

SESS. II.—1879.
NEW ZEALAND.

WANGANUI ENDOWED SCHOOL BILL COMMITTEE

(REPORT OF, TOGETHER WITH MINUTES OF PROCEEDINGS AND EVIDENCE,
AND APPENDIX).

Brought up 18th November, 1879, and ordered to be printed.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

WEDNESDAY, THE 22ND DAY OF OCTOBER, 1879.

Ordered, "That a Select Committee be appointed, to whom shall be referred the Wanganui Endowed School Bill. Such Committee to consist of Mr. Montgomery, Mr. Bowen, Mr. Wright, Mr. Bryce, Mr. Bain, Mr. Bunny, Hon. Mr. Gisborne, Mr. Hislop, Mr. Macandrew, Hon. Mr. Rolleston, Sir G. Grey, and the mover; with power to call for persons and papers. Four to be the quorum; and to report within four weeks."—(*Mr. Ballance*.)

REPORT.

THE Select Committee to whom was referred the Bill intituled "The Wanganui Endowed School Act, 1879," having fully examined the persons chiefly concerned, and after careful consideration, have the honor to report that they have agreed to the following resolutions:—

That, while in some respects the management of the Trust has not been satisfactory, the Committee are of opinion,—

1. That, from circumstances beyond the control of the Trustees, the original design of the endowment has not been and cannot now be fulfilled.

2. That the primary object of the endowment was, under the management of the Church of England, to provide for the educational and industrial training of children of poor and destitute persons of all races.

3. That, with a view to making the most of the endowment, and to the more efficient carrying-out of the objects of the Trust as nearly as may be, the administration should be placed chiefly in the hands of persons residing in the immediate locality.

4. The Committee therefore recommend that the Bill which now stands referred to it should be passed: Provided it is so altered that the Board shall consist of nine members—four to be elected by the Wanganui District Education Board, and five to be elected by the General Synod of the Church of England: Provided that at least two of the members elected by the said Synod shall be persons resident within the Wanganui Education District.

5. That provision should be made for the education of children of all denominations, subject to a conscience clause.

6. That the school should be subject to Government inspection, and the accounts be subject to Government audit.

18th November, 1879.

1—I. 4.

J. BALLANCE,
Chairman.

MINUTES OF PROCEEDINGS.

THURSDAY, 23RD OCTOBER, 1879.

THE Committee met pursuant to notice.

Present : Mr. Ballance, Mr. Bunny, Mr. Hislop, Mr. Macandrew, Mr. Wright.

Order of reference, dated 22nd October, read.

Resolved, on the motion of Mr. Bunny, and seconded by Mr. Macandrew, and carried unanimously, That Mr. Ballance be appointed Chairman.

Resolved, on the motion of Mr. Macandrew, That Mr. George Hunter be summoned to attend the Committee at 11 a.m. on Tuesday, the 28th October, for the purpose of giving evidence; and that the Right Rev. the Bishop of Wellington and Mr. W. M. Bannatyne be invited to attend.

The Committee then adjourned.

TUESDAY, 28TH OCTOBER, 1879.

The Committee met pursuant to notice.

Present : Mr. Ballance (Chairman), Mr. Bunny, Hon. Mr. Gisborne, Mr. Hislop, Mr. Macandrew, Hon. Mr. Rolleston, Mr. Wright.

The minutes of the previous meeting were read and confirmed.

Resolved, on the motion of the Hon. Mr. Rolleston, That Mr. H. C. Field, of Wanganui, be summoned by telegram to attend and give evidence before the Committee.

Resolved, on the motion of the Hon. Mr. Rolleston, That the Trustees be invited to attend, in order that they may, if desirous, ask questions, through the Chairman, of the witnesses giving evidence.

Mr. George Hunter attended and gave evidence. (*Vide Minutes of Evidence.*)

The Right Rev. the Bishop of Wellington attended by invitation.

The Committee then adjourned.

WEDNESDAY, 29TH OCTOBER, 1879.

The Committee met pursuant to notice.

Present : Mr. Bain, Mr. Ballance (Chairman), Hon. Mr. Gisborne, Mr. Hislop, Mr. Macandrew, Mr. Montgomery.

The minutes of the previous meeting were read and confirmed.

The Right Rev. the Bishop of Wellington and Mr. T. Bamber, Mayor of Wanganui, attended and gave evidence. (*Vide Minutes of Evidence.*)

The Committee then adjourned.

TUESDAY, 4TH NOVEMBER, 1879.

The Committee met pursuant to notice.

Present : Mr. Bain, Mr. Ballance (Chairman), Mr. Bunny, Hon. Mr. Gisborne, Mr. Hislop, Mr. Macandrew, Mr. Montgomery, Mr. Wright.

The minutes of the previous meeting were read and confirmed.

Letters dated the 30th and 31st October, and the 3rd November, from the Bishop of Wellington, were read and ordered to be received as evidence. (*Vide Appendix A.*)

Mr. H. C. Field and Mr. W. M. Bannatyne attended and gave evidence. (*Vide Minutes of Evidence.*)

The Committee then adjourned.

THURSDAY, 6TH NOVEMBER, 1879.

The Committee met pursuant to notice.

Present : Mr. Bain, Mr. Ballance (Chairman), Sir George Grey, Mr. Macandrew, Mr. Montgomery, Mr. Wright.

The minutes of the previous meeting were read and confirmed.

Letter dated November 5th, from the Bishop of Wellington, enclosing a statement to be appended to His Lordship's evidence, together with a rent roll of the Industrial School Estate, Wanganui, were, on the motion of Mr. Macandrew, taken as read, and ordered to be received as evidence. (*Vide Appendix B.*)

Sir George Grey, K.C.B., M.H.R., being in attendance, was examined. (*Vide Minutes of Evidence.*)

Mr. W. T. L. Travers, counsel for the Trustees of the Wanganui Endowed School, addressed the Committee.

The Committee then adjourned.

THURSDAY, 13TH NOVEMBER, 1879.

The Committee met pursuant to notice.

Present : Mr. Ballance (Chairman), Mr. Bowen, Mr. Bunny, Mr. Hislop, Hon. Mr. Rolleston, Mr. Wright.

The minutes of the previous meeting were read and confirmed.

Letter dated 7th November, 1879, from Mr. H. C. Field was read, and, on the motion of the Hon. Mr. Rolleston, was ordered to be received as evidence. (*Vide Appendix C.*)

Resolved, on the motion of the Hon. Mr. Rolleston, That the Committee do now adjourn until 11 a.m. on Monday, the 17th November, to give them time to consider certain proposals brought forward by the Chairman.

Then the Committee adjourned accordingly.

MONDAY, 17TH NOVEMBER, 1879.

The Committee met pursuant to adjournment.

Present: Mr. Bain, Mr. Ballance (Chairman), Mr. Bowen, Hon. Mr. Bryce, Mr. Bunny, Hon. Mr. Gisborne, Mr. Hislop, Mr. Macandrew, Mr. Montgomery, Hon. Mr. Rolleston, Mr. Wright.

The minutes of the previous meeting were read and confirmed.

Resolved, on the motion of Mr. Macandrew, That the following report be presented to the House:—

The Select Committee to whom was referred the Bill intituled "The Wanganui Endowed School Act, 1879," having fully examined the persons chiefly concerned, and after careful consideration, have the honor to report that they have agreed to the following resolutions:—

That, while in some respects the management of the Trust has not been satisfactory, the Committee are of opinion,—

1. That, from circumstances beyond the control of the Trustees, the original design of the endowment has not been and cannot now be fulfilled.

2. That the primary object of the endowment was, under the management of the Church of England, to provide for the educational and industrial training of children of poor and destitute persons of all races.

3. That, with a view to making the most of the endowment, and to the more efficient carrying-out of the objects of the Trust as nearly as may be, the administration should be placed chiefly in the hands of persons residing in the immediate locality.

4. The Committee therefore recommend that the Bill which now stands referred to it should be passed: Provided it is so altered that the Board shall consist of nine members—four to be elected by the Wanganui District Education Board, and five to be elected by the General Synod of the Church of England: Provided that at least two of the members elected by the said Synod shall be persons resident within the Wanganui General Assembly Electoral District.

Resolved, on the motion of the Hon. Mr. Gisborne, That the following be added to the above:—

5. That provision should be made for the education, partly on a free foundation, of children of all denominations, subject to a conscience clause.

6. That the school should be subject to Government inspection, and the accounts be subject to Government audit.

The Committee then adjourned.

TUESDAY, 18TH NOVEMBER, 1879.

The Committee met pursuant to notice.

Present: Mr. Ballance (Chairman), Mr. Bowen, Hon. Mr. Bryce, Mr. Bunny, Hon. Mr. Gisborne, Mr. Hislop, Mr. Macandrew, Mr. Montgomery.

The minutes of the previous meeting were read and confirmed.

Resolved, on the motion of Mr. Montgomery, That the Report, as printed, be adopted after making the following alterations:—Clause 4—the words "General Assembly Electoral" be struck out, and the word "Education" inserted in lieu thereof. Clause 5—the words "partly on a free foundation" be struck out.

Resolved, on the motion of Mr. Hislop, That the Bill be left in the hands of the Chairman, to be amended in accordance with the terms of the Report.

Resolved, on the motion of Mr. Montgomery, That all evidence given before the Committee be printed, and that the Chairman do report to the House this day.

The Committee then adjourned.

MINUTES OF EVIDENCE.

TUESDAY, 28TH OCTOBER, 1879.

Mr. GEORGE HUNTER examined.

1. *The Chairman.*] Have you read this Bill, the second reading of which is passed?—Yes.
2. Have you anything to say in regard to the Trustees?—I came here to answer questions, not to make a statement.
3. Have you read the report of the Royal Commissioners?—I have read a portion of it. It was only published a few days ago, I think.
4. Have you read Mr. Peat's evidence?—No. I have only just looked at it since I came up to the Buildings.
5. Mr. Peat states the average attendance of the school is only 25. Is that correct?—His Lordship the Bishop will be able to give fuller information on that point. The three last months, I believe, averaged 36, of children between the ages of 11 and 14.
6. Then you have nothing to say in regard to that?—I think not. The Bishop has been in Wanganui for the last six months, and will be able to inform you.
7. Do you know if any information has been given to the Trustees in regard to the present year?—No. I believe the attendance has been better this year.
8. Have any quarterly returns been presented to the Trustees?—As far as I remember, yearly returns have always been forwarded.
9. Have you been in Wanganui lately?—No.
10. I believe the school is managed by Mr. Churton?—Mr. Churton is attorney for the Trustees.
11. What are his duties?—To collect the rents, &c., and report to the Trustees.
12. Has he any control over the school?—Do you mean personally?
13. Yes?—I think not.
14. Is there any person in Wanganui who has a personal control over the school?—Not substantially so.
15. Is there any official person having control appointed by the Trustees to superintend the management of the school?—Daily, do you mean?
16. Generally?—The Bishop of Wellington.
17. How does Mr. Churton hold his authority?—Under the Trustees.
18. The legal power, I suppose?—I would not go so far as to say that.
19. Has he the right to grant leases?—No; not without consulting.
20. How are the leases granted, as a rule?—Applications are received by him, he reports to the Trustees, and they accede to his recommendations or not, as the case may be.
21. What has been the practice with regard to leases in the past?—The applications were dealt with here.
22. By public tender?—Yes, publicly tendered for.
23. Can you tell us whether the leases that fell in in 1877 were relet by auction?—I believe they were.
24. *Mr. Bunny.*] And the leases that fall in now will go by auction?—Yes.
25. *The Chairman.*] Have any leases been sold by auction?—I believe not.
26. Are you aware if any discontent exists as to the management of these Trustees?—I am aware, of course, of what was brought before Parliament in the year 1876.
27. Can you state whether the terms of the Trust have been fulfilled in regard to the management of the school?—I believe so. The Trustees did what they considered right and just to the best of their ability.
28. Do you know if all the scholars are paying fees?—Yes; I believe the bulk of them are.
29. Do you know what the fees are?—Between £6 and £7 a year.
30. There are no girls attending school, are there?—I believe not, at present.
31. Some action was taken by the Trustees, was there not, to confine the school entirely to boys?—Not absolutely. It was a simple question of ways and means.
32. I think it is stated in one of the questions in the printed report, that instructions were given not to allow girls?—Yes.
33. Have they been readmitted since?—No.
34. You are aware of the terms of the trust or deed—namely, that "it shall provide for the education of children of our subjects of all races, and of children of other poor and destitute persons being inhabitants of islands in the Pacific Ocean"?—As far as fees and money have permitted, everything has been done to carry out the terms of the trust.
35. Do you not think it would be well to have the power of management in Wanganui?—That is a question of opinion entirely.
36. We want it?—I am not called upon to give answers of that kind.
37. Very well. Do you see any advantage in the present Trustees managing the trust over bodies locally constituted?—That is also a matter of opinion.
38. But you must have some knowledge one way or the other?—Not having been in Wanganui lately I cannot say. Of course I know the general feeling in Wanganui; but whether that is right or not I would not venture to say.
39. Do you know what was done with the money for compensation in regard to the railway?—It was lent to the Trustees simply as a loan.
40. Do you know how the money has been invested?—The Bishop will be able to inform you on that point better than I can.

