

# Christ's College Ordinance Amendment Act 1918

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### **An Act to amend Christ's College Ordinance, 1855.**

#### **Preamble.**

WHEREAS by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury intituled Christ's College Ordinance, Session IV, No. 4 (hereinafter referred to as the said Ordinance), it was enacted by the Superintendent of the said province, with the advice and consent of the Provincial Council thereof, that the Bishop of the diocese for the time being, the Warden, the Rev. Henry Jacobs, M.A., the Sub-Warden, together with certain other persons therein respectively named and described, the Fellows, and all such other persons as should thereafter become

Warden or be elected or appointed Sub-Warden or Fellows, and their successors, should be and they were thereby constituted a body politic and corporate by the name of "Christ's College, Canterbury," and that by such name they should have perpetual succession and a common seal, with full power and authority by the same name and style to sue and be sued in all Courts of law whatsoever, and should be able and capable in law to purchase, receive, possess, and enjoy any goods, chattels, and personal property whatsoever, and any messuages, lands, buildings, tenements, and hereditaments, and should be able and capable in law to grant, devise, alienate, or otherwise dispose of all or any of the property, real or personal, belonging to the said college, and also to do all other matters and things incidental or appertaining to a body politic, subject to the restrictions and conditions set forth and contained in the deed of foundation of the said college, a copy of which deed is set forth in the Schedule annexed to the said Ordinance: And whereas the said deed of foundation declared, *inter alia*, (a) that the said college should be constituted as follows—that is to say, there should be a Warden, Sub-Warden, and Fellows not fewer than six nor exceeding twenty-five in number, subject, however, to increase in number in the manner therein mentioned; (b) that the Sub-Warden and Fellows should hold office during life, subject nevertheless to the provisions therein mentioned for the determination of such Sub-Wardenship or Fellowship respectively, and that all future Sub-Wardens should be elected by the Fellows subject to a veto to be exercised by the Warden; (c) that the governing body of the said college should consist of a society formed of the Warden, Sub-Warden, and Fellows, of whom the first Sub-Warden and Fellows should be nominated and appointed in and by the said deed, and they were so nominated and appointed; (d) that the said college should be governed by the statutes set forth in the Second Schedule annexed to the said deed of foundation, together with such other statutes as should from time to time be made in pursuance of the power in that behalf contained in the statutes set forth in the said Second Schedule: And whereas it is desired to amend the said constitution of the said college, and to abolish the life-membership of the Sub-Warden and Fellows, and to make provision for the election of all future Sub-Wardens and Fellows of the said college:

**Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—**

**1 Short Title.**

This Act may be cited as Christ's College Ordinance Amendment Act, 1918.

**2 Present Sub-Warden and Fellows to cease to hold office.**

The Sub-Warden and Fellows of the said college holding office on the date of the certificate by the Warden of the said college provided for in section seven of this Act shall cease to hold office as from that date.

**3 Governing body to consist of Warden and eighteen or more Fellows.**

From the date of the said certificate the governing body of the said college shall consist of the Warden and eighteen Fellows, or such greater number of

Fellows as may from time to time hereafter be provided for by statutes to be made under the powers hereinafter given in that behalf. All such Fellows shall be elected in manner provided in the said statutes.

#### **4 Provision to be made for election of Fellows.**

As soon as possible after the passing of this Act the governing body for the time being of the said college shall and it is hereby empowered to make provision for the following matters and things by adding to, altering, amending, or repealing any of the said statutes set forth in the Second Schedule to the said deed of foundation, or by making new statutes in place of any of the same, that is to say,—

- (a.) The election of Fellows of the said college to hold office under this Act and of their successors in office, including provision as to the persons, bodies, associations, or institutions by whom they shall be elected, and the manner in which they shall be elected:
- (b.) The period for which all Fellows so elected shall hold office (subject to any provision for retirement by ballot or rotation or otherwise), and the circumstances under which they shall cease to hold office or be liable to be removed from such office:

Provided that no such statute shall provide that a Fellow shall hold office for life:

- (c.) The manner in which casual vacancies in the office of a Fellow shall be filled:
- (d.) The increase in the number of the Fellows of the said college:  
*Election of Fellow to be Sub-Warden.*
- (e.) The election from time to time by the governing body of one of the Fellows to be Sub-Warden of the college, and the term for which and the conditions under which the Sub-Warden for the time being shall hold office:
- (f.) Any other matters or things which may be deemed necessary or convenient for the purpose of carrying out and giving effect to the provisions of this Act.

#### **5 Saving of powers.**

Nothing in this Act contained shall be deemed in any way to abridge the powers of the governing body for the time being of the said college (whether as now constituted or as reconstituted by or under the provisions of this Act) from time to time to add to, alter, amend, or repeal any of the statutes set forth in the Second Schedule to the said deed of foundation, or any statutes which have been made or shall be made in pursuance of the powers thereby given, or to make new statutes in place of any of the same; and it is hereby expressly declared that the said governing body for the time being (whether as now

constituted or as reconstituted by or under the provisions of this Act) shall have the like powers of altering, amending, or repealing any of the statutes which shall be made in pursuance of the powers given by this Act and of making new statutes in place of any of the same:

Provided always that no provision of any statute shall be of any validity or effect which shall be repugnant to the provisions of this Act.

**6 First election of Fellows.**

An election of the first Fellows to hold office under this Act shall be held as soon as possible after provision for the same shall have been made under section four hereof.

**7 Certificate by Warden of due election.**

As soon as the first Fellows to hold office under this Act shall in the opinion of the Warden have been duly elected the Warden shall deliver to the Bursar of the college a certificate under his hand and seal giving the names and descriptions of the persons so elected Fellows, and certifying that they have been duly elected, which certificate shall be dated with the date of its delivery to the said Bursar, and shall be conclusive evidence of its delivery on that date and of the due election of the persons therein stated to have been elected Fellows, and the said persons shall hold office as from the date of such certificate.

**8 Future Fellows to be Fellows within meaning of Ordinance and statutes.**

The Fellows for the time being of the said college elected under the statutes to be made in pursuance of the powers hereby given shall be deemed to be for all purposes Fellows of the said college within the meaning of the said Ordinance and any amendment thereof, and of the said deed of foundation, and of the statutes set forth in the Second Schedule annexed thereto as amended, and of all statutes duly made or to be made thereunder or under this Act, subject only to the provisions of this Act.

**9 Continuance of body politic and corporate.**

From and after the date of the certificate by the Warden hereinbefore provided for the Warden, and the Fellows elected as hereinbefore provided and their respective successors in office shall constitute the said body politic and corporate called and known as "Christ's College, Canterbury," and shall be and be deemed to be for all purposes the same body politic and corporate as that constituted by the said Ordinance.