



ANNO TRICESIMO SEPTIMO ET TRICESIMO OCTAVO

# VICTORIÆ REGINÆ.

A.D. 1874.

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No. 20.

*An Act to Incorporate and Endow the University of Adelaide.*

[Assented to, 6th November, 1874.]

**W**HEREAS it is expedient to promote sound learning in the Province of South Australia, and with that intent to establish, incorporate, and endow an University at Adelaide, open to all classes and denominations of Her Majesty's subjects: And whereas Walter Watson Hughes, Esquire, has agreed to contribute the sum of Twenty Thousand Pounds towards the endowment of two chairs or professorships of such University, upon the terms and conditions contained in a certain indenture bearing date the twenty-fourth day of December, One thousand eight hundred and seventy-two, and made between the said Walter Watson Hughes and Alexander Hay, Esquires, representing an Association formed for the purpose of establishing such University, a copy of which said Indenture is set forth in the Schedule hereto: Be it therefore Enacted, by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

Preamble.

1. An University, consisting of a council and senate, shall be established at Adelaide, and, when duly constituted and appointed according to the provisions of this Act, shall be a body politic and corporate by the name of "The University of Adelaide," and by such name shall have perpetual succession, and shall adopt and have a common seal, and shall by the same name sue and be sued, plead and be impleaded, answer and be answered unto in all courts of the said Province, and shall be capable in law to take, purchase, and hold all goods, chattels, and personal property whatsoever, and shall also

University to consist of council and senate.

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be able and capable in law to receive, take, purchase, and hold for ever, not only such lands, buildings, hereditaments, and possessions, as may from time to time be exclusively used and occupied for the immediate requirements of the said University, but also any other lands, buildings, hereditaments, and possessions whatsoever, situated in the said Province, or elsewhere, and shall be able and capable in law to grant, demise, alien, or otherwise dispose of, all or any of the property, real or personal, belonging to the said University, and also to do all other matters and things incidental or appertaining to a body politic and corporate: Provided always, that until the senate of the said University shall have been constituted as is herein enacted, the said University shall consist of a council only: Provided further, that it shall not be lawful for the said University to alien, mortgage, charge, or demise, any lands, tenements, or hereditaments, of which it shall have become seized, or to which it may become entitled by grant, purchase, or otherwise, unless with the approval of the Governor of the said Province for the time being, except by way of lease for any term not exceeding twenty-one years from the time when such lease shall be made, in and by which there shall be reserved during the whole of the term, the highest rent that can be reasonably obtained for the same, without fine.

First council, by whom appointed.

2. The first council of the said University shall be nominated and appointed by the Governor, within three months after the passing of this Act, and shall consist of twenty councillors, and the said council shall elect a Chancellor, and a Vice-Chancellor; and whenever a vacancy shall occur in the office of Chancellor or Vice-Chancellor, either by death, resignation, expiration of tenure, or otherwise, the said council shall elect a Chancellor or Vice-Chancellor, as the case may be, instead of the Chancellor or Vice-Chancellor occasioning such vacancy, the Vice-Chancellor in all cases shall be elected by the said council, out of their own body, and the Chancellor, if not a member of the said council at the time of his election, shall, from and after his election, become a member of the said council during the term of his office, and in any such case, and for such period, the council shall consist of twenty-one councillors. Each Chancellor and Vice-Chancellor shall hold his office for five years, or, except in the case of the first Chancellor and Vice-Chancellor, for such other term as shall be fixed by the statutes and regulations of the University made previously to the election: Provided that there shall never be more than four ministers of religion members of the said council at the same time.

Election of Chancellor or Vice-Chancellor.

Vacancies in council, and how refilled.

3. At the expiration of the third year, and thereafter, at the expiration of each year, the five members of the council who shall have been longest in office shall retire, but shall be eligible for re-election, and if more members shall have been in office for the same period, the order of their retirement shall be decided by ballot, and all vacancies which shall occur in the said council by retirement, death, resignation, or otherwise, shall be filled as they may occur, by the election of such persons as the senate shall at meetings to be  
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duly convened for that purpose elect; or, if the said senate shall not have been constituted, such vacancies shall be forthwith reported by the Chancellor to the Governor, who shall within three months after such report nominate persons to fill such vacancies, or if the senate shall fail to elect within six months, then the Governor shall nominate persons to fill such vacancies.

4. As soon as the said council shall have reported to the Governor that the number of graduates admitted by the said University to any of the degrees of Master of Arts, Doctor of Medicine, Doctor of Laws, Doctor of Science, or Doctor of Music, and of graduates of three years' standing, is not less than fifty, and such report shall have been published in the *Government Gazette*, the senate shall be then constituted, and shall consist of such graduates, and of all persons thereafter admitted to such degrees, or who may become graduates of three years' standing, and a graduate of another University admitted to a degree in the University of Adelaide, shall reckon his standing from the date of his graduation in such other University, and the said senate shall elect a warden out of their own body annually, or whenever a vacancy shall occur.

Senate how constituted.

