

Legislative Council.

1909.

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## A BILL

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."

*(As agreed to in Select Committee.)*

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**W**HEREAS, by the Act eighteenth Victoria number thirty-seven, Preamble.  
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  
5 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

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 5 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 10 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 15 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 20 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 25 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 30 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 35 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 40 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 thereafter 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 45 connection

connection with each of the respective Churches of Rome, Scotland,  
and the religious society denominated "Wesleyan Methodists," when  
such college should have been in like manner established and  
incorporated as a college within the said University, and the founders  
5 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  
10 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  
15 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  
20 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  
25 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  
30 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  
35 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  
40 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  
45 the said University so to do: Be it therefore enacted by the King's  
Most

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:—

Interpretation.

1. In this Act unless the context or subject-matter otherwise indicates or requires:—

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“The conference” means the New South Wales Conference of the Methodist Church of Australasia.

“The President” means the President for the time being of the New South Wales Conference of the Methodist Church of Australasia.

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“The said church” means the Methodist Church of Australasia.

“Laymen” means and includes all adult persons (other than ministers in full or probationary connection with the New South Wales Conference of the Methodist Church of Australasia) who are members or adherents of the said church in New South Wales.

23 Victoria repealed.

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

Wesley College incorporated.

3. 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-five councillors (of which 25 councillors the President shall ex officio be one) 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, 30 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 35 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 40 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.

Restraining disposal of lands derived from the Crown.

4. 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, 45 mortgage,

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       5. The Principal shall always be a duly ordained minister of the said church in connection with the conference, 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 conference :  
10 Provided that any duly ordained minister in connection with the respective conferences of the church in any of the States of the Commonwealth of Australia, or the Dominion of New Zealand, or the respective conferences of the Methodist, the Wesleyan Methodist, or any other Methodist Church in any other part of the world shall be eligible  
15 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 New South Wales Conference. The conference may from time to time determine the terms and conditions upon which the Principal shall hold office.

Principal.

20       6. In the event of any vacancy occurring in the office of Principal after the first appointment thereto, the council, as hereinafter constituted, shall have the right to submit to the conference held next after such vacancy occurs the names of three ministers, qualified as hereinbefore mentioned, for consideration by the said conference when  
25 making such choice and appointment. But the conference may in its discretion appoint some minister other than such three ministers.

Council may submit names for Principal to the conference.

7. If a vacancy occurs in the office of Principal between the times of the meetings of two successive conferences, the President  
30 may appoint any minister qualified to be appointed to such office to hold such office until the next succeeding conference has met and appointed a Principal, and the minister so appointed by the President shall have the same rights and powers and be subject to the same duties as if he had been appointed by the conference.

Vacancy occurring between conferences.

8. The President shall, ex officio, during the term of his office be  
35 one of the said twenty-five councillors, and shall preside over all meetings of the council hereinafter constituted, and in his absence from any such meeting the councillors present shall elect one of their number to preside over such meeting.

President ex officio councillor.

9. The other twenty-four councillors, of whom twelve shall be  
40 ordained ministers of the said church in New South Wales and twelve shall be laymen, shall be elected by the conference.

Mode of election of councillors.

10. The President, the Principal, and the said twenty-four  
45 elected councillors for the time being 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 said college, and all matters

Constitution of council.

matters relating thereto. No temporary vacancy or vacancies in the office of the President or 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 of such council shall form a quorum. 5

Tenure of office of councillor.

**11.** At the meeting of the conference next ensuing after the expiration of the period of three years from the date of the notification by proclamation in the Government Gazette hereinbefore mentioned, and at the meeting of each succeeding conference thereafter, six of the said councillors elected as aforesaid (of which six, three shall be ministers and three shall be laymen), shall cease to hold office as such councillors, but shall be eligible for re-election. 10

Provision for determining which councillors are to cease to hold office from time to time.

**12.** The councillors who shall cease to hold office at the respective periods in the next preceding section mentioned shall be determined as follows: The six councillors who are to cease to hold office at the meeting of the conference next ensuing after the expiration of the said period of three years shall be selected by the said council in such manner as to the said council may seem most expedient, at a meeting thereof held for that purpose, within one month next preceding the said meeting of the conference. Thereafter the six councillors who shall cease to hold office at the meeting of each succeeding conference, as aforesaid, shall be selected by the said council from amongst the councillors who have been longest in office, without re-election, in such manner as aforesaid, at a meeting thereof held for that purpose within one month next preceding the said meeting of each succeeding conference respectively, and this method of determining what councillors are to cease to hold office from time to time shall continue until all the councillors who were first elected have ceased to hold office under the provisions of this section. Thereafter the six councillors who shall cease to hold office at each succeeding meeting of the conference shall be the three councillors who are ministers, and the three councillors who are laymen who have respectively held office as such councillors for the longest period of time without re-election; and if at any time by reason of councillors having held office for equal periods of time, it is necessary to decide which of two or more councillors shall cease to hold office, then such question shall be determined by the said council in such manner as to the said council may seem most expedient, at a meeting thereof held for that purpose within one month next preceding the meeting of the conference at which one or more of such councillors should cease to hold office. 15 20 25 30 35 40

How vacancies are to be filled.

