

See Pro Act No 9



1849.

No. 1.

Private Act.

ORDINANCE Enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.

To Incorporate the Governors of the Church of England Collegiate School of St. Peter's, Adelaide.

[18th July, 1849.]

WHEREAS from funds contributed, as well by the Venerable Society for promoting Christian Knowledge, through the Right Reverend Augustus Short, Doctor of Divinity, Lord Bishop of Adelaide, as by William Allen Esquire of Buckland Park, Port Gawler, and other individuals, it has been resolved to found and endow, in the immediate vicinity of Adelaide, a Church of England Collegiate School with the declared object of teaching the Holy Scriptures in the Original Tongues, the Principles of the Christian Religion, Classics, and Mathematics, together with any Language, Art, Branch of Science, or of Literature, that shall from time to time be deemed by the Authorities of the said School to constitute a sound and liberal education; and under such regulations, that, while providing religious worship and teaching in accordance with the Formularies and Liturgy of the Church of England, the advantages may be participated in by the children of other Christian Bodies without interfering with their peculiar Religious Principles:

And whereas the Institution would acquire a degree of permanency and importance, highly desirable in an establishment of its character, by being incorporated:

Be

The Governors for the time being of the Collegiate School to be a Body Corporate.

Be it therefore Enacted by the Governor of South Australia with the advice and consent of the Legislative Council thereof, That the Lord Bishop of Adelaide, the Very Reverend the Dean of Adelaide, and the Venerable the Archdeacon of Adelaide, for the time being, and the other Governors for the time being of the said Collegiate School, elected, or hereafter to be elected, in pursuance of the Statutes and Rules thereof as adopted by the Council of Governors and specified and set forth in the Schedule hereto annexed, shall be, and are, hereby constituted and declared to be One Body Corporate by the name of "The Governors of the Church of "England Collegiate School of Saint Peter's Adelaide;" and by that name shall have Perpetual Succession and a Common Seal, and shall and may sue and be sued, implead or be impleaded, grant or receive by its Corporate Name, and do all other acts as natural persons may; 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 hereinbefore recited, and subject to the aforesaid Statutes and Rules.

Saving rights of the Crown and others.

II. Provided always and be it Enacted, That nothing herein contained shall be deemed to affect any right, title, or interest of Her Majesty, Her Heirs or Successors, or of any Body Politic or Corporate, or of any other person save and except such as are mentioned herein, and those claiming by, from, through, and under them.

Ordinance a Public Act.

III. And be it Enacted, That this Ordinance shall be deemed and taken to be a Public Act, and shall be Judicially taken notice of as such by all Judges, Justices, and others within the Province of South Australia, without being specially pleaded.

Commencement.

IV. And be it Enacted, That this Ordinance shall commence and take effect from and after the passing thereof.

H. E. F. YOUNG,
Lieutenant-Governor.

*Passed the Legislative Council, this
Eighteenth day of July, One
Thousand Eight Hundred and
Forty-nine.*

W. L. O'HALLORAN,
Clerk of Council.

SCHEDULE REFERRED TO IN THE FOREGOING ORDINANCE.

Statutes and Rules.

I. The Church of England Collegiate School of Saint Peter's, Adelaide, is open to the admission of *all* who shall conform to the Rules hereinafter specified. In it shall be taught the Holy Scriptures in the Original Tongues, the principles of the Christian Religion, Classics, and Mathematics, together with any Language, Art, Branch of Science, or Literature, which shall from time to time be deemed by the Visitor and Governors of the said School to constitute a sound and liberal Education.

II. The property and management of the said School shall be vested in a Council of fifteen Governors, of whom not less than three nor more than five shall be Clergymen of the Church of England. The Lay Governors shall make and subscribe the Declaration (contained in the Form A, hereto annexed), at the first Council after accepting office. No Governor to be entitled to act until such Declaration shall have been so made and subscribed.

III. The Lord Bishop of Adelaide, for the time being, shall be *ex officio* a Governor, and President of the Council; the Dean of the Cathedral Church for the time being, and the Archdeacon of Adelaide for the time being, shall also be Governors *ex officio*. Of the remaining twelve, four shall, *pro hac vice*, be nominated by William Allen, Esq., and the remainder by the body of the Original Proprietors of the Collegiate School. As vacancies occur by death, leaving the colony, or a Governor becoming otherwise disqualified, the Council shall meet within twenty-one days, and ballot for a proper person to fill the said vacancy.

