

Universities of Oxford and Cambridge.

[40 & 41 VICT. CH. 48.]

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A.D. 1877.

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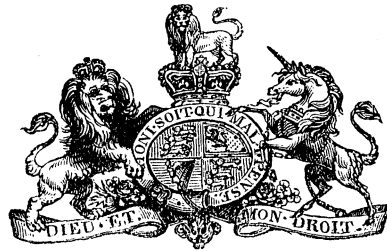
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CHAPTER 48.

An Act to make further Provision respecting the Universities of Oxford and Cambridge and the Colleges therein. A.D. 1877.

[10th August 1877.]

WHEREAS the revenues of the Universities of Oxford and Cambridge are not adequate to the full discharge of the duties incumbent on them respectively, and it is therefore expedient that provision be made for enabling or requiring the Colleges in each University to contribute more largely out of their revenues to University purposes, especially with a view to further and better instruction in art, science, and other branches of learning, where the same are not taught, or not adequately taught, in the University :

And whereas it may be requisite, for the purposes aforesaid, as regards each University, to attach fellowships and other emoluments held in the Colleges to offices in the University :

And whereas it is also expedient to make provision for regulating the tenure and advantages of fellowships not so attached, and for altering the conditions on which the same are held, and to amend in divers other particulars the law relating to the Universities and Colleges :

Be it therefore 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 :

Preliminary.

1. This Act may be cited as The Universities of Oxford and Cambridge Act, 1877 ; and the Acts described in the schedule to this Act may respectively be cited by the short titles therein mentioned. Short titles.

2. In this Act—

“The University” means the University of Oxford and the University of Cambridge respectively, or one of them separately (as the case may require) :

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— “The Senate” means the Senate of the University of Cambridge :
“College” means a College in the University, and includes the Cathedral or House of Christ Church in Oxford :

“Hall” means one of the following Halls, namely, St. Mary Hall, St. Edmund Hall, St. Alban Hall, New Inn Hall, in the University of Oxford :

“The Governing Body” of a College means, as regards the Colleges in the University of Oxford, except Christ Church, the head and all actual fellows of the College, being graduates, and as regards Christ Church means the dean, canons, and senior students :

“The Governing Body” of a College means, as regards the Colleges in the University of Cambridge, except Downing College, the head and all actual fellows of the College, bye-fellows excepted, being graduates, and as regards Downing College, the head, professors, and all actual fellows thereof, bye-fellows excepted, being graduates :

“Emolument” includes—

(1.) A headship, professorship, lectureship, readership, prælectorship, fellowship, bye-fellowship, tutorship, senior studentship, scholarship, junior studentship, exhibition, demyship, postmastership, taberdarship, Bible clerkship, servitorship, sizarship, sub-sizarship, or other place in the University or a College or Hall, having attached thereto an income payable out of the revenues of the University or of a College or Hall, or being a place to be held and enjoyed by a head or other member of a College or Hall as such, or having attached thereto an income to be so held and enjoyed, arising wholly or in part from an endowment, benefaction, or trust ; and

(2.) The income aforesaid, and all benefits and advantages of every nature and kind belonging to the place, and any endowment belonging to, or held by, or for the benefit of, or enjoyed by, a head or other member of a College or Hall as such, and any fund, endowment, or property held by or on behalf of the University or a College or Hall, for the purpose of advancing, rewarding, or otherwise providing for any member of the University or College or Hall, or of purchasing any advowson, benefice, or property to be held for the like purpose, or to be in any manner applied for the promotion of any such member ; and

(3.) As regards the University of Oxford a bursary appropriated to any College in Scotland :

- “Office” has the same meaning in the sections in which “The Universities Tests Act, 1871,” is mentioned as it has in that Act : A.D. 1877.
34 & 35 Vict.
c. 26.
- “School” means a school or other place of education beyond the precincts of the University, and includes a College in Scotland :
- “Professor” includes Regius and other professor, and reader, and teacher ; and “Professorship” includes their several offices :
- “Advowson” includes right of patronage, exclusive or alternate :
- “The Charity Commissioners” means the Charity Commissioners for England and Wales :
- “The Secretary of State” means one of Her Majesty’s Principal Secretaries of State.

Commissioners.

3. There shall be two bodies of Commissioners styled respectively the University of Oxford Commissioners and the University of Cambridge Commissioners. Bodies of Commissioners.

