

New Zealand.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Lincoln Agricultural College to be Canterbury Agricultural College.</p> <p style="text-align: center;">AS TO CANTERBURY COLLEGE.</p> <p style="text-align: center;"><i>The Board of Governors.</i></p> <p>3. Canterbury College Governors reduced to nineteen.</p> <p>4. When reduction to take effect.</p> <p>5. Board of Governors, how selected.</p> <p>6. Term of office. Retirement.</p> <p>7. Date of election or appointment.</p> <p>8. No professor or lecturer to be member.</p> <p>9. When seat of member to become vacant.</p> <p>10. Casual vacancies.</p> <p>11. Procedure for filling up vacancies.</p> <p>12. Election of members, how regulated.</p> <p>13. Mode of voting.</p> <p>14. Meetings of Board.</p> <p>15. Election of Chairman.</p> <p>16. Minister to appoint person to preside at election.</p> <p>17. Special meetings.</p> <p>18. Proceedings at meetings.</p> <p>19. Board may make by-laws.</p> <p>20. Vacancy not to affect acts.</p> <p>21. Minutes and accounts.</p> <p>22. Seal.</p> <p>23. Benefactions to be strictly applied.</p> <p>24. How annual income to be applied.</p> <p>25. Investment of moneys.</p> <p>26. Power to appoint professors, officers, &c.</p> <p style="text-align: center;"><i>The Professorial Board.</i></p> <p>27. Professorial Board.</p> <p>28. Meetings thereof.</p> <p>29. Election of Chairman.</p> <p>30. Term of office of Chairman.</p> <p>31. Proceedings at meetings.</p> | <p>32. Professorial Board to fix course of study.</p> <p>33. And deal with discipline, &c.</p> <p>34. Board to furnish reports.</p> <p>35. May make suggestions.</p> <p style="text-align: center;"><i>Lecture Fees.</i></p> <p>36. Fees payable by students.</p> <p style="text-align: center;"><i>Leases.</i></p> <p>37. Power to lease lands.</p> <p>38. Provisions affecting all leases.</p> <p style="text-align: center;"><i>Accounts and Audit.</i></p> <p>39. Audit Office to be auditor.</p> <p>40. Annual statement of accounts.</p> <p>41. Statement and report to be laid before General Assembly.</p> <p style="text-align: center;"><i>General.</i></p> <p>42. Visitor.</p> <p>43. Regulations.</p> <p>44. Repeal.</p> <p style="text-align: center;">AS TO CANTERBURY AGRICULTURAL COLLEGE.</p> <p>45. Board of Governors of Canterbury Agricultural College constituted.</p> <p>46. Board to consist of seven members.</p> <p>47. Election of members.</p> <p>48. When to assume office.</p> <p>49. Term of office. Mode of retirement.</p> <p>50. Prior sections of Act to apply. Proviso.</p> <p>51. How annual income may be applied.</p> <p style="text-align: center;"><i>Lecture Fees.</i></p> <p>52. Lecture fees.</p> <p style="text-align: center;"><i>Transfer of Endowments, &c.</i></p> <p>53. Transfer of endowments, &c., to Canterbury Agricultural College. Also, liabilities, &c., relating thereto.</p> <p>54. Certificate as to what property, &c., passes. Proviso.</p> |
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1896, No. 46.

AN ACT to make Better Provision for the Government of the Title.
Canterbury College and the School of Agriculture heretofore
commonly known as the Lincoln Agricultural College.

[17th October, 1896.]

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 Canterbury College and the Canterbury Agricultural College Act, 1896."

Lincoln Agricultural
College to be
Canterbury Agri-
cultural College.

2. On and after the first day of January, one thousand eight hundred and ninety-seven, the school of agriculture situate at Lincoln, heretofore known as the Lincoln Agricultural College, shall be deemed to be separated from Canterbury College, and shall be called the Canterbury Agricultural College, and be managed by a separate Board, as hereinafter provided.

AS TO CANTERBURY COLLEGE.

