

1880, No. 35.

**HIGH SCHOOLS  
RESERVES.**

AN ACT to regulate the Administration of Reserves and Endowments made for Colleges and High Schools, and to provide for the Application of the Proceeds thereof. [28th August, 1880.]

BE IT 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 High Schools Reserves Act, 1880.”

What are high schools.

2. The colleges and schools mentioned in the Schedule hereto are herein called “high schools,” and the provisions of this Act shall apply exclusively in respect to the said schools :

But the Governor in Council may from time to time declare any public school to be a high school within the meaning of this Act.

Reserves and endowments to vest without grant.

3. All reserves and endowments made for high schools, and vested in any persons, under or by virtue of any enactment, shall vest in such persons from the date of the enactment coming into operation without any grant, conveyance, or transfer.

Powers of Trustees as to real estate of schools.

4. The persons in whom for the time being is vested the real property of any high school (herein called “the Trustees”) 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.

5. Every lease and sale of lands under this Act shall be disposed of at public auction or by public tender, and at least two months' 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.

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

All rents and profits derived from any such 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 Trustees shall for the time being be properly applicable.

Application of proceeds.

6. The Trustees may, subject to this Act, let any lands vested in them, or any part thereof, at such rents and upon such terms and conditions as the Trustees shall determine, so that such leases for rural or pastoral 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 Trustees think fit.

Trustees may lease lands without premium.

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.

7. Where any block of land has been set aside under any enactment in force at the time of the coming into operation of this Act as an endowment for any high school, with power to any Land Board to sell, deal with, or otherwise dispose thereof, the Land Board of the district where such lands are situate may from time to time sell or otherwise deal with and dispose of such lands as are last mentioned, in like manner as waste lands within the respective provincial districts in which they are situated may be sold, dealt with, or disposed of:

Endowments may be disposed of by Land Board.

Provided always that the Land Board shall in no case dispose of any such lands in the manner generally known as the homestead system.

The Receiver of Land Revenue shall, after deducting the costs of survey of such land, pay the proceeds and profits thereof in manner provided by any enactment regulating the application of such moneys.

8. The Trustees, with the sanction of the Governor, may sell and absolutely dispose of, either together or in parcels, by public sale, all or any part of the real property vested in them in respect of which no trust shall have been created inconsistent with the exercise of this present power; or may exchange the said property, or any part thereof, for any other freehold hereditaments situate in the Colony of New Zealand; and give (out of any money in their hands applicable to such purpose) or receive any money by way of equality of exchange; and may execute all such conveyances as may be requisite for effectuating such sale or exchange.

Trustees may sell or exchange lands, &c., vested in them, and buy others.

9. All property which shall be so purchased or received in exchange as aforesaid shall be held by the Trustees or Trustee in whom it shall become vested for the same purposes as the property so to be sold or given in exchange was held subject to.

Lands purchased to be held for same purposes.

10. All money arising from such sale, or received by any Trustees or Trustee for equality of exchange as aforesaid, after payment of the costs and expenses payable by such Trustees or Trustee in relation to such sale or exchange, shall be expended in the absolute purchase of other freehold lands or hereditaments in New Zealand.

Proceeds of sale to be applied in purchase of other lands.

Trustees may, with consent of governors of schools, invest such proceeds.

11. Provided always that the Trustees, with the sanction of the governors of the high school to which such money belongs, may invest such money or any part thereof upon mortgage of freehold lands in the colony, or upon the stocks, bonds, bills, or debentures of the Government of the colony or of any Municipal Corporation established therein, and may from time to time vary any such investment.

Trustees may mortgage real estate.

12. The Trustees, with the sanction of the Governor, may from time to time pledge or otherwise give security over the proceeds and profits thereof for any time not exceeding five years in such manner as they shall think fit; and, in the event of so doing, shall pay such proceeds and profits to such persons and in such manner as may be agreed upon between the Trustees and the holder of the security.

Trustees may, with sanction of Governor, apply moneys in buildings.

13. The Trustees may, with the sanction of the Governor, out of such moneys as shall come into their hands by virtue of this Act, expend any sum or sums that may be required in erecting suitable buildings and premises for use of the high school or in connection therewith.

Value of buildings not to exceed one-eighth value of whole property of school.

14. No sale or other disposal of land shall be permitted for the purpose of applying the proceeds to the construction of buildings and premises in any case where the estimated value of all buildings and premises used as a high school, or in connection therewith, shall be thereby augmented so as to exceed the one-eighth part of the estimated value of all the real and personal property belonging to such school.

Saving as to existing leases, &c.

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

All inconsistent enactments repealed.

16. All enactments contrary to or inconsistent with the provisions of this Act are hereby repealed.

Schedule.

#### SCHEDULE.

##### COLLEGES AND SCHOOLS TO WHICH THIS ACT APPLIES.

Ashburton High School.	Otago Boys' and Girls' High Schools.
Auckland College and Grammar School.	Boys' and Girls' High School at the Thames.
Auckland Girls' High School.	Timaru High School.
Christchurch Boys' High School.	Waitaki High School.
Christchurch Girls' High School.	Wanganui High School.
Southland Boys' and Girls' High School.	Wellington College.
New Plymouth High School.	Whangarei High School.