ANNO QUINQUAGESIMO SECUNDO ET QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1889.

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**Private Act.**

An Act to amend an Ordinance, intituled "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."

[Assented to, December 6th, 1889.]

WHEREAS by an Ordinance, being Private Act, No. 1 of 1849, entitled "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," the Governors of the said Collegiate School, being The Lord Bishop of Adelaide and certain persons named in the said Ordinance, were incorporated for the purposes in the said Ordinance appearing under the name or title of "The Governors of the Church of England Collegiate School of St. Peter's, Adelaide": And whereas it is expedient that the name of the said Governors of the Church of England Collegiate School of St. Peter's, Adelaide, should be changed to the name of "The Church of England Collegiate School of Saint Peter, Adelaide": And whereas it is expedient that the statutes and rules of the said incorporated body, as set forth in the Schedule to the said Ordinance, should be repealed and others substituted therefor, in order to enable the Governors of the said Collegiate School more effectually and usefully to carry out the objects sought in the incorporation—Be it therefore Enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. From
1. From and after the coming into operation of this Act, the name of the Governors of the Church of England Collegiate School of St. Peter’s, Adelaide, shall be “The Church of England Collegiate School of Saint Peter,” and by that name shall have perpetual succession and a common seal, and shall, in addition to the powers given by the said recited Ordinance, have power to acquire, sell, mortgage, demise, and exchange lands, tenements, and hereditaments: Provided that such alteration of name shall not affect any rights or obligations of the said incorporated body (hereinafter designated “the said Collegiate School”), nor render defective any legal proceedings instituted, or to be instituted, by or against the said Collegiate School, and any legal proceedings may be commenced or continued by or against the said Collegiate School in its new name that might have been commenced or continued by or against the said Collegiate School in its former name; and all deeds, documents, and instruments of title in which the name “The Governors of the Church of England Collegiate School of St. Peter’s, Adelaide” has been or shall be printed or written shall be read and construed as if the name “The Church of England Collegiate School of St. Peter, Adelaide,” had been printed or written in lieu thereof.

2. The Schedule of statutes to the said recited Ordinance, No. 1 of 1849, shall be and the same is hereby repealed.

3. The statutes set forth in the Schedule A to this Act, are the statutes for the government and management of the said Collegiate School, and are hereby substituted for the statutes and rules in the Schedule hereby repealed, and for any other statutes made and passed by the Governors of the said Collegiate School.

4. The Council of Governors, with the sanction of the Visitor, may repeal or amend any of the statutes set forth in the Schedule “A” hereto, and any future statutes, and any existing or future by-laws, and may make and pass any new statutes and by-laws with a view to the more efficient conduct and expansion of the said Collegiate School: Provided that no statute or by-law shall be repealed, amended, or made except with the concurrence of two-thirds of the whole number of the members of the Council of Governors: Provided further that no such statute or by-law shall contravene the fundamental provisions of the constitution of the said Collegiate School.

5. Every Governor to be elected under or pursuant to the statutes contained in the said Schedule A shall make a declaration in the form contained in Schedule C to this Act annexed.

6. Wherever in the said recited Ordinance or in this Act, or in any statute or by-law of the said Collegiate School, the words “The Lord Bishop of Adelaide” or “The Bishop of Adelaide” are or shall be used, such words shall be held to mean and describe the person or corporation sole for the time being occupying the office or position of Bishop of the Church of England in the Diocese of Adelaide.

7. This
7. This Act and the said recited Ordinance, except so far as the incorporation.
same is repealed or amended, shall be read together as one Act.

8. This Act may be cited as the "Saint Peter's Collegiate School Ordinance Amendment Act."

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

KINTORE, Governor.
SCHEDULES.

A.

STATUTES.

I.—The Church of England Collegiate School of St. Peter 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 or vulgar 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 management of the said Collegiate School, and of the property belonging thereto, 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 be members of the Church of England, and shall make and subscribe a declaration in the form contained in Schedule B to this Act at the first Council after accepting office. No such last-named Governor shall be entitled to act until such declaration shall have been so made and subscribed by him.

