

Mr. Ballance.

# Wanganui Endowed School.

## ANALYSIS.

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## A BILL INTITULED

**AN ACT** to vest in a Board certain Lands at Wanganui Title.  
originally granted to the Bishop of New Zealand  
for the purposes of an Industrial School.

**WHEREAS** by a grant dated the thirteenth day of October, one Preamble.  
thousand eight hundred and fifty-two, a parcel of land in the  
Township of Wanganui was granted by Her Majesty the Queen unto  
the Right Reverend George Augustus, Bishop of New Zealand, for the  
purposes of a school for the children of Her Majesty's subjects of all  
races, and of children of other poor and destitute persons being in-  
habitants of islands in the Pacific Ocean, to hold unto the said  
Bishop and his successors in trust for the use and towards the main-  
tenance of the said school, so long as religious education, industrial  
training, and instruction in the English language should be given to  
the youth educated therein or maintained thereat: And whereas  
a true copy of such grant is set forth in the Schedule hereto:  
**And** whereas under the authority of "The Bishop of New Zealand  
Trusts Act, 1858," power was granted to the said Bishop to convey  
and assure the said parcel of land to Trustees appointed by the General  
Synod of the Church of England, subject nevertheless to all the trusts  
and for the intents and purposes for which the same was conveyed  
to or held in trust by the said Bishop, and the same is now vested in

the Bishop of Wellington, William McLeod Bannatyne, Esquire, and George Hunter, Esquire, or in some of them as such Trustees as aforesaid :

And whereas it is expedient that provision should be made for more effectually carrying out the trusts and purposes aforesaid by vesting the said land in a Board, to be constituted as hereinafter provided :

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 Wanganui Endowed School Act, 1879.”

Interpretation.

2. In this Act, if not inconsistent with the context,—

“Board” means the Board constituted by this Act, and includes its successors :

“Trustees” mean the persons in whom the lands described in the grant set out in the Schedule are now vested.

#### CONSTITUTION OF BOARD.

Constitution of Board for purposes of Act.

3. For the purposes of this Act a Board shall be constituted, to consist of nine members, to be appointed from time to time by the Governor; three of whom shall retire by rotation on the first day of March in every year, but shall be eligible for reappointment.

The members to retire shall be those who have the longest been in office without reappointment. Where three or more members hold appointments of even date, the members to retire shall be determined by lot.

Resignations.

4. Any member of the Board may resign on giving to the Board one month's notice in writing.

Disqualifications.

5. If a member of the Board absents himself during six consecutive months from all meetings of the Board, without the leave or approval of the Board, or is punished with imprisonment for any crime, or takes the benefit of or is brought under the operation of any law relating to bankrupts or insolvents, such person shall cease to be a member of the Board, and his office shall thereupon be vacant.

Vacancies.

6. If any casual vacancy in office occurs by death, resignation, disqualification, or otherwise, a new appointment shall be made by the Governor within one month after the vacancy has occurred.

Provision in case appointments not made.

7. If the Governor does not within one month after a vacancy has occurred in the office of a member or members of the Board appoint a successor to such member or members, the Board may, on the expiration of such month, appoint a member or members in his or their place.

Vacancy not to vitiate proceedings.

8. No act or proceeding of the Board shall be questioned on account of any vacancy or vacancies in such Board.

Disqualification not to vitiate proceedings.

9. No disqualification of or defect in the appointment of any person or persons acting as a member or members of the Board shall be deemed to vitiate any proceedings of such Board in which he or they have taken part, in cases where the majority of members, parties to such proceedings, were duly entitled to act.

#### PROCEEDINGS OF BOARD.

Board may make regulations for conduct of business, &c.

