

WESLEY COLLEGE. An Act to incorporate Wesley College as a College within the University of Sydney.
[1st June, 1860.]

Preamble.

WHEREAS considerable sums have been subscribed for the institution and endowment in the Colony of New South Wales of a College within the University of Sydney to be called "Wesley College" wherein the students shall receive systematic religious instruction and be brought up in the doctrines and discipline of the Wesleyan Methodist Church and provision be made for the residence of the students and their preparation for the University lectures and examinations under collegiate control And whereas it is expedient that the said College should be incorporated Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows—

Wesley College
incorporated.

1. So soon as it shall be made to appear to the satisfaction of the Governor that a sum of not less than ten thousand pounds has been subscribed or contributed for the endowment aforesaid and that the amount has either been paid or secured to be paid for that purpose and that a principal and twelve fellows for the government of the said College in accordance with the constitution thereof as in this Act set forth have been duly appointed and elected respectively the same shall be notified by proclamation in the *New South Wales Government Gazette* under the hand of the Governor and immediately upon such notification and from thenceforth the principal and fellows of the same College shall be and they are hereby constituted a body politic and corporate by the name of "The Principal and Fellows of Wesley College" by which name the said incorporated body shall have perpetual succession and a common seal and shall sue and be sued or otherwise appear and answer and be answered and may take and hold to them and their successors by grant will or otherwise in perpetuity or for any term of life or years as well chattels and other personal property

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property as lands buildings and other hereditaments and the same or any part thereof may alien or otherwise dispose of or demise and also shall or may do all other things incident or appertaining to a body politic and corporate.

2. Provided always that it shall not be lawful for the said corporation or any persons or person seized of or entitled to lands in trust for the corporation or for the purposes of the College to alienate mortgage charge or demise any lands or hereditaments granted to or in trust for the corporation or for College purposes by Her Majesty or Her Successors without the consent in writing of the Governor with the advice of the Executive Council for the time being.

3. The said body politic or corporate shall consist of a principal ^{Principal and} fellows to constitute a Council. and twelve fellows of whom four shall always be Wesleyan Methodist ministers in full connection with the Conference and eight shall be laymen who shall be communicants with the Wesleyan Methodist Church and of whom five at least shall be members of the Wesleyan Methodist Society which said twelve fellows with the principal of the College shall together form a Council to be called "The Council of Wesley College" in which shall be vested at all times the government in every respect of the College and all matters relating thereto Provided that the ceasing of any person to hold the qualification under which he is elected a fellow shall *ipso facto* vacate his seat.

4. The four senior ministers resident for the time being in the ^{Clerical members.} county of Cumberland not being supernumeraries shall be the clerical members of the Council.

5. The principal who shall not be a fellow shall always be a ^{Principal.} Wesleyan Methodist minister in full connection with the said Conference and shall be appointed by the fellows Provided that any minister in connection with the Wesleyan Methodist Conference in Great Britain or Ireland shall be eligible and may be appointed to the office of principal if after his acceptance of office and before entering upon the duties thereof he shall become a member of the Conference defined in the twenty-fourth section of this Act.

6. The president for the time being of the Conference or in his ^{Visitor.} absence from the Colony of New South Wales the Chairman for the time being of the New South Wales district shall be visitor of the College and shall have the right to visit the College at any time to examine into the manner in which it is conducted and to see that its laws and regulations are duly observed and executed.

7. The principal shall be liable to removal or suspension from his office as such principal for sufficient cause by the fellows subject to an appeal to the visitor in any case involving his moral character Provided that if the ground of complaint shall concern the theological or religious doctrines or teaching of the principal the fellows shall not adjudicate thereon but shall remit the same for trial to the properly constituted Methodist Courts whose decision shall be final.

8. The decision of the fellows for the removal or suspension of ^{Confirmation at} ^{subsequent meeting.} the principal shall not take effect unless it shall be confirmed by three-fourths of the fellows present at a subsequent meeting of which seven days previous notice shall have been given and at which not less than three-fourths of the whole number of fellows shall be present.

9. All vacancies in the office of principal or in the number of ^{Vacancies.} lay fellows occasioned by death resignation or removal or other cause shall as soon as conveniently may be after the vacancy (on notification of the fact under the hand of two fellows) be supplied in the manner following (that is to say)—in the office of principal by the fellows and in the place or post of lay fellow by the remaining fellows.

10. The first eight lay fellows shall be elected by ballot as ^{Lay fellows elected by contributors by} ^{ballot.} hereinafter provided by the contributors to the institution and endowment

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Restraining disposal
of lands derived from
the Crown.

Removal or
suspension.

Confirmation at
subsequent meeting.

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ment of the said College whose number of votes respectively shall be according to the following scale of their paid up contributions—

Scale of votes.	Amount Paid.	Number of Votes.
	One pound and not exceeding five pounds.....	One
	Above five pounds and not exceeding fifty pounds	Two
	Above fifty pounds and not exceeding one hundred pounds	Three
	Above one hundred pounds and not exceeding two hundred pounds	Four
	Exceeding two hundred pounds	Five.

One candidate may be proposed by any two contributors.