**13.** If a vacancy occurs in the office of councillor during the said period of three years or thereafter, during the period between any two successive conferences, the remaining councillors may at a duly constituted 45

constituted meeting of the said council elect in such manner as they think fit a duly qualified minister or layman, as the case may require, to fill the vacancy, and the minister or layman so elected shall hold office until the meeting of the next ensuing conference and no longer, 5 but shall be eligible for re-election, and the said next ensuing conference shall elect a minister or layman, as the case may require, to fill such vacancy.

14. The President shall be the visitor of the said college, and shall have the right to visit the said college at any time to examine 10 into the manner in which it is conducted, and to see that its laws and regulations are duly observed and executed. Visitor.

15. The Principal shall be liable to removal or suspension from his office as such Principal for a sufficient cause by the council, subject to an appeal to the visitor: Provided that, if the ground of complaint 15 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 20 under the laws thereof for dealing with such questions affecting its ministers, and the decision of the conference sitting as one of such courts shall be final. Removal or suspension of Principal.

16. All professors and tutors in the college shall be chosen and appointed, and shall be liable to removal or suspension, by the 25 council. Appointment and removal of professors and tutors.

17. 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: 30 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 President of the conference to be by him laid before the conference 35 then next to be holden. Power of making by-laws.

18. 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. Control over students.

19. In the case of the death of the president or of his inability 40 to discharge the duties of his office the minister for the time being performing the duties of the president shall have all the powers and discharge all the duties including all the powers and duties of the president as a councillor conferred by this Act upon the president. Death or inability of president.

20. The votes at all meetings of the council shall be taken 45 exclusively of the person presiding unless there shall be an equality of votes, Votes at meetings of the council.

votes, in which case he shall have a casting vote: Provided that it shall be lawful for the council by any by-law to ordain and appoint that the person presiding at the meeting of the council shall have a deliberative as well as a casting vote.

University empowered to grant certain land to trustees for the purposes of the college.

**21.** Any portion or portions of land (being part of the land 5 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 10 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 15 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.

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

**22.** Wesley College, hereby incorporated, shall be a college of 20 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 25 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 30 learning as may not be taught in the University.

Short title.

**23.** This Act may be cited as the "Wesley College Incorporation Act, 1909."



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# A BILL

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."

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WHEREAS by the Act eighteenth Victoria number thirty-seven Preamble and now by the "University and University Colleges Act 1900" provision was and has been made for encouraging and  
10 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  
15 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  
20 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  
25 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  
30 "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

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 5 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 10 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 15 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 20 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 25 conditions thereafter 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 30 such College should have been in 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 35 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 40 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 45 re-vested

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  
 5 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  
 10 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  
 15 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  
 20 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  
 25 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 authorize 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  
 30 Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. In this Act unless the context or subject matter otherwise indicates or requires :—

35 " The Conference " means the New South Wales Conference Interpretation.  
 of the Methodist Church of Australasia.

" The President " means the President for the time being of the New South Wales Conference of the Methodist Church of Australasia.

" The said Church " means the Methodist Church of Australasia.

40 " Laymen " means and includes all adult persons (other than ministers in full or probationary connection with the New South Wales Conference of the Methodist Church of Australasia) who are members or adherents of the said Church in New South Wales.

23 Victoria Repealed

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

Wesley College incorporated.

3. 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-five Councillors (of which Councillors the President shall *ex officio* be one) 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 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.

Restraining disposal of lands derived from the Crown.

4. 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.

Principal.

5. The Principal shall always be a duly ordained minister of the said Church in connection with the Conference, 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 Conference. Provided that any duly ordained Minister in connection with the respective Conferences of the Church in any of the States of the Commonwealth of Australia, or the Dominion of New Zealand, or the respective Conferences of the Methodist, the Wesleyan Methodist, or any other Methodist Church in any other 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

become a member of the New South Wales Conference. The Conference may from time to time determine the terms and conditions upon which the Principal shall hold office.

6. In the event of any vacancy occurring in the office of Principal after the first appointment thereto the Council, as hereinafter constituted, shall have the right to submit to the Conference held next after such vacancy occurs the names of three Ministers, qualified as hereinbefore mentioned, for consideration by the said Conference when making such choice and appointment. But the Conference may in its discretion appoint some minister other than such three ministers.

Council may submit names for Principal to the Conference.

