

purpose of teaching children of one denomination only. If the Bishop's words mean anything, they mean that. They claim the power, and it was only a matter of discretion whether they should exercise the power or not. I would remind your Honour—but I am sure you need not be reminded of it—that this grant has been in possession of the trustees for over half a century, and we have just heard what Mr. Liffiton said with reference to it. He said that owing to the action of the Borough Council in taking water from Westmere, the land in the trust had got considerably drier by reason of that action, which is perfectly correct; but he went on to say—and this is the point—that the water was now flowing in the old courses, and that the ground was becoming as much saturated as ever. So that in that respect after all his statements about the desperate condition the ground was in fifty years ago, it is coming into the same condition now after they have had it in their hands for fifty years. Years ago when I was raising this question, I was asked, Where do you suppose the funds could have been got by the trustees for improving the land, making the streets, and so on? My reply to that was, that I thought it was impossible for them to have got funds, and it is impossible now, notwithstanding Mr. Liffiton's idea about a special rating-area, about which I may have a word to say. It is impossible now, but surely that shows, if anything can show, that the grant ought never to have been made under such impossible conditions; it ought never to have been made at all to the present trustees. And I come to this—because I feel that it is owing to your good nature that you are listening to me at all, because I am attacking the grant really—I come to this: that I can see no feasible way out of this difficulty unless by allowing the land to revert to the public. It would then be dealt with by the General Assembly, as I hope in the interests of education, and particularly in the interests of the Town of Wanganui, from which the land was abstracted. The only reason that the question was not tested a long time ago was the expense, and that reason exists still, or it would be tested at once. But it would be better that the grant should pass by some other means into the hands of the public, and be dealt with by the General Assembly in the interests of education, and particularly in the interests of this town. I will close my direct evidence by just making a bit of prophecy. This grant has been in the hands of this denominational trust for more than half a century without their having done very much to it in the way of improvement; but I venture to think with very great confidence indeed, that before the next half century is very far advanced this grant will be public property again. That, of course, may go for what it is worth; but I put it forward as a prophecy, and if my words are now put on record, by-and-by in twenty-five or thirty years it will be said, "Bryce was right after all."

281. You said just now that it is absolutely impossible for the trustees to get money for the purpose of draining that estate?—I think so.

282. Do you know that the trustees have power to sell portions of the estate, or the whole of it, under the Act of 1858?—No. I wish they would try to sell it. If such an attempt were made the grant would be upset in no time. In fact, I should be prepared to pay the whole cost myself, but indeed the colony itself would instantly do it.

283. Do you know they have such power still?—No.

284. Do you know that under these provisions of "The Bishop of New Zealand Trusts Act, 1858" (sections read to witness), the trustees have that power?—While I was reading the obituary of a Judge not long ago, I came across a quotation as being applicable to him. It was that patience and a certain amount of good nature were after all the best qualifications of a Judge: I give your Honour full credit for both, but I do not agree with your law. The sale that you suggest is "subject to all trusts."

285. Yes?—Very well, if they sold these pieces of land, how could they be sold "subject to that trust?"

286. The money would be?—I think the money would melt. You suggested that it would be for the purpose of raising money to improve the land. The money would melt away.

287. I suggest that there may be difficulties, but the difficulties are not insuperable. If there is no power to raise money for the purpose of improving the estate, surely Parliament would give them that power if they asked for it?—No; on the contrary, caveat would be entered against any such sale.

288. Supposing the trustees went to Parliament and asked for power to raise money on mortgage, or on the security of the rents, or in some other way, for the purpose of draining and improving the estate and making roads?—They—that is, the present trustees—would not be listened to, in my opinion, for a moment. And even if that Act of 1858 were as valid, as you supposed it to be, it would still be set aside in the way I have suggested—namely, caveat would be entered, or an injunction applied for, and the grant would revert to public property on being tested at law. Do you seriously press that question?

289. I only wish to know whether you are ware of the sections of the Act I have quoted?—My answer is that I knew nothing about that Act; but taking the clauses you have read by themselves, I do not believe practically they would give the power. A gentleman in Wanganui who has always taken most interest in this matter authorises me to say that he never knew of that Act until you read it just now.

290. Supposing there is a doubt about the power to raise money on the rents or property, why should Parliament refuse them the power to raise money in order to drain the property and make roads?—Because they would have to give security.

291. Why should not Parliament give them the power to raise money on the rents and endowments?—Parliament could do so if it liked; but in this case, with the existing grant and existing trustees, it most certainly would not do it.

292. If business men made it clear to Parliament that it would be a beneficial thing to the trust if they had £5,000 to improve the land; that the return from it would be greater; that they would get ready tenants for it: do you not think it would be a reasonable thing to give them that power?—You say "if" business men would do this or that. There is a big "if." I do not think business men would do that under the present conditions of the trust.