IV. Secession from the Communion of the Church of England, insolvency, felony, insanity, neglect or refusal to perform the duties of the office, or two years' absence from the Colony, shall constitute disqualification for the office of Governor.

V. The Governors, appointed in the manner aforesaid, shall, without delay, take the necessary steps to procure an Act of Incorporation, under the name of "The Governors of the Church of England Collegiate School of Saint Peter's, Adelaide."

VI. The Lord Bishop of Adelaide for the time being shall be the Visitor, with power to enter the School at any time, to examine and instruct the Scholars, to inspect the accounts and general management of the Institution, to correct abuses, and to prevent the adoption of any By-Laws that might contravene the Fundamental Principles of the School, or frustrate the intentions of the Original Founders. Should any disagreement arise between the Governors as to the interpretation of any of the Rules and Statutes, or the By-Laws, the matter shall be referred to the Visitor, whose decision shall be final: Provided always that no Governor shall be precluded from appealing to a Court of Law upon any question affecting the rights of property.

VII. The entire management of the Establishment, as well as the appointment and removal of the Head Master, who must be a Clerk in Holy Orders, holding the Licence of the Lord Bishop of Adelaide, shall be for ever vested in the Governors; but the Governors and Head Master, conjointly, shall appoint and remove the Second and other Masters.

VIII. Until the year of our Lord One thousand Eight Hundred and Sixty, no one shall be appointed to the office of Head Master who has not graduated in Arts, or Civil Law, in one of the Universities of the United Kingdom; but from and after that period, any Clerk in Holy Orders, holding a Licence from the Lord Bishop of Adelaide, whose classical, scientific, and literary attainments are such as would, in the opinion of the Visitor, fairly entitle him to rank with a Master of Arts, or a Bachelor of Arts at least, of any University above referred to, or who shall have obtained a Diploma from any Incorporated College in any of the British Colonies, shall be eligible for the said office. This clause, however, is not to preclude the Governors, in the event of a vacancy occurring in the Head Mastership, from making

making the best temporary arrangement in their power for carrying on the business of the School.

IX. Neither the Head nor Second Master shall be a Governor, nor hold a Cure of souls; but they shall be at liberty to take such ministerial duty as may not interfere with their scholastic and other engagements having reference to their pupils.

X. Neither the Head nor Second Master shall be removed from his office, except for immorality or gross neglect of duty, without three months' notice being given to him of such intended removal, or his salary for such period paid to him; and any Master who shall vacate his appointment without having given notice in writing to the Governors of such his intention three months previously, shall be deemed to have forfeited his salary for such period.

XI. Whenever a vacancy shall occur in the office of Head Master, applications for such appointment shall, within seven days of such vacancy being declared, be invited by advertisement in not less than two of the Adelaide Newspapers. The testimonials and qualifications of the candidates offering themselves, shall be then subjected to an examination by a Committee of three appointed by the Governors, of whom the visitor for the time being shall always be one. This Committee having made their report in writing to the Council, any Member may put in nomination any one of the Candidates for the office. Notice shall then be given in the *Government Gazette*, or through any other public medium, as well as by circular to each Governor, of the day and hour fixed for the election, which shall be by ballot, and which shall take place within twenty-eight days of such office becoming vacant; and the gentleman who shall be found to have the greatest number of votes shall be declared duly elected. No appointment, however, shall be deemed valid or complete until a written engagement (according to the Form B, hereto annexed), shall have been entered into between the Head Master elect and the Council of Governors, by their Secretary.

XII. The Second Master shall be appointed in the same manner as the Head Master, excepting that the latter, conjointly with the Committee of three appointed to examine the testimonials and qualifications of the Candidates, shall nominate to the Council a fit person to fill the said office. The other Masters shall be appointed in like manner.

XIII. The Pupils of the Collegiate School shall be distributed into the following divisions:—

1. Tuition Boys, who shall receive instruction only.
2. Day Boarders, who shall be provided with dinner five days in the week.
3. Boarders, who shall be educated, lodged, and boarded.
4. Foundation Boys, who shall be educated, boarded, lodged, and clothed.

