

Nelson College Act 1858

Public Act 1858 No 38
Date of assent 4 August 1858

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An Act to incorporate the Governors of Nelson College.

Preamble

WHEREAS from funds arising from the sales of land within the Settlement of Nelson in the Colony of New Zealand by the New Zealand Company, and from the accumulations thereof the Trustees of the Nelson Trust Funds elected under and by virtue of an Act of the General Assembly of New Zealand made and passed in the eighteenth and nineteenth years of the reign of her present Majesty, intituled "An Act to make further provision for the administration of the Nelson Trust Funds," in exercise of the power in them vested by the said Act some time since set apart that portion of the said Trust Funds applicable to Educational purposes, amounting in the whole to forty thousand dollars. And whereas the said Trustees being desirous of promoting and establishing Educational Institutions within the Province of Nelson have by a certain Deed or Instrument

in writing bearing date the fourteenth day of November in the year one thousand eight hundred and fifty-seven, a copy whereof is set forth in the Schedule to this Act annexed, founded a College by the name and style of **Nelson College** the management of which is vested in a Visitor and nine Governors, and the said Trustees have vested the whole of the real and personal property in which the said forty thousand dollars has been invested in the names of the said Governors whose names are hereinafter mentioned.

AND WHEREAS the said Governors are desirous of obtaining for the said College an Act of Incorporation, and it is expedient that the same should be granted accordingly,

The expression “forty thousand dollars” was substituted, as from 10 July 1967, for the expression “twenty thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

BE IT THEREFORE ENACTED by the General Assembly of New Zealand, in Parliament assembled, and by the authority of the same, as follows:—

I The Governors of Nelson College, and their successors, constituted a body politic and corporate

John Danforth Greenwood, of Motueka, in the said Province of Nelson, Esquire; Charles Elliott, of the Town of Nelson in the said Province, Printer; David Monro, of Bearcroft in the District of Waimea West in the said Province, Esquire, Doctor of Medicine; John Waring Saxton, of the District of Waimea East, in the said Province, Esquire; John Wallis Barnicoat, of the District of Waimea East aforesaid, Esquire; Charles Bigg Wither, of the said District of Waimea East, Esquire; William Wells, of Marybank, in the District of Suburban North, in the said Province, Esquire; Alfred Domett, of the Town of Nelson aforesaid, Esquire; and Henry Cooper Daniell, of the said Town of Nelson, Gentleman, the Governors, and all such other persons as shall hereafter be elected or appointed Governors, and their successors, shall be, and they are hereby constituted, a Body Corporate and Politic, in fact and in law, by the name or style of “Nelson College,” and by that name they and their successors shall have perpetual succession and a Common Seal with full power and authority by the same name and

style to sue, and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all Courts and in all causes and suits at law whatsoever, and shall be able and capable in law to receive by donation, take, purchase, and hold to them and their successors all goods, chattels, and personal property whatsoever, and shall also be able and capable in law to take, purchase, and hold to them and their successors not only such lands, buildings, hereditaments, and possessions as may from time to time be exclusively used and occupied for the immediate requirements of the said College, but also any other lands, buildings, hereditaments, and possessions whatsoever, situated in the said Colony of New Zealand or elsewhere, and that they and their successors shall be able and capable in law to grant, demise, and lease, alien or otherwise dispose of all or any of the property, real or personal, belonging to the said College, and also to do all other matters and things incidental to or appertaining to a Body Politic, subject nevertheless to the restrictions and conditions in the said Deed or Instrument of Foundation set forth and contained: Provided always, that nothing in this Act contained shall be deemed to affect or to interfere with any right, title, or interest of Her Majesty, Her Heirs and Successors, or in any way to limit the Royal prerogative.

II Short Title

The Short Title of this Act shall be the “Nelson College Act, 1858.”

Schedule

Deed of Foundation of Nelson College.

