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Mr. Thomson.

Balclutha Athenæum.

ANALYSIS.

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A BILL INTITULED

AN ACT to Incorporate the Balclutha Athenæum, and to vest in the said Athenæum as a corporate body certain Lands, as an Endowment for the purposes of the said Athenæum.

WHEREAS there is an institution at Balclutha, in the Provincial District of Otago, known as the "Balclutha Athenæum;" and whereas it is desirable to incorporate the said Athenæum, and to endow it with certain lands:

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

1. The Short Title of this Act shall be "The Balclutha Athenæum Act, 1877."

2. The persons who at the time of this Act coming into operation shall be members of the association in the Town of Balclutha known as the Balclutha Athenæum, and all such other persons as shall hereafter become members of such association, shall be and they are hereby constituted a body corporate by the name of the "Balclutha Athenæum," and by such name shall have perpetual succession and a common seal, and shall have full power and authority to sue and be sued in all Courts whatsoever, and shall be capable in law, subject to this Act, to do and suffer all such acts and things as bodies corporate may do and suffer.

3. The objects and purposes of the body corporate shall be to promote public education and moral and intellectual improvement, by means of reading-rooms, libraries, lectures, classes, or in any similar manner, and to provide funds for such purposes; but the members of such body corporate shall not derive any personal pecuniary profit therefrom.

4. The lands specified in the Schedule hereto shall be and the same are hereby vested in the body corporate, and shall be held by the said body corporate in trust for the purposes of the said Balclutha Athenæum.

5. The body corporate may lease the said lands, or any part thereof, for any term not exceeding twenty-one years, at such rent, and on such terms and conditions, as to the said body corporate may seem fit.

Rents how to be applied.

6. The body corporate shall apply the rents, profits, and annual income arising from the said lands, in and towards the objects and purposes of the body corporate.

Schedule.

SCHEDULE.

ALL that portion of land partly in Block six (VI.), Warepa District, and partly to the west of the west boundary of said Block six (VI.), between said west boundary and a creek, portion of the east boundary of Clutha River Trust Endowment, containing six hundred (600) acres, be the same a little more or less. Bounded on the North by a line from the said creek, east boundary of Clutha River Trust Endowment, said line forming portion of northern boundary of Block six (VI.), nine thousand nine hundred (9900) links from thence; on the East by a line due south six thousand (6000) links; thence on the South by a line due west nine thousand six hundred (9600) links; and on the West by a creek, part of east boundary of Clutha River Trust, six thousand two hundred (6200) links, be all the said linkages more or less.

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1877.

Charitable Institutions.

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A BILL INTITULED

AN ACT to make provision for the Incorporation and Management of Charitable Institutions. Title.

WHEREAS there are hospitals and other charitable institutions established in certain towns and districts in the colony maintained partly by aid from the public funds, and hospitals and industrial and charitable institutions to be maintained in like manner may hereafter be established in other towns or districts in the colony, and whereas it is desirable to make further provision for the management of such institutions : Preamble.

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

1. The Short Title of this Act shall be the Charitable Institutions Act, 1877. Short Title.

Interpretation.

2. The words and expressions following, within inverted commas, shall have the meanings hereby assigned to them, except where there is something in the context repugnant thereto, that is to say,—

- “Institution” means any charitable institution constituted under this Act, and shall include and extend to any hospital for the relief, treatment, and cure of disease, and any institution for the relief of aged or infirm persons, and any school established hereunder. 5
- “Managers” means the persons for the time being having the management and control of any institution. 10
- “Contributors” means the persons who contribute to the extent required by this Act towards the maintenance of an institution.
- “Subscriptions,” “receipts,” and “donations” shall mean any moneys raised by voluntary contribution, or which may be collected by means of public entertainments made on behalf of any institution herein described. 15
- “Gazette” means the *New Zealand Gazette*.
- “School” means a place established under this Act in which industrial training is provided, and in which children are lodged, clothed, and fed, as well as taught. 20
- “Child” shall include every boy and girl under the age of fifteen years.
- “Near relative” of any person means and shall be held to extend to and include the husband, wife, father, grandfather, mother, grandmother, and children, as well as to the brother and unmarried sister, stepfather and stepmother of such person. 25
- “Magistrate” shall mean a Resident Magistrate or two Justices of the Peace. 30

INCORPORATION AND MANAGEMENT.

