

simply a matter for the surveyor. It may be erroneous, as he may call it anything, "the ocean," for instance; but it would not make any difference. You say it is called the waste lands of the Crown.

73. Would you consider it as such?—Your question is whether, if I saw this land described as waste lands of the Crown I would consider it to be the foreshore. I would probably not consider it to be the foreshore. I would not, however, attach any importance to that description.

74. But still it would be a sort of collateral evidence?—Yes; that might be about its value.

75. *Mr. Wood* (having read the fourth clause of the Act). Do you understand by that that it means lands being a foreshore and no other lands?—I should understand that it referred to foreshore land.

76. *Mr. Seaton.*] If the Surveyor-General were to tell you that there were only forty acres of Crown lands there? This was surveyed for the expressed purpose of defining what were waste lands and foreshore, with the object of granting power for the Ocean Beach railway to be constructed. If you were told forty-three acres were considered Crown lands there, would you know this Act would apply there?—I do not quite understand the question. The foreshore is Crown land to some extent.

77. *Mr. Wood.*] You had communication with Mr. McLean, it appears, about this portion that has been Crown-granted. What reason did Mr. McLean or any one urge for the issue of this grant over any particular part of it?—I have already said that I do not remember having an interview with Mr. McLean. The questions put to law officers are usually placed upon record. If anything of the sort occurred it must have been in casual conversation between Mr. McLean and myself. I do not remember the circumstance. I have many of such matters every day. It is not an uncommon thing, of course, for Ministers to come and ask verbal questions. I do not mean to dispute what Mr. McLean has stated, but I do not remember the particular circumstances.

78. *Mr. Seaton.*] You would not have said that they could override the law?—I do not suppose that they would have asked me to do so.

FRIDAY, 11TH OCTOBER, 1878.

The Hon. JAMES MACANDREW, Minister for Public Works, being in attendance, was examined.

79. *The Chairman.*] You gave evidence upon the question of the South Dunedin Reserve Bill last year; probably you will recollect generally the purport of the evidence you gave upon that occasion. Of course the Committee do not want to put you to the trouble of reading that, but wish to know if there is anything further you would like to state?—I have not had occasion to refer to it. [Having read the evidence, witness continued]: I see that record states all that I knew and stated here in connection with that case. There is nothing there that I have reason to secede from. On the contrary, the more I reflect over it, the more groundless, in my opinion, is the Harbour Board's claim.

80. The Provincial Government seem to have recommended the Waste Lands Board to reserve this piece of land as an endowment of the South Dunedin Municipality?—It was recommended by the Superintendent, on the advice of the Executive Council.

81. Did the Board reserve it?—The Board reserved it accordingly.

82. Was that act ever cancelled?—I have been told the Board rescinded the resolution some time subsequently; but I do not know. I have heard it stated.

83. *Mr. Wood.*] Do you know for what reason it was rescinded?—That I do not know.

84. Can you not tell the reason why it was rescinded?—No; I do not know.

85. There seems to be some doubt about this. There is a statement, probably a fact, that there was no South Dunedin Municipality at the time this was agreed to be made over by the General Government to the Otago Harbour Board?—Yes; the South Dunedin Municipality was in existence long before the time referred to here. It was in existence before I made a reserve; in fact, it was at the instance of the newly-elected Corporation of this Municipality, a deputation from them having called upon me upon several matters, and it was on the occasion of that interview I agreed to reserve it.

86. Did it take long from the time it was contemplated to make a municipality there? As you know, it sometimes takes a long time?—The Municipality was in existence and fully fledged before any action was taken to reserve this land.

87. Or before it was handed over by law to the Harbour Board?—Yes.

88. At all events, it has been stated it was handed over to the Harbour Board before there was any such Municipality?—That is not the case.

89. *Mr. Seaton.*] Well, while upon that particular subject, I am going to call your attention to a letter, written by Mr. Gillies, Secretary to the Dunedin Harbour Board, wherein he states that the South Dunedin Municipality has only existed since December, 1875. [Letter quoted.] I have no doubt whatever, from remarks I have heard many members of the Committee make, that they are under the impression that it was during 1875 that the whole of these transactions took place, whereas it was in 1876?—Yes.

90. Well, the South Dunedin Municipality was proclaimed in the *Gazette* of the 15th December, 1875. I think you will agree with me that this was at least twelve months previous to any application being made by the Harbour Board for that land?—I was Chairman of the Harbour Board at the time I made this reserve, and I never heard of the Harbour Board setting out any claim for it.

91. Mr. Gillies has another paragraph in his letter referring to the rights on foreshore, as possessed by the provincial authorities, and the inability of the Board to interfere in that matter?—The provincial authorities had no power below high-water mark; but this was above. We had an accurate survey made with a view of ascertaining how the land was situated, and on the strength of that survey I recommended that reserve to be made.

92. Well, that survey came up the other day, and it was mentioned that Mr. McLean had recommended the provincial authorities to adopt it?—It was with reference to the railway.

93. Was it not made at the instance of Mr. Richardson, Minister for Public Works?—It arose