The Board of Governors.

Canterbury College
Governors reduced
to nineteen.

3. On and after the first day of July, one thousand eight hundred and ninety-seven, the number of members constituting the Board of Governors (hereinafter called "the Board") of the Corporation of the Canterbury College (hereinafter called "the College") shall be nineteen, in lieu of twenty-three as heretofore.

When reduction to
take effect.

4. On the said first day of July, one thousand eight hundred and ninety-seven, all members of the Board who are then in office shall cease to hold office, and immediately thereafter the said nineteen members, to be selected as hereinafter provided, shall come into office.

Board of Governors,
how selected.

5. The said nineteen members shall be selected as follows, that is to say,—

- (1.) A group of three shall be appointed by the Governor ;
- (2.) A group of three shall be elected by such of the members of the Legislative Council as for the time being are resident within the Provincial District of Canterbury and by such of the members of the House of Representatives as for the time being represent electoral districts within that provincial district,—

Provided that in every case where an electoral district is partly within that provincial district and partly within another it shall for the purposes of this Act be deemed to be within the provincial district wherein, according to the certificate of the Registrar-General (which it shall be his duty to supply), the majority of the population of such electoral district resides ;

- (3.) A group of six shall be elected by such of the graduates of the New Zealand University as for the time being are on the books of the College ;
- (4.) A group of three shall be elected by such persons holding certificates of not lower grade than D certificates under section forty-five of "The Education Act, 1877," as for the time being are resident within the Provincial District of Canterbury ;
- (5.) A group of three shall be elected by the Committees of School Districts within the Provincial District of Canterbury, elected under "The Education Act, 1877" ; and
- (6.) One shall be elected by the hereinafter-mentioned Professo-
rial Board of the College.

6. The ordinary term of office of all members of the Board selected under this Act shall be three years, subject, however, to the following special provisions, that is to say,—

Term of office.

(1.) On the first day of July, one thousand eight hundred and ninety-eight, and on the same day in every subsequent year, out of each of the aforesaid groups one-third of the members composing the same shall retire from office.

Retirement.

(2.) The members to retire out of each group on the first day of July, one thousand eight hundred and ninety-eight, shall, on or before the first day of May in that year, be decided by lot amongst the members comprising that group.

(3.) The members to retire out of each group on the first day of July, one thousand eight hundred and ninety-nine, shall, on or before the first day of May in that year, be decided by lot amongst the members composing that group; but only such of them as have then been longest in office shall cast lots.

(4.) On the first day of July in every subsequent year the members who have then been longest in office shall retire.

(5.) Every retiring member shall be eligible for re-selection.

7. (1.) Every ordinary election of members of the Board shall be held on the first Monday in June, and the first ordinary election shall be held on the first Monday in June, one thousand eight hundred and ninety-seven.

Date of election or appointment.

(2.) Members to be appointed by the Governor for the ordinary term of office shall be appointed not later than the third Monday in June in each year.

(3.) Every member selected for the ordinary term of office shall take office on the first day of July next following the date of his selection.

8. No professor or lecturer of the College shall be eligible for office as member of the Board.

No professor or lecturer to be member.

9. If any member of the Board—

(1.) Dies, or, by letter to the Board, resigns his seat; or

(2.) Becomes bankrupt, or of unsound mind; or

(3.) For a period of three consecutive months fails to attend any meeting of the Board, without obtaining leave of absence; or

(4.) Is absent from the colony for a period of six consecutive months,—

When seat of member to become vacant.

he shall cease to be a member, and the vacancy thereby created shall be deemed a casual vacancy.

10. Every casual vacancy shall be filled within twenty-one days after the occurring thereof, and the member filling the same shall hold office only for the unexpired residue of the term of the vacating member.

Casual vacancies.

11. (1.) Whenever a vacancy, whether casual or otherwise, occurs which is to be filled up by appointment, it shall be the duty of the Board to forthwith report the fact to the Minister of Education.

Procedure for filling up vacancies.