III.—The 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. But in the event of the Dean or Archdeacon of Adelaide declining to act, the vacancy occasioned thereby shall be filled by the Bishop from the Dean and Chapter of the Diocese of Adelaide, Incorporated. The clergymen so appointed by the Bishop shall however retire at the end of three years from the date of his appointment, or at any time when any fresh appointment to the office of Dean or Archdeacon of Adelaide shall have been made. The clergymen retiring shall nevertheless be eligible for election or re-appointment. The remaining Governors shall be John Acraman, of Adelaide, in the Province of South Australia, gentleman; Edwin Gordon Blackmore, of Adelaide aforesaid, Clerk of the Legislative Council; John Cox Bray, of the same place, Speaker of the House of Assembly; William Rendall Cave, of the same place, merchant; William Selby Douglas, of the same place, gentleman; Henry Edward Downer, of the same place, solicitor; the Venerable George Henry Farr, Vice-Chancellor of the University of Adelaide; Frederick Augustus Grant, of Glenelg, gentleman; Frederick Halcomb, of Adelaide, Clerk of the House of Assembly; Charles Townshend Hargrave, of Adelaide, Inspector of Main Roads; George Wright Hawkes, of the same place, gentleman; Henry Dunkin O’Halloran, of the same place, gentleman.

IV.—In the month of July, 1890, four of the Governors whose names are set forth in Statute III. shall retire by lot. Of the remaining eight four shall retire by lot in the month of July, 1892, and the remainder in the month of July, 1894. Thereafter four of the elected Governors shall retire in order of seniority of membership at the end of every period of three years. Should any doubt arise as to seniority it shall be settled by lot. The Governors so retiring shall be eligible for re-election.

V.—Until such time as the twelve Governors to be elected shall have been so elected, all periodical vacancies shall be filled by the following bodies in the following proportions, that is to say—one-half by the Council of Governors; one-fourth by the Standing Committee of Synod; and one-fourth by the members of the St. Peter’s Collegians’ Association, Incorporated, who shall have been subscribers to the Association for at least two years prior to the date of the election, provided that the number of members competent so to vote shall not be less than fifty. Any vacancy other than periodical shall be filled up by the aforesaid bodies in rotation, and in the order named, but so that the whole

number
number of elected Governors shall eventually consist of six elected by the Council, three by the Standing Committee of Synod, and three by the St. Peter's Collegians' Association, Incorporated. Thereafter any vacancy arising among the elected members shall be filled up by the body by whom the retiring member was appointed: Provided always that any Governor elected to fill any vacancy other than periodical shall hold office only for the remainder of the term to which his predecessor was entitled: Provided also that, in the event of a Governor being elected by two electing bodies, the Governor so elected shall, within seven days, give notice to the Secretary stating which body he will represent, and thereupon the other body so electing him, shall proceed to a fresh election after notice thereof by the Secretary, and if the member so elected by any two bodies shall not, within seven days, elect which body he will represent, then the Council shall decide which body the said member shall represent. In the event of either of the two last named bodies, the Standing Committee of Synod, or the St. Peter's Collegians' Association, Incorporated, failing to exercise their right of election as aforesaid within thirty days of the declaration of the vacancy, such vacancy shall (pro hac vice) be filled up by the Council of Governors, and should the said Council from any cause fail to exercise their right of filling up any vacancy within a like period, then such vacancy shall (pro hac vice) be filled up by the Visitor.

VI.—Secession from the Church of England, insolvency, felony, insanity, neglect or refusal to perform the duties of the office, or refusal to make and subscribe the form of declaration in Schedule C to the said Act, or fifteen months' absence from the colony, shall constitute disqualification for the office of Governor. The interpretation of this statute, in case of doubt, shall, notwithstanding anything contained in Statute vii., remain with the Council, who shall, by an absolute majority of their whole number, be empowered to declare the seat of any Governor so disqualified to be vacant.

VII.—The Bishop of Adelaide for the time being shall be the Visitor, with power to officiate in the College Chapel, and 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 provisions of the said Collegiate 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. In the absence of the Bishop his Commissary, and during any vacancy in the See of Adelaide the President of the Synod of the Church of England in the Diocese of Adelaide, Incorporated, shall have and exercise the powers of the Visitor.

VIII.—The entire control of the establishment, as well as the appointment and removal of the Head Master, who must be a clerk in holy orders and must hold the licence of the Bishop of Adelaide, shall be for ever vested in the Governors, but the Head Master shall appoint and remove the other masters. The salaries of the other masters shall be recommended by the Head Master, and approved by the Council.

IX.—No master shall in any case be a Governor. Neither shall he hold a cure of souls, except with the consent of the Council.

X.—The Head Master shall not 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; but no such removal shall take place, except with the concurrence of at least an absolute majority of the members of the Council of Governors.

XI.—Whenever a vacancy shall occur in the office of Head Master it shall be filled up by the Council.

XII.—Prayers, according to a form appointed by the Bishop and Council, shall be said every morning in the school chapel before the school work begins, and the pupils shall be expected to attend and reverently to join in the service, and the business of the school shall be always concluded with the use of a form of prayer appointed by the Bishop and Council. The duty of reading such prayers, either in chapel or in school, shall be always performed by the Head Master or other master appointed by him for that purpose.

XIII.—The
XIII.—The curriculum of study shall be determined from time to time by the Head Master and approved by the Council.

