CHAPTER xiii.

An Act to amend the Constitution of King's College London and for other purposes relating thereto. [19th May 1882.] A.D. 1882.

Charter of incorporation 14th August 1829.

WHEREAS by Royal charter bearing date the fourteenth day of August one thousand eight hundred and twenty-nine King's College London was established as a college in which instruction in the doctrines and duties of Christianity as taught by the Church of England should be for ever combined with other branches of useful education. And the Lord Chancellor or Lord Keeper of the Great Seal of the United Kingdom the Archbishop of York the Bishop of London the Chief Justice of England the Speaker of the House of Commons the Principal Secretary of State for the Home Department the Lord Mayor of London the Dean of Saint Paul's Cathedral and the Dean of Westminster by virtue of their respective offices were constituted perpetual governors of the said College. And it was provided that every person who had subscribed or should subscribe for one or more shares of one hundred pounds each for the purpose of the said College should be styled and registered in the books thereof as a "proprietor." And that every person who had made or should make one or more donations of one hundred pounds each for the purpose of the College should be styled and registered as a "donor of the first class." And that every person who had made or should make a donation of fifty pounds for the purpose of the College should be styled and registered as a "donor of the second class." And that the said perpetual governors proprietors and donors should be a body corporate by the name of "the governors and proprietors of King's College London" (in this Act called "the College") and that they and their successors should have power to hold any goods and chattels and personal property and also to hold not only such lands buildings hereditaments and possessions as might from time to time be used and occupied for the immediate purposes of the College but also any other lands buildings hereditaments and possessions situate within Great Britain and Ireland not exceeding the annual value of five thousand pounds such annual

A.D. 1882.

value to be calculated at the period of acquiring the same and that they might do all other acts appertaining to a body corporate. And it was ordained by the said charter that the various branches of literature and science and also the doctrines and duties of Christianity as the same are inculcated by the Church of England should be taught in the College under the superintendence of a principal or other head professors and tutors or such other masters or instructors as should from time to time be appointed in the manner thereafter mentioned. And whereas it was deemed essential to maintain indissolubly the connexion between sound religion and useful learning and that in King's College instruction in the doctrines and duties of Christianity as taught by the Church of England should be for ever combined with other branches of useful education and it was ordained that the Archbishop of Canterbury for the time being should be visitor of the College. And that in addition to the perpetual governors before-mentioned there should be eight other governors for life of the College who were named in the charter and it was provided that whenever a vacancy should occur among the life governors the visitor should nominate some other person being a layman and a member of the College to be a governor for life in his place and that if the visitor failed so to nominate for six months the governors should nominate some other person being a layman and a member of the College to fill the vacancy: And it was further provided that there should be a council of the College consisting of the governors for the time being the treasurer for the time being and twenty-four other members of the College to be elected as therein provided from time to time and that there should be a treasurer and three auditors who were to be members of the College. And that the council should have full power to direct and manage the affairs of the College and to appoint and remove if they should see occasion the principal the professors tutors masters the secretary and all officers agents and servants of the College except the treasurer and auditors but that the appointment and removal of the principal and head master should be confirmed by the governors and also to make and alter bye-laws and regulations touching the government of the College the appointment and removal number and rank powers and duties stipends and emoluments of the several persons employed therein and in general touching all matters whatsoever regarding the College and the interests of the proprietors and donors respectively. And that no person who is not a member of the Church of England should be competent to fill any office in the College except the professorships of oriental literature and modern languages and that in the admission of students a preference should be given to the

nominees of proprietors and donors but with no provision for a reduction of fees to such nominees and that proprietors and donors of the first class might transfer and transmit their shares and donations respectively subject to certain conditions with the approval of the council with a right of pre-emption of such shares by the council whenever they were offered for sale:

And whereas the College was opened in the year one thousand eight hundred and thirty-one after the necessary buildings had been erected for it under a lease from the Crown for nine hundred and ninety-nine years at or adjacent to Somerset House and additions thereto have been made from time to time and a junior department or a school for boys under a head master distinct from the senior department of the College for young men was established and also evening classes for occasional students and considerably more than a thousand students of all kinds are now educated at the College:

