

There was a desire to act in order to get a revenue for the object contemplated in the grant, but was found to be impracticable, from the terms of the grant as above stated. Subsequently to 1855, the Rev. James Watkin transferred the property to trustees, viz., David Lewis, William Clark, James Entwistle Watkin, David Kinniburgh, and Charles Edward Luxford, under "The Religious, Charitable, and Educational Trust Act, 1856,"—in accordance with professional advice from Sydney—by deed, which deed declared the following trusts, viz.: "To hold the said hereditaments and premises, with every of their appurtenances, unto the said David Lewis, James May, John Holdsworth, David Kinniburgh, Charles Edward Luxford, James Entwistle Watkin, William Clark, John Gooder, George Henry Luxford, and Stephen Simcock Jacka, their heirs and assigns, for ever. But nevertheless upon such and the same trusts, and to and for such and the same ends, intents, and purposes, and with, under, and subject to such and the same powers, and provisos, declarations, and agreements, as expressed, contained, and declared or referred to, in and by a certain deed of conveyance, bearing date on or about the thirty-first day of October, 1856, and made or expressed to be made between Henry Matson, therein described, of the first part, the Rev. John Eggleston, therein described, of the second part, and Edward Bull, George Lovett, Robert Lovett, Captain James Stone, Henry Ellis, James Heron, Richard Matthews, Alfred Boon, Henry White, and Archibald Somerville, therein respectively described, of the third part, and enrolled in Her Majesty's Supreme Court of New Zealand at Auckland aforesaid, on the fourth day of November, 1856, being a deed made for the settlement of a piece or parcel of land, and chapel or place of religious worship, with the appurtenances, situated at Parnell, in the suburbs of Auckland, Parish of Waitemata, and County of Eden, in the territory of New Zealand, for the use of the people called Methodists, in the 'Australian connection,' and to, for, and upon no other use, trust, intent or purpose whatsoever. In witness whereof the said parties," &c.

It was our impression that the Rev. Mr. Watkin had power to transfer the land under "The Religious, Charitable, and Educational Trusts Act, 1856."

Application was made by the trustees to the District Meeting to apply to Conference for permission to sell the land, an offer having been made by the General Government to purchase it. I produce a letter to that effect:—

Copy of a Letter from the Hon. WM. FITZHERBERT to the Rev. ISAAC HARDING.

DEAR SIR,—

Treasury, Wellington, 4th December, 1866.

In reply to your note of the 1st instant, requesting me to furnish you with a Memorandum, saying "that it was at my instance you were induced to seek of the Wesleyan Conference of 1865 permission to sell the reserve, and that I agreed, on behalf of the General Government, to purchase, at the price of £50 an acre, you agreeing to take payment of part of the purchase money in Government debentures: but, that after the terms of purchase were arranged, and there was a change of Ministry, that I proposed that the Provincial Government should take the property, and that that was agreed to, with the understanding that the land should be used for public purposes, and the terms of sale to be as arranged with me on behalf of the General Government," I beg to state that your recollection of the particulars of our negotiation is perfectly accurate, and I hereby confirm the accuracy of your recollection on this subject.

I may state that I was, at the time of the negotiation referred to, the Treasurer of the Colony, and that two changes of Ministry having occurred since, I find myself again in the same office.

I have, &c.,

WILLIAM FITZHERBERT.

The negotiation for the sale to the Provincial Government took place between the Rev. Mr. Harding, and I presume Mr. Brandon, on the part of the Provincial Government, but the agreement was never formally put in writing, nor was any conveyance made. The agreement, however expressed, was to sell the land for £3,500. The Rev. Mr. Harding received of that amount, as part of the principal, the sum of £1,150. He was to receive, by the agreement, 8 per cent. upon the balance, and the Provincial Government have already paid £588 as such interest. Interest has been paid up to the 29th February, 1868. A portion of the money so received has been appropriated for the erection of a new church and parsonage in Wellington. This was by way of loan, at 8 per cent. interest, which interest has been paid to the trustees. The sum of £200 has been lent to the Wanganui Wesleyan Church Trust at 8 per cent. Another loan of £100 has been made to the trustees of the Greytown Wesleyan Church (Wairarapa), at the same rate of interest. The interest has been paid to the account of the trustees, their object being to devote the proceeds of the money received to educational purposes, and, as a nucleus for a school, a purchase of land has been made by the Rev. Isaac Harding and myself at Manuwatu, for £286, consisting of 258 acres, 3 roods. I believe the grant of the land has been issued to five trustees, viz., David Lewis, William Clark, James Entwistle Watkin, David Kinniburgh, and Charles Edward Luxford, as trustees for the Wesleyan Conference, *i.e.*, for the purposes of the Wesleyan denomination.

The opinion of Mr. Thomas Russell, of Auckland, was expressed to the effect that we had such power to sell under the Act, in the following note:—

Copy of a Letter from Mr. THOMAS RUSSELL to the Rev. ISAAC HARDING.

DEAR SIR,—

Wellington, 20th October, 1865.

I think Mr. Moore has taken a hasty view of the question. Notwithstanding what Mr. Moore has expressed, I adhere to the opinion I have already given to you, that the trustees named in the deed signed by Mr. Watkin are trustees of the property;—that the property is held by them upon the trusts expressed in the Crown Grant and the New Zealand Model Deed. In the Province of Auckland we have always acted upon this view, and it has never been questioned.

I have, &c.,

THOMAS RUSSELL.