(2.) Whenever a vacancy, whether casual or otherwise, occurs that is to be filled up by election, it shall be the duty of the Board to do all things necessary for the proper conduct of such election.

(3.) Each vacancy, whether casual or otherwise, shall be filled by the same electing or appointing authority as that which selected the vacating member.

Election of members
how regulated.

12. For the purposes of the election of members of the Board the following provisions shall apply:—

(1.) The Board shall appoint a Returning Officer to conduct each election.

(2.) The Returning Officer shall prepare four rolls—one for each of the four classes of electors—and shall enter in the respective rolls the name, occupation, and address of every person who possesses the necessary qualification entitling him to be enrolled as an elector:

Provided that no person shall be entered on more rolls than one:

Provided further that any person who possesses more qualifications than one may transfer his name from one roll to the other at any time before the closing of the rolls.

(3.) All rolls shall be closed at five o'clock on the fourteenth day next before the day on which any election is to be held, and shall continue to be closed until the election is completed.

(4.) No name shall be entered on any roll whilst such roll is closed.

(5.) Claims for enrolment or transfer shall be made and disposed of in manner to be prescribed by regulations.

(6.) The election of members by the School Committees shall be conducted in the manner provided for the election of members of a Board of Education by "The Education Act, 1877," and any Act amending the same.

Mode of voting.

13. At every election other than by School Committees the votes shall be given by sealed voting-papers, which may be either delivered personally or forwarded by post or otherwise.

Meetings of Board.

14. The Board as constituted under this Act shall meet at least once a month at such time and place as it thinks fit, and shall hold its first meeting within seven days after the date of the selection of its members.

Election of
Chairman.

15. At the first meeting held in the month of July in each year the Board shall elect a Chairman, who shall hold office until the election of his successor in the month of July in the next ensuing year.

Minister to appoint
person to preside
at election.

16. At every meeting of the Board held for the purpose of electing the Chairman, the Minister of Education shall appoint some person (not being a member) to preside for the purpose of such election, and the person so appointed shall have a casting-vote in the case of equality of voting, but shall not have a deliberative vote.

Special meetings.

17. A special meeting of the Board may be called at any time by the Chairman or any three members by notice, specifying the time and place of such meeting, and posted to all the members not less than three clear days before the day of the meeting.

18. At all meetings of the Board—

- (1.) The quorum shall be seven :
- (2.) All questions shall be decided by a majority of the votes of the members present and voting :
- (3.) The Chairman shall preside and have a deliberative vote, and, in the event of equality of voting, a casting-vote :
- (4.) In the absence of the Chairman from any meeting the members present shall elect one of their number to act as Chairman at that meeting, and whilst so acting he shall have all the powers of the Chairman.

Proceedings at meetings.

19. Subject to the provisions of this Act, the Board may from time to time make by-laws for the purpose of regulating its own procedure, the conduct of all elections under this Act, and the general administration of the affairs of the College: Provided that such by-laws shall not come into operation until and unless they have been approved by the Governor: Provided further that all by-laws in force at the time of the passing of this Act shall be deemed to have been so approved until the Governor otherwise directs.

Board may make by-laws.

20. The Board may continue to act notwithstanding any vacancy in its body.

Vacancy not to affect acts.

21. The Board shall cause exact minutes of all its proceedings to be kept, and also full and accurate accounts of all its receipts, disbursements, liabilities, and engagements.

Minutes and accounts.

22. The seal of the Board shall be in the custody of the Chairman, and shall not be affixed to any document except pursuant to a resolution of the Board.

Seal.

23. All benefactions at any time vested in or enjoyed by the Board, with a declaration of trust, or as an endowment for the promotion of any particular branch of science or learning, shall be strictly applied by the Board accordingly.

Benefactions to be strictly applied.

24. Subject to the provisions of this Act, and to the terms of any trust or endowment, the annual income of all real and personal estate from time to time vested in or belonging to or enjoyed by the Board shall be applied, in such manner as the Board thinks fit, towards the maintenance of the College, and all other educational institutions established and managed by the Board, and the payment of salaries and expenses connected therewith, and of prizes, exhibitions, scholarships, and other rewards for the students therein :

How annual income to be applied.

