

No. LI.

AN ACT to provide for the Control and Management of
the Auckland College and Grammar School.

AUCKLAND COLLEGE
AND GRAMMAR
SCHOOL.

[29th November, 1877.]

WHEREAS certain lands situate in the Provincial District of Auckland were, in or about the year one thousand eight hundred and fifty-one, vested by grant from the Crown in certain Trustees, in trust for the establishment and maintenance of a College and a Grammar School or Schools on the isthmus on which Auckland stands, for the support of higher education in the said district: And whereas the said lands with others have become vested, by virtue of "The Education Boards Act, 1876," in the Board of the Education District of Auckland: And whereas it is desirable to make special provision for the management of the Auckland College and Grammar School:

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

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Auckland College and Grammar School.

Short Title.

1. The Short Title of this Act shall be "The Auckland College and Grammar School Act, 1877."

Board of Governors to be appointed and incorporated.

2. A Board of Governors, to be composed and appointed as hereinafter provided, shall be and is hereby constituted a body corporate by the name of the Auckland College and Grammar School, by which name such body corporate shall have a perpetual succession and a common seal, and may hold lands, and may sue and be sued, and may do and suffer all such things as are incident to the nature of corporate bodies.

Constitution of Board.

3. The said Board shall consist of the Mayor for the time being of the City of Auckland, and of six persons to be elected by the electing bodies following, that is to say,—

- (1.) Three persons to be elected by the Board of the Education District of Auckland.
- (2.) Three persons to be elected jointly by the members of the Legislative Council usually resident within the Provincial District of Auckland and the members of the House of Representatives for the several electorates of the aforesaid district.

How elections conducted.

4. All elections under this Act shall be held at such times and conducted in such manner as the Governor in Council may from time to time prescribe, subject to the following conditions:—

- (1.) There shall be a day appointed for the first elections hereunder, and the anniversary of such day in every recurring year shall be the day of the annual elections hereunder for supplying vacancies in the Board.
- (2.) The names of the Governors elected at any election shall be published in the *New Zealand Gazette*, and the said Governors shall come into office on their election, and shall hold office until the election of their successors.
- (3.) One of the Governors elected by each of the aforesaid electing bodies shall go out of office in every year on the day appointed for the annual elections hereunder, and the persons who shall go out of office shall be those who have been the longest in office without re-election, or where two or more shall have been in office for the same length of time, then those who shall go out of office shall be determined by lot. All retiring Governors shall be eligible for re-election.
- (4.) On the day appointed for the annual elections hereunder in every year, the aforesaid electing bodies shall, in conformity with the regulations which may have been made in that behalf, elect respectively a sufficient number of Governors to fill all the vacancies caused, since the last annual election hereunder, by the retirement, death, resignation, or disqualification of any of the Governors originally elected by each such electing body.
- (5.) If any election appointed to be held hereunder has not been held on the day appointed, it shall be lawful for the Governor, from time to time, by notification in some newspaper published in the City of Auckland, to appoint another day for holding such election.
- (6.) In case of a sufficient number of persons not having been elected at any election, or of any extraordinary vacancy occurring by death or in any manner mentioned in the next succeeding section, the elected or continuing members of the Board may appoint such person as they shall think fit to supply the vacancy until the next annual meeting for

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the election of Governors. During any vacancy in the Board the continuing members shall act as if such vacancy had not occurred.

5. If any member of the said Board shall cease to reside within the Provincial District of Auckland for a period of six months, or shall by writing under his hand resign his office, or become bankrupt, or be convicted of any indictable offence, he shall immediately thereupon cease to be a member of such Board: Provided that if any such member shall be absent from the Provincial District of Auckland with the previous permission of the said Board, any period for which such permission is expressed to be granted shall not be included in the computation of the said period of six months.

Governors to vacate office in certain cases.

6. The said Board shall meet for the first time at such time and place as the Governor shall, by Proclamation in the *New Zealand Gazette*, appoint, and shall forthwith proceed to elect a Chairman, who shall preside at all meetings of the Board at which he shall be present during the year next after his election, and when so presiding shall have a deliberative and casting vote on all questions coming before the Board, and such Chairman shall have the custody of the common seal.

First meeting and election of Chairman.

7. The said Board shall make and may from time to time revoke, vary, and make fresh regulations for the conduct of business at their meetings, for determining how meetings shall be convened, and what number of members shall constitute a quorum thereat, and for such other like matters as may be requisite for the conduct of the business of the said Board.

Board of Governors may regulate proceedings.

8. Minutes of the proceedings of the said Board shall be regularly entered in a proper book to be kept for that purpose, and at every meeting of the said Board the minutes of the previous meeting shall be read over and signed by the Chairman of the meeting at which the same shall be read, and the minutes when so signed shall be held to be a true statement and record of the proceedings of the Board for all purposes whatsoever.

Proper minutes of all meetings to be kept.

