

BEGIN TRANSCRIPTION

Anno Decimo Quarto
Victoria Regina N^o 31

By His Excellency Sir Charles Augustus Fitzroy Knight Companion of the Royal Hanoverian Guelphic Order Captain General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, with the advice and consent of the Legislative Council

An Act to incorporate and endow the University of Sydney

Whereas it is deemed expedient for the better advancement of religion and morality and the promotion of useful knowledge, to hold forth to all classes and denominations of Her Majesty's subjects resident in the Colony of New South Wales, without any distinction whatsoever, an encouragement for pursuing a regular and liberal course of education: Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof, That for the purpose of ascertaining by means of examination, the persons who shall acquire proficiency in literature, science and art, and of rewarding them by academical degrees as evidence of their respective attainments and by marks of honor proportioned thereto, a Senate consisting of the number of persons hereinafter mentioned, shall within three months after the passing of this Act be nominated and appointed by the said Governor, with the advice of the Executive Council of the said Colony, by Proclamation to be duly published in the New South Wales Government Gazette, which Senate shall be and is hereby constituted from the date of such nomination and appointment, a Body Politic and Corporate, by the name of "The University of Sydney", by which name such Body Politic, shall have perpetual succession and shall have a Common Seal, and shall by the same name sue and be sued, implead and be impleaded, and answer and be answered unto in all Courts of the said Colony, and shall be able and capable in law to take, purchase, and hold to them and their Successors, all goods, chattels, and personal property whatsoever, and shall also be able and capable in law to take, purchase, and hold to them and their Capable successors, 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 situate in the said Colony or elsewhere, and that they and their successors shall be able and capable in law to grant, demize, 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 to or appertaining to a Body Politic.

II. Provided always and be it enacted, That it shall not be lawful for the said University to alienate, mortgage, charge, or demise any lands, tenements, or hereditaments to which it may become entitled by grant, purchase, or otherwise, unless with the approval of the Governor and Executive Council of the said Colony for the time being, except by way of lease, for any term not exceeding thirty-one years from the time when such lease shall be made, in and by which there shall be reserved and made payable, during the whole of the term thereby granted, the best yearly rent that can be reasonably gotten for the same without any fine or foregift.

III. And be it enacted, That by way of permanent endowment for the said University, the said Governor shall be and is hereby empowered, by Warrant under his hand, to direct to be issued and paid out of the General or Ordinary Revenues of the said Colony, by four equal quarterly payments, on the first day of January, the first day of April, the first day of July, and the first day of October, in every year, as a fund for building and for defraying the several stipends which shall be appointed to be paid to the several Professors or Teachers of literature, science, and art, and to such necessary officers and servants as shall be from time to time appointed by the said University, and for defraying the expense of such prizes, scholarships, and exhibitions as shall be awarded for the encouragement of Students in the said University, and for providing, gradually, a library for the same, and for discharging all incidental and necessary charges connected with the current expenditure thereof, or otherwise, the Sum of five thousand pounds in each and every year, the first instalment thereof to become due and payable on the first day of January, one thousand eight hundred and fifty-one.

IV. And be it enacted, That the said Body Politic and Corporate shall consist of sixteen Fellows, twelve of whom at the least shall be laymen and all of whom shall be members of and constitute a Senate, who shall have power to elect, out of their own body, by a majority of Votes, a Provost of the said University for such period as the said Senate shall from time to time appoint, and whenever a vacancy shall occur in the office of Provost of the said University, either by death, resignation, or otherwise, to elect, out of their own body, by a majority of votes, a fit and proper person to be the Provost, instead of the Provost occasioning such vacancy.

V. And be it enacted That until there shall be one hundred Graduates of the said University who shall have taken the degree of Master of Arts, Doctor of Laws, or Doctor of Medicine, all vacancies which shall occur by death, resignation, or otherwise among the Fellows of the said Senate, shall be filled up as they may occur, by the election of such other fit and proper persons as the remaining members of the said Senate shall, at meetings to be duly convened for that purpose, from time to time elect to fill up such vacancies: Provided always, that no such vacancy, unless created by death or resignation, shall occur for any cause whatever, unless such cause shall have been previously specified by some bye-law of the said Body Politic and Corporate, duly passed as hereinafter mentioned. [DOCUMENT FIRST PAGE ENDS HERE]