Institutions may be incorporated.

3. Any institution established for the cure of disease, or for the relief of diseased, aged, incurable, or destitute persons, or for teaching orphans or neglected children or young persons and training them in industrial pursuits, and supported in whole or in part by the voluntary contributions of not less than fifty persons, each of whom shall have paid not less than one pound per annum or ten pounds in one donation, may be incorporated as hereinafter mentioned, and all persons who shall have paid as aforesaid shall be deemed contributors within the meaning of this Act. 35

Life members.

Any person who shall pay ten pounds in one donation to any institution shall thereby become a life member of such institution; and any person who, at any time heretofore, may have paid a like sum in one donation to any institution of a like nature, existing in operation at the time of the passing of this Act, that may become incorporated under this Act, or be merged with an institution established under this Act, shall, by reason of such former donation be, or continue to be, a life member of the institutions respectively last-named. 40

Petition to be published.

4. It shall be lawful for the Governor in Council, on the receipt of a petition signed by not less than twenty of the said persons praying that such institution may be incorporated, to cause the substance or prayer of such petition to be published in the *Gazette*, and if no counter petition signed by an equal or greater number of contributors shall have been delivered at the office of the Colonial Secretary within one month after the date of such publication, the Governor in Council may declare the contributors for the time being to such institution to be, and they shall thereupon become, a body politic and corporate, by the style and title named in the Order in Council, and shall have perpetual succession and a common seal. 50

If no counter petition, Governor may incorporate.

5. After such Order in Council as aforesaid, all previous and preliminary steps and proceedings as hereinbefore required shall be deemed to have been duly and properly taken, and no objection whatsoever shall be taken to the incorporation of such contributors, but they shall under all circumstances be deemed to be duly and legally incorporated within the meaning of this Act whether it shall have been complied with or not.
6. Every such incorporated institution as aforesaid shall be governed by a committee of nine members (to be elected as hereinafter provided), who shall be called the "Managers" of the institution.
7. After such incorporation as aforesaid, it shall be lawful for any ten or more contributors who shall have signed the said petition for incorporation to convene a public meeting of the contributors to such institution by advertisement in some newspaper published in the neighbourhood of such institution, or if there shall be no newspaper published in such neighbourhood, then in some newspaper circulating therein, or in the newspaper published nearest thereto, at least two weeks previous to such meeting, for the purpose of electing the first managers of such institution.
8. Every such meeting shall choose its own chairman, who shall have a vote only in the event of there being an equality of votes; and every question submitted to such meeting shall be decided by a majority of the votes of contributors then present; and the state of the votes shall be ascertained by a show of hands or in such other manner as to the chairman shall seem expedient, and he shall declare the state of the votes to the meeting, and the persons having the largest number of votes shall be elected; and until such election shall have been made, the management of every such institution shall vest in and be carried on by the governing body which shall have previously administered its affairs.
9. The Managers elected as aforesaid shall come into office on their election, and shall hold office until the election of their successors, as hereinafter provided.
10. The Managers shall, at their first meeting, and thereafter at the annual meeting, to be held on the fourth Wednesday in January in every year, elect from their own number a President, a Vice-President, and a Treasurer.
11. The President, Vice-President, and Treasurer shall come into office on their election, and shall hold office until the election of their successors, but they may nevertheless be re-elected.
12. On the third Wednesday in the month of January in every year, one third part of the Managers shall go out of office, but may nevertheless be re-elected, and the persons who shall go out of office shall be those who have been the longest in office without re-election, or where 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.
13. On the third Wednesday in January in every year, the contributors shall, in conformity with the provisions of the eighth section of this Act, and of any by-law or regulation which may have been made in that behalf, elect a sufficient number of Managers to fill all the vacancies caused by the retirement, death, resignation, or disqualification of Managers since the last annual election hereunder.
14. 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 neighbourhood of such institution, to appoint a day for holding such election.
15. If any Manager shall die, or resign by letter under his hand addressed to the President of the institution, or become insolvent, or

After incorporation, no objection to be taken.