5. All questions which shall come before the said council or senate respectively shall be decided by the majority of the members present, and the chairman at any such meeting shall have a vote, and in case of an equality of votes, a casting vote, and no question shall be decided at any meeting of the said council unless six members thereof be present, or at any meeting of the said senate unless twenty members thereof be present.

Questions how decided.

6. At every meeting of the council the Chancellor, or in his absence the Vice-Chancellor shall preside as chairman, and at every meeting of the senate the warden shall preside as chairman, and in the absence of the Chancellor and Vice-Chancellor, the members of the council present, and in the absence of the warden the members of the senate present shall elect a chairman.

Chairmanship of council and senate.

7. The said council shall have full power to appoint and dismiss all professors, lecturers, examiners, officers, and servants of the said University, and shall have the entire management and superintendence over the affairs, concerns, and property thereof, subject to the statutes and regulations of the said University.

Council to have entire management of the University.

8. The said council shall have full power to make and alter any statutes and regulations (so as the same be not repugnant to any existing law or to the provisions of this Act) touching any election or the discipline of the said University, the number, stipend, and manner of appointment and dismissal of the professors, lecturers, examiners, officers, and servants thereof, the matriculation of students, the examination for fellowships, scholarships, prizes, exhibitions, degrees, or honors, and the granting of the same respectively, the fees to be charged for matriculation, or for any such

Council to make statutes with approval of the senate.

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such examination or degree, the lectures or classes of the professors and lecturers, and the fees to be charged, the manner and time of convening the meetings of the said council and senate, and in general touching all other matters whatsoever regarding the said University: Provided always, that so soon as the senate of the said University, shall have been constituted, no new statute, or regulation, or alteration, or repeal of any existing statute shall be of any force until approved by the said senate.

Colleges may be affiliated, and boarding-houses licensed.

9. It shall be lawful for the said University to make any statutes for the affiliation to or connexion with the same of any college or educational establishment to which the governing body of such college or establishment may consent, and for the licensing and supervision of boarding-houses intended for the reception of students, and the revocation of such licences: Provided always, that no such statutes shall affect the religious observances or regulations enforced in such colleges, educational establishments, or boarding-houses.

Statutes to be allowed by Governor.

10. All such statutes and regulations as aforesaid shall be reduced to writing, and the common seal of the said University having been affixed thereto, shall be submitted to the Governor to be allowed and countersigned by him, and if so allowed and countersigned, shall be binding upon all persons members of the said University, and upon all candidates for degrees to be conferred by the same.

Limitation of the powers of council as regards the chairs founded by W. W. Hughes.

11. The powers herein given to the council shall, so far as the same may affect the two chairs or professorships founded by the said Walter Watson Hughes, and the two professors appointed by him, and so far as regards the appropriation and investment of the funds contributed by him, be subject to the terms and conditions of the before-mentioned indenture.

University to confer degrees.

12. The said University shall have power to confer, after examination, the several degrees of Bachelor of Arts, Master of Arts, Bachelor of Medicine, Doctor of Medicine, Bachelor of Laws, Doctor of Laws, Bachelor of Science, and Doctor of Science, Bachelor of Music, and Doctor of Music, according to the statutes and regulations of the said University: Provided always, that it shall be lawful for the said University to make such statutes as they may deem fit, for the admission, without examination, to any such degree, of persons who may have graduated at any other University.

Students to be in residence during term.

13. Every undergraduate, shall, during such terms of residence as the said University may by statute appoint, dwell with his parent or guardian, or with some near relative or friend selected by his parent or guardian, and approved by the Chancellor or Vice-Chancellor, or in some collegiate or educational establishment affiliated to or in connexion with the University, or in a boarding-house licensed as aforesaid.

No religious test to be administered.

14. No religious test shall be administered to any person in order to

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to entitle him to be admitted as a student of the said University, or to hold office therein, or to graduate thereat, or to hold any advantage or privilege thereof

15. It shall be lawful for the Governor by warrant under his hand, addressed to the Public Treasurer of the Province to direct to be issued and paid out of the General Revenue an annual grant, equal to Five Pounds per centum per annum, on the said sum of Twenty Thousand Pounds contributed by the said Walter Watson Hughes, and on such other moneys as may from time to time be given to and invested by the said body corporate upon trusts for the purposes of such University, and on the value of property real or personal, securely vested in the said body corporate, or in trustees, for the purposes of the said University, except the real property mentioned in clause 16 of this Act; and such annual grant shall be applied as a fund for maintaining the said University, and for defraying the several stipends which may be appointed to be paid to the several professors, lecturers, examiners, officers, and servants to be appointed by such University, and for defraying the expense of such fellowships, scholarships, prizes, and exhibitions, as shall be awarded for the encouragement of students in such University, and for providing a library for the same, and for discharging all necessary charges connected with the management thereof: Provided that no such grant shall exceed Ten Thousand Pounds in any one year.

Endowment.

