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Wellington College.

ANALYSIS.

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A BILL INTITULED

AN ACT to provide for the Management of the Wellington College. Title.

WHEREAS by a certain Crown grant under the Public Seal of the Colony of New Zealand, bearing date the seventh day of October, one thousand eight hundred and fifty-three, certain parcels of land in the City of Wellington, more particularly described in the Schedule hereto, were expressed to be granted to certain Trustees to be appointed as in the said grant mentioned upon trust as an endowment of a College and Grammar Schools in the said grant mentioned: Preamble.

And whereas doubts are entertained as to the validity and operation of the said grant, on the ground that the persons therein referred to as grantees were not described with sufficient certainty:

And whereas since the date of the said grant divers persons have assumed to act as grantees and trustees thereunder, and the persons now so assuming to act are James Coutts Crawford, Joe Dransfield, Alfred de Bathe Brandon, William Lyon, and Edward Pearce:

And whereas it is expedient that the said doubts should be set at rest:

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 Wellington College Act, 1872." Short Title.

Grant validated as to its operation.

2. The said Crown grant shall henceforth be deemed to have operated so as to vest the legal estate in the lands therein comprised in the several persons who from time to time assumed to act as grantees and trustees thereunder upon the trusts in the said grant set forth. But nothing herein contained shall be construed as affirming or denying the validity of the said grant as against or in favour of any persons who may allege that the same is void invalid or liable to be cancelled and repealed as regards the whole or any part of the lands therein comprised, on any grounds other than such as are hereinbefore particularly recited. 5

Governors of Wellington College.

3. The Governors of the Wellington College shall consist of the Colonial Secretary, the Superintendent for the time being of the Province of Wellington, the Mayor of the City of Wellington, and four other persons to be appointed by the said Superintendent, with the advice of his Executive Council, if there is for the time being under the laws of the said Province an Executive Council of the Province, and if there be none then without such advice; and every person so appointed by the said Superintendent shall, subject to the provisions hereinafter contained, continue in office for the term of from his appointment. 10

Governors to vacate office in certain cases.

4. If any of the said Governors so appointed by the said Superintendent shall die, or by writing under his hand addressed to the Superintendent for the time being of the said Province resign his office, or hold or be directly or indirectly interested in any office of profit or contract with the Governors of the Wellington College, or cease for six calendar months to reside in the Province of Wellington, or become bankrupt, or make any arrangement or composition with his creditors under the provisions of any law for the time being in force relating to bankruptcy or insolvency, or be convicted of any treason felony or indictable misdemeanour, he shall immediately cease to be a Governor, and the said Superintendent shall in the manner hereinbefore mentioned appoint some fit person to be a Governor in his place; but the number of Governors for the time being in office shall never exceed seven. 20

Governor incorporated.

5. The said Governors for the time being shall be a body corporate by the name of "The Governors of the Wellington College," and shall have a common seal, with power to break alter and renew the same. The said body corporate is hereinafter referred to as "the said Governors." 35

First meeting and election of Chairman.

6. The said Governors shall meet for the first time at such time and place as the said Superintendent shall appoint, and shall forthwith proceed to elect a chairman, who shall preside at all meetings of the Governors at which he is present held during the year next after his election, and when so presiding shall have a deliberative and casting vote, and until other provision shall be made by the said Governors he shall have the custody of the common seal. 40

Governors may regulate meetings, &c.

7. The said Governors shall make, and may from time to time vary add to suspend revoke and make afresh, regulations for the conduct of business at their meetings, for determining how meetings shall be convened and what number shall be a quorum thereat, for the custody of their common seal, for the appointment of committees, and for other like purposes. 50

Minutes of proceedings to be kept.

8. The said Governors shall keep exact minutes of all their proceedings in fit books. Extracts from such books shall be *prima facie* evidence of the matters therein stated, and of the meetings to which the same relate having been duly and regularly convened and held. 55

Accounts and audit.

9. The said Governors shall keep full and accurate accounts of all their receipts disbursements assets liabilities and engagements, and shall in the month of in every year submit the 60

same, with all necessary vouchers, to be audited by such auditors as the Superintendent for the time being of the Province of Wellington shall from time to time appoint.

10 All things by this Act required to be done by the said
5 Governors shall be done in pursuance of or in accordance with a resolution passed at a meeting of the said Governors, and no act of the Governors shall be invalid or liable to be questioned on the ground that any one or more of the said Governors was or were incapacitated or had ceased to hold the office of Governor.