Provided that the Board may from time to time set apart such portion of its annual income as it thinks fit, and may either add such portion to the capital fund, or set it aside as a reserve fund to meet extraordinary expenses, and in the meantime to accumulate at interest.

25. All moneys belonging to the Board, and available for investment, shall be invested in such modes of investment as are from time to time authorised by the Governor, and not otherwise.

Investment of moneys.

26. The Board shall have full power to appoint and remove all professors, lecturers, examiners, officers, and servants of the College, and of every other educational institution as aforesaid, and to generally manage the affairs thereof :

Power to appoint professors, officers, &c.

Provided that no professor or lecturer shall hereafter be appointed for any term exceeding five years; but on the expiration of such term he may be reappointed.

The Professorial Board.

Professorial Board.

27. There shall be a Professorial Board of the College, consisting of all the professors and lecturers of the College.

Meetings thereof.

28. The Board of Governors shall convene the first meeting of the Professorial Board, which shall thereafter have power to make regulations as to the time and place of its meetings and the procedure thereat:

Provided that all such regulations shall, before coming into operation, be submitted to and approved by the Board of Governors.

Election of
Chairman.

29. At its first meeting, and annually thereafter, the Professorial Board shall elect one of its members, being a professor, to be Chairman, and if it fails or neglects so to do the Board of Governors may appoint a professor to be Chairman for the year.

Term of office of
Chairman.

30. The Chairman shall hold office for one year, and be eligible for re-election, but no professor shall hold office as Chairman for more than two years in succession.

Proceedings at
meetings.

31. At all meetings of the Professorial Board—

- (1.) The quorum shall be three:
- (2.) The Chairman shall preside, and shall keep the minutes of the proceedings:
- (3.) He shall have a deliberative vote, and, in the case of equality of voting, a casting-vote:
- (4.) In his absence from any meeting, the members present shall elect another professor to act as chairman of that meeting, and whilst so acting he shall have all the powers of the Chairman.

Professorial Board
to fix course of
study.

32. Subject in each instance to the approval of the Board of Governors, and to such modifications as that Board thinks fit to make therein, the Professorial Board may—

- (1.) Fix the course of study, and the days and hours of lectures;
- (2.) Make regulations as to the attendance of the students;
- (3.) Prescribe the subjects for examinations for scholarships, exhibitions, prizes, and other college distinctions and awards.

And deal with
discipline, &c.

33. Subject to the right of appeal to the Board of Governors (whose decision shall be final) by any person who feels aggrieved, the Professorial Board may—

- (1.) Deal with all questions relating to the discipline of the students;
- (2.) Manage the College library.

Board to furnish
reports.

34. The Professorial Board shall be subject to the control of the Board of Governors, and shall furnish to it such reports and information as from time to time the latter Board requests or the former Board deems necessary.

May make
suggestions.

35. The Professorial Board may from time to time offer such suggestions for the consideration of the Board of Governors as it thinks advisable in the interests of the College.

Lecture Fees.

36. There shall be payable by the students of the College such reasonable fees for attendance on lectures as from time to time the Board of Governors prescribes.

Fees payable by students.

Leases.

37. The Board may grant leases of its lands, but may not without the previous consent of the Governor sell, mortgage, or otherwise alienate the same or any other part thereof.

Power to lease lands.

38. With respect to every such lease, the following provisions shall apply:—

Provisions affecting all leases.

- (1.) The term shall not exceed twenty-one years.
- (2.) The rent shall be the best obtainable, and no fine or foregift shall be taken.
- (3.) The lease may contain such provisions for renewal, and for compensation for improvements to be paid by the incoming to the outgoing tenant, and otherwise, as, subject to the approval of the Governor, the Board thinks fit.

Accounts and Audit.

