

Appendix A.

THE NEW ZEALAND INSTITUTE ACT, 1867

NEW ZEALAND.

ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

No. 36.

AN ACT to establish an Institute for the advancement of Science and Art in New Zealand. [10th October, 1867.]

WHEREAS it is expedient to make provision for carrying out the geological survey of the Colony and to establish and incorporate a public institution in the City of Wellington to be called "The New Zealand Institute" which institute shall comprise a public museum and laboratory and a public library. And whereas it is also expedient by means of lectures classes and otherwise to promote the general study and cultivation of the various branches and departments of art science literature and philosophy,

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 New Zealand Institute Act 1867."

2. It shall be lawful for the Governor in Council from time to time to appoint a fit and proper person to superintend and carry out the geological survey of the Colony and also to superintend the formation establishment and management of a public museum and laboratory to form part of the property of the institution hereinafter mentioned and if required so to do to perform such other duties as are hereinafter mentioned with such salary not exceeding the sum of eight hundred pounds per annum as to the Governor in Council shall seem meet.

3. It shall also be lawful for the Governor from time to time to appoint such persons to assist in carrying out the said geological survey as he shall think fit.

4. It shall be the duty of the person appointed to superintend and carry out the said survey and if required by the Governor so to do from time to time to superintend the formation and establishment of any museum or laboratory intended to be established by any society incorporated with the institution hereinafter mentioned but the necessary travelling and other expenses of such person incident

to such superintendence shall be borne and defrayed by and out of the funds of the society establishing the said museum or laboratory and the same shall as nearly as possible be paid in advance.

5. On and after the passing of this Act and until the first day of November one thousand eight hundred and sixty-eight the Governor for the time being of the said Colony the Colonial Secretary for the time being of the said Colony and the Superintendent for the time being of the Province of Wellington and six other persons to be appointed after the passing of this Act by the Governor shall be a board of governors of an institution which shall be called "The New Zealand Institute" and they and their successors to be appointed as hereinafter mentioned together with the governors to be selected as hereinafter provided and the members for the time being of all and every society or societies hereafter to be incorporated with the said institute in such manner as is hereinafter provided for so long and such time as such several societies shall remain and continue to be incorporated with the said institute shall be and they are hereby declared to be one body corporate and politic in deed name and law by the name of "The New Zealand Institute" and that by the same name they shall have perpetual succession and a common seal and shall and may sue and be sued implead or be impleaded grant or receive and shall have power and authority to take and purchase and hold lands tenements and hereditaments to them their successors and assigns for the purposes hereinafter mentioned.

6. On the first day of November one thousand eight hundred and sixty-eight and on the first day of November in each succeeding year three members of the said board of governors (other than the Governor the Colonial Secretary and the Superintendent of the Province of Wellington respectively for the time being) who shall have been present the least number of times at the meetings of such board shall retire from office but shall be eligible for re-appointment and in case of an equality between two or more members of the said board in respect of the number of attendances of such members at the meetings of the said board then the retiring members shall be determined by lot and on the annual retirement of the said three members and in case of the death resignation or incapacity of any member or members the successors of such retiring members or of such members so dying resigning or becoming incapable shall be appointed by the Governor.

7. So long as not more than three separate societies shall have been incorporated with the said institute it shall be lawful for each such society annually in the month of November to elect one of its members to be a member of the board of governors during the ensuing year but so soon as more than three separate societies shall have been incorporated with the said institute then and thenceforward it shall be lawful for each separate society so incorporated annually in the month of October to appoint one of its members to vote in the election of governors and the several members so appointed shall elect three from among themselves to be members of the board of governors

during the ensuing year and the members so elected shall enjoy equal rights and powers with the governors appointed as hereinbefore first provided.

8. Any branch society may cease to be incorporated with the institute by not electing any governors pursuant to section seven of this Act.