Institution how governed.

Meeting of contributors may convened.

Election how conducted.

Members when to enter on office.

President, Vice-President, and Treasurer.

Term of office.

Third Wednesday in January in every year one-third of the Managers to retire.

Third Wednesday in every year contributors to elect Managers to fill vacancies.

If election not held.

Office of Manager may be declared vacant.

compound with his creditors, or be convicted of any treason, felony, or misdemeanour, or, without sufficient reason, be absent from four consecutive meetings of the Managers, or shall fail to pay his annual contribution as herein required, his office shall become vacant, and the remaining Managers may appoint some contributor to such institution to supply the vacancy until the next annual meeting for the election of Managers. 5

Managers to make
by-law

16. It shall be competent for the Managers from time to time to make by-laws for the regulation of their own proceedings, for fixing the number of Managers to form a quorum, for determining the number of votes of contributors in proportion to the amount of their contributions, for determining the validity of disputed elections, and for conducting such elections, and generally for all matters whatsoever affecting the management of the institution not inconsistent with the laws of the colony; but no such by-laws shall be of any force or effect until one month after the same shall have been confirmed by a general meeting of contributors specially convened for that purpose, and published in the *Gazette*. 10 15

Governor may
revoke by-laws.

17. The Governor in Council may at any time revoke any such by-law; and every order by which any such by-law shall be revoked shall be published in the *Gazette*, and shall take effect from the time of such publication. 20

INSPECTION.

Institutions to be
inspected.

18. The Governor may from time to time appoint fit persons to be "Inspectors," and every such Inspector shall have power at any time to examine and inspect any institution established under this Act. 25

Every institution established hereunder shall from time to time, and at least once in each year, be inspected by the Inspector, who shall report the result of such inspection to the Governor. 30

Inspector to report.

19. The Governor may, on the application of the Managers of any institution, direct the Inspector to examine into the condition of such institution, and its fitness for the purpose for which it is to be used, and for the reception of persons to be sent there under this Act, and to report to him thereon. 35

Governor may issue
certificate.

20. If satisfied with the report of the Inspector, the Governor may, by notification in the *Gazette*, certify that the institution is fit for the reception of persons under this Act, and thereupon such institution shall become and be an institution under this Act.

A notice of the grant of each certificate shall within one month be published in the *Gazette*. 40

Gazette notice to be
evidence.

A copy of the *Gazette* containing the notice shall be conclusive evidence of the grant, which may also be proved by the certificate itself, or by an instrument purporting to be a copy of the certificate attested by the Inspector of the institution. 45

Rules may be made.

21. The Managers of any institution may from time to time make rules for the management and discipline of such institution not being inconsistent with the provisions of this Act; but such rules shall have no effect until approved by the Governor.

A printed copy of rules purporting to be the rules of such institution so approved, and signed by the President, shall be evidence of the rules of such institution. 50

Officers and servants.

22. The Managers of any institution may from time to time appoint and employ such fit persons as they shall think necessary to be officers, teachers, and servants under this Act, and from time to time may remove any of such officers, teachers, or servants, and appoint others in their places: And it shall be the duty of every such person to observe and carry into execution the several provisions of 55

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this Act, and the by-laws and regulations to be made as aforesaid, and to obey all lawful orders and directions of the Managers of such institution in the execution of this Act.

PROPERTY OF INSTITUTION, ACCOUNTS, ETC.

5 **23.** All real and personal estate belonging to any institution, and all real and personal estate held by any person in trust for any institution, at the time of the incorporation thereof, under the provisions of this Act, shall be and the same is hereby transferred to and vested in such corporate body. Estate how vested.

10 **24.** The Governor may from time to time contribute out of such moneys as may be voted by Parliament in that behalf, and on such conditions as may be agreed upon, towards the erection, alteration, enlargement, or rebuilding of any institution under this Act, or towards the purchase of land or buildings required either for the use of an existing institution or for the site of an institution intended to be erected under this Act: Provided that the Managers of the institution or promoters of the intended institution shall forward to the Governor particulars of the proposed establishment or purchase, and a plan of the proposed alteration, enlargement, rebuilding, or building, as the case may be, accompanied with such particulars and estimate of cost as he may require. Contribution may be made towards establishment and enlargement of institution.

