ANNO QUADRAGESIMO PRIMO ET QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ.

A.D. 1878.

Private Act.

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

[Assented to, 30th November, 1878.]

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—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:

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

PART I.—Introductory:

PART II.—Incorporation:

PART III.—Trusts:

PART IV.—Management.
PART I.

INTRODUCTORY.

2. This Act may be cited as "Prince Alfred College Incorporation Act, 1878."

3. 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 II.

INCORPORATION.

4. 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. 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. 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. 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 ccv., folio 23), as regards the land comprised therein, and shall henceforth be held by the college upon the trusts hereinafter mentioned.
PART III.

TRUSTS.

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

1. 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:

11. 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. 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. 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. 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. 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,
institution, whether for males or females, and which in the management thereof shall not violate the fundamental principle of the college.

13. 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. 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 IV.
MANAGEMENT.

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

23. 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. At every meeting, whether of the committee or of a sub-committee, the chairman shall have a deliberative as well as a casting
In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.
SCHEDULES REFERRED TO.

PART I.—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. ccxiv., 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. ccxiv., folio 23, and is the whole of the land comprised therein.

PART II.—ORDINARY MEMBERS OF COMMITTEE.

Ministers.

Robert S. Caseley  
James Bickford  
Thomas Raston  
Charles Lane  
Robert M. Hunter  
Thomas C. Laurance  
Samuel Knight  
David O’Donnell  
Archibald J. Bogle  
James Haslam  
William T. Carter  
Geo. W. Patchell, M.A.

George Lee  
James Allen  
Hans Mack  
Thomas M. Rowe  
Albert Stubbs  
James Read  
John H. Trevorrow  
John D. Langsford  
James Y. Simpson  
Henry T. Burgess  
Robert W. Campbell  
Charles T. Newman

Charles H. Goldsmith  
Thomas Edmeades  
Benjamin G. Edwards  
Paul C. Thomas  
J. Bunting Stephenson  
Joseph Nicholson  
Samuel T. Withington  
Robert Kelly  
William Traylen  
William Lowe  
William S. Worth.

Laymen.

The Hon. J. Carr  
G. W. Chinmer  
E. Clement  
R. N. Gault  
J. B. Hack  
J. D. Hill  
T. Johnson  
J. H. Kaines  
W. King, jun.  
W. Longbottom  
T. Padman  
W. Rhodes  
J. Scott  
H. Thompson  
T. Anthony  
S. Bray  
E. H. Butler

A. Catt  
E. Davey  
J. Drew  
C. Drew  
J. Dunn, jun.  
H. R. Hancock  
R. Kelly  
T. Moyses  
D. Nock  
J. Pointon  
J. Pearce  
G. Sara  
J. Thompson  
— Moyle  
T. Niness  
E. Spicer  
— Swann

D. Howard  
J. R. Stephens  
M. Kingsborough  
W. G. Coombs  
R. Anderson  
T. W. Wilkinson  
H. Codd  
J. W. Parsons  
W. F. Wincey  
J. D. Bone  
A. A. Scott  
C. W. Priest  
Thos. Goode, jun.  
R. Lathlean  
E. Shepley  
R. G. Wilkinson  
D. Davidson.