To all to whom these Presents shall come: Alfred Fell, of the town of Nelson, in the province of Nelson, in the colony of New Zealand, Merchant; David Sclanders, of the town of Nelson aforesaid, Merchant; Charles Elliott, of the town of Nelson aforesaid, Printer; David Monro, of Bearcroft, in the district of Waimea West, in the said province of Nelson. Esquire, Doctor of Medicine; William Wells, of Marybank, in the district of Suburban North, in the said province

of Nelson, Gentleman; John Danforth Greenwood, of Motueka, in the said province, Esquire, and John Wallis Barnicoat, of the district of Waimea East, in the said province, Surveyor, send greeting: *Whereas*, by Royal Letters Patent, under the Great Seal, bearing date the Twelfth day of February, in the fourth year of her present Majesty's reign, certain persons were incorporated by the name of "The New Zealand Company," for the purpose of purchasing and acquiring lands, and settling, selling, cultivating, and dealing with such lands, within her Majesty's colony of New Zealand and its dependencies, and of laying out settlements and towns there, and for other purposes: *And whereas*, by certain other Royal Letters Patent, dated the Fourth day of August, in the seventh year of her Majesty's reign, and by a certain act of Parliament, passed in the session of Parliament, held in the ninth and tenth years of her Majesty's reign, further powers were granted to the said Company: *And whereas*, under the authority of the provisions contained in the said Letters Patent and Act, several settlements were established in New Zealand, one of which settlements, and the lands attached thereto, is called the province of Nelson, and the chief town of such province is called the town of Nelson: *And whereas* the said New Zealand Company did from time to time issue certain published terms for the disposal of land within the settlement of Nelson, by which (among other things) it was provided that the land of the said settlement should be sold for certain prices, and that the fund to be derived from such sale should be appropriated in certain proportions to the purposes of emigration and the supply of labour, of founding and maintaining the settlement, of religious and educational uses, and of steam navigation and other public objects, for the benefit of the said town and province of Nelson: *And whereas* many persons purchased land under the said terms, in the said settlement, and certain portions of the funds and moneys which arose from the sale of such lands were from time to time applied by the said Company, in and about certain public works, and otherwise applied and disposed of for the general benefit of the settlers, to the said province and town of Nelson, and other parts of such funds were accumulated, which have not as yet been applied to the purposes aforesaid: *And whereas* the New Zealand Company, by its agents and officers, superintended and managed the said Funds until the fourth day of July, which was in the year one thousand eight hundred and fifty; when the lands of the said Company in New Zealand

reverted to the Crown, under the provisions contained in an Act of Parliament, made and passed in the session held in the tenth and eleventh years of the reign of her present Majesty, intituled “An Act to promote Colonization in New Zealand, and to authorize a Loan to the New Zealand Company,” upon the condition (amongst others), as expressed in the said Act, of satisfying any liabilities to which the said Company might then be liable under their existing engagements, with reference to the settlement of Nelson: *And whereas*, previously to the said fourth day of July, which was in the year one thousand eight hundred and fifty, a certain sum of fifty thousand dollars had been invested by the said Company, in the names of Henry Aglionby Aglionby, Alexander Currie, James Robert Gowen, George Lyall, and Jeremiah Pilcher, Esquires, in the three per cent Consolidated Bank Annuities, in trust for the said Company, in order to satisfy the amount applicable by the said Company, under the said terms, to the purposes in question: *And whereas*, by an Act of Parliament, made and passed in the fourteenth and fifteenth years of the reign of her present Majesty, intituled “An Act to regulate the affairs of certain Settlements, established by the New Zealand Company in New Zealand,” after reciting in part (amongst other things) the facts hereinbefore recited, and reciting that it was expedient that provisions should be made to enable her Majesty to ascertain the amount of the sum so applicable as aforesaid, and to entrust the administration of the fund, when so ascertained, to certain persons who had been nominated for that purpose, by or on behalf of the said Company and the said purchasers of land at Nelson, it was thereby enacted, that it should be lawful for the Commissioners of her Majesty’s Treasury, and they were thereby directed to ascertain the sum (if any) which remained due and applicable by the New Zealand Company, and which the said Company were bound to apply to the purposes therein mentioned, on the fourth day of July, one thousand eight hundred and fifty aforesaid, and that the sum of fifty thousand dollars, with the interest which should have accrued on the same, should be vested in the Commissioners of the Treasury, as a fund for the public purposes of the settlement of Nelson; and that the said Henry Aglionby Aglionby, Alexander Currie, James Robert Gowen, George Lyall, and Jeremiah Pilcher, should transfer the said sum and interest into the names of the Commissioners of the Treasury, or such person or persons as the said Commissioners should nominate for that purpose, and that the

