

CHAPTER 489

ST. THOMAS' COLLEGE

Ordinance
No. 7 of 1930.

AN ORDINANCE TO INCORPORATE THE ST THOMAS* COLLEGE BOARD OF GOVERNORS
AND TO AMEND THE LAW RELATING TO ST. THOMAS' COLLEGE.

[1st April, 1930.]

Preamble.

Whereas by a grant No. 2103 dated the 2nd day of September, 1854, and attested by Frederick John de Saram of Colombo in the Island of Ceylon Notary Public, James Chapman then Lord Bishop of Colombo being seized and possessed of certain land and premises forming the College of Saint Thomas the Apostle fully described in the aforesaid grant transferred, assigned and set over unto the Incorporated Society for the Propagation of the Gospel in Foreign Parts (hereinafter called "the society") and the Bishop of Colombo and his successors for the time being the said land and premises, to hold the same for ever in trust nevertheless for the following purposes :— First, for the maintenance of the College of Saint Thomas the Apostle for the education of youth; Second, for the training and theological instruction of students as candidates for Holy Orders and for their instruction in medical and surgical knowledge; Third, for the continuance of the Native Orphan Asylum; Fourth, for the residence of the Bishop of Colombo; and Fifth, for the holding of the services of the Church, and the due observance of its seasons and festivals:

And whereas by the Saint Thomas' College Ordinance, No. 13 of 1913, the society and Ernest Arthur Copleston then Lord Bishop of Colombo as such trustees as aforesaid were empowered to sell the land and buildings forming the said college and to purchase other land and erect buildings and to hold the same in trust for the purposes and objects and subject to the terms and conditions in the said grant contained:

And whereas in the exercise of the said powers the said trustees have sold the said land and buildings:

And whereas by the Saint Thomas* College (Amendment) Ordinance, No. 2 of 1915, the said trustees were empowered to retain in their hands out of the proceeds of the sale of the land comprised in the said grant such sum as they might deem requisite for the erection of the buildings necessary for the purpose of the said trust and for the purpose of meeting any deficiency thereby or otherwise occasioned in the funds in their hands available for the completion of the purchase of the land authorized to be purchased under the said Ordinance No. 13 of 1913, to mortgage and hypothecate the said land or any part thereof:

And whereas by deed No. 1882 dated the 25th day of April, 1919, attested by Leslie William Frederick de Saram of Colombo aforesaid Notary Public, the said trustees with the leave of court duly obtained in special proceedings No. 826 of the District Court of Colombo purchased from the said Ernest Arthur Copleston then Lord Bishop of Colombo as trustee of the Holy Emmanuel Church Moratuwa certain land and buildings situate at Mount Lavinia in the District of Colombo upon the trusts and for the uses, ends and purposes in the said grant dated the 2nd day of September, 1854, contained and have erected on the said land certain buildings and contemplate erecting other buildings:

And whereas under the powers contained in the said Ordinance No. 2 of 1915, the society and Mark Rudolph Carpenter-Gamier then Lord Bishop of Colombo on the 7th day of December, 1928, mortgaged and hypothecated the said land and buildings situated at Mount Lavinia aforesaid to the Incorporated Trustees of the Church of England in Ceylon to secure the repayment to the said incorporated trustees of the sum of 45,000 rupees advanced by them:

And whereas the Lord Bishop of Colombo and the treasurer in Ceylon of the society and the warden of the said college have hitherto transacted all the affairs of the said college with the help of certain trustees:

And whereas the purposes and objects of the said college would be more effectually prosecuted and attained by the constitution and incorporation of a board of governors empowered to hold, control, manage and deal with all the property belonging to the said college and transact all the affairs of the said college:

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as the Saint Thomas' College Board of Governors Ordinance.

Incorporation.

2. (1) There shall be established a board (hereinafter referred to as "the board"), the members of which for the time being shall be, and are hereby constituted a body politic and corporate, with the name of "The Saint Thomas' College Board of Governors".

