




NEW ZEALAND GOVERNMENT GAZETTE (PROVINCE OF NELSON).

Published by Authority.

 All Public Notifications which appear in this Gazette, with any Official Signature thereunto annexed, are to be considered as Official Communications made to those Persons to whom they may relate, and are to be obeyed accordingly.

By His Honor's command,

S. L. MULLER, Provincial Secretary.

VOL. V.

NELSON, THURSDAY, JANUARY 22, 1857.

No. 4.

Provincial Secretary's Office,
Nelson, January 20, 1857.

HIS Honor the Superintendent directs that the following notifications from the *New Zealand Government Gazette* be published for general information.

By his Honor's command,
S. L. MULLER,
Provincial Secretary.

Colonial Secretary's Office,
Auckland, December 1, 1856.

HIS Excellency the Governor has been pleased to appoint the undermentioned gentlemen to be Commissioners of Native Reserves in the Province of Nelson, under "The New Zealand Native Reserves Act, 1856."

JOHN POYNTER, Esquire;
ALFRED DOMETT, Esquire;
THOMAS BRUNNER, Esquire.
By his Excellency's command,
E. W. STAFFORD.

NEW ZEALAND FLAX.

£4,000 REWARD.

Colonial Secretary's Office, Auckland,
December 20th, 1856.

THE Government of New Zealand is prepared, subject to the undermentioned conditions, to give rewards to the amount of

£4,000, for the discovery of efficient means for rendering the flax, and other fibrous plants of New Zealand, available as articles of export, viz. :—

£2,000

To the person who shall, by some process of his own invention, first produce from the *phormium tenax*, or other fibrous plant indigenous to New Zealand, one hundred tons of merchandize.

£1,000

To any person, other than the person entitled to the first reward, who shall by some process of his own invention, next produce from the *phormium tenax*, or other fibrous plant indigenous to New Zealand, one hundred tons of merchandize.

£1,000,

Viz. :—£200 to each of the first five persons, other than those entitled to the first and second rewards, who shall by any process, whether of his own invention or not, produce from the *phormium tenax*, or other fibrous plant indigenous to New Zealand, twenty-five tons of merchandize.

The merchandize must be saleable as an article of export from the colony of New Zealand, and have been produced at a cost not exceeding 75 per cent. of its value at the port of entry from which it is exported; and the process used must be fully made known, with

a view to the discovery being at once made available to the public.

His Excellency the Governor of New Zealand will from time to time appoint Commissions, to consist of not less than three persons, to act at such places as circumstances may require, and each claim for reward will be referred to such Commission as may be considered the most convenient for its proper investigation. The acts of the majority will be deemed the acts of the Commission.

Each Commission shall be at liberty to adopt such means as it may deem most fit for determining the value and cost of production of the merchandize, for ascertaining the process employed, and for fully investigating in all respects and reporting upon the validity of any claim.

Every claim for reward must be preferred in writing before the 1st January, 1859, to the principal officer of Customs at the port of entry nearest to the place where it is desired that the examination of the merchandize shall take place, who will at once proceed to ascertain whether the full quantity in respect of which the reward is claimed is ready for examination, and if such quantity is ready, he will give a certificate to that effect, dated on the day on which he shall have ascertained the fact, and such day shall be deemed to be the day on which the merchandize was produced.

Whenever any officer of Customs is required to go more than three miles from his residence, his travelling expenses must be paid beforehand by the person requiring his attendance, and he cannot be required to attend a second time if the quantity was found deficient on the first occasion.

One-half of any reward will be paid at once to any person whom a Commission shall report and the Governor shall have determined to be entitled to the same; after which no other claim to the same reward will be entertained; and the other half upon satisfactory proof being given to the Governor of the *bond fide* sale of the merchandize in Europe, at an advance of not less than 20 per cent. upon the *bond fide* actual cost of the article landed in Europe.

By his Excellency's command,
E. W. STAFFORD.

Provincial Secretary's Office,
Nelson, January 20, 1857.

HIS Honor the Superintendent directs it to be notified that the names of the undermentioned gentlemen have been added to the Commission of the Peace for the Province of Nelson.