41. Do you know if Mr. Bannatyne, the other Trustee, has any information to give in regard to the management of this school?—I am not aware. He has always been present at all the meetings.
42. Is he likely to have any additional evidence?—I think not.
43. *Hon. Mr. Gisborne.*] From your reading of the grant, would you understand it to mean that the children of the poor should have education free?—I think that would be the broad interpretation, but we never had funds.
44. It is the rule that all children taken there shall be required to pay fees?—Yes; that is the rule.
45. What industrial training has been given?—I am not aware if any practically.
46. Is there any given now?—I think not. What has been given is stated in the report.
47. The ordinary instruction, I suppose, that is given in grammar schools?—I presume so.
48. Religious education is given to the youth. What has been given in this direction?—The Bishop will be able to inform you on that point when he gives his evidence.
49. Mr. Godwin says in his report what the form of prayer was; that those pupils who were Roman Catholics remained outside the school?—I suppose that was the rule at that time.
50. Is that the rule now?—I believe so. There is certainly religious instruction given.
51. Have you found any difficulty in carrying out these trusts?—No.
52. When did you visit the school last?—Not for several years.
53. How many years since you saw it last?—I cannot tell exactly—five or six years, at least.
54. Then, as Trustee here, you have been obliged to look after the school from hearsay information?—From the information furnished by the present and previous Bishop of Wellington and Mr. Churton.
55. You have no chance of seeing the school?—Nothing beyond seeing the reports.
56. *Mr. Bunny.*] Have you any objection to the Bill? Do you think the Trustees would be in a better position than at present?—I have no reason to believe that they would, of my own knowledge.
57. Do you think that the Trustees, living 120 miles away from the place, and only one of them visiting the district at certain lengthy periods, would have better control than those living on the spot?—I do not think it would make any material difference.
58. Could you furnish a list showing the leases which are being let at the present time?—No doubt it could be got.
59. I think they should be obtained as soon as possible: it is very necessary that we should have a copy.
60. *Mr. Wright.*] What terms of years have the leases generally been granted for?—For various periods. In the early part of the trusts the property was not worth very much, and consequently the leases were longer than now.
61. What is the term now?—The terms are various, depending upon circumstances.
62. Considerable dissatisfaction has been felt in the district for the last six or eight months. Do you not think a local body would give more general satisfaction?—Is that stated in the evidence given by the Bishop?
63. Yes.—That, I believe, was because the master was not doing his duty as expected at the time of his appointment. He eventually got into bad habits, and gave the Trustees some trouble, the consequence being that he was removed, and a competent person put in his place.
64. That is scarcely answering my question. Do you not think a locally-constituted body would have put a stop to the dissatisfaction?—I believe the matter was corrected as soon as the Trustees thought it was necessary. It was reported to the Trustees that this gentleman was not attending to his duties—I may explain, was given to drink. He promised to reform, and the Trustees thought it was only right to give him another trial. At the same time, it was pointed out to him that if he did not alter his ways he would be dismissed. The same thing, I apprehend, might happen with a local body. He was a very excellent man, and we were loth to dismiss him at once.
65. *Mr. Hislop.*] Have there been any instructions between the Trustees and the schoolmaster?—Yes.
66. Have they been agreed upon by the Trustees?—Yes.
67. During the Bishop's absence, there is no person in charge?—If anything happened Mr. Churton would look after it. If anything of importance occurred, notice would be sent to Wellington, when it would be considered at once.
68. I see in the report that there is a complaint as to the manner in which the Trustees cut up the land?—They did what they considered best to improve the value of the property.
69. *Mr. Macandrew.*] I understand the present rental is £690 a year; assuming that the leases fall in now, what would be the present value?—A very much larger amount than that, but I have no idea.
70. How many free pupils are there at present attending the school?—At the present time I am not sure if there are any absolutely free.
71. Then how can you reconcile that with the terms of the grant, when it says you are to provide for the destitute persons' children?—If we had funds there is no doubt we should be most happy to do so.
72. You say you have fees amounting to £700 a year?—You must bear in mind that we have the salaries of two or three masters to provide for, which amounted last year, I think, to £416. Then there was an item for fencing in the playground (£90), and other expenses.
73. It seems somewhat strange, after reading the grant, that there are no free pupils attending the school.—I do not see how you can reconcile the two facts.
74. *Hon. Mr. Gisborne.*] How often do the Trustees meet?—We have no regular time for meeting; we meet very frequently, whenever any letters or correspondence is received.
75. How often have you met during the last twelve months?—The Bishop will be able to answer that more accurately than myself.
76. *Mr. Hislop.*] Are there any minutes kept of your meetings?—Yes.

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

Mr. Bryce. During a debate in Parliament he estimated an acre to be worth £100. The Trustees thought that sum was quite sufficient. The Trustees had no desire to extort a large sum of money from Government as many had done; they considered such a procedure should not be encouraged. Therefore, I say that these statements made by Mr. Peat were not altogether correct. Further on in his evidence Mr. Peat makes a statement as to Mr. Anson—this is, I presume, Mr. Henson—being paid a sum of money as compensation for resigning a lease, and states that it was notorious that any one could get £200, £300, or £500 for an industrial-school lease immediately after it was made. I took the trouble, yesterday, to telegraph to Mr. Churton, and he replied as follows: "Never heard of any such offer. Henson, the oldest tenant, says the same. Wanted to sell his own 39 acres, after six years' work and expenditure, for £300. Could not get a better offer than £70. Gave £100 for 6 acres front Avenue, ten years to run, but only on assurance from Durie that he would extend lease, with removal of building clause, which he did not. Gave £17 10s. at auction for 6 acres at the back, fifteen years to run. Kirkpatrick's trustees sold by auction 12½ acres, seven years at £14, for 20s." [Vide Appendix B.] The statement made by Peat was given before the Royal Commission. This will give some idea of the value of his evidence. He also states that the whole of the reserve was within the boundary of the town proper when the grant was made. I am quite sure that it never was at that time part of the town. It was part of the Waitotara Road District, and subsequently included within the limits of the town in order that it might be rated.

90. *The Chairman.*] Are we to understand from you that Peat was brought down to state a case against the Trustees?—I should have said sent down. I did not mean to assert that the Royal Commission brought him down for that purpose.

91. Who brought him down?—He came expressly to Wellington to oppose the Trustees. Mr. Peat told Mr. Saunders that he should take some steps to alter the status of the Trust, as I had declined to accede to a request of his. I believe he came to Wellington expressly to oppose the Trustees.

92. With regard to Mr. Peat's statement as to the value of lands, are you not aware there have been great changes in the value of lands during the last six years or so?—I do not know whether there has. I have not attended much to that subject recently. All our late leases have been sold by auction.

93. Do you know what quarter-acre sections are selling for now, situated in Victoria Avenue?—No, I cannot say.

94. Mr. Peat says in his evidence that the average daily attendance for last quarter was twenty-five, do you know what it was?—The average daily attendance for the past year—that is, from the 30th June, 1878, to 30th June, 1879—was thirty. This is stated in the report of Mr. Saunders. I cannot tell you what it was last quarter.

96. What was the attendance during Mr. Godwin's *régime*—say, the daily attendance for the year 1877?—Fifty-three were down in the books. Godwin frequently complained about the boys constantly changing about, coming for a few weeks and then leaving.

97. Can you state what the attendance was during the last quarter that Mr. Godwin was teacher?—I do not know that I could now.

98. I would call your attention to the question and answer in the report of the Commission: It was asked, "Was there a falling off in the school?" This was your answer: "I knew the school fell off."—I think Mr. Hunter explained that yesterday. Godwin got into bad habits, and complaints were made about his conduct. I made all the inquiries I could, and came to the conclusion that he had better be discharged at once. Some gentlemen, with a friendly feeling, called on me, and asked that he might have another chance. He was then allowed to remain. There was then some legal difficulty in regard to dismissing him without giving him three months' notice. He had been in the school for twelve years, and had been an excellent teacher.

99. Was there any improvement in the school after Godwin left?—For a short time it improved, and then declined again. The second master had charge of it for a time alone. He became discouraged, because he was doing the headmaster's work and only receiving second master's salary.

100. When did Mr. Godwin leave?—In April, 1878.

101. Has the school improved since then?—Yes, I believe so.

102. I see in your evidence you say that the attendance was forty-five?—I have no recollection of saying so.

103. Have you a return of the average daily attendance for the year 1878?—I do not think I have it with me. There is no doubt that the numbers in the school fell off at that time. It was left for a short time without a headmaster, and some of the parents took their children away.

104. Have you any idea of the average daily attendance for the year 1878?—I cannot exactly say. The returns show, as I have just shown by Mr. Saunders's report, an average of thirty from July, 1878, to 30th June, 1879; but I do not know how low it fell just afterwards.

105. Do you know what the fees were?—£6 for children under eleven years, and £7 over.

106. There was no free education at that time, then?—No, the funds would not admit of it.

107. What is the income?—It changes as the leases fall in, so I cannot say definitely.

108. You state that infringement of the Trust would amount to confiscation. Do you think it unfair?—I certainly think so. The school should be conducted exclusively according to the principles of the Church of England. The Trust was granted to Bishop Selwyn—that is, Bishop of New Zealand and his successors.

109. Do you think the terms of the deed state that it should be in the charge of the Church of England?—Undoubtedly so. Some grants at the same time were given to the Roman Catholics, and there was a part of the Town Belt of the Town of Wellington given to the Wesleyan body. They sold it, and made good use of the money for their own purposes; and I maintain that this reserve is of the same character, only granted to the Church of England.

110. Do you think the terms implied in the grant mean that?—I certainly believe so. Mr. Hart, the Royal Commissioner, had no doubt of it.

111. Up to the present time have children of all denominations received education?—Yes, I believe so. I say that the question whether it is a grant to the Church of England is a matter that should be settled by the Supreme Court, if there is any doubt about it. This is the first time in my life I ever heard of such a proposal as the present—that is, to divert a Trust from its object because Trustees failed of their duty. If it were proposed to deprive, say, a minor of his property because his Trustee had neglected his duty, what would be thought of it?

112. Do you see any difference in this?—I do; but the analogy is certainly the same, the principle involved is the same.

113. *Hon. Mr. Gisborne.*] If Trustees mismanaged their Trust fresh ones should be appointed. Do you think there would be any objection to a local Board being appointed for this Trust?—I think that Trusts of the kind and character of this are managed better at a distance than in the locality. I would refer you to the case of Godwin. We found it advisable to get rid of him. What was the result? Why, the local people interfered, and wanted him to stay. As an illustration of my meaning, I think the Wellington College would have been much better managed had the Governors been residing at Christchurch or Napier.

114. Do you think the terms of the Trust have been carried out?—I do not think all the terms of the Trust can at the present time be carried out, especially industrial education. This fell through some years ago, partly because there were no funds, and, again, no white children or Maoris would attend. The industrial system was kept up for five years, and then it fell through. The question whether the terms of the Trust have been sufficiently adhered to or not is one which should be settled by the Supreme Court.

115. The whole question appears to be whether the Supreme Court or Parliament should deal with it?—By my reading of the Bill no provision is made for industrial training to be carried out.

116. *The Chairman.*] Would it be a fair inference to say that it was the intention of the Legislature to modify the object of the Trust?—It was an idea of my own that the terms or conditions might be modified. It is a question for a lawyer to decide whether a Court of law could not do this without the Legislature.

117. I suppose it would have to be done by the Legislature?—Perhaps it would. I am not certain whether the Courts of law could do it or not. On October 13th, 1865, it was resolved “to try and establish a grammar school on the estate (not excluding industrial) for both races, and to offer a good master £150 per annum and a house rent free, on condition of his teaching fifteen Maori scholars for that salary; and, further, boarding them and English scholars, if required, on terms to be agreed upon by the master and the attorneys.” This was the idea we had at that time. We found that people would not send their children to the industrial school.

118. Do all the Trustees reside in Wellington?—Yes.

119. Do they hold periodical meetings?—Not regularly. When there is any business to transact they meet for the purpose of doing it. If there was a payment of £5 to make, a meeting was called. The leases up to 1877, or nearly all of them, were relet for twenty-one years, so that there was really very little business to do—at any rate to oblige us to meet constantly.

120. Would it have been possible for the school to have been mismanaged without the Trustees being aware of the circumstances?—I think not. I found out that local people would not complain as a rule, but I obtained information of what went on.

121. Then you relied entirely on the good conduct of the teachers?—No. I, as one of the Trustees, occasionally visited Wanganui.

122. One of the questions in the evidence goes to show that it is the intention of the Trustees to confine the teaching to the Church of England?—That was an opinion of mine. I did not say the other Trustees held it.

123. Is that the intention?—I think so. I do not see any reason why we should now open our doors to all denominations. At any rate, that is my private feeling in the matter.

124. Do you see any objection to the appointment of a local Board?—Yes; I think it is undesirable, for reasons I mentioned before.

125. Is it not customary for governing bodies to meet periodically?—I am not aware. We meet when there is business. The local agent attends to details.

