

# Newington College Council Act 1922 (Private Act)

[1922-ncc]



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.

### Notes—

- **Does not include amendments by**  
[Uniting Church in Australia Act 1977 No 47](#) (not commenced — to commence on 22.6.1977)

### Authorisation

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# Newington College Council Act 1922 (Private Act)



New South Wales

An Act to incorporate the Council of Newington College and to vest certain lands and other property in such council, and to confer certain powers thereon; and for other incidental purposes.

## Preamble

WHEREAS by an indenture bearing date the eighteenth day of October, one thousand eight hundred and sixty-nine, registered number three hundred and eighty-five, book one hundred and sixteen, made between James Watson, therein described and designated vendor of the one part, the Reverend Henry Honey Gaud, the Reverend Joseph Horner Fletcher, and George William Barker, therein described and designated purchasers of the other part, certain lands therein described and which form part of the lands described in the First Schedule hereto were conveyed unto and to the use of the said purchasers, their heirs and assigns for ever: And whereas by an indenture bearing date the twenty-second day of October, one thousand eight hundred and seventy-three, registered number five hundred and thirty-five, book one hundred and thirty-eight, made between Thomas Wheaton Bowden and Mark Blanchard, therein described of the first part, John Dawson, therein described of the second part, and the Reverend Henry Honey Gaud, the Reverend Benjamin Chapman, the Reverend George Hurst, the Reverend Jabez Bunting Waterhouse, the Reverend Joseph Horner Fletcher, George William Barker, Joseph Wearne, Ebenezer Vickery, John Dawson, and John Hardy, all therein described and called purchasers of the third part, the residue of the lands described in the said First Schedule hereto were inter alia conveyed and assured to the said purchasers, their heirs and assigns: And whereas by an indenture bearing date the twenty-third day of October, one thousand eight hundred and seventy-three, made between the said Reverend Henry Honey Gaud, the said Reverend Benjamin Chapman, the said Reverend George Hurst, the said Reverend Jabez Bunting Waterhouse, the said Reverend Joseph Horner Fletcher, the said George William Barker, the said Joseph Wearne, the said Ebenezer Vickery, the said John Dawson, and the said John Hardy, all therein described of the one part, and the said Reverend Benjamin Chapman, the said Reverend Henry Honey Gaud, and the Reverend William Curnow of the other part, after reciting that at the conference of the Australasian and Wesleyan Methodist Church, held at York-street Church, Sydney, aforesaid in the month of February, one thousand eight hundred and seventy-three, it was among other things resolved that the

whole of the Stanmore Estate being inter alia the lands mentioned in the said First Schedule hereto be appropriated to collegiate purposes, that all the money received under the provisions of the will of the late John Jones in the indenture now in recital mentioned be appropriated to to the erection of collegiate buildings, one half of such moneys being devoted to the purposes of a Wesleyan theological institution and the other half to a collegiate school, subject to certain other provisions also set out in the said recited indenture: And further that if at any future period it should be found necessary to erect separate buildings on another site for the purposes of the theological institution the committee of that institution should receive compensation in proportion to its interest in the lands and buildings, or if the council of the collegiate school should have to erect any new buildings it should be dealt with in the same way, and that the principles contained in the foregoing resolutions be embodied in the deed of settlement: And whereas in the said indenture now in recital it was recited that the said Wesleyan Methodist Church in the then Colony of New South Wales had established a collegiate school at Newington, near Sydney aforesaid, of which the governing body was a council consisting of certain ministers and laymen annually elected by the conference of the Australasian Wesleyan Methodist Church, and known as the Council of Newington College: And whereas it was recited that the said last-mentioned conference had held its last sitting in the previous February, and at such conference four separate conferences of the Wesleyan Methodist Church in Australasia were established, and one of the said conferences so established was called the New South Wales and Queensland Conference, and to the said last-mentioned conference was committed full jurisdiction and authority in and over the business and affairs of the Wesleyan Methodist Church in the said Colonies of New South Wales and Queensland. And it was also recited that it was intended that the said collegiate school at Newington should be discontinued upon completion of the said collegiate school at Stanmore aforesaid, and that thereupon the New South Wales and Queensland Conference, or in case the said New South Wales and Queensland Conference should be further separated and divided, then and in that event the conference of the Wesleyan Methodist Church in Australasia in whose jurisdiction the said collegiate school and theological institution should for the time being be situate should appoint a new council, to consist of such number of members as the said conference should from time to time see fit, but in which number the trustees for the time being of the presents now in recital should always be included, and that the said conference should also appoint a committee who should have the control and management of the said theological institution: And whereas by the said indenture now in recital it was witnessed that for the purpose of carrying out the said resolutions and of declaring the uses, trusts, and purposes upon and for which the parties thereto of the first part held the said lands the parties thereto of the first and second parts and every of them for themselves and each of them their and every of their heirs, executors, administrators, and assigns did mutually and interchangeably agree, covenant, and declare with the other and others of them their and every of their heirs, executors, administrators, and assigns in manner following, that is to say—That the parties thereto of the first part should stand seised of the said lands, hereditaments and premises comprised in the said indenture of the twenty-second day of October, one thousand eight hundred and seventy-three, upon trust inter alia to permit the erection and maintenance thereon of a Wesleyan theological institution and a