10. The Board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of meetings, the quorum of the Board, the duties of officers, and for the general conduct of business as they think fit, subject to the following conditions :—

(1.) The first meeting shall be held on the third Monday after the appointment by the Governor of the first nominated

- members of the Board, and if not held on that day shall be held on a day to be fixed by the Governor.
- (2.) An ordinary meeting shall be held once at least in every three months, and such meeting shall be held within one month after every fresh appointment of members.
- (3.) The quorum to be fixed by the Board shall not be less than three members.
- (4.) Every question shall be decided by a majority of votes of members present and voting on that question.
- (5.) If at any meeting the Chairman is not present at the time appointed for holding the meeting, the members present shall choose some one of their number to be Chairman at that meeting.
- (6.) In case of an equality of votes at any meeting, the Chairman for the time being shall have a second or casting vote.

11. The Board shall keep proper minutes of their proceedings, and such minutes, if signed by any person purporting to be the Chairman of the Board, either at the meeting of the Board at which such proceedings took place, or at the next ensuing meeting of the Board, shall be receivable in evidence without further proof.

Board to keep minutes of proceedings.

Until the contrary is proved, every meeting of the Board, in respect of the proceedings of which minutes have been made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified to act.

12. The Board may from time to time appoint such officers of the Board as may be required, and such master and other teachers of any school under the control of the Board as may be necessary, and fix the remuneration to be paid to any person so appointed; and the Board shall have full power to remove any such person from time to time.

Board may appoint and remove masters, teachers, and other officers.

INCORPORATION AND POWERS OF BOARD.

13. The Board shall be a body corporate by the name of "The Wanganui Endowed School Board," having perpetual succession and a common seal, and shall be capable in law for the purposes of this Act of doing and suffering all such acts and things as bodies corporate may do and suffer, with power to take and hold lands subject to this Act.

Incorporation of Board.

14. Upon the constitution of the Board the lands mentioned in the grant set forth in the Schedule hereto, together with all buildings thereon, shall cease to be vested in the Trustees, and, without any conveyance or assurance whatever, be absolutely vested in the Board, for an estate in fee-simple, subject nevertheless to all the trusts and for the intents and purposes for which the same were respectively conveyed to or are held in trust by the Trustees, and all powers of management and control of the Trustees over such lands shall wholly cease, and such management and control shall be vested in the Board.

Vesting of property in Board.

15. Nothing herein contained shall prejudice or affect any lease of any part of the said land lawfully granted before the passing of this Act, and then in force, or any contract or agreement for any such lease, or any mortgage, charge, or other encumbrance existing in respect of any such lease, or the estate or interest comprised therein.

Protection of existing leases, &c.

All such leases, contracts, or agreements shall have effect and may be enforced and dealt with as if they had been made by or entered into with the Board.

16. All rents, issues, and profits of the said land, and all other moneys in the hands or in the control of the Trustees, and derived from or arising out of the trust property vested in them, shall, upon the passing of this Act, vest in the Board, and be held by it for the purposes of this Act.

Rents, &c., in hands of Trustees to vest in Board.

17. The Board may from time to time, by any deed, lease any portion of the trust property vested in it, in respect of which no trust

Powers of Board to lease.

shall have been created inconsistent with the exercise of this present power, to any person or persons for any term not exceeding twenty-one years in possession and not in reversion, at such rent and subject to such covenants and provisos as the said Board may deem reasonable, and may apply the rents of the property so leased to the purposes to which the annual income or proceeds of the trust property shall for the time being be properly applicable: Provided that, for building purposes, the Board may, subject as aforesaid, lease any portion of the trust property vested in it for any term not exceeding forty-two years.

Board to keep school in repair.

**18.** The Board shall at all times keep and maintain the school and school buildings, and all yards and play-grounds attached to the school or connected therewith, in good and sufficient repair and condition, and may enlarge and improve any such buildings.

May erect additional buildings.

If further accommodation is requisite for the purposes of the school, the Board may take such steps and enter into all necessary contracts for the construction or erection of other buildings, either in connection with any existing school buildings on the lands vested in the Board, or on such other part or parts of such land as it may think fit.