126. *Hon. Mr. Gisborne.*] You quoted some evidence of Mr. Peat's, with a view of throwing some discredit upon it. Are you aware that in 1869 a Commission by Messrs. Cooper, Hart, and Domett reported that this section or reserve comprised one-third of the Town of Wanganui?—Yes; I have made some remarks on that. It was Mr. Peat's idea that the land was originally laid out in quarter-acre sections. It is well known that a survey took place, and that it was so laid out on paper, and a map was sent Home that the land might be sold in London. It never was part of the Town of Wanganui before being granted to the Bishop of New Zealand.

127. I only want to ask if the report was corroborated by the Commission which sat?—It is well known that there was an impression that the reserve was part of the town, and that the Attorney-General gave his opinion against it on that assumption.

128. Your interpretation of the grant is that it is to be used for the purposes of the Church of England?—Yes; Mr. Hart admitted that in the report.

129. I see the report is signed by Messrs. Hart, Domett, and Cooper?—Yes.

130. Are you aware what this report says? They recommended that the land should be used for all denominations?—I am aware of that fact.

131. Can you reconcile that with what you think now? How could it be granted for one denomination?—I cannot. Perhaps he was out-voted on the Commission.

132. Are you aware whether Mr. Hart was the only Commissioner who went to Wanganui?—No.

133. Would you look at the grant, please?—I am looking at it.

134. Is it not intended that the land was given for the purpose of endowing the school for the maintenance of poor and destitute children?—I do not think so. That is a question better settled by lawyers. My own opinion is that the wording of the grant is quite clear.

135. Suppose money was given instead of land, to be given to children—say, A and B—and other poor children—say, C and D—would it not imply that A and B were poor?—A Court of law can alone determine the correct interpretation. I think my interpretation the correct one.

136. Have you ever had advice on this subject?—Yes; I once saw a letter from Sir William Martin, who, to the best of my recollection, took the same view as I do.

137. Would you bring it, please, if you could find it?—I am afraid I cannot find it now; it was not addressed to me. I saw it many years ago, and acted on it.

138. You will agree that it is meant for the poor children of some one?—Quite so. For inhabitants of the Pacific Islands.

139. You have known some poor children attend the school?—We had Maoris there for a long time receiving education free of charge. The master had positive instructions never to charge them, as shown by a resolution just read.

140. How long has that been in force?—Since the beginning of 1863.

141. Did you not know it was the intention of the Government when they endowed the school that children of the poorer class should be educated. Do you think it right to refuse them?—Every effort was made at one time to carry out an industrial system with the money at our disposal. It was originally thought that the industrial school would be self-supporting. When, after many years, it was ascertained that it would not succeed, the Trustees laid out the land and leased it, and derived a revenue from it, and supported the school without the industrial system. As I said before it is simply impossible now to go on with it; the land has been leased, and no children would attend.

142. Now, in regard to local management, would it not be more likely that it would be better conducted under the eyes of people residing on the spot than under the exclusive supervision of persons living a hundred miles away?—I think not. Complaints were always made when anything was wrong, which came to the ears of the Trustees.

143. Is it not possible that persons residing in the district could look after the management of the school?—My opinion is that, with a good local agent, Trustees can manage it more dispassionately at a distance.

144. Do you see any objection to local bodies being appointed to manage the Trust?—My experience is it would be managed better by Trustees residing at a distance.

145. *Mr. Montgomery.*] The object of the Trust has been well carried out you say?—Yes, according to my interpretation of it.

146. Then you say the whole of the Trusts cannot be carried out without some modification having taken place in a Court of law?—That is my opinion. We did all we could under the circumstances. What was not done we are not to be blamed for. We gave the children what amount of religious instruction we thought fit: it was a matter of funds.

147. That part of the Trust in regard to industrial training has not been carried out, has it?—To a certain extent it has.

148. How much?—It was carried out as long as it could be, but was eventually stopped because no children attended.

149. What was taught them?—General farm-work—raising crops, &c., besides ordinary school-work.

150. How long has it been discontinued?—I think it was started in 1853, and was kept up until 1857 or 1858. I was not appointed Trustee until 1860.

151. This land, then, that has been leased, was it submitted to public auction?—Yes, within the last two years.

152. None has been let for two years?—No, not that I am aware of.

153. What supervision have the Trustees exercised over this school?—I have been the principal Trustee concerned in supervision, and generally go to Wanganui two or three times a year.

154. With regard to the inspection of the school, is it inspected by any person?—No; I think not.

155. Are the reports from the school brought up at regular periods?—Yes, annually.

156. Are any minutes kept of your meetings?—Yes.

157. Do you remember how often you meet?—Sometimes within a month, at other times it may be six months.

158. What religious instruction has been given?—Not much. A chapter out of the Bible. There is at present one of the masters who is preparing for the ministry of the Church. Of course there are a few remarks made relative to the chapter read, and so on.

159. You say there were similar grants given to other bodies?—Yes.

160. Made at the same time?—Yes.

161. In Wanganui?—Kai-iwi, nine miles from it, to the Wesleyans.

162. You think it requires legislation before these Trusts can be properly carried out?—Possibly some of them are now obsolete. But I believe the Supreme Court would sanction a scheme *ci pres*, which would do what was needed.

163. Which do you consider obsolete?—The industrial is the chief one.

164. You still think if the Trust was amended you could carry on the school?—Yes; I am certain we could. The industrial system is the only difficulty.

165. *Mr. Bain.*] For what periods were these leases granted for?—The whole of them will be laid before the Committee. I have telegraphed for a schedule of them. [*Vide* Appendix B.]

166. You have cut the land up in five-acre blocks?—In different sizes.

167. Do you not think the revenue would have been much larger if you had cut your land so as to follow the line of the roads?—I think not; we took the advice of the best business men in Wanganui—namely, Messrs. Churton, Jackson, and Jones. If those gentleman had deemed it advisable to have cut it up as you suggest, it would have been done. I am prepared to prove that the land given to the Corporation for a hospital has not been turned to so good an account as the school estate.

168. Could you not manage to carry on a model farm?—Possibly that might be done; it is not needed now.

169. Would you consider that obsolete?—No; but no children would be sent to it.

170. You have some moneys now to invest, I believe?—We received £595 for land taken for the railway.

171. Would you consider a school of mines or other technical educations obsolete?—No; but I have not considered that subject.

172. Are you aware it is done out here now?—I am not aware.

173. Then you propose to abolish the industrial condition, and go to the Supreme Court?—Yes. To employ children in labour at schools is repugnant both to the Europeans and Natives.

174. Would you say it is repugnant to English people?—I do not think they would avail themselves of it.

175. You have no knowledge, I suppose, of the Christchurch College?—No; we had a very good industrial one at Otaki.

176. Any Europeans there?—No.

177. Do you not think the Trust intended that the industrial school should be carried out?—The industrial part was intended to make the school self-supporting. I should like to state that I carried on an industrial school at Otaki at one time with great advantage. After a time not one of the Maoris would attend. It is one of the most difficult and expensive things you can deal with.

178. You stated, with regard to the cutting up of the land, that it was done by good business men?—I did say so.

179. Mr. Peat states in his evidence that Maoris were not allowed to join the school?—Yes, he said so; and he is incorrect.

180. Have you made inquiries as to that?—I know that no applications were made, for I have asked the question myself.

181. Was it understood by the master that the Maoris could go there without paying fees?—Yes, it was understood. The Maoris never paid.

182. Is there any prospectus showing that they could go free of charge?—None lately.

183. *Mr. Macandrew.*] Section 30 of the Bill says that the school shall be open to all denominations, &c. I wish to ask, whether the provisions of the Bill amount to alienation of the property?—Clearly so.

184. You think it should be open to one denomination only?—I think it should be limited to the members of the Church of England, for whom it was granted.

185. You think it no breach of the terms of the grant if this were carried out?—I think that is the intention of the grant. We have managed it under great disadvantage. A new school-room has been lately built; the old one had nearly tumbled down. There is another school within a short distance of this one, so that the wants of the people of other denominations are amply supplied.

186. *Hon. Mr. Gisborne.*] Do you think the object of the grant is especially to provide high-class education?—I think that is a legitimate object.

187. *Mr. Ballance.*] Do you consider an agricultural scheme should be obsolete in connection with this school?—We were advised that we could not use the funds out of the estate, that is, in any other locality.

188. In the event of it being determined to establish a local Board at Wanganui, would you wish to have a voice in the matter?—I do not think I should take any part in such a Board.

189. Do you think the Synod would deem it desirable?—No.

190. That is, they would not have sufficient voice to satisfy them?—It is outside their legitimate work.

191. They have a voice now, have they not?—Yes, but if the school took in all denominations they would not.

192. Are the leases falling in now?—No, not many.

193. *Hon. Mr. Gisborne.*] You have not been a Trustee all the time?—Since 1860 or 1861. I had not much to do with it before that, though I sometimes acted for the Bishop of New Zealand.

194. Are you of opinion that, since this grant was made in 1852, the Trustees have in good faith, so far as they could, tried to carry out the conditions of religious doctrine, industrial training, also the education of the children of the poor and destitute?—I do not think any more could be done than we did.

Mr. T. BAMBER, Mayor of Wanganui, examined.

195. *The Chairman.*] You are Mayor of Wanganui?—Yes.

196. Have you any knowledge of this Trust?—I have no knowledge of the conditions of the Trust, but am acquainted with the land.

197. Have the people of Wanganui been dissatisfied with this Trust?—I believe they have been of late.

198. They thought it was a grant to all denominations?—Yes.

199. Did they think it was the intention of the Government to confine this school to one class?—No.

200. Have you any knowledge of the number of children attending the school?—I have not much knowledge of the school at the present time. In Mr. Godwin's time the attendance was about 25 to 30, or perhaps 35.

201. Does the school differ from private ones?—I am not aware that it does much. I believe they read the Scriptures, which is not done in the public schools.

202. Are you aware of the amount of fees charged?—I paid £1 15s. a quarter for one of my sons.

203. Has there been any dissatisfaction in regard to the manner the property of the Trust has been disposed of?—Yes; it is generally considered that the terms have not been carried out so advantageously as they might have been.

204. Have you any idea of the value of property in that locality?—Yes.

205. What is the value of a quarter-acre section in the Avenue, in the vicinity of Ingestre Street upwards?—£15 to £20 a year.

206. What would be the selling price?—£150 a quarter-acre.

207. Where the school is?—£200 or £250; perhaps more.

208. Mr. Peat says in his evidence that the section immediately opposite is worth £450 an acre. Is that too high a value?—Two half-acre sections were sold there at £1,300.

209. Are you sure of that?—Yes.

210. Then Mr. Peat's estimate is not too high?—No, not for that land in the immediate neighbourhood.

211. *His Lordship.*] Is that land in the Avenue?—Yes.

212. *The Chairman.*] Are you aware if any of the leases have been sold immediately after they were granted?—Yes, I am.

213. Do you think that, if a local Board were constituted, the school would be better managed than at present?—Yes.

214. In what way?—I think they would apply the land to better purposes. We have been cutting up our Hospital Reserve, and we had no difficulty in leasing them.

215. Are they let at a higher price than the education property?—Much higher.

216. Do you consider the Hospital Reserve has given better results?—Yes.

217. *His Lordship.*] How many years were they lying without being used?—I cannot say. While the Provincial Government had the maintenance of it, the section was in their hands, and we could not get a title; consequently we had some difficulty in leasing them.

218. *Mr. Hislop.*] How long were they in the hands of the borough?—Up to five or six years ago.

219. You have turned all your land to account?—Yes.

220. Has there been any dissatisfaction?—No.

221. Do you think if this industrial property had been locally managed it would have been better?—Yes.

222. Are you aware that all the leases during the last two years have been disposed of by public auction?—I am not aware of it.

223. Any of the leases been let by private agreement?—I have had no public notice of it.

224. Has that ever been remarked upon?—I have heard so.

225. Has it been remarked that some persons have obtained a greater advantage than others?—I have heard so.

226. If a public Board were properly constituted, do you think the school would give greater satisfaction?—Yes. There would be more children, and it would be put more within the reach of the general public.

227. Have there been any complaints as to the system adopted by the school?—It has been remarked that it was a school more for the education of the higher class than any other. The fees are so high it is only intended for them.

228. Have you any suggestions to make in regard to the management of the school?—I have nothing, beyond I should like it to be under a local committee for management. It would be much better then, I believe.

229. What is the local feeling about the efficiency of the school?—I cannot say much about the teachers. They may be qualified men or not.

230. *Mr. Montgomery.*] From your own knowledge, are you aware that these leases were let below their value?—I think a local committee would have made much more money out of it.

231. Then, the section sold at £1,300—was it better situated for trade purposes than these?—I think not. No better, certainly.

232. Have the Hospital Reserves been leased lately?—Part within the last two years.

233. Is it a school more for higher people than poor ones?—Yes, I think so. At the same time I do not mean to say they would refuse the children of poor people.

234. You cannot say that they exclude the children of the poorer classes?—I do not think they would.

235. The attendance is high-class generally?—Yes.

236. Is there any difference in the fees?—They vary according to age.

237. *Mr. Bain.*] Do you say that fresh arrangements were entered into when the leases fell in?—I said they had been released.

238. They were taken up by parties to let them?—I believe so.

239. *His Lordship.*] Are you sure you are quite correct as to that?—Yes.

240. Was Henson's lease continued?—I cannot say.

241. Was not his cut up and let by auction?—I am not aware of any public auction having taken place in connection with the estate.

