

pretty fairly expresses his opinion. This was published in the newspapers: "In coming to this decision—that is, to accept the £632—the Board acts upon this principle: We are the custodians of a piece of property given by the Government in times past for a public purpose. We hear that a great public emergency has arisen which renders it desirable that the Government should resume this land; therefore it would not be proper for men in our position to place any impediment in the way of an undertaking designed for the welfare and safety of the people at large." Was that pretty generally the opinion that was entertained by the members of the Board at that meeting?—I think it was.

433. Mr. Upton goes on to say: "I think that the Government have committed a wrong in depriving the Trust Board of its endowment, and then selling the greater part of it afterwards to the Trustees' own tenant. In a time of great public excitement they used the machinery of the law for the purpose of obtaining possession of a valuable endowment, and then they get an Act of Parliament passed to enable them to sell to the tenant the land which he had formerly rented. That is where the wrong was. The duty of the Government was, when they found that they did not require all this land for defence purposes, either to have offered it back to the Trustees at the same price they paid for it or to have sold a lease of it by public auction." Was that the opinion of the Trustees also?—I do not know. It has never been discussed.

434. In the light of that information, do you say that if the Trust Board had known that this 3½ acres was not required for defence purposes, and was about to be transferred back immediately afterwards to your brother, they would have consented, without further consideration, to take that £632?—I do not know that they would.

435. I mean there was some element of public spirit in the matter, or patriotism, if we may call it so, in not driving too hard a bargain against the Government?—There was certainly a desire not to drive a hard bargain.

436. You state that the Trustees considered themselves powerless and the Government all powerful in the matter. Then, the Trustees at the time they accepted the £632 did not know of the provisions of the Act—first, of getting offered back that portion of the land which the Government did not require; and secondly, the further provision that the land was to be put up to public auction?—No.

437. Did you know, as a matter of fact, at that meeting that any compact or arrangement had been made between Mr. Brewer and your brother?—I did not.

438. *Dr. Giles.*] Can you say when you first did know that?—No; I cannot.

439. *Mr. Napier.*] Did you know at the second meeting?—No; I did not—that is, to the best of my recollection.

440. *Dr. Giles.*] You wrote to Mr. O'Connor, asking him to facilitate the matter, on the 10th December (just a week after the Board passed their resolution), to this effect: "Dear Mr. O'Connor,—The Government has, under the Public Works Act, taken the whole of my brother's property at Point Resolution, but as only a portion is required for defence purposes it has been arranged that the part not required by the Government shall be granted in fee simple to him. As the matter has been pending for some time, my brother is naturally anxious to have it settled, and I would feel obliged if you would kindly expedite the final settlement"?—Well, I must have known of it then.

441. *Mr. Napier.*] So that you did know within a few days of the first meeting that Brewer had an arrangement with your brother?—Yes.

*Dr. Giles:* The first meeting was held on the 19th November.

442. *Mr. Napier.*] Did you know the day after the first meeting of the arrangement?—I cannot call to recollection at all. I do not think I knew it until long afterwards. I think it was after the second meeting I must have heard of it.

443. Did you not know of the condition that if the Trustees would not accept £632 that your brother bound himself to pay them the excess over and above the £632, and not the Government?—I did not.

444. When did you ascertain that?—It was comparatively recently.

445. Did you not know the whole of the terms of the compact before the 7th December?—No; I did not.

446. You only knew the portion you mentioned: but that is an important term in the arrangement?—I had nothing whatever to do with the arrangement.

447. Your brother did not mention that element?—No.

448. If the Trustees had known that, in not accepting the £632, and trying to make a better bargain, they were not dealing with the Government, representing the public, and taking the land for a public purpose, but with your brother, would they have so readily accepted the £632?—No; I think they would only have accepted the £632 from the Government under the circumstances.

449. Thinking it was the Government they were dealing with, in fact?—Yes.

450. Mr. G. S. Kissling sent a telegram to Mr. Reeves, Chairman of the Land-purchase Committee, at Wellington, on the 13th July of this year, in which he says: "Trustees from the first declined to deal with Mrs. Kissling, and would only do so with Government. Whether Mr. Brewer acquainted them with the facts of my letter of 20th November I do not know. I believe that they did know that proposal was that balance of the freehold was to be conveyed to Mrs. Kissling; it was no secret." Was that a fact?—The Trustees have since declared that they did not know at that meeting.

451. *Mr. Hesketh.*] About this impression you were under that the Government were all powerful: are we to understand that you—speaking for yourself first—that you thought the Government could take the land and do what they liked with it?—Yes.

452. That they were not under any obligation to return it in case there was an excess?—And they were taking it to avoid the excessive claims for severance.