9. The Board shall keep full and accurate accounts of all their receipts, disbursements, assets, liabilities, and engagements, and shall in the month of January in every year cause the same to be audited by such person as the Governor in Council may appoint, and copies of such accounts when audited shall be forwarded to the Minister in charge of the Department of Education, together with a report of the proceedings of the said Board during the previous year, and such report and accounts shall be laid before the Assembly at its next session.

Accounts to be kept and annually audited.

10. All things required by this Act to be done by the said Board shall be done in accordance with or in pursuance of a resolution passed at a meeting of the said Board, and no act of the said Board shall be invalid or liable to be questioned on the ground that one or more of the members of the said Board was or were incapacitated, or had ceased to hold office as members of the said Board.

Board to act only upon resolutions passed at meetings.

11. All money, property, matters, and things whatsoever, vested in or acquired by the Board of the Education District of Auckland, by virtue of "The Education Boards Act, 1876," or by any other Act, in trust for the establishment and maintenance of the Auckland College and Grammar School or Schools, shall, on the coming into operation of this Act, be vested in the Board hereby constituted, subject nevertheless in all respects to the same trusts and liabilities as attached to the said property in the hands of the Board of the Education District aforesaid.

Property held in trust for Auckland College and Grammar Schools to vest in Board of Governors.

12. All real and personal estate which may be purchased by, or granted, devised, bequeathed, or given to, the said Board for the benefit

Trust property vested in Board without special trust to be for

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the benefit of Auckland College and Grammar Schools.

Power to deal with and lease lands vested in the Board.

Proceeds of rents and other income how to be applied.

Board may invest moneys not required for annual expenditure.

Application of moneys.

Board to have control of College and Grammar Schools, and may make regulations for conducting the same.

of the Auckland College and Grammar School or Schools, without any trusts of a different nature being expressed, shall be held by the said Board upon trust for the general purposes of this Act.

13. The said Board shall have power with respect to all lands that may be vested in them by virtue of this Act to manage and deal with the same as they may see fit, and from time to time to let the same or any part thereof for any term not exceeding in the case of town lands sixty-six years, and in the case of suburban or country lands twenty-one years, from the time when such lease shall be made, at such rent and on such terms and conditions as they shall think fit: Provided that every such lease shall be put up to public competition by auction or tender, of which one month's previous notice shall have been given by public advertisement within the district in which the land about to be leased shall be situated: And provided also that no fine, premium, or foregift shall be taken by the said Board in respect of any such lease.

14. The rents, profits, and annual income of all real and personal estate which may be vested in the said Board, together with all funds which may from time to time be derived from fees or payments made in respect of scholars or students attending the said College and Grammar School or Schools shall be applied by them for the maintenance of the said College and Grammar School or Schools, either conjoined as one institution, or separately as a college and a grammar school, at Auckland, and the payment of all salaries and expenses connected therewith, and for prizes, exhibitions, and scholarships for the students therein: Provided that the said Board shall have power to set apart, if they shall see fit, out of the said rents, profits, and annual income, such part as they shall consider advisable either as an addition to the capital fund, which shall then be invested in manner hereinafter mentioned and dealt with as part of such capital fund, or as a reserve fund to meet extraordinary expenses, which shall be invested and dealt with in such manner as the said Board shall direct.

15. With respect to any moneys bequeathed or given to the said Board for the said College and Grammar School or Schools, or either of them, or being rents, profits, and annual income set apart under the preceding section, the said Board shall have power to invest the same in the purchase or upon mortgage of freehold lands in New Zealand, or upon the stocks, bonds, bills, or debentures of the Government of the Colony of New Zealand, or of any Municipal Corporation established within such colony, and from time to time to vary any such investment.

16. The said Board may, out of such moneys as shall come into their hands by virtue of this Act or otherwise for the benefit of the Auckland College and Grammar School or Schools, expend any sum or sums in erecting suitable buildings and premises for use as a college and grammar school or schools, either conjointly or separately; and any sum not exceeding ten thousand pounds may be raised by the Governors for the purpose by a mortgage or mortgages on the said trust property, but no such mortgage shall contain any power of sale.

17. There shall be vested in the Board the whole control and management of the Auckland College and Grammar School or Schools, and the said Board shall have full power to appoint and dismiss all professors, masters, lecturers, examiners, and other officers and servants for the management of the said College and Grammar School or Schools, and also the entire management and superintendence over all the affairs, concerns, and property of the said College and Grammar School or Schools. And in all cases unprovided for by this Act, it shall be lawful for the said Board to act in such manner as shall

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appear to them best calculated to further the purposes intended to be served by the establishment of the said College and Grammar School or Schools, in accordance with the trust under which the said trust property was originally granted. And the said Board shall have full power from time to time to make by-laws and regulations for defining the course of study and education on secular subjects in the said College and Grammar School or Schools, and also for the discipline and examination of the same, the conditions upon which students shall be admitted, and the fees to be paid in respect of such admission, and in general touching all other matters, purposes, and things regarding the said College and Grammar School or Schools.