242. *Mr. Bain.*] Are you aware of any technical education being given at the school?—Not that I know of.

243. How long have you lived there?—Twenty-three years.

244. Never during that time has there been technical education, you say?—Never that I know of.

245. Never any model farms or anything else?—No.

246. *His Lordship.*] Was there not an industrial school in 1853 to 1857?—I believe it was free at that time, and a few Natives attended it.

247. *Mr. Bain.*] What was taught then?—I could not say. The Rev. Mr. Nichol taught in those days. It was after that, when Mr. Godwin taught, that I became acquainted with the school,

248. In 1877, when these leases fell in, had they then been cut up in quarter-acre sections they would have fetched more money?—No doubt in my mind.

249. What would have been the increase?—A hundred to a hundred and fifty per cent.

250. Is not Wanganui like other places—the land is subject to vary in price? That being so, do you not think that persons residing there are better able to look after it than if they were living at a distance?—I should consider so.

251. You say Mr. Churton lives on part of the reserve himself. How many acres has he?—One or two acres, I think.

252. Would it not be five acres?—It might be.

253. *His Lordship.*] Are you aware that Mr. Churton got that section before he became agent of the Trustees?—I could not say how long he has been agent.

254. Do you know who was manager before Mr. Churton?—I think Mr. Dooley was.

255. *Mr. Bain.*] Do you think an agricultural school, properly conducted, would be well attended by Europeans?—I am very doubtful about it myself.

TUESDAY, 4TH NOVEMBER, 1879.

Mr. H. C. FIELD examined.

255A. *The Chairman.*] Mr. Field, you are familiar with the Industrial School estate at Wanganui?—I have known it from the first, and all connected with it. I was in Wanganui at the time the grant was made, and took considerable interest in it, because I hoped it might be a means of raising the Maori race; and for many years, as one of the trustees of the parochial district, I had constant opportunities of knowing all that was going on in connection with it. For some years past I have had a son there.

256. You were there in 1852, when the grant was first made?—Yes; I came to Wanganui in 1851.

257. You have resided there since 1851?—Yes.

258. So that you were there when the grant was made?—Yes.

259. Was the grant utilized from the beginning?—As soon as it possibly could be. The land, in the first instance, consisted of deep swamps, intersected by sand-ridges, and none of it could be let until about £300 had been spent in digging main and outfall drains. The property was then subdivided, and as soon as that was done, nearly the whole of it was let by public tender. A certain portion was reserved for the school and for cultivation. There was a portion at the north-western end which could not be let because it was too wet, until the drains were deepened and widened, at a further cost of about £100, when the ground had sufficiently consolidated several years afterwards.

260. Was this a portion of the Town of Wanganui?—Not at that time. Up to 1862 it formed part of country highway districts. In the first instance, it formed part of what was surveyed by the New Zealand Company as the Town of Petre, but the Company, finding they could not sell the land so fast as they had anticipated, cut it down to about one-third the original dimensions. This was about 1848. They struck the new boundary line at Ingestre Street, and offered the land between that street and the town belt for sale, in suburban blocks of about five acres each, at £5 an acre. There were about eighty of these blocks, and of these about thirty are included in the school estate. They only succeeded in selling eight out of the eighty, and the rest were unsaleable up to the time these grants were made.

261. What was done with the remainder?—At the same time as this grant was made, some were granted for hospital reserves. This tended to raise the price of the rest, but the Government could not sell them until they undertook to make a main drain up Harrison Street. The Government could not sell them, on account of the expense of draining them, and the absence of any law under which purchasers could combine to effect the drainage.

262. You say originally it was part of the town?—But when the town was cut down it became part of the suburban land.

263. When did it first become a portion of the town district?—In 1862. At the time the grant was made, this land was not worth in the market more than 25s. an acre.

264. When was the school first established?—Very shortly after the grant was made; about the same time the lands were let, or very shortly afterwards.

265. On what basis was it established? Was it a free school, or a school for the teaching of industries?—Up to the time at which the grant was made the only school in Wanganui had been one established in connection with the English Church, and supported partly out of Church funds. This school was then given up and merged in the new school. Efforts were also made to get the Natives to send their children to it, and for a time with some success.

266. Did they charge fees?—Fees were charged to the European pupils, but not to the Maori ones.

267. Do you know what the school fees were?—About 1s. a week.

268. That is to say all the year round?—Yes; during the time the school was open.

269. When did the Maoris cease to go to the school?—At the next harvest time. When the harvest came round these Maori boys disappeared. Some of them, whose parents I had induced to send them to the school, returned to their homes at Waitotara. I asked them why they went away, and they told me that some settlers tempted them by offer of wages to go and help in the harvest; that the master's son had followed them and threatened that unless they returned they should be arrested for taking away the school clothes, and that they were so alarmed that next morning they threw the clothes into the school premises and ran away home.

270. Was any further attempt made to induce the Maori boys to attend the school?—There were a few boys there for some years.

271. What was the cause of their falling away?—We found it impossible to keep them there. Afterwards the school buildings were burned down, and from that time they were educated in Wellington.

272. Are there any Maori children educated here now?—Not that I know of.

273. Has any attempt been made lately to induce the Maoris to attend the school?—That I cannot say. Every Maori school I ever knew has proved a failure. Even those established several years ago by the Government up the Wanganui River—both have had to be closed in spite of the endeavour to interest the Native chiefs in the matter by getting them to act as Committee-men. The Natives do not seem to appreciate the advantages of education.

274. Of course you are aware there are Native schools all over the Island?—Yes; but so far as I am aware they are none of them doing well. Even the Grey institution at New Plymouth, which was formerly most flourishing, has been given up.

275. I suppose you have no knowledge of Native education all over the Island?—Simply from common notoriety. I know the Native schools at Kai-iwi and Putiki have both been given up, as well as the Government ones up the Wanganui River.

276. You are acquainted with the terms of the grant?—Yes.

277. It provides for industrial training?—Yes.

278. Is any industrial training given now in the school?—In the first instance the Natives received industrial training, but they were persuaded that they were being ill-used and enslaved by the master, because they were employed growing grain and vegetables for the school consumption, building fences, and erecting a small windmill to grind the corn.

279. That applies to the Natives?—Yes.

280. That is some years ago, is it not?—That was at the outset.

281. What year might that have been?—1854 or 1855, or thereabouts.

282. And there has been no industrial training since then?—Not since the Maori pupils left, so far as I know.

283. And no Maori pupils since then?—Maoris remained at the school up till 1860, or thereabouts, and were afterwards sent to Wellington to be taught.

284. Has any attempt been made to give industrial training to Europeans?—Not so far as I am aware.

285. No effort has been made?—Not that I am aware of.

286. Are you aware what the school fees are now?—30s. in the junior classes, and £2 in the senior ones.

287. And the school fees at the beginning were 1s. a week?—Yes, so far as I recollect.

288. So that the scale has risen from 13s. a quarter to 30s.?—Yes. I may mention that several years after the school was started, the Government appointed Commissioners to report upon it. Those Commissioners came to Wanganui, and refused to recognize the settlers' children—about thirty in number—as pupils of the school at all, on the ground that they paid school fees, and were not fed and clothed out of the school funds, and by confining their report to the three or four Maori boys they made the school appear a failure, when it was not. In consequence of that the Trustees closed the school to the settlers' children, and endeavoured to get more Maori pupils. Whilst things were in this state Sir George Grey, by whom the grant was originally given, came to Wanganui. He was very much annoyed at finding the position of affairs, said the Commissioners acted very wrongly in refusing to recognize the settlers' children, and the Trustees acted wrongly in closing the school, and, in explanation of his views, he said that the object of the Government in granting the land was that it might form an endowment for a great educational institution in that part of the colony similar to Eton, Harrow, and Winchester at Home.

289. That was Sir George Grey's view?—Yes.

290. Was he at Wanganui at the time?—Yes.

291. *Hon. Mr. Gisborne.*] In what year was that?—I think about 1858, or a little later.

292. *The Chairman.*] These Commissioners, you say, reported upon the Maori boys attending the school, and left out those paying fees?—They took no notice of the latter.

293. Are you aware that a Royal Commission inquired into this Trust in 1869?—No; I never heard of it.

294. You have not seen the report of that Commission?—No; I have not. I saw in a Blue Book the other day some evidence Mr. Peat had given lately.

295. You are familiar, you say, with the terms of the grant?—Yes. It is somewhat as follows: For the maintenance of a school for the education of children, British subjects of all races, and of the children of other poor and destitute persons, inhabitants of islands in the Pacific Ocean. I believe that is something like the terms of the grant. There has been an incorrect version of the terms printed repeatedly in the Wanganui papers. I have myself furnished the correct terms to both papers, but the garbled one is always used to make it appear that the Trust is misapplied.

296. Would you not consider the Commission was reporting in accordance with the terms of the Trust when they refused to recognize those who were paying fees?—We did not consider so; in fact, until quite recently the understanding of that grant was simply this: that, primarily, the persons entitled to the benefit of it were the children of British subjects of all races. It did not matter whether they were high or low, rich or poor, born or naturalized subjects; all that was necessary was that they should be the children of British subjects. It did not matter whether they paid fees or not. The school funds in those days would not admit of keeping more than about half a dozen boys there as boarders, without payment.

297. Are you familiar with the regulations of the school?—Just so far as relates to the school itself.

298. Is there any provision for free education?—No doubt, if it were required. But it has never up to this time been needed. I do not know a single individual in Wanganui who could ever have claimed the benefit of that institution on the plea of poverty and indigence.

299. Are you aware of any regulations on that subject?—I am not. As regards this poverty and indigence clause, we always considered it related only to foreigners and to educational poverty and indigence, and not pecuniary; because, in the latter case, foreigners could not have afforded to send their children to the school, and the Trust respecting them would have been a mockery. We considered them entitled to send children to the school if they could show that they had no means of educating them at home. My business, as an engineer, brings me constantly into contact with the labouring classes, but I never met with one who could not afford to educate his children.

300. At the present fees?—I do not say at the present endowed-school fees, but the fees that were paid at the Government schools.

301. Are you aware that there are no fees at the Government schools?—I mean the fees paid at the Government schools before the present system was started.

302. Do you know the amount of the fees at the Government schools before the present system?—I think it was about £1 or £1 10s. a quarter, according to the pupils' ages; and school rates were also paid by the children's parents as well as others.

303. Do you know what the income of the school is now for rents?—I believe between £600 and £700 a year, but it was far less till lately, and will be far higher in future. When this endowment was first granted, the whole European population of that part of the country numbered only about 250 souls, scattered over more than 400 square miles, and the land only could be let in blocks suitable for paddocks and milk farms. As the old leases fall in, it is being cut into smaller blocks and building sites.

304. There are some private schools at Wanganui, are there not?—Yes; there are.

305. Do you know the fees at those schools?—I believe they are about the same as those of the endowed school.

306. Is the education at the endowed school superior to that in the private schools?—There is no school in Wanganui at which as good an education could be got as at the endowed school, except perhaps at the high school. Mr. Peat had to send his boy to Nelson the other day, after taking him from the endowed school. Mr. Godwin has also lately started a private school, and very possibly as good an education may be got there while it lasts.

307. Are you aware what fees he charges?—I am not.

308. I suppose school fees depend to a larger extent upon the ability of the teacher?—Yes.

309. And not upon the machinery of the school?—Yes. The masters of the endowed school are both Cambridge graduates.

310. Are you aware that experience in teaching is half the battle?—Of course I am aware of that. I know that a well-educated man may be an indifferent teacher for want of experience, while a half-educated man, with experience, may be a good teacher.

311. How is the endowment applied?—I believe the whole of it goes to the maintenance of the school. I do not think any Maori children are maintained out of the funds now.

312. Are you aware of the status of the children attending the school: are their parents wealthy people?—There is no restriction about that. Some are rich, some poor.

313. Are any of them, as a matter of fact, the children of wealthy parents?—Some of them are; some are not.

314. As a rule?—No; not as a rule.

315. What is the average daily attendance?—About 25, I believe.

316. What was the average daily attendance last year?—I think a little over 20.

317. Are you aware that a report was sent in by the teacher stating that it was 36 at the end of last year?—Well, his report would be correct. I know the school fell off for a time from various causes. It unfortunately became necessary to discharge the headmaster, and some people did not feel the same confidence in a new teacher as in him. Just at that time Mr. Thomson came to Wanganui, and started a new school, to which boys were sent who otherwise would have gone to the endowed school; and afterwards Mr. Godwin came back and started his private school, and some of his friends sent their boys to him. The falling off was only temporary, and I believe the numbers are increasing again.

318. You have stated that you hoped one of the results of the school would be the elevation of the Maori, by imparting to him a higher education?—I hoped that would be the result.

319. Then, as Maoris are not now attending the school, do you think it has failed in that respect?—It has been a partial failure in that respect.

320. Do you know the names of the Trustees?—I am not sure who all the Trustees are.

321. Have you read the Bill?—I saw a copy of it in a Wanganui paper.

322. The Trustees are the Bishop of Wellington, Mr. George Hunter, and Mr. W. M. Bannatyne. Do you know if these Trustees have been in Wanganui lately?—I am not aware whether the laymen have or have not. The Bishop has been in Wanganui lately.