The provisions of this Act referring to the Commissioners shall be construed to apply to those two bodies respectively, or to one of those two bodies separately, as the case may require.

4. The following persons are hereby nominated the University of Oxford Commissioners : Nomination of Oxford Commissioners.

The Right Honourable Roundell, Baron Selborne.

The Right Honourable John Thomas, Earl of Redesdale.

The Right Honourable Mountague Bernard, Doctor of Civil Law.

The Honourable Sir William Robert Grove, one of the Justices of Her Majesty’s High Court of Justice.

The Reverend James Bellamy, Doctor of Divinity, President of St. John’s College.

Henry John Stephen Smith, Master of Arts, Savilian Professor of Geometry.

Matthew White Ridley, Esquire, Master of Arts.

5. The following persons are hereby nominated the University of Cambridge Commissioners : Nomination of Cambridge Commissioners.

The Right Honourable Sir Alexander James Edmund Cockburn, Baronet, Lord Chief Justice of England.

The Right Reverend Henry, Lord Bishop of Worcester.

The Right Honourable John William, Lord Rayleigh.

The Right Honourable Edward Pleydell Bouverie.

The Reverend Joseph Barber Lightfoot, Doctor of Divinity, Lady Margaret Professor of Divinity.

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George Gabriel Stokes, Master of Arts, Lucasian Professor of Mathematics.

George Wirgman Hemming, one of Her Majesty's Counsel, Master of Arts.

Vacancies among Commissioners.

6. If any person nominated a Commissioner by this Act dies, resigns, or becomes incapable of acting as a Commissioner, it shall be lawful for Her Majesty the Queen to appoint a person to fill his place; and so from time to time as regards every person appointed under this section: Provided that the name of every person so appointed shall be laid before the Houses of Parliament within ten days after the appointment, if Parliament is then sitting, or if not, then ten days after the next meeting of Parliament.

Duration: Proceedings.

Duration of Commissions.

7. The powers of the Commissioners shall continue until the end of the year one thousand eight hundred and eighty, and no longer; but it shall be lawful for Her Majesty the Queen, from time to time, with the advice of Her Privy Council, on the application of the Commissioners, to continue the powers of the Commissioners for such time as Her Majesty thinks fit, but not beyond the end of the year one thousand eight hundred and eighty-one.

Chairmen and meetings of Commissioners.

8. The Commissioner first named in this Act, as regards each of the two bodies of Commissioners, shall be the Chairman of the respective body of Commissioners; and in case of his ceasing from any cause to be a Commissioner, or of his absence from any meeting, the Commissioners present at each meeting shall choose a chairman.

The powers of the Commissioners may be exercised at a meeting at which three or more Commissioners are present.

In case of an equality of votes on a question at a meeting, the chairman of the meeting shall have a second or casting vote in respect of that question.

Seals of Commissioners.

9. The Commissioners shall have a common seal, and the same shall be judicially noticed.

Vacancies not to invalidate acts.

10. Any act of the Commissioners shall not be invalid by reason only of any vacancy in their body; but if at any time, and as long as, the number of persons acting as Commissioners is less than four, the Commissioners shall discontinue the exercise of their powers.

Statutes for University and Colleges.

Power for University and Colleges

11. Until the end of the year one thousand eight hundred and seventy-eight, the University and the Governing Body of a

College shall have the like powers in all respects of making statutes for the University or the College respectively, and of making statutes for altering or repealing statutes made by them, as are, from and after the end of that year, conferred on the Commissioners by this Act; but every statute so made shall, before the end of that year, be laid before the Commissioners, and the same, if approved before or after the end of that year by the Commissioners by writing under their seal, but not otherwise, shall, as regards the force and operation of the statute, and as regards proceedings prescribed by this Act to be taken respecting a statute made by the Commissioners after (but not before) the statute is made, be deemed to be a statute made by the Commissioners.

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to make
statutes.

If within one month after a statute so made by a College is laid before the Commissioners, a member of the Governing Body of the College makes a representation in writing to the Commissioners respecting the statute, the Commissioners, before approving of the statute, shall take the representation into consideration.

In considering a statute so made by a College, the Commissioners shall have regard to the interests of the University and the Colleges therein as a whole.