Wesleyan collegiate school in manner thereafter provided: And whereas it was agreed and declared inter alia that if thereafter it should be found necessary to erect separate buildings on another site for the purposes of the said theological institution or of the said collegiate school, then and in each and every of such cases the value of the interest of the said theological institution or of the said collegiate school respectively in the said lands at Stanmore as aforesaid and in all buildings and improvements then or thereafter to be erected thereon should be determined and paid in manner therein mentioned and provided: And whereas in or about the year one thousand nine hundred and fifteen it was found necessary to purchase another site and buildings for the purpose of the said theological institution: And whereas the value of the interest of the said theological institution in the said lands and buildings and improvements aforesaid and in the residue of the lands described in the said First Schedule hereto has been determined and has been satisfied and the said lands and buildings are no longer used for the purpose of a theological institution and are now used exclusively for the purpose of a collegiate school: And whereas by indenture of conveyance bearing date the fifth day of December, one thousand eight hundred and seventy-three, registered number four hundred and nine, book one hundred and thirty-nine, and made between the said Reverend Henry Honey Gaud, the Reverend Joseph Horner Fletcher, and George William Barker of the first part, Arthur Mansfield Allen of the second part, and the said Reverend Henry Honey Gaud, the Reverend Benjamin Chapman, the Reverend George Hurst, the Reverend Jabez Bunting Waterhouse, the said Reverend Joseph Horner Fletcher, and George William Barker, Joseph Wearne, Ebenezer Vickery, John Dawson, and John Hardy of the third part, the lands described in the said recited indenture of the eighteenth day of October, one thousand eight hundred and sixty-nine, were conveyed to the said parties thereto of third part their heirs and assigns for ever: And whereas the lands described in such lastly recited indenture, with the lands described in the said recited indenture of the twenty-second day of October, one thousand eight hundred and seventy-three, have been and are now, with the exception of certain parts of the lands comprised in the said lastly recited indenture which have been sold under the provision next herein recited, held by the trustees hereinafter mentioned for the purpose of and in connection with the said collegiate school: And whereas provision is made in the said recited indenture of the twenty-third day of October, one thousand eight hundred and seventy-three, for the sale under certain conditions therein set forth of either the whole or part or parts of the lands comprised in the said recited indenture of the twenty-second day of October, one thousand eight hundred and seventy-three, from time to time: And whereas parts of the lands comprised in the said recited indenture of the twenty-second day of October, one thousand eight hundred and seventy-three, have under such power of sale been sold to purchasers thereof: And whereas the residue of the said lands comprised in the said recited indentures of the eighteenth day of October, one thousand eight hundred and sixty-nine, and of the twenty-second day of October, one thousand eight hundred and seventy-three, after such sales as aforesaid comprise the lands described in the said First Schedule hereto: And whereas the said New South Wales and Queensland Conferences have long since been further separated and divided, and the collegiate school and theological institution came under the jurisdiction of the conference of the Wesleyan Methodist Church of Australasia in New South Wales: And