323. Do you know how the school is managed?—The Trustees have a local agent, Mr. Edward Churton, a very energetic business man, who consults with Mr. F. R. Jackson and Mr. H. J. Jones, two of the shrewdest business men in the place.

324. What are Mr. Churton's duties?—He receives rents and looks after the general management of the estate under the Trustees.

325. Has he anything to do with the management of the school?—No; I think not.

326. Are you aware whether there is any local body managing the school?—No; and I think it is a good thing that there is not. I have seen the evil of it in the common schools.

327. Would you go so far as to say there should be no local management?—I think as it is at present it is far better. There is less local pressure and wire-pulling, and the school discipline is not weakened by the masters being interfered with needlessly.

328. Do you know how the Trustees manage it now?—I believe they manage it as well as it can be managed.

329. Have you any knowledge whether they hold local meetings, or investigate the management of the school?—No; I have not.

330. But you simply believe the management would not be better?—Yes; I think so from the results.
331. Would you not consider a public school would be badly managed if it were managed in that happy-go-lucky style?—It would depend upon the masters.
332. Are you familiar with the management of public schools at Eton and Harrow?—No; I am not familiar with the management of them.
333. Are you aware that the Boards there meet at the school?—No. But I think it is quite possible that they may. I know that some of the endowed schools at Home are managed by Cathedral bodies at a distance, and well managed.
334. What is your experience, Mr. Field, as to the results of the management of the Education Board at Wanganui?—Well, I do not like the system at all.
335. I suppose you have considered the matter. Do you think the Board has managed better than formerly, when it was in Wellington? I do not know that it manages better, considering the increased funds.
336. They hold meetings every month, do they not, when grievances are brought up and discussed?—Yes; I read reports of meetings in the papers.
337. *Hon. Mr. Gisborne.*] I think you mentioned the case of similarly endowed schools which failed?—There was a school similar to this which was established at the same time at Kai-iwi, under Wesleyan management. It was started by the Government on a similar footing; but the Wesleyans were wiser than we were. We got a grant of land and expended our own money in making it available. They bought 300 acres of land at 7s. an acre, and got a large money grant from the Government for the purpose of erecting and starting a school on it.
338. Has that school been closed?—For several years there were about a dozen pupils at it, but about 1860 or 1862 it entirely ceased.
339. And was never revived?—The land and buildings have ever since been let as a farm, and no one outside of the Wesleyan body knows what becomes of the money. For many years a school was urgently wanted thereabouts, but they never supplied the want. About three or four years ago, a school was established by the Education Board close to their land. At that school, out of thirty or forty children, fully one-third are children of Wesleyan parentage; yet the Wesleyans do not contribute one farthing directly towards the school.
340. I want to know whether it has been a failure?—Yes, utterly.
341. Is there a Wesleyan school here?—I do not know about that.
342. You mentioned one elsewhere?—There was one at Putiki. They have all gone to the ground because the Natives will not send their children to the schools.
343. You say the only title to enter the endowed school is that the child's parents should be subject to the Queen, and that it is not a matter of paying fees?—I understand it so.
344. What is your reading of the grant? Is it open to all creeds?—It simply provides religious instruction shall be given, but does not specify according to any particular creed, and there has been no attempt to give distinctive Church teaching. The grant has been complied with by prayers and a few verses of Scripture at the opening of the school.
345. That is your reading of the grant?—That is the way it has been worked. It has never been worked as a Church school. It has never been attempted to make it an engine of proselytism.
346. You imply that it is open to all creeds?—Yes; children of all denominations have always attended it.
347. Then do you not think that Natives should be taught in this school according to the Trust?—Yes; if they will go there.
348. And also that there should be a certain portion that can be called a free foundation from the words "other poor and destitute persons"?—Yes, when required.
349. Do you not consider there should be an attempt made to teach some children without charging fees?—If any parents were to ask to have their children taught without fees, I think the question should be entertained.
350. Are you aware that there is a free foundation belonging to those schools you talked about?—Yes.
351. Is not industrial training another condition?—Yes; but the term is a vague one.
352. And religious education is another condition?—Yes.
353. So far as I understand your evidence, no Natives have been taught for the last fifteen years, no industrial training has been given, and there is no free foundation?—It is less than fifteen years. The Natives within a very few years were educated in Wellington out of the funds. That has been up to a very recent period.
354. But I understand that, as a general rule, no Natives have been educated at the school—that is quite an optional thing?—For some years Natives were educated out of the school fees down here in Wellington. They were sent down here because there was no way of keeping them in the school at Wanganui, and partly because the buildings were burnt down.
355. Then, in fact, it is a high school without foundation?—At the present time there is no free foundation.
356. And it is a school in which Latin, Greek, and mathematics are taught?—Yes.
357. And I suppose the English language?—Yes.
358. *Mr. Wright.*] You say this school was kept when there was very little money?—In the first instance the Bishop of New Zealand found the money out of Church funds in his possession. In the early days the rents were so small, you could not have kept a master there or anything else; and in order to enable the school to have a more highly-educated master than the school revenues could afford, an arrangement was made by which the same gentleman acted as master of the school and minister of the parochial district. He received £150 a year from the school, and we made up his stipend to £300 or more.
359. You say the present income is £600 to £700 per annum?—Yes; I believe so.
360. And the attendance twenty-five?—I think that is about the number.

361. Do you think that is a satisfactory result of such expenditure ; do you think the education given to these twenty-five children is of such a nature as would justify such a large expenditure upon it?—Well, hardly. At the same time it is from temporary circumstances that the attendance is so small. There were more children there some time back ; and no doubt there will be more there shortly, as their numbers are increasing again.

362. *Mr. Montgomery.*] In point of fact it gives £25 to £30 per scholar as the cost of education?—Very possibly. I have never gone into the calculation.

363. Do you not think the funds could be better employed by extending the system of education and getting more scholars?—If they could get more scholars. I think the number is increasing now, and will increase.

364. You say it is in the nature of a high school now?—Yes.

365. Was that the intention of the grant, do you think?—According to Sir George Grey's account it was. We always understood it in that sense.

366. Do you mean, in consequence of the report of the Commissioners in 1858, European boys were excluded from the school?—Yes ; and then, in consequence of what Sir George Grey said, arrangements were made for reopening the school to them. When this was closed we made arrangements to open the Church school again, and for some years they had no other English school in Wanganui until the Provincial Government started the common school. When Sir George Grey expressed himself in that way, arrangements were made for closing the Church school and sending the boys back to the endowed school, but the burning of the school buildings prevented this being done.

367. You still adhere to your statement that local management is not necessary?—I think that the local management as it is at present is better ; I think it is better than a local committee would be.

368. But I think you said there is no local management whatever?—Yes ; there are Messrs. Churton, Jackson, and Jones.

369. You said they had only to deal with the estate?—All matters connected with the school would be sent to the Trustees through those gentlemen.

370. Is there any person to supervise the school?—No ; there is no local supervision so far as I know. I never heard of any one visiting the school itself officially, except the Bishop. When he goes round the diocese, he goes to see how things are getting on.

371. Do you know whether any periodical reports are sent in?—I know accounts are regularly laid before the Synod, and published in the Church almanacs. I have often thought it would be a good thing if they were published in the local papers, because they would be more generally seen.

372. *Mr. Bain.*] Do you consider, Mr. Field, that every reasonable attempt has been made to comply with the original terms of the grant?—I do.

373. You say that, of course, after due consideration?—Yes ; after due consideration.

374. You think that everything has been done in the matter of free education?—I have never known a single person in that part of the country who could claim free education under a poverty and destitution qualification.

375. Has any application for free education ever been refused?—I do not know of any being made. The only case I have known of any one being refused, or sent away under any circumstances, was in the case of Mr. Peat, who took it into his head to send two daughters, though it was a boys' school up to that time. So long as the school was under a married schoolmaster, and the girls were boarding in his house and in care of his wife, their attendance at the school would not perhaps have mattered ; but when the teachers were two young single men I think it would not have been proper, and would have rendered them liable to scandal for two girls of fourteen or fifteen years of age to go there, and that the Trustees were right in declining to receive them any longer.

376. Have there been any attempts made to give industrial education?—Not that I know of, except that in the early days pupils were taught to grow crops, &c.

377. Did they do farm work?—They were taught to do farm work.

378. But nothing in connection with trade?—They used to assist in fencing, and in putting up a windmill.

379. Was that many years ago?—Yes ; but I do not know that any wish has since then been expressed by people sending children there to have them taught industrial matters.

380. *Mr. Macandrew.*] Are there any boarders at the school at present?—Not at present. There were some in Mr. Godwin's time, but not now.

381. You state that you consider the management satisfactory. I presume the extent to which it would be satisfactory would be measured by results?—Yes ; and by the feeling of those who know the facts of the case. I never knew any one who understood the truth of the matter to express dissatisfaction. There is a little sectarian jealousy of the institution, and certain persons who are opposed to anything that could be twisted into religious or denominational education dislike the institution.

382. Do you consider that a management is satisfactory which, with an income of £700 a year, produces only an attendance of twenty-five pupils, paying fees of £7 to £8 a year?—If that small number is only temporary I should consider it so.

383. But it is nearly a quarter of a century old, I understand?—But, on the other hand, it has been only for a short time past that the funds have been so large, or the attendance has been so small. There were forty or fifty scholars about a year ago.

384. *Mr. Hislop.*] Does the feeling that it is a religious school operate against it?—There is no doubt that it does with some people.

385. Can you give us any good reason why it should continue to be under a religious body?—Only this : I consider it would be a sort of slur on that religious body to take it out of their hands, unless it could be shown that they had grossly mismanaged the institution.

386. Do you think it would be a good thing to convert this school into a purely religious school?—I think it might be a legitimate thing to do, but I should be sorry to see it done.

387. Do you think it would be a legitimate thing, seeing that the school was set up for all the inhabitants?—Well, hardly.

388. I understood you to say it was for all classes and creeds?—But, looking at the wording of the Trust, the clause that religious instruction should be given might be construed to mean “according to the tenets of the English Church.”

389. *Hon. Mr. Gisborne.*] But you said you do not construe it that way?—No; I do not.

390. *Mr. Hislop.*] You would not think it right to convert it into a Church institution?—No; I do not think that should be done.

391. If the Trustees were to endeavour to convert it into such a thing as that, do you not consider it would be a wrong on their part?—I think it would. I consider that we of the English Church hold the estate in trust for the general good.

392. Do you not think that would be an infringement of the Trust?—That would be my view of the matter; but I do not know what the lawyers would say.

393. And in any such case as that you would assist in getting the estate out of the hands of the Trustees?—I should endeavour to get them to alter their course.

394. Do you not think it is wrong to allow such men to remain Trustees until they can effect their object?—I do not think it is until they indicate a disposition to do so.

395. But suppose they did indicate a disposition to do so?—I should use my influence to have the Trustees altered; to get the Synod to appoint fresh Trustees.

396. Would you consider this an infringement of the Trust: “I think the school should be conducted exclusively according to the principles of the Church of England. The Trust was granted to Bishop Selwyn, that is, the Bishop of New Zealand and his successors.—Do you think the terms of the deed state that it should be under the Church of England?—Undoubtedly so. Some grants at the same time were given to the Roman Catholics, and there was a part of the Town Belt of Wellington given to the Wesleyan body. They sold it and made good use of the money for their own purposes. I maintain that this reserve is of the same character, only granted to the Church of England.—Do you think the terms implied in the grant mean that?—I certainly mean so. Mr. Hart, the Royal Commissioner, had no doubt about it.” Do you think they would be justified in doing that. Have you any doubt as to that?—I believe they would have to get a Bill passed by the Assembly, as the Wesleyans did in the Wellington case, to get permission to sell this endowment. I am sure the Wanganui Church people would be strongly opposed to doing anything of the kind. I fancy, too, the Public Trusts Act would prevent it.

397. *Mr. Macandrew.*] Would you consider it an act of confiscation to remove these Trusts from their present management in Wellington, and place them under local management without disturbing the terms of the Trust?—Not if that local body were a Church body of the same kind as the present one; but if it were transferred to other denominations I should consider it a great and unjustifiable insult to the Church.

398. *The Chairman.*] What do you mean by transferring to other denominations?—Well, transferring to a local committee elected by the general public.

399. But you would not consider it any breach of the Trust to have the local body elected out of the Church people of Wanganui?—No; I should not. I should consider that the thing ought to be in the hands of the Church. It was intrusted to them, and so long as they continue to administer the Trust fairly it ought to remain in their hands.

400. You state that the Bishop of New Zealand expended money for the drainage of the land. When the land was set aside was it immediately let?—Within a year or two.

401. And income was derived from it?—Yes; but for many years only a few shillings per acre.

402. Therefore an advance of money would have to be made for the purpose of drainage?—Yes.

403. Are you aware whether an account was kept for the purpose of this advance?—I suppose so; but do not know whether it was.

404. The money was found for the Trust?—By the Bishop; but out of what fund I cannot say.

405. Are you aware whether it was paid back out of the rents?—That I cannot say. I never saw any accounts until after it was handed over to the General Synod, though I believe accounts were rendered to the Government by the Bishop.

406. Are you aware whether the estate is in debt to the Church, or to any parties?—I am not aware that it is; there has been nothing to indicate that it is.

407. Would you infer that the money has been recouped?—Either that, or the Bishop provided funds without looking to have them recouped at all.

