ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. clxviii.

An Act to provide for the Discharge by Deputy in certain Cases of the Functions of Warden in the University of *Durham*; and to authorize the Abolition of certain Fellowships in the said University; and to provide a further Endowment for the School of Theology, and a proposed School of Physical Science, in the said University; and for other Purposes.

[14th *July* 1864.]

WHEREAS by an Act of Parliament passed in the Second Year of His Majesty King *William* the Fourth, 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*, certain Estates mentioned in the Schedule thereto were, subject as therein mentioned, vested in the said Dean and Chapter of *Durham* (in this Act called the Dean and Chapter) and their Successors for ever, in trust to apply the Rents thereof, and the Fines and other Profits and Proceeds arising therefrom, for the Establishment 2 & 3 W. 4. c. 19. (*Pr.*)

and Maintenance of a University for the Advancement of Learning in connexion with the Cathedral Church: And whereas the Government of the said University, and the Order and Discipline to be observed therein according to the Scheme and Regulations which the Dean and Chapter for the Time being, with the Consent of the Lord Bishop of *Durham* for the Time being, were by the Act now in recital empowered to order and prescribe, were thereby vested in the Dean and Chapter for the Time being, subject to the Jurisdiction of the Bishop as Visitor: And whereas the Dean and Chapter, under the Powers of the above recited Act, constituted the said University, and appointed a Warden and Professors thereof, and made a Scheme and Regulations for the Management thereof, and have at various Times since made other Regulations with regard thereto: And whereas by a Charter, dated the 1st of *June* 1837, His late Majesty King *William* the Fourth constituted the Venerable *Charles Thorp* D.D. (then Warden of the University), and all Persons who then were or should thereafter be duly admitted Members of the University, One Body Politic and Corporate, under and by the Name of the Warden, Masters, and Scholars of the University of *Durham*, and by that Name to have perpetual Succession and a Common Seal: And whereas the Dean and Chapter, in the Years 1839 and 1840, apportioned Part of the Income arising from the Estates mentioned in the Schedule to the recited Act of Parliament towards the Establishment of Six Fellowships in the University: And whereas the Ecclesiastical Commissioners for *England*, by a Scheme dated the 18th of *May* 1841, and which was duly laid before Her Majesty in Council, recommended and proposed, as an Endowment for the Office of Warden of the said University of *Durham*, that the said Office should, upon the First Vacancy thereof, become and be permanently annexed to the Deanery of the said Cathedral Church of *Durham*, and should be held by the Dean of *Durham* for the Time being; and the Commissioners further recommended and proposed that there should be founded in the said University Eighteen Fellowships, in addition to the Six Fellowships already founded therein by Acts of the said Dean and Chapter, as herein-before mentioned, making Twenty-four such Fellowships in the whole: And whereas the said Scheme was approved by Her Majesty in Council on the 4th of *June* 1841, and took effect accordingly: And whereas the Eighteen Fellowships mentioned in the Scheme were duly founded, and there are now in the said University twenty-four Fellowships, namely, Ten of the Value of One hundred and fifty Pounds each, and Fourteen of the Value of One hundred and twenty Pounds each: And whereas the Office of Warden of the University of *Durham* became vacant in 1862, when the proposed Annexation of it to the Deanery of *Durham* took effect: And whereas it is expedient, for the better Government of the University, that Provision should be made for appointing a Deputy to act in lieu of the Warden of

of the University in case of Absence or permanent Incapacity, and it is also desirable, that in order to provide Funds for increasing the Efficiency and Usefulness of the said University, and for the Maintenance and Extension of the School of Theology therein, that some or all of the said Twenty-four Fellowships should (subject to existing Rights) be at once abolished, and that the Income of the abolished Fellowships should be applied to the aforesaid University Purposes; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and 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; (that is to say,)

Senate to appoint Deputy Warden under certain Circumstances.

1. The Warden may appoint some Member of the Chapter or Senate Sub-Warden, with Authority to perform such of the Duties of the Warden as he may from Time to Time think fit to assign to him, in Writing under his Hand and Seal, and the Senate of the University may, with the Consent of the Visitor and Governors thereof, in case of the temporary or permanent Incapacity of the Warden (of which Incapacity the Visitor, on Representation made to him by the Majority of the Chapter, at a Meeting specially called for that Purpose, shall be the final Judge,) appoint some Member of the Chapter, or some Member of the Senate in Holy Orders, to be Deputy Warden, and the Deputy Warden so appointed shall and is hereby empowered to fulfil all the Duties of such incapacitated Warden, and from Time to Time, during the Continuance of such Incapacity, the Senate may, with such Consent as aforesaid, appoint a new Deputy Warden in substitution for any Deputy Warden previously appointed.

Power to reduce the Number of Fellowships.

2. The Dean and Chapter may, with the Consent in Writing of the said Visitor, and so as not to affect the Rights of existing Fellows of the said University, submit to the Ecclesiastical Commissioners for *England* a Plan for abolishing some or all of the Twenty-four Fellowships now existing in such University, not being Fellowships founded by private Persons, and such Plan, or such Modification thereof as may be agreed to by the Dean and Chapter and Visitor, may be embodied by the said Commissioners in a Scheme, and be laid before Her Majesty in Council, and may be ratified in the Manner provided by the Act passed in the Session of Parliament held in the Third and Fourth Years of Her present Majesty, Chapter 113: Provided nevertheless, and it is hereby declared, that the Income of all the Fellowships so abolished shall be applied in such Scheme exclusively for all or any of the following Purposes, namely, the Maintenance, Extension, and Improvement of the School of Theology, or of the School or Schools in the Faculty of Arts, in the said University, according to such Regulations and generally in such Manner as the Dean and Chapter,

Chapter, with the Assent of the Visitor, shall from Time to Time determine.

Short Title.

3. This Act may be cited for all Purposes as the "*Durham* University Act, 1864."

Expenses of Act.

4. All the Costs, Charges, and Expenses of and incident to the passing of this Act shall be paid by the Dean and Chapter.

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