The Commissioners shall not approve a statute so made by a College until they have published, in such form as to them may seem fit, a statement with respect to the main purposes relative to the University for which, in their opinion, provision should be made under this Act, the sources from which funds for those purposes should be obtained, and the principles on which payments from the Colleges for those purposes should be contributed; but nothing in this provision or in any statement published thereunder shall prevent the Commissioners from exercising from time to time according to their discretion the powers and performing the duties conferred and imposed on them by this Act.

12. From and after the end of the year one thousand eight hundred and seventy-eight, the Commissioners may by virtue of this Act, and subject and according to the provisions thereof, make, by writing under their seal, statutes for the University and for any College or Hall, and for altering or repealing statutes made by the Commissioners, and may exercise those powers from time to time with reference to the University and to any College or Hall.

Power for
Commis-
sioners to
make statutes
for Uni-
versity and
Colleges
and Halls.

13. The Commissioners shall not make a statute altering the trusts, conditions, or directions affecting a University or College emolument if the original charter, deed of composition, or other

Limitation of
fifty years.

A.D. 1877. — instrument of foundation thereof, not being an Order in Council made under, or a statute or ordinance having effect under, any Act mentioned in the schedule to this Act, was made or executed within fifty years before the passing of this Act; but nothing in this section shall prevent the Commissioners from making a statute increasing the endowment of any University or College emolument, or otherwise improving the position of the holder thereof.

Regard to main design of founder.

14. The Commissioners, in making a statute affecting a University or College emolument, shall have regard to the main design of the founder, except where the same has ceased to be observed before the passing of this Act, or where the trusts, conditions, or directions affecting the emolument have been altered in substance by or under any other Act.

Provision for education, religion, &c.

15. The Commissioners, in making a statute for the University or a College or Hall, shall have regard to the interests of education, religion, learning, and research, and in the case of a statute for a College or Hall shall have regard, in the first instance, to the maintenance of the College or Hall for those purposes.

Objects of statutes for University.

16. With a view to the advancement of art, science, and other branches of learning, the Commissioners, in statutes made by them for the University, may from time to time make provision for the following purposes, or any of them :

- (1.) For enabling or requiring the several Colleges, or any of them, to make contribution out of their revenues for University purposes, regard being first had to the wants of the several Colleges in themselves for educational and other collegiate purposes :
- (2.) For the creation, by means of contributions from the Colleges or otherwise, of a common University Fund, to be administered under the supervision of the University :
- (3.) For making payments, under the supervision of the University, out of the said common fund for the giving of instruction, the doing of work, or the conducting of investigations within the University in any branch of learning or inquiry connected with the studies of the University :
- (4.) For consolidating any two or more professorships or lectureships :
- (5.) For erecting and endowing professorships or lectureships :
- (6.) For abolishing professorships or lectureships :

- (7.) For altering the endowment of any professorship or lectureship :
- (8.) For altering the conditions of eligibility or appointment and mode of election or appointment to any professorship or lectureship, and for limiting the tenure thereof :
- (9.) For providing retiring pensions for professors and lecturers :
- (10.) For providing new or improving existing buildings, libraries, collections, or apparatus for any purpose connected with the instruction of any members of the University, or with research in any art or science or other branch of learning, and for maintaining the same :
- (11.) For diminishing the expense of University education by founding scholarships tenable by students either at any College or Hall within the University, or as unattached students, not members of any College or Hall, or by paying salaries to the teachers of such unattached students, or by otherwise encouraging such unattached students :
- (12.) For founding and endowing scholarships, exhibitions, and prizes for encouragement of proficiency in any art or science or other branch of learning :
- (13.) For modifying the trusts, conditions, or directions of or affecting any University endowment, foundation, or gift, or of or affecting any professorship, lectureship, scholarship, office, or institution, in or connected with the University, or of or affecting any property belonging to or held in trust for the University or held by the University in trust for a Hall, as far as the Commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for any purpose in this Act mentioned :
- (14.) For regulating presentations to benefices in the gift of the University :
- (15.) For regulating the application of the purchase money for any advowson sold by the University :
- (16.) For founding any office not paid out of University or College funds in connexion with any special educational work done out of the University under the control of the University, and for remunerating any secretary or officer resident in the University and employed there in the management of any such special educational work :
- (17.) For altering or repealing any statute, ordinance, or regulation of the University, and substituting or adding any statute for or to the same.

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Objects of
statutes for
Colleges in
themselves.