408. Is that likely?—I cannot say what money he had in his hands applicable to a purpose of the kind.

409. *Mr. Hislop.*] It is in evidence that “One of the questions in the evidence goes to show that it is the intention of the Trustees to confine the teaching to the Church of England?—That was an opinion of mine; I do not say that the other Trustees held it.—Is that the intention?—I think so. I do not see any reason why we should now open our doors to all denominations; at any rate, that is my private feeling in the matter.” Do you think if the Trustees proposed to carry out that intention it would be popular in Wanganui?—I am sure no one would object more than the Church people of Wanganui to its being made an exclusively denominational school. We consider the Trust is placed in the hands of the Church for the benefit of all.

410. Do you not think it is wrong to continue as a Trustee any person who would move in that direction, and who has power to do it?—Not if it is one standing by himself; but I never heard any Trustee had any such ideas, and cannot believe it. There must be some misunderstanding.

411. Did you not observe it in the evidence of the last Commission?—No, I did not.

412. *The Chairman.*] Have you any general statement to make?—Most of what I jotted down in writing I have stated now. The management of this Trust makes it contrast very favourably with other endowments in Wanganui. The Hospital endowments were given at the same time as this land. They were almost entirely nice dry level building sites near the river, and yet it was about ten years before any portion of them was let. Then about four acres were let as a paddock, and about an acre and a half was let shortly afterwards.

413. *Mr. Hislop.*] How long ago?—In 1862 or 1863. About 1868 four more quarter-acre sections were let as building sites, and no more were let until the property came into the hands of the Corporation. Since it came into the hands of the Corporation it has been better managed, because they immediately took steps to let further portions of it, and most or all the remainder has been let during the last few months. It has taken some twenty-seven years to let some twenty acres.

414. *Mr. Bunny.*] I should like to ask you a question about the Hospital. Were not these reserves made by Dr. Featherston, and the Bishop of New Zealand never had anything to do with them?—No, they were given by Sir George Grey.

415. Did not the Provincial Government, when the present Sir William Fitzherbert became Superintendent, insist on handing these reserves over to local bodies, because they could be better managed by people on the spot?—They were managed by people on the spot for years before; in fact, from the very first.

416. Was not a Bill passed under which they have been handed over to a local body for years past?—I am aware that a Bill was passed to hand it over from the Hospital Trustees to the Corporation.

417. You stated you were going to mention other reserves which were not better managed than this, and I am showing the Committee that a Bill was passed, when that was seen, to have them handed over to the Corporation?—Yes.

418. Because they could not be managed by people at a distance?—No; it was people at Wanganui who managed them from the first.

419. Simply as agents?—We knew nothing of anybody but those in Wanganui as taking part in managing it. I was going to mention about the town belt. It was given to the Town Board in 1862. Fifty acres were let about a year afterwards, and fifty or sixty acres more about a year later, when the deepening of the school drains enabled it to be dried. Other parts were let at intervals as soon as tenants could be found for them; but the bulk of it was only let within the last two or three years, and a large portion only a few weeks ago—some parts are unlet still. From 1862 to the present time, it took the whole of that time to let the land.

420. *Mr. Wright.*] Do you not think the management would be better conducted by responsible persons, than by those three persons who are practically irresponsible?—They only manage under the Trustees, and these last are responsible to the Synod.

MR. WILLIAM McLEOD BANNATYNE examined.

421. *The Chairman.*] You are one of the Trustees for the Wanganui Industrial School?—I am.

422. Are you familiar with the manner in which that school has been conducted?—No; I have never been at Wanganui. All that I have had to do with the Trust has been with regard to the accounts. I have always felt full confidence in the Bishop, and left it to him to look after the scholastic part of the school. My experience has been particularly confined to accounts—receiving accounts and rents, and matters of that sort.

423. You have no knowledge as to how the school is conducted, I suppose?—I cannot say I have.

424. Do the Trustees hold periodical meetings?—No fixed meetings, but whenever there is anything to be done—whenever leases are falling in.

425. Have they ever drawn up regulations for the management of the school?—Not that I am aware of.

426. I suppose regulations for the management of the school have never been discussed by the Trustees in formal meeting?—No; not that I am aware of.

427. *Hon. Mr. Gisborne.*] How long have you been Trustee?—Since 1862, a few years after the Trust deed was passed.

428. Have you ever seen this school?—I have never been at Wanganui.

429. Have the Trustees ever considered any measures for carrying out the original conditions of the grant with regard to having a free foundation for industrial training?—I believe it was carried on previous to my having anything to do with the school.

430. Since you have been Trustee, have the Trustees ever considered any measure with a view of carrying out those terms?—We have talked over them, but did not consider it desirable to return to the old system, because it would be very expensive; and in the next place we did not consider it could be carried out.

431. *Mr. Montgomery.*] What do you consider are your duties as Trustees?—To revise the management of the Trust, as far as we can do from here; but the greater part of that duty was done by the Bishop, who used to go occasionally to Wanganui and represent the other Trustees there.

432. Do I understand that you considered it your duty merely to see that the ground was let and the rents collected?—I do not consider that it was all our duties, but it was all I could do.

433. Do you not consider it was part of your duty to see that the Trust was carried out?—I believe we did it, so far as we could through the Bishop, except with regard to the industrial portion of the school. So far as the education of the school was concerned, I always understood that was carried out.

434. You are aware that the rents amount to between £600 and £700 a year?—I do not know the exact amount, but I believe they have increased since 1877.

435. Do you know the number of scholars that are trained?—I cannot say exactly. I think there are from twenty to thirty, but I am not quite sure. I think the latter number was about the average.

436. There are school fees charged to the pupils?—Not to the Natives, I think.

437. To European children?—I think there are, except when they cannot afford to pay, when they are allowed to be educated free. If any charge is made it is very trifling.

438. Are there any free scholars there?—I think there are.

439. You do not know the number?—I do not.

440. You do not know whether there are any or not?—I think I can safely say there are.

441. Are there any Maori children attending the school?—Yes, those are the ones.

442. There are Maori children attending the school now?—I speak with some little hesitation, because I have not been in Wanganui, and my business with the Trust has been in connection with accounts.

443. That was what I was asking you—whether you considered your duties simply extended to collecting accounts and moneys?—My duties would extend further than that, only it was not convenient for me to go to Wanganui.

444. Then you cannot say whether the school was properly managed or not?—I have always heard it was properly managed, through Mr. Jackson and Mr. Churton, who availed themselves of the assistance of Mr. Jones.

445. Does he look after the scholastic management?—I think Mr. Churton looks after the general management, and does a great deal for the institution.

446. Do you think if there were only twenty-five children attending the school, and that cost nearly £700 a year, that charging these children £6 to £7 a year, that is getting education for the amount of money expended?—Perhaps not; but still, more could not be done at the time. There was every probability at one time of the school increasing in numbers, but they fell off considerably; one cause being a change of masters, and another the building of the new school-room.

447. Do your co-Trustees in Wellington take any greater interest personally in the management than you do yourself?—Mr. Hunter is the only other Trustee, except the Bishop. The Bishop has always relieved us of that part of the duties.

448. You looked after the accounts?—I looked after the accounts.

449. And you left the other matters to the Bishop?—That was it.

450. And do you think that was carrying out the objects of the Trust?—If I had known I was called upon to do more, and I had been required, I should have done so; but the Bishop looked after the school, and, I believed, carefully.

451. *Mr. Macandrew.*] Would you consider it would be any infringement of legal rights if the management of this school were handed over to a local body, without disturbing the Trust at all?—That I cannot say. The only circumstance that would guide me was when Mr. Godwin, the late schoolmaster, was found fault with for irregularities; and when the people there persuaded the Trustees to allow him to remain a little longer, and we had afterwards to dispense with him. That makes me think that local management would not be so good.

452. Still, you are not prepared to say that you would consider it an infringement or otherwise of vested rights?—I do not exactly know what you mean by “vested rights;” but the Church of England understood it is in the grant, because there is no doubt that originally the grant was for the Church of England, and to the Bishop of New Zealand, and so far, I should imagine, the Church has vested rights.

453. And, having vested rights, you consider it would be an infraction of them to remove the administration from Wellington to Wanganui?—I think so.

454. *Mr. Hislop.*] Is there any advantage to the Church in having the management of this Trust?—I do not know that there is to the Church itself; but I think if the grant had been made to other denominations, they would have put the same interpretation upon it that I do, and would have claimed the same right to hold the property.

455. But is there anything to be gained by the Church in keeping the Trust?—I was going to say that they look forward to much more than at present.

456. Do they look forward to establishing a Church of England school?—I have not heard that is the intention, except keeping on the present school. They have lately built new school-rooms—I suppose with the intention of carrying on the school.

457. I will quote from the evidence of the Bishop, given before the Royal Commission. He says, in answer to this question, “As a matter of fact, the school was attended by children of all denominations?”—“Yes; but possibly we would now be inclined to restrict it, and make it more of a Church school, if the community were well supplied with the High school and other schools.” Has the Bishop consulted you with regard to that?—I heard him say it possibly might be the intention some time ago; but I do not know that it was a fixed thing.

458. But have you any intention in that direction?—I cannot say, except that as a Trustee I should be guided more by my Bishop.

459. If the Bishop went that way, you would go with him?—Well, if he gave me good reasons, I think I would.

460. *The Chairman.*] Is there a periodical audit of accounts?—Yes, once a year.

461. Who is the auditor?—The school accounts are always audited by some Government officer who certifies to them. Last year’s accounts were audited by the Collector of Customs, Wanganui.

462. The auditor has the examining of the accounts every year up to the 30th June?—Yes, and signs a certificate. He has the examining of the accounts, and finds them correct so far as the vouchers are concerned.

463. How is Mr. Churton paid?—I do not think he is paid anything; all he does is from love.

464. He is a commission agent in Wanganui?—Yes.

465. He holds a power of attorney from the Trustees?—Yes.

466. But does he not receive commission on the rents collected?—I cannot say positively; I know he does a great deal for nothing, but I do not know whether he charges commission on the rents collected.

467. I see by the Blue Book here that Mr. Churton’s commission is put down as follows:—“Commission—1 per cent.—on negotiating sale of land for railway purposes, £6; E. Churton’s commission—5 per cent. on amount collected, £763—£38 3s.”

468. I received a letter from the Bishop the other day informing us that Mr. Travers was appointed counsel for the Trustees. Would he wish to be present at our meetings?—I do not know—I have not seen him; but I will inform Mr. Travers.

THURSDAY, 6TH NOVEMBER, 1879.

Sir George GREY, K.C.B., M.H.R., examined.

469. *The Chairman.*] We desire to examine you with regard to provisions we propose to make in connection with the Endowed School at Wanganui, and to receive any information you may give respecting it. I suppose you have read the Bill?—Yes.

470. Do you agree with the spirit of the Bill that local management should be provided?—Well, I should have to think over that. As I read the Bill it is taking away property absolutely.

471. Do you think it would be taking away property if the letter of the Trust were not changed in any way?—I think it is taking it from one body to whom it was granted absolutely.

472. Do you think the Trust was granted to one denomination for the education of children of one denomination only?—I think that was the intention of the grant; not necessarily that the children should be the children of parents of one denomination only, but for the sake of the denomination giving to the children brought up in the principles of that denomination a certain education.

473. That is to say, that it was given for the education of children of Church of England parents only?—Not of Church of England parents only, but to be brought up in that faith. They might be orphans.

474. They should be educated in the faith of the Church of England?—If the Church thought proper. It was part of a general system. There were similar grants given to the Wesleyans, and similar grants given to the Roman Catholics.

475. Do you not think, reading the Trust deed, that the tone of the schedule implies that it was given for the children of all denominations?—I think not. I think the words are specific, "For the use and towards the maintenance of the said school so long as religious education, industrial training, and instruction in the English language shall be given to the children there." I think it was clear that the Church of England would only give religious instruction in the tenets of that Church.

476. If the terms of the Trust were not properly carried out by the present Trustees, do you think the Trustees should be changed?—Yes; but I think the Courts of the country are always gone to in such a case: the Supreme Court, or the Court of Chancery.

477. Do you think it would be advisable to burden this estate with litigation?—Yes. If you were going to take their property from them, it should be taken before the ordinary tribunals.

478. Do you consider this Trust in the nature of private property?—I consider it property in the hands of a public body. I am not contending that this system is best, but I think, if any alteration is made, it should be made through all similar Trusts. This is a departure from a great principle that was established.

479. Do you think the system of late years, by which education has been secularized, does not make, to a certain extent, these grants obsolete which were given for religious purposes?—Well, that is a large question. I do not think it necessarily makes them obsolete. That is a legal point. I think it is desirable some charitable institutions should exist in which the exertions of religious bodies are called out. It is a very wide question.

480. Do you not think it desirable that local management should be provided if the Trust is not being fulfilled or properly carried out?—I think, if the Trust is not being properly carried out, that should be shown in a Court, and the Court should decide the question. You see the whole of the grants similar to this rest upon a system which has been done away with. The conception at that time was that the provincial system would prevail, and that other islands would be added to New Zealand, which would be provinces in themselves, and that here a great Legislature would sit; that New Zealand would be the centre to which large numbers of children would be sent. At that time many children were sent to New Zealand from islands in the Pacific, and some religious bodies were imparting a higher order of education to children from the same islands. For instance, the Wesleyans established a college at Auckland, and the children of missionaries from other islands were sent to that college, and received a very high education. The idea was that New Zealand was to be the centre of the Pacific. I have known at least one hundred and fifty children of Natives of the islands at different schools in New Zealand.