15 **25.** *There shall be issued and paid to each institution, out of the Consolidated Fund, during each financial year, a sum equal to the sum raised by the Managers of such institution by subscriptions, receipts, or donations.* Subsidy from Consolidated Fund.

20 *The maximum sum to be paid from the Consolidated Fund towards the support of any such institution shall not exceed a payment at the rate of per week for each of the inmates of such institution, and at the rate of per week for each person in receipt of outdoor relief from such institution.*

30 **26.** The accounts of every institution established under this Act shall be audited once at least in every year by an Auditor to be appointed by the Governor from time to time for that purpose, who for the purposes of such audit shall have all the powers conferred by any law now or hereafter to be in force respecting the audit of the accounts of County Councils and the control and audit of the public moneys and accounts. Accounts to be audited.

OF MAINTENANCE IN CHARITABLE INSTITUTIONS.

40 **27.** The near relative of any person maintained in or who is in the receipt of outdoor relief from any institution under this Act, who has not sufficient means to pay for his own maintenance in such institution, or for the medicine or outdoor relief received therefrom, shall, if of sufficient ability, contribute to the maintenance of such person therein, or to defray the expenses incurred in behalf of the outdoor relief of such person, a sum not exceeding ten shillings per week; and the Managers of any such institution may enforce the payment thereof in the manner provided in sections *forty-three* to *forty-six* inclusive, all of which shall apply to and have effect for enforcing such payments. Near relatives liable to maintain persons who are unable to maintain themselves.

50 For the purposes of this Act in relation to the maintenance of persons in any institution or receiving outdoor relief therefrom, or of children in schools, the Public Trustee shall be deemed to be a near relative of any such persons or children aforesaid respectively, in the place of their actual near relative who shall have died intestate, and he is hereby authorized and shall contribute out of the estate in his hands of any such intestate person, towards the maintenance of the aforesaid persons or children respectively, in the same manner in all respects as the person so dying intestate would have been liable to contribute had he been alive. Public Trustee may contribute in certain cases.

OF SCHOOLS, ETC.

Managers may bring children before Magistrate for inquiry.

28. The Managers of any school may bring before any Magistrate any child that comes within any of the following descriptions :—

That is found wandering, and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence. 5

That is found destitute, or neglected, or an orphan, or who has a surviving parent undergoing imprisonment.

Any child whose near relative or guardian represents to the Manager that he is unable to control the child, and that he desires that the child be sent to a school under this Act. 10

Magistrate may issue order of detention.

The Magistrate before whom any such child is brought, may, if he shall think it expedient, order such child to be sent to the school the Managers of which brought the child before him. 15

ORDER OF DETENTION.

Form and contents of order sending child to school.

29. The order of any Magistrate sending a child to school (in this Act referred to as the order of detention) shall be in the form A in the Schedule to this Act, and shall be signed by the Magistrate, and shall specify the name of the school. 20

The school shall be some industrial school (whether situate within the jurisdiction of the Magistrate making the order or not) the Managers of which are willing to receive the child ; and the reception of the child by the Managers of the school shall be deemed to be an undertaking by them to teach, train, clothe, lodge, and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal of the certificate of the school takes effect, or until the contribution out of money provided by Parliament towards the custody and maintenance of the children detained in the school is discontinued, whichever shall first happen. 25 30

The order shall specify the time for which the child is to be detained in the school, being such time as to the Magistrate seems proper for the teaching and training of the child, but not in any case extending beyond the time when the child shall have attained the age of sixteen years. 35

The Magistrate shall endeavour to ascertain the religious persuasion to which the child belongs, and the order shall specify such religious persuasion.

Order sufficient warrant for detention.

30. The order of detention in a school shall be forwarded to the Managers of the school with the child, and shall be a sufficient warrant for the conveyance of the child thither, and his detention there. 40

Evidence of order of detention.