May discontinue any school.

The Board may at any time discontinue any school so erected as last aforesaid, or may unite it with any other school erected on the aforesaid lands.

Board may borrow money for building purposes.

**19.** For the purpose of erecting or re-erecting school buildings or other buildings connected with any school erected or that may hereafter be erected on the lands vested in it, the Board may, with the approval of the Governor in Council, borrow, upon mortgage of all or any part of the lands vested in it, such moneys as shall be deemed requisite.

And mortgage lands.

The Board may execute to the lender of such moneys a mortgage of the lands, or such part thereof as may be agreed upon, with all usual and necessary powers and remedies to the mortgagee, including a power of sale in case of default in payment of the principal moneys and interest secured.

Contracts of Board.

**20.** The Board shall have full power and authority to enter into, execute, and complete any contracts necessary for carrying out the purposes of this Act.

Any contract which, if made between private persons,—

Firstly, must be in writing under seal;

Secondly, must be in writing, signed by the parties thereto;

Thirdly, may be made verbally without writing:

When made with the Board,—

In the first case, shall be in writing under the seal of the Board;

In the second case, shall be signed by two members of the Board, on behalf of and by its direction;

In the third case, may be made verbally without writing by the Board, or any two members thereof by its direction:

And all such contracts may be varied and discharged in the same manner.

#### FUNDS OF BOARD AND AUDIT.

Income how to be applied.

**21.** The rents, profits, and annual income of the property vested in the Board, or derived from school fees or other sources, shall be applied in the maintenance of the school and the buildings connected therewith, and otherwise in carrying out the provisions of this Act.

Reserve fund.

**22.** The Board shall have power from time to time to set apart, out of the said rents, profits, and annual income, such part as they shall think fit as a reserve fund to meet extraordinary expenses, which

shall be invested or dealt with in such manner as the Board, with the consent of the Governor, may direct.

23. All moneys received by the Board, whether from rents, profits, or annual income, or from school fees, or other sources whatsoever, shall be paid into such bank as the Board may from time to time determine, to the account to be called "The Wanganui Endowed School Account." **Funds of Board.**

24. No moneys shall be drawn out of such bank except by cheque signed by the Treasurer and countersigned by two members of the Board from time to time appointed for that purpose. **Drawing moneys from bank.**

25. The Board shall keep proper books of account of all moneys received or disbursed by it, and once at least in every year shall cause such accounts to be properly audited by one or more Auditors to be appointed by the Board. **Accounts to be kept and audited yearly.**

Copies of such accounts, when audited and certified by the Auditor or Auditors, shall be transmitted to the Governor.

26. If in any year no audit of such accounts has been made and held, the Governor may appoint an Auditor to examine the accounts of the Board. **If no audit in any year, Governor may appoint Auditor.**

Every Auditor so appointed shall have full power and authority to do all or any of the following things:—

- (1.) Enter into any school or building in the occupation of the Board, and take possession of all books, moneys, papers, and documents the property of the Board to be found therein :
- (2.) He may, by notice under his hand, require the attendance of the Chairman or of the Treasurer or other officer of the Board, and the production of all books, bills, vouchers, and documents in the possession, custody, or control of the Board in anywise relating to the duties or functions of the Board or such Treasurer.

Any person who refuses without lawful excuse to attend the Auditor after receiving such notice, or who refuses or neglects to produce any books, bills, vouchers, or documents as before provided, shall be liable to a penalty of not less than *five* pounds nor more than *fifty* pounds, to be recovered in a summary way.

27. Within one month after the accounts have been audited and certified under this Act, the Board shall cause such accounts to be published at least twice in some newspaper circulating in the Borough of Wanganui. **Board to publish accounts after audit.**

If the Board neglects to do so, the Governor may direct that such accounts be so published, and the expense of so doing may be recovered from the Board by the persons publishing such accounts.

