THE
GRAMMAR SCHOOLS ACTS, 1860 to 1962

Grammar Schools Act 1860, 24 Vic. No. 7
Amended by
Grammar Schools Act Amendment Act of 1864, 28 Vic. No. 8
Statute Law Revision Act of 1908, 8 Edw. 7 No. 18
Grammar Schools Acts Amendment Act of 1962, 11 Eliz. 2 No. 3

An Act to Provide for the Establishment of Grammar Schools in Queensland

[Assented to 7 September 1860]


1. When one thousand pounds are subscribed Governor may order twice the amount to be paid to trustees for building. If at any time hereafter and so often as a sum of not less than one thousand pounds shall have been raised by donation or subscription in any district for the purpose of establishing a public grammar school within such district it shall in every such case upon the written application of the donor or subscribers of the said sum be lawful for the Governor with the advice of his Executive Council by warrant under his hand to direct to be issued from time to time out of the general revenue of the colony and paid to trustees to be appointed as hereinafter provided a corresponding sum or sums not exceeding in the whole twice the amount that shall have been raised by such donation or subscription as aforesaid and such sum or sums shall be applied to the erection of suitable buildings for the said school and for the residence of the head master thereof and to such other purposes connected with the permanent establishment thereof as may be from time to time embodied in resolutions by the said trustees to be approved by the Governor with the advice aforesaid.

Provided that the site of the school plans and specifications of the buildings to be erected shall have been laid before the Governor and Executive Council and approved by the Governor by writing under his hand.

The limit of the grant for building was increased by s. 2 of the Grammar Schools Act Amendment Act of 1864, p. 674, post.

The provisions of this Act are not affected by the Religious Educational and Charitable Institutions Acts 1861 to 1959, s. 6, title INSTITUTIONS.

Important borrowing powers are conferred on Grammar Schools by the Act of 1962, p. 677, post.

2. Appointment of trustees. Whenever the said sum of not less than one thousand pounds shall have been raised within any district and application shall have been made in writing as abovementioned and approved of in manner aforesaid then and in every such case there shall be nominated and appointed seven persons resident within the said district thereof four shall be nominated and appointed by the
Governor with the advice of the Executive Council and three by the said donor or by a majority of persons subscribing to the amount of five pounds each voting by ballot subject to the approval of the Governor with the advice aforesaid and the appointment of such seven persons shall be notified in the Government Gazette.

**Incorporation of trustees.** Whereupon they shall forthwith be and become a body politic and corporate with perpetual succession by the name or style of “The Trustees of the [name of district] Grammar School” and shall have a common seal and shall by the same name from time to time and at all times hereafter be capable to receive purchase acquire take and hold to them and their successors in trust for and to and for the purposes of such school any messuages lands tenements and hereditaments of what nature or kind sover and also to receive purchase acquire and possess upon the same trusts and to and for the same purposes any goods chattels gifts or benefactions whatsoever and shall and may by the same name be capable to sue and be sued both at law and in equity in like manner as any other body politic or corporate or any person capable to sue and be sued at law or in equity and shall and may by the same name be capable to grant demise alien or otherwise deal with all or any of the property real or personal belonging to the said school and also to do all other matters and things and have and enjoy all rights and privileges incidental to or appertaining to a body politic or corporate.

Provided that no trustee so appointed as herein contained shall continue to act as such trustee for a period exceeding three years unless re-appointed by nomination or re-election as hereinbefore provided.

Provided also that any such trustee absenting himself for more than six months from duly convened meetings of the said trustees shall ipso facto be disqualified from acting as such trustee.

As amended by the Grammar Schools Act Amendment Act of 1864, s. 3, p. 674, *post.*

As to the vesting of the right to nominate trustees on the death of the donor or subscriber, see *ibid.*, s. 3.