31. An instrument purporting to be an order of detention in a school, signed by a Magistrate, or purporting to be a copy of such order, and certified as such by the Clerk to the Magistrate by whom the order was made, shall be evidence of the order. 45

MANAGEMENT OF SCHOOLS.

Religious instruction.

32. A minister of the religious persuasion specified in the order of detention as that to which the child appears to the Magistrate to belong may visit the child at the school on such days and at such times as are from time to time fixed by regulations to be made by the Managers in that behalf. 50

Lodging child out of school.

33. The Managers of a school may permit a child sent there under this Act to lodge at the dwelling of his parent or of any trustworthy and respectable person, so that the Managers teach, train, clothe, and feed the child in the school as if he were lodging in the school itself. 55

License for living out of school.

34. The Managers of a school may at any time, by license under

their hands, permit a child sent there under this Act to live with any trustworthy and respectable person named in the license, and willing to receive and take charge of him.

5 **35.** Any such license may be revoked at any time by the Managers of the school by writing under their hands, and thereupon the child to whom the license related may be required by them, by writing under their hands, to return to the school. License may be revoked.

The time during which a child is absent from a school in pursuance of a license shall, except where such license has been forfeited by his misconduct, be deemed to be part of the time of his detention in the school, and at the expiration of the time allowed by the license he shall be taken back to the school.

10 A child escaping from the person with whom he is placed under a license, or refusing to return to the school on the revocation of his license, or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school.

15 **36.** The Managers of a school may, at any time after a child has been placed out on license as aforesaid, if he conducted himself well during his absence from the school, bind him, with his own consent, apprentice to any trade, calling, or service, notwithstanding that his period of detention has not expired, and every such binding shall be valid and effectual to all intents: or they may make such agreements for his service and the rate of wages to be paid therefor as they may think suitable; and in such case the Managers shall be entitled to sue and recover any wages due in respect of the service of any such child and not paid, and on recovery thereof may apply the same towards defraying the cost of the maintenance of such child in the school. Power to apprentice child.

20 **37.** A certificate purporting to be signed by one of the Managers of a school or their Secretary, or by the master or other person in charge of the school, to the effect that the child therein named was duly received into and is at the time of the signing thereof detained in the school, or has been duly discharged or removed therefrom, or otherwise disposed of according to law, shall be evidence of the matters therein stated. Evidence as to reception in school, &c.

35 OFFENCES AT SCHOOL, ETC.

38. If a child sent to a school, and whether lodging in the school itself or not, wilfully neglects or wilfully refuses to conform to the rules of the school, he shall be guilty of an offence against this Act, and on summary conviction before a Magistrate shall be liable to be imprisoned in any reformatory for any term not exceeding three months, and at the expiration of such term to be sent back to the school. Refusal to conform to rules.

40 **39.** If a child sent to a school, and whether lodging in the school itself or not, escapes from the school or neglects to attend thereat, he shall be guilty of an offence against this Act, and may at any time before the expiration of his period of detention be apprehended without warrant, and may be brought before a Magistrate having jurisdiction in the place or district where he is found, or in the place or district where the school from which he escaped is situate; and he shall thereupon be liable, on summary conviction before such Magistrate, to be brought back to the same school, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of committing the offence. Penalty on child escaping.

55 If the child charged with such an offence is apparently above ten years of age, then on his conviction of the offence he shall be liable at the discretion of the Magistrate, instead of being sent back to the same school, to be imprisoned in any reformatory for a term not less than seven days and not exceeding three months, and at the expiration of such term to be sent back to the school.

Penalty on persons inducing children to escape from school.

40. If any person does any of the following things, that is to say,—

- (1.) Knowingly assists directly or indirectly a child to escape from a school;
- (2.) Directly or indirectly induces a child so to escape; 5
- (3.) Knowingly harbours or conceals a child who has so escaped, or prevents him from returning to school, or knowingly assists in so doing;

—every such person shall be guilty of an offence against this Act, and shall, on summary conviction before a Magistrate, be liable to a 10 penalty not exceeding twenty pounds, or, at the discretion of the Magistrate, to be imprisoned for any term not exceeding three months with or without hard labour.

EXPENSES OF CHILDREN IN SCHOOLS.

Governor may contribute towards maintenance of children.

