

## TASMANIA.

## THE CHRIST COLLEGE ACT, 1926.

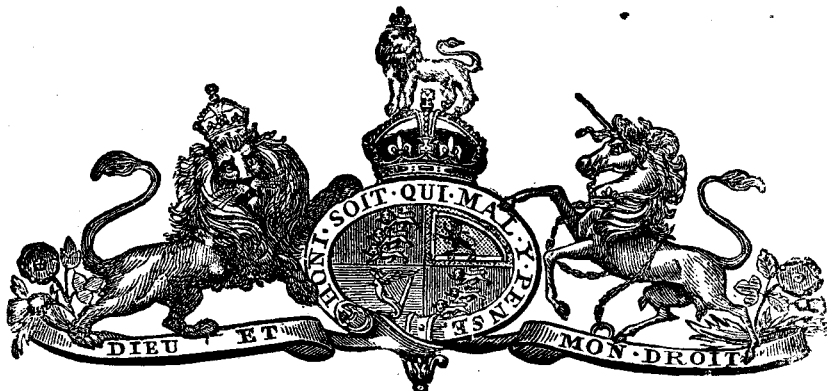
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T A S M A N I A.



1926.

ANNO SEPTIMO DECIMO  
GEORGII V. REGIS.  
No. 66.

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AN ACT to incorporate Christ College and similar Institutions, and to provide a Constitution for the Corporate Body.

A.D.  
1926.

406.L.R.308

[21 December, 1926.]

WHEREAS in or about the year one thousand eight hundred and forty-six a college scheme under the auspices of the Church of England was inaugurated in Tasmania to afford a means of training up the youth of Tasmania in classical, mathematical, scientific, and theological learning, and three institutions, called Christ College, the Hutchins School, and the Launceston Church of England Grammar School, were founded to carry out the scheme:

PREAMBLE.

And whereas this scheme is at the present time being carried out by—

- (a) Christ College, under a scheme approved by the Supreme Court of Tasmania. This institution is managed by a board known as the Council of Christ College, and its property is vested in trustees appointed by the said court, viz., *Arthur Larchin Butler, Robert McFarlane Harvey, and William Percy Hood;*

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- (b) The Hutchins School, managed by a board of management, whose property is vested in *Frederick Taylor Whittington, Edward Henry Butler, Robert Snowden Hay, Edwin Herbert Webster, and William Frederick Dennis Butler*, as trustees for the said school, who are duly appointed under the provisions of a trust deed dated the sixteenth day of December, one thousand eight hundred and forty-seven, as amended by the Hutchins School Act, 1911;
- (c) The Launceston Church of England Grammar School, managed by *William Martin Hardwicke Weedon, Stuart Eardley Wilmot, Alfred Lawrence Green, Ernest Granville Miller, George Edward Harrap, Robert Lewis Parker, Harry Gillett, Alfred Richard Beresford, George Campbell Hinman, Cyril Aubrey Perrin, and Harry David Hadden Cummins*, as trustees for the said school, who are duly appointed under the provisions of a trust deed dated the thirteenth day of August, one thousand eight hundred and sixty-two, and in whom, or in some of whom, the property of this institution is vested, and which institution is now carried on under the provisions of the said trust deed as amended by the Launceston Church of England Grammar School Act, 1924:

And whereas by his last will and testament, dated the tenth day of May, one thousand eight hundred and eighty-two, *James Denton Toosey*, of Richmond Hill, near Longford, in Tasmania, Esquire, after creating a yearly rent charge of Twenty-five Pounds in perpetuity on his estate of Richmond Hill towards the maintenance and support or otherwise for the benefit of a clergyman of the Church of England for the Parish of Cressy, devised his estate of Richmond Hill to the Bishop of Tasmania in perpetuity for the perpetual endowment of a collegiate institution for bringing up students in classical, mathematical, and theological erudition, and also for the purpose of providing clerical administration for the Church of England at Cressy, as in the said will is more particularly set forth, and he desired that such institution should, as far as might be practicable, be conducted in connection with Christ College; and the said testator, after giving a life estate therein to his son, now deceased, further devised all those eighty-five acres two roods fronting on the Cressy-road known as the Reserve, and also all those one hundred acres of land fronting on the said road which he purchased from *John Tongs*, to the Bishop of Tasmania and his successors, upon the same trusts, and subject to the same conditions, as above set forth:

And whereas *Lady Franklin* gave certain lands known as the Ancanthe Estate and the Franklin Endowment for such uni-

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versity, college, or school as the Bishop of Tasmania should approve of as calculated to promote religion and learning, with power for the said Bishop from time to time to revoke, alter, or change all or any of the trusts or purposes for the benefit of the said university, college, or school, and to substitute others in the room thereof, as is more particularly set out in an indenture of release dated the second day of November, one thousand eight hundred and forty-three, and which said lands have been under the control of the trustees of Christ College: A.D. 1926.

And whereas, in accordance with the intention of the original founders, it is now proposed to form a corporate body to afford a means of training up the youth of Tasmania in classical, mathematical, scientific, and theological learning, and to make permanent provision for a stronghold of learning and a school of Christian gentlemen, and which shall comprise all the abovementioned institutions and properties, and be constituted and managed as provided by this Act:

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as “The Christ College Act, 1926.” Citation.

