

Dr. Giles said the trust was made up of two parts: there were the Trustees and the parties for whom the trust was constituted.

Mr. Mahony said there was an imaginary *cestui que* trust. It was not an ordinary case of trustee and *cestui que* trust.

Dr. Giles said it seemed to him that the gist of the complaint was that justice had not been done to the trust. Now, if it appeared that the Trustees had not done justice to their trust, of course the parties for whom the trust was given were really the parties aggrieved, although they might be quite indefinite, and although they could not be named. He could not see any objection to any counsel appearing in the way Sir George Grey mentioned. Of course it would have to be confined to one appearance for the whole body of persons who might be supposed to be concerned, and he could not see that Mr. Kissling could be prejudiced by that.

Mr. Mahony did not see how Mr. Kissling would be prejudiced in the matter, but he understood that Sir George Grey requested that he himself should be represented as grantor. He submitted that a grantor had no standing in a Commission of that kind. The creator of the trust could not be represented. A trust was created, and therefore the only parties interested were the trustees and the *cestui que* trust. He submitted that not even if the grantor had been the personal owner of the land could he be represented. Surely the creator of a public trust could not be represented by counsel.

Dr. Giles said the Commissioners recognised Sir George Grey's position as having moved in this matter, and having stated that further facts could be brought forth.

Mr. Mahony: That would be personal.

Dr. Giles: What I understood Sir George Grey to wish was simply that there should be some representative of that interest.

Sir George Grey: That is so. But, if I might state, I think it will be clearly shown that the whole transaction has been unlawful, from ignorance of the law apparently, and that these children for all time have been deprived of that to which they were justly and lawfully entitled. What I pray for is that some person may appear on their behalf to watch.

Dr. Giles: I cannot see any objection to that at all. I think it would be very desirable.

Sir George Grey: If it is allowed by the Commission, I will engage the services of a person. I am sure full justice could not be done otherwise.

Dr. Giles: We think it is a reasonable request, Sir George, and we will permit it if you wish it.

Sir George Grey: Then, the next day you meet I will have counsel engaged.

Dr. Giles: That will not interfere with our meeting now and having Mr. Mackay's evidence. Of course his evidence will be read over again.

Mr. Thomas Mackay, Government land-purchase officer, and Mr. William Stephen Cochrane, Secretary of the Church of England General Trust Board, were examined on oath.

The Commission adjourned at 12.15 p.m. till 11 a.m. on Monday, the 8th instant.

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#### MONDAY, 8TH OCTOBER, 1888.

The Commissioners met pursuant to adjournment.

Mr. Napier, instructed by Sir George Grey, appeared to represent the orphans and others interested in the conservation of the trust. Mr. E. Hesketh appeared for the Trust Board, and Mr. Mahony for Mr. G. S. Kissling.

Thomas Mackay was further examined, William Stephen Cochrane was further examined; Theophilus Kissling, Rev. Robert Burrows, and James Dacre, members of the General Trust Board, were examined on oath.

The Commission adjourned at 4.20 p.m. till 11 a.m. next day.

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#### TUESDAY, 9TH OCTOBER, 1888.

The Commissioners met pursuant to adjournment.

John Henry Upton and George Patrick Pierce, members of the General Trust Board, were examined on oath.

The Commission adjourned at 3.20 p.m. till 11 a.m. next day.

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#### WEDNESDAY, 10TH OCTOBER, 1888.

The Commissioners met pursuant to adjournment.

Herbert Molyneux Brewer was examined on oath.

The Commission adjourned at 1.15 p.m. till 11 o'clock on Friday, the 12th instant.

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#### FRIDAY, 12TH OCTOBER, 1888.

The Commissioners met pursuant to adjournment.

George Schwartz Kissling was examined on oath.

The Commission adjourned at 1 o'clock till 11 a.m. on Monday the 15th instant.

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#### MONDAY, 15TH OCTOBER, 1888.

The Commissioners met pursuant to adjournment.

Mr. Hesketh, Mr. Mahony, Mr. Napier, and Mr. Brewer addressed the Commission. The addresses concluded at 3.50 p.m.

Dr. Giles then stated that that concluded the sittings of the Commission, with the exception of some remaining witnesses attending to sign their depositions.