

No. LII.

AN ACT to provide for the Control and Management  
of the Otago Boys' and Girls' High Schools.

OTAGO BOYS' AND  
GIRLS' HIGH  
SCHOOLS.

[29th November, 1877.]

**W**HEREAS by grant from the Crown the parcel of land comprised and described in the Schedule to this Act was granted to the Superintendent of the Province of Otago and his successors, Superintendents of the said province, in trust for the establishment and maintenance of a University in the City of Dunedin, in the Province of Otago, and of public schools in different parts of the province, and for the general advancement of education in the said province: 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 Otago: And whereas the said parcel of land has been and is now occupied as a site for the Boys' and Girls' High Schools in Dunedin: And whereas it is expedient and desirable to make special provision for the endowment and management of the Otago Boys' and Girls' High Schools:

Preamble.

BE IT THEREFORE 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 shall be "The Otago Boys' and Girls' High Schools Act, 1877."

Short Title.

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 Otago Boys' and Girls' High Schools Board, hereinafter called "the said 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 all such things as corporate bodies may do and suffer.

Board of Governors  
to be appointed and  
incorporated.

3. The said Board shall consist of seven persons, of whom one shall be the Mayor for the time being of the City of Dunedin, two shall be elected annually within the month of January by the Education Board of the District of Otago, two shall be elected annually within the month of January by the Council of the University of Otago, and the remaining two members shall be nominated and appointed from time to time by the Governor; and no member shall hold office longer than a year, but a retiring member shall be eligible for election or nomination.

Constitution of  
Board of Governors.

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Governors to vacate office in certain cases.

4. If any member of the said Board shall cease to reside within the Provincial District of Otago 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 Otago 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.

In the event of any vacancy occurring by reason of the death, resignation, or otherwise of any elected member of the said Board, such vacancy may be forthwith filled up by the election of a new member by the said Education Board of the District of Otago, or by the said Council of the University of Otago, or by the nomination of the Governor, according as the vacancy shall have occurred in the case of a member who had been elected by the said Education Board or the said Council, or been nominated by the Governor.

First meeting and election of Chairman.

5. 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.

Board of Governors may regulate proceedings.

6. 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.

Proper minutes of all meetings to be kept.

7. 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.

Accounts to be kept and annually audited.

8. 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.

Board to act only upon resolutions passed at meetings.

9. 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.

Property held in trust for Otago Boys' and Girls' High Schools to vest in Board of Governors.

10. The parcel of land described in the Schedule to this Act, and all money, property, matters, and things whatsoever, vested in or acquired by the Board of the Education District of Otago, by virtue of "The Education Boards Act, 1876," or by any other Act or Ordinance, in trust for the establishment and maintenance of the Otago Boys'

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and Girls' High 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.

11. All real and personal estate which may be purchased by, or granted, devised, bequeathed, or given to, the said Board for the benefit of the Otago Boys' and Girls' High 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.

Trust property vested in Board without special trust to be for the benefit of Otago Boys' and Girls' High Schools.

12. 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 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.

Power to deal with and lease lands vested in Board.

13. 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 Schools shall be applied by them for the maintenance of the said High Schools at Dunedin, 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.

Proceeds of rents and other income how to be applied.

14. With respect to any moneys bequeathed or given to the said Board for the said High 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.

Board may invest moneys not required for annual expenditure.

15. 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 Otago Boys' and Girls' High Schools, expend any sum or sums not exceeding on the whole ten thousand pounds in erecting suitable buildings and premises for use as high schools, either conjointly or separately.

Application of moneys.

16. There shall be vested in the Board the whole control and management of the Otago Boys' and Girls' High Schools, and the said Board shall have full power to appoint and dismiss all professors, masters, teachers, lecturers, examiners, and other officers and servants for the management of the said High Schools, and also the entire management and superintendence over all the affairs, concerns, and property of the said High 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 appear to them best calculated to further the purposes

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

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*Church Trust Property at Little River Exchange.*

intended to be served by the establishment of the said High Schools. 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 Schools, 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 Schools.

Reserves how granted.

17. It shall be lawful for the Commissioners appointed under "The Education Reserves Act, 1877," passed or to be passed in the present session of Parliament, or for two Commissioners appointed for that purpose by the Governor, to select out of the reserves for education in the Educational District of Otago such reserves as will give an annual income at present of one thousand two hundred and fifty pounds; and, on the Proclamation of the Governor that such reserves have been selected and set apart for the said Otago Boys' and Girls' High Schools, the said reserves shall absolutely vest in the Otago Boys' and Girls' High Schools Board incorporated by this Act: Provided that the reserves to be so selected shall be taken from those to be set apart within the Otago Education District for the purposes of secondary education under the provisions of "The Education Reserves Act, 1877."

Proviso.

Inspection of schools.

18. The said Otago Boys' and Girls' Schools shall be subject to inspection by an Inspector appointed by the Minister of Education.

Schedule.

## SCHEDULE.

SECTIONS 12, 13, 47, 48, 49, 50, 51, 52, 53, and 54, Block XIII., on the record map of the City of Dunedin, and containing an area of about two acres and a half.