2 The Board of Christ College, the Board of the Hutchins School, and the Board of the Launceston Church of England Grammar School shall be a corporate body, by the name of “Christ College Trust,” having perpetual succession and a common seal, which shall have full power and authority to hold land and other property, which may sue and be sued, and which shall have all the other rights and privileges of a corporate body. Incorporation.

3 All property, both real and personal, and all choses in action, rights, and powers at present vested in or held by— Vesting of trust property in Corporation.

- I. *Arthur Larchin Butler, Robert McFarlane Harvey, and William Percy Hood*, being and as the trustees of the institution known as Christ College, and in whom the property of that institution was vested by an order of the Supreme Court of Tasmania dated the eleventh day of May, one thousand nine hundred and twenty-five:
- II. The Venerable *Frederick Taylor Whittington, Edward Henry Butler*, the Right Reverend *Robert Snowden Hay, Edwin Herbert Webster*, and *William Frederick Dennis Butler*, or any one or more of them, as trustees of the Hutchins School:

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III. *William Martin Hardwicke Weedon, Stuart Eardley Wilmot, George Crosby Gilmore, Alfred Lawrence Green, Ernest Granville Miller, George Edward Harrap, Robert Lewis Parker, Harry Gilbert, Alfred Richard Beresford, George Campbell Hinman, Cyril Aubrey Perrin, and Harry David Hadden Cummins*, or any of them, under and by virtue of a deed poll dated the thirteenth day of August, one thousand eight hundred and sixty-two, the Launceston Church of England Grammar School Act, 1924, or by any other means upon trust for the Launceston Church of England Grammar School:

IV. His Lordship the Bishop of Tasmania for the time being under and by virtue of the will of *James Denton Toosey*, deceased, dated the tenth day of May, one thousand eight hundred and eighty-two, and registered on the fifth day of May, one thousand eight hundred and eighty-four (Number 22/2154):

V. The trustees of the property known as the Ancanthe Estate and Franklin Endowment, comprising all the lands described in an indenture dated the second day of November, one thousand eight hundred and forty-three, and made between Sir *John Franklin* and *Jane*, his wife, of the first part, *Edward Samuel Pickard Bedford* of the second part, the Reverend *Thomas James Ewing* of the third part, *John Price* of the fourth part, and the Right Reverend *Francis Russell Nixon*, Bishop of Tasmania, *James Ebenezer Bicheno*, the said *Thomas James Ewing*, the Reverend *John Phillip Gell*, and *Ronald Campbell Gunn* of the fifth part—

shall, by virtue of this Act, and as from the coming into operation thereof, without any conveyance, assignment, or other instrument, be vested in Christ College Trust, but subject, nevertheless, to all mortgages, leases, and other contracts lawfully made in respect thereof.

Institutions.

**4** The objects of Christ College Trust shall be carried on by three institutions, Christ College, the Hutchins School, and the Launceston Church of England Grammar School, together with such other institutions as may hereafter be incorporated into the trust under the powers hereinafter contained.

Management of Christ College.

**5** Christ College shall be managed by the Board of Christ College consisting of the Bishop of Tasmania for the time being, or some clergyman nominated by him from time to time, who shall be chairman, and six other members. Four of the members of the first board shall be appointed by the Bishop from

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the existing members of the trustees of Christ College, and the council thereof and the remaining two members shall be appointed, one by each of the boards of the Hutchins School and the Launceston Church of England Grammar School respectively. A.D. 1926.

**6** The Hutchins School shall be managed by the Board of the Hutchins School. The present board of that school shall continue in office until the third day of August, one thousand nine hundred and twenty-seven. Management of the Hutchins School.

**7** The Launceston Church of England Grammar School shall be managed by the Board of the Launceston Church of England Grammar School. The present trustees of such school shall constitute the first board. Management of the Launceston Church of England Grammar School.

**8** The Bishop of Tasmania for the time being shall be Visitor of Christ College Trust and all institutions comprised therein, with the same authorities, rights, and privileges as heretofore, so far as the same shall not be inconsistent with this Act. In the absence of the Bishop from the diocese, or in the event of a vacancy in the see, or the disability of the Bishop, the Vicar-General or the Administrator of the diocese shall exercise the functions of the Visitor. Visitor.

**9** Prayers taken from the Liturgy of the Church of England in Tasmania, or of which the form shall have been approved by the Visitor, shall be said daily in each institution comprised in Christ College Trust. Prayers.

**10** The trustees of Christ College Trust shall consist of the following persons:— Trustees.

I. Six persons, two of whom shall be appointed by each of the boards mentioned in Sections Five, Six, and Seven:

II. When any other institution shall have been incorporated in Christ College Trust in accordance with Section Thirty hereof, the person or persons appointed trustees by each such institution.

Every person so appointed, unless appointed to fill an extraordinary vacancy, shall hold office for a term of five years from his appointment and thereafter until his successor shall be appointed.

**11** The trustees of Christ College Trust shall manage all property, both real and personal, vested in the corporation for the purpose of producing income, and, except as herein otherwise provided, shall manage all the affairs of Christ College Trust. Powers of trustees.

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Common seal.

**12** The trustees of Christ College Trust shall have the custody of the common seal thereof, and the attesting by two trustees of the affixing of the seal shall be sufficient evidence of the affixing of the said seal, and of the due compliance with all regulations and other provisions regarding the execution of the document.

Delegation by trustees.