16. The Governor, in the name and on behalf of Her Majesty, may alienate, grant, and convey in fee-simple to such University, or may reserve and dedicate portions of the waste lands of the said Province, not exceeding fifty thousand acres, for the purposes of the University and the further endowment thereof; and the Governor may in like manner, and on behalf of Her Majesty, alienate, grant, and convey in fee-simple to such University, or may reserve and dedicate a piece of land in Adelaide, east of the Gun Shed and facing North-terrace, not exceeding five acres, to be used as a site for the University buildings and for the purposes of such University: Provided that the lands so granted shall be held upon trust for the purposes of such University, such trusts to be approved by the Governor.

Endowment in land.

17. The University of Adelaide shall be deemed to be an University within the meaning of section 1 of Ordinance No. 17 of 1844, entitled "An Ordinance to define the qualifications of Medical Practitioners in this Province for certain purposes."

University of Adelaide included in Ordinance No. 17 of 1844.

18. The said council or senate shall, during the month of January in every year, report the proceedings of the University during the previous year to the Governor, and such report shall contain a full account of the income and expenditure of the said University, audited in such manner as the Governor may direct, and a copy of every such report, and of all the statutes and regulations of the University, allowed as aforesaid by the Governor, shall be laid in each year before the Parliament.

Council to report annually to the Governor.

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**Governor to be visitor.** 19. The Governor for the time being shall be the visitor of the said University, and shall have authority to do all things which appertain to visitors as often as to him shall seem meet.

**Short title.** 20. This Act may be cited as "The Adelaide University Act."

In the name and on behalf of Her Majesty, I hereby assent to  
this Bill.

A. MUSGRAVE, Governor.

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## SCHEDULE REFERRED TO.

This Indenture made the twenty-fourth day of December, one thousand eight hundred and seventy-two, between Walter Watson Hughes, of Torrens Park, near Adelaide, in the Province of South Australia, Esquire, of the one part, and Alexander Hay, of Adelaide, aforesaid, Esquire, Treasurer of the Executive Council of the University Association of the other part: Whereas the said Walter Watson Hughes is desirous that a University should be established in the said Province, to be called "The Adelaide University," and has agreed to assist in the foundation of such University, by contributing the sum of Twenty Thousand Pounds in endowing by the income thereof two chairs or professorships in the said University, one for Classical and Comparative Philology and Literature, and the other for English Language and Literature and Mental and Moral Philosophy: And whereas the said Walter Watson Hughes, his executors or administrators is or are entitled to nominate and appoint the two first Professors to such chairs: And whereas an Association has been formed, and has undertaken to endeavor to found and establish such University, and has appointed an Executive Council: And whereas the said Alexander Hay has been appointed Treasurer of the said Executive Council: Now this Indenture witnesseth, that in consideration of the premises, the said Walter Watson Hughes doth hereby for himself, his heirs, executors, and administrators covenant with the said Alexander Hay, his executors and administrators, that he, the said Walter Watson Hughes, his executors, or administrators, shall and will, on or before the expiration of ten years from the date hereof, pay to the said Alexander Hay, as such Treasurer, or to the said Executive Council, or if the said University is incorporated within such period, then to such Corporation the sum of Twenty Thousand Pounds sterling: And will, in the meantime, pay interest thereon, or on such portion thereof as may remain unpaid at the rate of Six Pounds per centum per annum, from the first day of May, one thousand eight hundred and seventy-three, such interest to be paid by equal quarterly payments: And it is agreed and declared that the interest and annual income of the said sum of Twenty Thousand Pounds shall be applied in two equal sums in endowing the said two chairs with salaries for the two Professors, or occupiers of such chairs: And it is hereby also declared and agreed that the said Walter Watson Hughes has appointed the Reverend Henry Read, M.A., Incumbent of the Church of England, in the District of Mitcham, to occupy, and that the said Henry Read shall occupy the first of such chairs as Professor of Classics and Comparative Philology and Literature: And that the said Walter Watson Hughes has appointed the Rev. John Davidson, of Chalmers Church, Adelaide, to occupy, and that the said John Davidson shall occupy the first of the other of such chairs as Professor of English Language and Literature, and Mental and Moral Philosophy: And it is hereby agreed and declared that the annual income and interest of the said sum of Twenty Thousand Pounds shall be applied for the purposes aforesaid in equal sums quarterly, and for no other purpose whatever: And it is also declared and agreed that the said sum of Twenty Thousand Pounds shall be held by the Treasurer of the said University, or by the Corporation thereof, when the said University shall become incorporated, for the purpose of paying and applying the annual interest and income thereof equally in endowing two chairs or professorships in the said University, one of such chairs or professorships being Classics and Comparative Philology and Literature, and the other of such chairs or professorships being English Language and Literature, and Mental and Moral Philosophy: And it is also declared and agreed that the said sum of Twenty Thousand Pounds shall, when the same is received by the Treasurer of the said University, or by the University when incorporated, be invested upon South Australian Government Bonds, Debentures, or Securities, and the interest and annual income arising from such investments paid and applied quarterly in endowing the said two chairs or professorships in the said University as aforesaid: In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by the said Walter  
 Watson Hughes, in the presence of Richard } W. W. HUGHES. (L.S.)  
 B. Andrews, Solicitor, Adelaide.