39. The Audit Office shall be the auditor of the Board, and shall have the same duties and powers in respect of the moneys and accounts of the Board, and of every person dealing therewith, as if the Board were a local authority within the meaning of section six of "The Public Revenues Act, 1892."

Audit Office to be auditor.

40. Within twenty-one days after the close of each year ending the thirty-first day of December, the Board shall cause to be prepared a statement of accounts showing,—

Annual statement of accounts.

- (1.) The total receipts and disbursements for the year; and
- (2.) Such other particulars as the Governor from time to time prescribes.

41. (1.) Such statement, duly certified as correct by the Audit Office, shall, together with a general report as to the progress of the College, be forwarded by the Board to the Minister of Education within thirty days after the close of such year, to be by him laid before both Houses of the General Assembly if sitting, or, if not, then within ten days after the commencement of the next session thereof.

Statement and report to be laid before General Assembly.

(2.) It shall be the duty of the Audit Office to audit such statement before the expiration of the said period of thirty days.

General.

42. The Minister of Education for the time being shall be the Visitor of the College, and shall have all the powers and functions usually possessed by Visitors.

Visitor.

43. The Governor may from time to time make regulations for the proper conduct of all elections of members of the Board.

Regulations.

44. "The Canterbury College Ordinance, 1873," is hereby repealed, and the Corporation of the Canterbury College incorporated under that Ordinance shall for all purposes be deemed to be incorporated under this Act and as the same corporation.

Repeal.

AS TO CANTERBURY AGRICULTURAL COLLEGE.

Board of Governors
of Canterbury Agri-
cultural College
constituted.

45. A Board of Governors (hereinafter called "the said Board"), composed as hereinafter mentioned, is hereby constituted a body politic and corporate, by the name of "The Canterbury Agricultural College," by which name such body shall have perpetual succession and a common seal.

Board to consist of
seven members.

46. The said Board shall consist of seven members, who shall be selected as follows, that is to say,—

- (1.) One shall be appointed by the Governor;
- (2.) A group of three shall be elected by such members of the Legislative Council and House of Representatives as for the time being are entitled to elect members of the Board of Governors of the Canterbury College as hereinbefore provided; and
- (3.) A group of three shall be elected by the governing bodies of such agricultural and pastoral societies duly incorporated under "The Agricultural and Pastoral Societies Act, 1877," as have their principal offices in the Provincial District of Canterbury.

Election of
members.

47. (1.) Every ordinary election of members of the said Board shall be held on the first Monday in December, and the first ordinary election shall be held on the first Monday in December, one thousand eight hundred and ninety-six.

(2.) The member to be appointed by the Governor shall be appointed not later than the third Monday in December in each year.

(3.) Every member selected for the ordinary term of office shall take office on the first day of January next following the date of his selection.

When to assume
office.

48. The said Board shall assume office on the first day of January, one thousand eight hundred and ninety-seven, on which date the term of office of its members shall be deemed to commence.

Term of office.

49. The ordinary term of office of all members of the said Board shall be three years, subject, however, to the following special provisions:—

Mode of retirement.

- (1.) On the first day of January, one thousand eight hundred and ninety-eight, and on the same day in every subsequent year, one member out of each of the aforesaid groups shall retire from office.
- (2.) The member to retire out of each group on the first day of January, one thousand eight hundred and ninety-eight, shall, on or before the first day of November in the previous year, be decided by lot amongst the members comprising that group.
- (3.) The member to retire out of each group on the first day of January, one thousand eight hundred and ninety-nine, shall, on or before the first day of November in the previous year, be decided by lot amongst the members composing that group, but only such of them as have then been longest in office shall cast lots.
- (4.) On the first day of January in every subsequent year the members who have then been longest in office shall retire.

(5.) Every retiring member shall be eligible for reselection.

50. The provisions of sections eight to twenty-six and thirty-six to forty-three of this Act shall, *mutatis mutandis*, apply to the said Board and the members thereof, and the school of agriculture heretofore known as the Lincoln Agricultural College, being the school which was established and has hitherto been maintained by the Board of Governors of Canterbury College, but which is by this Act transferred to and vested in the Corporation of the Canterbury Agricultural College, as hereinafter provided:

Prior sections of Act to apply.