**13** The trustees of Christ College may permit the board of any institution to hold deeds or securities in connection with such institution, and may delegate to those trustees who are nominated by the board of any institution special control of any special funds held for that institution.

Trusts of specified properties.

**14** Christ College Trust shall hold—

I.—(a) The property comprised in Schedule (1) hereto;

(b) The sum of Three thousand Pounds, which shall be set aside by the trustees of the Christ College Trust out of the proceeds of the sale of the property devised to the Bishop of Tasmania by the said will of *James Denton Toosey*, and until such sale the income from such property, after payment of all prior charges, shall be paid to the Board of Christ College—

upon trust for an institution to be managed by the Board of Christ College, and hereafter known as Christ College:

II. The lands and moneys comprised in Schedule (2) hereto upon trust for the Hutchins School: Provided that the two acres one rood eighteen perches of land described in Schedule (2) hereto, and the schedule to the Hutchins School Act, 1911, together with the five and a half perches of land described in Schedule (2) hereto, and in Section Four of the Act of Parliament 3 Geo. V. No. 40, shall not be sold, leased, or otherwise alienated:

III.—(a) The lands and moneys comprised in Schedule (3) hereto;

(b) The sum of Six thousand Pounds, which shall be set aside by the trustees of Christ College Trust from time to time as available for that purpose, but within a period not exceeding ten years from the passing of this Act—

upon trust for the Launceston Church of England Grammar School:

Provided that the income on such portion of the said sum of Six thousand Pounds as shall not have been so set aside shall be paid to the Board of the



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Launceston Church of England Grammar School, A.D. 1926  
 except in so far as may be necessary to use such  
 income to make up the sums payable to the Board  
 of the Hutchins School under Section Fifteen, Sub-  
 section I., if the remainder of the property of Christ  
 College Trust shall not provide sufficient income:

- IV. The Ancanthe Estate and Lady *Franklin* Endowment, and all moneys arising thereunder, upon such trusts, and for such purposes, and for such institutions comprised in Christ College Trust as the Bishop of Tasmania shall from time to time deem most advisable, having regard to the provisions of the said indenture of the second day of November, one thousand eight hundred and forty-three:
- v. The lands and moneys set forth in Schedule (4) for the scholarships and prizes and for the purposes set forth in that schedule upon trust, to pay the income and annual profits arising therefrom to the boards of the respective institutions at which such scholarships or prizes are tenable or awarded.

**15** The remainder of the property of Christ College Trust shall be held or invested as capital for the trust generally, and the net annual income arising therefrom shall be paid in the manner following:— Trusts of ordin-  
ary property.

- I. As to thirty per centum thereof, to the Board of the Hutchins School for the purposes of such school: Provided that if such sum shall be less than One thousand Pounds the first year, Nine hundred Pounds the second year, Eight hundred Pounds the third year, and Seven hundred Pounds every succeeding year, then such sums shall be paid, in lieu of the thirty per centum, by equal quarterly payments to the Board of the Hutchins School for the purposes of such school until the whole of the lands belonging to Christ College Trust at Bishopsbourne, in Tasmania, shall be sold, or until the thirty-first day of December, one thousand nine hundred and thirty-six, whichever shall first happen:
- II. As to a further thirty per centum thereof, to the Board of the Launceston Church of England Grammar School for the purposes of such school: Provided that if the amount payable to the Board of the Hutchins School shall be more than thirty per centum, the amount payable under this subsection shall be reduced proportionately with the income hereby allotted to the Board of Christ College:

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- III. As to a further thirty per centum thereof, to the Board of Christ College for the purposes of such college: Provided that until Richmond Hill Estate, and other lands devised by the said *James Denton Toosey* upon the same trusts, shall be sold, the Board of Christ College shall bring the net rents and profits from the Richmond Hill Estate and other lands upon the same trusts, less an amount equivalent to the interest at current rates on Three thousand Pounds, into hotchpot before they shall be entitled to participate under this section: And provided, further, that if the amount payable to the Board of the Hutchins School shall be more than thirty per centum, the amount payable under this subsection shall be reduced equally with the payment to the Board of the Launceston Church of England Grammar School:
- IV. The remaining ten per centum shall be retained by the trustees of Christ College Trust, and may from time to time be invested and re-invested by them, and shall be regarded as principal moneys; but such accumulations or any part thereof may be applied by the trustees at any time, with the consent of the boards of all institutions concerned, in the purchase of any land or buildings, or in the erection of buildings, or in the purchase of equipment for any institution comprised in Christ College Trust: Provided that in any year in which the amount payable to the Board of the Hutchins School exceeds thirty per centum, the trustees may in their discretion reduce the amount retained by them under this subsection, and distribute the balance to the Board of Christ College and the Board of the Launceston Church of England Grammar School.

Powers of trustees to sell, mortgage, and invest.

**16** No real estate vested in Christ College Trust upon trust for any institution comprised therein shall be sold, mortgaged, or charged, except under the direction of the board of such institution, and with the approval of the trustees of Christ College; but subject thereto and to Section Fourteen hereof, Christ College Trust may sell, mortgage, or charge any real or personal estate vested in it upon such terms and conditions in all respects as it may deem advisable, notwithstanding any provisions to the contrary contained in any Act of Parliament, will, deed, or any other instrument; and Christ College Trust shall have full power and discretion to invest from time to time the funds at its disposal as it shall deem most advantageous, including the purchase of real or personal estate, and shall, when directed by the Board of the Launceston Church of

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England Grammar School, sell, convey, mortgage, or let the three roods of land described in Schedule (3) hereto or any part or parts thereof for the price or prices and on the terms directed by such board.

