

THIRD REPORT

OF THE

RELIGIOUS, CHARITABLE, AND EDUCATIONAL TRUSTS COMMISSION.

Wellington, 18th August, 1870.

MAY IT PLEASE YOUR EXCELLENCY,—

The Commissioners appointed to inquire into and report upon the condition and nature of Educational and other Trust Estates held directly under Grant from the Crown upon Special Trusts for Religious, Educational, or Charitable purposes, and particularly to inquire into the extent and application of the Endowments, Funds, and Revenues belonging to or received by the Trustees of all such Estates in respect of the same, have taken a mass of evidence as to the past history and present state of the various Trusts in question, and, after careful deliberation, have agreed to the following Report:—

With respect to lands granted in Trust to different religious denominations for the education of Natives, or of Natives and Europeans combined, the Commissioners have, with much regret, come to the conclusion that the attempts to effect the objects for which the lands were granted have, generally speaking, even in cases where grants of public money were made in aid of them, resulted in failure. This failure is attributable to various causes.

With reference to many of the cases, it may be affirmed that the Trustees appear to have attempted to achieve results to which the means at their disposal were inadequate, even with the pecuniary assistance afforded them, originally by the Government of New Zealand and subsequently by the Provincial Governments, in the nature of capitation allowances; and when this assistance was withdrawn, the imperfectly established institutions collapsed. The state of warfare in which the country has been plunged since 1861 had, perhaps, a still more detrimental effect upon them. Still, making all allowance for these and other impediments to success, the Commissioners cannot but express their conviction that to the negligence and languor of action natural to bodies carrying on an experiment of considerable difficulty, without special responsibility and with resources gratuitously supplied them, at least as much as to the causes above mentioned, is owing the failure in question.

In many cases the Grants of the endowments themselves seem to be of questionable legality; 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; and in one case gross misappropriation of the funds has taken place.

In all these cases, and in all those of obvious failure, it appears to the Commissioners that the only effectual remedy will be the removal of the Trustees and vesting the Estates in a responsible officer or officers. The evidence accompanying this and former Reports of the Commission seems abundant to prove that the evil to be remedied lies deeper than the mere appointment of Visitors or Auditors, periodically inquiring into the proceedings of Trustees and investigating accounts, could reach or remove.

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