

That the object of addressing you at the present time is to endeavour to enlist your sympathies and efforts in the cause of your memorialists, which is also the cause of education and of the public of Wanganui generally.

That gentlemen versed in legal matters, and well qualified to form an opinion, have, from time to time, expressed a conviction that the grant in question is absolutely null and invalid in law, and your memorialists are therefore encouraged to believe that it can be set aside by the adoption of the proper means.

We, your memorialists, do most earnestly request your Honor, as the elected head of the Province of Wellington, will cause full inquiry to be made into this matter, which is very important to the district of Wanganui, with the view of causing the said grant to be annulled, and a new one issued under happier auspices.

That your memorialists do not by any means desire to see the endowment diverted from educational purposes, but on the contrary wish to see it made productive and applied to those purposes in a broad, liberal, unsectarian manner, and they are firmly convinced that if the endowment were placed upon such a basis their children and succeeding generations would be benefited to an extent impossible to estimate.

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His Honor the SUPERINTENDENT, Wellington, to the Hon. the COLONIAL SECRETARY.

SIR,—

Superintendent's Office, Wellington, 6th June, 1872.

On the 3rd of April last I had the honor of addressing a letter to you enclosing a memorial signed by the residents of the town and neighbourhood of Wanganui, relative to a grant of land by Sir George Grey for educational purposes.

As I have not yet received a reply, I shall be obliged by your giving it your early attention.

I have, &c.,

WILLIAM FITZHERBERT,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

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The Hon. the COLONIAL SECRETARY to His Honor the SUPERINTENDENT, Wellington.

SIR,—

Colonial Secretary's Office, Wellington, 31st January, 1873.

Adverting to your letter of the 3rd of April last, in which you enclose the copy of a memorial from certain inhabitants of Wanganui, who desire that the grant of 250 acres of land adjoining that town in trust to the Bishop of New Zealand, as an endowment for the uses of an Industrial School, should be cancelled on the ground that the trust on which the land was granted has not been properly carried out, and in which letter you request that the opinion of the Attorney-General should be taken as to the best means to be adopted in order to carry out the wishes of the memorialists, I beg to inform your Honor that the subject has been referred, as you requested, for the opinion of the Attorney-General. That opinion has now been received, and is to the effect that the proper course for those persons to take, who believe that the school has not been, or is not being, conducted in conformity with the conditions of the trust upon which the land was granted, is to commence a suit by writ in the Supreme Court in the name of the Attorney-General, with his leave, in which suit they will be relators.

The question is one in which the Government do not consider it to be within their province to interfere.

I have, &c.,

JOHN HALL.

His Honor the Superintendent, Wellington.

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EXTRACT from the JOURNALS of the HOUSE of REPRESENTATIVES, 30th September, 1875.

RESOLVED,—That it is desirable that the Public Petitions Committee should be furnished with a copy of the Attorney-General's opinion on the case of the Wanganui Industrial School Grant.—(On motion of Mr. T. Kelly.)

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The Hon. the COLONIAL SECRETARY to Mr. T. KELLY.

SIR,—

Colonial Secretary's Office, Wellington, 6th October, 1875.

Adverting to the resolution of the House of Representatives which was passed on your motion on the 30th ult. to the effect, "That it is desirable that the Public Petitions Committee should be furnished with a copy of the Attorney-General's opinion on the case of the Wanganui Industrial School Grant," I have the honor inform you that the Government have taken the subject into their most careful consideration, and have arrived at the following conclusion:—

They still think that it would not be a matter of wise policy to furnish the Committee with a copy *in extenso* of that opinion.

Mr. Prendergast himself says, in the concluding portion of his opinion, "I have gone fully into this question for the information of the Government; but I submit that, as it is no part of the duty of the Executive Government of the colony to advise the public on such matters, this opinion, so far as it relates to the validity of the grant, ought not to be communicated to the Superintendent except as unofficial or confidential. Of course, if the Government determine to take proceedings to test the validity of the grant, or to enforce the trust, it is competent for it to call for and make use of its law officers; but if, as I assume, it will not actively interfere against the grantee, then it ought not to prejudice the interests of the grantee by the publication of the opinion of its law officers, an opinion which of course, like that of others, may be erroneous."

But the Government have no objection to take the course which I understand was suggested during the debate by Sir George Grey, and accepted by the Minister of Justice—namely, to communicate the substance of the opinion to the Committee.