17. The Commissioners, in statutes made by them for a College, may from time to time make provision for the following purposes relative to the College, or any of them :

- (1.) For altering and regulating the conditions of eligibility or appointment, including where it seems fit those relating to age, to any emolument or office held in or connected with the College, the mode of election or appointment thereto, and the value, length, and conditions of tenure thereof, and for providing a retiring pension for a holder thereof :
- (2.) For consolidating any two or more emoluments held in or connected with the College :
- (3.) For dividing, suspending, suppressing, converting, or otherwise dealing with any emolument held in or connected with the College :
- (4.) For attaching any emolument held in or connected with the College to any office in the College, on such tenure as to the Commissioners seems fit, and for attaching to the emolument, in connexion with the office, conditions of residence, study, and duty, or any of them :
- (5.) For affording further or better instruction in any art or science or other branch of learning :
- (6.) For providing new or improving existing buildings, libraries, collections, or apparatus, for any purpose connected with instruction or research in any art or science or other branch of learning, and for maintaining the same :
- (7.) For diminishing the expense of education in the College :
- (8.) For modifying the trusts, conditions, or directions affecting any College endowment, foundation, or gift, or any property belonging to the College, or the head or any member thereof, as such, or held in trust for the College, or for the head or any member thereof, as such, as far as the Commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for the College :
- (9.) For regulating presentations to benefices in the gift of the College :
- (10.) For regulating the application of the purchase money for any advowson sold by the College :
- (11.) For altering or repealing any statute, ordinance, regulation, or byelaw of the College, and substituting or adding any statute for or to the same.

18. The Commissioners, in statutes made by them for a College, may from time to time make provision for the following purposes relative to the University, or any of them :

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 ———
 Objects of statutes for Colleges in relation to University.

- (1.) For authorising the College to commute any annual payment agreed or required to be made by it for University purposes into a capital sum to be provided by the College out of money belonging to it, and not produced by any sale of lands or hereditaments made after the passing of this Act :
- (2.) For annexing any emolument held in or connected with the College to any office in the University, or in a Hall, on such tenure as to the Commissioners seems fit, and for attaching to the emolument, in connexion with the office, conditions of residence, study, and duty, or any of them :
- (3.) For assigning a portion of the revenues or property of the College, as a contribution to the common fund or otherwise, for encouragement of instruction in the University in any art or science or other branch of learning, or for the maintenance and benefit of persons of known ability and learning, studying or making researches in any art or science or other branch of learning in the University :
- (4.) For empowering the College by statute made and passed at a general meeting of the Governing Body of the College specially summoned for this purpose, by the votes of not less than two thirds of the number of persons present and voting, to transfer the library of the College, or any portion thereof, to any University library :
- (5.) For providing out of the revenues of the College for payments to be made, under the supervision of the University, for work done or investigations conducted in any branch of learning or inquiry connected with the studies of the University within the University :
- (6.) For giving effect to statutes made by the Commissioners for the University :
- (7.) For modifying the trusts, conditions, or directions of or affecting any College endowment, foundation, or gift, concerning or relating to the University, as far as the Commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for the University.

19. The Commissioners, in making a statute affecting a University or College emolument, shall take into account any prospective increase of the income of the emolument, or any prospective addition to the revenues of the University or College, and may make

Increase of or additional income to be regarded.

A.D. 1877. — such provision as they think expedient for the application of that increase or addition.

Power to allow continuance of voluntary payments.

20. Nothing in or done under this Act shall prevent the Commissioners from making in any statute made by them for a College such provisions as they think expedient for the voluntary continuance of any voluntary payment that has been used to be made out of the revenues of the College in connexion with the College estates or property.

Provision for accounts, audit, borrowing, and leases.

21. The Commissioners, in statutes made by them, shall from time to time make provision—

- (1.) For the form of accounts of the University and of a College relating to funds administered either for general purposes, or in trust, or otherwise, and for the audit and publication thereof :
- (2.) For the publication of accounts of receipts and expenditure of money raised under the borrowing powers of the University or of a College :

And the Commissioners, in statutes made by them, may from time to time, if they think fit, make provision—

- (3.) For regulating the exercise of the borrowing powers of the University or of a College :
- (4.) For regulating the conditions under which beneficial leases may be renewed by the University or a College.

Union of Colleges and Halls and institutions or combination for education.