same should be disposed of by the said Commissioners in the manner thereafter provided; and that if the amount which might be found by the Commissioners of the Treasury to be due and applicable to the purposes aforesaid, should exceed the said sum of fifty thousand dollars, the surplus necessary to complete such amount should remain a liability, attaching to her Majesty with reference to the said settlement of Nelson; And it was further enacted, that a board of seven Trustees should be thereby appointed for the administration of the said Fund, including such surplus (if any) as aforesaid; and that it should be lawful for the Commissioners of the Treasury, in such manner as they should appoint, to pay over the said sum of fifty thousand dollars, with such interest as aforesaid, or so much thereof as might be found due and applicable as aforesaid, to the Trustees, and that when such sum or sums should have been paid over as aforesaid, all further liability of her Majesty, or of the New Zealand Company, in respect of such fund, and of the amount applicable as aforesaid by the said Company, should cease: And it was further enacted, that the said Trustees should have power to dispose of the said Fund, for the benefit of the said settlement of Nelson as therein is mentioned: And it was further enacted, that the first meeting of the said Trustees should be fixed at a time and place to be appointed by proclamation by the Governor of New Zealand, or by the Lieutenant Governor of the Province in which Nelson should be situated, being authorized thereto by the Governor, and that such Trustees might from time to time pass resolutions for appointing a time and place for holding further meetings for the despatch of business, for making rules and regulations for the conduct of such business, and for other necessary purposes, towards enabling them to dispose of and distribute the said Fund according to the purposes of the Act now in recital: And it was further enacted, that the parties therein named should be, and the same were thereby appointed, the first Trustees for the administration of the said Fund; and that they should remain in office, subject to the provisions thereafter contained as to the filling up of vacancies, until the first day of January, one thousand eight hundred and fifty five. And it was further enacted, that it should be lawful for the Legislature of New Zealand, by laws to be made from time to time, to provide for the filling up of vacancies which might have occurred by the death or resignation of either of the Trustees named in the said Act, by election to be made by the owner or owners and

occupiers of land in the said settlement of Nelson, with such qualification or restriction as might in such laws be specified; and in case the said Fund should not have been wholly disposed of before the first day of January, one thousand eight hundred and fifty-five, to provide in like manner for the election of seven new Trustees, to continue in office for three years, as therein is mentioned; *And whereas*, in pursuance of the provisions and directions contained in the said last mentioned Act, the sum of sixty seven thousand six hundred and eighty dollars and fifty five cents, three dollars per cent annuities, was transferred by the said Henry Aglionby Aglionby, Alexander Currie, James Robert Gowen, George Lyall, and Jeremiah Pilcher, to, or by the direction of the Commissioners of her Majesty's Treasury subject to the provisions and directions contained in the said last recited Act in that behalf: *And whereas*, in or about the year one thousand eight hundred and fifty two, the sum of forty thousand three hundred and ninety nine dollars and fifty cents, was transmitted and paid by the Commissioners of her Majesty's Treasury, to the Trustees, appointed by the said last recited Act of Parliament of the said Nelson Trust Fund, and being in part compensation and satisfaction of the moneys which then remained, subject and liable to be applied by the said New Zealand Company, for the benefit of the said settlement of Nelson: *And whereas* the sum of thirty thousand seven hundred and seventy three dollars and seventy five cents three dollars per cent annuities, remained at the control of the Commissioners of her Majesty's Treasury, subject to the provisions and directions contained in the said last-recited Act, being the balance, or surplus of the Trust Funds, and moneys which have come under the control of the said Commissioners, arising from the sale of land, in the said settlement of Nelson: *And whereas*, by an Act of the General Assembly of New Zealand, made and passed in the eighteenth and nineteenth years of the reign of her present Majesty, entitled, "An Act to make further provision for the administration of the Nelson Trust Funds," passed in pursuance of the hereinbefore recited act of the Imperial Parliament, provision hath been made for the election of Trustees of the said Fund, and for the annual election of Auditors of the said Fund, and for other purposes relative to the administration of the said Trust: *And whereas* the said Alfred Fell, David Sclanders, Charles Elliott, David Monro, William Wells, John Danforth Greenwood, and John Wallis Barnicoat, are the present Trustees of the said Fund, duly elected, pursuant