whereas by the Methodist Union Act, one thousand nine hundred and two, it was declared inter alia that all lands, tenements, and hereditaments of whatsoever tenure, including chattels real situate in New South Wales, together with all rights, easements, and appurtenances relating thereto which at the time of the passing of such Act were held upon trust for the Wesleyan Methodist Church for college purposes or collegiate school purposes or for the purposes of a theological institution should from and after the passing of that Act be held upon trust for the Methodist Church of Australasia under the direction or control of the New South Wales Conference thereof but otherwise subject to the trusts which prior to the passing of such Act had been declared and existed concerning the same: And whereas in pursuance of the provisions of the said recited indenture and of the said [Methodist Union Act 1902](#), the New South Wales Conference of the Methodist Church of Australasia has from time to time appointed the council of the said collegiate school: And whereas the present trustees of the said lands in whom the same are legally vested subject to existing encumbrances are—Arthur Murray Oram, Benjamin Herbert Chapman, the Reverend James Edward Carruthers, the Reverend Charles John Prescott, the Reverend William George Taylor, Cecil Purser, and Frederick John Thomas Sawkins: And whereas the Reverend John George Morris Taylor, the Reverend Frederick Colwell, the Reverend John Hulme, the Reverend William Edward Bromilow, the Reverend Thomas Barker Holmes, the Reverend Leslie Harold Kelynack, Fred Cull, William Horner Fletcher, Arthur James Phillips, Robert John Lukey, the Honorable Samuel Wilkinson Moore, and Arthur William Anderson have also from time to time been appointed in pursuance of the provisions of the said recited indenture of the twenty-third day of October, one thousand eight hundred and seventy-three, trustees of the residue of the lands comprised therein and have acted as such trustees, but no conveyance of the legal estate of the said lands has been made to them: And whereas the said council of the said collegiate school is at the present time composed of the following members, that is to say—The Reverend Eldred Dyer, the Reverend William Henry Howard, the Reverend Thomas Frederick Potts, the Reverend William Henry Beale, the Reverend William Ernest Bennett, the Reverend Granville Oscar Cocks, the Reverend James Edward Carruthers, the Reverend James Colwell, the reverend Michael Scott Fletcher, the Reverend Henry James Clifton Foreman, the Reverend Thomas Barker Holmes, the Reverend John Hulme, the Reverend Leslie Harold Kelynack, the Reverend John Ewan Metcalfe, the Reverend William Pearson, the Reverend Charles John Prescott, the Reverend Patrick John Stephen, the Reverend Joseph Tarn, the Reverend William George Taylor, the Reverend John George Morris Taylor, the Reverend John Gladwell Wheen, the Reverend William George Willard, Arthur William Anderson, Eric Kendall Bowden, Reginald Cowlshaw, William Horner Fletcher, Wesley John Jenner, Walter Cecil McClelland, Hepburn Mckenzie, the Honorable Samuel Wilkinson Moore, Edgar Harold Newman, Clarence Henry Northcott, Arthur Murray Oram, Henry D’arcy O’Reilly, Arthur James Phillips, the Honorable William Elliott Veitch Robson, Frederick John Thomas Sawkins, Reginald Rutledge Snell, James Arthur Somerville, Joseph Teesdale Tarn, and William Claude L’Estrange Wilson: And whereas by an indenture bearing date the sixth day of March, one thousand nine hundred and seven, registered number five hundred and three, book eight hundred and twenty-three, made between Lewis Whitfeld, therein described, of the one part, and William Clarke, Richard Sellors, Richard Caldwell, George Crawshaw, Walter William Joseph O’Reilly,

