

New Zealand.



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1889, No. 2.—*Local.*

AN ACT to provide for the Better Management of the New Plymouth High School. Title.
[16th September, 1889.]

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

1. The Short Title of this Act is "The New Plymouth High School Act, 1889." Short Title.

2. "The New Plymouth High School Act, 1878" (hereinafter referred to as "the said Act"), except section four thereof, is hereby repealed. Repeal of "The New Plymouth High School Act, 1878." Exception.

3. The whole control and management of the New Plymouth High School shall be vested in a Board of Governors consisting of seven members, appointed as hereinafter set forth, which Board shall be and is hereby constituted a body corporate, by the name of "The New Plymouth High School Board," 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 any such things as corporate bodies may do and suffer. Board of Governors a corporate body.

4. Within one month after the passing of this Act the Governor in Council shall appoint seven persons to constitute the said Board. Two of the members of the Board shall retire from office at the end of the first year after appointment, two other members at the end of the second year, and the three remaining members at the end of the third year. The names of the members so to retire shall be Retirement of members.

determined by the Board by lot. The vacancies thus created shall be filled by the Governor in Council, and the members so appointed shall hold office for three years, and in like manner thereafter appointments may be made as vacancies occur.

How vacancies shall be filled.

5. Any vacancy which may arise, from death, resignation, or otherwise under section six shall be filled by appointment by the Board; and the person so appointed shall hold office for the unexpired remainder of the term for which his predecessor was appointed.

Forfeiture of seats at Board.

6. If any member of the Board shall, without leave given by the Board, be absent from three consecutive meetings of the Board, or shall, by writing under his hand addressed to the Chairman of the Board, resign his office, or become bankrupt, or be convicted of an indictable offence, he shall immediately thereupon cease to be a member of the Board.

First meeting of Board and election of Chairman.

7. The Board shall meet for the first time at such time and place as the Governor shall by notice 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 his period of office, 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. Three members shall form a quorum.

Chairman's tenure of office.

8. The first Chairman shall hold office for the period ending the thirty-first day of December, one thousand eight hundred and ninety, or until his successor is elected at the first meeting of the Board after that date; and thereafter the election of Chairman shall take place at the first meeting of the Board in January in each year.

Board may regulate proceedings.

9. The Board may make, and may from time to time revoke, vary, and make fresh regulations for the conduct of business at their meetings, for the election of Chairman and Acting-Chairman, for determining how meetings shall be convened, and for such like other matters as may be requisite for the conduct of the business of the Board.

Proper minutes of all proceedings to be kept.

10. Minutes of the proceedings of the Board shall be regularly entered in a proper book to be kept for that purpose; and at every meeting of the 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 *prima facie* evidence of the proceedings of the Board for all purposes whatever.

Board to pass resolutions.

11. 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.

Moneys of Board to be paid into bank.

12. All moneys received by or belonging to the Board shall be paid into such bank as the Board shall from time to time appoint, to an account to be called "The High School Account," and no moneys shall be drawn out of the bank except by the authority of the Board. All payments by the Board shall be made by cheque signed by the Treasurer and by such one or more members of the Board as the Board may from time to time authorise to sign cheques.

13. 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 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.

Reporting of accounts.

14. All real and personal estate which may be purchased by the Board, or granted as site or sites for a High School, devised, bequeathed, or given to the said Board for the benefit of the High School, 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.

All estate to be held on trust for general purposes of Act.

15. 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 High School shall be applied by them for the maintenance of the said High School, 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.

Income to be applied for maintenance of High School.

Proviso.

16. With respect to any moneys bequeathed or given to the said Board for the said High School, 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 first 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.

Certain moneys may be invested in purchase of mortgages, &c.

17. The said Board shall have full power to appoint and dismiss all teachers, lecturers, examiners, and other officers and servants for the management of the said High School; and, in all cases unprovided for by this Act, it shall be lawful for the said Board to act in such manner as shall appear to them best calculated to further the purposes intended to be served by the establishment of a High School. 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 High School, and also for the discipline and examination of the same, the conditions upon which scholars 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 High School.

Board to have control of teachers, &c.

And to make by-laws.

18. The lands described in the Schedule to the said Act, being no longer required for a site for a High School, shall on the passing of this Act be transferred to and vested without any conveyance or assurance in the Education Board of the District of Taranaki as a school-site.

Certain lands vested in Taranaki Education Board.

Other lands vested
in Board of
Governors.

19. With the exception of the lands referred to in the immediately preceding section, all lands and other property which, by the operation of the said Act, have become vested in the Education Board of the District of Taranaki for the purposes of the New Plymouth High School, shall, on the passing of this Act, be vested, without any conveyance or assurance, in the Board of Governors constituted under this Act.

First Schedule, High
School site.

20. The lands described in the First Schedule hereto being lands set apart for secondary education shall, on the passing of this Act, be vested without any conveyance or assurance in the Board as a site for the New Plymouth High School.

Portion of street
vested in Board.

21. On and after the passing of this Act, that portion of Gardner Street, in the Town of New Plymouth, between Eliot Street and Hobson Street, not being required for public traffic, shall cease to be a public thoroughfare, and the land therein contained, by admeasurement one acre one rood and thirty-five perches, shall be vested without any conveyance or assurance in the Board as part of the High School site.

Lands in Second
Schedule trans-
ferred to Corpora-
tion.

22. On and after the passing of this Act the lands described in the Second Schedule (being lands set apart for primary education) shall, as compensation for that part of Gardner Street closed by section twenty-one of this Act, without any conveyance or assurance, be transferred to and vested in the Mayor, Councillors, and burgesses of the Town of New Plymouth as a reserve and endowment for the improvement and benefit of the Town of New Plymouth.

High School to be
open to Inspector.

23. The New Plymouth High School shall at all times be open to inspection by any Inspector appointed by the Minister of Education for that purpose.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that piece or parcel of land in the Town of New Plymouth, in the Provincial District of Taranaki, containing by admeasurement 6 acres 1 rood 17 perches more or less, being part of Sections Nos. 1700, 1701, 1702, and 1703, and Sections Nos. 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, and 1731; bounded towards the north by Gilbert Street; towards the east by Hobson Street; towards the south by Gardner Street; and towards the west by Eliot Street. Also all that parcel of land in the said town, containing by admeasurement 6 acres 2 roods 32 perches, more or less, being Sections Nos. 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, and 1773; bounded towards the north by Gardner Street; towards the east by Hobson Street; towards the south by Hendrie Street; and towards the west by Eliot Street.

SECOND SCHEDULE.

ALL that piece or parcel of land in the Town of New Plymouth, in the Provincial District of Taranaki, containing by admeasurement 1 acre 2 roods, more or less, being Sections Nos. 404, 405, 406, 407, 408, and 409; bounded towards the north by Fulford Street; towards the east by Dawson Street; towards the south by Sections Nos. 434, 433, 432, and Hospital Reserve (H); and towards the west by Section No. 403.