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**17** Any moneys arising from the sale, mortgaging, or charging of any real or personal estate held upon trust for any institution shall be held by Christ College Trust upon trust for such institution, and be applied in such manner as the trustees of Christ College Trust and the board of such institution shall mutually agree, and, failing agreement, as shall be settled by the Visitor: Provided that if real or personal property so sold, mortgaged, or charged shall be subject to any special trust, the moneys arising from the sale, mortgaging, or charging thereof shall remain subject to the same special trusts.

Application of proceeds of property held upon special trusts.

**18** The board of each institution shall manage and control the lands, buildings, moneys, and other property held from time to time by Christ College Trust in trust for it other than by way of income-producing property, and generally control and manage the finances thereof, and shall have power to rent any buildings or premises which it may deem suitable, or to accept the use of any buildings or premises which may be placed at its disposal. The board may at its discretion pay any surplus income to the trustees of Christ College Trust to create or augment an endowment fund for its institution.

Powers of board of management.

**19** Any moneys, school equipment, and other personal estate due to or held by the Board of the Hutchins School and the trustees of the Launceston Church of England Grammar School shall remain under the control of the Board of the Hutchins School and the Board of the Launceston Church of England Grammar School, respectively, for the same purposes as they held the same at the passing of this Act, and all moneys in the hands of the Council of Christ College shall be paid to Christ College Trust, and shall be held for a period of five years as a separate fund to be used by the trustees of Christ College Trust at their discretion in making up any deficiency in income to any institution comprised in Christ College Trust, and at the end of the said period of five years the balance of the said separate fund (if any) may be continued as a separate fund for the purpose aforesaid, or may be capitalised, as the trustees may deem proper.

Appropriation of existing income.

**20** All mortgages, charges, and other debts owing by or charged upon the property of the Hutchins School or the Launceston Church of England Grammar School shall continue to be charged upon, or payable out of, the property held by Christ College Trust in trust for such respective schools; but the prop-

Charge of existing debts.

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erty of Christ College Trust shall not otherwise be responsible for or liable to such debts, and all future debts and liabilities incurred by the boards of Christ College, the Hutchins School, and the Launceston Church of England Grammar School respectively shall only render the property of Christ College Trust liable to the same to the extent provided by this Act.

Legal proceedings.

**21** The board of any institution comprised in Christ College Trust, and the trustees of Christ College Trust, shall take all legal proceedings in the name of Christ College Trust, and notice to and service on Christ College Trust may be effected by delivery at the office of the trustees of Christ College Trust, which office shall be in Hobart.

Evidence.

**22** In all courts, and in all legal proceedings instituted by or against Christ College Trust, the production of a certificate purporting to be under the seal of Christ College Trust, and attested by the signatures of two trustees of the appointment of the trustees of Christ College Trust, or of the Board of Christ College, the Board of the Hutchins School, or the Board of the Launceston Church of England Grammar School, or of any one or more of the members thereof, shall, on production only, be deemed *prima facie* evidence without further proof that such trustees or boards, or one or more of such members thereof, have been duly appointed according to law, and the onus of proof to the contrary shall rest on the persons or person challenging the validity of such appointment. A copy of any resolution passed by the trustees or by any board authenticated by the seal of Christ College Trust shall be conclusive evidence of the due passing of such resolution.

Donations, &amp;c., and their application.

**23** All subscriptions, donations, or endowments hereafter accepted by Christ College Trust shall be applied or invested, and the income thereof applied, for the purposes and in the manner directed by the donors, and, failing any such directions, the same shall be applied as provided for in Section Fifteen hereof.

Application of special donations.

**24** The board of each institution shall have power from time to time to direct the purposes and manner in which any real or personal property held in trust for, or given or left to or for, such institution shall be applied: Provided that no such direction shall be contrary to the purposes directed by the donor thereof, and until such direction shall be given Christ College Trust shall manage or invest the same and pay the income arising therefrom to the board of such institution. All gifts, bequests, devises, or settlements to or for any institution comprised in Christ College Trust, or the trustees of such institution, shall be considered to be to or for Christ College Trust for the benefit of such institution.

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**25** The books of account of Christ College Trust for each calendar year shall be examined, vouched, and audited before the first day of April in the following year, and a copy of the accounts so audited shall forthwith be forwarded to the Visitor and to the board of every institution comprised in Christ College Trust, and likewise the accounts of each board shall be examined, vouched, and audited, and a copy thereof forwarded to the Visitor and to Christ College Trust.

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Audit of  
accounts.

**26** Except as otherwise provided in this Act, the board of every institution and the trustees of Christ College Trust shall each have power to make regulations for all or any of the following purposes:—

Regulations.

- I. The conduct of its business, including the election of a president or chairman, and the term of his tenure, and the quorum of members, and the execution of deeds and other documents:
- II. The appointment, employment, and dismissal of members of the teaching staff, officers, and other employees under its control:
- III. The government, management, and discipline of the institution managed by it:
- IV. The admission, teaching, and management of boys or students:
- V. The granting of scholarships or prizes, including the number to be granted, and the value and term thereof, and manner in which the same shall be awarded or applied, and the capitalisation of any income not required for current scholarships or prizes:
- VI. Any other purpose approved of by the Visitor.

