

42. Where did you answer it?—In reply to one of the members of the Committee the other day—I forget which one.

43. Would you mind repeating the answer?—I told the Committee the other day that I had nothing to do with the carrying-out of the details of the orders of the Council; that is a purely legal matter. I do not know why it is shown in two parts except that I surmise that this was the occupation-line up here [indicating on plan] and for some reason or other the Council's Solicitor may have thought that Mr. Macdonald's title only went down to there [indicating position on plan]. But there is a great difference of opinion—of legal opinion—as to how far the occupation of a piece of ground like that, under the circumstances which would obtain there, would give the Corporation a title. We have had to compromise in every case of that kind—sometimes against my own individual opinion, where I would have had a very fair go for a fight. But, in matters of that sort, I always look upon myself simply as Mayor, and defer to the legal advice given to the Council. In this case that may have been outside the occupation-line. Judging from other cases, we should never have thought of fighting over that piece of ground if the man had built there. I have no doubt that Mr. Macdonald had good title to the '47 perches.

44. Do you remember stating during your evidence that Mr. Macdonald came around to your office with a letter?—I did not say "with a letter." He came to my private office.

45. Did he have a letter with him from Mr. Kensington?—No, he had not. He had received a copy of the letter we got from Mr. Strauchon.

46. Oh! that was the letter?—He had no letter or copy of a letter with him so far as I know. He came after he got it.

47. You cannot fix the date of that, I suppose?—I cannot.

*The Chairman:* I think it would be more plain to the Committee if you gave straight questions instead of suggestions that do not lead anywhere. That is not information for us.

48. *Mr. Fisher.*] The note I took may have been wrong. On the 8th May, 1907, you remember being asked in the Council by Councillor Cohen, as to what was being done *re* Woodward Street? According to the minutes, the Mayor said there was a difficulty about the title, and that nothing could be done until it was settled. Which title?—To the land.

49. To the 6½ perches?—You know perfectly well it is not to the 6½ perches. Why do you make such a suggestion? It is perfectly dishonest.

50. I wanted to find out whether it referred to that or not?—I had heard at that time that Mr. Macdonald was negotiating for the purchase of the Woodward Street land. I was not aware then how far the negotiations had got on.

51. *Hon. Mr. Mills.*] Would not your day-book throw some light on your movements—as to whether you did go and see Mr. Kensington on a certain date?—No. If I went to see Mr. Kensington, that would be on a matter of the Council's. In addition to which I may say that I generally have so much to do that my diary is the most neglected thing about me. In addition to my memory of the thing, I would base my statement as to not having seen him with reference to this matter on this acknowledgment of Mr. Kensington's, that the first matter I saw him on was Crawford's matter; and that was not until the October following that April. And the whole circumstances of the case are opposed to my having had such an interview.

52. *Mr. W. Fraser.*] I think I understood you to say that prior to the 28th June you had no knowledge of the land being derelict. That is the date of Mr. Strauchon's letter. Is that correct?—That is the point on which I said I was not very clear. I am not quite sure whether it was prior to that or not that Mr. Macdonald said something to me about his trying to fix up something about that piece of ground, which would help us in our negotiations. But, if it was said, it was said in such a casual way that it had gone out of my memory when I saw Mr. Strauchon's letter, because I had to think over it and look at the map. And then it suggested itself to me that probably it was about Woodward Street. But, prior to that, I had no idea of my own with regard to this derelict land until I saw this letter.

53. And you are quite clear on the point that that letter of Mr. Strauchon's was not the result of any application from yourself or the Council to acquire that land?—Perfectly certain.

54. Were you not surprised at the receipt of that letter, in consequence of their recollection (now somewhat deadened) as to a conversation with Mr. Macdonald, that he had been treating with the Government?—I was puzzled when I first saw the letter, and then it seemed to come back upon me—some suggestion that Mr. Macdonald had made quite lately with regard to something of the kind, which I had not paid any attention to at the time, and which the letter seemed to throw some light upon. That is what I believe passed through my mind at the time.

55. We have heard something about foundations for a six-story building: are they on Mr. Macdonald's land, or upon any part of the street-line?—The whole thing is on Mr. Macdonald's land, except the usual provision for lighting the cellar, for the protection of which Mr. Macdonald will have to insert some glass. The whole of the foundations are on Mr. Macdonald's land.

56. How far beyond the kerbing as we see it at present?—It is within the kerbing.

57. How far from these foundations will the glass extend?—I do not know how far it extends. I may say that I am rather opposed to these glass things myself, and I was rather disappointed when I saw that there. But when the thing is properly fixed up, so far as the street is concerned, these glass things will be an aid to us, because they will save us a certain amount of paving, as the glass protection has to be put in by the owner.

58. The cost of putting in these foundation blocks was partly borne by the Council and partly by Mr. Macdonald?—Yes. I explained before, my understanding of the thing at the commencement was that the least foundation that could be put down there would cost £250.

59. *Mr. W. Fraser.*] For what?—For the smallest building that could be put up—two stories, say—and of that amount, the Corporation was to pay £150 and Mr. Macdonald £100. It was afterwards altered to £428, being the total cost, of which Mr. Macdonald's contribution was altered to £275.