

South Australia

Prince Alfred College Incorporation Act 1878

An Act to provide for the incorporation of the Prince Alfred College, and for other purposes.

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Preamble

WHEREAS in or about the year one thousand eight hundred and sixty-five, it was resolved by a number of persons to establish a college in the neighborhood of Adelaide in connection with the Wesleyan Methodist Church:

AND WHEREAS the necessary funds having been contributed from private sources the land described in the first part of the Schedule hereto has been purchased by Trustees for the Institution, and a college known as Prince Alfred College has been erected thereon:

AND WHEREAS the college has been open for some years, and is now largely attended, and it is desirable by Act to incorporate the college and to declare the trusts of the property thereof, and to provide for and regulate the management and affairs thereof.

The Parliament of South Australia enacts as follows:

Part 1—Introductory

1—Division

This Act shall be divided into four parts, as follows—

Part 1—Introductory;

Part 2—Incorporation;

Part 3—Trusts;

Part 4—Management.

2—Short title

This Act may be cited as *Prince Alfred College Incorporation Act 1878*.

3—Interpretation

In this Act the extent and meaning of general words shall not be limited by the addition of particular words, and unless the context shall otherwise indicate, the following terms shall have the following meanings—

College shall mean Prince Alfred College as incorporated by this Act;

Committee shall mean Committee of the College;

Property shall mean real and personal estate of all kinds;

College Estate shall mean the lands described in the first part of the Schedule hereto;

South Australian Wesleyan Methodist Conference shall mean the conference of the people called Wesleyan Methodists, which, from time to time, shall annually meet in South Australia.

Part 2—Incorporation

4—Incorporation of subscribers

All persons who have heretofore voluntarily subscribed, or shall hereafter voluntarily subscribe to the funds of the college, shall be incorporated as and form one body politic and corporate by the name of Prince Alfred College, and by that name shall have perpetual succession and a common seal, with power to break, alter, or vary such seal, and to acquire, accept, hold and dispose of property, and to exercise all the powers and functions of an incorporated body.

5—Subscribers to incur no personal liability

No subscriber shall in any event incur any personal responsibility for the debts and liabilities of the college, but the property of the college shall alone be liable to satisfy the same.

6—Incorporation within meaning of Municipal Corporations Act

The college shall, for all the purposes of any Municipal Corporations Act, be deemed to be an academical institution which shall have obtained an Act of Incorporation.

7—Vesting of estate

The college estate is hereby vested in the college for an estate in fee simple subject to the mortgage noted on the registered certificate of title (Vol CCIV., folio 23), as regards the land comprised therein, and shall henceforth be held by the college upon the trusts hereinafter mentioned.

Part 3—Trusts

8—Trusts of college estate

The college estate shall be held upon the following trusts, that is to say—

- (I) The college shall maintain the buildings erected thereon, and any buildings which may be in future erected thereon, out of such funds as may be applicable to the purpose, but with power, nevertheless, to pull down or alter any existing or future buildings as the committee may deem expedient;

- (II) The college shall permit the land and buildings to be used and occupied for the purposes of a college, or place of education and learning, and in connection therewith, and so far as the committee may deem expedient for the benefit of the professors, masters, teachers, officers, and students of the college.

9—General funds

All moneys which may be received by the college from or on account of any student, and all property of which any disposition may be made to or in favor of the college, or which may become applicable to the purposes thereof, without any special direction or limitation, shall be deemed portion of the general funds of the college.

10—Special gifts

All property of which any disposition shall be made to or in favor of the college, with any special direction or limitation, shall, if accepted by the college, so far as consistent with the provisions of this Act, be applied in accordance with such direction or limitation, and subject thereto, shall be deemed portion of the general funds of the college, and no law of mortmain, or relating to the disposition of property for charitable purposes, shall extend to invalidate any disposition of property to or in favor of the college.

11—Trusts of general funds

The general funds of the college shall be applicable in such manner as the committee shall deem expedient in carrying on and extending the business and operations, and promoting the interests and increasing the attractions of the college, and in payment and discharge of all working expenses, debts and liabilities of the college, particularly including mortgage debts, and the cost of building, maintaining altering rebuilding, improving, and enlarging buildings on the college estate, and particularly including any building for religious worship.

12—Power to found or assist other institutions

So long as the total amount of the debts remaining on the security of the college estate shall not exceed Five Thousand Pounds, any surplus of the general funds of the college remaining after payment and satisfaction, or making due provision for the payment and satisfaction of the working expenses, debts, and liabilities of the college for the current year, may be applied in such manner as the committee shall think fit, in promoting the foundation of, or founding and establishing, or assisting any collegiate or educational institution, whether for males or females, and which in the management thereof shall not violate the fundamental principle of the college.

