

wharf running out where vessels are constantly discharging coal; and the noise proceeding from all this, working by night as well as by day, to say nothing of steam-cranes, was so annoying that the owner had to sell the property and go into the country. And I imagine—at least, it is just possible—that in forty years' time, when we shall doubtless have large reclamations in Judge's and Hobson's Bays, with large manufactories built thereon, throwing up clouds of smoke, this property may not be nearly so beautiful as it is now, but may have very much depreciated. That is just as likely to be the result as that it may be worth double the amount that Mr. Dacre has put upon it. And if Auckland goes ahead these bays will certainly be reclaimed, and we may have railway-trains running round the edge of the water; so that this land, instead of being regarded as sites for choice residences, may be tabooed. If the Russian guns are ever brought to bear upon it I believe the fort will disappear.

798. You think that if the Board had known of the Government's intention to reconvey to Mrs. Kissling they would have opposed it?—They would have resisted it.

799. Were you familiar, at the time all this occurred, with the law that bound you with regard to your holding of that property?—I suppose I ought to have been, but I was not.

800. But could the Board have sold that property without legislation?—No, they could not sell—that is, not without Church legislation.

801. According to the laws under which you held the property at that time, it could not be disposed of without the consent of all the bodies interested, or without the authority of an Act of Parliament?—I suppose so.

802. As far as you know, was the subject ever spoken of at any Board meetings—that is, about selling the freehold?—No.

803. Did you ever understand from that letter of Mr. Waymouth's that it was proposed that you should sell the freehold to Mr. Kissling?—As I said just now, I do not believe that letter was ever before the Board.

804. Had you at any of your meetings any such proposition as this from Mr. Kissling: that you should sell the land to him?—No; because it would immediately have been met by our saying, "We can't sell it."

805. Did you, speaking individually, throughout the transaction, act in a manner that you believed to be right and proper for the trust?—Yes. Anything that the Trust Board did in this matter I should have done myself if the property had belonged to me as a private individual.

806. With the knowledge you then had?—Yes.

807. Without referring in detail to the other elements of knowledge that have come before this tribunal, if you had had the knowledge that the Government could have been restrained from taking more land than they absolutely required, and obliged to hand back the surplus, would you have acted differently?—I should have resisted most positively what was done. I did resist, in a measure, when the taking of the land was originally spoken about.

808. That was before Mr. Kissling's offer?—Before any official communication was made to us. The first intimation we had of the Government's intention was the report that a lot of soldiers and militia were on the point, digging away in Mr. Kissling's garden.

809. Then, when you say it was spoken of previously, do you mean that it was talked of in town?—Yes: before any communication had been received by us rumours were abroad of military operations going on in Mr. Kissling's garden—that soldiers were in his garden.

810. But you understood that they had taken a portion only of the land?—Yes.

811. Were you surprised when you found that they were taking the whole of it?—Very much surprised indeed, and I spoke out pretty plainly about it.

812. There is one point—I was going to say the most offensive one in the scope of the investigation—upon which I wish to ask a question. Had you, as a member of the Board, any knowledge that an understanding had been arrived at between Mr. Brewer and Mr. Kissling that if the Board required more than £632 Mr. Kissling was to find it?—No; I was not aware of that. I think if I had been aware of it my business sympathies would naturally have led me to stick out for a higher price.

813. Did you say anything as to the value of the land at this time—anything as to this £6,000 that has been spoken of?—That was laid before the Board.

814. Did you go into a calculation to arrive at it?—No; several members stated that it was so. Mr. Cochrane went into it, and we were satisfied with the basis. I did not go into the figures, but took them as correct.

815. *Mr. Mahony.*] You say that you were inclined to resist when you found that the Government were taking more land than you thought they required to take: is that so?—With my feeble voice I did.

816. You did hear at the Board of Mr. Waymouth's valuation, only you are not quite sure whether or not it was there that you saw his letter?—I am certain it was not there, and I am not quite sure it was Mr. Waymouth's valuation. I did hear that a valuation had been made by some competent accountant.

817. That, no doubt, explained to you how the sum of £6,000 had been arrived at?—Yes.

818. You say you heard that some members of the Board had gone into the question: that was prior to the meeting of which you have been speaking, was it not?—I could not say that.

819. Can you recollect whether that £6,000 was something which appeared to be known to the Board at that meeting as being the gross value of Mr. Kissling's land?—I do not think so. The matter was discussed at one or two Board meetings. It was not finished off at the first meeting at which it came up, but I cannot say at which meeting. The matter was not hurried.

820. A considerable space intervened between the time of your agreeing with the Government and the time of you and your co-trustees receiving the money and signing the receipt for it?—Oh, yes!