

Costley Training Institution Act 1885

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An Act to declare the objects to which a certain portion of the Costley Bequest may be applied; and to establish the Costley Training Institution.

Preamble

WHEREAS Edward Costley, of Auckland, by his last will and testament bequeathed the residue of his real and personal property to his executors named in the said will in trust for certain charities in Auckland as in the said will mentioned, and did empower his

said executors to define the persons to whom the moneys or legacies should be paid in trust for the said charities or objects:

And whereas the training school at Kohimarama was one of the charities named in the said will, and was entitled to a proportion of the property bequeathed as aforesaid:

And whereas the executors named in the will, in exercise of their powers thereunder, appointed William Crush Daldy, Shirley Whitfield Hill, and Theodore Minet Haultain, all of Auckland, to be the Trustees (hereinafter referred to as **the Trustees**) or recipients of the money payable to the aforesaid training school at Kohimarama, and have paid to the said Trustees the sum of twenty-four thousand dollars, payable to the said school under the provisions of the said will, and have yet to pay them a further sum of three hundred dollars on the same account:

And whereas doubts have been entertained whether the training school at Kohimarama may be considered the same as the existing school at Kohimarama, which has, together with the school in Howe Street, at Auckland, become incorporated into one school under the same management, and is known as the Auckland Industrial School, and whether the Trustees can apply the aforesaid sum for the school last named:

And whereas the said Trustees are desirous of being authorized to apply the money in their hands to the objects hereinafter named, as being in their opinion the best calculated, under the circumstances, to realize the wishes of the testator:

The words “twenty-four thousand dollars” and “three hundred dollars” were substituted, as from 10 July 1967, for the words “twelve thousand pounds” and “one hundred and fifty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

1 Short Title

The Short Title of this Act is The Costley Training Institution Act 1885.

2 Costley Training Institution to be established

The said Trustees, to whom have been paid the said sum of twenty-four thousand dollars as aforesaid, and their successors, shall hold the said money, and also the aforesaid balance of three hundred

dollars when received by them, and the income and profits thereof, upon trust—

- (1) To apply thereout a sum not exceeding six thousand dollars thereof in the purchase of a site in or near the City of Auckland, and the erection and furnishing of buildings thereon to be called **The Costley Training Institution**; and
- (2) To invest the remainder of such money in such real or Government securities in New Zealand as they shall think fit, and apply the yearly income or proceeds of such investments in defraying the cost of the maintenance of such institution and the general expenses attending the carrying out the objects thereof.

The words “twenty-four thousand dollars”, “three hundred dollars” and “six thousand dollars” were substituted, as from 10 July 1967, for the words “twelve thousand pounds”, “one hundred and fifty pounds” and “three thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

3 Succession of Trustees

If any Trustee shall die, or by writing under his hand to the Trustees shall resign his office, or become incapacitated, or cease for six months to reside in the City of Auckland or its vicinity, or become bankrupt within the meaning of any Act relating to bankruptcy, his office shall become vacated, and the continuing Trustees shall within one month of the occurrence of such vacancy notify the same to the Governor, who shall appoint another Trustee in his place: And if no such notification is made within the time aforesaid, the Governor shall make the necessary appointment.

All property from time to time belonging to the institution and held by the Trustees shall vest in such Trustees and their successors respectively without any conveyance or transfer.

4 Objects of the institution

The objects of the institution shall be,—

- (1) The selection by the said Trustees, in proportion to the amount of funds available, of a certain number of boys and girls of ages fit to be apprenticed, being inmates of the schools established under The Industrial Schools Act 1882, in or near the City of

- Auckland, and the apprenticing such boys to suitable trades, and the providing such girls with domestic service or other suitable employment;
- (2) The maintaining of such boys and girls, wholly or partially free of cost,—
- (a.) The boys at the said institution until they are apprenticed, and thereafter until they earn from their respective trades sufficient to maintain themselves, and are otherwise capable of being left to their own control; and
- (b.) The girls with approved private persons until they are placed at service, or otherwise can maintain themselves.
- (3) The providing for the instruction and improvement of the boys and girls in such manner and at such times as the Trustees think fit, including the tuition of the boys in technical knowledge in any trade or handicraft or in sea-manship.