22. The Commissioners, in statutes made by them, may from time to time make provision for the complete or partial union of two or more Colleges, or of a College or Colleges and a Hall or Halls, or of two or more Halls, or of a College or Hall, with any institution in the University, or for the organization of a combined educational system in and for two or more Colleges or Halls, provided application in that behalf is made to the Commissioners on the part of each College and Hall and institution as follows :

- (1.) In the case of a College in the University of Oxford, by a resolution passed at a general meeting of the Governing Body of the College specially summoned for this purpose, by the votes of not less than two thirds of the number of persons present and voting, and, in case of an application for complete union, with the consent in writing of the Visitor of the College :
- (2.) In the case of a Hall, by a resolution of the Hebdomadal Council, with the consent in writing of the Chancellor of the University :
- (3.) In the case of a College in the University of Cambridge, by a resolution passed at a general meeting of the Governing

Body of the College specially summoned for this purpose, and, in case of an application for complete union, the resolution being passed by the votes of not less than two thirds of the number of persons present and voting : A.D. 1877.

(4.) In the case of an institution, with the consent of the Congregation or Senate of the University.

23. The Commissioners shall not make a statute affecting the trusts or directions of the will of William Hulme, of Kearsley, in the county of Lancaster, deceased, or the provisions of any Act of Parliament relating thereto, except as regards so much of the funds or property of the trustees under the same as the Charity Commissioners under any scheme approved by Order in Council may assign for scholarships or exhibitions at Brasenose College or elsewhere in Oxford, without the consent in writing of the trustees under the same. Saving respecting Hulme Exhibitions at Oxford.

24. No statute or ordinance shall be made under this Act affecting the trusts, conditions, or directions of the will of John Snell, Esquire, deceased, or any scheme approved by the Court of Chancery relating thereto, without the consent in writing of the University Court of the University of Glasgow. Saving respecting Snell Exhibitions at Oxford.

25. The Commissioners, in a statute made by them for the University of Oxford, or for Oriel College in Oxford, may, if they think fit, with the assent of Oriel College, signified under its common seal, and with the concurrence of the Ecclesiastical Commissioners for England, provide that the canonry in the chapter of the cathedral church of Rochester, which is now annexed and united to the provostship of Oriel College, shall, on a vacancy, be severed therefrom, and may also, with the concurrence of the said Ecclesiastical Commissioners, provide that such canonry shall be thenceforth permanently annexed and united to some office or place of a theological or ecclesiastical character in or connected with the University of Oxford, or may, with the concurrence aforesaid, make such other provisions for the future disposal and patronage of such canonry as they shall think fit; and in case any such statute shall be made annexing such canonry to such office or place as aforesaid, such canonry, or the income thereof, may, if they think fit, be reckoned and taken, in whole or in part, as a contribution of Oriel College out of its revenues to University purposes. Provision for canonry of Rochester annexed to provostship of Oriel College, Oxford.

26. The Commissioners, in a statute or statutes made by them for the University of Cambridge, with the concurrence of the Ecclesiastical Commissioners for England, may provide for the canonry in the chapter of the Cathedral Church of Ely, which is annexed and Severance of canonry from Greek professorship at Cambridge.

A.D. 1877. united to the Regius Professorship of Greek, being, on a vacancy, severed therefrom, and being thenceforth permanently annexed and united to a professorship in the University of a theological or ecclesiastical character, with power, nevertheless, for the Commissioners, with the concurrence of the Ecclesiastical Commissioners, if they think it expedient, to allow the present professor to resign the professorship and to hold the canonry as if it had never been annexed to the professorship.

Saving for statutes of Trinity College, Cambridge, as to Regius professorships.

27. A statute for altering or modifying the trusts, statutes, or directions relating to the endowments held by the Regius Professor of Greek, Hebrew, or Divinity in the University of Cambridge, if affecting any statute of Trinity College touching those professors or their endowments, shall not be made by the Commissioners unless and until it receives the assent of Trinity College under its common seal.

Alteration of trusts of Dixie Foundation in Emmanuel College, Cambridge.

28. The Commissioners, in a statute or statutes made by them for Emmanuel College in the University of Cambridge, after notice in writing to the heir of Sir Wolstan Dixie, may alter or modify the trusts, conditions, or directions of or affecting the Dixie Foundation, and as regards any right of nomination vested in the heir of the founder may commute that right in such manner, or make such other arrangement touching that right, as to the Commissioners seems just and beneficial.

Saving for headship of Magdalene College, Cambridge.