481. One of the objects of the Trust was to educate children of the Native race?—Yes; the children of any poor and destitute persons of any race.

482. But particularly the Native race of this colony and islands of the Pacific?—Not particularly; but it was intended for all the Queen's subjects of all races, and in addition for the children of any islands in the Pacific who may be the subjects of native chiefs.

483. I suppose you have no knowledge as to how the school is being conducted?—No; that has passed out of my knowledge.

484. If no Native children and no poor children were being educated there, would you consider the Trust is being fulfilled?—If none were educated there, I should not think so; but I am not the judge of that; but the Legislature might choose to abolish this system altogether. It might say the present system is not suited to the present circumstances of the colony, and that all these Trusts, Wesleyan, Church of England, and Roman Catholic, are to be taken away and devoted to a different object. I quite understand that, and I think they might have reasons to recommend it; but whether they would be counterbalanced by other reasons I cannot say without long thought. I have always been of opinion that there must be charitable institutions in the colony to take care of orphans and those left unprovided for; and I believe they are fully taken care of by religious bodies.

485. Suppose the Trust is not now being fulfilled, do you not think it would be better to have a change, than to have the grant dissipated in the Courts of law?—I do not say it would be dissipated, if there was a great charity being taken away and put to different purposes. These charitable Trusts are scattered about the colony in different places. I can understand the Legislature coming in when it is alleged that there has been mismanagement, and that the Trust has not been carried out, and that upon a broad ground the present system is not suited to the circumstances of the colony. The circumstances may be changed; but I do not understand one Trust being singled out, unless some fair trial is allowed.

486. Do you not think this is of sufficient importance to be dealt with by the Legislature, after evidence being taken by a Committee of this kind?—Well, I think they are all of sufficient importance for that; but then I am not satisfied in my own mind that I should deal with it in the same way. I should be prepared to see the whole system reconsidered.

487. *Mr. Wright.*] Sir George Grey seems to lay great stress upon this being a charitable institution. I would ask him whether he considers that an institution that spends £700 per annum on the education of twenty-five pupils would come strictly under the term charitable institution, or whether much larger benefit might not be derived in the way of charitable education from the expenditure?—Well, I should have to know how the £700 was spent; for instance, this institution might be in its infancy, and a good deal might be expended in buildings. I should require to have information upon these points before any opinion that I could give would be worth anything upon the subject. These grants were drawn up with considerable care, and correspondence with many persons, at a time when I may say peculiar religious views had sprung up suddenly in England, and myself and other persons were very much in favour of industrial training; and I think the words put in clearly show the grant is for “the education of children of the Queen’s subjects of both races, and the children of other poor and destitute persons;” that is, it was to be greatly used as a charity. I have seen endowments so very much abused—I do not allude to this particular one, because I do not know anything about it—that, as I have grown old, I have thought that it was doubtful whether any endowments to Trustees are judicious, and the only way in which they are judicious is where provision is made for abandoned children, particularly for the very young; and in no way is that so well done as when they are intrusted to people of religious views who devote themselves to this kind of work.

488. Would not the words “the children of other poor and destitute persons” imply that this endowment was intended primarily for the benefit of the poor?—Well, that certainly was the idea in my mind, that these were great charitable institutions; and you will find that the institution here, under the care of the Roman Catholic Bishop, has always been used in this way.

489. But if it should be shown that the annual income of £700 a year is expended in the education of some twenty-five children, would you think that a proper carrying out of the Trust?—That would be about £28 each. I should have to consider the subject carefully; but I think that is a proper thing for a Court to pronounce an opinion upon, and I think its decision could be given in the usual way in which these decisions are given. I am not aware of any case in England in which an institution of this kind has been interfered with. Parliamentary Committees have sat to inquire into them very often, but I believe the result has always been an appeal to the Courts. I recollect one celebrated case in England in which that was done, and one family alone was obliged to refund £120,000. which they had taken. They did not go back to dead persons, but all the living people who had taken wrongfully from endowments of this kind were compelled to refund all that they had taken during their lives.

490. *Mr. Macandrew.*] Assuming that the whole of this £700 a year goes in education, as it does, and does not go in buildings at all, and that, in addition to that, there are £7 to £8 a year school fees charged for the education of twenty-five children, does it not strike you that, after a quarter of a century that the institution has been established, that the object of the Trust has not been fulfilled?—The grant especially says that the institution should be kept for a special class of children “so long as religious education, industrial training, and instruction in the English language shall be given.” But I only express my own view about that; it is for Parliament to interfere.

491. Would you consider it would be carrying out the object of the Trust to confine the education exclusively to children belonging to the Church of England?—No; but I think if they give them religious education according to the tenets of the Church of England, it does not much matter whether the children are of Church of England parentage or not. For instance, I can fancy many dissenting bodies who would not object to have their children educated by the Church of England.

492. But I understand it is proposed by the Bishop of the Church of England that the education should be confined to children of Church of England parents?—That was not my intention at all. I only state that with regard to myself I should have no objection to sending my children to a Presbyterian or a Wesleyan school.

493. That is not the point. I understand the point is that no children shall be admitted but those belonging to that Church?—That was not my intention, but whether the Courts would hold the Bishop justified in that I cannot say. The moment the grant issues, all these matters become questions to be decided by the Courts. I believe all these grants were made on one plan, which did not suppose the parents to have any particular religious belief. There is nothing of the kind stated in the deed.

494. Suppose this Bill were confined simply to changing the management by the appointment of Trustees from members of the Church of England residing in the district instead of residing in Wellington, would that be an infringement of the deed?—The grant belongs to the Bishop here; there is nothing about Trustees.

495. *The Chairman.*] I suppose you are aware that it has been transferred from the Bishop to the Trustees mentioned in the preamble to this Bill, by an Act passed in 1858 called the Public Trusts Act?—Yes.

496. *Mr. Macandrew.*] Suppose it were transferred from the present Trustees, Messrs. Hunter and Bannatyne, and the Bishop of Wellington, to Trustees residing on the spot, consisting of persons or dignitaries of the Church of England?—What I suppose is that, if the Bishop were left standing, the same Legislature that put those other two persons in as Trustees could put in others in their place; if Parliament has interfered so far, it could interfere further. This simply says the Governor is to appoint those persons, but if by the grant the management was vested in the Bishop the Governor would not be allowed to interfere.

497. But the Bishop’s powers were transferred by the Act of 1858 to other parties?—I can only say that the same Legislature that did one thing could do the other. I was only giving my own opinion. I believe ultimately these charitable institutions will be found of great benefit to the country if properly conducted.

498. *Mr. Montgomery.*] Was this endowment placed under the control of the Church of England in the same manner as endowments were made to other religious bodies—Roman Catholics, Wesleyans, &c.?—Yes; the grants are exactly the same.

499. Do you know whether the others retain the moneys they receive?—I have not watched closely the course of events, but I believe they do.

500. Do you consider that the grant contemplated that this school should be in the nature of a high school?—No; I consider this a great charitable institution.

501. Not in the nature of a high school?—No; not in the nature of a high school, more in the nature of a free school. In fact, it was intended to be a poor school, in which industrial training should be given to enable children to earn their own livelihood.

502. Industrial training was one of the objects of the Trust?—Yes.

503. But if the management does not carry out the Trust in consequence of a want of local supervision?—I think the Legislature should make inquiry, and some alteration should be made.

504. The Committee is now making an inquiry which the House of Representatives has directed to be made. If the result of this inquiry shows that the school is not well managed, and that it is in consequence of not having local supervision, should not the Legislature step in and make a change?—I think myself the whole question is so large and so important, and these endowments will become of such great value, that if the Legislature interferes at all, its inquiries should be directed to several schools, and then I think a change should be made in the whole system. I think that would be a wise plan.

505. Would you say a change should be made in the whole system because one of the endowments is not properly managed?—I think, if you find out that one of the endowments is not properly managed, you should take care that it is properly managed, or change the system.

506. That is one of the objects of this Committee. That is one of the questions I asked. If the result of this inquiry should show that the Trust has not been managed for the objects for which it was granted, should not an alteration take place?—I think, if you do not like the system, the people who manage badly should be punished. I think, if the system is such that they can go on mismanaging the Trust without your being able to get at them, you should change the whole system.

507. If one Trust is mismanaged, should that interfere with the whole of the Trusts?—I should say, myself, yes, because it shows that they can be mismanaged, and that there must be something bad in the system. I believe the system may be made a matter of such benefit to the county that it should be dealt with comprehensively if it is dealt with otherwise than through the Courts.

508. *Mr. Travers* (Counsel for the Trustees).] I believe you are familiar with the mode in which these charities are in force in England?—Yes; by reading and observation.

509. And I understand that, if there is any complaint requiring the intervention of the Legislature, it is usual to refer it to a Committee of Inquiry, and the Legislative Committee inquires simply into the conduct of the Trust?—Yes; if it is brought before Parliament.

510. And then the Attorney-General is instructed to enforce the Trust?—Yes; or some other officer of the Crown.

511. And that is the course you suggest in this case, if it be necessary, unless the Trusts are such as cannot be carried out specifically, and then the Court of Chancery frames a scheme as nearly as possible in accordance with the original Trust, and that is usually done by the Attorney-General with the assistance of one of the Law Officers of the Crown—the costs of the case, where the parties have misconducted themselves, falling upon them personally?—Yes; they have to pay.

512. And if a new scheme is necessary the costs fall on the estate without the intervention of the Crown?—Yes, that is the case; but I should say, in truth, that this system has broken down, and if you read this “children of other poor and destitute persons” to mean inhabitants of the islands of the Pacific, you will see it has broken down. Perhaps, I ought to make a statement to the Committee, to show how completely the whole design has broken down. I persuaded the Bishop of New Zealand originally to go with a friend of mine, Captain Maxwell, who was in command of the “Dido,” whom I induced to agree to take the Bishop to visit the islands in the Pacific, the “Dido” being about to make that voyage in order that the Bishop might determine if it was possible to establish a mission of the Church in those seas. Acting upon my persuasion he went, and came back satisfied that a great mission could be established. That mission was the Polynesian Mission, and its head-quarters were made in New Zealand, this colony being the centre, therefore, of the Church of England Mission in the Pacific. It was also the centre of the Wesleyan Mission. A considerable grant was made in Auckland for them to erect a store upon, and to which their vessels came from the Pacific for stores. A grant for a house and garden was given to each, and they are still in existence; and also to the Roman Catholic Mission, of which this was the centre, a large grant of land was given. A large college was built in Auckland for the Roman Catholics, and considerable endowments given to them. Auckland was to have been the centre from which all these missions radiated. It was then determined that an unhealthy site had been chosen at Kohimarama for the Polynesian Mission; and I offered Bishop Patteson to give him Kawau, to prevent his removing the mission from New Zealand; but they were persuaded Norfolk Island was the best place, and I assisted them in obtaining a grant of land at Norfolk Island. All this has been published about Norfolk Island. The Committee will thus see that the plan has completely broken down to this extent: that the Polynesian Mission has disappeared from New Zealand, and there is no chance of children coming to this colony in the way that was intended. The Wesleyan Mission has disappeared and gone to Sydney, and the grant of land they possess has been let. There is a boardinghouse upon it, and the receipts, I believe, go to a very different purpose from what was intended. In the same way this is no longer the centre of the Roman Catholic Mission. So that the Committee will see that the whole scheme for which these grants were established has broken down. That runs through all similar endowments, because the hospital site at Auckland was granted on the same terms; and I believe it will be found that the hospital site at Wanganui was also granted on the same terms, and that people of all races have a right to go there. The whole scheme has been abolished, and the provinces have been swept away. Some of the islands had agreed to be federated. I had the cession of the Fiji

Islands, and the Tongau Islands and Loyalty Group were prepared to come into the system. Well, the whole of that has broken down, and it is a great question whether, when the scheme in which these endowments were granted, has disappeared, and the endowments themselves are in existence, some new plan should not be formed.

513. *Mr. Montgomery.*] I understand that the whole scheme has broken down, and that it no longer appertains to the purpose for which the grants were given?—Yes; that is the main fact. I said there were about 150 children. I believe I must reckon that there were 300 native children from the islands here.

514. Then how could a law Court draw up a scheme for the management of a Trust the objects of which it is quite impossible to accomplish?—They would do it under the system, as near as possible, as Mr. Travers has pointed out, but still it is a question, in my mind, whether the whole plan should be altered or reviewed.

515. *Mr. Travers.*] Sir George Grey is no doubt aware that the Wesleyans sold their land for a sum of money, and applied it to another purpose altogether.

516. *Mr. Macandrew.*] They had the authority of law?—A provincial Act.

517. No; a colonial Act?—I understand that there is some mismanagement of the funds. It might be desirable that a great college should be set up there. I only look at the thing as a whole, but if there has been a misapplication of the funds, that is a totally different thing from what I understood from the questions put to me. It is quite clear that a plan which was suited to the circumstances of former times has broken down from the circumstances having entirely altered, and clearly the Legislature has a right to interfere in such a case.

