

# Wesley College Incorporation Act 1910 (Private Act)

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New South Wales

## Status Information

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### Provisions in force

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

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# Wesley College Incorporation Act 1910 (Private Act)



New South Wales

An Act to incorporate Wesley College as a college within the University of Sydney; to empower the said University to grant certain lands to trustees for the purposes of such college; and to repeal the Act twenty-third Victoria, intituled “An Act to incorporate Wesley College as a College within the University of Sydney”.

## Preamble

WHEREAS, by the Act eighteenth Victoria number thirty-seven, and now by the [University and University Colleges Act 1900](#), provision was and has been made for encouraging and assisting the establishment of colleges within the University of Sydney: And whereas, by the Act twenty-third Victoria, intituled “An Act to incorporate Wesley College as a college within the University of Sydney”, after reciting inter alia that considerable sums had 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 should receive systematic religious instruction, and be brought up in the doctrines and discipline of the Wesleyan Methodist Church, and that it was expedient that the said college should be incorporated, it was enacted that, so soon as it should be made to appear to the satisfaction of the Governor that the conditions therein mentioned had been complied with, the Principal and Fellows of the said College should be, and they were thereby, constituted a body politic and corporate by the name of the Principal and fellows of Wesley College: And whereas the said conditions were not complied with, and the said Wesleyan Methodist Church has since united with the Primitive Methodist Church and the United Methodist Free Churches on a plan of union referred to in and confirmed by the [Methodist Union Act 1902](#), and the church formed by such union was by the said last-mentioned Act denominated “The Methodist Church of Australasia”: And whereas it is proposed to repeal the said recited Act twenty-third Victoria: And whereas it is proposed to institute and endow a college within the said University to be called Wesley College, wherein may be afforded to Methodist and other students systematic religious instruction in accordance with the doctrines and laws of the Methodist Church of Australasia, and residence and domestic supervision, with efficient assistance in preparing for the University lectures and examinations: And whereas it is expedient that the said college be incorporated: And whereas by a deed of grant under the great seal of the then Colony of New South Wales, and dated the eighteenth day of January,

in the year of our Lord one thousand eight hundred and fifty-five, the land in the said deed particularly described was granted unto the University of Sydney and their successors for ever for the purposes and upon the trusts therein specified and declared as to four several portions of the said land so thereby granted, to consist each of not less than eighteen acres, to be selected by the Senate of the said University, that is to say, as to one such portion of the said land thereby granted upon trust when and so soon as a college in connection with the United Church of England and Ireland should have been duly established and incorporated as a college within the said University, and the founders thereof or subscribers to the same should have complied with the conditions of public endowment mentioned in the Act of the Governor and Legislative Council passed in the eighteenth year of the reign of Her Majesty Queen Victoria intituled "An Act to provide for the establishment and endowment of Colleges within the University of Sydney", to make and execute a sub-grant of such piece or parcel of land to trustees for such college for the purposes and upon the conditions hereinafter in the said deed of grant mentioned; and as to each of the three other such portions of the land by the said deed granted to the said University upon the like trusts for a college in connection with each of the respective Churches of Rome, Scotland, and the religious society denominated "Wesleyan Methodists", when such college should have been in the like manner established and incorporated as a college within the said University, and the founders thereof or subscribers to the same should have complied with the said conditions of public endowment respectively: And whereas it was in the presents now under recital provided that the said University should not be obliged to make any such sub-grant upon trust for any or either of such colleges which should not have become so established and incorporated or whereof the founders or subscribers to the same should not have complied with the said conditions of public endowment within five years from the date of the issue of the said presents: And it was therein further provided that if any or either of the above declared trusts should lapse by reason of such failure as in the preceding proviso mentioned, or if any or either of the said four portions of land so set apart for sub-grants as thereinbefore provided should after the sub-grant thereafter (in accordance with the provisions therein contained) become re-vested in the said University under or by virtue of the said proviso, then and in either of such cases the said University should hold the portions or portion of land in respect to which any such lapse should have occurred, or which should have become re-vested as aforesaid, upon trust to make and execute such sub-grant or sub-grants therefor, or of any portion or portions thereof respectively, as should be in that behalf directed by the Governor for the time being with the advice of the Executive Council, upon trust for such college or colleges within the said University, as the said Governor and Executive Council should think fit, and as should be in Her Majesty's behalf named and declared by an instrument or instruments to be executed by the Governor for the time being under the great seal of the said Colony: And whereas one of such portions of land so set apart as aforesaid, being the portion selected by the Senate of the said University for the religious society denominated "Wesleyan Methodists", in accordance with the provisions in the said deed contained in that behalf, has lapsed by reason of the non-compliance of the religious society as aforesaid with the said conditions of public endowment within the said period of five years: And whereas the boundaries of the said lapsed portion cannot now be accurately