13—College estate not to be sold or leased, but may be mortgaged

No sale or lease shall be made of all or any part of the college estate, but it shall be lawful to mortgage the same, with or without power of sale, for the purpose of raising money for redeeming any mortgage to which the same may be subject, or for the purpose of raising money for building, but no mortgagee shall be concerned in any way as regards the purpose for which the money shall be wanted or applied, and so far as regards the protection of mortgagees, the right to mortgage shall be deemed absolute and unqualified at all times.

14—Investment

The college may invest any portion of the general funds of the college which shall not be required for immediate expenditure in the purchase or mortgage of real estate in any Australian colony, or in the Government securities of any Australian colony, and may manage, realise, and vary such investments as shall be thought desirable.

Part 4—Management

15—Managed by a committee

The college shall be managed and governed by a committee who, subject to the express provisions hereof, shall have the sole management and government of the same, and of the business and affairs thereof, and may execute and exercise all trusts and powers in the name and on behalf of the college.

16—Constitution of committee

The committee shall be called *Committee of Prince Alfred College*, and shall consist of a Wesleyan Methodist minister, to be called President of Prince Alfred College, a secretary, and also a treasurer, and an unlimited but equal number of laymen and Wesleyan Methodist ministers, to be called ordinary members of committee.

17—Appointment of committee

The whole committee shall be appointed annually at the meeting of the South Australian Wesleyan Methodist Conference, but except in cases of death, resignation, or removal, every member of committee shall hold office until the next committee shall be appointed, and until a new committee shall be appointed the first committee shall consist of the Rev. Thomas Lloyd, President; Mr George Witherage Cotton, Secretary; the Hon. John Colton, Treasurer; and the ordinary members, whose names appear in the second part of the Schedule hereto, notwithstanding the numbers of laymen and ministers are unequal.

18—Committee to report to Conference

The committee shall annually, at the meeting of the South Australian Wesleyan Methodist Conference, present to the Conference a report of their proceedings for the past year and a balance sheet, exhibiting the receipts and expenditure of the college for the same period, and the debts and liabilities of the college, so that the general and financial position of the college may plainly appear.

19—Committee to abide by directions of Conference

The committee shall conform to and abide by all directions to be given by the South Australian Wesleyan Methodist Conference by resolution passed in general meeting with reference to the college, but no such resolution shall invalidate any prior act of the committee, nor shall any such resolution be of any effect so far as it may be repugnant to this Act or to the fundamental principle of the college.

20—Vacancies in committee

The committee may remove any member thereof in any case which they shall deem desirable, and any member of the committee may resign, and in case of any vacancy occurring in the committee by the death, resignation, or removal of any member, the committee may supply the vacancy by the appointment of a layman or minister as the vacancy may require, but the person so appointed shall only hold office for the unexpired portion of the term of office of the person in whose place he shall be appointed, but it shall not be incumbent on the committee to supply any such vacancy, nor shall the committee suffer any disability by reason of any inequality occurring in the number of laymen and ministers who shall be ordinary members thereof. And all or any of the laymen named in second part of the Schedule may from time to time be reappointed members of the committee, but so that the present excess in the committee of the number of laymen over the number of ministers shall not be thereby increased, and so that as such laymen from time to time cease to be reappointed the number of laymen and ministers shall be equalised so far as possible.

21—Voting for appointment of committee

In the appointment of the committee by the Conference the same rules and practice with reference to voting shall be observed as for the time being shall regulate the proceedings of the Conference with reference to voting for the election of the officers thereof.

22—Quorum of committee

At every meeting of the committee five shall form a quorum, and the president, if present and willing, shall take the chair.

23—Sub-committee

The committee may appoint any sub-committee of any number of their members and may delegate all or any of their powers to any sub-committee, and fix the quorum thereof, and may cancel such appointment and delegation, and every sub-committee in exercise of their powers shall conform to such regulations as may be imposed by the committee.

24—Chairman

At every meeting, whether of the committee or of a sub-committee, the chairman shall have a deliberative as well as a casting vote, and every question shall be decided by a majority of the votes of persons voting thereon, and the decision shall be deemed the act of the committee or sub-committee.

25—Validity of acts done

All acts done at any meeting of the committee, or of any sub-committee notwithstanding that it be afterwards discovered that there was some defect in the appointment of the committee or sub-committee, or of some person acting thereon, or that such appointment was improper or illegal, shall be as valid as if the appointment in question had been duly, properly, and legally made.