28. A member of the Board shall not be answerable, personally, for any loss which may arise by reason of any trust money being deposited in the hands of any banker, or agent, or from the insufficiency or deficiency of any security upon which the trust money or any part thereof may be invested, nor for any loss in the execution of the trust, unless the same shall happen through his own wilful neglect or default. **Members of Board not personally responsible.**

29. The receipt of the Board, or of any agent duly authorized in that behalf, shall be a good and effectual discharge for all money paid to the Board or such agent under or by virtue hereof, and shall exonerate the person or persons paying such money from all obligation of seeing to the application thereof, and from all liability on account of the loss, misapplication, or non-application thereof. **Receipts for money.**

MANAGEMENT OF SCHOOL.

30. The school shall be open to scholars of all denominations, being persons domiciled in the colony, or whose parents or guardians are resident in the colony, and shall be conducted and managed in accordance with regulations to be from time to time made by the Board, subject to the approval of the Governor in Council. **Regulations for conduct of school.**

Regulations not to  
contravene certain  
provisions.

**31.** No regulations shall be made which shall contravene the following provisions:—

- (1.) One-third in number of the scholars, both resident and day scholars, shall be admitted free of all payment or charges whatsoever.
- (2.) It shall not be a condition of any scholar being admitted into or continuing in the school that he shall attend or abstain from attending any Sunday school or any place of religious worship.
- (3.) Or that any scholar shall attend any religious observance or any instruction in the school or elsewhere from which observance or instruction he may be withdrawn by his parent or guardian.
- (4.) Or that any scholar shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs.
- (5.) The time when any religious observance or instruction in religious subjects is given in the school shall be inserted in a notice to be kept permanently and conspicuously fixed in each separate school-room.
- (6.) Any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school.

School to be open to  
inspection.

**32.** The school shall at all times be open to the inspection of any Inspector of Schools appointed or acting under any Act for the time being authorizing inspection of public schools, or of any officer or person appointed for like purposes.

Schedule.

### SCHEDULE.

#### GRANT FOR INDUSTRIAL SCHOOL AT WANGANUI.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth.

To all to whom these presents shall come, greeting.

WHEREAS a school is about to be established at Wanganui, in the Province of New Munster, New Zealand, under the superintendence of the Right Reverend George Augustus, Lord Bishop of New Zealand, for the education of children of our subjects of all races, and of children of other poor and destitute persons being inhabitants of Islands in the Pacific Ocean: And whereas it would promote the objects of the said institution to set apart a certain piece or parcel of land in the neighbourhood thereof for the use and towards the maintenance and support of the same: Now know ye that we, for us, our heirs and successors, do hereby grant unto the said George Augustus, Bishop of New Zealand, all that piece or parcel of land situate in and being in the District of Wanganui, in the Province of New Munster, New Zealand; and bounded towards the North-west by London Street, 5300 links; towards the North-east by Victoria Avenue, 5400 links; towards the South-east by Ingestre Street, 3200 links; and towards the South and South-west by Asylum Road, 2000 links and 4000 links respectively: the contents being 250 acres and 32 perches or thereabouts, and the boundaries being more particularly delineated on the plan drawn in the margin of these presents: together with the rents, issues, and proceeds thereof: to hold unto the said George Augustus, Bishop of New Zealand, and his successors, in trust, nevertheless and for the use and towards the maintenance of the said school so long as religious education, industrial training, and instruction in the English language shall be given to the youth educated therein or maintained thereat.

In testimony whereof we have caused this our grant to be sealed with the Seal of our Province of New Munster, in our said territory.

Witness our trusty and well-beloved Sir George Grey, a Knight Commander of the most Honorable Order of the Bath, Governor-in-Chief and Commander-in-Chief of our said territory and its dependencies, and Governor of our Province of New Munster, at Wellington, in New Zealand aforesaid, this thirteenth day of October, in the sixteenth year of our reign, and in the year of our Lord one thousand eight hundred and fifty-two.

G. GREY.