Arthur Murray Oram, Benjamin Herbert Chapman, the Honorable William Robson, John Hardy, James Egan Moulton, James Edward Carruthers, Charles John Prescott, James Woolnough, William George Taylor, Robert Forsyth, Cecil Purser, and Frederick John Thomas Sawkins, all therein described and therein called trustees, of the other part, the lands described in the Second Schedule hereto were for the consideration therein mentioned conveyed and assured by the said Lewis Whitfield unto the said trustees their heirs and successors to hold the same unto the said trustees their heirs and assigns for ever, but subject to and upon such and the same trusts and to and for such and the same ends, intents, and purposes, and with, under, and subject to such and the same powers, provisos, declarations, and agreements as are expressed, contained, and declared, or referred to in and by a certain indenture of conveyance dated the ninth day of July, one thousand eight hundred and eighty-eight, registered number seven hundred and fifteen, book three hundred and ninety-six, and referred to in the *Wesleyan Methodist Church Property Trust Act 1889*, and being the *Wesleyan Methodist Model Deed of New South Wales, 1888*, and being the Model Deed referred to in the *Methodist Union Act 1902*: And whereas the purchase money set out in the said recited indenture of conveyance dated the sixth day of March, one thousand nine hundred and seven, was in fact found and paid by the then council of Newington College, and the said lands were purchased and have since been used for the purposes of such college: And whereas the present trustees of the lands comprised in such indenture of conveyance are Arthur Murray Oram, the Reverend James Edward Carruthers, the Reverend Charles John Prescott, and the Reverend William George Taylor: And whereas it is expedient to revoke the trusts set forth in the said lastly recited indenture of conveyance: And whereas it is expedient that the said council shall be incorporated and invested with the powers and authorities hereinafter contained, and shall have vested in it all real and personal property whatsoever held upon trust for the purposes of the said collegiate school known as Newington College.

Be it therefore enacted by the King'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:

#### **1 Power to hold real and personal estate etc**

From and after the passing of this Act the council of Newington College shall be and they are hereby constituted a body politic and corporate by the name of the Council of Newington College, and by that name shall have perpetual succession and a common seal, and may enter into contracts and 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, and otherwise in perpetuity or for any life or term of years, or any estate or interest therein, lands, hereditaments, and chattels real as well as chattels personal, and subject to this Act may grant, demise, mortgage, charge, alien, or otherwise dispose of all or any lands, hereditaments, or chattels, real or personal, which may at any time be vested in the said body corporate, and may issue debentures, and also shall or may do all things incident or appertaining to a body corporate.



### **1A Approval of conference or committee of management to sell mortgage etc**

The lands and hereditaments at any time vested in the said council shall not, nor shall any part thereof, be sold, mortgaged, charged, leased or otherwise disposed of except with the approval first had and obtained of the conference of the Methodist Church of Australasia in New South Wales or of the Committee of Management of the Property Department of the said conference.

### **2 Purchaser not concerned to inquire as to necessity or propriety of sale or mortgage**

No purchaser, mortgagee, lessee, or other person or the Registrar-General upon any sale, exchange, mortgage, lease, or other dealing purporting to be made under the powers granted by or under this Act shall be concerned to see or inquire into the necessity or propriety thereof or the mode of exercising the same, nor be affected by notice that the exercise of the power is unauthorised, irregular, or improper, nor be concerned to see to the application or disposition of any purchase, mortgage, or other money or rent.

### **3 Receipt of moneys**

The moneys (if any) arising from any sale, exchange, mortgage, lease, or other dealing purporting to be made under the powers granted by or under this Act shall be paid to the person or persons purporting to be authorised by resolution of the council to receive the same, and the receipt of such person or persons, as the case may be, shall be an effective discharge therefor.

### **4 Temporary investment**

Pending the application of any moneys to arise as aforesaid the same may, after payment thereout of all proper costs, charges, and expenses, be invested in Government or real securities in New South Wales or in the Commonwealth of Australia, or on fixed deposit in any bank or otherwise, as the resolution of the council directing such dealing, or any other resolutions of the council for the time being applicable thereto, may provide.

### **5 Evidence of resolution**

A document purporting to be a copy of any resolution of the council authorising any sale, exchange, mortgage, lease, or other dealing, and the appointment of any person or persons to carry out and receive moneys in respect of such sale, exchange, mortgage, lease, or other dealing, certified under the hands of the president of the conference of the Methodist Church of Australasia in New South Wales and two other members of the council for the time being, shall be prima facie evidence in favour of all persons purchasing, advancing moneys, leasing, or otherwise acquiring or possessing any estate or interest in the property therein referred to, and shall be conclusive evidence that such resolutions were duly passed.