to the provisions of the hereinbefore recited Act of the General Assembly of New Zealand: *And whereas* application has been made from time to time by the said late Trustees, as well as by the present acting Trustees, to the Commissioners of her Majesty's Treasury, for other part of the said sum of fifty thousand dollars and also for further and other sums to satisfy the amount applicable by the said Company, under the terms of purchase above referred to, and which the said late Trustees alleged should have been placed at their disposal; and negotiations have from time to time been carried on with the said Commissioners of her Majesty's Treasury, for the purpose of ascertaining the sum (if any) which remained due, and applicable to the purposes of the said Trust: *And whereas* negotiations have taken place between the said Trustees, through their agent, Mr James Stuart Tytler, and the Commissioners of her Majesty's Treasury (on behalf of her Majesty) for the purpose of ascertaining the amount of moneys which ought to be paid by the Crown to the said Trustees, on a final settlement and adjustment of the claims of the said Nelson Fund Trustees on the said New Zealand Company or the Crown, in respect of the unexpended portion of the moneys which arose from the sale of lands in the said settlement of Nelson: *And whereas* the consideration of such claims, and the inspection of the various accounts (as to the amounts and modes of appropriation and expenditure by the said New Zealand Company of the said moneys) which have been furnished by the New Zealand Company on the one hand, and by the said James Stuart Tytler (on behalf of the said Nelson Fund Trustees) on the other hand, having been referred to John George Shaw Lefevre Esquire, Companion of the Bath, on behalf of the said Commissioners of her Majesty's Treasury, he, the said John George Shaw Lefevre, hath made two reports thereon to the Commissioners of her Majesty's Treasury: *And whereas*, conformably to the suggestions contained in the said reports, it was proposed by the Commissioners of her Majesty's Treasury (on behalf of her Majesty), and agreed to by the said James Stuart Tytler (for and on behalf of the said Trustees of the Nelson Trust Funds), that the further sum of forty one thousand one hundred and fifty six dollars and five cents, should be paid by the said Commissioners, on behalf of her Majesty, to the said Nelson Fund Trustees, as a full and final compensation and satisfaction of and for all claims and demands of or by the said Nelson Fund Trustees upon or against the Crown or the New Zealand Company, in respect

of the unexpended portion of the moneys which were received by the New Zealand Company from the sale of lands in the said settlement of Nelson as aforesaid, and of all other rights, claims, and demands of or by the said Nelson Fund Trustees upon or against her Majesty, or the New Zealand Company: *And whereas* the said Nelson Fund Trustees, at a meeting held on the first day of January now last past, duly convened, agreed in all respects to confirm the said compromise, and to accept the said sum of forty one thousand one hundred and fifty six dollars and five cents, as a full and final compensation for all claims and demands of or by the said Nelson Fund Trustees, upon or against the Crown or the New Zealand Company: *And whereas*, the said Alfred Fell, David Sclanders, Charles Elliott, David Monro, William Wells, John Danforth Greenwood, and John Wallis Barnicoat have lately received from the Lord Commissioners of her Majesty's Treasury the aforesaid sum of forty one thousand one hundred and fifty six dollars and five cents: *And whereas* the land, tenements, and hereditaments, and the several and respective sums of money specified in the first schedule hereunder written, form part of the investments of the said Trust Funds, and have been set apart by the said Trustees as applicable for educational uses; and the said Alfred Fell, David Sclanders, Charles Elliott, David Monro, William Wells, John Danforth Greenwood, and John Wallis Barnicoat, are desirous of disposing of the said land, tenements, and hereditaments, and the said several and respective sums specified in the said first schedule, for the educational hereinafter specified or referred to: *And whereas*, at a meeting of the Board of the said Trustees, duly held on the sixth day of November instant, a draft of these presents was considered and approved of, and it was resolved that the Common Seal of the said Board should be hereto affixed: *Now these Presents Witness*, that, for the considerations aforesaid, the said Alfred Fell, David Sclanders, Charles Elliott, David Monro, William Wells, John Danforth Greenwood, and John Wallis Barnicoat, in exercise of the power of disposition in them vested by the aforesaid in part recited Act of the Imperial Parliament, and of every other power enabling them in this behalf, do, by this present Deed, under their respective hands, and also under the Common Seal of the Board of Trustees of the Nelson Trust Funds, set apart and dispose of the said land, tenements, and hereditaments, and the several and respective sums specified in the said first schedule to these presents, to and for the following use and