DAVID ROUGH, Esquire;
THOMAS RENWICK, Esquire;

JOHN WALLIS BARNICOAT, Esquire;
WILLIAM WELLS, Esquire;
WILLIAM ADAMS, Esquire.

By his Honor's command,
S. L. MULLER,
Provincial Secretary.

Provincial Secretary's Office,
Nelson, January 20, 1857.

HIS Honor the Superintendent directs it to be notified for general information, that the Orders of the Justices of the Peace, dated the eighth day of December, 1856, for the Alteration of the following Roads, viz. :—

1. A road in Suburban-south,
2. A road in Motueka,
3. A road in Waimea-south,

as the said alterations were defined in the notice of the Commissioner of Public Works, dated the 20th day of October, 1856, have been confirmed by the Superintendent and Executive Council.

By his Honor's command,
S. L. MULLER,
Provincial Secretary.

Provincial Secretary's Office,
Nelson, January 21, 1857.

IN conformance with the provisions of the "Nelson Trust Funds Act, 1854," the following Report, as adopted by the Trustees of the Nelson Trust Funds, is published for general information.

By his Honor's command,
S. L. MULLER,
Provincial Secretary.

ANNUAL REPORT OF THE BOARD OF TRUSTEES OF THE NELSON TRUST FUNDS, FOR THE YEAR ENDING DECEMBER, 1856.

The Board of Trustees, in conformity with the directions of the "Nelson Trust Funds Act," present their Second Annual Report and Statement of Accounts.

Under the several heads of "Steam Communication," "Religious Uses," and "College and Educational Fund," will be found an account of the measures which have been adopted with reference to the specific objects of those trusts, and of the funds severally applicable to them; but the intelligence recently received from England is of a nature most materially to add to their amount and to influence their prospects, as well as to justify the hope that they will exercise a very important influence on the future welfare of the province.

The question which for the last seven years has been pending between this settlement and her Majesty's Government, as representing the

late New Zealand Company, has at last been brought to a close; and the decision of Mr. Shaw Lefevre, to whom the question had been referred, has given to the funds an addition of more than £20,000. The documents in possession of the Board show in the strongest light the steady attention and indefatigable perseverance of our agent, Mr. J. S. Tytler. His exertions can scarcely be properly appreciated by those who have not followed him through his very clear and detailed explanations of the various summonses and appointments, the repeated adjournments, the vexatious delays, the unexpected objections and the numerous demands for additional information of all kinds which have interfered with his prosecuting our claims to a successful termination. Even without his own letters, the final report of Mr. Shaw Lefevre bears internal evidence of the zeal with which our reasons have been enforced, our views maintained, and our cause made finally triumphant. The result at which we have at last arrived is mainly due to his untiring advocacy and masterly grasp of the whole subject.

The province is deeply indebted to him; and we shall cheerfully undertake the task of expressing its feelings. The various papers, letters, and documents connected with this affair are too voluminous for publication, but, according to the by-laws, are open to the electors upon their making a written application to the Secretary. They will be found to furnish conclusive proof of the advantages we now at last are about to obtain from those persevering protests and remonstrances which were for so long a time utterly disregarded or altogether refused redress, on the justice and propriety of which, however, the Lords of the Treasury have now grounded their decision in our favour.

STEAM.

Since our last report a loan of £2,000 has been promised to a Local Steam Navigation Company. A series of untoward events has prevented the company hitherto from bringing its plans into successful operation. For a long time it was found impossible to procure a vessel of the size, power, and light draught of water required for coast navigation; and when at last these difficulties appeared to have been surmounted, and a competent agent armed with full powers for making final arrangements had been despatched, the vessel in which he sailed never arrived at her destined port, and is supposed to have foundered at sea, not having since been seen or heard of. The Board is informed that the company, however, has not relinquished its design, and is now about to take fresh and efficient measures for promoting it.

RELIGIOUS USES.

The reserved fund for these purposes has

not been disturbed, and with its accumulations now amounts to the sum of £1,169.

COLLEGE AND EDUCATIONAL FUND.