ascertained: And whereas the said Senate is willing that the said University should make and execute a sub-grant of a certain part of the land granted unto the said University by the said deed, and the said Senate may hereafter be willing that the said University should make and execute sub-grants of an additional portion or additional portions of land for the said college upon trust for the said Wesley College as if such land and each additional portion or portions of land were part of the said lapsed portion, and it is expedient to authorise the said University so to do:

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 Definitions

In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

**laymen** means all persons of or above the age of eighteen years (other than ministers in connection with the Synod of The Uniting Church in Australia) who are members of the said church in New South Wales.

**Moderator** means the Moderator for the time being of the Synod of The Uniting Church in Australia in New South Wales, and includes any person for the time being authorised by the Synod to perform or carry out the functions or duties of Moderator.

**Synod** means the Synod of The Uniting Church in Australia in New South Wales.

**the said church** means the Uniting Church in Australia.

## 2 23 Victoria repealed

The Act twenty-third Victoria, intituled "An Act to incorporate Wesley College as a College within the University of Sydney", is hereby repealed.

## 3 Wesley College incorporated

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 for the endowment aforesaid, and that the amount has either been paid or secured to be paid for that purpose, in accordance with section thirty-five of the [University and University Colleges Act 1900](#), and that a Principal and twenty-three other councillors for the government of the said college, in accordance with the constitution thereof as in this Act set forth, have been duly elected, appointed, and determined 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 councillors of the said college shall be, and they are hereby constituted, a body politic and incorporate by the name of "The Principal and Councillors 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 to their successors by grant, will, or otherwise, in perpetuity, or for any term of life or years, as well as chattels and other personal property, as lands, buildings, and 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 or corporate.

#### **4 Restraining disposal of lands derived from the Crown**

Provided always that it shall not be lawful for the said corporation, or any person or persons seised 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 the purposes of the college by His Majesty or his successors without the consent in writing of the Governor, with the advice of the Executive Council for the time being.

#### **5 Principal**

The Principal shall always be a duly ordained minister of the said church in connection with the Synod, holding and prepared to subscribe (when called on so to do), the doctrines of the said church, and being subject to its laws and discipline, and shall from time to time, as occasion requires, be chosen and appointed by the council: Provided that any duly ordained minister in connection with the respective Synods of the said church in any of the States or Territories of Australia or in connection with the respective conferences of the Methodist, Wesleyan Methodist or any other Methodist Church in any part of the world or the Assembly of the Presbyterian Church in any other part of the world or a minister of the Congregational Church in any part of the world shall be eligible and may be appointed to the office of Principal and any such minister who is so appointed shall, as soon as possible after his appointment, become a member of the Synod. The council may from time to time determine the terms and conditions upon which the Principal shall hold office.

#### **6 Principal to preside**

The Principal shall be one of the twenty-four councillors, and shall preside over all meetings of the council, and in his absence the councillors present shall elect one of their number to preside.

#### **7 Mode of election of councillors**

The other twenty-three councillors, of whom seven shall be ordained ministers of the said church in New South Wales and sixteen shall be laymen, shall be elected as follows:—The clerical councillors shall be elected by the Synod. The first lay councillors shall be elected by the subscribers to the funds of the college in the manner hereinafter provided, and thereafter all vacancies in the number of lay councillors shall be filled by election by such subscribers as aforesaid until such time as the names of twenty graduates of the University are upon the books of the college; and thereafter all vacancies in the number of

lay councillors shall be filled by election by such graduates of the University as continue the books of the college.

### **8 Manner of election of lay councillors**

The election of lay councillors by the subscribers to the funds of the college shall take place at a meeting in Sydney convened for that purpose by at least fourteen days' notice in one or more Sydney daily newspapers; and every subscriber of an amount of one pound and less than ten pounds shall have one vote; and every subscriber of ten pounds and less than twenty-five pounds shall have two votes; and every subscriber of twenty-five pounds and less than fifty pounds shall have three votes; and every subscriber of fifty pounds and upwards shall have four votes. All such votes shall be given by ballot, and subscribers not present at any such meeting may vote by proxy.