## **6 Vesting of property**

From and after the passing and by virtue of this Act there shall vest in the said council and its successors, subject nevertheless to all mortgages, liens, and encumbrances existing thereon, all and singular the lands and hereditaments described in the First and Second Schedules hereto, and also all other property, whether real or personal, which immediately before the passing of this Act was vested in any person or persons or corporation upon trust for or for the purposes of carrying on the collegiate school known as Newington College, together with all rights to sue for, recover, and enforce or call for a transfer of such real or personal property.

## **7 Construction of wills etc affecting the College**

Whenever by any will, deed, or other instrument taking effect prior to, at, or after the date of the passing of this Act any property, real or personal, has been or shall be devised, bequeathed, given, granted, released, conveyed, or appointed, or has been or shall be declared or directed to be held upon trust for the benefit of Newington College or any of its objects or purposes or for the council thereof for the purpose of the endowment of the said college or any of its objects or purposes or of any scholarship therein or otherwise, every such will, deed, or other instrument and other devise, bequest, legacy, testamentary disposition, gift, grant, conveyance, transfer, assignment, appointment, or declaration of trust therein contained shall be read and construed and operate and take effect as if the council of Newington College hereby incorporated had been named and referred to therein instead of the said collegiate school or any of its objects or purposes or the council of the said recited collegiate school referred to or intended so to be in the said recited indenture of the twenty-third day of October, one thousand eight hundred and seventy-three, and the receipt of the said council of Newington College, or of any person appointed by such council from time to time in that behalf, for any such bequest, legacy, testamentary disposition or gift shall be a sufficient discharge to the person or persons liable to pay, deliver, or transfer any money or personal property under such will, deed, or other instrument, and all property, real or personal, so devised, bequeathed, given, granted, released, conveyed, or appointed or declared or directed to be held upon such trusts for the benefit of Newington College or any of its objects or purposes or otherwise as abovementioned shall, subject to this Act and to the trusts of such will, deed, or other instrument, and subject to any directions to the contrary therein contained so far as the same are capable of taking effect, be under the direction and control of the said council of Newington College.

## **8 Application of purchase and mortgage moneys**

In case the said council shall at any time sell or dispose of the lands and hereditaments or any part or parts thereof which are or shall be vested in them, or shall raise any moneys by mortgage of or charge upon any such lands or any part or parts thereof, or by the issue of debentures, the proceeds of such sale or sales or dispositions and such moneys so raised by mortgage, charge, or debentures shall be applied or invested exclusively in one

or all or any of the ways following, that is to say:

- (a) In the erection of further buildings and other improvements of a permanent nature upon lands vested in the said council.
- (b) In liquidation of any mortgage, encumbrance, or liability on or in respect of any part of the said lands or the said council in connection with the said collegiate school.
- (c) In the purchase of an estate in fee-simple in other lands and hereditaments in the said State within the county of Cumberland for the purposes of the said collegiate school.
- (d) To otherwise dispose of the said moneys as may be directed by the New South Wales Conference of the Methodist Church of Australasia.

## **9 Constitution and election of council**

- (1) Subject to the provisions of subsection four of this section the council shall consist of twenty-four councillors who shall be elected by the New South Wales Conference of the Methodist Church of Australasia as in this section provided.
- (2) At the first annual conference of the Methodist Church of Australasia in New South Wales to be held after the commencement of the [Newington College Council \(Amendment\) Act 1949](#), twenty-four councillors shall be elected as follows:
  - (a) Nine councillors, being ordained ministers of the Methodist Church of Australasia in New South Wales, shall be elected by the said first annual conference three of whom shall hold office for three years, three for two years and three for one year,
  - (b) fifteen councillors, not being ordained ministers of the said Church, shall be elected, five of whom shall hold office for three years, five for two years and five for one year; and in the case of each group of five councillors so elected two shall be representatives of the old boys of Newington College, that is to say, they shall be persons who have been educated at Newington College and have been nominated by the council for the time being of the union of old boys of the school known as the "Old Newingtonians Union".
- (3) At each succeeding annual conference of the said Church eight councillors shall be elected and they shall hold office for a period of three years and three of such councillors so elected shall be ministers of the said Church and the remaining five of such councillors so elected shall not be ordained ministers of the said Church but in the case of such five councillors two of them shall be representatives of the old boys Newington College as defined in paragraph (b) of subsection two of this section.
- (4) If the President for the time being of the New South Wales Conference of the Methodist Church of Australasia shall not be a councillor at the time of the conference at which he shall take office as President and if he is not at that conference elected as councillor pursuant to this Act then during the period for which he holds office as

