

821. Do you remember whether you knew in the meantime that three-fourths of the land was to be, if it had not been already, conveyed back to Mrs. Kissling?—Not till it was done.

822. But that was before you received the £632?—As to that I will not be certain.

823. Now, I want to ask you a question upon a point which has not been touched upon in this inquiry—with regard to the trust itself. Who were the real *cestui que* trust in the matter?—Do you mean the terms of the trust deed?

824. Is it a fact that any orphans are benefited under this trust? You speak as an authority in this matter?—I was about to ask the Commissioners, after this examination was over, whether I might be allowed to make a statement on that subject; but perhaps it may as well be brought out in this way.

825. Is it a trust for an orphanage?—It is for poor and destitute children.

826. But it is not a question as to whether their parents are living or not?—No.

827. I think its scope extends further than this Island?—Yes, it comprehends also the children of inhabitants of islands in the South Pacific Ocean.

*Mr. Napier*: It is a trust for the benefit of poor and destitute children of both races in New Zealand, and also of the children of poor and destitute persons of the islands of the Pacific.

828. *Mr. Mahony*.] I see nothing mentioned in the trust deed about orphans?—No.

829. You are aware that this particular inquiry has been asked for in order to protect the interests of poor orphan children?—Yes.

830. Is it a fact that the Trustees are depriving orphan children of anything?—No. There was a time when the Parnell Orphan Home received a portion of the rentals from this estate, but for the last four or five years it has not received any portion.

831. As a matter of fact, at the time the property was diverted the orphanage had no income from it, and no connection with it?—It had an intimate connection with it, because it was fulfilling most directly the terms of the trust, and as it had been for twenty years on the land I think it would be a difficult thing to dislodge it therefrom.

832. But the inmates of the orphanage are not the persons beneficially interested under the original grant?—There is a great deal to be said on that subject. More may be heard of it in Parliament if Sir George Grey carries out the philanthropic spirit by which he has been actuated in obtaining this inquiry. A greater wrong has been done than that which this inquiry is dealing with.

833. How do you mean?—The Orphan Home was induced to erect expensive buildings there by the Bishop of New Zealand. In the year 1864 the Orphan Home was started by Archdeacon Lloyd in connection with the work carried on in his parish. It gradually got larger and larger, and in the year 1865, I think, the inmates of that Home found themselves in St. Stephen's Native Institution, there being no Natives there at all, or scarcely any—only one or two girls. They applied to the Bishop of New Zealand for a piece of land on which to erect an orphan home, and asked especially for a piece in Symonds Street, which subsequently became the site of St. Sepulchre's Church. The Bishop said, "No, that is too valuable; but I will give you a piece of the land belonging to the Native School Trust;" and he accordingly pointed out a site thereon. Not only that, but he had the site excavated at his own expense, and out of his own pocket he paid the cost of transferring from St. John's College the large building which is now used as the dining-room of the Orphan Home. He also gave us permission, at all events, to use five acres of the land, and he told us that this would be transferred to us in the name of trustees. Archdeacon Lloyd, Mr. King, and myself were nominated as trustees, but up to this day we have never got a lease of the piece of land. In the year 1868-69 there was a parliamentary Commission—a Royal Commission—similar to this one appointed to inquire into the state of the different religious institutions around Auckland, and they duly held their sittings, and came to the conclusion (Mr. Domett, I think, was Chairman of the Commission) that, having inquired into the condition of the trust estates, &c., "the sole fulfilment of the trust at St. Stephen's at present consists in allowing a private benevolent institution called the 'Orphan Home' to occupy five out of the sixty-seven acres of land at a nominal rental, and it is remarkable that that institution, which is unendowed, appears effectually to achieve its object." In the same year a Commission of the Auckland Provincial Council reported that none of the institutions—St. Mary's, North Shore; St. Stephen's, Parnell; and the Three Kings School—"at present fulfil all the conditions of the trust," but reported in favourable terms of the Parnell Orphan Home. The Parnell Orphan Home was managed by a committee, which told Bishop Selwyn that they would not come under synodical rule, but preferred independent action, though they were quite willing to go on carrying out the terms of the trust as to the religious education of the children. They also applied to the General Synod, as the governing body of the Church in New Zealand, and as having the custody of the land, for a portion of the income derivable from it, or, rather, to authorise the trustees of this same piece we are now debating about to pay over to the Orphan Home Committee a sum of money derivable from the rentals of the St. Stephen's trust property; and for three or four years they were accordingly paid the sum of £386.

834. *Dr. Giles*.] A year?—No, in all. For the last three or four years they have been paid nothing, though the general Synod authorised its Trustees to pay to the Orphan Home Committee. This is the resolution: "The Synod authorises the Trustees of the Native School Trust in every year to pay to the managers of the Orphan Home, Parnell, out of the net annual income of the St. Stephen's trust property, a sum of money not exceeding one-half of such net income, consideration being had to the amount of the funds of the Trustees available for the other objects of the trust, and particularly the requirements of the St. Stephen's Native School." Well, the requirements of St. Stephen's School for the last three or four years have been so urgent that no money has found its way from its Trustees into the treasury of the Orphan Home. And as the Home has been located there for twenty-six years, and the Trustees have expended a large amount of money in the erection of buildings, and they have had ten acres of land handed over to them for the purposes of the Home, I think it reasonable to conclude that we have been carrying out the objects of the trust,