**27** All regulations must be passed at a meeting specially convened for that purpose, and be approved by the Visitor. Any regulation so made may be amended or revoked from time to time as occasion shall require at a meeting specially convened for the purpose, and all such alterations must be approved by the Visitor.

Passing of  
regulations.

**28** The Visitor, by notice in writing to the president or chairman of the trustees or of any board, may require him to call a meeting thereof for the purpose of a conference with the Visitor. The president or chairman shall forthwith call a meeting of such trustees or board for that purpose, at which meeting the Visitor shall preside.

Conference with  
Visitor.

**29** The warden or headmaster of any institution shall be the adviser of the board thereof, and the chief executive officer in all matters affecting its internal management, and shall be

Duties of  
warden and  
headmasters.

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responsible to the board for its proper discipline and teaching. He shall, except when the board otherwise determines, be entitled to be present at meetings of the board, but shall not be or become a member of the board.

Additional institutions.

**30** It shall be lawful for the trustees of Christ College to incorporate in Christ College Trust, with the consent and approval of the Visitor, any other institution connected with the Church of England in Tasmania whose principal object shall be to afford a means of education for the youth of Tasmania, provided that the approval of the boards of all institutions comprised within Christ College Trust shall first have been given. Any such institution may be allotted such portion of the capital or income of Christ College Trust as may be unanimously agreed to by the trustees of Christ College, and such boards, and the board of any such institution, may appoint either one or two trustees of Christ College Trust, as may have been agreed upon, on its incorporation with Christ College Trust.

Religious teaching.

**31**—(1) In accordance with the intention of the original founders, the religious services and ritual to be used in all institutions comprised within Christ College Trust, and the theological instruction to be imparted under the scheme provided by this Act, shall be in accordance with the practice and principles of the Church of England in Tasmania.

(2) No religious test whatever shall be imposed upon boys or students desirous of entering any such institution, and attendance upon religious services shall not be compulsory upon any boys or students whose parents or guardians may state in writing their objection to such attendance; but the boarders will be expected to attend daily prayers.

Extraordinary vacancies.

**32** The seat of any member of the trustees of Christ College Trust or of the board of any institution shall become vacant by his death or resignation, or by his becoming bankrupt or insolvent, or going to reside out of Tasmania, or by his refusal or incapacity to act, or if he shall neglect to attend the meetings of the trustees or the board of which he is a member for the space of six months without leave of absence previously obtained. Any extraordinary vacancy shall be filled up within three months after the same shall have arisen, in the same manner as the person originally appointed a member was appointed, and, failing such new appointment within three months of the vacancy occurring, the trustees or board may elect a member to the vacant seat. Any member appointed to fill an extraordinary vacancy shall hold office for the remainder of the period for which the member whose seat had become vacant had originally been appointed.

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- 33** Subject to Section Five hereof, the Board of Christ College shall consist, in addition to the chairman, of two members appointed by the Visitor, two members appointed in such manner as the Synod of the Church of England in Tasmania shall from time to time direct, and two members appointed, one by each of the Boards of the Hutchins School and the Launceston Church of England Grammar School respectively. Members shall hold office for the term of five years from the date of their appointment, and thereafter until their successors are appointed. At least three members of the board shall be clergymen of the Church of England in Tasmania. A.D. 1926.  
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Appointment of Board of Christ College.
- 34** The Board of Christ College shall provide for the training of young men in theological learning and Christian doctrine for admission to holy orders in connection with the Church of England in Tasmania, and, so far as its means will allow, shall provide for a college or hostel for students attending the University of Tasmania: Provided that the general theological and devotional standard shall be as prescribed by the Bishop. Duties of board.
- 35** Until otherwise determined by the Board of Christ College, the institution known as St. Wilfred's, Cressy, together with Christ College, now established on the lands described in Schedule (1), shall be carried on by the Board of Christ College; but the board may close St. Wilfred's College at Cressy, and thereafter carry on all theological instruction at Christ College. The site of Christ College shall only be altered by the vote of two-thirds of the members of the board with the approbation of the Visitor. Site of Christ College.
- 36** The Warden of Christ College shall be appointed or dismissed by the Visitor alone, but before any such appointment the Board of Christ College shall fix the term for which he is to be appointed and what are to be his duties and what his remuneration. The Warden shall be a clergyman of the Church of England, at least in priest's orders, and shall be a graduate of a university within the British Dominions or hold a theological diploma approved of by the Bishop. Appointment of warden of Christ College.
- 37** Subject to the approval of the Visitor, it shall be lawful for the Board of Christ College, if it thinks fit so to do, to affiliate the college to the University of Tasmania or any other university. Power of affiliation.
- 38** The Hutchins School shall be conducted in the manner and according to the regulations usually adopted in English public schools, and the object of the Hutchins School is to afford the means of imparting the education usually given at English public schools, so far as the conditions in the State of Tasmania The Hutchins School.

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allow of the same being carried out and which shall not be inconsistent with or contrary to the principles of the Church of England in Tasmania.

Appointment of  
the Hutchins  
School Board.

**39** The Board of the Hutchins School shall consist of six members, two of whom shall be appointed by the Visitor; one member shall be appointed by the Board of Christ College, and the remaining three members shall be appointed by the Old Scholars' Association, hereinafter defined, in such manner as such association shall from time to time determine. All members of the board shall hold office for a term of five years and thereafter until their successors are appointed.