29. A statute made by the Commissioners shall not affect the right of nominating or appointing to the headship of Saint Mary Magdalene College in the University of Cambridge, unless the consent by deed of the person entitled to that right is first obtained.

Distinction of University and College Statutes.

30. A statute made by the Commissioners may, if the Commissioners think fit, be in part a statute for the University, and in part a statute for a College or Hall.

The Commissioners shall in each statute made by them declare whether the same is a statute, wholly or in any and what part, for the University or for a College or Hall therein named; and the declaration in that behalf of the Commissioners shall be conclusive, to all intents.

If any statute is in part a statute for a College or Hall, the same shall for the purposes of the provisions of this Act relative to the representation of Colleges and Halls, and of the other provisions of this Act regulating proceedings on the statute, be proceeded on as a statute for the College or Hall.

Communication of proposed statutes for Univer-

31. Where the Commissioners contemplate making a statute for the University or a statute for a College or Hall containing a provision for any purpose relative to the University, or a statute otherwise

affecting the interests of the University, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute in the University of Oxford to the Hebdomadal Council, to the Head and to the Visitor of the College, and to the Principal of the Hall affected thereby, and in the University of Cambridge to the Council of the Senate and to the Governing Body of the College affected thereby.

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University, &c. to
Council &c.

The Commissioners shall take into consideration any representation made to them by the Council, College, Visitor, Principal, or Governing Body respecting the proposed statute.

Within seven days after receipt of such communication by the Council, the Vice-Chancellor of the University shall give public notice thereof in the University.

32. Where the Commissioners contemplate making a statute for a College or Hall, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute to the Vice-Chancellor of the University and to the Head, and in the University of Oxford the Visitor, of the College, and to the Principal of the Hall.

Publication
of proposed
statutes for
Colleges
and Halls.

Within seven days after receipt of such communication the Vice-Chancellor shall give public notice thereof in the University.

33. The Commissioners may, if they think fit, by writing under their seal, from time to time authorise and direct the University or any College or Hall to suspend the election or appointment to, or limit the tenure of, any emolument therein mentioned for a time therein mentioned within the continuance of the powers of the Commissioners as then ascertained; and the election or appointment thereto or tenure thereof shall be suspended or limited accordingly.

Suspension
of elections.

34. Any statute made by the Commissioners shall operate without prejudice to any interest possessed by any person by virtue of his having, before the statute comes into operation, become a member of a College or Hall, or been elected or appointed to a University or College emolument, or acquired a vested right to be elected or appointed thereto.

Saving o
existing
interest.

35. The Commissioners, in the exercise of their authority, may take evidence, and for that purpose may require from any officer of the University or of a College or Hall the production of any documents or accounts relating to the University or to the College or Hall (as the case may be), and any information relating to the revenues, statutes, usages, or practice thereof, and generally may send for persons, papers, and records.

Production
of docu-
ments, &c.

A.D. 1877.

Representation of Colleges and Halls.

Election of Commissioners by College. For Hall, Principal to be Commissioner.

36. Eight weeks at least (exclusive of any University vacation) before the Commissioners, in the first instance, enter on the consideration of a statute to be made by the Commissioners for a College or Hall, they shall, by writing under their seal, give notice to the Governing Body of the College, and in the University of Oxford to the Visitor of the College, and in the case of a Hall to the Principal of the Hall, of their intention to do so.

The Governing Body of the College, at any time after receipt of the notice, may, at an ordinary general meeting, or at a general meeting specially summoned for this purpose, elect three persons to be Commissioners to represent the College in relation to the making by the Commissioners of statutes for the College.

But, in the case of a College, any actual member of the foundation whereof is nominated a Commissioner in this Act, no more than two persons shall be so elected, while that member is a Commissioner.

If during the continuance of the powers of the Commissioners a vacancy happens by death, resignation, or otherwise, among the persons so elected, the same may be filled up by a like election; and so from time to time.

Each person entitled to vote at an election shall have one vote for every place to be then filled by election, and may give his votes to one or more of the candidates for election, as he thinks fit.

The persons elected to represent a College, and the principal of a Hall, shall be, to all intents, Commissioners in relation to the making by the Commissioners of statutes for the College or Hall, before and after the making thereof, but not further or otherwise, save that they shall not be counted as Commissioners for the purposes of the provisions of this Act requiring four Commissioners to be acting and three to be present at a meeting.

Notice to College or Hall of meeting.