(2) The board shall in the said name and for the purposes herein mentioned have perpetual succession, and shall and may by the said name sue and be sued, plead and be impleaded, answer and be answered, in all courts, and shall and may have and use a common seal with power to break, alter and renew the same at its discretion.

Constitution of the board,

3. (1) The board shall consist of the following members :—

(a) Ex officio members :—

The Lord Bishop of Colombo, or in his absence, his commissary;

The representative in Sri Lanka of the society.

(b) Such other persons as may be elected, nominated or co-opted in accordance with the rules in the Schedule* :

* Schedule omitted.—Private enactment.

Provided that at least eighty *per centum* of the members of the board shall be members of the Church of England in Ceylon, or of a Church in communion with that Church.

(2) Notwithstanding anything in subsection (!) contained, the first members of the board shall be the following persons and two other persons to be co-opted by them after the commencement of this Ordinance, both of whom shall be members of the Church of England in Ceylon, and one of whom shall be a member of the St. Thomas' College Old Boys' Association :—

(a) Ex officio members:—

The Right Reverend Mark Rudolph Carpenter-Gamier, Lord Bishop of Colombo, or in his absence, his commissary;

R. Jewell-Thomas, Esq., Representative in Ceylon of the society.

(b) Other members :—

The Honourable D. S. Senanayake; C. E. A. Dias, Esq.; The Reverend Dr. G. B. Ekanayake, D.D.;

H. H. Bartholomeusz, Esq.; The Reverend W. A. Stone; Dr. Gerald H. de Saram; The Honourable T. L. Villiers; Sir Stewart Schneider;

and such persons together with two other persons to be co-opted by them shall be deemed to have been duly constituted as the board in accordance with the provisions of this Ordinance and the rules made thereunder.

4. The board shall at all times hereafter be able and capable in law to acquire either by purchase, exchange, gift, devise or bequest or in any other manner, and to hold and enjoy in perpetuity or for any lesser term, subject to any express trust or otherwise for the benefit of the said college or orphanage, any property movable or immovable of any nature or kind whatsoever and to invest the funds vested in

Capacity to hold property, &c

the board in securities of the Government of Sri Lanka or upon any mortgage of movable or immovable property in Sri Lanka and also in the purchase or acquisition of such lands, buildings, goods, chattels and things as may in its opinion be proper or necessary for the purposes of the said college or orphanage.

Vesting of property.

5. (a) The land and buildings purchased as aforesaid on the 25th day of April, 1919, and all other land, buildings and premises now vested in the society and the Lord Bishop of Colombo or held in trust for the purposes and objects and subject to the terms and conditions in the said grant dated the 2nd day of September, 1854, contained shall from the commencement of this Ordinance be vested in the board for the purposes and objects and subject to the terms and conditions contained in the said grant and the said Ordinances No. 13 of 1913 and No. 2 of 1915, but subject nevertheless to the mortgage dated the 7th day of December, 1928, mentioned in the preamble to this Ordinance so far as the same shall be affected thereby.

(b) All other property movable or immovable of any nature or kind whatsoever and all moneys, goods, chattels and effects whatsoever and all securities for money or obligatory instruments and evidence or muniments of title and all other effects and all rights and claims held by any person or persons as trustee or trustees for the benefit of the said college or orphanage at the date of the commencement of this Ordinance shall be vested in the board to all intents and purposes as if the same had been assigned and transferred to the board by the trustee or trustees in whose name the same are now held and upon the trusts and subject to the terms and conditions applicable thereto.

Release of trustees of grant of 2nd September, 1854.