Old Scholars'  
Association and  
the Hutchins  
School Fund.

**40** The Old Scholars Association of the Hutchins School shall consist of all old scholars and men interested in the school who shall have subscribed One Pound to the Hutchins School Fund. All subscriptions, donations, or endowments received for the purposes of the school shall, if no specific destination be directed by the donors, be carried to a fund called the Hutchins School Fund, which shall be a continuing fund for the purposes of the school. The Hutchins School Fund shall be carried to a separate account by the Board of the Hutchins School, and may be applied by the board at any time in the purchase of any land or in the erection of any buildings for the purposes of the school, or improvements to buildings and premises, or in the purchase of equipment, or, with the consent of the trustees of Christ College, in urgent repairs, provided that, so far as practicable, repairs to buildings shall be effected out of the ordinary income of the school under the disposal of the board. Any such moneys from time to time remaining unappropriated by the board exceeding the sum of One hundred Pounds shall be paid to and invested by Christ College Trust until required by the board for any of the purposes above mentioned. The trustees, at the request of the board, shall raise moneys by way of mortgage on any land so purchased, and any moneys so raised shall be considered as portion of the Hutchins School Fund and be applicable accordingly.

The Launceston  
Church of  
England Gram-  
mar School.

**41** The Launceston Church of England Grammar School shall be a public school in or near the City of Launceston, in Tasmania for the education of youth in general literature which shall not be inconsistent with or contrary to the principles of the Church of England in Tasmania, and the management of the affairs of the said school shall be under the order, direction, and control of the board thereof.

Appointment of  
its Board.

**42** The Board of the Launceston Church of England Grammar School shall consist of not more than thirteen persons nor less than eight persons who are members of the Church of England in Tasmania. One member shall be appointed by the Board of Christ College, and shall hold office for a term of five



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years from the date of his appointment and thereafter until his successor is appointed. The said *Harry David Hadden Cummins* shall be the first such member, and the remaining members shall be appointed from time to time in the same manner as the trustees of the said school were formerly appointed under the beforementioned trust deed dated the thirteenth day of August, one thousand eight hundred and sixty-two.

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**43** The headmasters of the Hutchins School and of the Launceston Church of England Grammar School shall from time to time be appointed or dismissed by the boards of their respective schools in manner following, that is to say—

Appointment  
and dismissal  
of headmasters

- I. The board shall fix the term for which such headmaster is to be appointed, his duties, and his remuneration, and, at a meeting specially convened for that purpose, shall nominate a fit and proper person to be headmaster:
- II. Notice in writing of such nomination shall be posted by registered letter to the Visitor, who shall thereupon, by notice in writing to the board—
  - (a) Approve of such nomination; or
  - (b) Require a conference; or
  - (c) Disapprove of such nomination:
- III. If the Visitor shall approve of such nomination, or if the Visitor shall not, within fourteen days from the posting of such nomination, give notice requiring a conference or disapproving of such nomination, the person so nominated shall be appointed the headmaster:
- IV. If the Visitor shall require a conference the board shall forthwith arrange for the same, and at that meeting the Visitor may approve of such nomination, and thereupon, or if the Visitor does not attend, the person so nominated shall be appointed the headmaster:
- V. If the Visitor attends at such meeting and does not approve of such nomination, or if the Visitor, by notice as aforesaid, disapproves of such nomination, the board shall in like manner nominate a second person, and the same procedure shall be followed:
- VI. If such second person is not appointed, then the board shall in like manner nominate a third person, and the same procedure shall again be followed:
- VII. If such third person is not appointed, then the board shall appoint a headmaster without further reference to the Visitor:
- VIII. The headmaster shall be a member of the Church of England in Tasmania, and shall be a graduate of a university within the British Empire:

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IX. The board may remove a headmaster by a resolution passed at a meeting specially convened for that purpose, and subsequently approved in writing by the Visitor. If the Visitor does not approve, he may require a conference with the board:

x. If the approval of the Visitor is not obtained within fourteen days from the date of such resolution and the Visitor has not required a conference, or if a conference is held and the board adheres to its resolution, it shall be lawful for the board to hold another meeting specially convened, and, by a resolution passed by at least two-thirds of those present at such meeting, to remove the headmaster.

Not to affect  
status as public  
schools.

**44** Nothing herein contained shall prejudice or affect the right of the Hutchins School and the Launceston Church of England Grammar School to be registered as public schools under the Registration of Teachers and Schools Act, 1906.

Interpretation.

**45** Wherever in the Act the expression "the Church of England in Tasmania" occurs, and the context so admits, the same shall include any church in communion with that church, and any church of which the Church of England in Tasmania forms a part or branch.

Continuation of  
scholarships.

**46** All scholarships awarded at the commencement of this Act shall continue as if this Act had not been passed.

Franklin  
Museum.

**47** It shall be lawful for the trustees of Christ College Trust to convey the building known as the Franklin Museum, together with the land on which it stands and land adjacent thereto not exceeding three roods in all, to the mayor, aldermen, and citizens of Hobart upon such terms as the trustees may deem advisable; and such powers are in addition to the powers of selling and mortgaging, alienating, and conveying all or any part of the Ancanthe Estate and the Franklin Endowment conferred by Section Sixteen of this Act.

Variation of  
trusts.