XIV. The public School hours shall be—in the morning, from nine till twelve; in the afternoon, from two till half-past four o'clock.

XV. The business of the School shall always be commenced in the morning by reading a Form of Prayer appointed by the Visitor and Council, at which all the Pupils shall be expected reverently to assist; and by reading a portion of the Canonical Scriptures, in the authorised version of the Church of England, in which all the pupils shall, when required by the Masters, take part. In the afternoon, the business of the School shall be always concluded with a Form of Prayer, likewise appointed by the Visitor and Council. This duty shall be always performed by the Head or Second Master.

XVI. The *Curriculum* of Study shall be determined from time to time by the Governors, assisted by the Head Master.

XVII. Half-yearly Examinations of the Pupils shall be held by the Visitor, or Examiners deputed by him, at which the Parents or Guardians of the Scholars shall be invited to attend.

XVIII. The Vacations and Holidays shall be as follows:—In June or July, four weeks

weeks ; in December or January, four weeks ; Queen's Birthday, Proclamation of the Colony, and every Saturday, and such other days as the Council shall determine.

XIX. No boy labouring under any infectious or contagious disorder shall be allowed to attend the School, nor shall any boy remain in it whose example would, in the opinion of the Head Master and Council, exercise any injurious influence upon the other Pupils.

XX. Any boy not under seven years of age, who can read and write, shall be eligible for admission.

XXI. The whole of the pecuniary arrangements respecting tuition, board, and lodging, shall be made with the parents or guardians, by the Governors through their Secretary.

XXII. The terms of payment for each Pupil shall be, from time to time, prescribed by the Council of Governors.

XXIII. All payments for the above objects shall be made quarterly, in advance.

XXIV. Foundation Boys are the Nominees of Benefactors or their heirs or assigns, or corporate successors, according to the following terms :—Any person giving or bequeathing to the Governors of the Church of England Collegiate School of St. Peter's, Adelaide, property for such special object, shall, so long as it shall yield a clear income of Fifty Pounds per annum, have the privilege of nominating and keeping always at the School One Pupil, who shall be educated, lodged, boarded, and clothed by the said Governors free of all charges ; and for every Fifty Pounds so accruing to the said Corporation, the benefactor, his heirs, assigns, or Corporate successors, shall be entitled to One such nomination.

XXV. In the event of such benefactor, or his heirs, or assigns, or corporate successors failing to nominate within three calendar months to a vacancy occurring in his or her nomination, after due notice, such nomination shall lapse to the Governors, who shall elect from the School the most deserving boy, taking into consideration conduct as well as attainments.

XXVI. Parties endowing the Corporation or Trustees to the amount of the annual tuition fee, or tuition and day-boarding fee, or tuition and boarding fee, shall themselves, their heirs, assigns, or corporate successors, in like manner exercise the same privilege of nomination to the class or division so endowed ; lapse of nomination to be provided for as above.

XXVII. Each Boarding Pupil shall wear a Cap and Gown, of such form and material as shall be determined on by the Visitor and Council.

XXVIII. The Foundation Boys shall, besides the Cap and Gown, wear such Uniform Dress as may, from time to time, be appointed by the Visitor and Council.

XXIX. The Boarding and Foundation Pupils shall be lodged, boarded, and otherwise provided for within the establishment, under the Head Master, and such other officers as shall be appointed by the Governors for that purpose. The Head Master shall be responsible for the general discipline of the establishment.

XXX. On the Lord's Day, Good Friday, and Christmas Day, all Public Worship within the precincts of the Collegiate establishment shall be according to the Liturgy and Formularies of the Church of England ; and until a Chapel shall be attached to the Collegiate Buildings, or a room licensed by the Lord Bishop, for Divine Worship within them, the Boarders and Foundation Boys shall be taken on those days by the Head Master, or such person as with the consent of the Governors he shall depute, to such Church belonging to the Church of England as the Visitor and Governors shall appoint. Also, a Sermon, or exposition of Scripture, shall be delivered by the Head Master, or other officiating Minister, on those days, whenever such Chapel as aforesaid shall have been built, or a room licensed for Divine Worship.