41. The Governor may contribute from time to time, out of money 15 provided by Parliament for the purpose, such sums from time to time as he thinks fit towards the custody and maintenance of children in any school: Provided that such contributions shall not exceed two shillings and sixpence each per week for children detained on the application of a near relative or guardian. 20

Contribution by parents, &c.

42. The near relative, guardian, or other person for the time being legally liable to maintain a child detained in a school, shall, if of sufficient ability, contribute to his maintenance and training therein a sum not exceeding ten shillings and sixpence per week.

Order for enforcement of contribution by parent.

43. On the complaint of the Managers of the school, or of any 25 constable under the directions of the Managers (with which directions every constable is hereby required to comply), at any time during the detention of a child in a school, any Magistrate may, on summons to the near relative, guardian, or other person liable as aforesaid, examine into his ability to maintain the child, and may, if he think 30 fit, make an order on him for the payment to the Managers or their agent of such weekly sum not exceeding ten shillings and sixpence per week as to him seems reasonable, during the whole or any part of the time for which the child is liable to be detained in the school.

Order may be varied.

44. Any Magistrate may from time to time vary any such order 35 as circumstances require, on the application either of the person on whom such order is made, or of the Managers of the school or their agent, on fourteen days' notice being first given of such application to the Managers of the school or their agent or to such person 40 respectively.

If weekly sum not paid, near relative may be apprehended.

45. Whenever after the making of any such order as aforesaid it shall be made to appear to a Magistrate by a complaint in writing and upon oath that any weekly sum to be paid in pursuance of such order has not been paid, such Magistrate may by warrant under his hand cause such near relative to be brought before him to 45 answer the said last-mentioned complaint.

Recovery of arrears.

46. On the return of the said warrant the Magistrate shall proceed to hear the matter of the said last-mentioned complaint, and if the same shall be proved to be true, such Magistrate shall proceed to raise, levy, or enforce payment of the said weekly sums, and the warrants thereupon may be in the form contained in the Schedule to this Act. 50

DISCHARGE, ETC., OF CHILDREN FROM SCHOOL.

Detention to cease on child attaining sixteen.

47. A person who has attained the age of sixteen years shall not be detained in a school, except with his own consent in writing. 55

Discharge by Governor.

48. The Governor may at any time order any child to be discharged from any school established hereunder, either absolutely or

on such condition as he approves, and the child shall be discharged accordingly.

CHILDREN HOW DEALT WITH WHEN CERTIFICATE WITHDRAWN.

- 5 **49.** When notice is given of the withdrawal or resignation of the certificate of a school, no child shall be received into the school for detention under this Act after the receipt by the Managers of the school of the notice of withdrawal, or after the date of the notice of resignation, as the case may be, but the obligation of the Managers to teach, train, clothe, lodge, and feed any children detained in the school at the time of such receipt or at the date of such notice shall, except as far as the Governor otherwise directs, be deemed to continue until the withdrawal or resignation of the certificate takes effect, or until the contribution out of money provided by Parliament towards the custody and maintenance of the children detained in the school is discontinued, 10 whichever shall first happen.
- 15 **50.** Where a school ceases to be a school within the meaning of this Act, the children detained therein shall be either discharged or transferred to some other such school, by order of the Governor. Children not to be received after notice.
- 20 **51.** There may be paid, out of moneys provided by Parliament for the purpose, all reasonable expenses incurred in the removal of any child transferred under the provisions of this Act. Discharge of children.
- Payment of expenses.

GENERAL.

Withdrawal, &c., of Certificate.

- 25 **52.** The Governor, if dissatisfied with the condition of any institution, may at any time, by notice under his hand addressed to and served on the Managers thereof, declare that the certificate of the institution is withdrawn as from a time specified in the notice, not being less than six months after the date thereof; and at that time the certificate shall be deemed to be withdrawn accordingly, and such institution shall thereupon cease to be an institution under this Act. Governor may withdraw certificate.
- 30 **53.** The Managers of any institution may give notice in writing to the Governor of their intention to resign the certificate of such institution, and at the expiration of twelve months from the receipt of the notice by the Governor (unless before that time the notice is withdrawn) the certificate shall be deemed to be resigned accordingly, and the institution shall thereupon cease to be an institution under this Act. Resignation of certificate by Managers.
- 35 **54.** A notice of the withdrawal or resignation of the certificate of any institution shall within one month be inserted in the *Gazette*. Evidence of withdrawal, &c.
- 40 A copy of the *Gazette* containing such notice shall be conclusive evidence of such withdrawal or resignation. Gazette notice.
- A certificate shall be presumed to be in force until the withdrawal or resignation thereof is proved.