9. It shall and may be lawful to and for any person or persons bodies politic or corporate society or societies their heirs and successors to give and deliver and to grant convey assure devise and bequeath to the use and benefit of or in trust for the said body corporate any messuages lands tenements rents annuities and hereditaments whatsoever and any library books maps prints fixtures goods chattels minerals specimens or other effects or articles whatsoever calculated for the formation of a museum all which messuages lands tenements rents annuities or hereditaments and all which library books maps prints fixtures goods chattels minerals specimens or effects as aforesaid the said body corporate are hereby authorised and enabled to receive accept and hold.

10. It shall particularly be lawful for all persons and bodies politic or corporate society or societies who may at the time of the passing of this Act or afterwards may have power so to do to give and deliver and to grant convey and assure to the use and benefit of or in trust for the said body corporate the land and buildings situated in the City of Wellington now used as the Colonial Museum with the laboratory and other buildings connected or used therewith together with all the rights members and appurtenances to the same belonging and all the books maps prints pictures goods chattels minerals specimens and other effects and articles now in and about the same all which said land buildings and hereditaments books maps prints pictures goods chattels minerals specimens and effects as aforesaid the said body corporate are hereby authorised and enabled to receive accept and hold.

11. The said board of governors for the time being of whom three shall be a quorum shall have full power and authority in the name of the said body corporate to receive pay apply and dispose of all such moneys as shall be annually granted to the said body corporate for building or other special purposes and may enter into all such contracts and do and transact all such other acts deeds matters or things as may be requisite or proper to be done in and about the renting or purchase of suitable lands and premises or the renting and hiring or erecting or completing of suitable halls reading-rooms lecture-rooms class-rooms and other buildings and for the reception and safe custody of the library and other effects of the said body corporate and for the formation and reception of a museum and laboratory and for all such other purposes as the said board of governors for the time being may decide to be required to carry into effect the objects of the said body corporate or of the several societies to be admitted into and incorporated therewith and shall also have power if they shall think fit upon application made by any other society or societies or body or bodies of persons associated for the

purpose of promoting any art or science or branch of knowledge or by any person duly authorized in accordance with the laws of such several societies or associations to make such application to admit and incorporate such persons so associated as part of the said New Zealand Institute upon the terms and in the manner to be set forth in the statutes and rules of the said institute so long as the members of the said societies or associations shall annually pay for the advancement of the objects arts or sciences for the promotion of which they are so severally associated such a sum as the bye-laws of each particular society shall from time to time define and fix and shall have been agreed upon between such several societies and the board of governors of the said body corporate and shall also have full power to make bye-laws for the regulation and disposal of the property of the said body corporate and for its more regular government and also to direct and order at what times in what manner and under what restrictions and conditions the several societies and associations at any time forming part of and incorporated in the said institute shall have and use the halls lecture-rooms class-rooms reading-rooms libraries museums and other public property of the said body corporate and such bye-laws terms restrictions and conditions or any of them from time to time shall and may rescind alter and vary and make others in their stead and also shall and may do manage transact and determine all such other acts deeds matters and things as shall to them appear necessary for effecting and carrying out of the purposes of this Act and of the said body corporate but so nevertheless that the same shall be in accordance with and not contrary to or subversive of any of the statutes and rules of the said body corporate and shall and may if they see fit delegate any of the powers and authorities vested in them to all or any of the committees of the several societies which may hereafter be incorporated with the said institute so as the same shall relate or apply to such societies respectively and shall also have power to appoint and remove any public officers of the said body corporate and from time to time to fix and determine the salary and emoluments to be paid to such officers and servants.