And whereas byelaws were duly made under the charter by which it was among other things provided that if after payment of all the annual expenses and outgoings of the College any surplus remained a dividend not exceeding four per centum per annum on the shares and donations then existing might be declared out of such surplus at the annual court unless such court should decide otherwise but that such dividends should be payable only to proprietors and the dividends on donations should be applicable to the general purposes of the College:

And whereas there has never been any such surplus but on the contrary the College has always been in debt for money borrowed for its buildings from time to time and no dividend has ever been declared and the College has never been carried on with a view to profit to the proprietors and the right to any dividend is purely nominal and during the last seven years the number of shares transferred by sale has been none except such as have been purchased at a nominal price in order to qualify for a seat on the council and out of a total of three hundred and fifty-one registered proprietors only ninety-five are still living and have their residences known and the number of proprietors and donors who attend the annual courts is very small and such courts often have to be adjourned for want of the quorum prescribed by the charter:

And whereas the council began in the year one thousand eight hundred and forty-seven to elect "honorary fellows" consisting of former professors and other officers of the College and of students who have been distinguished at the universities or in public life but such fellows are not as such members of the corporation and it is expedient that they should be:

A.D. 1882.

And whereas it is expedient that the objects of the College should be extended to provide education for women and girls as well as men and boys and that any doubt whether they may provide education elsewhere than in the premises aforesaid at or near Somerset House should be removed and that the rights of the proprietors of shares to receive dividends should be extinguished and such other alterations made in the constitution of the College as are hereafter mentioned and that the charter be annulled but that the College be continued incorporate:

And whereas the purposes of this Act 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):—

Short title.

1. This Act may be cited as King's College London Act 1882 and it shall come into operation on the passing thereof.

Charter annulled. College to continue incorporated.

2. The said charter is hereby annulled but the College shall remain incorporated by the name and title of "King's College London" as herein-after provided and all things heretofore done under the charter shall remain as valid as if this Act had not been passed and all officers of the College shall retain their offices on the same terms and conditions as they now hold the same and all books and documents which would have been evidence for or against the College under the charter shall be admitted as evidence hereafter and all debts and liabilities deeds and causes of action shall attach apply and subsist to against and in favour of the College after this Act as they did at the passing thereof. And all byelaws rules and orders now in force shall so remain except so far as they are varied by this Act or shall be hereafter varied under the powers thereof.

College of whom to consist.

3. The College shall consist of the governors as herein-after defined the proprietors of shares originally taken and donors of the first class being donors of one hundred pounds or more and their transferees or representatives as herein-after provided of donors of the second class as herein-after provided and of the fellows now existing as aforesaid and such as shall be hereafter elected as herein provided and the proprietors shall become and are herein-after included in and called donors of the first class.

Power to hold lands.

4. The College shall be capable in law to take purchase and hold any goods chattels and personal property and also notwithstanding the Statutes of Mortmain not only such lands buildings and hereditaments as may from time to time be used for the purposes of the

College but also any other lands buildings and hereditaments whatsoever within the United Kingdom not exceeding the annual value of ten thousand pounds to be calculated at the time of their acquiring the same and also to grant demise or dispose of all or any of the property of the college and to do all other acts incidental or appertaining to a body corporate.

Purposes of the College.

5. The College shall continue as a body politic and corporate for the purpose of giving instruction in the various branches of literature and science and the doctrines and duties of Christianity as the same are inculcated by the Church of England shall be taught in the College under the superintendence of a principal and a head master professors and tutors and such other masters and instructors as shall from time to time be appointed in the manner hereafter mentioned.

Places in which the business of the College may be carried on.

6. The business of the College may be carried on not only in the said premises and buildings at or near Somerset House but also in any other premises and buildings within ten miles from Somerset House which the College may acquire or lease from time to time. The College may establish halls colleges and schools at any place or places within fifteen miles of Somerset House and may acquire lease or build from time to time such premises as they deem convenient for such purposes and all such premises where the business of the College is carried on or where instruction is given by the College shall be considered part of the College for all the purposes of this Act. And the College may give to persons of both sexes instruction as aforesaid in the doctrines and duties of Christianity as inculcated by the Church of England and in literature and science.

Visitor of the College.

7. The visitor of the College shall be the Archbishop of Canterbury for the time being with authority to do all those things which pertain to visitors as often as to him shall seem meet.

