



Hon. Sir G. M. O'Rorke.

AUCKLAND GRAMMAR SCHOOL.

[LOCAL BILL.]

ANALYSIS.

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| <p>Preamble.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Board incorporated. 4. Constitution of Board. Senate's members. 5. How elections conducted. 6. Governors to vacate office in certain cases. 7. Provision for affording facilities to members of the Legislature to vote. 8. Board of Governors may regulate proceedings. 9. Proper minutes of all meetings to be kept. 10. Accounts to be kept and annually audited. 11. Board to act only upon resolutions passed at meetings. 12. Powers of Trustees as to real estate of schools. 13. Lands and leases to be sold at auction or by tender. Application of proceeds. 14. Trustees may lease lands without premium. 15. Saving as to existing leases, &c. 16. Special resolution. 17. Board may let for twenty-one years, renewable from time to time. 18. Provision for securing payment of valuation. 19. Land offered and not sold may be again offered. | <ol style="list-style-type: none"> 20. Land may be let for short periods in certain cases. 21. Surrender of existing leases may be accepted. 22. Leases may be granted to sub-tenants. 23. Providing for disposal of proceeds of endowments of Auckland Girls' High School until separate high school established. (Section 11 of Reserves, Endowments, &c.) 24. Proceeds of rents and other income, how to be applied. 25. Board may invest moneys not required for annual expenditure. 26. Board may borrow £10,000 for school buildings. 27. Power to borrow £6,000 for playground and building houses for letting. 28. Board to have control of Grammar Schools, and may make regulations for conducting the same. 29. Power to Governors to grant free education, and permission to compete for prizes, &c., to students, wherever educated. Proviso. 30. Repealing clause. Schedules. |
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A BILL INTITULED

AN ACT to consolidate and amend the Laws affecting the Auckland College and Grammar School. Title.

Struck out.

5 WHEREAS there have been several Acts passed by the General Assembly affecting "The Auckland College and Grammar School Act, 1877," which incorporated the Board of Governors of the school, and it is desirable that the various Acts should be embodied in one Act:

New Preamble.

10 WHEREAS there have been several Acts passed by the General Assembly affecting the Auckland College and Grammar School, the Board of Governors of which became a body corporate under "The Auckland College and Grammar School Act, 1877," and it is desirable that the various Acts affecting the said College and Grammar Preamble.

15 School should be amended and embodied in one Act.

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

Short Title.

1. The Short Title of this Act is "The Auckland Grammar School Act, 1899."

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Struck Out.

2. The existing Board of Governors shall be and continue to be constituted a body corporate, by the name of the Auckland Grammar 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 all such things as are incident to the natures of corporate bodies.

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New clauses.

Interpretation.

2. In this Act "Board" means the existing Board of Governors of the Auckland College and Grammar School, and its successors in office as constituted by this Act.

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Board incorporated.

3. The Board is hereby constituted a body corporate by the name of the Auckland Grammar School Board, by which name it 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 natures of corporate bodies; and all real and personal property now vested in the Board shall continue to be so vested.

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Constitution of Board.

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

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(1.) Three persons to be elected by the Education Board of the 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 :

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Senate's members.

(3.) Three persons to be from time to time elected by the Senate of the University of New Zealand (hereinafter called "the Senate's members"). Such election may be made by the Senate at an ordinary or special meeting of the Senate; or, in case there is no meeting when the occasion arises, the election may be made by the majority of votes given in writing to the Chancellor of the University, in such way as he may direct. The return made by him to the returning officer appointed by the Board of the persons elected shall be conclusive of the election.

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How elections conducted.

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

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(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.

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(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.

5 (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
10 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.

15 (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
20 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.

25 (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.

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

5- 6. 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, or be absent from six consecutive
40 meetings of the Board without leave, 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
45 the computation of the said period of six months.

6- 7. And, whereas it is expedient to afford greater facility to members of the Legislative Council and of the House of Representatives for voting at elections of Governors, it shall be lawful for any member of the Legislative Council and any member of the House of
50 Representatives, in lieu of attending to vote in person, to send to the Returning Officer, by post or otherwise, but so as to arrive before the hour fixed for closing the poll, a writing authorising his vote to be

Governors to vacate office in certain cases.

