

to benefit the aborigines has lost sight of the broad rule of justice, which can never be violated, even for a benevolent end, without endangering the object it is intended to serve. And if there be one leading principle which the Council is desirous to see maintained, and which it believes to be essential to the future welfare and happiness of the province, it is that all religious bodies shall stand on a perfect equality in the State, and that no preference or privilege shall be obtained by any one sect or creed to which all others shall not be equally entitled.”⁽¹⁾

An answer was received during the third session of the Council, informing the memorialists that the necessary facilities would be afforded to try the validity of the grants by *scire facias*. The Council, however, resolved that it was inexpedient, for many reasons, to try the validity of these grants in a Court of law, and recommended, in lieu thereof, that under the circumstances it would be better that the General Assembly should be moved to pass an Act to quiet the titles to these and similar grants.⁽²⁾

In 1869 the grants were reported upon by the Religious, Charitable, and Educational Trusts Commission, which had been set up to inquire into the extent and application of various endowments from the Crown upon special trusts for these purposes. The Commission collected a mass of evidence, and found that the Church of England had been granted an amount of land disproportionate to the relative number of Natives of that denomination in the settlement. The attempts to establish a school at Motueka were characterized as failures, and it was considered just that the trusts should be so altered as to give the whole of the Natives of the province a share in the benefits contemplated when the reserves were originally made. The principal witness before the Commission was Mr. Alexander Mackay (afterwards Judge Mackay), who was then the delegate of the Governor for the northern portion of the Middle Island under the Native Reserves Amendment Act, 1862. In his evidence Mr. Mackay stated that the Ngatitama Natives, prior to the grant to the Bishop, resided on a portion of the block, and considerable dissatisfaction was manifested by them at being compelled to remove in consequence, but provision was afterwards made by allotting them land in another part of the estate. He further stated that the school at Motueka was closed in 1864 owing to the whole of the scholars having decamped, and was not reopened until after Bishop Suter’s arrival in 1868.

3. HOSPITAL AND GRAMMAR-SCHOOL ENDOWMENTS.

An endowment for and towards the maintenance and support of a college or grammar school or schools in the Province of Wellington was also made by Sir George Grey in 1853. This grant was comprised of a number of Native-reserve sections at Thorndon, containing in all an area of 10 acres 1 rood 32 perches, together with a small portion of reclaimed land on Lambton Quay.⁽³⁾ The schools were to be conducted on certain principles set out in the deed, and persons of all classes and races inhabiting the colony were to be equally admitted.

The founding of hospitals where whites and Natives should be treated on equal terms was one of the measures adopted by Sir George Grey, who believed that good effects would spring from the establishment of these institutions. In transmitting a report on the Colonial Hospital at Auckland for the year 1848, which showed that a considerable number of Natives had received treatment, the Governor stated that three of these hospitals were in full operation—at Auckland, Wellington, and Taranaki—and a fourth was being constructed at Wanganui, and that when the latter building was completed he thought that a tolerable provision for the medical wants of the Natives would be secured.⁽⁴⁾ In a further report from the Colonial Surgeon of New Munster it was stated that 497 patients had received relief during a single year, and that Natives continued to frequent the hospital from different parts of the country, some of them coming long distances to avail themselves of the benefits of the institution.⁽⁵⁾

In December, 1851, the Governor announced by *Gazette* that certain of the Native-reserve sections at Thorndon were to be set aside as an endowment for or towards the maintenance and support of the hospital lately erected at Wellington for the relief of the sick of all classes of Her Majesty’s subjects.⁽⁶⁾ Certain allotments, containing in all 12 acres and 11½ perches, were accordingly marked out and distinguished on the plans for Wellington as “Hospital reserved lands,” and were vested in the Colonial Secretary and Colonial Treasurer of the Province of New Munster, and the Resident Magistrate of Wellington for the time being, to be held and administered by them in trust for the benefit of the above institution.⁽⁷⁾ In January, 1877, the Government paid to Wi Tako and others the sum of £4,173 2s. 6d. in commutation of the Native interest in the hospital and grammar-school sections.⁽⁸⁾

⁽¹⁾ Votes and Proceedings, Nelson Provincial Council, Session I, 1853–54.

⁽²⁾ *Ibid.*, Session III, 19th March, 1856.

⁽³⁾ Section 604, and part Sections 592, 601, 602, 603, 605, 606, 607, and 608, Hobson and Murphy Streets and Tinakori Road, 5 acres 1 rood 32 perches; Sections 270, 271, 272, 278, and 279, Tory and Vivian Streets and Cambridge Terrace, 5 acres; Lots 3 and 5, Reclaimed Land, 182 Lambton Quay (182 ft.), 1 rood 25 perches: total, 10 acres 3 roods 17 perches. (Deeds Office, Wellington, Register 1, folio 97.)

⁽⁴⁾ Governor Grey to Earl Grey, 10/3/49: Great Britain—Papers relating to New Zealand, 1850, p. 58.

⁽⁵⁾ Governor Grey to Earl Grey, 6/2/51. *Ibid.*, 1851, p. 133.

⁽⁶⁾ *New Munster Gazette*, Vol. 4, No. 3, p. 186, 9th December, 1851.

⁽⁷⁾ Part 584 and part 594, Moturoa Street, 1 acre 2 roods 26 perches; part Sections 539 and 580, Murphy and Mulgrave Streets, 1 acre 2 roods 25½ perches; Section 514, Sydney and Charlotte Streets, 1 acre and 3 perches; Section 636, Tinakori Road, 1 acre and 32 perches; part Section 545, Molesworth Street, 1 rood 20 perches; Section 574, Tinakori Road, 1 acre and 24 perches; Section 591, part Sections 592 and 601, and Sections 602 and 605, between Murphy and Hobson Streets, 4 acres and 6 perches; part Sections, 606, 607, and 608, Tinakori Road, 2 roods 35 perches: total, 12 acres and 11½ perches. (Deeds Vol. 2, folio 306.)

⁽⁸⁾ Native Trust records, and parliamentary paper G.—4, 1878. The latter source shows the amount paid as £4,488 2s. 6d.