

# Sydney Grammar School Act 1854 (Private Act)

[1854-sgs]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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## Contents

<b>Long title</b> .....	3
Preamble .....	3
1 Trustees of a Grammar School for Sydney to be appointed and incorporated .....	3
2 (Repealed) .....	3
3 Trustees to be twelve in number—six official and six non-official .....	4
4 Vacancies how to be filled up .....	4
5 Trustees to have entire management and superintendence and to make regulations touching the discipline of the school and other matters .....	4
6 As to election of chairman .....	4
7 Chairman of meetings—questions decided by majority—quorum of trustees .....	4
8–12 (Repealed) .....	5
13 No religious tests permitted .....	5
14 Governor to be visitor .....	5
15 Repeal of Act does not affect operation of savings and transitional provisions .....	5
16 (Repealed) .....	5
17 Name of Act .....	5

# Sydney Grammar School Act 1854 (Private Act)



New South Wales

An Act to incorporate the Sydney Grammar School.

## Preamble

WHEREAS it is deemed expedient for the better advancement of religion and morality and the promotion of useful knowledge to establish in Sydney a public school for conferring on all classes and denominations of Her Majesty's subjects resident in the Colony of New South Wales without any distinction whatsoever the advantages of a regular and liberal course of education:

Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:

### **1 Trustees of a Grammar School for Sydney to be appointed and incorporated**

There shall be nominated and appointed by the Governor with the advice of his Executive Council a body of trustees consisting of the number of persons hereinafter mentioned which body of trustees shall be and is hereby constituted from the date of such nomination and appointment a body politic and corporate by the name of "The Trustees of the Sydney Grammar School" by which name such body politic shall have perpetual succession and shall have a common seal and shall by the same name sue and be sued implead and be impleaded and answer and be answered unto in all Courts of the said Colony and shall be able and capable in law to take purchase and hold to them and their successors all goods chattels and personal property whatsoever and shall also be able and capable in law to take purchase and hold to them and their successors not only such lands buildings hereditaments and possessions as may from time to time be exclusively used and occupied for the immediate requirements of the said school but also any other lands buildings hereditaments and possessions whatsoever situate in the said Colony or elsewhere and that they and their successors shall be able and capable in law to grant demise alien or otherwise dispose of all or any of the property real or personal belonging to the said school and also to do all other matters and things incidental to or appertaining to a body politic.

### **2 (Repealed)**

**3 Trustees to be twelve in number—six official and six non-official**

The said body politic and corporate shall consist of twelve trustees of whom six shall be persons holding the following offices respectively that is to say—the offices of Attorney-General President of the Legislative Council Speaker of the Legislative Assembly Chancellor of the University of Sydney the Principal Classical Professor of the University and the Mathematical Professor therein and the other six of whom shall be laymen not holding offices under the Government or the University Provided that in case any one person shall at the same time hold two of the offices mentioned in the first part of this clause it shall be lawful for the Governor to nominate and appoint one other officer of the Government or University.

**4 Vacancies how to be filled up**

All vacancies occurring by the death resignation removal sickness or incapacity of any of the six official members of the said body politic shall be filled by the nomination and appointment of the Governor and all vacancies so occurring amongst the other members shall be filled by election such election to be by a majority of votes of the remaining trustees.

**5 Trustees to have entire management and superintendence and to make regulations touching the discipline of the school and other matters**

The said trustees shall have full power to appoint and dismiss all masters or teachers and all officers and servants of the said school and also shall have the entire management and superintendence over the affairs concerns and property of the said school and in all cases unprovided for by this Act it shall be lawful for the said trustees to act in such manner as shall appear to them to be best calculated to promote the purposes for which the said school is to be established and the said trustees shall have full power from time to time to make and also to alter any regulations (so as the same be not repugnant to the general objects and provisions of this Act) touching the discipline of the said school the management and superintendence of the affairs concerns and property thereof, the fees and charges to be paid for or in respect of the enrolment and attendance of pupils thereat and touching the mode and time of convening the meetings of the said trustees and in general touching all other matters whatsoever relating to the said school.

**6 As to election of chairman**

At some meeting of the trustees in the month of January in each year the members present shall elect one of their number to be their chairman for the ensuing year and in the event of the death or resignation of such chairman during the year for which he shall be so elected the trustees shall elect one other of their number to be the chairman of the body for the remainder of the current year.

**7 Chairman of meetings—questions decided by majority—quorum of trustees**

At every meeting of the said trustees the said chairman if present shall preside and in his

absence a chairman of the meeting shall be chosen by the members present or the major part of them and all questions which shall come before the said trustees shall be decided by the majority of the members present including the chairman and such chairman shall in case of an equality of votes have a second or casting vote and no question shall be decided at any meeting unless four trustees at the least shall be present at the time of such decision.

**8-12 (Repealed)**

**13 No religious tests permitted**

No religious test shall be administered to any person to entitle him to be admitted as a pupil in the said school or to hold any office therein Provided always that this enactment shall not be deemed to prevent the making of regulations for securing the due attendance of the pupils for divine worship at such church or chapel as shall be approved by their parents or guardians respectively.

**14 Governor to be visitor**

The Governor of the Colony for the time being shall be the visitor of the said school with authority to do all things which pertain to visitors as often as to him shall seem meet.

**15 Repeal of Act does not affect operation of savings and transitional provisions**

- (1) Despite the repeal of the *Sydney Grammar School (Amendment) Act 1972*, sections 2 and 3 of that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Sections 2 and 3 of the *Sydney Grammar School (Amendment) Act 1972* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

**16 (Repealed)**

**17 Name of Act**

This Act may be cited as the *Sydney Grammar School Act 1854*.