26—Minutes

The committee shall cause minutes to be kept of the proceedings at all meetings, whether of the committee or any sub-committee, and also of all meetings of Conference so far as the same relate to the college, and such minutes, if signed by any person or persons purporting to be the chairman of the meeting, or of any subsequent meeting, or three members of the committee present at the meeting, shall be conclusive evidence of all matters therein stated, and that the meeting was duly convened and held, and the validity of the proceedings shall not be impeached on any ground not appearing on the face of the minutes themselves.

27—Seal of college

The seal of the college shall not be used except by the authority of the committee, and all documents to which the seal shall be affixed shall be countersigned by the president and secretary or by three members of the committee.

28—Statutes and rules

The committee may make, repeal, and alter any statutes and rules not inconsistent with this Act for the regulation of their proceedings and the management of the business and affairs of the college, and for carrying this Act into effect.

29—Conference may disallow statutes and rules

All such statutes and rules shall be submitted to the meeting of Conference held next after the making thereof, and such meeting of Conference may by resolution disallow any such statutes and rules, or modify the same.

30—Fundamental principle of college

The fundamental principle of the college is that no instruction shall be imparted thereat which shall in any way contravene the doctrines of the Wesleyan Methodist Church, and nothing in this Act, or in any statute or rule shall in any way violate this principle.

31—Exercise of powers

All powers hereby conferred, expressly or by implication, and whether on the College Committee, Conference, or otherwise, may be exercised from time to time, and shall not be exhausted by the first exercise thereof.

Schedules referred to

Part 1—College estate

Firstly.—That piece of land situated in the Hundred of Adelaide, County of Adelaide, being portion of the section No. 255, laid out as Kent Town, and bounded as appears in the plan in the margin of Certificate of Title, Vol. CCIV., folio 23; which said piece of land contains ten acres, three roods, and fifteen perches, or thereabouts, and is the whole of the land comprised in the said certificate. Subject to mortgage No. 87804.

Secondly.—That piece of land situated in the Hundred of Adelaide, County of Adelaide, being the allotments numbered respectively 4, 5, and 6, each containing twenty-seven perches, or thereabouts, of the section 255, laid out as Kent Town, which said piece of land is bounded as appears in the plan in the margin of Certificate of Title, Vol. CCIV., folio 25, and is the whole of the land comprised therein.

Part 2—Ordinary members of committee

Ministers

Robert S. Caseley	George Lee	Charles H. Goldsmith
James Bickford	James Allen	Thomas Edmeades
Thomas Raston	Hans Mack	Benjamin G. Edwards
Charles Lane	Thomas M. Rowe	Paul C. Thomas
Robert M. Hunter	Albert Stubbs	J. Bunting Stephenson
Thomas C. Laurance	James Read	Joseph Nicholson
Samuel Knight	John H. Trevorrow	Samuel T. Withington
David O'Donnell	John D. Langsford	Robert Kelly
Archibald J. Bogle	James Y. Simpson	William Traylen
James Haslam	Henry T. Burgess	William Lowe
William T. Carter	Robert W. Campbell	William S. Worth
Geo. W. Patchell, M.A.	Charles T. Newman	

Laymen

The Hon. J. Carr	A. Catt	D. Howard
G. W. Chinner	E. Davey	J. R. Stephens
E. Clement	J. Drew	M. Kingsborough
R. N. Gault	C. Drew	W. G. Coombs
J. B. Hack	J. Dunn, Jun.	R. Anderson
J. D. Hill	H. R. Hancock	T. W. Wilkinson
T. Johnson	R. Kelly	H. Codd
J. H. Kaines	T. Moyses	J. W. Parsons
W. King, jun.	D. Nock	W. F. Wincey
W. Longbottom	J. Pointon	J. D. Bone
T. Padman	J. Pearce	A. A. Scott
W. Rhodes	G. Sara	C. W. Priest
J. Scott	J. Thompson	Thos. Goode, jun.
H. Thompson	— Moyle	R. Lathlean
T. Anthony	T. Ninnes	E. Shepley
S. Bray	E. Spicer	R. G. Wilkinson
E. H. Butler	— Swann	D. Davidson

Legislative history

Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1878	—	<i>Prince Alfred College Incorporation Act 1878</i>	30.11.1878	30.11.1878
1977	8	<i>The Uniting Church in Australia Act 1977</i>	28.4.1977	uncommenced