

contained certain clauses. That Bill excited very great attention. A large number of members knew all about it far better than I did. It is simple nonsense to say they did not know.

753. Did you ever see it stated in either House that the land was never, in fact, taken for public purposes, and that it was perfectly well known it would not be required?—No; they are supposed to know what they are doing. They take the land and deal with it. They have got the power.

754. Were you not further induced to accept the proposal of £632 by reason of the fact that there was a war scare at the time, and you believed the Government required the whole of the land for defence works?—Undoubtedly we believed the Government required the land for defence works. There was great excitement at that time.

755. I understand you generally to say that you do not think this transaction was a proper one?—I do not.

756. *Mr. Hesketh.*] You were asked some questions as to whether you looked upon that letter as a proposal that the Board of Trustees should sell the land to Kissling?—Undoubtedly not. I look upon this letter as a letter written by Waymouth at Kissling's request on the subject of this valuation, and Waymouth suggests a certain view.

757. Did you, as a member of the Board, ever look upon it as a sale, or ever countenance the thing as a sale by the Board to Kissling?—Certainly not.

758. As far as you know, did the Board ever discuss such a thing as a sale of freehold interest for £6,000?—They certainly never discussed it.

759. *Mr. Mahony.*] You say you knew of the projected sale to Mrs. Kissling before the matter was finally completed. That was during the course of the year following the meeting. You then presumed that everything had been settled. Had you known it was not settled, would that have altered your action in the matter? You considered what was first done was finally done?—Undoubtedly.

760. Did you at any time take it upon yourself as a Trustee to inquire whether the matter was finally settled, and whether there had been any confirmation of what you had agreed upon at your meeting?—No; not during that year. On one occasion I did take certain steps, when the gravity of the thing was really understood. I suggested to the Trustees that they should meet and take into consideration whether or not it was not advisable to make representations to the Government of the wrong that had been done. The Trustees met in a formal way; but they did not consider that it was their duty. They considered that the Government had taken action in this matter from the beginning, and they were responsible in every way to put the thing right, for the wrong had been done. We had been the victims.

761. No steps were taken by the Board?—That meeting was quite recently—within the last twelve months—after the Bill was passed, and the whole thing was over.

762. No steps were taken by you or your colleagues between the time you agreed and when the money was paid?—Certainly not.

763. *Dr. Giles.*] With reference to this letter of Waymouth's, I understand what you mean is this: that this part of it in which he suggests that Kissling should purchase the land of the Trustees for £6,000, and the Government were to pay for their one-quarter thereof, £1,500—that you and the Trustees regarded that simply as a suggestion of Waymouth's, with which you would have nothing to do?—If it was before them formally it was regarded as a suggestion not worthy of consideration.

764. You and the others had seen the letter, and knew what was in it?—Yes; probably had it in our hands at the time.

765. That was the view you took of it—regarding it merely as a suggestion, and quite without any idea that the officer employed by the Government had anything to do with that or anything to say to it?—Quite so.

766. And that part of the letter which you acquiesced in—that is, supposing the Government approved of it—was the taking the basis of £6,000, and the calculations based upon that?—Yes.

767. And that you did not acquiesce in until you got it from the Government?—Of course.

768. And I understand that now what you say is this: that you do not complain that the Board has not received an adequate payment of money for its interest, but what you complain of is that it has been deprived of the option of holding the land instead of money?—Yes; I complain that the Government took more land than they need have taken.

GEORGE PATRICK PIERCE sworn and examined.

769. *Dr. Giles.*] What is your business?—I am general manager of the New Zealand Insurance Company.

770. You are a member of the Trust Board, I believe?—Yes; and also honorary secretary of the Parnell Orphan Home.

771. You heard Mr. Upton's evidence this morning, did you not?—I did.

772. And you are aware, then, of its general range and the ground it covers. I think the best way will be to ask you to state your own recollection, as a member of the Trust Board, of the negotiations which took place with that body for the acquisition of the land required at Point Resolution for defence purposes?—I should prefer that the Court asked me specific questions.

773. Very well. You recollect a transaction relating to the taking of land in Mr. Kissling's occupation at Point Resolution for defence purposes?—Yes; I was rather emphatic, also, when I heard that the whole of the property was required for that purpose, because I thought, in the first place, that a fort there was quite unnecessary, and that if an enemy ever did come to Auckland, and got at all near to this point, it would be a very bad look-out for the place. That made me emphatic in the opinion I held respecting the Government taking so much land for the purpose of constructing a fortification.

774. You thought that they were taking too much?—Yes; more than was necessary.