11. On or before a day to be fixed by the provisional committee and twice advertised in one or more Sydney daily papers such day not being earlier than fourteen days after the first such advertisement any two contributors entitled to vote may in writing under their hands addressed to such committee propose as a candidate for such election one layman being a communicant with the Wesleyan Methodist Church and such proposers shall under their hands state that fact and also whether such candidate is or is not a member of the Wesleyan Methodist Society.

List of candidates and appointment of scrutineers.

12. The provisional committee shall cause an alphabetical list to be made of all candidates so proposed with their residences designations and qualifications and shall on an early day appoint by ordinary ballot three members of their own body to be scrutineers for managing the election to whom copies of such list shall be furnished.

List to be printed and sent as balloting paper to each contributor.

13. The scrutineers shall cause a sufficient number of copies of such list for the purpose hereinafter mentioned to be printed with the heading "Balloting Paper for Eight Lay Fellows of Wesley College" and with an address of the scrutineers in Sydney so indorsed as to serve for the return of the paper when folded and shall transmit by post or otherwise to each contributor one such ballot paper marked at the top thereof under the hand of one such scrutineer with a number corresponding with the number of votes to which such contributor is entitled. And the said scrutineers shall place under seal until the election is completed all the remaining ballot papers.

How ballot papers to be marked and returned.

14. Every contributor shall on the ballot paper so transmitted to him make a cross or other distinct mark in front of the names of the candidates not exceeding eight for whom he desires to vote and shall transmit such paper folded and sealed by post or otherwise to the address thereon indorsed before a day to be fixed and advertised in manner aforesaid.

Examination of ballot papers and declaration of election.

15. On the day so fixed as last aforesaid or so soon thereafter as conveniently may be the scrutineers shall meet in Sydney and they or any two of them shall open and examine all the returned ballot papers and shall make a list of all the candidates for whom any vote shall have been given in the order of the collective number of their votes and of these candidates the five members of the Wesleyan Methodist Society who shall have the greatest number of votes and after the selection of these the three candidates who shall then stand highest on the list shall be declared by the said scrutineers to be and shall be the first eight lay fellows of Wesley College.

Election of fellows.

16. All vacancies in the number of lay fellows so soon as there shall be twenty members of the College who are graduates of the University continuing on the books of the College and being members of the Wesleyan Methodist Church shall be supplied by the remaining fellows and the said graduates in such manner as the Council may appoint.

Wesley College to be a College of and within the University.

17. Wesley College hereby incorporated shall be a College of and within the University of Sydney and all students in the College shall immediately upon entering therein matriculate in the said University

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University and shall thereafter continue to be members thereof and submit and be subject to the discipline thereof and shall be required duly and regularly to attend the lectures of the University on those subjects an examination and proficiency in which are required for honors and degrees.

18. The Council of the College shall have power from time to time to make and establish all such by-laws and rules for carrying into effect the several provisions and objects of this Act and particularly for declaring the causes which shall create vacancies in the office of fellow and directing who shall preside at meetings of the Council and of the fellows and for the management of the College and prescribing the duties of the several officers thereof and of the principal and the ordering of all things in and connected with the College and the discipline thereof as to the said Council shall seem expedient and such laws and rules or any of them from time to time to alter or revoke or to substitute others in their place.

19. Provided that every such by-law and rule shall be transmitted to the Governor within thirty days after being made to be by him laid before the Houses of Parliament in the Colony as soon as conveniently may be thereafter and shall also be transmitted to the president of the Conference to be laid before the Conference then next to be holden.

20. Provided also that the principal of the College subject only to the laws and rules so made shall have the general superintendence and control of the students and of the institution.

21. The votes at all meetings of the fellows or Council (except votes for the appointment of a principal) shall be taken exclusively of the person presiding unless there shall be an equality of votes and in every case where all the fellows resident within fifty miles of Sydney entitled to attend shall have had notice of the time place and object of the intended meeting one clerical and two lay members of the Council with the principal shall constitute a meeting of the Council and two clerical and four lay fellows with one presiding fellow shall constitute a meeting of the fellows and the votes and proceedings of the majority at any such meeting shall be taken and accepted as the votes and proceedings of the Council or fellows respectively.

22. Provided that it shall be lawful for the Council by any by-law or by-laws to ordain and appoint that the person presiding at any meeting of the Council shall have a deliberate as well as a casting vote and to alter the mode of supplying vacancies in the office of fellow by ordaining and appointing that such vacancies until twenty graduates have become qualified as electors shall be supplied by the remaining fellows and the graduates (continuing on the books of the College and being members of the Wesleyan Church) jointly.

23. No temporary vacancy or vacancies in the office of principal or in the number of fellows of the College shall be deemed in any way to affect the constitution of the College or its privileges or status as an incorporated body.

24. For the purposes of this Act the following terms shall have the meanings hereinafter assigned to them respectively so far as such meaning is not excluded by or inconsistent with the context. The term "Conference" shall mean or refer to the Wesleyan Methodist Conference administering the affairs of the Wesleyan Methodist Church in New South Wales. The term "layman" shall mean or refer to all persons other than ministers in full or preachers in probationary connection with the said Conference or with any other Wesleyan Methodist Conference recognized by the said Conference.

Power to make by-laws.

By-laws to be laid before Parliament.

Control over students.

Vote and quorum at meetings.

Special power by by-laws.

Temporary vacancies not to prejudice the corporation.

Interpretation clause.