

Timaru High School Act 1878

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An Act to provide for the Establishment and Management of the Timaru High School.

Preamble.

WHEREAS it is expedient and desirable to make special provision for the establishment and management of a High School to be established within the Education District of South Canterbury, at Timaru, in the County of Geraldine:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title.

The Short Title of this Act shall be “The Timaru High School Act, 1878.”

2 Board of Governors to be appointed and incorporated.

The 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 Timaru High School 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.

3 Constitution of Board of Governors.

The said Board shall consist of seven persons, of whom one shall be the Mayor for the time being of the Borough of Timaru, one shall be nominated from time to time by the County Council of Geraldine, and one by the County Council of Waimate, two shall be nominated and appointed from time to time by the Governor, and two shall be elected annually by the Board of Education for South Canterbury; and no member shall hold office longer than a year, but a retiring member shall be eligible for election or nomination.

4 Governors to vacate office in certain cases.

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

In the event of any vacancy or vacancies occurring by reason of the death, resignation, or otherwise of the members of the said Board, such vacancy or vacancies may be forthwith filled up by the election of a new member or members by the said Education Board of the District of South Canterbury, or by the nomination of the Governor, or of the County Council of Geraldine or Waimate, according as the vacancy shall have occurred in the case of a member who has been elected by the said Education Board, or nominated by the Governor, or by such County Councils.

5 First meeting, and election of Chairman.

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 a casting vote on all questions coming before the Board; and such Chairman shall have the custody of the common seal.

6 Board of Governors may regulate proceedings.

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.

7 Proper minutes of all meetings to be kept.

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.

8 Accounts to be kept and annually audited.

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 each 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.

9 Board to act only upon resolutions passed at meetings.

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.

10 Trust property vested in Board without special trust to be for the benefit of Timaru High School.

The site for a High School at Timaru, which has been purchased by the Board of Governors of the Canterbury College, together with all moneys now held by

the said Board of Governors of the Canterbury College in trust for the purposes of a High School at Timaru, shall be held by the Board of Governors of the Timaru High School upon trust for the general purposes of this Act.

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

The said Board shall have power with respect to all lands that may be vested in them by virtue of this Act to manage 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, 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 fore-gift shall be taken by the said Board in respect of any such lease.

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

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 at Timaru, 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 addition to the capital fund, which shall then be invested in manner as 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.

13 Board may invest moneys not required for annual expenditure.

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 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.

14 Application of moneys.

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 Timaru High School,

expend any sum or sums not exceeding on the whole ten thousand pounds in erecting suitable buildings and premises for use as a High School.

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

There shall be vested in the Board the whole control and management of the Timaru High School, 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 School, and also the entire management and superintendence over all the affairs, concerns, and property 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.

16 Reserves, how granted.

It shall be lawful for the Commissioners appointed under "The Education Reserves Act, 1877," for the Provincial District of Canterbury, or, if they fail to act, for two Commissioners appointed for that purpose by the Governor, to select out of the reserves for secondary education in the Provincial District of Canterbury such reserves as will be equal to one-fourth of the whole value of the said reserves, to be ascertained in manner following: The said Commissioners shall, within six months after the passing of this Act, make a valuation of the whole of the said reserves for secondary education in the said provincial district, and shall determine which of such reserves shall be of a value equal to one-fourth of the whole value thereof, and shall set apart the reserves last aforesaid for the maintenance of the Timaru High School: Provided always that the reserves so set apart shall, as nearly as possible, be selected out of that part of the whole reserves for secondary education which are situated within the Education District of South Canterbury.

And, on the Proclamation of the Governor that such reserves have been selected and set apart for the said Timaru High School, the said reserves shall absolutely vest in the Timaru High School Board incorporated by this Act.

17 Inspection.

The Timaru High School shall be subject to inspection by an Inspector appointed by the Minister of Education.