

which is the education of poor and destitute children, not only of the European inhabitants of this island, but also of Maoris, as well as children from the South Sea Islands. In fact, we contend that we have been carrying out the terms of the trust more truly than the Native School Institution has been doing. I believe, if inquiry is made, it will be found that, instead of all the inmates of St. Stephen's School being "poor and destitute children," the parents of many of them are Maoris in affluent circumstances, and therefore well able to provide for their children.

835. This land, which was given by Governor Grey in 1850, was not given specially to St. Stephen's Native Trust?—It was given to the Bishop of New Zealand, and he handed it over to St. Stephen's.

836. To this particular General Trust Board?—Yes. It is so called because, besides this, it embraces a Cathedral Trust, and several others.

*Mr. Napier*: I would refer you to a petition which was presented by Sir George Grey to the House of Representatives. The first and third paragraphs of it set out the object of the donor. The first paragraph says, "That your petitioner, on the 23rd September, 1850, granted as an endowment certain lands in trust to the Bishop of New Zealand and his successors in office for the support of a school and the maintenance of orphan and destitute children of all races, in which school they were to receive instruction in the English language, religious education, and industrial training."

*Mr. Mahony*: You will see that the word "orphan" is introduced there, but it is not in the title.

837. *Dr. Giles*.] What I wanted to know is whether it was a departure from the trust deed to give the benefit of it to that Orphan Home?—We have always worked together in the most friendly way: the two bodies, in fact, have sent children from one institution to the other. The Native school admitted us as a body, and we occupied their building for a year and a half, clearly showing that they understood we were fulfilling the terms of the trust. They allowed us to remain until our own building, where we have been ever since, was erected. Of course, it becomes a very serious question now, when we have become the recipients of upwards of £12,000 from the Costley estate, whether we shall expend money in building upon ground where we have no title at all, or whether we shall buy ground and build elsewhere. Our contention is established from what Mr. Napier has just read, showing that, as we have been carrying out the intention of the donor, we are entitled to a fair moiety of that St. Stephen's estate.

838. Does the whole of the land which the Board has to do with come under the St. Stephen's Trust solely?—Yes.

839. The whole of the land granted by the Governor was assigned to that particular Trust?—Yes; and the Bishop of New Zealand, who was sole Trustee, said, "You can have five acres of it for the Orphan Home."

840. *Mr. Mahony*.] That was done privately as Bishop, independently of his position as Trustee?—Yes.

841. Then, it was only as a matter of convenience that the orphans came to get any benefit from that trust?—We have derived no benefit from it for the last three or four years. All that we got prior to that was £386; and when we asked for more they said, "No; but we will give you more land if you like."

842. And you do not benefit from this £632?—No; it was more convenient for them to give us land than money.

843. Whom do you mean by "they"?—The General Trust Board.

844. Did it not occur to you that they would not do it because this is a trust only for orphans?—No, I do not think so. I was always under the impression, myself, that, as orphans, they come under the designation of "poor and destitute children."

845. As to the £632, you were quite satisfied as a Trustee that you were fully and fairly paid out of the price paid for the property, and that that amount, according to the data given, represented everything to which you were entitled?—Yes.

846. The fact that the freehold of part of this land reverted to Mrs. Kissling did not affect your trust?—No; but I agree with the general principle stated by Mr. Upton that no trust property should be sold except under very peculiar circumstances.

847. This particular Trust has an immense quantity of land, I believe. They are owners of a great portion of the other side of Parnell?—No; we have not a great deal more than this sixty-seven acres, I think.

848. Then this was only a small portion as compared with the whole of the trust property?—Yes.

849. Do you agree with Mr. Upton, who told us he thought £632 in cash was better than holding to that particular piece of land?—I think so. I think if I had had such an offer I should have accepted it. I think it was a very fair offer.

850. *Mr. Napier*.] But, still, though apparently arithmetically fair, would you have been willing, had you known that the whole of the land was not required for defence purposes, to have parted with it as a member of the Trust Board?—As I said before, I objected to any portion being taken; but, of course, a small portion having been taken compulsorily, I did not think it very much mattered about three or four more acres being taken. They have spoilt the Point by putting the battery there.

851. Were you aware that under "The Public Works Act Amendment Act, 1885," there could be no claim for compensation by reason of the proximity of a fortification?—I was not aware.

852. Supposing you had known, as a matter of fact, that only three-quarters of an acre was required for defence works, and that the remaining portion was to be taken in this circuitous manner for the avowed purpose of being conveyed to Mrs. Kissling, would you have demurred?—I would have demurred to its going to Mr. or Mrs. Kissling or to anybody else.

853. Would you have preferred to retain it?—Yes.