken £1,000?—I could not say what I would have taken. Then there is this evidence, which shows that the negotiation did not take place until after it had been actually granted to the Harbour Board, and instructions had been given in Dunedin to prepare the Crown grant. It was only after these instructions that I heard of South Dunedin applying for it. I was not aware before this that South Dunedin had ever applied to the Superintendent for it, or that the Superintendent had made any promise. A question for the Committee to consider is, whether the Superintendent could legally have granted it, and even then he could not have granted it without the sanction of the Provincial Council.

40. *Sir Robert Douglas.*] Part of this land I understand to be between high- and low-water mark?—I know it was all below high-water mark when I arrived in the colony—that is, twenty-eight years ago. It was all below high-water mark when I came here. The tide used to cover it.

41. To whom was the land absolutely granted?—To the Harbour Board in 1875.

42. And the Dunedin Corporation wish to have it?—No, not the Dunedin Corporation, the South Dunedin Municipality.

43. The South Dunedin Municipality wish to have it?—Yes. After it was granted to the Harbour Board they entered into negotiations with the Superintendent, in order to get it as a reserve.

44. That was to get this reserve?—Yes.

45. What effect would that have on the Harbour Board?—It would deprive the Harbour Board of the revenue derived from it.

46. How much money—of what value?—I can ascertain that by telegraphing to Dunedin. I cannot say from memory.

47. Do you consider the granting of it to the Municipality would injure the Harbour Board?—Certainly, as it would take away a part of their revenue.

48. Do you think all their revenue is required to improve their harbour?—Undoubtedly.

49. *Mr. Seaton.*] You state that these ten acres were included in the grant under the Act of 1875?—No; I say it was included as the Board's endowment in a certified map, which was the basis of the Act of 1875.

50. Will you say where it refers to one single yard of land above high-water mark here? You must prove that you had any authority to make the map claiming it?—There was a map I say. It was not drawn with any view to a dispute hereafter with South Dunedin, because I knew nothing about South Dunedin applying for this reserve. The map I refer to was drawn at the instance of myself, as Commissioner of Customs and in charge of the Marine Department, and of the Hon. Mr. Richardson the then Minister for Public Works.

51. Where is that map?—I do not know.

52. Who drew out the certified map?—I believe Mr. Simpson drew it out. I know it passed through Mr. Blackett's hands, and was approved of by him before being agreed to by Government.

53. *Mr. Seaton.*] You heard the Solicitor-General give it as his opinion that they could only claim land below high-water mark: what have you to say regarding that?—You could not issue a Crown grant until such time as the land was reclaimed—that was with regard to the 140 acres.