President he shall be an ex officio councillor and during that period the council shall consist of twenty-five councillors.

- (5) If at any annual election of councillors the representatives of the old boys of Newington College as defined in paragraph (b) of subsection two of this section shall not be duly nominated by the council of the Old Newingtonians Union or if by a resolution referred to in subsection six of this section the said conference decides that any nominee of the Old Newingtonians Union is for personal reasons unsuitable for election then any vacancy or vacancies shall be filled by the said conference, but the persons elected shall not be ordained ministers of the said Church.
- (6) The said conference shall not be bound to elect any particular nominee of the Old Newingtonians Union if by resolution the said conference shall decide that such nominee is for personal reasons unsuitable for election.
- (7) The councillors of the said college holding office at the commencement of the *Newington College Council (Amendment) Act 1949* shall subject to this Act continue to hold office until councillors shall be elected pursuant to this Act.

#### **10 Temporary continuance in office of present councillors**

The councillors of the said college at the time of the commencement of this Act shall be the first councillors, and shall hold office until the next ensuing annual conference of the Methodist Church of Australasia in New South Wales, and at such conference, and thereafter at each annual conference of the Methodist Church of Australasia in New South Wales, the council shall retire from office and a new council shall be appointed by such conference as hereinbefore provided, and in the event of any such conference failing to make any such appointment the councillors then in office shall continue to hold such office until their successors are appointed: Provided that in such event the president for the time being shall be a councillor in lieu of the retiring president of the said conference.

#### **11 Filling vacancies in council**

If a vacancy occurs in the office of a councillor in the interval between the annual conferences of the Methodist Church of Australasia in New South Wales, the remaining councillors may, at a duly constituted meeting of the said council, elect in such manner as they shall think fit a qualified minister or a person not being an ordained minister of the said church as the case may require to fill the vacancy, but no temporary vacancy or vacancies in the office of councillor or councillors shall be deemed in any way to affect the constitution of the college or its privileges or status as an incorporated body. Any person so elected to fill any such vacancy shall be entitled to retain office for the remainder of the period for which his predecessor was elected. At any meeting of such council nine members shall form a quorum.

## **12 Council may make regulations**

The council may, subject to the provisions of this Act, formulate and adopt regulations with respect to the conduct of the school and the course of education and religious instruction to be followed therein: Provided that such directions and regulations shall not contravene the teachings and tenets of the Methodist Church of Australasia in New South Wales, and any such regulations shall be subject to review and alteration at any annual conference of the said church.

## **13 How property to be held by the council**

The said council shall hold all the property at any time vested in it by virtue of this Act upon trust to carry or cause to be carried into effect the regulations hereinbefore referred to and the general objects for which the said collegiate school was founded as set forth in the said indenture of trust of the twenty-third day of October, one thousand eight hundred and seventy-three, and the lands described in the Second Schedule hereto shall henceforth be freed and discharged from trusts declared by the said recited indenture of the sixth day of March, one thousand nine hundred and seven, registered number five hundred and three, book eight hundred and twenty-three, and such trusts are hereby revoked.

## **14 Powers of council**

Subject to any regulations to be so formulated as aforesaid, the council shall have the general management and superintendence of the affairs, concerns, and property of the said collegiate school, and shall have full power to appoint committees of their own members with such powers as to the council shall seem fit, and to appoint officers and determine their remuneration, and also to make such rules and by-laws as the council shall deem expedient for conducting the business of the council and carrying into effect the provisions and objects of this Act, and such rules and by-laws or any of them to alter or revoke from time to time and to substitute others in their place.

