

Government could do as they liked. They had given us notice of their intention to take the whole, and I thought then, as far as the Board was concerned, they had done with it.

320. *Mr. Napier.*] You said the fact was taken into consideration that the Government had given the land in the first instance—that that was taken into consideration by the Trustees in disposing them not to drive a hard bargain with the Government?—Not to allow it to go to arbitration.

321. Not to have any dispute or law proceedings?—Yes.

322. But if the Board had known that they were not, in fact, dealing with the Government, but that the compensation had to be paid by a private individual, would that element have been taken into consideration by them?—I think the Board does not know to the present time but what they dealt with the Government. They were dealing all along with the Government, and not with a private individual.

323. You do not yet know that Kissling entered into an arrangement with the Government whereby he was to pay the Trustees the compensation for their interest over and above £632?—I do not know it at the present moment.

324. That an arrangement was entered into, in fact, between Kissling and Brewer that if the Trustees did not accept £632—

*Dr. Giles:* The words in Mr. Kissling's letter are, "Should it be found in settling with the Trustees that the Government have to pay a larger sum than £632 for their freehold interest I undertake to reimburse them the excess."

325. *Mr. Napier.*] That was a letter from Kissling to Brewer?—I knew nothing about it. It was brought, I think, before the Board as a question as to whether we did know it or not; and the answer was that we knew nothing about it.

326. Did you not, as one of the Trustees, consider it at that time, and do you not still consider it, as part of your duty to preserve any landed endowments for the interests of those for whose benefit you are acting, without changing an imperishable thing like land into money?—It is my desire to preserve them all.

327. You consider that land is better security for an institution of that kind than money?—I do not say that; but, the Government having required the land for public purposes, I considered that the Trust had no alternative.

328. You, as a trustee, would not sell any portion of the lands which are held in trust, or part with them to a private individual, except for a public purpose, as you have mentioned?—I am not sure of that; it would depend upon circumstances.

329. If you had been aware that the Government did not require the land, and that Kissling was to get back 3 acres 2 roods, would you have parted with the land?—If the question had come before us I think I should have said, "Give it back to us."

330. It was because you thought you could not help yourselves, and because it was originally given by the Government, that you so readily accepted the £632?—I do not say that was the case. We felt that we had no power to sell: we have not sold; the land has been taken from us.

331. But, supposing you were aware that it could not have been taken from you—that the 3 acres 2 roods could not have been taken from you—and that it was to be given to Kissling, would you have willingly parted with it?—It having gone from us altogether—

332. It had not, at that time, and not for six months afterwards, until the Proclamation was issued. At the first meeting of the Board you were present?—Yes.

333. What would you have done at that meeting if you had known that the 3 acres 2 roods was not required for public purposes, and was going to Kissling, and that it could not be taken from you? Would you, as one of the Trustees, have taken any steps to retain that land?—I really do not know what we would have done.

334. Assuming you had then the information you have now, what would you have done?—I do not know.

335. Supposing the matter was now being decided, and that this was the first meeting of the Trustees, would you so willingly accept that sum on behalf of the children?—I should want to have all the circumstances before me before I could say.

336. I think you have those circumstances before you, have you not—some of them?—I have been in the habit now for many years of considering every subject which comes before me in all its bearings. Until I have done that I do not think I should be called upon to give an answer any further than this: that I do not know.

337. What I want to get at is, what the Trustees would have done if it had been known that this land was not required for public purposes. You have said you were under the impression that the whole of the land was required for public purposes. Supposing you knew that it was not, in fact, required for public purposes, would you have so readily accepted the £632?—I should have had to go, as I said before, into all the circumstances; and until I had done that then, and until I have done it now, I could not give an answer.

338. Have you not fully considered it?—No; for this reason: I think we had very little to do with it. The land was gone, and we had got the £632, and I thought, as far as we were concerned as trustees, we had done with it.

339. The land was not taken from you till May next year?—I considered the land was gone from us as soon as we accepted the £632.

340. You told us that what induced you to accept that £632 was that the land was required for public purposes, and that the land was originally given by the Government. Supposing you knew that the greater portion of the land was required for Mr. Kissling, would you then so readily have accepted the £632 as you did?—The probability is that the Trustees would not have accepted it at all.

341. They would have further considered the matter?—That is, if it had come before them as a thing they had any power over.