### **9 Constitution of council**

The Principal, and the councillors for the time being shall 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 said college, and all matters relating thereto. No temporary vacancy or vacancies in the office of Principal, or in the number of councillors 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. At any meeting of such council eight members shall form a quorum.

### **10 Tenure of office of clerical councillors**

The clerical members of the said council shall hold office until the Synod next ensuing after their election, but shall be eligible for re-election.

### **11 Tenure of office of lay councillors**

At the annual meeting of the council, to be held within thirty days after the opening meeting of the conference next ensuing after the period of three years from the date of the notification by proclamation in the Government Gazette hereinbefore mentioned, and at every succeeding annual meeting of the said council, to be held within thirty days after the opening meeting of each succeeding conference or Synod, one fourth of the lay councillors shall retire from office in such order and in such manner as the council may, by by-laws, from time to time determine, but such retiring lay councillors shall be eligible for re-election, and shall retain office until the dissolution of the meeting at which their successors are elected.

### **12 How casual vacancies are to be filled**

If a vacancy occurs in the office of councillor, the remaining councillors may, at a duly constituted meeting of the said council, elect in such manner as they shall think fit a duly qualified minister or layman, as the case may require, to fill the vacancy; but any person so elected shall retain his office so long only as the councillor whose seat has become vacant would have retained the same if no vacancy had occurred.



### **12A Election—non-members of church**

Notwithstanding anything hereinbefore provided if a vacancy occurs in the office of a lay councillor the remaining councillors may, at a duly constituted meeting of the said council, elect a person who is not a member of the said church but who is a member of the teaching or administrative staff of the University of Sydney or a former student of the College, to fill the vacancy, and after his election such councillor shall be subject to retirement and be eligible for re-election in accordance with the provisions of section eleven as if he had been a layman within the meaning of this Act: Provided however that at no time shall there be more than four councillors who are not members of the said church.

### **13 Visitor**

The Moderator shall be the visitor of the said college, and shall have the right to visit the said 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.

### **14 Removal or suspension of Principal**

The Principal shall be liable to removal or suspension from his office as such Principal for a sufficient cause by the council: Provided that, if the ground of complaint shall be any breach of the discipline and laws of the said church, or shall concern the theological or religious doctrines or teaching of the Principal the councillors shall not adjudicate thereon, but shall remit the same for trial to the courts of the said church constituted by and under the laws thereof for dealing with such questions affecting its ministers, and the decision of the Synod sitting as one of such courts or such other court of the said church having jurisdiction in that regard by virtue of the Constitution of the said church and the regulations of the said church shall be final.

### **15 Appointment and removal of professors and tutors**

All professors and tutors in the college shall be chosen and appointed, and shall be liable to removal or suspension, by the council.

### **16 Power of making by-laws**

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 as to the said council shall seem expedient, and such laws and rules from time to time to alter and revoke or to substitute others in their places: 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 of the State as soon as conveniently may be thereafter, and shall also be transmitted, within the said thirty days, to the Moderator to be by him laid before the Synod then next to be holden.

### **17 Control over students**

The Principal of the college, subject only to this Act and the by-laws and rules so made, shall have the general superintendence and control of the students and of the institution.

### **18 University empowered to grant certain land to trustees for the purposes of the college**

Any portion or portions of land (being part of the land granted to the University of Sydney by the said deed) which may from time to time hereafter, by resolution of the Senate of the said University, be set apart for the said Wesley College, shall be deemed and taken to be part of the said lapsed portion of land, and the said University is hereby empowered to make and execute a sub-grant or sub-grants of such portion or portions of land as aforesaid, upon trust for the said Wesley College in the same manner and with the same effect in all respects as if such portion or portions of land as aforesaid were part of the said lapsed portion, and the said portion or portions of land as aforesaid shall, for the purposes of the said deed, be deemed and taken to be part of the said lapsed portion of land, and shall be deemed and taken to be land granted to the said University in trust for the said college for the purpose and within the meaning of section thirty-five of the [University Colleges Act 1900](#).

### **19 Wesley College to be a college of and within the University**

Wesley College, hereby incorporated, shall be a college of and within the University of Sydney, and all students within the college shall, immediately upon entering therein, matriculate in the said University, and shall thereafter 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, with the exception (if thought fit by the council) of the lectures on ethics, metaphysics, and modern history, but students, after taking their degrees at the University, may continue in the college for a period not exceeding four years for the purpose of prosecuting such branches of learning as may not be taught in the University.

### **20 Name of Act**

This Act may be cited as the [Wesley College Incorporation Act 1910](#).