Provision for affording facilities to members of the Legislature to vote.

recorded for the person or persons whom he desires to be elected to fill any vacancy or vacancies in the Board of Governors; such writing or voting-paper to be signed by the member, in presence of a Justice of the Peace, on any day subsequent to the notice given by the returning officer of the day for proceeding to election; such signature and the date thereof to be certified by the said Justice of the Peace. And all votes so recorded shall have the same validity and effect as if they had been duly given by ballot, as prescribed in the regulations under the said Act.

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Board of Governors may regulate proceedings.

7. 8. 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, for the election of Chairman and defining his powers.

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Proper minutes of all meetings to be kept.

8. 9. 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, *if confirmed by the meeting*, 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.

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Accounts to be kept and annually audited.

9. 10. 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 General Assembly at its next session.

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Board to act only upon resolutions passed at meetings.

10. 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.

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LEASING AND SELLING POWERS UNDER "THE HIGH SCHOOL RESERVES ACT, 1880."

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Powers of Trustees as to real estate of schools.

11. 12. ~~The persons in whom for the time being is vested the real property of the Auckland College and Grammar School.~~ The Board shall have all and singular the powers of selling, exchanging, and leasing the hereditaments and premises vested in them, or any part thereof, as are hereinafter particularly described.

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Lands and leases to be sold at auction or by tender.

12. 13. Every lease and sale of lands under this Act shall be disposed of at public auction or by public tender, and at least one month's notice of such intended sale shall be publicly notified by advertisement in one or more newspapers circulating in the land district, and also in the capital town of the provincial district wherein the particular lands are situate. All rents and profits derived from any such

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Application of proceeds

sale shall from time to time be paid into the proper fund, and be appropriated thereout for the purposes to which the annual income or proceeds of the real estate which may be vested in the Board shall for the time being be properly applicable.

5 ~~13.~~ 14. The Board may, subject to this Act, let any lands vested in ~~them~~ it, or any part thereof, at such rents and upon such terms and conditions as the Board shall determine, so that such leases for rural lands be for any term not exceeding twenty-one years, and for town lands or lands used for building purposes be for any term not exceeding fifty years, to take effect in possession from the time of the execution thereof, and that an annual rent be reserved, payable at such times or periods as the Board think fit. When any lease is for a longer term than twenty-one years, the annual rent reserved by such lease for any period beyond the first twenty-one years shall be an advance at least of fifty per centum upon the annual rent payable under such lease during the last year of the expired twenty-one years. On no lease shall any premium, fine, or foregift be taken.

Trustees may lease lands without premium.

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20 14. 15. Nothing herein contained shall prejudice or affect any lease already granted or agreed to be granted under powers conferred upon the Board by any enactment, or any other contract or agreement entered *into* thereunder respectively.

Saving as to existing leases, &c.

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LEASING POWERS UNDER "THE AUCKLAND COLLEGE AND GRAMMAR SCHOOL ACT, 1882."

25 15. It shall be lawful for the Board of Governors to let houses on tenancies from year to year, or for shorter periods, by contract without auction or tender.

LEASING POWERS UNDER THE PUBLIC BODIES' POWERS ACTS, 1837 AND 1891.

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30 16. The Board of Governors may let any lands vested in it, or any part thereof, for any term not exceeding twenty-one years, to take effect in possession or within six months from the making of the lease, without any fine, premium, or foregift; and may in such lease covenant to grant renewals from time to time for a period not exceeding twenty-one years at any one time, but at a rent to be fixed by the leasing authority by a special resolution, or by valuation, or by arbitration. Any such lease may provide for the payment of valuation by the incoming tenant for improvements made upon the land, whether by the lessee named in such lease, his executors, administrators, or assigns, or any former lessee or tenant of all or any part of the land included in such lease.

New Clauses.

45 16. "Special resolution" shall mean a resolution passed at a meeting of the Board, and confirmed at a subsequent meeting, of which notice shall have been sent at least ten days before such second meeting through the post to every member of such Board, specifying the nature of the resolution which it is intended to confirm: Provided always, and it is declared, that at such subsequent meeting it shall be lawful to alter such resolution in such manner as the aforesaid subsequent meeting shall determine.

Special resolution.

Board may let for twenty-one years, renewable from time to time.

