

263. *Mr. Elliott.*] Can you tell me how many clerks are paid for keeping accounts. We know there is Mr. Gualter, Mr. Empson has a clerk, and you are paid by commission. Are there any other charges for clerical assistance?—Not that I am aware of. I get a commission for collecting rents, and the others get a salary.

264. *The Chairman.*] Do you produce the lease to Mr. Empson?—Yes.

265. Have you a ledger account for the lease?—No. There is no rent paid. The lease provides that Mr. Empson pays no rent so long as he is headmaster.

JOHN BRYCE examined.

266. *The Chairman.*] You live in Wanganui?—Yes.

267. You were a member of Parliament?—Yes; first of all in 1866. I resigned in a year, but was elected again in 1871, and sat for a long time after that.

268. Perhaps you would prefer to make a statement to the Commission?—I arrived in this district about the middle of 1853. You will observe that was only a few months after the issue of the grant, which took place, I think, in October, 1852. I was brought into very immediate contact with the conditions of the grant very shortly afterwards. In point of fact the road from the country in which I lived came through the Industrial School Estate, as we called it in those days, and the then manager or headmaster assumed the right to close this road temporarily, as an assertion, I suppose, of his authority. At any rate, even at that time there was a great deal of dissatisfaction and even indignation in Wanganui about the issue of this grant. I was informed, and I afterwards ascertained it to be the fact, that Mr. F. D. Bell (afterwards Sir Francis Dillon Bell) was sent up by Sir George Grey to ascertain the feelings of the inhabitants of Wanganui on the subject. That was of some importance as showing that the inhabitants of Wanganui really came into the question. It was explained to me in town, when we began discussing these matters with a view to action being taken, that Mr. Dillon Bell had merely communicated with missionary Taylor and a few other members of the Church of England, and had reported what was, in fact, their opinion to Sir George Grey, saying that the inhabitants of Wanganui were delighted at the idea of having an endowed school. That was almost the initiation of it. The grant was issued. Some question has been raised as to the exact terms of the grant, but, to my mind, it does not matter in the least. Certain words in the second grant were omitted, but whether omitted or included is a matter of no consequence at all. At that time there was a strong feeling that the grant itself was invalid, and there was an agitation to test the question at law. However, the persons who interested themselves in that way were afraid of the possible expense, because it was thought not only would the question be carried through the Courts of New Zealand, but probably to the Privy Council. We have good reasons since to believe that would have been the case. The grant was issued. I understood from a reported expression of the Chairman's that there was at that time no quarter-acre section or reserve in the grant, because the New Zealand Company had restricted the size of the town.

269. I said it was stated the company had drawn in its boundaries so as to leave this piece of land outside?—That was after a sale of a portion of the town. Well, I submit that after streets and reserves are dedicated to the public, amongst whom were certain purchasers of land in the town, the dedication cannot be withdrawn in that free and easy manner. Of course, that is a matter of law. As it happens, I have been instructed by lawyers at different times on this matter.

270. You are going now into the validity of the grant?—Yes.

271. I have held that the validity of the grant is not in issue in this inquiry?—But, in view of your report, there may be some legislation, and if any new facts can be brought out respecting the validity of the grant, it would be very convenient that you should be able to report these facts to whoever constituted you as a Commission. Besides, I have only a very few words to say about it, and if I am not allowed to say them I should, in fact, regard the whole inquiry as having a great resemblance to the play of "Hamlet" without the principal character. Now, I have seen the original plan, and that plan, at all events, did comprise reserves and town sections which were afterwards comprised in the grant you are now dealing with. That may be taken, I think, as admitted, because it is only qualified by your observation, Mr. Chairman, respecting the restriction by the company. Petitions on the subject were presented again and again, and the question was referred to the Law Officers of the Crown. And I know there was a valuable opinion, as I consider it, by Mr. Prendergast, the then Attorney-General for the colony. He gave an opinion which Sir Harry Atkinson declined to produce to the House on a technical point of constitutional procedure. Perhaps he was right; I do not know. I do not think he was. But he allowed the Chairman of the Committee, Mr. Thomas Kelly, and myself to peruse it, and there could be no doubt whatever on anybody's mind but that in his opinion, at all events, the grant was void and could be upset in law. In reference to your remark, Mr. Chairman, which I venture to take exception to, respecting the restriction by the company—

272. I only said that I had seen it stated in some of the parliamentary papers dealing with this grant that the company had brought in the boundaries inside that area. I do not know myself what was done by the company?—If it be so, I still say they could not withdraw a dedication in such a way. The point Mr. Prendergast most particularly insisted upon, in his opinion, was that certain reserves and streets had been dedicated to the public, that some of that public had bought land knowing or thinking these reserves would be for the public benefit, and that it was not in the power of Her Majesty the Queen nor of any subject of hers, such as Sir George Grey or the company you have spoken of, to withdraw that dedication without legislative sanction. That is a very strong reason for supposing that the grant is invalid. This letter seemed to me to be an interesting one. It was brought to my house last night. It is addressed to me, and therefore is my property no doubt; but if it had been in my possession all the time it would have been burnt when my house was burnt during the Maori war. The letter is as follows: "Colonial Secretary's Office, Wellington, 17th October, 1866.—To John Bryce, Esq., M.G.A., and W. H.