VI. And be it enacted That the office of Vice Provost of the said University shall be an annual office and the said Fellows shall, at a meeting to be holden by them within six months after the passing of this Act, elect out of the said Senate a Vice Provost, and on some day before the expiration of the tenure of the said office of which due notice shall be given elect one other fit and proper person to be the Vice Provost of the said University and so from time to time annually or in case of the death, resignation, or other avoidance of any such Vice Provost before the expiration of his year of office shall at a meeting to be holden by them for that purpose, as soon as conveniently may be of which due notice shall be given, elect some other fit and proper person to be Vice Provost for the remainder of the year in which such death, resignation or other avoidance shall happen, such person to be chosen from among themselves by the major part of the Fellows present at such meeting: Provided always that the Vice Provost shall be capable of re-election to the same office, as often as shall be deemed meet.

VII. Provided always and be it enacted, That as soon as there shall be one not fewer than one hundred Graduates who have taken any or either of the degrees of Master of Arts, Doctor of Laws, or Doctor Medicine, all vacancies thereafter occurring in the said Senate shall be from time to time filled up by the majority of such Graduates present and duly convened for that purpose.

VIII. And be it enacted That the said Senate shall have full power to have entire management to appoint and dismiss all professors tutors officers and servants and superintendence belonging to the said University and also the entire management of and superintendence over the affairs, concerns, and property of the said University and in all cases unprovided for by this Act it shall be lawful for the said Senate to act in such manner as shall appear to them to be best calculated to promote the purposes intended by the said University and the said Senate shall have full power from time to time to make and also to alter any statutes, by-laws, and regulations (so as the same be not repugnant to any existing law or to the general objects and provisions of this Act) touching the discipline of the said University, the examinations for scholarships exhibitions, degrees or honors and the granting of the same respectively and touching the mode and time of convening the meetings of the said Senate and in general touching all other matters whatsoever regarding the said University and all such statutes, by-laws, and regulations when reduced into writing and after the Common Seal of the said University shall have been affixed thereto shall be binding upon all persons, members, thereof and all candidates for degrees to be conferred by the same, all such statutes by-laws and regulations having been first submitted to the Governor and Executive Council of the said Colony for the time being and approved of and countersigned by the said Governor: Provided always that the production of a verified copy of any such statutes, bye-laws and regulations under the Seal of the said Body Politic and corporate shall be sufficient evidence of the authenticity of the same in all Courts of Justice.

IX. And be it enacted, That all questions which shall come before the said Senate, 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 second or casting vote, and that no question shall be decided at any meeting unless the Provost or Vice Provost and seven Fellows or in the absence of the Provost and Vice Provost unless eight Fellows at the least shall be present at the time of such decision.

X. And be it enacted, That at every meeting of the said Senate the Provost or in his absence the Vice Provost shall preside as Chairman or, in the absence of both, a Chairman shall be chosen by the members present or the major part of them.

XI. And whereas it is expedient to extend the benefits of colleges and educational establishments already instituted or which may be admitted as may be hereafter instituted for the promotion of literature, science, or candidates for certain degrees, whether incorporated or not incorporated by connecting therein for such purposes with the said University: Be it enacted That all persons shall be admitted as candidates for the respective degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, or Doctor of Laws to be conferred by the said University of Sydney on presenting to the said Senate a certificate from any such colleges or educational establishments or from the head master thereof to the effect that such candidate has completed the course of instruction which the said Senate by regulation in that behalf shall determine Provided that no such certificate shall be received from any educational establishment unless the said University shall authorize it to issue such certificates: Provided also that it shall be lawful for the said Senate to apply an portion of the said endowment fund to the establishment and maintenance of a college in connexion with and under the supervision of the said University.

XII. And be it enacted, That for the purpose of granting the degrees of Bachelor of Medicine and Doctor of Medicine, and for the improvement of Medical education in all its branches, as well in Medicine as in Surgery, Midwifery and Pharmacy, the said Senate shall from time to time report to the Governor and Executive Council for the time being of the said Colony, what appear to them to be the Medical Institutions and Schools, whether corporate or unincorporated, in the City of Sydney, from which either singly or jointly with other Medical Institutions and Schools in the said Colony or in Foreign parts, it may be fit and expedient, in the judgment of the said Senate to admit candidates

for medical Degrees, and on approval of such report by the said Governor and Executive Council, shall admit all persons as candidates for the respective degrees of Bachelor of Medicine and Doctor of Medicine, to be conferred by the said University on presenting to the said Senate a certificate from any such institution or School, to the effect that such candidate has completed the course of instruction which the said Senate from time to time, by regulation in that behalf shall prescribe.