The proceedings with reference to this subject have formed a very large portion of the business of the Board. After carefully considering the necessary requirements of a College established upon even the most limited scale, the high price of labour and materials, and the various unforeseen casualties which might occur to enhance the cost of such a building, it was judged most prudent to defer any further action upon it until the amount ultimately applicable to such a purpose could be finally ascertained. Meanwhile, to meet the urgent and increasing educational needs of the province, it was determined to open a school offering instruction in the higher branches of education to all sufficiently advanced to require it. The services of a highly qualified gentleman, a graduate of one of the English universities, were secured; a school-room built; and after due notice of the course of instruction contemplated and the principles which would regulate it, a school was opened, the success of which, during the short time which has passed from its commencement, has exceeded our expectations. The increasing number of scholars has rendered necessary the appointment of a second master; and a wish has been expressed in some quarters that various branches of education not hitherto provided for should be added to the course of instruction. The time seems to have come for replacing the present provisional arrangements by some well considered plan for the permanent government and future extension of the institution. Before this can be done, however, a preliminary question has to be considered and definitively settled. It has already been raised and regularly brought before the Board of Trustees by a memorial from the inhabitants of Richmond, requesting them to found a school there in connexion with the Educational Fund. The Board had to decide, first, how far they were legally empowered or would be morally justified in so acting; and, second, how far it would be eventually found expedient, or ultimately for the general advantage, to assent to such an employment of the fund. First: Upon the legal construction of the powers vested in the Board by the Act of Parliament, they must decline to offer an opinion. The mere words of that Act are certainly sufficiently large to allow of extreme latitude in their application; but whereon doubts have arisen, and applications have been made to the courts of law for their authoritative opinion in such cases, it will be found that they have allowed collateral evidence to be given as to the intentions of the framers, and that such evidence has had a material influence upon

their final judgment. Now in the present case the words of the Act speak only of the application of the fund to "educational uses," a term which, taken by itself, would allow the trustees to alienate the whole fund, and instead of employing it to found an institution for teaching the higher branches of a liberal education—an institution which without such a fund the province would not be able to support for years to come—would justify them in devoting it exclusively to elementary instruction, to the support of village and infant schools, to the purposes and uses which have been already otherwise provided for by the Provincial Council in the Education Act.

It is well known that such was not the intention when this fund was first formed. In the original prospectus of the New Zealand Company, the "establishment of a College" is named as one of the specific objects they were bound to carry out; in their reports to their shareholders, the "establishment of a College" is alluded to as a trust they had undertaken to fulfil.

In the various protests, remonstrances, and memorials called forth by the non-performance of the Company's agreements, no doubt was ever expressed as to the clear understanding of this point, but it was throughout spoken of as one on which no question could arise.

Lastly, in Mr. Shaw Lefevre's report, when the Company claimed to set off a surplus expenditure on one object against a deficiency on another, he decides (in opposition to their views) that "the specific objects mentioned in the prospectus must be adhered to."

It is in consequence of that decision that we have become entitled to the augmented funds now in question. In looking back to all previous transactions, to the report on which the act is founded, to the various minutes of the first board, their resolutions and statements, as well as to all the subsequent proceedings, it appears to the trustees that they are morally, if not legally, bound to carry out the clear intentions and obligations of the trust, and provide an institution affording the greatest amount and highest kind of education that the youth of the province are qualified to receive. But even if their obligations were less clearly defined and less stringent than they consider them to be, they believe that their adherence to the original idea will, upon reflection, be found ultimately far more advantageous to the province, to its intellectual advancement, to its social standing, and even to its material prosperity, than any other application of the funds at their disposal. A broad, and, it is hoped, a sound foundation for elementary education has been laid in the act of last year, by the establishment of primary schools. It may