6. The society and the Lord Bishop of Colombo shall from the commencement of this Ordinance be absolutely released and discharged from all claims, demands, actions and proceedings in respect of the trust estate and premises now or at any time held in trust for the purposes and objects or subject to the terms and conditions in the said grant dated the 2nd day of September, 1854, and the said Ordinances No. 13 of

1913 and No. 2 of 1915 contained, or in respect of any sale, mortgage, hypothecation, investment or transposition of investment, payment or other dealing or anything done or omitted by the society and the said Lord Bishop or his predecessors in office in respect thereof or otherwise howsoever in relation thereto and also from all liability for the payment of the principal sum and interest at any time secured by the mortgage dated the 7th day of December, 1928, mentioned in the preamble to this Ordinance.

7. (1) The board may erect or cause to be erected any buildings on any land vested in the board by virtue of this Ordinance or acquired or held by it, and may also from time to time sell, grant, convey, demise, assign, exchange and dispose of or mortgage any property for the time being vested in the board. Nothing in section 4 of the Saint Thomas' College Ordinance, No. 13 of 1913, as amended by Ordinance No. 2 of 1915, shall be deemed to limit or control the rights hereby created and granted.

Power to deal with property, and change site of college.

(2) The board may from time to time remove the said college or any part thereof to any other site.

8. All debts and liabilities of the said college existing at the time of the commencement of this Ordinance, including the said mortgage dated the 7th day of December, 1928, shall be payable by the board and all debts due to and moneys payable to the said college shall be payable to the board for the purposes of this Ordinance.

Debts.

9. It shall be obligatory on the board to observe and carry out the trusts connected with moneys which are vested in the board by virtue of this Ordinance or otherwise. The board shall administer the trusts connected with the following:—

Scholarships, exhibitions, and prizes.

- (a) General Endowment Fund;
- (b) Divinity Students' Fund;
- (c) Poor Scholars* Endowment Fund;
- (d) Native Orphanage Fund ;
- (e) Duke of Edinburgh Scholarship Fund,

- (f) The Gregory Scholarship Fund ;
- (g) The Prince of Wales's Exhibitioners' Fund;
- (h) The Herbert Acland Scholarship ;
- (i) The Victoria Gold Medal Fund.

Power to make rules.

10. (1) It shall be lawful for the board from time to time at any meeting specially called for that purpose and by a majority of the members present and voting to make such rules not inconsistent with this Ordinance as it may deem expedient for any or all of the following purposes :—

- (a) for the constitution of the board and the term of office of its members and the custody of the seal;
- (b) for regulating the time and place of its own meetings and the order to be observed thereat;
- (c) for the conduct of the duties of the board;
- (d) for the employment, appointment and dismissal of the warden, the sub-warden and other members of the staff of the college and orphanage ;
- (e) for the management, organization and curriculum of the college and orphanage;
- (f) for the conditions regarding the admission of students and orphans to the college and orphanage ;
- (g) for the charging and recovery of fees, and for the award of grants, scholarships, exhibitions and maintenance allowances;
- (h) for the keeping of accounts, the deposits of money, the custody of documents and the appointment of such clerks or other officers as may

be necessary for the performance of the work of the board ;

- (i) for the appointment of a secretary and treasurer;
- (j) for amending, adding to or cancelling the rules in the Schedule* ; and
- (k) for providing for every other matter not herein specifically provided for but necessary for the management of the property and the affairs of the college and orphanage and the discharge of the duties of the board.

(2) The rules in the Schedule* shall be deemed to be the rules of the board and to have been made by the board under this Ordinance, and shall remain in force until amended, added to or rescinded by rules made by the board under this section at a meeting called for that purpose.

(3) All rules made under this section shall be published in the Gazette.

11. The seal of the board shall no* be affixed to any instrument whatsoever except in the presence of two of the members of the board who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

12. It shall be lawful for the board in all cases not provided for by this Ordinance, to act in such manner as shall appear to it best calculated to promote the welfare of the said college and orphanage.

13. Nothing in this Ordinance contained shall prejudice or affect the rights of the Republic, or of any body politic or corporate, or of any other persons, except those claiming by, from, or under them.

•Schedule omitted.—Private enactment.