



## WESTERN AUSTRALIA.

ANNO VICESIMO NONO

## VICTORIÆ REGINÆ.

No. XII.

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AN ORDINANCE to incorporate the Governors of the Perth Church of England Collegiate School.

[18th August, 1865.]

WHEREAS it has been resolved to found and endow, in Perth, 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 funds have been contributed for such purposes by the Venerable Society for Promoting Christian Knowledge, by the Right Reverend Mathew Blagden Hale, Doctor of Divinity, Lord Bishop of Perth, and by other individuals; And, whereas for the purpose of giving permanency to so useful an Institution, and enabling the Governors satisfactorily to conduct and manage the affairs thereof, it is very desirable that the same be incorporated; Be it therefore enacted by His Excellency The Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

## 29° VICTORIÆ, No. 12.

### *Collegiate School.*

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

**1.** THE Lord Bishop of Perth, the Very Reverend the Dean of Perth, and the Venerable The Archdeacon of Perth, 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 Regulations 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 Perth Church of England Collegiate School," 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 Regulations.

Saving rights of the Crown and others.

**2.** PROVIDED, 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.

Public Ordinance.

**3.** THAT this Ordinance shall be deemed and taken to be a Public Ordinance, and shall be judicially taken notice of as such by all Judges, Justices and others within the Colony, without being specially pleaded.

J. S. HAMPTON,

GOVERNOR AND COMMANDER-IN-CHIEF.



*Passed the Legislative Council,*  
*This 18th day of August, 1865.* }

G. E. HAMPTON,

*Clerk of the Council.*

SCHEDULE REFERRED TO IN THE FOREGOING ORDINANCE.

STATUTES AND REGULATIONS.

I. The Perth Church of England Collegiate School 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 Schedule A 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 Perth, 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 Perth for the time being, shall also be Governors *ex officio*. The Subscribers of the sum of £550 raised in the Colony to meet the Benefaction of the Society for Promoting Christian Knowledge shall elect the remaining twelve Governors from their own number. Every Subscriber of Five Pounds shall be entitled to give one vote for each of the twelve persons whom he may desire to appoint a Governor; and every Subscriber of Ten Pounds shall be entitled to give two votes in the manner aforesaid. Provided no one Subscriber be permitted to give more than five such votes. The election shall be made by means of voting papers to be furnished to the Subscribers. Every Subscriber shall pay his Subscription in full, or, by the execution of a proper document, shall render himself legally liable for such payment before he be entitled to vote at the election of Governors. 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 PERTH CHURCH OF ENGLAND COLLEGIATE SCHOOL."

VI. The Lord Bishop of Perth, 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 the general management of the Insti-

## 29° VICTORIÆ, No. 12.

### *Statutes and Regulations.*

tution; 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 License of the Lord Bishop of Perth, 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. The Head Master shall be a Clerk in Holy Orders, holding a License from the Lord Bishop of Perth. He shall be either a Graduate of one of the Universities of the United Kingdom, or a person possessing such classical, scientific, and literary attainments as, in the opinion of the Visitor, fairly entitle him to rank with Graduates of the said Universities.

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 giving 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 no less than two of the Perth 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 shall send in a Report, in writing, signed by each member, touching the result of the said examination; and if, in their estimation, one or more of the Candidates be qualified for the vacant office, the Governors shall proceed with the Election. The Election shall take place within twenty-one days from the date of the Committee's Report, and the day and hour appointed for such Election shall be made known to each Governor by Circulars. If the Committee still report that they are not able to recommend any Candidate as qualified for Head Mastership, then the Governors shall make the best temporary arrangement in their power for carrying on the business of the School, until a properly-qualified person be found for the vacant office, and be duly recommended and elected in the way and manner already prescribed.

NOTE. Every Head Master, or acting Head Master, shall, on his appoint-

ment, sign a written agreement according to the Form prescribed in Schedule B; and until such written agreement be signed his appointment shall not be held to be valid or complete.

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 half-past twelve till half-past two. The Governors, nevertheless, shall have the power, in accordance with Rule XXXIV, of altering these hours, if they shall think proper to do so.

XV. The business of the School shall be always commenced in the morning by reading a Form of Prayer appointed by the Visitor and Council at which all the Pupils will 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 Master, 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. That 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 Holydays shall be as follows: In June or July, four weeks; in December or January, four weeks; Queen's Birthday; Proclamation of the Colony; every Saturday after 12 o'clock, 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.

## 29° VICTORIÆ, No. 12.

### *Statutes and Regulations.*

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 Perth Church of England Collegiate School, property for such special object, shall, so long as it shall yield a clear income of £50 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 £50 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. Benefactors 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. The Governors shall have the power to order (if they shall at any time think proper to do so) that each boarding pupil shall wear a cap and gown to be made of such material and in such form as may be determined.

XXVIII. The Governors shall also have the power to order (if they think fit) that some further distinction be made in the dress of Foundation Boys.

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, that 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 by his Parents, Guardians, or Friends, whom they shall nominate to spend the Lord's Day, Good Friday, and Christmas Day with them. The 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 (the form of which, according to Schedule C, shall 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 Bye-Laws, with a view to the more efficient conducting or expansion of the Collegiate School; provided always that no such Rule, Statute or Bye-Law, shall *contravene the fundamental* principles of its constitution.

XXXV. Meetings of the Governors shall be held at the School-House on a certain day in every second month, and at such other times as shall be found necessary for the proper despatch of 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. When the Act of Incorporation shall have been obtained, in accordance with Rule V., and the sum of Five Hundred and Fifty Pounds shall have been raised to meet the Benefaction of the Society for Promoting Christian Knowledge, (Rule III.,) then the Lord Bishop of Perth shall convey to "The Governors of the Perth Church of England

## 29° VICTORIÆ, No. 12.

### *Statutes and Regulations.*

Collegiate School," and their heirs and assigns for ever, the Buildings and Premises situated in St. George's Terrace, in Perth, and now in use for the purposes, of "The Bishop's School," together with the Town Allotment, on which the said Buildings are erected, and the allotment adjoining thereto; the two allotments being marked H, 7, and 1, in the Government Plans of the City of Perth, and containing together 1 and 8-10ths acres, or thereabouts.

XXXIX. 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.

#### SCHEDULE 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 Perth Church of England Collegiate School; and promise, to the best of my judgment and ability to perform the duties of the said office.

#### SCHEDULE B.

*Engagement between the Head Masters 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 license of the Lord Bishop of Perth, do hereby engage to fulfil the duties of Head Master of the Perth Church of England Collegiate School, as fixed by the Statutes of the said School, together with Bye Laws to be made from time to time by the Council of Governors, according to the Statute No. 34; receiving quarterly the under-mentioned Stipend.

(Signed)

A.B.

Day  
Year

Quarterly Stipend

#### SCHEDULE C.

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

(Signed),

C. D.

Day  
Year