### **14A Appointment and removal of headmaster**

- (1) In the event of the office of headmaster of the said college becoming or about to become vacant the following provisions shall apply:
  - (a) The council shall within a reasonable time invite applications for the position from persons in the Commonwealth of Australia and in such other countries as the council may determine.
  - (b) Such applications may in the discretion of the council be invited by advertisement in the press and suitable journals and by such other methods as the council shall determine and every attempt shall be made by the council to notify the vacancy to each ordained minister of the New South Wales Conference of the Methodist Church of Australasia but any subsequent appointment of a headmaster shall not be rendered invalid by reason only that any such ordained minister was not

notified of such vacancy.

- (c) Upon receipt of applications the council shall consider the same and if it is of the opinion that one or more of the applicants, not being an ordained minister, is or are better qualified for appointment as headmaster than the applicants who are ordained ministers the council shall report its opinion to the next succeeding conference of the said Church. In case such conference shall be desirous of appointing an ordained minister as headmaster the council shall indicate in writing to such conference its order of preference of the ordained ministers who shall have applied: Provided that the Council shall not express an order of preference in respect of more than three of such ordained ministers.
  - (d) If one or more of the applicants shall be an ordained minister such next succeeding conference may by resolution appoint as headmaster of the said college any one of them whose name shall appear on the order of preference submitted to such conference by the council under paragraph (c) of this subsection.
  - (e) If none of the applicants shall be an ordained minister or if such conference shall resolve not to appoint an ordained minister the council may appoint as headmaster any one of the applicants who is not an ordained minister.
  - (f) No clergyman shall be appointed headmaster of the said college unless he shall be a duly ordained minister of the New South Wales Conference of the Methodist Church of Australasia holding and prepared to subscribe when called on so to do to the doctrines of the said Church and being subject to its laws and discipline: Provided that any duly ordained minister in connection with the respective conferences of the said Church in any of the States of the Commonwealth of Australia or the Dominion of New Zealand, or the respective conferences of the Wesleyan Methodist or any other Methodist Church in any other part of the world, shall be eligible and may be appointed headmaster of the said college: Provided further that any such minister who is so appointed shall, as soon as possible after his appointment, become a member of the New South Wales Conference: Provided also that any clergyman so appointed shall be liable to removal or suspension from his office as such headmaster of at any time he shall cease to be a member of the said conference or if in the case of a clergyman so appointed as aforesaid who is not at the time a member of the New South Wales Conference of the said Church he shall fail as soon as possible after his appointment to become a member of such conference.
- (2) A headmaster appointed under this section may be removed or suspended from his office as such headmaster:
- (a) if he is a minister of the said conference or of the Methodist Church in any part of the world, by the said conference, or

(b) if he is not a minister referred to in paragraph (a) of this subsection by the said council.

### **15 Chairman of council's meetings**

At every meeting of the council the president for the time being of the conference of the Methodist Church of Australasia in New South Wales shall preside if present, and in his absence the chairman of the executive committee of the council shall preside; in the absence of the president and the chairman of the executive committee a chairman of the meeting shall be chosen by a majority of the councillors present, and all questions which shall come before the said council shall be decided by a majority of the councillors present, and the person presiding shall in case of an equality of votes have a casting vote in addition to his original vote, and no question shall be decided at any meeting unless nine councillors at the least shall be present at the time of such decision.

### **16 Visitor and chaplain**

The annual conference of the said Methodist Church of Australasia in New South Wales may from time to time appoint an ordained minister of the said church to be visitor and chaplain of the said collegiate school with such powers and authority as shall to such conference seem necessary in such office.

### **17 Report of proceedings of council**

The said council shall report their proceedings and the progress and condition of the said collegiate school to each annual conference of the said church, and present a balance-sheet showing the financial position of the said council.

### **17A Evidence**

A certificate signed by the president of the conference for the time being shall be conclusive evidence as to:

- (i) the regulations for the time being in force under this Act,
- (ii) any consent, approval or direction given under this Act or the regulations for the time being in force,
- (iii) the identity of the persons elected from time to time to the said council.