XXXI. Nevertheless, nothing in the above rule shall be construed to prevent any Boarder or Foundation Boy receiving leave of absence, on written application to the
Governors

Governors by his Parents, Guardians, or Friends whom they shall nominate, to spend the Lord's Day, Good Friday, and Christmas Day, with them. This application shall be recorded in a book kept for that purpose by the Governors: Provided always, that the hour of closing the gates (to be fixed by the Council) shall be duly observed, and a Certificate (according to Form C, hereto annexed, to be provided by the Governors), signed by the Parent, Guardian, or Friend so nominated, be brought to the Head Master by the boy on his return.

XXXII. During the week, one or more Lectures shall be given by the Head Master, on the Doctrines and Evidences of Christianity, and on the History of the Church, at which all the Pupils shall be required to attend.

XXXIII. During the week, one or more Lectures shall be given by the Head Master also, on the peculiar principles and formularies of the Church of England, but attendance at these shall not be required from those Pupils whose Parents, being members of other Communions, shall wish them to be exempt.

XXXIV. The Governors, with the sanction of the Visitor, shall be empowered to make any new Rules, Statutes, or By-Laws, with a view to the more efficient conducting or expansion of the Collegiate School: Provided always, that no such Rule, Statute, or By-Law shall *contravene the Fundamental Principles* of its constitution.

XXXV. There shall be monthly meetings of the Governors, for the admission of Pupils, and for the transaction of other business.

XXXVI. The Governors shall appoint a Secretary, who shall keep a book in which the proceedings of all meetings of the Governors (not less than *five* of whom shall form a quorum) shall be minuted and signed by the Chairman.

XXXVII. The Governors shall appoint a Treasurer, who shall, half-yearly, submit the accounts of the Corporation properly balanced, at the monthly meetings of the Governors, held in January and July; such Treasurer shall make no payment on account of the Collegiate Establishment without the account being first passed by the Council, signed by the Chairman, and countersigned by the Secretary.

XXXVIII. The Governors shall cause to be invested as an *Endowment* not less than £500, in such a way as shall be immediately productive of a revenue.

XXXIX. The Governors shall employ the *remainder* of the funds at their disposal in the erection of Collegiate buildings, on the site, and according to the plans, agreed upon by William Allen, Esq. and the Council acting for and on behalf of the Society for Promoting Christian Knowledge, and the original Proprietary.

XL. The Lord Bishop of Adelaide, William Allen, Esq., and the body of Proprietors, shall, severally, convey to the Council of Governors, the property intended by them or their constituents to be devoted to the Collegiate School founded on the principles and conditions set forth in the above Rules and Regulations.

XLI. Until a College be erected for the admission of Senior Students, it shall be lawful for the Governors to assign dormitories in the Collegiate School buildings for the accommodation of Church of England Students in Theology, not exceeding at any one time Four in number, on terms for board and lodging to be fixed by the Council

APPENDIX.

FORMS REFERRED TO IN THE FOREGOING STATUTES AND RULES.

FORM A.

Declaration to be subscribed by a Governor on accepting that office.

I, *A. B.* do declare that I am a Member of the Church of England, and that I do allow the Thirty-nine Articles and the Book of Common Prayer to be agreeable to the Word of God ; and do hereby accept the office of Governor of the Church of England Collegiate School of St. Peter's, Adelaide ; and promise, to the best of my judgment and ability, to perform the duties of the said office.

FORM B.

Engagement between the Head Master and Council of Governors.

I, *A. B.*, B.A. or M.A., or B.C.L., or D.C.L. of _____ College, Clerk in Holy Orders, holding the Licence of the Lord Bishop of Adelaide, do hereby engage to fulfil the duties of Head Master of the Church of England Collegiate School of St. Peter's, Adelaide, as fixed by the Statutes of the said School, together with By-laws to be made from time to time by the Council of Governors, according to the Statute No. 34, receiving quarterly the undermentioned Stipend.

(Signed)

A.B.

Day

Year

Quarterly Stipend

FORM C.

I certify that *A.B.* has passed his leave of absence with my knowledge and consent.

(Signed)

C.D.

Day

Year