purpose (that is to say), for the foundation, endowment, and perpetual maintenance, within the settlement of Nelson, or in some portion of the Province of Nelson, in which the said settlement of Nelson is situated, of a College, to be henceforth established within the said province of Nelson, by the name or style of "Nelson College," for the education of youths and young men, according to the scheme set forth in the second schedule hereunto written, and to the provisions hereinafter contained. *And these Presents further Witness*, and the said Alfred Fell, David Sclanders, Charles Elliott, David Monro, William Wells, John Danforth Greenwood, and John Wallis Barnicoat, do hereby declare, that the said College is hereby founded for the advancement of religion and morality and for the promotion of useful knowledge, creed not being admitted as a disqualification, either as regards teachers or pupils; and the said Alfred Fell, David Sclanders, Charles Elliott, David Monro, William Wells, John Danforth Greenwood, and John Wallis Barnicoat, do hereby declare that the governing body of the said College shall consist of a Visitor, who shall be the Governor of the colony of New Zealand and its dependencies for the time being, or some person appointed by him for that purpose, and the said Governor, or his delegate, shall be empowered to do all things and exercise all the powers which pertain to visitors generally; and of a Council of Governors, nine in number, and that John Danforth Greenwood, of Motueka, in the said province of Nelson, Esquire; Charles Elliott, of the said town of Nelson, Printer; David Monro, of Bearcroft, in the district of Waimea West, in the said province, Esquire, Doctor of Medicine; John Waring Saxton, of the district of Waimea East, in the said province, Esquire; John Wallis Barnicoat, of the district of Waimea East aforesaid, Esquire; Charles Bigg Wither, of the said district of Waimea East, Esquire; William Wells, of Marybank, in the district of Suburban North, in the said province, Esquire; Alfred Domett, of the town of Nelson aforesaid, Esquire; and Henry Cooper Daniell, of the said town of Nelson, Gentleman; shall be the first Council of Governors, each of whom shall hold office for four years, at the expiration of which time three of them shall retire, but shall be eligible for re-election, the order in which they shall retire having been previously determined by lot; and thus, at succeeding intervals of three years, other three of the said Governors shall retire, and a fresh election shall take place, the electoral body being that constituted under the provisions of the

Nelson Trust Funds Act of the General Assembly of New Zealand, one thousand eight hundred and fifty-four: in the event of no electoral roll being in existence, owing to the complete disposal of the Trust Funds, or other causes, or in the event of no election being made by the constituency, the remaining Governors shall be empowered to fill up the vacancy or vacancies by a majority of the votes of their own body, subject to confirmation by the Visitor for the time being; vacancies arising from death or resignation or other causes shall be filled up in a manner above prescribed, but the Governor so elected shall be considered as holding office only for the time it would otherwise have been held by the Governor whose place he may have taken: the Council of Governors making such regulations as they may deem fit for taking the votes at all such elections. The Council of Governors shall also have the power of framing statutes and bye-laws, subject to the approval of the Visitor, with power to repeal and alter the same as the interests of the said College may seem to them to demand; but such statutes and bye-laws shall not be repugnant to the terms and intentions of this present Deed of Foundation. *And it is hereby declared and agreed* that the College shall be governed by the statutes set forth in the said second schedule hereunto annexed, together with such other statutes as shall from time to time be made in pursuance of the power vested in the said Council. *And it is further declared* that the said John Danforth Greenwood, Charles Elliott, David Monro, John Waring Saxton, John Wallis Barnicoat, Charles Bigg Wither, William Wells, Alfred Domett, and Henry Cooper Daniell, and their successors, shall stand possessed of the said lands, tenements, and hereditaments, and the several and respective sums of money, and of the securities in which the same are vested, *Upon Trust*, that they, the said John Danforth Greenwood, Charles Elliott, David Monro, John Waring Saxton, John Wallis Barnicoat, Charles Bigg Wither, William Wells, Alfred Domett, and Henry Cooper Daniell, and their successors, shall apply the annual income arising therefrom in the support of the College hereby constituted, and shall either allow the same to remain in their present state of investment, or shall call in and lay out the same in Government or real security within the said colony of New Zealand, or in the United Kingdom of Great Britain and Ireland, or any colony or dependency thereof, or on a mortgage or mortgages of any freehold estates in the said colony, and shall also apply the annual in-

