

out of correspondence with him. I may say that there was a good deal of disputation between the Colonial and Provincial Governments with regard to the right of conferring the power to make the railway along the foreshore, and it was with a view of ascertaining where the power of the one Government began and the other ended that we instituted this survey.

94. Then what I want to ascertain is this: did Mr. Richardson or whoever was Minister of Public Works satisfy you that this was not Crown lands?—That I cannot tell you.

95. Did he raise any further opposition to your 'granting it'?—I have no recollection of his explaining a map; he may have done so.

96. There is no evidence of Mr. McKerrow on the subject. I want to know if you recollect the circumstances?—No.

97. *Mr. Wood.*] Has the accuracy of the map ever been disputed?—No, not that I am aware of.

98. It was also on evidence yesterday by Mr. Reynolds that the Executive and Superintendent had never dealt with this question previous to the granting of land to the Harbour Board?—It was a year previous, at all events. All these transactions took place in 1875.

99. *Mr. Seaton.*] Perhaps you will permit me to refresh your memory. I think it was on the very day the Convention met in Dunedin that Mr. Gillies got this resolution of the Waste Lands Board?—I do not know.

100. And it was at the time every one interested in this particular matter was engaged otherwise?—That may be.

101. *Mr. Turnbull.*] It was in August, 1876, that the first correspondence appears to have taken place in reference to the Harbour Board; and in October it was granted to the Harbour Board—on the 31st October. I asked Mr. McLean that question, whether he had communicated with you, and he said "No," he had not communicated; you were not aware of it. If this took place on the 31st October, to become law should there not have been another meeting of Council before it would have been made valid?—The Superintendent, under the Waste Lands Act of Otago, had power to make reserves temporarily for special purposes, and the reserves remain until dealt with by the Provincial Council. Of course it could not be alienated permanently without legislation by either the General Assembly or the Provincial Council, and the reason why in this case the Ordinance was not passed was that the Provincial Council never met again. I will call your attention to this fact, that the endowments which the Assembly granted were four hundred acres, which had been Crown-granted to the Superintendent, and these ten acres were not included in those four hundred acres. The four hundred acres was land under water, and I think the Act goes on to say that they do not get the four hundred acres until they are reclaimed from the sea.

102. *Mr. Turnbull.*] I want to know whether, looking at the position as it stands, and the granting of this land to South Dunedin Corporation on the 31st October, you consider it an equitable transaction?—There is no doubt whatever that the transaction was not legally complete, but they have got an equitable claim.

103. Would the Proclamation of the Minister of Public Works, in the middle of October, supersede the power of the Superintendent of the 31st October?—I should imagine that the Government, if cognizant of the position of affairs, would not have done that which it had no legal power to do. It had no power to grant the 10 acres in question, the same not having been included in the Statute which authorizes the Superintendent to convey the land granted to him.

104. What, at that time, was the value of this land; have you any idea? At the time it was granted in 1875?—At the time I reserved it I did not consider it of very much value.

105. What do you think, per acre?—Of course it would be impossible to say. Lands adjacent were originally sold at ten shillings per acre.

106. Mr. Reynolds suggested that if it was offered to him at £10 an acre he would not have given it?—I would not have asked him for £10 an acre. I could have got it at one time at ten shillings an acre, but land about there has gone up to an enormous value since. Land adjoining has been sold for £200 an acre, and £50 for a quarter acre section. I think I bought some, as Superintendent, for the purposes of a railway, at £100 an acre.

107. *Mr. Brown.*] What was this reserve made for?—As an endowment for this Municipality. I believe they wanted it partly for some reservoir in connection with the flood water.

108. But what was the purpose stated in the Proclamation?—As an endowment.

109. For public purposes?—Yes.

110. And what position does it stand in now? Is it Crown-granted to the Harbour Board?—I understand so, Sir.

111. Was not this included in a Bill we had in the House once?—Well, I hold it is not included in the Bill. That is the curious position of it; I do not think it is included in the Bill, because the Bill refers to four hundred acres Crown-granted to the Superintendent in land below high-water mark. Now the land, not being below high-water mark, could not have been included in the Bill.

112. *Sir Robert Douglas.*] I ask you, Mr. Macandrew, I believe this is simply a dispute between two portions of the public?—Yes.

113. The public—a Municipality in Dunedin, and the Harbour Board of Dunedin?—A Municipality in the suburbs of Dunedin.

114. Simply a dispute between two portions of the public?—Yes.

115. In private interests?—No.

116. Then, under any circumstances, the public are the only persons who derive any gain, or suffer. One portion may gain and the other may suffer?—No. If the Municipality of South Dunedin gets this ten acres, of course the Harbour Board will suffer to that extent.

117. Which is the greater portion of the public? Which will do the most good to the general public within the Provincial District of Otago?—That is a matter about which there are very grave differences of opinion.

118. I mean to say this: The South Dunedin Municipality will gain a certain revenue from it, or the Dunedin Harbour Board will gain a certain revenue from it. Which requires the revenue the most,