

Nelson College Trust Act 1858

Public Act 1858 No 51
Date of assent 19 August 1858

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An Act to vest certain Trust Property within the Province of Nelson in the Governors of Nelson College.

Preamble

WHEREAS by a certain Grant from the Crown bearing date the twenty-second day of July, One thousand eight hundred and fifty-three, under the hand of Sir George Grey, a Knight Commander of the most Honourable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of New Zealand, and sealed with the Seal of the Islands of New Zealand, after reciting that the allotments or parcels of land thereafter described, and intended to be thereby granted and conveyed had been marked out and distinguished on the Charts of the New Zealand Islands as College and Grammar School reserve lands, as an endowment for or towards the maintenance and support of a College and Grammar School, or Schools, in the Province of Nelson if the Funds suffice, or otherwise as an endowment for or towards the maintenance and support of such Grammar School, or Schools, alone, which College or Schools were to be always conducted on the principles set forth

and described in the said recited Deed of Grant. And that it was expedient that the lands granted by the said Grant now in recital, should be vested in such Trustees on the Trusts thereafter expressed and declared, there were by the said Grant now in recital, granted unto Doctor David Monro, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell, and John Waring Saxton, Esquires, being the Trustees appointed under the Act, fourteen and fifteen Victoria, chap 84, aforesaid, and to their successors, Trustees for the administration of the said Fund for the public purposes of the Settlement of Nelson, all that piece or parcel of Land marked A on the plan thereto annexed, situated in the Town of Nelson, in the Province of Nelson, in the Islands of New Zealand, containing seven (7) acres or thereabouts; and also, all that piece or parcel of Land marked B on the said plan, situated in the Town of Nelson aforesaid, containing seventeen (17) acres, or thereabouts; also, all that piece or parcel of Land marked C on the said plan, situate in the Town of Nelson aforesaid, containing one (1) acre, one (1) rood, or thereabouts; also, all that piece or parcel of Land marked D on the said plan, situate in the Town of Nelson aforesaid, containing six (6) acres, or thereabouts, also, all that piece or parcel of Land marked E on the said plan, situate at Motueka in the Province of Nelson, containing three hundred and thirty-one (331) acres, or thereabouts; also all that piece or parcel of Land marked F on the said plan situate at Opawa, in the Province of Nelson aforesaid, containing eight hundred (800) acres or thereabouts; also all that piece or parcel of Land marked G on the said plan situate at Massacre Bay, in the Province of Nelson aforesaid, containing, four hundred and fifteen (415) acres or thereabouts; and also all that piece or parcel of Land marked H on the said plan situate at Massacre Bay in the Province of Nelson aforesaid, containing, One hundred and fifty eight (158) acres or thereabouts; To hold the same unto the said Doctor David Monro, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell, and John Waring Saxton, and their successors, Trustees for the administration of the Fund aforesaid to be appointed under the provisions of the said Act of the Imperial Parliament; in Trust as an endowment for the maintenance of the said College or Grammar Schools to be conducted on the principles aforesaid: AND WHEREAS the Trustees for the time being appointed under and by virtue of the aforesaid Act of the Imperial Parliament and

subsequently 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 intituled “An Act to make further provision for the administration of the Nelson Trust Funds,” have, in exercise of the powers in them vested by the said aforesaid Acts, disposed of a portion of the Trust Funds referred to in the said Acts for the purpose of founding a College within the Province of Nelson by the name and style of “Nelson College.”

AND WHEREAS by an Act of the General Assembly of New Zealand made and passed in the present Session, certain persons therein described being the Governors of the said College and successors have been constituted a Body Politic and Corporate by the name or style of Nelson College,

AND WHEREAS the Funds applicable to Educational purposes having become vested in the said Governors of Nelson College it is desirable that the said Governors should have the control and management of the lands, tenements, and hereditaments comprised in the before recited Crown Grant in the place and stead of the said Trustees of the Nelson Trust Funds,

AND WHEREAS the piece or parcel of land marked B on the plan drawn in the margin of the aforesaid recited Crown Grant, consisting of seventeen acres, and particularly described in the before recited Crown Grant, was set apart by the said Trustees as a site for College buildings, but owing to its not being adapted for that purpose, the Governors of Nelson College have lately purchased lands more suitable for building upon, and have expended in the purchase thereof the sum of \$4570, and to complete the block of land adjoining to the said purchased land, the said Governors will have to expend a further sum of £1715 or thereabouts,

The expression “\$4570” was substituted, as from 10 July 1967, for the expression “£2285” 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 Governors of Nelson College appointed Trustees of the Nelson Trusts

From and after the passing of this Act the Governors of Nelson College for the time being, and their successors, shall be and become Trustees of the lands, tenements, and hereditaments, comprised in the before recited Crown Grant in the place and stead of the Trustees of the Nelson Trust Funds, upon the like Trusts, intents and purposes, and with, under, and subject to such and the same powers as are expressed and contained respecting the said Trust estate in the above recited Crown Grant save and except as hereinafter expressed.

II Power to said Trustees to sell, dispose of, etc certain Trust Lands

The said Governors for the time being and their successors for the purpose of reimbursing themselves for the outlay aforesaid, and for any further outlay in land for the purposes aforesaid, not exceeding in the whole the sum of \$8000, may exchange, absolutely sell, or otherwise dispose of, and convey and assure, by Deed under their Common Seal, the piece or parcel of Land marked B, consisting of seventeen acres hereinbefore particularly referred to, together with the piece or parcel of Land marked A on the plan drawn in the margin of the said recited Crown Grant consisting of seven acres, and more particularly described in the before recited Crown Grant, and no purchaser or other person paying money to such Governors for the time being or their successors shall be afterwards answerable for such money or be bound to see to the application thereof: Provided always, that in case any of the lands, tenements, or hereditaments, hereinbefore authorised to be exchanged sold, or otherwise disposed of, should produce a larger amount than will be necessary to reimburse the said Governors for the outlay above referred to, any surplus arising from such sale shall be invested by the said Governors in the purchase of other lands to be held by

them, upon the same Trusts as the other lands, tenements, and hereditaments, comprised in the before recited Crown Grant, shall be subject or liable.

The expression “\$8000” was substituted, as from 10 July 1967, for the expression “£4000” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

III Short Title

The Short Title of this Act shall be Nelson College Trust Act 1858.