XIV.—Examinations of the pupils shall be held yearly or oftener, and there shall be at least one speech day in each year, when the parents and guardians of the scholars shall be invited to attend.

XV.—The Council shall have power to fix the school hours, the terms of tuition, board, lodging, and the season and length of the holidays.

XVI.—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, in the opinion of the Head Master, exercises an injurious influence upon the other pupils.

XVII.—No boy under eight years of age, or who is unable to read and write, shall be eligible for admission to the school.

XVIII.—All payments for tuition, board and lodging, and other school charges shall be made quarterly in advance.

XIX.—Benefactors giving or bequeathing to the Church of England Collegiate School of St. Peter property, for the purpose of enabling them to nominate foundation boys, shall, so long as the property shall yield a clear income of £60 per annum, have the privilege of nominating and keeping always at the school one pupil, who shall be educated, lodged, and boarded by the said Governors free of all charges, and for every £60 so accruing to the said corporation the benefactor, his heirs, assigns, or corporate successors shall be entitled to one such nomination. Nothing, however, in this statute shall prevent the Governors from accepting trusts which make other provisions not being of a less advantageous character to the said Collegiate School.

XX.—In the event of such benefactor, 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 pro hac vice to the Governors, who shall elect from the school the most deserving boy, taking into consideration conduct as well as attainments.

XXI.—Benefactors or donors endowing the said Collegiate School, or trustees on its behalf, 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.

XXII.—Each boarding pupil shall wear a cap and gown, or some distinctive dress, of such form and material as shall be determined on by the Visitor and Council.

XXIII.—The boarding and foundation pupils shall be lodged, boarded, and otherwise provided for within the establishment during the school terms under the Head Master or such other officers as shall be appointed by the Governors for that purpose. The Head Master shall, however, in all cases be responsible for the general discipline of the establishment.

XXIV.—All public worship within the precincts of the Collegiate establishment shall be according to the Liturgy and Formularies of the Church of England, and on every Lord’s Day, during term time, a sermon or exposition of scripture shall be delivered by the Head Master or other officiating minister appointed by him.

XXV.—During the week one lecture at least shall be given by the Head Master on the “Doctrines and Evidences of Christianity,” or on the “History of the Church and Formularies of the Church of England,” but attendance at these lectures and at prayers in chapel shall not be required from those pupils whose parents being members of other communions shall wish them to be exempt.

XXVI.—The Council shall meet quarterly, or oftener, for the transaction of business, and at such meetings five members shall form a quorum. The Chairman shall have a deliberative and a casting vote.

XXVII.—The Governors shall appoint a Secretary, who shall keep a minute-book, in which a record of all the proceedings of the Council shall be made.

XXVIII.—The Governors shall appoint a Bursar, who shall half-yearly, at one of the ordinary meetings of the Governors, submit the accounts of the Corporation, properly balanced, and audited by two auditors appointed by the Council of Governors.

XXIX.—On the appointment of every Head Master after the first day of January, 1890, an agreement or engagement in the form hereinafter set forth shall be signed by such Head Master, and the seal of the said school shall be affixed thereto by the Governors.
Saint Peter's Collegiate School Ordinance Amendment Act.—1889.

B.

Engagement between the Head Master and Council of Governors.

1. 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 Bishop of Adelaide, do hereby engage to fulfil the duties of Head Master of the Church of England Collegiate School of St. Peter, 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 Act, receiving quarterly the undermentioned stipend. And I hereby admit and agree that I hold and occupy the office and the residence of the Head Master, the school, and other buildings, and also the grounds and appurtenances thereto belonging, as tenant at will of the Council of Governors of the said school, and that on receipt of notice in writing under the seal of the said Church of England Collegiate School of St. Peter, requiring me to vacate the said office and to deliver up possession of the said school, residence, and premises, then I will within seven days from receipt of such notice peaceably and quietly vacate and deliver up possession of the said office, residence, school, buildings, and premises to the said Governors, their attorney, or agent: Provided, however, that the receipt of such notice and the delivering up of possession by me as aforesaid shall not prejudice my right to recover any salary to which I may then be legally entitled: Provided also that no such notice shall be given by the Governors in contravention of Statute No. 10.

Stipend referred to £

The Council of Governors of the Church of England Collegiate School of St. Peter hereby appoint A. B., of &c., as Head Master of the said Collegiate School of St. Peter, on the above terms of engagement.

C.

I, , do hereby declare that I am a bond fide member of the Church of England in Australia and Tasmania, and belong to no other religious denomination, and do hereby accept the office of Governor of the Church of England Collegiate School of St. Peter, and promise, to the best of my judgment and ability, to perform the duties of the said office.