37. Where the Commissioners propose at any meeting, not being an adjourned meeting, to make a statute for a College or Hall, they shall give to the Governing Body of the College or to the Principal of the Hall, by writing under the seal of the Commissioners, or under the hand of their secretary, fourteen days notice of the meeting.

Validity of acts as regards Colleges and Halls.

38. Any act of the Commissioners shall not be invalid by reason only of any failure to elect any person to be a Commissioner to represent a College, or the failure of any person elected to represent a College, or of the Principal of a Hall, to attend a meeting of the Commissioners.

Schools.

A.D. 1877.

39. If in any case the Commissioners contemplate making a statute for a College, affecting any right of preference in elections to any College emolument lawfully belonging to and enjoyed by any school, individually named or designated in any instrument of foundation, they shall, two months at least before adopting any final resolution in that behalf, give notice, by writing under their seal, to the Governing Body of the school, or to the Master or Principal of the school on behalf of the Governing Body, and to the Charity Commissioners, of the proposed statute.

Notice to Governing Body of school and to Charity Commissioners.

Where the emolument is not a fellowship, bye-fellowship, or studentship, the Commissioners shall not make the proposed statute in either of the following cases; namely,

- (1.) If within two months after receipt of the notice aforesaid by the Governing Body, master, or principal of the school, two thirds of the Governing Body of the school, or two thirds of the aggregate body composed of the members of the several Governing Bodies of several schools interested (in the reckoning of the two thirds members of the Governing Body of a school who are such by virtue of membership of or election by the Governing Body of the College not being counted), by writing under their respective hands or seal, dissent from the proposed statute on the ground that it would be prejudicial to the school or schools as a place or places of learning and education; or
- (2.) If within two months after receipt of the notice aforesaid by the Charity Commissioners, those Commissioners, by writing under their seal, dissent from the proposed statute on the ground aforesaid.

Where fellowships or studentships are tenable in a College by undergraduates, and the fellowships or studentships of the College are divided, or proposed to be divided, into elder and younger, the elder only shall be deemed to be fellowships or studentships within this section.

40. The Governing Body of a school having a right of preference contingently only on the failure of fit objects from some other school entitled to and in the enjoyment of a prior right of preference, shall not have the power of dissent from a proposed statute under this Act.

Provision for case of contingent right.

41. Where the Governing Body of a school is a corporate body, the Governing Body of the corporation shall be deemed to be the Governing Body of the school.

Governing Body a corporation.

42. The Commissioners shall send to the Secretary of State every statute relating to a school proposed by them and dissented

Statutes for schools dissented from.

A.D. 1877. from as aforesaid (unless another statute has been substituted), and it shall be laid before both Houses of Parliament.

Provision respecting right of preference when retained by school.

43. Every right of preference retained by or for a school under this Act shall be subject to all statutes from time to time made by the Commissioners for the purpose of making the College emolument, to which the right relates, more conducive to the mutual benefit of the College and school, or for the purpose of throwing the emolument open to general or extended competition, on any vacancy for which no candidate or claimant of sufficient merit offers himself from any school entitled.

Universities Committee of Privy Council.

Constitution of Universities Committee of Privy Council.

44. There shall be a Committee of Her Majesty's Privy Council, styled The Universities Committee of the Privy Council (in this Act referred to as the Universities Committee).

The Universities Committee shall consist of the President for the time being of the Privy Council, the Archbishop of Canterbury for the time being, the Lord Chancellor of Great Britain for the time being, the Chancellor of the University of Oxford for the time being, if a member of the Privy Council, the Chancellor of the University of Cambridge for the time being, if a member of the Privy Council, and such other member or two members of the Privy Council as Her Majesty from time to time thinks fit to appoint in that behalf, that other member, or one at least of those two other members, being a member of the Judicial Committee of the Privy Council.

The powers and duties of the Universities Committee may be exercised and discharged by any three or more of the members of the Committee, one of whom shall be the Lord Chancellor or a member of the Judicial Committee of the Privy Council.

Confirmation or Disallowance of Statutes.

Submission of statutes to Queen in Council.

45. The Commissioners, within one month after making a statute, shall cause it to be submitted to Her Majesty the Queen in Council, and notice of it having been so submitted shall be published in the London Gazette (in this Act referred to as the gazetting of a statute).

The subsequent proceedings under this Act respecting the statute shall not be affected by the cesser of the powers of the Commissioners.

Petition against statute.

