

77. *The Chairman.*] The school has been open to all denominations?—Yes.

78. Do you think that is in accordance with the spirit of the Trust?—I fancy so.

79. Are you aware whether the Trustees have taken any steps to restrict the children to one denomination?—No; there has been no decision arrived at to restrict it to any one class.

80. Do you agree that there should be a restriction?—It would be contingent on what is stated in the report.

81. *Hon. Mr. Gisborne.*] Do you think restriction to one denomination is in accordance with the spirit of the rule of the Trust?—I think it would be a matter for consideration whether any hard-and-fast line should be laid down.

82. As a Trustee, what is your meaning of the reading of the grant?—I can only think that the Trustees would do in the future as they have done in the past: I think they would put as liberal a construction on it as they could.

83. *Mr. Macandrew.*: I think this is a very important question, and it is necessary that we should have a definite answer.

84. *Hon. Mr. Gisborne.*] Have you taken any legal advice on the subject?—No.

85. *The Chairman.*] You have, of course, read the grant?—Yes; certainly.

86. From your reading, do you think the grant means that the school shall be open to all children, or confined to certain classes?

*Mr. Macandrew.*: I think we shall require another meeting. This is a very important question, and it will be better to adjourn.

*Witness.*: If there are any leading questions, I should like them in writing.

WEDNESDAY, 29TH OCTOBER, 1879.

His Lordship the BISHOP OF WELLINGTON examined.

87. *The Chairman.*] You have read this Bill, which has passed its second reading?—I have.

88. Do you think the Bill provides for the proper management of the Trust?—I do not. I am not acquainted with your mode of procedure at these meetings. I do not know what the rule is. I was here yesterday, and from what I heard during Mr. Hunter's examination the case of the Trustees would not come before the Committee. Still I am prepared to answer any question you may think proper to ask.

89. We are prepared to receive any statement you may like to make.—Just so; but in matters of this sort I am not aware whether it is customary to appear by counsel.

*The Chairman.*: There is no objection, I should think, for your providing a counsel if you thought so inclined.

*Mr. Macandrew.*: Exactly; if it is found necessary; but I should think his Lordship could do it just as well himself.

*Mr. Montgomery.*: His Lordship's statement would be taken down and counsel's would not.

*His Lordship.*: I should like, if I am allowed, or not out of order, to make a few short and connected statements in reference to this matter.

*The Chairman.*: Very well. I see no objection to it.

*His Lordship.*: I wish to state that this is the first case, I believe, that has happened at any time in this country where any attempt has been made of this kind to confiscate property which has been conferred by the Crown on the Church. I shall state my reasons for objecting to the course that it is proposed to pursue. In the first place I understand that the nature of the grant is disputed. I believe it is stated not to be a grant made especially to the Church of England. Now my contention is, that it is made to that Church for instruction to be given according to the doctrine of the Church of England. I may, perhaps, state that my own opinion is that, when any doubt exists as to the correct interpretation of a grant, the proper course would be to have such dispute settled in a Court of law. I further wish to state—if I understand the meaning of a Trust—that if Trustees fail to carry out the purposes of the Trust they ought to be admonished by the Supreme Court. It seems to me, according to the Bill which has been drafted, that because the Trustees are supposed to have failed in some slight measure to carry out the purposes of the Trust the whole of it must be forfeited. To this proceeding I object. Now, I am prepared to show that the Trustees have carried out the purposes of this Trust as well, or probably better, than other Trusts of like character in this country, unless it is indeed the Te Aute estate, which is managed by the same Trustees. The charges brought against the Trustees appear to be four in number: 1st. That the estate was not given to the Church of England exclusively. 2nd. That it is or was the intention of the Trust to be entirely for the poor. 3rd. That industrial training has not been carried out. 4th. That religious instruction has not been given. With regard to the two last, they have been carried out as well as could be under the circumstances. I really consider it only right that any defect on the part of the Trustees should be decided upon in the Supreme Court. It is a well known dictum in the Court of Chancery that *nemo tenetur ad impossibilia*, or that nobody can be bound to do what is impossible. So far as the funds at our disposal would allow, we have carried out the terms of the Trust. I will now allude to Mr. David Peat's evidence given before the Royal Commission. He asserts that quarter-acre sections opposite the estate are sold for £450. There was an acre section purchased six years ago, I think, from Mr. Watt for £250. Mr. Peat estimates it at £1,800. I think this is a monstrous statement. I just allude to this because Mr. Peat is one of the chief movers in this matter. He says in another part of his evidence that sections on the Avenue, immediately opposite this reserve, are selling at about £450 a quarter-acre. Again, in referring to the compensation money for land taken for the railway, he says we only obtained one-third its real value, which he states was £450. The Trustees received £595. It is stated in the evidence in such a way as to convey the impression that the Trustees had neglected their duty. The business in regard to the disposal of these lands was placed in the hands of the best possible persons in Wanganui. The money we obtained for the land was the value placed upon it by