

54. I asked him and he said it only referred to land below high-water mark?—I do not know. I heard him refer to section 4 of the Bill.

55. Did you not hear him ask me a question regarding the general tenor of the Act?—No.

56. Will you still persist in saying that the land I claim under this Act was far below high-water mark?—I say it is.

57. If I get the Surveyor-General's map here?—I go upon Mr. Kettle's original selection map. I could not give an opinion upon the map you refer to.

58. *Mr. Wood.*] Have you seen a plan that was prepared for another purpose, and which, it is stated, shows that some thirty or forty acres are above high-water mark?—If you tell me what it was prepared for I may be able to answer your question.

59. It was prepared in connection with the railway?—I think I saw all the railway maps along the Anderson's Bay Road, and, knowing the whole circumstances of the case in connection with the try-on of the Ocean Beach Railway Company, I went over the papers with Mr. Richardson and must have seen, I think, any plans submitted. The land adjoining the bay is more or less covered at high water.

60. *Mr. Seaton.*] Will you believe that Mr. McKerrow had a tracing which showed the very opposite of that. He said it was bounded by waste lands?—That may be, some of it—that portion of private property across the road. All I can say is that the whole reserve belongs to the Harbour Board. The exact boundaries of all its property are shown on the map which I have referred to in connection with the Act of 1875. It was signed by the two Speakers, and was a document belonging to Parliament. Instructions were given at the time that the map should be carefully preserved. I do not know that any one is interested in making it disappear.

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Mr. REID, Solicitor-General, being in attendance, was examined.

61. *The Chairman.*] Mr. Reid, the Committee are inquiring into the circumstances under which a block of ten acres of land was granted, together with other lands, to the Dunedin Harbour Board. I believe that you gave an opinion upon the subject as to how far the granting of that land was in accordance with the provisions of "The Otago Harbour Board Regulations Act, 1875." Will you be good enough to state what was the nature of the opinion that you gave?—I really could not undertake to say, Sir. I would like to have the opinion which is on record before me. I received no notice at all, on my summons, of what evidence I was expected to give. I am merely summoned to give evidence *re* the South Dunedin Reserves Bill. There is another thing, my opinion may involve matters which are confidential to Government, and I think I should be justified in declining to give such evidence. If the Government themselves say, "You are at liberty to give or disclose any information," of course I have no objection to do so. If you have the papers and show me my opinion, I should be very glad to give you any further opinion now; but without referring to them I do not see how I can give what you desire. If you ask me my opinion regarding the meaning of any section of the Act, or anything of that kind, I could give it to you; but with regard to an opinion I have previously given, I could not undertake to say what it was without having the papers before me.

[Evidence having been given by Mr. McLean, and Mr. Reid's opinion read, the examination of Mr. Reid was proceeded with.]

62. *The Chairman.*] You have in your hand an opinion which you gave as to the legality of granting a hundred and forty acres of land to the Otago Harbour Board?—It specifies no quantity, but says "certain land" under the 5th section of the Otago Harbour Board Empowering Act.

63. Do you remember having subsequently assented to the issue, so far as you were concerned, as a law officer to the Government?—I do not. Of course I refer to what Mr. McLean has stated. I cannot, at the present moment, recall to mind all the circumstances which may have taken place, but looking at my former opinion I think the second could only have been given on the information that the land was reclaimed.

64. *Mr. Wood.*] You think that, if you gave an opinion in favour of it, it must have been after you had been informed that those ten acres had been reclaimed?—Quite so.

65. *Mr. Seaton.*] Mr. McLean says that the Government submitted a question to you asking if they were justified in giving a Crown grant for this land, and your opinion was that they could not unless it was reclaimed; and he said that, after certain alterations had been made, you agreed that the Crown grant should be issued: The question I want to put to you is this: That a reclamation would have to be effected?—Certainly.

66. Then, according to what Mr. McLean says, it would amount to that?—In those terms it would.

67. I would ask if it was further to be brought about in that way. Regarding the ground between the Anderson's Bay Road and that railway, was it not said that the railway works had reclaimed that land, and you agreed to issue the Crown grant?—I do not recollect the circumstances, but, if I did give such an opinion, it may have been on the ground that the land was reclaimed by the railway.

68. If I told you that the Harbour Board had never put a barrowfull of soil upon it, would you consider that there had been any reclamation?—Clearly there must have been some active steps taken to reclaim it.

69. If I assure you there has never been a cartload of material put upon it, would you consider it reclaimed land?—No; I certainly should not.

70. Then, if the Railway Company have run a ditch upon each side, would it reclaim twenty acres on each side?—No, I should think not.

71. *Mr. Wood.*] The reason that you declined to recommend the issue of a Crown grant was because the land was not reclaimed?—Yes; quite so.

72. *Mr. Seaton.*] Would you consider this the foreshore [referring to map]?—I should not attach any great importance to that either one way or the other, because the preparation of this description is