be safely assumed that no interference with these is contemplated even by those who give to the obligations of the trust their widest and most elastic interpretation. But it has been suggested that possibly Grammar Schools in the different districts might be substituted with advantage for a central institution. It was urged that the school already in operation could benefit only a small number in its immediate neighbourhood, and that, however low the fee for attendance might be nominally, the additional cost of board and lodging rendered it impossible for parents at a distance to avail themselves of its advantages; but it was soon seen that if this principle were once admitted, and a second school of a superior class established, no matter in what locality, numerous applications would be made under precisely similar circumstances, and supported by arguments equally cogent. But even if the necessary expense of erecting the requisite buildings, of providing fit salaries for competent masters, and of superintending the operation of so many different establishments, did not effectually preclude the possibility of successfully engaging in such an undertaking, the board have reason to believe that the number of those in a position to avail themselves of its advantages would not justify them in incurring such additional and heavy responsibilities, especially when they are led to expect that the object in view may be attained in a more complete, effectual, and expeditious manner by pursuing a different course.

They have now under consideration the propriety of founding a number of bursaries, exhibitions, or free scholarships; one object to be attained being that by which those who live at a distance may be placed as nearly as possible, and as far as the funds will permit, on terms of equality with the residents in the immediate vicinity of the College. Several plans have been proposed, and the board hopes shortly to mature its arrangements for this purpose, as well as for the encouragement of superior merit and ability.

Public attention having already been strongly directed to the subject of education, it may be reasonably expected that its standard will be raised from year to year, that the increasing acquirements of those who present themselves from the various districts will necessitate a corresponding advance in the character of the College; so that, before long, Nelson may be enabled to point to those who have been born and educated within her limits, without fearing to suffer by comparison with any additions to her population from other parts. For many years to come, it will be perhaps impossible for New Zealand to make any provision for professional education, and her lawyers, divines,

physicians, and surgeons must be replaced from time to time by fresh importations from the mother country; but it would be disgraceful to her character, and prejudicial to her interests and reputation, if she were to allow any permanent inferiority in her intellectual requirements, or sit contented under any marked deficiency in the all-important requisites of a liberal education for the rising generation.

It is only within the last few weeks that the trustees have acquired the certainty that they would possess the means of giving effect to

their own conviction, and they take this, the first opportunity which presents itself, of making them public, in the hope that their endeavours to give effect to them will meet with the approval and concurrence of their constituents.

Subjoined is the Financial Statement for the year ended 1st December, 1856.

By order of the Board of Trustees,
A. G. JENKINS,
Secretary.

Trust Fund Office,
Nelson, 21st December, 1856.

ABSTRACT of the ACCOUNTS of the NELSON TRUST FUNDS, for the Year ended the 1st December, 1856.

Dr.		Cr.	
GENERAL ACCOUNT.			
To Amount of Trust Funds brought on from 31st December, 1855, as shown in Accounts to that date, viz.:-	£ s. d.	By Reserved Religious Fund—	£ s. d.
Reserved Religious Fund	1,134 0 0	Loans	1,150 0 0
College and Educational Fund	12,493 17 0	Balance	19 0 0
Steam Navigation Fund	4,000 0 0		
Reserve Fund	16 1 4	By College and Educational Fund—	£ s. d.
	17,633 18 4	Loans	12,170 0 0
To Interest Account, for Interest on Loans received during 1856	1,031 19 4	Disbursements	2,089 17 10
To Amount received for Land leased at Massacre Bay	15 0 0	Balance	995 18 6
	£ 18,680 17 8	By Steam Navigation Fund—	£ s. d.
		Loan	2,000 0 0
		By Reserve Fund—	£ s. d.
		Disbursements	239 5 10
		Balance	16 15 6
			256 1 4
			£ 18,680 17 8

COLLEGE AND EDUCATIONAL FUND.

