

out of the Trust Estate included some of the best lands belonging to the property, but the Crown land was utterly valueless, and has remained so to the present day.

The 918 acres appropriated as aforesaid included 350 acres of the quantity allotted formerly by Commissioner Spain for the Natives, and to the dissatisfaction that has prevailed in consequence of this action may be attributed the want of success that has attended the school since its outset.

On the allocation of the Native reserves in Motueka becoming known, the Nelson Provincial Council passed a resolution condemning the dedication of these lands for the purposes described in the grant as being a violation of the contract in virtue of which the Nelson settlement was founded. A memorial was also despatched to the Secretary of State for the Colonies setting forth the reasons why the grant to the Bishop should be annulled.

In reply to the protest made by the Council, permission was granted to try the validity of the grants by *scire facias*, but after duly considering the matter, although still holding to the opinion formerly expressed, it was decided that it would be impolitic to make any attempt to disturb the grants, as other questions of title were inwrapt which it would be inexpedient to raise.

The question of the Motueka endowment was subsequently brought before Parliament in 1867, on a motion made by Mr. C. Parker, M.H.R. for Motueka. Owing to the representations then made, and the general dissatisfaction that prevailed regarding the administration of the whole of the educational Trusts throughout the colony, a Royal Commission was appointed in 1869 to inquire into the matter.

The Commissioners, in reporting on the subject, stated, "In many cases the grants of the endowments themselves seem to be of questionable legality, and in one instance, at least, the lands have been diverted from the Trusts for which they were originally granted to objects of an entirely different character. . . . The Commissioners therefore, with a view to the maintenance of the rights of the persons beneficially interested in these grants, and in order to secure to them the advantages contemplated when they were made, recommend that an Act should be introduced into the Legislature empowering the Government to appoint an Official Trustee or Trustees, in whom all these estates should be vested, upon precisely the same Trusts (wherever these latter should not be considered positively illegal) as those for which they were originally given."

With reference to the grants now under review, the Commissioners make the following observations:—

"These grants, which have caused much local dissatisfaction, appear to have conveyed an amount of land (consisting of reserves originally made for the benefit of the whole of the Natives residing around the settlement of Nelson) disproportionate to the relative number of Natives of that denomination in the settlement. . . . The attempts to establish a school there (Motueka) must be characterized as failures."

No action was taken to carry out the recommendation made by the Commissioners.

In 1879 a Commission was appointed under letters patent to inquire into and report upon the University of New Zealand and other educational institutions. Amongst other institutions inquired into was the Motueka School endowment, and the evidence taken will be found at pages 137 to 139, 157 to 161, and 162 to 166 appended to the Commissioners' report. The Commissioners did not append any remarks to their report touching the condition of the endowments they took evidence on, consequently it is impossible to determine their joint opinion on the subject.

Touching the allegations contained in the petition, that the Natives gave the land on the understanding that it would be returned in the event of the school being closed, it will probably be found impossible to furnish any tangible evidence in proof or disproof of the statement; but it cannot be disguised that the school has been unsuccessful from the outset, and that the conditions of the grants have been infringed on several occasions.

In the first place, the school was in abeyance for about three years, between 1857 and 1860; it was then closed again for four years, between March, 1864, and May, 1868, in consequence of the scholars having decamped, owing to their unwillingness to work, as well as their distaste to be under restraint. It was reopened in May, 1868, with fair success under the Rev. Mr. Ronaldson, and remained open under his charge, and subsequently under Mr. Joseph Baker's, in an irregular manner for about thirteen years. Mr. Baker was appointed in May, 1872. The school has been permanently closed since May, 1881, and it would be fruitless making any further attempt to open it, as there are no children to educate.

The want of success that has attended the school throughout is entirely owing to local circumstances—viz., the annoyance evoked in the minds of the Natives at their lands having been appropriated for the purpose. This feeling was a continual source of irritation, and deterred the attendance of children in the locality, while the local jealousies prevented parents at a distance from utilising the establishment. The Motueka School, when first established under the Rev. Mr. Tudor, before the endowment was made, was well attended; but directly the land was taken, and the Natives had to remove off the portions cultivated by them, a feeling of dissatisfaction at once commenced, and has continued more or less ever since.

The appropriation of this land has also operated detrimentally to the interests of the Natives in other respects, as the inability of the institution to provide for all the school requirements needed necessitated other arrangements being made to bring education within reach of other localities, thereby causing an extra charge on the Native Reserve Fund accruing from other lands which should not have been hampered with claims for educational purposes, considering the valuable property that had been allocated in that behalf.

It will probably be admitted that the following reasons furnish a good and sufficient cause why the grants of the aforesaid lands should be annulled, and that legislative action should now be sought to vest the land in the Public Trustee:—

(1.) There is little doubt that the grants to the Bishop of New Zealand are both illegal and inequitable. Illegal, because the lands appropriated have been dedicated to uses entirely at