

154. Did you not propose then that the proceedings should be stopped on account of the money being wasted?—Certainly.

155. Did I not say to you, "We will not agree to that?"—I do not recollect.

156. Do you remember seeing me in Dunedin, and recommending me to put a stop to the proceedings, and you would pay me the money you had in hand?—I have no distinct recollection of any of those interviews, but I know I saw you repeatedly, and kept urging that proceedings should be stopped in order to prevent the money being squandered at law.

157. Was there ever a deed of submission prepared by any legal gentleman acting for you?—No. The whole thing was done by the people in Wellington. I employed no lawyer in the matter.

158. Was there not a deed drafted and sent to me for signature, and I declined to sign it?—I cannot tell. I do not think I ever saw the deeds until the other day in Wellington.

159. You were the Superintendent of the province at the time the grant was executed?—Yes.

160. Do you know whether the £6,000 was the rent accruing previous to the date of the execution of the grant?—£6,000 was the whole sum that came into the Provincial Treasury. I do not know what rents the Corporation have received since.

161. Do you think Sir Julius Vogel thought the payment of £5,000 was for the extinguishment of the Native claims?—I do not know that Sir Julius Vogel recognized the legality of the claim at all, but I have no doubt whatever that he interested himself in the matter on the understanding there would be an end to all further dispute with regard to it. I never recognized the legality of the claim at all, either at law or equity.

162. Supposing the grant had never been executed by the Governor, in what position would you be now with regard to that land? Would you be able to say you had possession of it?—Certainly not. The position of it would have been precisely the same as many other reserves not Crown-granted, the proceeds of which are paid over to certain bodies.

163. Do you think Mr. Mantell had as much authority to make the reserve in Princes Street as he had to make the reserve at Port Chalmers?—I do not think he had any authority whatever to make either reserve. It was the Governor only who had power.

164. Were you aware that the Natives had got a grant to the Port Chalmers Reserve, which was made in the same way?—Yes, but it was not made in the same way. The Ewerua had authority to make it, but not the other.

165. Do you not think it would be well to pay the back rents, and put an end to the whole thing?—I think the Maoris have got the back rents. This was a reserve of the New Zealand Company for a specific purpose. The Port Chalmers Reserve was land open for selection, and the Governor had power to deal with it, but he had no power to deal with the Princes Street Reserve.

166. *Mr. Tawhiti.*] Do you say that Mr. Mantell had no authority to make reserves for Natives in the Middle Island?—He might recommend them.

167. Supposing Mr. Mantell had purchased any land from the Natives subsequently to Mr. Wakefield, would his purchase have been valid or not?—He did make purchases from the Natives, and the purchases are valid.

168. The land he purchased now belongs to the Crown?—Yes, with the exception of that which has since then been alienated from the Crown.

169. How is it, then, that if he had authority to purchase, and his purchases are valid, he had no power to make reserves?—That is a question that I cannot answer.

170. You say the £5,000 you paid Topi and Taiaroa was out of the rents?—Yes.

171. For what reason did you pay the money out of the rents?—I did not like to see it squandered amongst the lawyers.

172. If you say that is paid out of the rents, then the land itself belongs still to Taiaroa?—Oh, no.

173. If I were to take an action against the Government for the recovery of any sum of money, do you think the Government would pay me my demand if I kept urging it?—I should think not likely.

174. Why not?—They are not so simple as we were.

175. *Hon. Mr. Fox.*] Am I right in understanding that your objection to Mr. Mantell's power to make reserves rests upon the fact that this land had been already reserved, and he could not reserve property already reserved?—Yes.

176. *Mr. Rolleston.*] For what purpose was this reserve made?—For wharves and quays, or rather I should say for the purpose of preventing the water frontage being built upon, and thereby debarring the public from access to the water.

177. Your objection to Mr. Mantell's power to make reserves rested on the fact that this particular land in Princes Street had already been reserved by the New Zealand Company's Agent for public purposes, and therefore did not come within the class of land over which Mr. Mantell had power to make reserves?—Yes.

178. What was this reserve?—The whole of the water frontage of Dunedin was reserved with a view of giving free access to the water, so as not to put the Town of Dunedin in the same position as London on the banks of the Thames. If Mr. Rolleston will take the trouble to refer to it, I think he will find a despatch from the New Zealand Company to Captain Cargill, defining the object of it. Perhaps I may be allowed to make this further statement, that when the first settlers arrived there the land was surveyed to the water's edge, and it was competent for me or anybody else to select sections, but on receiving the despatch Captain Cargill withdrew them from sale. Since then the water has been reclaimed for several chains. The whole of the harbour frontage is being reclaimed for several chains into the water.

179. Then the rights of the settlers, such as they were, in respect to this reserve, have not been maintained the same?—Oh, yes; inasmuch as space is still left between the buildings and the water frontage.

180. Why is it not as competent to reserve this for Native purposes as to alter the original design, as appears to have been done in this case?—The original design has not been altered. The access is still reserved. There are about 2 chains of street line abutting on the water, so that the frontage is not shut off, excepting in so far as the railway line which runs along the street may be said to do so.