### **18 Saving of right**

Nothing in this Act contained or that may be done under this Act shall be deemed prejudicially to affect or to deprive any person of any right whatsoever which he now has arising out of contract or tort and any such right which may at the time of the passing of this Act have been enforceable against the members of the unincorporated council of Newington College in their capacity as such members may be enforced in like manner against the incorporated council.

## 19 Name of Act

This Act may be cited as *Newington College Council Act 1922*.

## First Schedule

All that piece or parcel of land in area 20 acres 0 roods 20 perches or thereabouts situated at Stanmore, in the municipality of Marrickville, parish of Petersham, county of Cumberland, State of New South Wales: Commencing at the intersection of the south-eastern side of College-lane with the north-eastern side of Newington-road (as now widened), and bounded thence on the north-west by part of the said side of College-lane bearing north-easterly for 770 feet 9 inches to the Methodist church and school property; thence on the north-east by the south-western boundary of that property being a line bearing south-easterly for 171 feet 7¼ inches; thence again on the north-west by the south-eastern boundary of that property being a line bearing north-easterly for 141 feet 4½ inches to the south-western building line of Stanmore-road; thence again on the north-east by part of that building line being a line bearing south-easterly for 127 feet 6 inches to the north-western corner of the land comprised in Real Property Act application No 16,659; thence on the south-east, again on the north-west by the north-western and south-western boundaries of the land comprised in the said Real Property Act application No 16,659, being fenced lines bearing south-westerly for 200 feet 8 inches, south-easterly for 104 feet 3 inches, and a fenced line bearing south-easterly for 128 feet 2 inches to the north-western building line of Broad-street; thence again on the north-west by that building line of Broad-street; thence again on the north-west by that building line bearing north-easterly for 2 feet 9 inches to the termination of Broad-street as occupied; thence again on the north-east, north-west, and bearing south-easterly for 32 feet north-easterly for 5 feet 4 inches and south-easterly for 8 feet to the south-eastern building line of Broad-street; thence again on the north-west by part of that building line of that street being a line bearing north-easterly for 11 feet 6 inches to the south-western corner of the property known as "The Parsonage"; thence again on the north-east and north-west by the south-western and south-eastern boundaries of that property being fenced lines bearing south-easterly for 64 feet ¾ inches north-easterly for 185 feet ¾ inch to the south-western building line of Stanmore-road aforesaid; thence again on the north-east by part of that building line being a line bearing south-easterly 392 feet 4 inches to the north-western corner of the land comprised in Real Property Act application No 9,264; thence again on the south-east by the north-western boundary of the land comprised in Real Property Act application No 9,264 aforesaid and Real Property Act application No 23,265, the north-western termination of Harrington-street, the north-western boundary of lots 1 to 14 of the subdivision shown by deposited plan No 9,201 being fenced lines bearing south-westerly in all for 943 feet 7¼ inches to the north-eastern side of Newington-road; thence on the south-west by that side of that road being lines bearing north-westerly for 205 feet 2½ inches for 307 feet 9 inches and for 550 feet 8¼ inches to the point of commencement, be the said several dimensions given herein all a little more or less.

## Second Schedule

All that piece or parcel of land situate, lying, and being in the parish of Petersham, county of Cumberland, and State of New South Wales, and commencing at a point at the intersection of the southern side of a Government road, known as Stanmore-road, with the western side of Broad-street 40 feet wide; and bounded on the north by the said Stanmore-road bearing westerly 126 feet to the western side of a watercourse; on the west by the said side of said watercourse bearing southerly 203 feet, more or less; on the south by a line bearing easterly 126 feet to Broad-street aforesaid dividing it from lot 38 of the village of Stanmore; and lastly on the east by said Broad-street bearing northerly



204½ feet to the point of commencement on the Government road, which said road is 66 feet wide and which parcel of land contains by admeasurement 2 roods 12 perches, and forms portion of the village of Stanmore, be the said several dimensions or any of them a little more or less.