MISCELLANEOUS.—NOTICES, ETC.

- 45 **55.** All notices to any officer or Manager of or contributor to any charitable institution, whether incorporated or not, which by the laws or rules (as the case may be) of such institution for the time being are or shall be required to be given, may be served by the same being transmitted through the post, directed according to an address to be left for that purpose by such officer, Manager, or contributor in writing under his hand at the chief establishment of such institution in such time as to admit of their delivery in the due course of post at or before such period, if any, as is or shall be prescribed by the laws or rules, as the case may be, for the time being of such institution for the giving of such notices. Notices, &c., may be served through post.

Proof of service of notice.

56. In proving such service as aforesaid, it shall be sufficient to prove that such notice was so directed as aforesaid and put into a post office in such time as aforesaid, but so nevertheless that nothing in this Act contained shall be held to render invalid any personal service of any notice, or to render necessary to the effectual service of any notice any further act, matter, or thing than would have been required for the service thereof by the laws or rules for the time being of the institution which the same shall concern if this Act had not been passed.

If address not left, notice not required.

57. No notice of any intended court, board meeting, or election shall be required to be served either by post or otherwise on any officer or Manager of or any contributor to any such institution as last aforesaid who shall not have left an address in the manner, at the place, and for the purpose hereinbefore mentioned, anything in any such laws or rules to the contrary notwithstanding.

Service of notice on Managers.

58. Any notice may be served on the Managers of any institution by being delivered to any one of them personally, or by being sent by post or otherwise in a letter addressed to the President of such institution.

Use of forms in Schedule.

59. No summons, notice, or order made for the purpose of carrying into effect the provisions of this Act shall be invalidated for want of form only; and the forms in the Schedule to this Act annexed, or forms to the like effect, may be used in the cases to which they refer, with such variations as circumstances may require, and when used shall be deemed sufficient.

Governor may remedy defects.

60. One of the Responsible Ministers of the Crown, to be nominated in that behalf by the Governor, shall, except where it is herein otherwise provided, be charged with the general administration of this Act; and in all cases in which no provision or no sufficient provision is in the opinion of the Governor made by this Act, it shall be lawful for the Governor from time to time, for the purpose of facilitating or more effectually carrying into execution any of the objects of this Act, to make and prescribe all such regulations and orders, either general or applicable to particular cases only, as he shall think fit, and such regulations and orders from time to time to revoke or alter as to the Governor shall appear to be requisite. All such regulations and orders shall be published in the *Gazette*, and being so published shall have the force of law.

Schedule.

SCHEDULE.

FORM A.

ORDER SENDING CHILD TO SCHOOL.

Sec. 28. in the Colony of New Zealand, } BE it remembered that on the day of , in pursuance of "The Charitable Institutions Act, 1877," I, , R.M., of New Zealand, } do order that A.B., of (whose religious persuasion appears to me to be), being a child subject to the provisions of section 28 of the said Act, be sent to the school at , and that he be detained there during .

C.D.

FORM B.

COMPLAINT FOR ENFORCING CONTRIBUTION.

Sec. 43. in the Colony of New Zealand, } THE complaint of the Managers [or, as the case may be] of the [describing the institution], made to me, the undersigned, a Resident Magistrate, this day of , at to wit, } who says that one A.B., of , is now an inmate of the [describing the institution]; that one C.B., of , is the near relative of the said A.B., and is of sufficient ability to contribute to the support and maintenance of the said A.B.: The said complainant therefore prays that the said C.B. may be summoned to show cause why an order should not be made on him so to contribute.

R.M.

FORM C.