Governors of the College.

8. The governors shall continue to be nine official or perpetual governors and eight life governors. The perpetual governors shall be the Lord High Chancellor of Great Britain or the Lord Keeper of the Great Seal the Archbishop of York the Bishop of London the Lord Chief Justice of England the Speaker of the House of Commons the Principal Secretary of State for the Home Department the Lord Mayor of London the Dean of St. Paul's Cathedral and the Dean of Westminster all for the time being respectively. The life governors of whom at least one half shall be laymen shall be the present ones so long as they respectively live and are willing to remain in office and whenever a vacancy shall occur among them the visitor of the College shall by writing under his hand nominate such person as he shall think fit being then a member of the council

A.D. 1882.

or having been principal of the College to be a life governor to fill such vacancy. But if the visitor shall omit to make such nomination for six months after a vacancy has occurred and been signified to him the governors shall elect some such person as aforesaid to fill the vacancy.

Meetings of governors.

9. All questions at any meeting of the governors shall be decided by the majority of those present and the chairman shall have a vote and also a second or casting vote if the votes are equal. And no question shall be decided at a meeting of governors except that of adjournment unless three are present at the decision.

Treasurer of the College.

10. There shall be a treasurer of the College who shall be a member of the College and he shall be appointed and may be removed from time to time by the council.

Auditors.

11. There shall be three auditors who shall continue in office for a year and shall be elected at the annual general meeting as herein-after provided and they need not be members of the College.

Council of the College.

12. There shall be a council consisting of the governors and the treasurer and twenty-four other members of the College and no person who does not declare himself to be a member of the Church of England shall be competent to act as a governor by virtue of his office or to be a life governor or a member of the council or to fill any office in the College except professorships of oriental literature and modern languages.

Chairman of council.

13. At all meetings of the council the chairman shall be the Archbishop of York if he is present or else the Bishop of London and if at any meeting neither of them is present or willing to take the chair then one of the members of the council present shall be elected chairman of such meeting.

Voting at council meetings.

14. All questions before the council shall be decided by a majority of those present and the chairman may vote and shall also have a casting vote in case the votes are equal.

Business at council meetings.

15. No questions shall be decided at a meeting of the council unless at least three members concur in the decision. And if any question of which special notice has not been given is brought forward at a meeting of less than seven members and any two members object to its being decided without notice it shall be postponed for notice to be given.

Powers of council.

16. The council shall have the custody of the common seal of the College with power to use the same for all the affairs thereof and shall direct and manage all such affairs and shall whenever necessary appoint the principal and the head master and all the professors tutors masters and instructors and the secretary and all

officers agents and servants except the auditors and may also remove all such persons from their offices whenever they think fit. Provided always that no appointment or removal of the principal or head master shall be final until it has been confirmed by the governors. A.D. 1882.

Byelaws and regulations.

17. The council shall have power from time to time to make alter and rescind byelaws and regulations so as the same be not repugnant to the laws of the realm or to the general objects and provisions of this Act touching the government of the College the appointment and removal the number and rank powers and duties stipends and emoluments of the several persons employed therein and the mode of convening meetings of the governors and the council and the general courts respectively and all other matters regarding the College and the interests of the donors and fellows. And all such bye-laws and regulations shall be binding on all members and officers of the College.

Council may accept gifts and endowments.

18. The council may accept gifts and endowments for promoting particular objects of education or otherwise in aid of the general purposes of the College on such terms and conditions as may be agreed on between them and the persons offering such gifts and on such conditions as they please if none such are prescribed by the donors provided always that such endowments shall be consistent with the general objects of the College as prescribed by this Act and if any question arises concerning the same it shall be decided by the visitor. And if it becomes necessary at some future time in the opinion of both the council and the visitor with the concurrence of the donor if alive to vary such conditions as aforesaid the same may be done.

Annual court of members of College to be held.

19. There shall be held in each year on a day in February March April or May to be fixed by the council a general annual court of the members of the College. And on such day annually the six members of the council not being governors who have been longest in office since their last election shall go out but shall be capable of being re-elected but they shall not be considered out of office until their successors are elected as hereafter mentioned.

Casual vacancies in council.

