

406. The general powers of the Government under "The Public Works Act, 1882"?—I knew the power, of course, to take land.

407. And that land could only be taken for public works?—Yes; by Proclamation.

408. You knew that the Government were going to take the whole of this land, not, as Brewer says in his letter of the 20th November, for the battery at Point Resolution, but for the purpose of giving back to your brother 3 acres.2 roods?—I understood they were going to take the whole of the land as the cheapest mode of settling the claims.

409. And of transferring a part of the land?—No; I knew nothing at the time beyond the wish of my brother.

410. Did you mention at the meeting that you thought Brewer was mistaken; that you had heard something different from the contents of this letter; that you understood the whole of the land was not required—only three-quarters of an acre? Did you convey to your co-trustees any idea that there was any inaccuracy in this letter of Brewer's?—No; I took no part in the meeting whatever.

411. I suppose you thought it your duty as one of the Trustees to safe-guard the interests of the Trust?—At the time I was of opinion that the Government had ample power to take the land under the Public Works Act.

412. You naturally considered it was your duty as a member of this Trust Board to protect the interests of the Trust, and that at that meeting it was your primary duty when that business was brought forward?—I took no part whatever in this business.

413. Supposing the person who was desirous of getting the balance of the freehold had not been your brother, would you not have considered it your duty to tell the Board that the Government did not require the whole of this land?—No; I do not know that I should.

414. Mr. Brewer was making an assertion to the Board which was not founded on fact—that the Government required the whole of this land for defence purposes; you had received some information that the Government did not require the whole of the land for defence purposes. Supposing the negotiations had been going on with a stranger, would you not have felt it your duty to mention at the Board meeting that the Government did not, in fact, require this land, and you could not understand the letter of Mr. Brewer stating that they did?—I might have done; I do not know that I should have done.

415. Do I understand you to mean that you took no part in the proceedings because Mr. Kissling was your brother?—Exactly.

416. If it had been a stranger you would have taken some part?—Yes.

417. Then, would you not have given this information to the Board if it had been a stranger?—It might possibly have come out; yes.

418. Do you think, if the Board had known at that time, as a matter of fact, of the compact which had been made between your brother and Mr. Brewer, that your brother should get back a portion of this land, would they so readily have accepted the £632 without further inquiry or consideration?—At the time, I think the Board were of opinion that the Government were all-powerful, and could have taken the land irrespective of who it went to.

419. Supposing the Board had known the land was not required to be taken at all for defence purposes—that the Government, in fact, only wanted three-quarters of an acre;—if the Board had known that at the time they received this letter from Brewer, would they have so readily passed the resolution to accept £632?—I think it was known by the members of the Board that only the part occupied by defence works was referred to.

420. And required?—I cannot tell you.

421. It is immaterial what is occupied. The whole of the three-quarters of an acre is not occupied now. If the Board had known that the amount of land required was only three-quarters of an acre, would they have so readily accepted £632?—I think they would.

422. If they had known all the facts as they know them now—that the Act of 1885 only authorised the Government to take what land was necessary for defence purposes?—I think it is quite possible they would act otherwise.

423. But you knew the Act of 1882 was just as limited in its terms?—I was not aware of it.

424. Did not you know that the Government could only take what land they required for such a work?—No.

425. Did you think "The Public Works Act, 1882," gave power to the Government to take land from a corporate body or an individual, and hand it over to another body or individual?—No; I thought they could take what land they required.

426. Did you know of the provision in the Act of 1882 that, if the Government by inadvertence or otherwise took more land than they actually required, they were bound to offer it to the person from whom the land was taken, who could repurchase it at a valuation, before they dealt with it in any other way?—No; at that time I was not aware of that.

427. The members of the Board, I suppose, were not aware they possessed that right?—No; they were not aware.

428. I think you heard me reading a letter from Mr. Brewer to Mr. C. Y. O'Connor, Under-Secretary for Public Works, in which Mr. Brewer makes this statement: "Now the Trustees cannot sell, although they would like to": was that a fact?—No.

429. To your knowledge, had any communication of any kind, written or verbal, been made to Mr. Brewer to justify him in making that statement?—Not that I am aware of.

430. I think about this time there was what is known as a war scare on?—Yes.

431. Military preparations were being made throughout the colony; Volunteer companies were being formed?—Yes.

432. I will just read you what Mr. Upton's opinion was at the date of the meeting when the resolution was passed to accept the £632. Mr. Upton will probably be called, but I think this