12. Whenever any society or societies shall have been incorporated with the said institute a general meeting of the said body corporate shall be holden annually on the third Monday in the month of January at such hour and at such place as shall from time to time be fixed by the said board of governors such general meeting to consist of not less than ten members of the said body corporate exclusive of any members of the said board of governors and that if a sufficient number of members of the said body corporate to form a meeting be not present within one hour of the time fixed for such meeting the said board of governors shall be empowered to adjourn the said meeting unto such time as they may appoint and that at such general meetings a report of the proceedings during the preceding year of the said body corporate and of the societies incorporated therewith shall be laid before the members of the said body corporate and that it shall be lawful for the members of the said

body corporate present at such meetings to make ordain and constitute such bye-laws constitutions and ordinances for the government of the affairs of the said body corporate as to the majority of such members shall seem meet and such bye-laws constitutions and ordinances to revoke change and alter and others to make in their stead. Provided always that such bye-laws constitutions and ordinances shall not be contrary or repugnant to any of the laws or customs of the Colony or to this Act or to any rules to be made by the Governor in Council as aforesaid. And provided also that no such bye-laws constitutions or ordinances or any bye-laws to be made or passed at any special general meeting as hereinafter provided shall be binding or have any force or effect until the same shall have been confirmed by the said board of governors.

13. Any three of the said governors of the said body corporate for the time being by giving one calendar month's notice in one or more newspapers published in those parts of the said Colony in which the said institute and any societies incorporated therewith shall severally be established and affixing a legible copy of such notice in a conspicuous place in the building occupied by the said body corporate may at any time convene a special general meeting of the said body corporate for the purpose of making or altering any bye-laws constitutions or ordinances of the said body corporate or of confirming or altering the proceedings of any annual or special meeting or for the transaction of any of the affairs and business of the said body corporate as occasion may require and that all such special meetings shall be in like manner holden and have the same powers in every respect as the annual general meetings hereinbefore provided.

14. In addition to the salary to be paid to the Superintendent of the Geological Survey to be fixed as hereinbefore mentioned there shall be yearly placed upon the estimates to be laid before the House of Representatives of the said Colony a sum of not less than five hundred pounds to be applied in the payment of the general current expenses of the said body corporate or of any of the several societies or associations incorporated therewith and otherwise for the promotion of the general objects of the said body corporate or of the special objects of any of the several societies to be incorporated therewith in such manner in all respects as to said board of governors for the time being shall seem fit and that every sum which shall be voted by the General Assembly of the said Colony for such purposes shall be received by such member of the said board of governors for the time being as shall have been appointed by the said board of governors to act as treasurer and carried to a separate account and that such treasurer shall be thereout required to pay and allow such sum or sums only as the said board of governors for the time being shall direct and require to be paid for all or any of the purposes herein mentioned provided always and it is hereby declared that the moneys so to be placed upon the estimates as aforesaid shall not be deemed to include the current expenses of the geological survey

of the said Colony which current expenses shall be fixed and appropriated in like manner as those of any other ordinary department of the Government of the said Colony.

15. It shall be lawful for the Governor in Council from time to time and at all times hereafter to make alter and amend all such rules and statutes as may be necessary for the regulation and management of the said institute and such rules and statutes shall be published in the *New Zealand Gazette*.

16. It shall be lawful for the said board of governors from time to time and at all times hereafter to frame and suggest such alterations or amendments in the rules to be made by the Governor in Council as aforesaid and that such alterations or amendments shall if approved by the Governor in Council come into force from and after such approval.

17. Every rule and statute to be made as aforesaid and every amendment thereof shall be laid upon the table of the Legislative Council and House of Representatives of the said Colony during their session for the space of ten days and if during that time the said rules or statutes or any alterations or amendments as the case may be be not objected to or disallowed by a resolution of the said Legislative Council or House of Representatives then and thenceforward the said rules and statutes or alterations or amendments as the case may be shall be deemed to be and shall be confirmed and shall possess the same power validity and authority in all respects as if they had been embodied in this Act provided always that no such rules or statutes or alterations or amendments shall be contrary to or subversive of the provisions contained in this Act itself.

18. This Act shall be deemed a public Act and shall commence and take effect from the passing thereof.