518. I look upon these endowments as capable of giving education to hundreds of children, and not only that, but maintenance also; but how is that to be done?—It might be done in various ways. It might be necessary to have an institution for orphans under the Church of England, and the rest might be devoted to a college.

519. I suppose the endowments would be worth £3,000 a year?—I think they would be worth much more.

520. *The Chairman.*] Mr. Peat says in his evidence that if the Trust were properly managed, it would be worth £2,000 a year. It appears to me there is no difficulty in carrying out industrial training under the grant?—I think, if the estate is so large as that, it would be quite possible to leave a portion for a charitable institution under the Church of England for orphans and others, and still leave a large fund for other purposes.

APPENDICES.

APPENDIX A.

SIR,—

Mulgrave Street, 30th October, 1879.

I have the honor to inform you that, in accordance with what the Select Committee agreed to yesterday, the Trustees have appointed Mr. W. T. L. Travers to appear before the Select Committee on their behalf as counsel.

He will attend when informed by you that it is convenient that he should do so.

I have, &c.,

The Chairman of the Select Committee,
Wanganui Industrial School.

O. WELLINGTON.

SIR,—

Mulgrave Street, 31st October, 1879.

When asked by Mr. Gisborne on Wednesday, during my examination, how I reconciled my assertion that Mr. Hart, the Royal Commissioner, had admitted that the grant was made to the Church of England, I was unable, not having read his report for three years, to remember his words. They are as follows: "This was a grant of about one-third of the then existing town-site of Wanganui to Trustees of one religious denomination." It being a grant to the Bishop of New Zealand and his successors, there can be no doubt what that "denomination" was. May I ask to have this letter included in my evidence.

I have, &c.,

The Chairman, Wanganui Endowed School Bill Committee.

O. WELLINGTON.

SIR,—

Mulgrave Street, 3rd November, 1879.

I have the honor herewith to return the shorthand writer's report of my evidence. It is a very unsatisfactory report of what was really said, and I very much regret that, even with all the corrections I have made, it should appear as my evidence. In several instances I have been unable to recognize either the questions as those addressed to me, or the answers as in any respect mine. The report of my evidence given before the Royal Commission needed only the most trifling corrections.

I must now ask to be allowed before the evidence is closed to put in a brief statement of the main points given in my evidence.

I have, &c.,

The Chairman, Wanganui Endowed School Bill Committee.

O. WELLINGTON.

MY LORD,—

House of Representatives, Wellington, 4th November, 1879.

I have the honor, by direction of the Wanganui Endowed School Bill Committee, to return the corrected copy of the evidence given by your Lordship before the Committee for your signature, and to request that the same may be retransmitted to me at your earliest convenience.

I am also directed to acquaint your Lordship that any written statement which you may be pleased to forward will be received by the Committee.

I have, &c.,

His Lordship the Bishop of Wellington.

J. BALLANCE,

Chairman.

APPENDIX B.

SIR,—

Mulgrave Street, 5th November, 1879.

I have the honor to acknowledge the receipt of your letter of the 4th instant. I now return my evidence signed by me. In accordance with your permission, I also forward a statement to be appended to the evidence.

I have, &c.,

The Chairman, Wanganui Endowed School Bill Committee.

O. WELLINGTON.

P.S.—I also enclose schedule of lands leased, asked for by the Committee, and a correction from Mr. Churton of a memorandum inserted in my evidence.—O. W.

IN order to make my meaning, given during my examination before the Select Committee, intelligible, I desire to add the following remarks:—

I do not concede that there can be any room for doubting that the grant was made to the Church of England, when made to “the Bishop of New Zealand and his successors.” This was clearly admitted by the Royal Commissioner in 1869, when he said, “This was a grant . . . to Trustees of one religious denomination.”

The provision made in the grant for the children of “poor and destitute persons” applies only to “inhabitants of islands in the Pacific Ocean,” and does not imply any such condition as to other children taught in the school, but rather the contrary, otherwise it would have been expressed, in accordance with the maxim *Expressio unius est exclusio alterius*.

The “industrial training” was originally intended to aid in the support of the school. It was tried, and failed; partly because it occasioned additional expense instead of being a means of support, and partly because it was so much disliked by the English and Maoris that they would not submit to it. It was abandoned as a means of support before the present Trustees were appointed. The land was leased as a better mode of supplying an income for the school. It could not, therefore, subsequently be carried out, even if it had been, for other reasons, advisable to do so.

Religious teaching, beyond a prayer and the reading of the Bible, was not enforced, both because it would have entailed additional expense, and because it was thought desirable to allow residents belonging to other religious denominations to avail themselves of the only good school in the town. This was done as a concession to them on the part of the Trustees; but of course the Trustees have no wish to continue this concession if it is not appreciated.

The present Trustees have in no sense whatever failed to fulfil the conditions of the Trust, so far as these admitted of being fulfilled. They could do no more—*Nemo tenetur ad impossibilia*. There are many instances of land held on trust, such as the Wellington Grammar School Reserve, which have been left for many years without any revenue being derived from them; that is to say, all the provisions of the Trust were in abeyance. It seems strange to contend that whereas no blame seems to have been attached to this, to leave some of the provisions, such as “industrial training,” in abeyance is deemed a serious offence.

I consider it a monstrous doctrine that, because Trustees have not fulfilled all the provisions of a Trust (admitting for the sake of argument that they have not done so), the land held under trust for any religious or other body should on that account be confiscated, and revert to the Crown to be disposed of in any other manner. For the Legislature to act on such a principle would be a gross act of spoliation.

If the provisions of a Trust become obsolete, that is to say, cannot be carried out, the recognized usual course would be to apply to the Supreme Court to obtain its sanction to a scheme *ci pres* to the original intention of the Trust. This would be granted by the Court. There is no necessity whatever for the Legislature to intervene in this matter.

Turning now to the management of the land, I maintain that it has been well managed from the beginning. Swamps and barren sand-hills have been converted into a valuable property. Leases of lands originally let at a low rate have recently (in 1877) fallen in, and have been relet at a considerable advance. The leases of all these sections were sold by auction. They have yielded during the last two years a rental which has enabled the Trustees to build new school-rooms and make other improvements. Mr. Edward Churton, the local agent, is a man of high character and excellent business habits, and his advisers in any important matters are two of the best business men in Wanganui. To suppose these gentlemen guilty of the stupidity attributed to them by Mr. Peat in his evidence before the Royal Commission is simple nonsense. Mr. Churton is a gentleman in the Commission of the Peace, who has twice been elected Mayor of Wanganui. He is managing director of a flourishing building society, and he is secretary and treasurer of the Wanganui Harbour Board.

As to the school, it has always been taught by competent masters. A competent master fit to be intrusted with a school does not require a Board of local men to superintend him. I have been intrusted by the other Trustees with the duty of giving instructions to the master, which I have always done. The clergyman of the parish, Rev. T. L. Tudor, who resides immediately opposite the school, is acquainted with all that is going on, and has frequently, at my request, communicated with me in reference to it. The school has been examined every half-year by competent examiners—all, with one exception, graduates either of Oxford or Cambridge—having no connection with the school.

It has been constantly reported that the number of boys in the school fell a year ago to a low number. The relevancy of this is not very evident. The Trustees do not pretend to prevent occasional fluctuations in the number of boys attending the school. But the temporary decrease in the number last year is very easily accounted for. There was a change of masters, and the old school-room became almost unfit for use. As a new and commodious building containing good rooms was being erected, it was thought undesirable to expend money in the repair of the old one. Want of funds, till the rents derived from the newly-leased sections of land became available, prevented the new school-rooms being built before.

Taking these premises into consideration, I contend that the land has been well and beneficially managed, and I challenge comparison in respect to this with any similar trust-land in New Zealand.

I assert that a good school has been in existence for the last twelve years, during which time many boys who received their education in it have passed the Civil Service examination; and that this has been of very great benefit to the people of Wanganui and its vicinity. I further assert that no provision of the grant, except one which is obsolete and now impracticable, has not been complied with. And I venture, in conclusion, to say that, if any doubt exists as to the correctness of the interpretation of the grant by the Trustees, who have hitherto acted in good faith under the best advice available, the Supreme Court is the only competent tribunal to decide such a question. Every Englishman ought jealously to guard against any attempted infringement of this principle, so essential to the security of property of all kinds and the well-being of the community.

4th November, 1879.

O. WELLINGTON.

Memo.—EDWARD CHURTON to the Right Rev. Lord BISHOP of WELLINGTON.

IN my telegram I made a slight mistake in the matter of Kirkpatrick's sale. It was 25 acres, sold by mortgagees of D. Smith, about eight years to run, at £26 10s.; sold to Kirkpatrick and Lewis for 20s.

EDW. CHURTON.

30th October, 1879.

RENT ROLL of INDUSTRIAL SCHOOL ESTATE, Wanganui.

Name.	Acreage.			Lease Expires.	Yearly Rent.		
	A.	R.	P.		£	s.	d.
Watt, W. H.	7	2	0	1883	50	0	0
Liffiton, E. N.	12	2	10	1889	15	0	0
"	3	0	24	1898	24	0	0
Pawson, J.	48	2	6	1887	50	0	0
Churton, E.	6	0	0	1883	17	0	0
Churton, E.	6	0	0	1880 @	15	0	0
				1887 @	20	0	0
				1894 @	25	0	0
Hurley and Cunnabell	14	3	24	1884 @	12	0	0
				1894 @	17	16	0
Richards, F.	0	2	0	1886 @	10	0	0
				1893 @	15	0	0
Earle, R. C.	8	3	0	1900	30	0	0
Chipman, A.	12	0	0	1892	25	0	0
Austin, W.	11	2	0	1888	11	10	0
Jackson, F. R.	12	2	0	1887	12	0	0
Education Board	5	0	0	1919	5	0	0
The under-mentioned leases were sold by auction:—							
Forder, W. H.	6	2	9	1898	38	14	0
"	0	2	0	"	7	5	0
Smiley, J.	2	1	25	"	22	0	0
Murray, D.	1	0	1	"	16	10	0
Broughton E.	1	0	0	"	17	0	0
Burke, J.	1	0	0	"	11	0	0
Mitchell and Earle	3	0	0	"	26	10	0
Cross, C. S.	1	0	0	"	30	0	0
Hodge, M. O.	9	0	32	"	34	7	6
Malone, J.	4	3	19	"	17	1	0
Hutchison, G.	10	0	0	"	48	10	0
Jackson, J. W.	4	1	13	"	15	3	6
Stretch, W.	4	0	0	"	17	10	0
Telegraph Commissioner	0	2	0	"	6	12	6
Hicks, G.	4	0	0	1891	15	0	0
"	4	3	6	"	17	18	10
O'Reilly, G.	3	0	2	"	14	6	2
Malone, J.	3	0	2	"	13	11	0
Jackson, J. W.	4	1	35	"	22	6	10
O'Sullivan, J.	4	1	33	"	18	7	0
Morrow, H.	11	0	0	"	56	15	0

29th October, 1879.

EDW. CHURTON.

APPENDIX C.

SIR,—

Waikanae, 7th November, 1879.

On reading over my evidence, I find that, in answering a question on the spur of the moment, I seem to have made a slight mistake as to the date of a conversation between Sir G. Grey, the Rev. R. Taylor, C. H. S. Nicholls, and myself. It took place during the first visit that Sir George paid to Wanganui, during his second term of office as Governor, so that it could not have been so early as the date I named, "about 1858, or a little later." Of course, the fact of the conversation, and Sir George's statement as to the object of the grant, are the really important points, rather than the exact date, but still it is as well to be correct.

4—I. 4.

I find, too, that Mr. D. Peat had evidently been misinformed as to a matter referred to in his evidence, given some months ago, before a Royal Commission on Education. He asserted that, at the time when Major Durie was acting as local agent for the School Trustees, persons could get leases of portions of the estate, and sell them immediately at a high price. The real facts are that the original leases were for fourteen years, renewable at a certain proportional increase of rent for a further seven years. This arrangement was made with a view to inducing persons to become tenants, and so enabling the estate to yield as large an income as possible at the outset. By the end of the fourteen years, the military expenditure, consequent on the war, and the loyalty of the Wanganui Maoris, had given such an impetus to Wanganui, that the tenants were only too glad to claim the right to renew; and it was, no doubt, for some of these renewed leases that Mr. Peat heard of a bonus being given. Only two new leases (for the wet land that could not be let at first, at the extreme north-west corner of the estate) were granted under Major Durie's agency; and as these, like the previous ones, were granted by public tender, and the leased blocks were very difficult of access, no one would be likely to give much of a bonus in respect of them. It is, in fact, the rapid advancement of Wanganui of late years that has led new-comers to fancy that the estate has been mismanaged. They do not realize the fact that at first it took ten years for two hundred Europeans, of all ages, to collect in the districts of Wanganui, Turakina, and Rangitikei, and that, at the time when the original leases were granted, any one would have been thought wonderfully sanguine who had anticipated that, by this time, there would be a thousand white faces in that part of the colony.

Requesting that you will lay this before the Committee,

J. Ballance, Esq.,
Chairman of Wanganui Endowed School Committee.

I have, &c.,
H. C. FIELD.

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1879.