4A Further purposes for which funds may be expended

- (1) Notwithstanding anything in this Act, the Costley Training Institution Trust Board may expend money for all or any of the following purposes, namely:
- (a) Contributing towards the maintenance of young people apprenticed to trades or professions or other approved employment:
- (b) Assisting boys and girls, in such manner as they think fit, to obtain the benefits of secondary or higher education.
- (2) Such money may be expended for such purposes as aforesaid notwithstanding that the boys and girls to or in respect of whom payments are made do not otherwise qualify for payments under this Act.
- (3) No payment pursuant to this section shall be made to or in respect of any boy or girl unless such boy or girl is approved by an officer of the Department of Social Welfare to be appointed in that behalf by the Minister of Social Welfare.

This section was inserted, as from 9 October 1975, by section 2(1) Costley Training Institution Amendment Act 1975 (1975 No 65).

Subsection (1) was amended, as from 13 December 1979, by section 2 Costley Training Institution Amendment Act 1979 (1979 No 81) by substituting the words “Costley Training Institution Trust Board may expend money” for the

words “Trustees may expend money, the property of the Costley Training Institution Trust Board”.

5 Management of the institution

The Trustees may from time to time make rules for the management and conduct of the institution, and for the discipline and control of the boys maintained therein, and of the girls maintained at its cost; and may appoint a manager of the institution and such other officers, persons, and servants as may from time to time be required for the institution, who respectively shall have such duties and authorities as may be provided by such rules.

All such rules shall be submitted to the Governor, who at any time may require the Trustees to amend, alter, or cancel any of them.

6 Contributions from inmates towards their own cost of maintenance

By any such rules aforesaid the Trustees may appoint the proportion of cost that shall be contributed out of their weekly earnings by the aforesaid boys and girls for their maintenance at the institution or with private persons as aforesaid.

7 Transfer of inmates of schools to institution

The selection of inmates of industrial schools for transfer to the institution as aforesaid shall be made by the written application of the Trustees in that behalf to the manager of the school whence such inmates are to be selected, and on approval of such selection the Governor may order the transfer of such inmates from the industrial school to the institution in the same manner as he may order the transfer of such inmates from one industrial school to another.

8 Transfer of guardianship

The Governor may, under the authority of section 28 of The Industrial Schools Act 1882, make an order appointing the manager of the institution established under this Act, or such other person as he may think fit, or as the Trustees may recommend, to have the guardianship of any inmate of an

industrial school who has been transferred to the aforesaid institution, and the manager or person so appointed shall have all the powers granted to managers of industrial schools by section 27 of the above first-mentioned Act.

9 Inspection

The institution shall be open at all reasonable times to inspection by any Inspector of Industrial Schools established under The Industrial Schools Act 1882.

10 Surplus funds

If in any year the Trustees shall have any unexpended part of the income of the institution, they may invest the same in such securities as herein above mentioned as they think fit, and may apply the income of such last-mentioned investments, or at any time may realize upon such investments, and apply the whole or so much of the proceeds as they think best in furtherance of the objects of the institution, or in enlarging, altering, or repairing the buildings connected therewith.

11 Accounts of institution

The Trustees shall cause proper accounts to be kept of all the income and expenditure on account of the institution or of the objects connected therewith; and such accounts shall be audited in each year by the Audit office.

This section was amended, as from 28 August 1907, by section 12 Costley Training Institution Act Amendment Act 1907 (1907 No 8) by substituting the words “shall be audited in each year by the Audit office” for the words “shall be audited in each year by such person as the Trustees shall appoint”.

12 Yearly balance sheet to be sent to Minister

A copy of the balance sheet of such accounts, when certified by the Audit Office, shall be sent in each year by the Trustees to the Minister of Social Welfare.

This section was amended, as from 28 August 1907, by section 12 Costley Training Institution Act Amendment Act 1907 (1907 No 8) by substituting the words “Audit office” for the word “Auditor”.

This section was substituted, as from 9 October 1975, by section 3(1) Costley Training Institution Amendment Act 1975 (1975 No 65).

13 Board may borrow on overdraft

The Costley Training Institution Trust Board may from time to time, in anticipation of its revenue, borrow from its bankers by way of overdraft such sum or sums as it thinks necessary for more effectually carrying out the purposes of the trust, but so that the total amount so borrowed and remaining unpaid shall not at any time exceed an amount equal to one half of the Board's income during the previous year.

This section was inserted, as from 13 December 1979, by section 3(1) Costley Training Institution Amendment Act 1979 (1979 No 81).