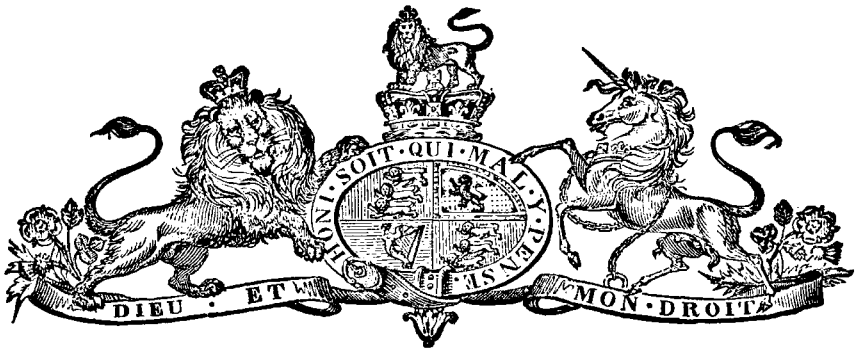


ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. LXXXII.

An Act for making Provision for the good Government and Extension of the University of *Durham*. [6th *August* 1861.]

WHEREAS it is expedient to make further Provision for the good Government and Extension of the University of *Durham* and of the Colleges therein: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as the "*Durham* University Act, 1861." Short Title.

2. The several Persons hereafter named, that is to say, the Right Reverend Father in God *Henry Montagu* Lord Bishop of *Durham*, the Honourable *Henry George Liddell*, the Right Honourable *Robert Lowe*, the Right Honourable *Charles Bowyer Adderley*, the Reverend *Charles John Vaughan* Doctor in Divinity, and *Robert Ingham* Esquire, shall be Commissioners for the Purposes of this Act, and shall have a Common Seal, and Three of the said Commissioners shall be a Quorum, and the Commissioner appointed or acting as Chairman shall have a Second or Casting Vote whenever at any Meeting the Votes of the Commissioners are equally divided. Appointment of Commissioners.

3. The Powers hereby conferred on the Commissioners shall be in force until the First Day of *January* One thousand eight hundred and sixty-three, and it shall be lawful for Her Majesty, if She think fit, Duration of Powers of Commissioners.

fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of *July* One thousand eight hundred and sixty-three, and no longer.

Vacancy in Number of Commissioners.

4. If any Vacancy occur in the Number of the Commissioners by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy.

Commissioners empowered to require Production of Documents.

5. The Commissioners, in the Exercise of the Authorities hereby vested in them, shall have Power to require from any Officer of the University of *Durham*, or of any College therein, including Halls under the Term Colleges, the Production of any Documents or Accounts relating to such University or College, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof, respectively, and no Oath which may have been taken by any Officer shall be a Bar to any Authorities of the Commissioners.

Powers of Commissioners.

6. For the Purpose of promoting Religious Education, useful Learning, and practical Knowledge in the University of *Durham* and the Colleges therein, and of furthering the main Designs of the Founders and Donors, so far as is consistent with the above Purposes, it shall be lawful for the Commissioners, notwithstanding anything to the contrary contained in any Order of Council, Statute, Charter, Deed, or Instrument of Foundation or Endowment, but subject to the Restrictions herein-after mentioned, to make Ordinances for the Purposes following; that is to say,

(1.) For repealing, modifying, or altering any Order in Council, Statute, or Regulation relating to the University or the Colleges thereof:

(2.) For altering the Subscription required to be made on proceeding to any Degree in the University:

(3.) For altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment held or enjoyed by the University, or by any Professor, Lecturer, Reader, or Scholar therein:

(4.) For repealing, altering, and amending the College Statutes, and for making fresh Provision respecting the Eligibility of Persons to the Headship or the Fellowships or other College Emoluments, respecting the Right and Mode of appointing, nominating, or electing to such Headship, Fellowships, and Emoluments, and respecting the Duration and Conditions of the Tenure of such Fellowships and Emoluments, so as to ensure such Fellowships and Emoluments being conferred according to personal Merits and Fitness, and being retained for such Periods as are likely to conduce to the better Advancement of the Interests of Religion and Learning, and for the said Objects to modify or abolish any Right of Preference:

(5.) For the Consolidation, Division, or Conversion of Emoluments attached to Schools into Scholarships or Exhibitions so attached,

tached, or either partly so attached and partly open, or altogether open:

(6.) For the Creation of a sufficient Number of Open Scholarships either by Conversion of Fellowships or otherwise:

(7.) And generally for making further Provision for maintaining and improving the Discipline, Studies, and good Government of such University and Colleges, and for amending the Statutes thereof from Time to Time.