17. The Board, in addition to the powers of leasing contained in section fourteen, may, if authorised by special resolution, let any lands vested in it for building purposes for any period not exceeding twenty-one years, and in such lease may covenant to grant renewals from time to time for a period not exceeding twenty-one years at any one time, but at a rent to be fixed by the Board by a special resolution, or by valuation, or by arbitration. Any such lease may provide for the payment of valuation by the incoming tenant for improvements made upon the land, whether by the lessee named in such lease, his executors, administrators, or assigns, or any former lessee or tenant of all or any part of the land included in such lease. 5

Provision for securing payment of valuation.

17-18. Any lease granted under the provisions of this Act may provide that the incoming tenant of all or any part of the lands thereby demised shall not be allowed to enter into possession thereof, or of any part thereof, unless or until he shall have paid to or secured to the satisfaction of *the Board* or the lessee therein named, his executors, administrators, or assigns, the valuation (if any) to be paid pursuant to the terms of such lease to such lessee, his executors, administrators, or assigns, by such incoming tenant to *the Board* or *outgoing tenant* in respect of improvements made upon such land. 10 15 20

Land offered and not sold may be again offered.

18-19. A lease of any land which has been offered at auction or by public tender as aforesaid, and not sold, may, at any time within twelve months thereafter, be sold by private contract at a rent not less than the reserved rent when it was so offered; or it may, at any time either before or after the expiration of twelve months, be again offered by public auction or tender, subject as in this Act is provided. 25

Land may be let for short periods in certain cases.

19-20. Notwithstanding anything hereinbefore contained, it shall be lawful for ~~a leasing authority~~ *the Board* to let any of its lands by public auction, by public tender, or by private contract for a yearly tenancy, or for a less tenancy, determinable as may be agreed; and in cases contemplated by this section it shall not be necessary for the ~~leasing authority~~ *Board* to execute any lease. 30

Surrender of existing leases may be accepted.

20-21. The Board of ~~Governors~~ may, by special resolution, on such terms as it may think fit, accept a surrender of any lease. 35

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21. On the surrender of any lease the Board may again, subject to the provisions of this Act, lease the land comprised therein, or may grant to the former lessee a new lease for the remainder of the term of the former lease, at a rent to be fixed by the Board by special resolution, either before or after such surrender shall have been made. 40

Leases may be granted to sub-tenants.

22. ~~A leasing authority~~ *The Board* may, with the consent of any lessee, grant to a sub-lessee a lease direct from such authority of the whole or any part of the land comprised in any lease for the whole residue of the term created by the original lease. The provisions of this section shall apply although no lease shall have been actually executed, but only an agreement for a lease entered into. 45

GIRLS' HIGH SCHOOL ENDOWMENTS.

23. Whereas by "The Auckland Girls' High School Act, 1878," the Auckland Girls' High School and its endowments were placed under the control and management of the Education Board of the District of Auckland (hereinafter called "the Education Board"): And whereas in the year one thousand eight hundred and eighty-eight, by reason of want of funds, it became impossible for the Education Board to continue such school, and the work thereof was consequently undertaken, and has since been maintained, by the Board of Governors: And whereas the endowments of the Girls' High School, which have at all times remained under the control of the Education Board, have become productive, and it is equitable, and the Education Board agrees, that out of the produce of such endowments assistance to the extent and subject to the conditions hereinafter set forth should be given in aid of the work of the Girls' High School now being maintained as aforesaid by the Board of Governors: Be it therefore enacted as follows:—

Providing for disposal of proceeds of endowments of Auckland Girls' High School until separate high school established.

- (1.) Out of the proceeds of the sale of timber on the land forming the said endowment the sum of ten thousand pounds shall be invested by the Education Board, and the interest arising from such investment shall ~~by that Board be paid over to the Board of Governors.~~ *be paid over to the Board by the Education Board.*
- (2.) Of the moneys received as aforesaid each year by the Board of Governors, one-half shall be expended by ~~that Board~~ *it* in scholarships for girls attending public schools under "The Education Act, 1877," within the Auckland Education District, subject to such conditions for the winners attending the Auckland Girls' High School and otherwise as the Education Board prescribes and the Minister of Education approves.
- (3.) The other half of the said moneys shall be applied by the Board of Governors first in or towards keeping down interest on mortgages in respect of buildings, and the residue in or towards defraying the cost of the work of the Girls' High School whilst maintained by that Board.
- (4.) The aforesaid payments by the Education Board shall continue to be made until a separate high school for girls is established by that Board under the provisions of "The Auckland Girls' High School Act, 1878," and shall thereafter be applied in manner prescribed by that Act.