Governors to act upon resolutions of meetings.

10 11. Immediately upon the appointment of the first Governors of the Wellington College under this Act, all the estate right title and interest of the said James Coutts Crawford, Joe Dransfield, Alfred de Bathe Brandon, William Lyon, and Edward Pearce, in the lands and hereditaments described in the Schedule hereto, and no more,
15 shall become vested without any conveyance in the said Governors and their successors.

Lands of Wellington Grammar School vested in Governors.

12. All real and personal estate which shall under the provisions of this Act become vested in the said Governors, and all real and personal estate which shall be purchased by or granted devised
20 bequeathed or given to the said Governors for the benefit of the Wellington College without any declaration of trusts of a different nature shall be held by the said Governors upon trust for the purposes of this Act.

Trust property to be for Wellington College.

13. The said Governors may expend out of such moneys as shall
25 come to their hands under this Act or otherwise for the benefit of the Wellington College any sum not exceeding in erecting suitable buildings and premises for use as a college.

Governors may lay out £ in building.

14. The said Governors shall have power with respect to all
30 lands which may be vested in them upon trust for the purposes of this Act, to let the same or any part thereof for any term not exceeding forty-two years from the date of the lease thereof at such rent and on such terms and conditions as they shall think fit, but so that no fine premium or foregift be taken. They may also, at their discretion, sell the whole or any part of such lands on such terms as they shall think
35 fit, and apply the proceeds in or towards the purchase of other freehold lands, or invest the same in the manner next hereinafter mentioned.

Powers to lease and sell lands.

15. With respect to any moneys not being part of the rents profits and annual income of the trust property herein mentioned, the said Governors shall invest the same from time to time in the purchase
40 of land, or on mortgage of freehold land in New Zealand, or in any stocks funds bonds bills or debentures of the Government of the Colony of New Zealand, or of the Province of Wellington, or of any Municipal Corporation established or to be established within such Province.

Capital of trust funds to be invested.

16. The rents profits and annual income of the said trust property shall be applied by the said Governors for the maintenance of the Wellington College and the payment of salaries and expense connected therewith, and for prizes exhibitions scholarships and other rewards for the students therein: Provided that the said Governors
50 shall have power, if they think fit, to set apart out of the said rents profits and annual income such part as they shall think fit, either as an addition to the capital fund which shall then be invested and dealt with as part of such capital, or as a reserve fund to meet extraordinary expenses, which shall be invested and dealt with in such
55 manner as the said Governors shall direct.

Income how to be applied.

Addition to capital. Reserve fund.

17. The whole control and management of the Wellington College shall be vested in the said Governors, who shall have power to appoint, and from time to time to remove, all masters lecturers examiners and other officers and servants for the management of the
60 said College.

Governors to have control of College.

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Governors to make regulations for education, discipline, &c., in the College.

18. The said Governors shall with all convenient speed make regulations for defining the course of education in the said College, the examinations to be held, the discipline to be used, the conditions under which students shall be admitted therein, the fees to be paid, and for all other purposes for which regulations shall be needed, and they may from time to time vary add to revoke and make afresh all or any such regulations.

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SCHEDULE.

ALL that piece or parcel of land situate in the Town of Wellington, in the Province of Wellington, in the Islands of New Zealand, containing 5 acres 1 rood and 32 perches, or thereabouts, bounded towards the North-east by Hobson Street, 1020 links; towards the South by Hospital land; towards the South-west by Molesworth Street, 197 links; towards the North-west by Tinakori Road, 380 links, thence by Hospital lands up to Hobson Street. Also all that piece or parcel of land situate in the Town of Wellington aforesaid, containing 1 rood more or less, bounded towards the North by Lot 4, 100 feet; towards the South by College Passage, 100 feet; towards the East by Lambton Harbour, 112 feet; and towards the West by Willis Street, 112 feet. Also all that piece or parcel of land situate in the Town of Wellington aforesaid, containing 25 perches, more or less, bounded towards the North by Lot II., 100 feet; towards the South by Lot IV., 100 feet; towards the East by Lambton Harbour, 70 feet; and towards the West by Willis Street, 70 feet. And also all that piece or parcel of land situate in the Town of Wellington aforesaid, containing 5 acres, more or less, and bounded towards the North by Town Sections Nos. 273 and 280, 500 links and 500 links respectively; towards the East by Cambridge Terrace, and Town Section No. 280, 400 links and 200 links respectively; towards the South by Vivian Street, 1000 links; and towards the West by Tory Street, 600 links.