Restrictions on Exercise of Powers by Commissioners.

7. The following Restrictions shall be imposed on the Exercise by the Commissioners of the foregoing Powers:

(1.) No Ordinance shall be made to the Prejudice of the existing Interest of any Member of the University or Colleges:

(2.) No Ordinance shall be made inconsistent with an Act passed in the Session holden in the Second and Third Years of His late Majesty King *William* the Fourth, Chapter Nineteen (Private), and intituled *An Act to enable the Dean and Chapter of* Durham *to appropriate Part of the Property of their Church to the Establishment of a University in connexion therewith for the Advancement of Learning;* or with a Charter granted to the University by His late Majesty King *William* the Fourth, and dated the First of *June* One thousand eight hundred and thirty-seven; but the Admission of Persons other than those belonging to the Established Church to the Emoluments of the University shall not be deemed inconsistent with the said Act or Charter:

(3.) No Ordinance of the Commissioners shall be of any Validity until the same has been confirmed by Order of Her Majesty in Council as herein-after mentioned.

Ordinances to be laid before the Queen in Council.

8. All Ordinances framed by the Commissioners under the Powers herein contained shall be laid before Her Majesty in Council and be forthwith published in the *London Gazette;* and it shall be lawful for the University of *Durham* and the Colleges thereof, and for the Visitors of any College in the University, and for the Visitor, and for the Trustees, Governors, and Patron of any University or College Emolument, and for any other Person directly affected by such Ordinances, within One Month after the Publication as aforesaid in the *London Gazette*, to petition Her Majesty in Council praying Her Majesty to withhold Her Approbation of the whole or of any Part thereof; and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, to be named in such Order, and such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Statutes to be laid before Parliament.

9. All Ordinances published in the *London Gazette* as aforesaid shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not then within Three Weeks after

after the Commencement of the next ensuing Session of Parliament; and unless an Address is within Forty Days presented by one or other of the said Houses, praying Her Majesty to withhold Her Consent from such Ordinances or any Parts thereof, or unless the Approbation of Her Majesty is withheld on such Petition as aforesaid, it shall be lawful for Her Majesty, by Order in Council, to declare Her Approbation of such Ordinances, or any Parts thereof to which such Address does not relate, or of which She does not withhold Her Approbation on such Petition, and the same shall thereupon become Statutes of the University of *Durham*, or of the College therein to which the same respectively relate; and if any such Ordinances, or any Part thereof, are not so approved by Her Majesty, it shall be lawful for Her Majesty to signify Her Disapproval of such Ordinances or such Part thereof by Order in Council, and the Commissioners may thereupon proceed to frame other Ordinances in that Behalf, subject to the same Conditions and Provisions as to the Approbation of Her Majesty in Council, and all other Conditions and Provisions, as are imposed by this Act in relation to the making of original Ordinances by the Commissioners, and so on from Time to Time as often as Occasion requires.

Statutes by Commissioners subject to Repeal, &c.

10. Every Ordinance made by the Commissioners in pursuance of the Provisions of this Act affecting the University or any College thereof, shall be subject to Repeal and Alteration by the University or College, as the Case may be, with the Approval of Her Majesty in Council.

Persons becoming Members not to possess vested Interests.

11. No Person who, after the passing of this Act, becomes a Member of the University of *Durham* or any College therein, or is elected or becomes eligible to any University or Collegiate Emolument, shall be deemed or taken to have acquired or to possess an existing Interest within the Meaning of this Act.

Powers of University to continue in force, as altered by this Act.

12. Except in so far as they are expressly altered or taken away by the Provisions of this Act, the Powers and Privileges of the University and its Officers, and of the Colleges and their Officers, shall continue in full Force.

Interpretation of Terms.

13. In the Construction of this Act the Expression "University or College Emolument" shall include all Headships, Fellowships, Scholarships, Exhibitions, Clerkships, and every other such Place of Emolument payable out of the Revenues of the University or of any College, or to be held and enjoyed by the Members of any College as such within the University.

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