20. If any vacancy occurs in the council except at the annual meeting as aforesaid it may be filled up by the council themselves and the person elected to fill such vacancy shall go out of office at the same time as the person whose place he has filled would have gone out by rotation.

Rotation of auditors.

21. At every annual court the one of the three auditors who has been longest in office shall go out of office and if two or more

A.D. 1882.

of them shall have been in office the same time then unless they otherwise agree they shall determine by lot which of them shall go out of office. Every auditor going out of office shall be re-eligible.

Chairman of annual court.

22. At every annual court the Archbishop of York or the Bishop of London if present or one of the governors to be elected by the meeting shall preside or else such one of the members of the council as shall be elected by the meeting. And if ten members of the College are not present for a reasonable time after the hour fixed for the meeting it shall be adjourned to such time as shall be fixed either by those present or else by the council as soon thereafter as may be convenient.

Election of council and auditors.

23. At the annual court all vacancies in the council and among the auditors shall be filled up. And the mode of election shall be as follows:—The council shall prepare a list of persons proposed for election on the council consisting of at least as many names as the vacancies indicating respectively those who have been recommended by the council and those who have been nominated by any other two members of the College provided such nomination has been sent to the secretary of the College for the council at least a month before the annual court and any names in like manner proposed for the office of auditor. And the votes shall be taken by voting papers unsigned. If any election cannot then be determined by reason of an equality of votes between two or more candidates the visitor shall decide between them as soon as may be convenient.

Report and statement of accounts to be made to annual court.

24. The council shall lay before the annual court a report of their proceedings during the preceding year and of the state of the College and the accounts up to the preceding first of January. And the accounts shall be examined and signed by at least two of the auditors unless they disapprove of the same giving their reasons in writing for so doing and they shall have full power to inquire into the accounts and examine all books necessary for that purpose at all reasonable times and all officers of the College shall give them such information as they may properly require for that purpose and the auditors shall be responsible for the accuracy of the accounts so far as they could reasonably have ascertained the same.

Minutes of governors and council.

25. Minutes of the proceedings of every meeting of the governors and of the council and of every annual court shall be kept and entered and signed by the chairman of each of such bodies when correct and shall be accepted as evidence of such proceedings unless they shall be shown to be incorrect.

Validity of things done and votes given.

26. All things done and votes given by any person ostensibly filling any office in the College shall be valid notwithstanding any

irregularity or invalidity in his appointment or election to the office in which such acts have been done unless such vote shall be disallowed by the majority of the meeting present on account of a bonâ fide dispute as to the validity of his appointment or election.

Members divested of personal interest.

27. All claims to any pecuniary profit of the proprietors of shares in the College shall be and are hereby extinguished and no dividend shall be considered to accrue on any shares or donations and the shares now in the possession of the College shall be and are hereby extinguished.

Privileges of donors of first class.

But every donor of the first class may nominate by writing under his hand some person subject to the approval of the council to replace him in his lifetime or to succeed him after his death and the person so nominated if he claims the benefit of such nomination within a year after the time when it purports to take effect shall unless disapproved by the council (which disapproval shall be signified in writing by the secretary of the College within six months after the claim is made) enjoy all the rights and privileges of a donor including the right of nominating a successor as aforesaid.

Donors of second class.

28. Donors of the second class shall be those who have made donations to the College of not less than twenty-five pounds and not more than one hundred pounds and they shall be members of the College for life only subject to approval by the council.

Register book of the College.

29. A register book shall be keep by the secretary under the direction of the council in which shall be entered all the donors of the first class and donors of the second class with the amount of their donations and also the fellows of the College and such register shall be corrected from time to time as may be necessary and it shall be conclusive evidence as to any person being a member of the College.

Fellows of the College.

30. All the present honorary fellows shall be fellows of the College and the council may from time to time elect as fellows persons who have been principal or head master or for not less than five years a professor or a lecturer or assistant master or secretary of the College or have served the College in a conspicuous manner and also such number of former students of the College who have become eminent at the universities or in public life as the council may think fit and they may by bye-law from time to time fix the number to be elected annually and also the total number of such fellows.

Associates of the College.

31. The council may also elect as associates who are not to be (as such) members of the College such former students as are duly

A.D. 1882.

recommended according to the existing rules or according to such rules as they from time to time make.

Costs of the Act.

32. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid out of the funds of the College.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.