come arising therefrom for the purposes of and in support of the said College: *Provided always*, and it is hereby declared, that it shall be lawful for the said John Danforth Greenwood, Charles Elliott, David Monro, John Waring Saxton, John Wallis Barnicoat, Charles Bigg Wither, William Wells, Alfred Domett, and Henry Cooper Daniell, and their successors, to invest the whole or any part of the said Trust moneys in one or more purchases of freehold estates of inheritance, which hereditaments so to be purchased shall be conveyed to the said John Danforth Greenwood, Charles Elliott, David Monro, John Waring Saxton, John Wallis Barnicoat, Charles Bigg Wither, William Wells, Alfred Domett, and Henry Cooper Daniell, and their successors, upon trust at any time thereafter to sell or exchange for an equivalent in land all or any part of the said hereditaments; and in case of sale by public auction or private contract, with power to purchase in the same at any auction; and convey and assure the same when sold or exchanged as the purchaser or purchasers shall direct, discharged from all the trusts herein contained: And the said John Danforth Greenwood, Charles Elliott, David Monro, John Waring Saxton, John Wallis Barnicoat, Charles Bigg Wither, William Wells, Alfred Domett, and Henry Cooper Daniell, and their successors, shall stand possessed of the moneys to arise from such sale or sales, or of land taken in exchange, upon the same trusts as are hereby declared concerning the moneys with which the said hereditaments so sold shall have been purchased; but the person or persons paying the said purchase moneys shall not be bound to see to the application thereof; and that until the sale of the said hereditaments, the rents and profits thereof shall be received by the said John Danforth Greenwood, Charles Elliott, David Monro, John Waring Saxton, John Wallis Barnicoat, Charles Bigg Wither, William Wells, Alfred Domett, and Henry Cooper Daniell, or their successors, and applied in the same manner as the trust moneys hereinbefore referred to in case no such purchase had been made: *And further*, that it shall be lawful for the said John Danforth Greenwood, Charles Elliott, David Monro, John Waring Saxton, John Wallis Barnicoat, Charles Bigg Wither, William Wells, Alfred Domett, and Henry Cooper Daniell, and their successors, to demise the aforesaid lands, tenements, and hereditaments, or the said hereditaments so to be purchased, at any time before the sale thereof, for any term not exceeding twenty-one years, at rack rent: *Provided always, nevertheless*, that the said John

Danforth Greenwood, Charles Elliott, David Monro, John Waring Saxton, John Wallis Barnicoat, Charles Bigg Wither, William Wells, Alfred Domett, and Henry Cooper Daniell, and their successors, shall have full power and authority from time to time to lay out and expend any sum that may be required in the purchase of land for a site and for erecting thereupon suitable College buildings, with dormitories and other necessary accommodation for the purposes of the said College, not exceeding in the whole the sum of sixteen thousand dollars, and for that purpose to sell and dispose of any portion of the property enumerated in the said first schedule hereunto annexed. *In witness whereof*, the said Alfred Fell, David Sclanders, Charles Elliott, David Monro, William Wells, John Danforth Greenwood, and John Wallis Barnicoat, have hereunto subscribed their respective names, and have also caused the Common Seal of the said Board of Trustees to be hereunto affixed, this fourteenth day of November, in the year of our Lord one thousand eight hundred and fifty-seven.

The expressions "fifty thousand dollars", "sixty seven thousand six hundred and eighty dollars and fifty five cents", "three dollars", "forty thousand three hundred and ninety nine dollars and fifty cents", "thirty thousand seven hundred and seventy three dollars and seventy five cents", "forty one thousand one hundred and fifty six dollars and five cents", and "sixteen thousand dollars" were substituted, as from 10 July 1967, for the expressions "twenty five thousand pounds", "thirty three thousand eight hundred and forty pounds five shillings and seven pence", "three pounds", "twenty thousand one hundred and ninety nine pounds and fifteen shillings", "fifteen thousand three hundred and eighty six pounds and seventeen shillings and six pence", "twenty thousand five hundred and seventy eight pounds and six pence", and "eight thousand pounds" pursuant to section 7(1) and (2) Decimal Currency Act 1964 (1964 No 27).

Schedules Above Referred To

Schedule I

Land, residence, school-buildings, and out-houses in
Manuka-street, Town of Nelson.

§

Mortgages of lands and hereditaments in the
Province of Nelson, conveyed to the Trustees
of the Nelson Trust Funds for securing various
sums of money advanced thereon, amounting to
the sum of.....

36,580

Land, residence, school-buildings, and out-houses in Manuka-street, Town of Nelson.	
Cash at the Union Bank of Australia in Nelson	3,420
TOTAL	\$40,000

Schedule II

1

The object of the Deed of Foundation is to establish an Educational Institution, to be called "Nelson College," for the advancement of religion and morality, and the promotion of useful knowledge, by offering to the youth of the Province general education of a superior character.

