

Saint Paul's College Act (1854)

Long title: An Act to incorporate Saint Paul's College as a College within the University of Sydney.

Preamble

WHEREAS considerable funds have been subscribed for the institution and endowment in the diocese of Sydney of a College within the University of Sydney in connection with the United Church of England and Ireland to be called "Saint Paul's College" wherein due religious instruction in accordance with the doctrines and discipline of that Church shall be afforded and provision be made as soon as may be practicable for the residence of students under proper academical control And whereas it is expedient that the said College (to be governed by a Council consisting of the persons hereinafter mentioned) should be incorporated

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 Saint Paul's 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 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 warden and six 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 warden and fellows of the same College shall be and they are hereby constituted a body politic and corporate by the name of "The Warden and Fellows of Saint Paul's College" by which name the said incorporated body shall have perpetual succession and shall have 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 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 Restraining disposal of lands derived from the Crown

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 Warden and senior fellows to constitute a Council

The said body politic and corporate shall consist of a warden and eighteen fellows of whom six shall always be clergymen in priests' orders of the United Church of England and Ireland and twelve shall be laymen which said eighteen fellows shall elect six from their own body to be called senior fellows who shall appoint the warden who shall not be one of themselves and the warden and six senior fellows for the time being shall together form a Council to be called "The Council of Saint Paul's College" in which shall be vested at all times the government in every respect of the College and all matters relating thereto.

4 Visitor

The Bishop of the diocese of Sydney shall be visitor of the College with all such powers as by law appertain to the office of visitor of a College.

5 Warden and vice-warden

The warden shall always be a clergyman in priests' orders of the aforesaid United Church and he shall have power to appoint a vice-warden who shall in

the warden's absence have all the powers and discharge all the duties of the warden.

6 Removal or suspension

The warden and vice-warden shall be respectively liable to removal or suspension for sufficient cause by the senior fellows subject to an appeal to the visitor and the vice-warden shall also be liable to removal or suspension by the warden subject to an appeal to the senior fellows.

7 Senior fellows

Of the senior fellows three shall always be clergymen in priests' orders as aforesaid and the other three shall be laymen.

8 Vacancies

All vacancies in the office of warden or in the number of fellows or senior fellows occasioned by death resignation 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 or senior fellows to the other fellows and senior fellows) be supplied in the manner following (that is to say)–in the office of warden by the senior fellows in the office or place of senior fellow by the twelve other fellows from their own body and in the place or post of fellow by the remaining fellows.

9 Election of fellows

Provided that the first eighteen fellows shall be elected by the subscribers to the funds of the College in such manner as they shall among themselves appoint And that all vacancies in the number of fellows (not being senior 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 shall be supplied by election by such graduates in such manner as the Council may appoint.

10 St. Paul's College to be a College of and within the University

The College of Saint Paul 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 University and shall submit and be subject to the discipline thereof and shall continue in the College so long only as they shall be members of the University 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 honours and degrees with the exception (if thought fit by the Council) of the lectures on ethics metaphysics and modern history.

11 Clergy resident in the College

In case a Church constitution for the aforesaid United Church within this Colony shall be hereafter established by any Act or Statute passed for that purpose every clergyman resident in the College shall be subject to all such regulations as may (by or in pursuance of such Church constitution) be enacted for the government of the clergy in general.

12 Power to make 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 and particularly for declaring the causes which shall create vacancies in the office of fellow or senior 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 warden and vice-warden and the ordering of all things in and connected with the College and the discipline thereof to the promotion of religion and learning 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.

13 By-laws to be laid before the Legislature

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 Legislative Council or Houses of Legislature of the Colony as soon as conveniently may be thereafter.

14 Control over students

Provided also that the warden or vice-warden 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.

15 Vote and quorum at meetings

The votes at all meetings of the fellows or senior fellows or Council (except votes for the election of a senior fellow or the appointment of a warden) shall be taken exclusively of the person presiding unless there shall be an equality of votes and in every case where all the fellows or senior fellows resident within fifty miles of Sydney entitled to attend shall have had notice of the time and place of intended meeting one clerical and one lay member of the Council with the warden shall constitute a meeting of the Council and two clerical and two 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.

16 Special power by by-laws

Provided that it shall be lawful for the Council by any by-law or by-laws by them made and assented to by the fellows to ordain and appoint that the person presiding at any meeting whether of the Council or the fellows or the senior fellows shall have a deliberative 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) jointly.

17 Temporary vacancies not to prejudice the corporation

No temporary vacancy or vacancies in the office of warden or in the number of fellows or senior 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.

Historical notes

The following abbreviations are used in the Historical notes:

Am : amended

No : number

Schs : Schedules

Cl : clause

p : page

Sec : section

Cl : clauses

pp : pages

Secs : sections

Div : Division

Reg : Regulation

Subdiv : Subdivision

Divs : Divisions

Regs : Regulations

Subdivs : Subdivisions

GG : Government Gazette

Rep : repealed

Subst : substituted

Ins : inserted

Sch : Schedule

Table of amending instruments *Saint Paul's College Act (1854) (18 Vic)*.

Assented to 1.12.1854.