SUMMONS TO NEAR RELATIVE, ETC.

in the Colony of New Zealand, } To C.B., of [State trade or occupation]. Sec. 43.
 to wit. } WHEREAS complaint hath this day been made before me, the under-
 signed, a Resident Magistrate, for that you [Here state the matter of
 the complaint]: This is to command you to appear on , at
 o'clock in the forenoon, at the Resident Magistrate's Court, at , to
 answer to the said complaint, and to be further dealt with according to law.
 Given under my hand this day of , 187 , at R.M.

FORM D.

ORDER ON NEAR RELATIVE, ETC., TO CONTRIBUTE A WEEKLY SUM.

in the Colony of New Zealand, } Be it remembered that on this day of , at , Sec. 43.
 to wit. } a certain complaint of the Managers [or as the case may be] of the
 [describing the institution], for that one A.B., of [stating the
 cause of complaint], was duly heard by and before me, the undersigned,
 a Resident Magistrate, in the presence and hearing of the said C.B. [if so; or—the said
 C.B. not appearing to the summons duly issued and served in this behalf]; and I,
 having duly examined into the ability of the said C.B., and on consideration of all the
 circumstances of the case, do order the said C.B. to pay to the said Managers [or to an
 agent of the said Managers] the sum of shillings per week from the date
 of this order within the day of , the same to be paid at the expiration
 of each fourteen [or as the case may be] days.
 Given under my hand this day of , at R.M.

FORM E.

DISTRESS WARRANT FOR AMOUNT IN ARREAR.

in the Colony of New Zealand, } To W.T., constable of , and to all other constables in Sec. 45.
 to wit. } the Colony of New Zealand.
 WHEREAS on the hearing of a complaint made by the Managers of the
 Institute, that A.B., of [stating the cause of complaint as
 in Form B], an order was made on the day of , by me, the undersigned,
 a Resident Magistrate [or by, as the case may be], against the said C.B., to pay to the
 said Managers [or as the case may be] the sum of per week from the date of
 the said order until the day of , the same to be paid at the expiration
 of each twenty-eight [or as the case may be*] days: And whereas there is due upon
 the said order the sum of , being for periods of days each,
 and default has been made therein for the space of fourteen days:
 These are therefore to command you, in Her Majesty's name, forthwith to make
 distress of the goods and chattels of the said C.B., and if within the space of days
 next after the making of such distress the said last-mentioned sum, together with the
 reasonable charges of taking and keeping the said distress, is not paid, that then you do
 sell the said goods and chattels so by you distrained, and do pay the money arising from
 such sale to , the Clerk of the Resident Magistrate's Court at , that
 he may pay and apply the same as by law directed, and may render the overplus (if
 any) on demand to the said C.B.; and if no such distress can be found, then that you
 certify the same to me, to the end that such proceedings may be had therein as the law
 requires.
 Given under my hand this day of , 187 , at R.M.

FORM F.

COMMITMENTS IN DEFAULT OF DISTRESS.

in the Colony of New Zealand, } To W.T., constable of , and to the keeper of the com- Sec. 45.
 to wit. } mon gaol at .
 WHEREAS [as in the preceding form down to the asterisk*]: And
 the undersigned, a Resident Magistrate [or as the case may be], issued a warrant to
 the constable of aforesaid, commanding him to levy the sum of due upon
 the said recited order, being for periods of days, by distress and sale
 of the goods and chattels of the said C.B.: And whereas a return has this day been
 made to me, the said Resident Magistrate [or the undersigned], that no sufficient goods
 of the said C.B. can be found:
 These are therefore to command you, the said constable, to take the said C.B., and
 him safely to convey to the public gaol at , in the said colony, and there to
 deliver him to the keeper thereof, together with this precept: And I do hereby com-
 mand you, the said keeper of the said public gaol, to receive the said C.B. into your
 custody in the said gaol, there to imprison him for the term of , unless the said
 sum, and all costs and charges of the said distress and of the commitment and con-
 veying of the said C.B. to the said gaol, amounting to the further sum of , shall
 be sooner paid unto you the said keeper; and for your doing so this shall be your
 sufficient warrant.
 Given under my hand this day of , at R.M.