2

The funds of the Institution having arisen from the contributions of persons of different religious persuasions, creed cannot be admitted as a disqualification, either as regards teachers or pupils.

3

The governing body of the Institution shall consist of a Council of Governors, nine in number, the first Council being appointed by the within written deed.

4

There shall also be a Visitor, who shall be the Governor for the time being of the Colony, or some person appointed by him for that purpose; and the Governor or his delegate shall be empowered to do all things and exercise all the powers which pertain to visitors generally.

5

If any Governor shall for six months fail to give his attendance, without leave of absence, or shall become a bankrupt or an insolvent debtor within the meaning of any law which may hereafter be in force within the colony of New Zealand relating to bankrupts, or shall become a public defaulter, or be attainted of treason, or convicted of felony or any infamous crime, or

become of unsound mind, he shall *ipso facto* cease to hold the office of a Governor of the College.

6

The appointment and control of the tutorial body, and management of the Institution generally, shall be in the hands of the Council of the College, who shall also determine from time to time the curriculum of study, and fix the amount of remuneration to be paid by the pupils or students.

7

The course of instruction shall always include the English language and literature, one or more modern languages, geography, mathematics, classics, history, drawing, music, and such branches of art or science as the Council shall at any time determine. Further, upon all school-days not being half-holidays, so soon as the necessary funds can be procured to defray the extra expenses consequent upon such an arrangement, classes shall be kept open for the purposes of instruction for such two hours in the evening, between the hours of six o'clock, pm, and ten o'clock, pm, as the Governors for the time being may direct.

8

No pupil shall be admitted under the age of nine years, nor unless he be able to read fluently, to write with tolerable accuracy from dictation, and be familiar with the first four rules of arithmetic.

9

It shall be lawful for the Governors to set apart the sum of at least six hundred dollars per annum out of the annual proceeds of the Trust Estate, for the foundation of exhibitions or scholarships, or both, in such proportion and for such annual value, and tenable for such periods respectively, as the Council shall determine. The object of the exhibitions shall be to extend the benefits of the Institution to those residing at a distance. They will accordingly be tenable only by lads whose parents and guardians reside more than four miles from the College, and will be distributed as equally and equitably over the Province as possible. The scholarships shall be awarded for merit, under

such regulations as the Governors may from time to time appoint.

The expression “six hundred dollars” was substituted, as from 10 July 1967, for the expression “three hundred dollars” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

10

The Council of Governors shall meet at least once quarterly, any four of them being a quorum, and shall hold such further meetings as may seem to them necessary for the proper management of the affairs of the College, and for every meeting each Governor present shall be entitled to receive a fee of two dollars; provided, however, that the total sum to be distributed among them as a remuneration for attending such meetings shall not exceed two hundred dollars for any one year.

The expressions “two dollars”, and “two hundred dollars” were substituted, as from 10 July 1967, for the expression “one pound” and “one hundred pounds” respectively pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

11

The Council of Governors shall prepare annually a Report setting forth the condition of the College generally, exhibiting its financial state, detailing the number of pupils who have been educated in it during the past year, and the branches of learning taught, and communicating generally all such information as may be of interest to the public; and the statement of the receipts and expenditure of the College shall be submitted every year in the month of January to two Auditors, to be appointed by the Visitor, who, if they find the same to be correct, shall certify to its accuracy, or otherwise, as the case may be; and the Report of the Council of Governors, and the balance-sheet of the Institution, with the finding of the Auditors thereon, shall be published in the month of February in each year in some newspaper generally circulated in the Province.

12

The Council of Governors shall not expend upon the necessary buildings of the College a sum exceeding sixteen thousand dollars 16,000 out of the principal sum to be handed over to them; any further amount to be appropriated to this object, as circumstances may require, must be borne upon the annual income.

The expression “sixteen thousand dollars” was substituted, as from 10 July 1967, for the expression “eight thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

13

It shall be lawful for the Governors of the College, whenever the funds of the Institution shall in their opinion be sufficient for such purpose, with the assent of the Visitor, to establish one or more Grammar Schools within the Province of Nelson, as branch schools, from which the more deserving pupils may be removed, to enjoy the advantages of a higher and more advanced education. But the Governors shall, upon each occasion of their exercising this power, give at least six months’ public notice by advertisement, in at least one newspaper generally circulated in the Province, of their intention to do so.