As to the right to vote at elections of trustees, see the Grammar Schools Act Amendment Act of 1891, s. 2, p. 675, *post.*

3. Five hundred pounds a-year may be granted to each school. It shall be lawful for the Governor with the advice of the Executive Council whenever fees to the amount of two hundred and fifty pounds per annum shall be promised by responsible persons for a period of not less than three years by warrant under his hand to direct to be issued and paid out of the general revenue of the colony to the credit of each of the said bodies of trustees by four equal quarterly payments on the first day of January the first day of April the first day of July and the first day of October in every year a sum or sums not exceeding in the whole five hundred pounds as a fund for defraying or contributing to the several stipends which shall be appointed to be paid to the several masters or teachers in the said schools respectively and for or towards discharging all incidental and necessary current expenditure connected with the said schools.

As to the meaning of “fees”, see the Grammar Schools Act Amendment Act of 1864, s. 1, *post.*

The grant may in certain conditions be £1,000 a year. See *ibid.*, s. 2.
4. Ten per cent. of annual endowment to be reserved for scholarships. It shall nevertheless be lawful for the Governor with the advice of the Executive Council to retain and reserve in any year that he may see fit from and out of all and every or one or more of the several sums payable under the last section to the said several bodies of trustees respectively any sum not exceeding ten per centum of the amount payable in each year

and all such sums when so retained and reserved shall form a general fund for providing one or more scholarships or exhibitions of an annual value to be determined by the Governor in Council at any British or Australian University and such scholarships or exhibitions shall be open to the pupils of all grammar schools established under the provisions of this Act

Provided that such scholarships or exhibitions shall only be obtained after public competitive examination according to such regulations as by the Governor in Council may be established.

5. Permanent endowment in land. In order that the said schools may eventually be provided with a permanent endowment it shall be lawful for the Governor and he is hereby empowered with the advice of the Executive Council subject to the approval of the legislature to grant in fee-simple to the trustees of any one or more of the said schools any portion (the estimated value of which shall not exceed the sum of two thousand pounds) of the Crown lands lying within or near the district in which the school is situate for whose benefit each grant shall be made.

6. Power to trustees to lease. Provided always that it shall not be lawful for the said trustees to alien mortgage charge or demise any messuages lands tenements or hereditaments to which they may become entitled by grant purchase or otherwise howsoever unless with the sanction of the Governor and the Executive Council except by way of lease for any term not exceeding twenty-one years in possession

and upon every lease so granted there shall be reserved and made payable during the whole of the term thereby granted the best yearly rent that can reasonably be obtained for the same without taking any premium fine or foregift for the making thereof.

7. Return to be made of value and condition of trust property. If any such grant of land as aforesaid shall at any time be made then and in every such case the trustees shall within one month after the commencement of each year send in to the Home Secretary a return of the then value of the land so granted and of the profits if any derived therefrom during the previous year and the amount of such profits may be deducted from the amount which would otherwise be payable to the said trustees for the ensuing year under the third section of this Act

and when and so soon as the amount of the said profits in any one year shall amount to the sum of five hundred pounds or upwards then and in every such case the payment of the said sum of five hundred pounds or of any portion thereof under the said section may altogether cease.

8. Trustees may make regulations. It shall be lawful for the trustees of each school with the approval of the Governor in Council to make
regulations for filling up all vacancies that may occur in their number for their unexpired portion of the current term of three years such newly appointed trustees to retire with the other trustees and for determining the fees that shall be payable by the pupils to the masters and teachers of the said schools and for residence and attendance at school of the pupils and generally concerning the management good government and discipline of the said schools and from time to time with the like approval to repeal or to alter and amend any or all of such regulations

Provided always that if any person shall have given or subscribed a sum exceeding thirty pounds a remission of the school fees of half the amount otherwise payable to the school shall be made in his favour until the amount exceeding thirty pounds shall be by these means repaid.

And that all such regulations and any repeal alteration or amendment of such regulations shall be published in the Government Gazette.

The trustees of the Brisbane Grammar School have power to supplement the military pay of assistant masters who have enlisted or been called up by the military authorities, In the Trusts of the Brisbane Grammar School, [1942] Q.W.N. 21.

9. Short title. This Act shall be styled and may be cited as the “Grammar Schools Act of 1860.”