XIII. And be it enacted, That the said Senate shall have power after examination to confer the several degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine and Doctor of Medicine, and to examine for Medical Degrees in the four branches of Medicine, Surgery, Midwifery, and Pharmacy, and that such reasonable fee shall be charged for the degrees so conferred as the said Senate with the approbation of the said Governor and Executive Council, shall from time to time direct and such fees shall be carried to one general fee fund for the payment of the expenses of the said University: and that a full account of the whole income and expenditure of the said University shall, once in every year, be transmitted to the Colonial Secretary, for the purpose of being submitted to Legislative Council of the said Colony, as the case may be, and subjected to such examination and audit as the said Legislative Council or Assembly may direct.

XIV. And be it enacted, That at the conclusion of every examination of the Candidates, the Examiners shall declare the name of every certificate whom they shall have deemed to be entitled to any of the said degrees, and the departments of knowledge in which his proficiency shall have been evinced, and [DOCUMENT SECOND PAGE ENDS HERE]

and also his proficiency in relation to that of other Candidates, and he shall receive from the said Provost a Certificate under the seal of the said University of Sydney, and signed by the said Provost, in which the particulars so declared shall be stated.

XV. Provided always and be it enacted, That all statutes, bye-laws &c. and regulations made from time to time, touching the examination of candidates and granting of degrees shall be submitted for the consideration and approval of the Governor and Executive Council

XVI. And be it enacted, That the Governor of the said Colony for the time being, shall be the Visitor of the said University of Sydney with authority to do all things which pertain to Visitors, as often as to him shall seem meet.

XVII. And be it declared and enacted; That it shall be lawful for the Professors or Teachers in the said University, in addition to the stipends with which they shall be so respectively endowed, to demand and receive from the Students of the said University, such reasonable fees for attendance on their Lectures, and for the Treasurer of the said University to collect from the said Students, on behalf of the said University, such reasonable fees for entrance degrees, and other University charges, as shall be from time to time provided by any Statutes bye-laws or regulations of the said University.

XVIII. And for the better government of the Students in the said University: Be it enacted, That no Student shall be allowed to attend the lectures or classes of the same, unless he shall dwell with his parent or guardian, or with some near relative or friend selected by his parent or guardian, and approved by the Provost or Vice Provost, or in some collegiate or other educational establishment, or with a tutor or master of a boarding House, licensed by the Provost or Vice Provost as hereinafter mentioned.

XIX. And be it enacted, That every person who is desirous of being licensed as a tutor or master of a boarding house in connection with the said University, shall apply in writing under his hand to the Provost or Vice Provost of the said University for his license, and it shall be lawful for the said Provost or Vice Provost if he or they shall think fit to require of any such applicant such testimonials of character and fitness for the office as shall be satisfactory to such Provost or to Vice Provost; and the application shall specify the house or houses belonging to or occupied by the applicant, and intended by him for the reception of Students, and the number of Students who may be conveniently lodged and boarded therein; and thereupon it shall be lawful for the Provost or Vice Provost in their discretion to grant or withhold the license for the academical year then current or then next ensuing, and every such license shall be registered in the archives of the said University, and shall inure until the end of the academical year in which it shall be registered, and shall then be of no force, unless renewed in like manner, but shall be revocable at any time and may forthwith be revoked by the Provost or Vice Provost in case of any misbehaviour of such tutor or Master of a boarding house or of the Students under his care, which in the opinion of the Provost or Vice Provost and a majority of the Professors of the said University ought to be punished by immediate revocation of such license.

XX. And be it enacted That no religious test shall be administered to any person in order to entitle him to be admitted as a Student of the said University or to hold any office therein, or to partake of any advantage or privilege thereof: Provided always that this enactment shall not be deemed to prevent the making of Regulations for securing the due attendance of the Students for Divine Worship at such Church or Chapel as shall be approved by their parents or guardians respectively.