

Watt, Esq., M.G.A., Wanganui.—GENTLEMEN,—I have the honour to acknowledge the receipt of your letter of the 6th ultimo, drawing the attention of the Government to a Crown grant dated the 13th October, 1852, of 245 acres, in the Township of Wanganui, to His Lordship the Bishop of New Zealand in trust for educational purposes. The Government is advised that the Crown grant in question is voidable, if not absolutely void, and that it may be repealed on *scire facias*.—I have, &c., E. W. STAFFORD.” Perhaps Mr. Elliott knows whether Sir James Prendergast was Attorney-General in 1866?

273. *Mr. Elliott.*] No, I think not?—Well, then, it comes to this: that two Law Officers—Sir James Prendergast and another—arrived at the same decision with respect to the validity of the grant. Now, I may say it may be quite right in you to stop witnesses discussing that question, but, very naturally, knowing what I know, I thought it right to raise that question.

274. *The Chairman.*] But you must look at the terms of our Commission. [The Chairman then read the terms of the Commission.] We have nothing whatever to do as regards the validity of the first grant?—Then I am all the more obliged to Your Honour for indulging me so far. At the same time, it is quite natural that I should wish to raise the question.

275. I may mention this: that in the debates on your Bill and on Mr. Ballance’s Bill the whole of this is recorded?—You did not see that letter.

276. That is so?—Now, I do not want to trespass further upon your good nature, but may I ask you if I can refer to the terms of the grant—supposing it to be valid—and submit to you whether it has been violated. Can I touch upon that?

277. Certainly you can go into the question of the execution of the trust?—Then, there is this question. I think that the grant was really issued mainly to provide for the education of poor children. I think that appears from the grant itself, but I shall be able to show you from other sources that there can be no doubt about it. I understand from the newspaper report that Mr. Field [a previous witness] said that it was a great mistake to suppose that the grant was intended to provide funds for the education of pauper children; and it was all the more surprising during the few minutes I have been here to hear Mr. Field raise the question about a poor boy who had done so well. There seemed to be a sort of inconsistency in his mind upon the subject. However, I do not want to comment upon that point further. You have seen both of the Bills, I think, and possibly all the debates upon them.

278. Yes, we have seen the reports of the debates on those Bills?—To shorten the matter I will omit all that. I will come to the question of the poor children. I think the grant itself shows that clearly. Mr. Field stated that Sir George Grey thought that this should be a school resembling Eton. Mr. Field is distinctly reported to have stated that it was a great mistake to suppose that it was for pauper children. I will show you that I am not relying upon my memory only. I used to think once that my memory was almost infallible, but I am very glad now to have it supported by documents, as my years are advancing. This is what Sir George Grey said (*Hansard*, Vol. 33, p. 384), speaking on my Bill: “The fact of the matter was that this was only one of a large number of trusts which were made about the same time. It was thought desirable at a very early period in the history of the colony to provide charitable institutions at which orphans and children of destitute parents might receive a fitting education.” And that was in his mind, as he said, when some of these grants were issued, and this one in particular. Further on in the same speech he said, “He was not prepared to say that those trusts were the best for the country in its present state. He agreed with the honourable member for Timaru that, before abolishing great charitable trusts which were made for the future orphans of this country, before sweeping away the means of educating the destitute children of the future, and of raising them to a degree of knowledge which would enable them to fulfil their duties in this world, they should consider well what they were doing.” All tending to show, or showing, distinctly that the idea in Sir George Grey’s mind was to provide funds for the education of poor children, to which the word “pauper” might be applied. It is quite evident, taking that in connection with the trust, that that was the main object Sir George Grey had in view, and it seems to me utterly impossible that he could have thought that a school resembling Eton would have been a fulfilment of those ideas. I apprehend that Mr. Field, like myself, is getting on in years, and perhaps he might be glad to get his memory strengthened as I have done myself, by reference to documents. The grant itself you have, of course, and I will not trouble you with it, but whichever grant you take bears this out: that this grant was mainly intended to provide funds for the education of poor children.

279. We have the *Hansards* before us, and we have also the evidence given by Sir George Grey before the Select Committee of the House on Mr. Ballance’s Bill (L-4, 1875, p. 23)?—Well, sir, if I could show that there was a danger of this trust becoming exclusively a denominational trust—that is to say, the children being restricted to one denomination—might I mention that?

280. Certainly?—Then I would show that from what the Bishop himself said—I mean Bishop Hadfield, who was a trustee—in answer to a question asked him during the sittings of a Commission before whom he was examined as a witness. A Royal Commission was appointed in 1878, and its report appears in parliamentary Paper H.-1, 1879, page 279, question 5373. Bishop Hadfield was asked this question: “As a matter of fact, the school was attended by children of all denominations?” And he replied, “Yes, but possibly we should 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.” Now, I submit that looking broadly at this question, it would almost be an outrage to cause it to belong wholly to one denomination, and that that denomination might restrict the scholars to the children of parents belonging to a particular persuasion. So that you see we come to this position—judging from what I saw in the newspaper, as quoted from Mr. Field’s evidence, that it was a great mistake to suppose that it was for pauper children, I concluded naturally enough that the intention of the Act was being violated. And on reading this remarkable answer of the Bishop’s I came to the conclusion that there was a positive danger of its becoming a denominational endowment—an endowment the funds from which would be used for the