

I accordingly enclose a copy of that part of the opinion which contains as much as the Government feel themselves at liberty, under all the circumstances, to communicate.

T. Kelly, Esq., Chairman Public Petitions Committee,  
Wellington.

I have, &c.,  
DANIEL POLLEN.

MEMORANDUM for the Hon. the COLONIAL SECRETARY.

THOSE who have presented the memorial to the Superintendent allege that the school maintained at Wanganui by the trustees of certain land at Wanganui, granted by the Crown upon trust, "is not conducted in terms of the grant." They also state that it is alleged to be "absolutely null and invalid," and that it can be set aside by the adoption of proper means.

They state that they desire to see the "endowment applied to educational purposes in a broad, liberal, unsectarian manner."

The memorialists do not state any facts which prove the assertion that the school "is not conducted in terms of the grant," nor do they state the grounds upon which the grant is deemed invalid.

In 1867 some of the inhabitants of Wanganui had an interview with the Hon. the Prime Minister, and it was pointed out to them that, if the trustees were not conducting the school in accordance with the trust, proper remedy was by writ in the Supreme Court.

In my opinion, that is the appropriate remedy now. Those who conceive that the trustees are guilty of a breach of trust may commence a suit in the name of the Attorney-General, with his leave, in which suit they will be relators.

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

SIR,—

Public Petitions Committee, 8th October, 1875.

I am directed by the Public Petitions Committee to acknowledge the receipt of your letter of the 6th instant in reference to the resolution of the House of Representatives which was passed on my motion—viz., "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." You state that the Government have taken the subject into their most careful consideration, and have arrived at the conclusion that it would not be a wise policy to furnish the Committee with a copy *in extenso* of that opinion. The opinion of Mr. Prendergast is quoted to justify the Government in coming to that conclusion; and you state that the suggestion made by Sir G. Grey and accepted by the Minister of Justice, "That the substance of the opinion be communicated to the Committee," is the course which the Government have decided to adopt; and you enclose a document as the substance of the opinion of the Attorney-General.

With reference to the above, I have to express my regret that the Government have decided not to accede to the reasonable request of the Committee as expressed by the resolution of the House.

I cannot admit that the furnishing of the opinion to the Committee would be an unwise policy, as the end the Committee have in view is to deal more effectually with a grievance which is alleged to inflict serious injury on a large section of the community who have petitioned the House for redress.

I submit that the opinion of the Attorney-General quoted by you has no bearing on the present application, and it ought not to influence the Government as to its action at the present time. The Attorney-General suggested that his opinion should not be communicated to the Superintendent of Wellington, except as unofficial or confidential, and I fail to see any sufficient reason why that suggestion, made in 1872, should be advanced as a plea for declining to carry out the expressed recommendation of the House of Representatives in 1875.

During the debate in the House I stated that I could not accept the suggestion of Sir G. Grey, as the Committee had already in its possession a paragraph which had been furnished to the Superintendent of Wellington as the purport of the Attorney-General's opinion, and that, having read that opinion, I remarked that it was an absurdity to call that the purport of it. The paragraphs from the Attorney-General's opinion which you enclose to me have been for some time before the Committee, being portions of the correspondence with the Superintendent of Wellington, and, as they throw no additional light on the matter, are practically worthless to the Committee.

I very much regret to find that the Government do not appear desirous of assisting the Committee in dealing with the petition of the people of Wanganui, but on the contrary seem disposed to exercise their authority in withholding from a Committee of the House a document the production of which might very materially promote the public interest.

I have, &c.,  
T. KELLY,  
Chairman Public Petitions Committee.

The Hon. the Colonial Secretary.