

Corporation wished to have control over them; and as there was no other body in existence, the control of the reserves was vested in the Corporation. The Ordinance states explicitly "that the land is to be held in trust for the like purposes for which such lands are now held." It is quite true that the Ordinance gives all the moneys received by the Corporation for the rents of the lands. It would appear there was a conflict in the clauses of the Ordinance; but it must be remembered that a great many reserves are referred to in this First Schedule, and as there was no revenue accruing from the Wharves and Quays Reserve at the time the Ordinance was passed, this might be overlooked; and my impression is, that the full intention of this Ordinance in regard to wharves and quays was simply to give the Corporation the management and control of the reserves. They could not lease without the consent of the Superintendent; and it is only very recently that the Superintendent gave them power to lease. It is now contended that it was the intention of this Ordinance to vest the lands absolutely in the Corporation. If that is contended, I would like to point out the distinction there is between the Ordinance of 1867, which simply gave them the control, and the Ordinance of 1871, which absolutely vested a portion of the estate. By "The Dunedin Reserves Management Ordinance, 1871," the portion transferred is designated reserve for public wharves and quays. The purposes of the trust is altered here. This absolutely alters the object of the reserve. The Ordinance of 1867 carefully provides that the objects for which the trust has been created shall not be altered, although it does provide that the proceeds shall be applied to the use of the town for the time being.

40. Did that clause with respect to the disposal of the rents appear in the Bill as originally sent down to the Council?—I rather think it did.

41. Is the Committee to understand that the Harbour Board claim this reserve as belonging to the Harbour Trust?—I do not know that they have taken any action in the matter as a Board. Many members of the Board consider this property part of their estate, and that they should have the rents from the lands.

42. *Hon. Mr. Reynolds.*] You stated that the grants were issued to the Superintendent in trust for wharves and quays?—I believe so.

43. Do you know how the grants were issued for the other reserves under the same Schedule?—I presume for the objects for which they are named in the Schedule.

44. Did the Provincial Council not grant the Corporation full control over all the reserves in the First Schedule?—I believe that all the reserves in the First Schedule are referred to in the 2nd section of the Act.

45. Upon that ground, this reserve for a pound would be held for a pound. Is it occupied as a pound?—I do not know. If the Corporation choose to erect a pound on some other site more eligible, we do not interfere.

46. The reserve for a reservoir is that used for a reservoir?—I am not aware that it is. There is a reserve for a reservoir at the top of Maclaggan Street.

47. Could you erect wharves and quays on that reserve? Is it not being closed in by reclamation?—That is a different matter. The harbour improvements are closing it in. They are doing exactly what they are doing in Wellington. They are reclaiming, and putting the wharves further out, instead of deepening the water up to the reserves.

48. Do you know how these reserves were set aside originally by the New Zealand Company and Otago Association?—I know a little about it. I do not think that has a great bearing on the subject.

49. You stated that they could not lease these reserves without the consent of the Superintendent. Can they lease any others?—Not on the same footing. I believe they could lease the land vested by the Ordinances of 1871, without reference to the Superintendent.

50. You quoted the Ordinance of 1871. Do you know what reserve that is?—Part of the Wharves and Quays Reserve, which has been given over absolutely. The Harbour Board do not lay any claim to this.

51. Do you consider that it stands in the same position as these others?—No; this Ordinance shows that it is vested absolutely.

52. But before that was passed? Yes, it did not stand differently then.

53. Do you know how the moneys are dealt with under "The Municipal Corporation Act, 1865"?—I have not looked it up, but I presume it is used for Municipal purposes.

54. Sections 5, 6, and 7 of the Ordinance of 1867 provides that the revenues derived from certain reserves shall be expended on the reserves themselves?—Yes; reserves for recreation purposes, &c.

55. Sections 8 and 9 refer to the Third Schedule, Market Reserve. That is exactly in the same way as the reserve under the First Schedule?—Exactly, with this difference: that the one is for the use of the inhabitants of the city, the other for the province generally. The Market Reserve is vested absolutely in the Corporation. The vesting of the Wharf and Quay Reserve is a very different thing.

56. *Mr. Hislop.*] What construction do you put upon the two sections of the Act together—that the reserves are to be vested in the Corporation for the same purposes as they were previously held? Was it not that they might lease them for purposes of public wharves and quays?—I believe it was explained in the Provincial Council that the management was handed over to the Corporation to prevent squatting, and if any revenue accrued, the Corporation was entitled to it until the lands were required for the Harbour Trust or improving the harbour. I believe it was never understood by the Council that they were diverting this estate from the trust to which it was set apart.

57. Was it possible at that time to have wharves and quays there?—I do not believe it was ever contemplated that they should have wharves and quays over the whole of the reserves. They are now bringing solid land in connection with the shipping. I do not see why it is imperative that wharves and quays should be by piles and water. I do not think the opinion was that the land should be for wharves and quays, but that the land should be available to assist in their construction, and to secure the water frontage.

58. Do you say that of your own knowledge?—All these trusts show the Crown grants. Nothing will go behind the Crown grants.

59. Had the City of Dunedin in 1867 anything whatever to do with the harbour?—I am not quite clear whether we gave them any control of the wharves. I do not think so.