

342. If they had known their powers, and had known all the facts, they would not have so hastily decided to accept Brewer's offer?—They might have reconsidered it.

343. You have told us that the Board had taken into consideration the fact that the land had come from the Government in the first instance: did they not also take into consideration that it was desirable to assist the Government in expediting the construction of this fortress? There was some talk of war at the time?—I do not think that was discussed at all.

344. Was it not taken into consideration?—Some individual members may have taken it into consideration.

345. Mr. Upton appears to have done so?—My impression was simply this: that the Government had the power to take it; they did take it.

346. When did you first ascertain that the Government did not require the whole of the land for defence purposes?—I saw it in the newspapers first, I think.

347. Was that before the money was paid over?—I think the money was not paid, but the negotiations had ceased.

348. The money was not paid?—The money was not paid for some nine months after, I think.

349. You knew before the money was paid that the Government did not require the whole of the land?—I think it is very likely I did. But the bargain was made, and the simple act was to receive the money. Our secretary was appointed to receive it.

350. Have you ever expressed at any meetings of the Board a desire to sell any portion of the estates of the Trust?—It has never entered into my mind, because we cannot sell.

351. Supposing you could, have you ever expressed any desire to do so? would you if you could?—Never.

352. Did you express any wish or desire to sell this particular piece of land, if you could, before this transaction?—No.

353. In a letter written by Brewer to the Under-Secretary for Public Works at Wellington in reference to this land he says, "Now, the Trustees cannot sell, although they would like to." Is that a fact?—Not as far as I am concerned.

354. As far as your knowledge goes, had any communication been made to Brewer by the Trustees or any of them that there was a desire to sell?—I am not aware of any such communication.

355. Mr. Kissling sent a telegram to Mr. Reeves, Chairman of the Committee of the House of Representatives appointed to inquire into this matter, and in that telegram Kissling says, "I believe that they (meaning the Board) did know that the proposal was that the balance of the freehold was to be conveyed to Mrs. Kissling. It was no secret." As far as you are concerned was that a fact?—I did not know it until I saw it in print.

356. *Mr. Hesketh.* Do we understand you rightly to say that you felt that the Government had the power to take this land, and that you must either submit or go to the Supreme Court?—Yes.

357. And the latter course you were not prepared to adopt?—No.

358. Was the idea of selling any of these lands ever entertained at the Board meeting?—Certainly never discussed.

359. If the Board had known that it could have resisted the Government in taking this land, do you think they would have resisted them?—I believe they would.

360. *Dr. Giles.* And if you had known at the time this arrangement was made between Brewer and Kissling I understand you to say that, although you cannot say what you would have done in that case, still you would have felt that the data on which you had to decide were altogether different?—That is what I mean.

THEOPHILUS KISSLING sworn and examined.

361. *Dr. Giles.* What are you, Mr. Kissling?—District Land Registrar.

362. You are brother of Mr. Schwartz Kissling, the lessee of this land?—I am.

363. You are also a member of the Trust Board?—I am.

364. Were you a member at the time this transaction took place—at the time the land was taken by the Government and paid for?—I was.

365. Were you present at the meeting where this subject was brought up and determined?—I was at two of the early meetings.

366. Can you state what took place at each of those meetings?—I may state, first, as regards myself, that I took no part whatever in them. That matter came up for discussion, but at this distance of time it is almost impossible for me to recollect what transpired.

367. Do you remember how it first came under the notice of the Board?—By a letter which was received from my brother, requesting them to name a price, or the mode by which they would arrive at the value of their land, as the Government contemplated taking the whole block.

368. That is the letter which has been read?—Yes.

369. You were present when that letter came?—I was.

370. Can you say what was the nature of the discussion that took place upon it?—A discussion arose as to the necessity for taking the land, and it was after that discussion that the resolution was worded in the form that it is—viz., "If it is intended to take the whole of the land," then they prefer that the Government should name the price.

371. And on the next occasion do you recollect in what form it came before the Board?—In the form of a letter, I think, from Mr. Brewer, Government Land Agent.

372. Fixing the amount of compensation that would be awarded by the Government?—Naming an amount, I think.

373. And upon that letter was there any special discussion?—The discussion took the turn that it was better for them to accept the money, inasmuch as it had been checked by one or two members of the Board, rather than go to the Supreme Court, as suggested by Brewer.