

VICTORIA.



ANNO DECIMO SEXTO

## VICTORIÆ REGINÆ.

*By His Excellency CHARLES JOSEPH LA TROBE, ESQUIRE, Lieutenant Governor of the Colony of Victoria and its Dependencies, with the advice and consent of the Legislative Council.*

### No. XXXIV.

#### An Act to incorporate and endow the University of Melbourne. [Assented to 22nd January, 1853.]

**W**HEREAS it is expedient to promote sound learning in the Colony of Victoria and with that intent to establish incorporate and endow an University at Melbourne open to all classes and denominations of Her Majesty's subjects Be it enacted by His Excellency the Lieutenant Governor of the said Colony by and with the advice and consent of the Legislative Council thereof as follows:

Preamble.

I. An University consisting of a Council and Senate shall be established at Melbourne 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 Melbourne" 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 and answer and be answered unto in all Courts of the said Colony and shall be capable in law to take purchase and hold all goods chattels and personal property whatsoever and shall also 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 by the immediate requirements of the said University but also any other lands buildings hereditaments and possessions whatsoever situated in the said Colony 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 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 alienate mortgage charge or demise any lands tenements or hereditaments of which it shall have become seised or to which it may become entitled by grant purchase or otherwise unless with the approval of the Lieutenant Governor and Executive Council of the said Colony 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.

University to consist of a Council and Senate.

#### II. The

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Council, by whom  
appointed.

II. The Council of the said University shall be nominated and appointed by the said Lieutenant Governor within three months after the passing of this Act and shall consist of twenty Councillors of whom sixteen at least shall be laymen and the said Council shall elect out of their own body a Chancellor and a Vice Chancellor for such periods respectively not exceeding in either case five years as the said Council shall appoint 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 out of their own body a Chancellor or Vice Chancellor as the case may be instead of the Chancellor or Vice Chancellor occasioning such vacancy and all vacancies which shall occur in the said Council by 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 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 Lieutenant Governor who shall within three months after such report nominate persons to fill such vacancies.

Senate, how constituted.

III. As soon as the said Council shall have reported to the Lieutenant 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 or Doctor of Music is not less than one hundred 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 and the said Senate shall elect a Warden out of their own body annually or whenever a vacancy shall occur.

Questions, how decided.

IV. 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.

Chairmanship of  
Council and Senate.

V. 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.

Council to have entire  
management of the  
University.

VI. The said Council shall have full power to appoint and dismiss all Professors 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 make sta-  
tutes, with approval  
of the Senate.

VII. 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 the discipline of the said University the number stipend and manner of appointment and dismissal of the Officers thereof the matriculation of students the examinations for Fellowships Scholarships Prizes Exhibitions Degrees or Honours and the granting of the same respectively the fees to be charged for matriculation or for any such examination or degree the lectures or classes of the Professors and the fees to be demanded by them 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 affili-  
ated, and Boarding  
Houses licensed.

VIII. It shall be lawful for the said University to make any statutes

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 licenses. Provided always that no such Statutes shall affect the religious observances or regulations enforced in such Colleges Educational Establishments or Boarding Houses.

IX. 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 Lieutenant 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 and the production of a verified copy of any such statutes and regulations under the said seal shall be sufficient evidence of the authenticity of the same in all Courts of Justice.

Statutes to be allowed  
by Lieutenant Go-  
vernor.

X. The said Council 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 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.

Council to confer de-  
grees.

XI. Every student being an 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.

Students to be in resi-  
dence during term.

XII. 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 office therein or to graduate thereat or to hold any advantage or privilege thereof.

No religious test to be  
administered.

XIII. It shall be lawful for the said Lieutenant Governor by warrant under his hand addressed to the Public Treasurer of the said Colony to direct to be issued and paid out of the General Revenue the sum of Nine Thousand Pounds in every year 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 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.

Endowment.

XIV. The said Council shall during the month of May in every year report the proceedings of the University during the previous year to the Lieutenant Governor and such report shall contain a full account of the income and expenditure of the said University audited in such manner as the Lieutenant 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 Lieutenant Governor shall be laid in each year before the Legislative Council.

Council to report an-  
nually to the Lieut-  
enant Governor.

XV. The Lieutenant Governor of the said Colony 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.

Lieutenant Governor  
to be Visitor.