**48** The provisions of any Act of Parliament, deed of trust, or will which are inconsistent with, or vary or limit, the powers hereby granted shall be null and void: Provided that nothing herein contained shall prejudice or affect the rights or privileges of *John Stebbings* and *William Stebbings* granted to them under the will of the late *James Denton Toosey*, deceased, or the payment of the sum of Twenty-five Pounds per annum in or towards the maintenance and support or otherwise for the benefit of a clergyman for the Parish of Cressy: And provided, further, that on the sale of the Richmond Hill Estate and other lands held upon the same trusts the sum of not less than Six hundred Pounds nor more than One thousand Pounds as the

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Visitor shall direct shall be paid to the trustees of the property of the Church of England in Tasmania in full settlement of the obligation to the Parish of Cressy, to be held by such trustees upon trust to apply the income for the stipend of the clergyman of the Parish of Cressy, or otherwise for the purpose of providing clerical administration at Cressy aforesaid and for the surrounding district. A.D. 1926.

**49** This Act shall come into operation and shall take effect on the first day of January, one thousand nine hundred and twenty-seven. Operation.

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## SCHEDULES.

### (1)

All that piece or parcel of land situate and being in the City of Hobart in Tasmania containing 3 acres 2 roods and 7/10ths of a perch having frontages on Park Davenport and Shoobridge streets and which said piece of land is more particularly delineated and described in Certificate of Title Registered Volume CCLXXIV. Folio 108.

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### (2)

1. All those 2 acres 1 rood and 18 perches of land situate and being in the City of Hobart and bounded as follows (that is to say) on the north-west by 4 chains 39 links and one-half of a link north-easterly along Collins-street commencing at the angle with Barrack-street on the north-east by 5 chains 5½ links south-easterly along Lot 1 purchased from the Crown by William Lodewyk Crowther to Macquarie-street on the south-east by 4 chains and 90½ links south-westerly along that street on the south-west by 70 links north-westerly along an allotment on which formerly stood the fountain again on the south-east by 48½ links south-westerly also along that allotment to Barrack-street aforesaid and thence again on the south-west by 4 chains 19 links and one-half of a link north-westerly (in the Hutchins School Act 1911 erroneously called south-westerly) along that street to the point of commencement the same being the lands granted to William Kermode Richard Dry Fitzherbert Adams Marriott Valentine Fleming and Rowland Robert Davies and their heirs by letters patent dated the 14th day of December 1847 but subject nevertheless to the annual charge of £48 for the purpose of the Newcastle scholarships created by the indenture dated the 13th day of July 1854 and made between the Right Rev. Francis Russell Lord Bishop of Tasmania of the first part the Rev. John Richard Buckland therein described of the second part Richard Dry the Venerable Fitzherbert Adams Marriott and the Venerable Rowland Robert Davies all therein described of the third part Richard Dry and Robert William Nutt of the fourth part and William Robertson of the fifth part.

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0A. 0R. 5½P.

2. Bounded on the south-west by 70½ links north-westerly along Barrack-street commencing at the angle of that street and Macquarie-street on the north-west by 48½ links north-easterly along land granted to William Kermodé Richard Dry Fitzherbert Adams Marriott Valentine Fleming and Rowland Robert Davies on the north-east by 70 links south-easterly also along that grant and thence on the south-east by 49 links south-westerly along Macquarie-street aforesaid to the point of commencement.

3. All and singular the lands and hereditaments comprised and described in an indenture dated the 24th day of December 1918 registered number 14/4202 and made between George Harry Gibson of the one part and the Venerable Frederick Taylor Whittington Edward Henry Butler the Very Reverend Robert Snowden Hay Edwin Herbert Webster and William Frederick Dennis Butler of the other part the same containing 1 rood 22½ perches or thereabouts subject nevertheless to the payment of the principal sums of £3000 and £250 and interest charged thereon by way of mortgage.

4. All that piece or parcel of land situate in the City of Hobart aforesaid containing 3 acres 1 rood and 21 perches bounded by Parliament and King streets the Sandy Bay Rivulet and by lands now or formerly in the names of George Cooper and F. and L. Garrett which said piece of land is more particularly delineated and described in Certificate of Title Registered Volume CXCLIX. Folio 80.

5. The Endowment Fund to be accumulated at compound interest until 3rd August 1946 and thereafter the income to be paid to the Board for general school purposes and which fund now amounts to £291 4s. 10d.

(3)

1. All those 3 roods of land situate and being in the City of Launceston in Tasmania and bounded as follows (that is to say) on the north-east by 170 feet and 4 inches south-easterly along George-street from its angle with Elizabeth-street on the south-east by 198 feet south-westerly along land reserved for the Church of England on the south-west by 170 feet and 7 inches north-westerly also along that land to Elizabeth-street aforesaid and thence on the north-west by 198 feet north-easterly along that street to the point of commencement subject nevertheless to the principal sum of £2000 and interest charged thereon by way of mortgage and subject to the principal sum of £230 and interest charged thereon being part of the Jubilee Fund of £300 hereinafter mentioned.