7. If a vacancy occurs in the office of Principal between the times of the meetings of two successive Conferences the President may appoint any minister qualified to be appointed to such office to hold such office until the next succeeding Conference has met and appointed a Principal, and the minister so appointed by the President shall have the same rights and powers and be subject to the same duties as if he had been appointed by the Conference.

Vacancy occurring between Conferences

8. The President shall *ex officio* during the term of his office be one of the said twenty-five Councillors, and shall preside over all meetings of the Council hereinafter constituted, and in his absence from any such meeting the Councillors present shall elect one of their number to preside over such meeting.

President *ex-officio* Councillor.

9. The other twenty four Councillors, of whom twelve shall be ordained ministers of the said Church in New South Wales and twelve shall be laymen, shall be elected by the Conference.

Mode of Election of Councillors.

10. The President the Principal and the said twenty-four elected Councillors for the time being 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 said College and all matters relating thereto. No temporary vacancy or vacancies in the office of the President or 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 of such Council shall form a quorum.

Constitution of Council.

11. At the meeting of the Conference next ensuing after the expiration of the period of three years from the date of the notification by Proclamation in the Government Gazette hereinbefore mentioned, and at the meeting of each succeeding Conference thereafter, six of the said Councillors elected as aforesaid (of which six, three shall be ministers and three shall be laymen), shall cease to hold office as such Councillors but shall be eligible for re-election.

Tenure of office of Councillor.

12. The Councillors who shall cease to hold office at the respective periods in the next preceding section mentioned shall be determined as follows, the six Councillors who are to cease to hold office

Provision for determining which Councillors are to cease to hold office from time to time.

office at the meeting of the Conference next ensuing after the expiration of the said period of three years shall be selected by the said Council in such manner as to the said Council may seem most expedient at a meeting thereof held for that purpose within one month next preceding the said meeting of the Conference. Thereafter 5 the six Councillors who shall cease to hold office at the meeting of each succeeding Conference as aforesaid shall be selected by the said Council from amongst the Councillors who have been longest in office without re-election in such manner as aforesaid at a meeting thereof held for that purpose within one month next preceding the said 10 meeting of each succeeding Conference respectively, and this method of determining what Councillors are to cease to hold office from time to time shall continue until all the Councillors who were first elected have ceased to hold office under the provisions of this section. Thereafter the six Councillors who shall cease to hold office at each 15 succeeding meeting of the Conference shall be the three Councillors who are ministers and the three Councillors who are laymen who have respectively held office as such Councillors for the longest period of time without re-election, and if at any time by reason of Councillors having held office for equal periods of time it is necessary to decide 20 which of two or more Councillors shall cease to hold office then such question shall be determined by the said Council in such manner as to the said Council may seem most expedient at a meeting thereof held for that purpose within one month next preceding the meeting of the Conference at which one or more of such Councillors should 25 cease to hold office.

How Vacancies are to be filled.

**13.** If a vacancy occurs in the office of Councillor during the said period of three years or thereafter during the period between any two successive Conferences the remaining Councillors may at a duly constituted meeting of the said Council elect in such manner as they 30 think fit a duly qualified minister or layman as the case may require to fill the vacancy, and the minister or layman so elected shall hold office until the meeting of the next ensuing Conference and no longer, but shall be eligible for re-election and the said next ensuing Conference shall elect a minister or layman as the case may require to fill such 35 vacancy.

Visitor.

**14.** The President 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. 40

Removal or suspension of Principal.

**15.** The Principal shall be liable to removal or suspension from his office as such Principal for a sufficient cause by the Council subject to an appeal to the visitor 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 45 Principal

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 Conference sitting as one of such  
5 Courts shall be final.

16. All professors and tutors in the College shall be chosen and appointed and shall be liable to removal or suspension by the  
Council. Appointment and removal of Professors and Tutors.

17. 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  
10 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  
15 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 President of the Conference to be by him laid before the Conference then next to be holden.

18. 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. Control over Students.

19. In the case of the death of the President or of his inability to discharge the duties of his office the minister for the time being  
25 performing the duties of the President shall have all the powers and discharge all the duties including all the powers and duties of the President as a Councillor conferred by this Act upon the President. Death or inability of President.

20. The votes at all meetings of the Council shall be taken exclusively of the person presiding unless there shall be an equality of  
30 votes in which case he shall have a casting vote. Provided that it shall be lawful for the Council by any by-law to ordain and appoint that the person presiding at the meeting of the Council shall have a deliberative as well as a casting vote. Votes at Meetings of the Council.

21. Any portion or portions of land (being part of the land granted to the University of Sydney by the said deed) which  
35 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-  
40 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  
45 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 University empowered to grant certain land to Trustees for the purposes of the College.

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."

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

**22.** Wesley College hereby incorporated shall be a College of and within the University of Sydney, and all students within the 5 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 10 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. 15

Short Title.

**23.** This Act may be cited as "The Wesley College Incorporation Act 1909."