Provided—

Proviso.

- (a.) That the number of rolls shall be two in lieu of four; and also
- (b.) That the Governor may appoint a Returning Officer to conduct the first election of members of the said Board, and may also fix the time and place of the first meeting of the said Board; and also
- (c.) That at all meetings of the said Board the quorum shall be four in lieu of seven.

51. In addition to the powers exercisable by the said Board under section twenty-four hereof, the said Board may from time to time, but subject to the terms of any trust or endowment, apply such portion of its annual income or capital fund, as it deems fit, towards any of the following purposes, that is to say,—

How annual income may be applied.

- (1.) Carrying on such experimental or other farming operations as are deemed expedient in order to efficiently instruct the students of the said Agricultural College; and also
- (2.) Acquire by purchase; lease, or otherwise, as the said Board thinks fit, all such land, implements, stock, and materials as are deemed necessary for the purposes of such farming operations as aforesaid; and also
- (3.) Generally doing whatever the said Board thinks expedient in order that the said Agricultural College may best accomplish the purpose for which it was established.

Lecture Fees.

52. There shall be payable by the students of the College such reasonable fees for attendance on lectures as from time to time the Board of Governors prescribes.

Lecture fees.

Transfer of Endowments, &c.

53. On the first day of January, one thousand eight hundred and ninety-seven, the following events shall happen:—

Transfer of endowments, &c., to Canterbury Agricultural College.

- (1.) All the estate and interest of the Corporation of the Canterbury College in—
 - (a.) All lands granted, conveyed, or assured to that corporation in trust for or for the purposes of a school of agriculture by the Provincial Council of Canterbury or the Superintendent of that province, whether under the provisions of "The Educational Reserves Leasing Ordinance (No. 2), 1875," "The Canterbury Educational Reserves Sale and Leasing Act, 1876," or otherwise howsoever; and also

(b.) All the rents, profits, and proceeds of these lands, and all real and personal property derived therefrom (including the school of agriculture situate at Lincoln, and heretofore known as the Lincoln Agricultural College)— shall, by virtue of this Act, and without the execution of any instrument of transfer or other assurance, or the payment of any stamp duty, pass to and vest in the Corporation of the Canterbury Agricultural College, according to the nature and quality thereof respectively, and shall thereafter be held by that corporation, subject to the provisions of this Act relating to that corporation.

Also, liabilities, &c., relating thereto.

(2.) All liabilities, contracts, and engagements of the Corporation of the Canterbury College, relating to any of the property transferred and vested as aforesaid, shall by force of this Act, and without the execution of any instrument, become for all purposes the liabilities, contracts, and engagements of the Corporation of the Canterbury Agricultural College.

Certificate as to what property, &c., passes.

54. (1.) A certificate, under the seals of both of the said corporations, and the hands of both of the Chairmen, shall be sufficient evidence of what property, liability, contract, or engagement passes under the last-preceding section hereof, and any such certificate relating to land shall be sufficient authority to the District Land Registrar to make all entries necessary in order to record the change of title.

(2.) If any question arises as to what property, liabilities, contracts, or engagements pass under the last-preceding section hereof, a Judge of the Supreme Court shall decide, and his decision shall be final and conclusive for all purposes :

Proviso.

Provided that, with respect to a certain sum of seven thousand nine hundred and fifty-four pounds referred to in the report of the Royal Commission on the School of Agriculture at Lincoln, dated the twenty-eighth day of February, one thousand eight hundred and eighty-nine, the Visitor shall refer that question to a Judge of the Supreme Court, who shall inquire into the same in such manner as he thinks fit, and, having regard to all the circumstances of the case, shall decide on equitable as well as legal grounds as to what sum (if any) should be payable by the Board of Governors of the Canterbury College to the Board of Governors of the Canterbury Agricultural College in respect thereof, and such sum shall be payable accordingly.