"THE AUCKLAND COLLEGE AND GRAMMAR SCHOOL ACT, 1877."

24. 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 ~~Auckland College and Grammar School or Schools,~~ shall be applied by ~~them~~ *it* 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

Proceeds of rents and other income, how to be applied.

scholarships for the students therein: Provided that the said Board shall have power to set apart, if they it shall see fit, out of the said rents, profits, and annual income, such part as they it 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.

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Board may invest moneys not required for annual expenditure.

25. 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.

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26. 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 the purchase of land and in erecting suitable buildings and premises for use as a college and grammar school or schools, including a boarding-house for the use of scholars attending the said 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.

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27. The said Board may, in addition to the power of borrowing for the erection of school buildings and premises conferred by the previous clause, also borrow, on mortgage, money for the acquisition of a boys' playground, and for the erection of houses for letting on any of the Board's city or suburban properties; but no such mortgage shall contain any power of sale, and the whole amount to be borrowed under this clause shall not exceed six thousand pounds.

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New Clauses.

Board may borrow £10,000 for school buildings.

26. The Board may, if authorised by special resolution, expend any sum or sums out of the Board's funds in the purchase of land and the erection of suitable buildings and premises for use as a college and grammar school or schools, or for use as a boardinghouse for scholars attending the same; and for all or any such purposes the Board may raise at interest any sum or sums, not exceeding in the aggregate ten thousand pounds, by mortgage over any property of the Board, but no such mortgage shall contain any power of sale.

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Power to borrow £6,000 for playground and building houses for letting.

27. In addition to the power of borrowing conferred by the preceding section, the Board may, if authorised by special resolution, borrow at interest on mortgage of any of its property any sum or sums, not exceeding in the aggregate six thousand pounds, for the purpose of acquiring and forming a suitable playground or playgrounds, or for the purpose of building for the purpose of letting on any of the Board's city or suburban properties. No such mortgage shall contain any power of sale.

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28. 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
 5 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 un-
 10 provided 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 the said ~~College and~~ Grammar School or Schools, in accordance with the trust under which the said trust property was originally granted. And the
 15 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
 20 matters, purposes, and things regarding the said ~~College and~~ Grammar School or Schools.

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

“THE AUCKLAND COLLEGE AND GRAMMAR SCHOOL ACT AMENDMENT ACT, 1884.”

29. The Board, ~~of Governors~~, notwithstanding any restrictions that may be imposed or seemed to be imposed by “The Auckland College and Grammar School Act, 1877,” or the trust deed referred to in the said Act, shall, under such regulations as they may make for that purpose, have full power to grant free education in the Auckland ~~College and~~ Grammar School to all students, whether they have received their previous education in the said
 30 school or elsewhere, and also to allow all students, whether educated in the said school or elsewhere, to compete for, win, and hold such prizes, exhibitions, and scholarships as the said Board may offer for competition: Provided that nothing in this clause shall restrain the ~~Governors~~ Board from establishing or sanctioning
 35 the establishment of special prizes, exhibitions, or scholarships exclusively for the students attending the said school.

Power to Governors to grant free education, and permission to compete for prizes, &c, to students, wherever educated.

Proviso.

30. The Acts enumerated in the First Schedule are hereby repealed: Provided that such repeal shall not affect the validity of anything done under the authority of these Acts; and the Acts
 40 enumerated in the Second Schedule shall not apply to the Auckland Grammar School except so far as their provisions are embodied in this Act.

Repealing clause.

Schedules.

SCHEDULES.**FIRST SCHEDULE.**

- "THE Auckland College and Grammar School Act, 1877."
- "The Auckland College and Grammar School Act, 1880." (Local, No. 11.)
- "The Auckland College and Grammar School Act, 1882." (Local, No. 2.)
- "The Auckland College and Grammar School Act 1877 Amendment Act, 1884." (Local, No. 1.)

SECOND SCHEDULE.

- "THE High School Reserves Act, 1880."
- "The Public Bodies' Powers Act, 1887."
- "The Public Bodies' Powers Act 1887 Amendment Act, 1891."
- "The Reserves, Endowments, and Crown and Native Lands Exchange, Sale, Disposal, and Enabling Act, 1898," section 11.

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