2. All that piece or parcel of land part of the Mowbray Estate situate in the Parish of Seaford in the County of Dorset in Tasmania containing by estimation 25 acres and 3 perches or thereabouts and bounded on the north-west by a line commencing at the western angle of the said estate on the River Tamar and extending 19 chains 49 links and 2/10ths of a link or thereabouts north-easterly along land formerly belonging to William Dawson Grubb to a point distant 15 chains 80 links and 8/10ths of a link south-westerly from the George Town-road thence on the north-east by a line of 14 chains 1 link south-easterly along a newly laid out street 43 feet 6 inches wide called Valentine-street to a point distant 16 chains 28½ links south-westerly from the George Town-road thence on the south-east by a line of 4 chains 86½ links or thereabouts south-westerly along land sold and conveyed by Martin Mowbray

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Stephenson James Scott and Alexander Murray Milligan to Janet McKenzie portion of which has been dedicated as a public street 50 links wide known as Button-street thence again on the south-east by a line of 10 chains or thereabouts south-westerly in another bearing along the lastmentioned land to the River Tamar aforesaid and thence on the south-west by that river north-westerly to the commencing point aforesaid together with a right-of-way and passage at all times with or without horses cattle carts and vehicles in over along and upon the strip of land or roadway 75 links wide leading from the lastmentioned south-eastern boundary of the land hereinbefore described south-easterly and then north-easterly through the said land formerly belonging to the said Janet McKenzie to the George Town-road aforesaid as the said land hereinbefore described and the said roadway are more particularly delineated in the plan thereof drawn on the aforesaid Indenture of Conveyance and Mortgage Registered Number 15/4237 and therein surrounded by red and green lines respectively subject nevertheless to the principal sums of £8500 and £3500 and interest charged thereon by way of mortgage.

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3. The Jubilee Fund amounting to £300 which is made up of £230 charged upon the 3 roods of land above mentioned and £70 invested at interest.

4. The Endowment Fund at present consisting of £22 10s. a legacy from Miss Eliza Stewart.

*Note.*

A terrace of three houses known as Nos. 92 94 and 96 in Balfour-street Launceston and a sum of £2000 and the income therefrom which are held upon trust for the Launceston Church of England Grammar School for chapel purposes do not vest in Christ College Trust but shall be dealt with as directed by the Board of the Launceston Church of England Grammar School.

And certain building society shares in the name of the trustees of the Launceston Church of England Grammar School which are being subscribed for by various persons to reduce loans of £4000 incurred by the said trustees in the course of building the new school premises do not vest in Christ College Trust but shall be dealt with as directed by the Board of the Launceston Church of England Grammar School.

## (4)

*Scholarships and Prizes to be awarded by the Board of Christ College and tenable at Christ College.*

	£
For "The Pedder" open to sons of persons resident in Tasmania	500
For "The Dry" open to sons of persons resident in the State of Tasmania . . . . .	500
For "The Gell" to be awarded for proficiency in some subject or subjects of Divinity . . . . .	350
For "The Dumaresq" open to sons of persons resident in the State of Tasmania . . . . .	40

And 120 acres of land near New Norfolk in Tasmania given by Edward Dumaresq to the college for this purpose.

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*To be awarded by the Board of the Launceston Church of England Grammar School and tenable at such School.*

For "The Hutchins" open to boys between 10 and 13 years of age	£
For "The Richard Green" open for competition to boys under 16 years of age tenable for one year . . . . .	425
For "The William Turner" open for competition to Church of England boys under the age of 16 years tenable for three years . . . . .	400
For "The Williatt-Moore" scholarships awarded as determined from time to time by the Board tenable for three years (at present but subject to alteration) open for competition to boys under 12 years and held twice in every three years . .	500
For "The Percy Shearn" free tuition for such scholar as the Board shall from time to time select with or without a competitive examination by virtue of the Launceston Church of England Grammar School Act 1924	
For "The Hawkes Prizes" for Latin essay English essay euclid and algebra fractions and decimals square and cube roots writing reading and such other matters or subjects as the board shall from time to time think fit . . . . .	1000
For "The Gillett Prize" . . . . .	30

*To be Awarded by the Board of the Hutchins School and Tenable at such School.*

For the senior Newcastle open to competition to boys over 12 years of age and under such age as the Board shall appoint one scholarship granted yearly of the value of £12 per annum and tenable for two years.	
For the junior Newcastle open to competition to boys under the age of 12 years one scholarship granted yearly of the value of £12 per annum and tenable for two years.	
(These scholarships are chargeable on the Hutchins School by the said indenture of the 13th day of July 1854.)	
For "The Harvey" open for competition to boys under the age of 11 years . . . . .	300
For "The Franklin" open only to sons of persons residing within a radius of ten miles from the post-office in the town of Franklin County of Kent in Tasmania . . . . .	150
Together with 50 acres of land at Franklin given by Lady Franklin for the purposes of this scholarship.	

*Note.*

The capital from which the "McNaughtan" and "Crace Calvert" scholarships and "Henry Martin" and "Billy Gill" prizes are derived is not held by the Trustees of the Hutchins School, and therefore does not vest in Christ College Trust.

*To be Awarded by the Trustees of Christ College Trust and Tenable at the Launceston Church of England Grammar School the Hutchins or any Other School hereafter incorporated into Christ College Trust.*

For "The Clerical" open only to sons of clergymen of the Church of England in Tasmania resident in the State of Tasmania . .	1350
For "The Magistrates" open to sons of persons resident in the State of Tasmania . . . . .	500
For "The Medical" open only to sons of medical practitioners resident in the State of Tasmania . . . . .	450
For "The Stuart Prize" for proficiency in English prose composition . . . . .	110