£ s. d.	£ s. d.	£ s. d.	£ s. d.
To Amount of Fund, from 31st December, 1855	12,483 17 0	By Loans on Mortgage, January 1, 1856	12,270 0 0
To Interest Account, for Interest received on Loans during the year 1856	986 19 4	Deduct Loans repaid during 1856	1,200 0 0
To Rent of Land at Massacre Bay	15 0 0		11,070 0 0
To Steam Navigation Fund, for Amount transferred therefrom and temporarily appropriated to this Account	2,000 0 0	By Loans on Mortgage, in 1856	1,100 0 0
			12,170 0 0
		By Payments towards purchase of Town Acre No. 503 and House	1,025 0 0
		By Amount paid for Iron Spouting around the Roof of Head Master's House	17 7 6
		By Insurance against Fire	9 7 6
			26 15 0
		By cost of Building School Room, per original contract	362 18 0
		By cost of additional Room	61 10 0
		By Extras	53 16 0
			478 4 0
		By Architect's Charges	30 10 0
		By Desks, Stools, Tables, Chairs, Window Blinds, &c., Dial and Class Books	105 15 9
		By Prizes	15 0 0
		By Three Quarters' Salary to Head Master, to 31st December	262 10 0
		Less for occupation of House to the 31st of December	56 5 0
			206 5 0
		By One Quarter's Payment of Bonus towards Second Master's Salary	25 0 0
			231 5 0
		By Expenses of Temporary School-room	21 8 0
		By Advertising	28 7 7
		By Cultivation of Land	127 12 6
		By Reserve Fund transferred thereto, being the proportion appropriated to that Account towards the General Expenses	230 0 0
		By Balance in hands of Trustees	995 18 6
			£ 15,485 16 4

RESERVED

ABSTRACT of the ACCOUNTS of the NELSON TRUST FUNDS, for the Year ended the
1st December, 1856—continued.

Dr.

Cr.

RESERVED RELIGIOUS FUND.

	£	s.	d.		£	s.	d.
To Amount of Fund, from 31st December, 1855	1,194	0	0	By Loans on Mortgage	1,150	0	0
To Interest Account, for Interest on Loans received during the year 1856	45	0	0	By Reserve Fund transferred thereto, being the proportion appropriated to that Account towards the General Expenses	10	0	0
				By Balance in hands of Trustees	19	0	0
	£	1,179	0	0	£	1,179	0

STEAM NAVIGATION FUND.

	£	s.	d.		£	s.	d.
To Balance of Fund, from 31st December, 1855	4,000	0	0	By Loan to Immigration Commissioners	2,000	0	0
				By College and Educational Fund for Amount transferred thereto, as shown in that Account, being a second advance	2,000	0	0
	£	4,000	0	0	£	4,000	0

RESERVE FUND.

	£	s.	d.		£	s.	d.
To Amount of Fund, from 31st December, 1855	16	1	4	By Disbursements—			
To Religious Reserve Fund, being Amount transferred therefrom, as the proportion of that Fund appropriated to this Account	10	0	0	Fees to Auditors	20	0	0
To College and Educational Fund, being Amount transferred therefrom as the proportion of that Fund appropriated to this Account	230	0	0	Fees to Members of the Board	98	14	0
				Bonus to Secretary for Extra Duties	10	0	0
	£	256	1	Salary to Secretary, to 31st instant	100	0	0
				Stationery and Office Expenses	10	11	10
				By Balance in hands of Trustees	16	15	6
	£	256	1	4	£	256	1

INTEREST ACCOUNT.

	£	s.	d.		£	s.	d.
To Amount of Interest received, from sundry individuals, during the year 1856	1,031	19	4	By Reserved Religious Fund	45	0	0
	£	1,031	19	4	By College and Educational Fund	986	19
					4		
	£	1,031	19	4	£	1,031	19

TOTAL FUNDS UNDER ADMINISTRATION OF THE BOARD OF TRUSTEES, ON THE 1ST DECEMBER, 1856, AS SHOWN IN THE FOREGOING:—

	Invested in Securities.	Cash Balances Unappropriated.	TOTALS.
	£	s.	d.
Religious Reserve Fund	1,150	0	0
College and Educational Fund—including £4,000 of the Steam Navigation Fund: £2,000 being transferred in 1855, £2,000 do. in 1856	12,170	0	0
Steam Navigation Fund—Advance to Immigration Commissioners, without interest	2,000	0	0
Reserve Fund		16	15
	£	15,320	0
		1,031	14
		16,351	14

We hereby certify that we have examined the Accounts referred to in the preceding Abstract, and the Vouchers connected with them, and have found them to be correct.

(Signed)

H. SEYMOUR,
H. C. DANIELL, } Auditors.