46. At any time within three months after the gazetting of a statute, the University or the Governing Body of a College, or the trustees, governors, or patron of a University or College emolument, or the Principal of a Hall, or the Governing Body of a school, or any other person or body, in case the University, College, emolument, Hall, school, person, or body, is directly affected by the statute, may

petition the Queen in Council for disallowance of the statute, or of any part thereof. A.D. 1877.

It shall be lawful for the Queen in Council to refer any statute petitioned against under this Act to the Universities Committee. Reference to Committee.

The petitioners shall be entitled to be heard by themselves or counsel in support of their petition.

It shall be lawful for the Queen in Council to make, from time to time, rules of procedure and practice for regulating proceedings on such petitions.

The costs of all parties of and incident to such proceedings shall be in the discretion of the Universities Committee; and the orders of the Committee respecting costs shall be enforceable as if they were orders of a Division of the High Court of Justice.

48. If the Universities Committee report their opinion that a statute referred to them, or any part thereof, ought to be disallowed, it shall be lawful for the Queen in Council to disallow the statute or that part, and thereupon the statute or that part shall be of no effect. Disallowance by Order in Council, or remitting to Commissioners.

If, during the continuance of the powers of the Commissioners, the Universities Committee report their opinion that a statute referred to them ought to be remitted to the Commissioners with a declaration, it shall be lawful for the Queen in Council to remit the same accordingly; and the Commissioners shall reconsider the statute, with the declaration, and the statute, if and as modified by the Commissioners, shall be proceeded on as an original statute is proceeded on, and so from time to time.

49. If a statute is not referred to the Universities Committee, then, within one month after the expiration of the time for petitioning against it, the statute shall be laid before both Houses of Parliament, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament. Statutes not referred, or not disallowed or remitted, to be laid before Houses of Parliament.

If a statute is referred to the Universities Committee, and the Committee do not report that the same ought to be wholly disallowed or to be remitted to the Commissioners, then, as soon as conveniently may be after the report of the Universities Committee thereon, the statute, or such part thereof as is not disallowed by Order in Council, shall be laid before both Houses of Parliament.

50. If neither House of Parliament, within twelve weeks (exclusive of any period of prorogation) after a statute or part of a statute is laid before it, presents an address praying the Queen to withhold her consent therefrom, it shall be lawful for the Queen in Council by Order to approve the same. Approval of statutes by Order in Council.

A.D. 1877.

Effect of Statutes.

Statutes to be binding and effectual.

51. Every statute or part of a statute made by the Commissioners, and approved by Order in Council, shall be binding on the University and on every College and Hall, and shall be effectual notwithstanding any instrument of foundation or any Act of Parliament, Order in Council, decree, order, statute, or other instrument or thing constituting wholly or in part an instrument of foundation, or confirming or varying a foundation or endowment, or otherwise regulating the University or a College or Hall.

Power in Cambridge for Chancellor to settle doubts as to meaning of University Statutes.

52. If after the cesser of the powers of the Commissioners any doubt arises with respect to the true meaning of any statute made by the Commissioners for the University of Cambridge, the Council of the Senate may apply to the Chancellor of the University for the time being, and he may declare in writing the meaning of the statute on the matter submitted to him, and his declaration shall be registered by the Registrary of the University, and the meaning of the statute as therein declared shall be deemed to be the true meaning thereof.

Alteration of Statutes.

Power for University to alter Commissioners statutes.

53. A statute made by the Commissioners for the University or for a Hall shall, after the cesser of the powers of the Commissioners, be subject to alteration from time to time by statute made by the University under this Act and not otherwise.

But where and as far as a statute made by the Commissioners for the University affects a College, the same shall not be subject to alteration under this section, except with the consent of the College.

Power for Colleges to alter Commissioners statutes.

54. A statute made by the Commissioners for a College, and any statute, ordinance, or regulation made by or in relation to a College under any authority other than that of this Act, shall, after the cesser of the powers of the Commissioners, be subject to alteration from time to time by statute made by the College under this Act and not otherwise, the same being passed at a general meeting of the Governing Body of the College, specially summoned for this purpose, by the votes of not less than two thirds of the number of persons present and voting.

But where and as far as a statute made by the Commissioners for a College affects the University, the same shall not be subject to alteration under this section except with the consent of the University.

55. Every statute made by the University or a College under either of the two next preceding sections of this Act shall be submitted to the Queen in Council, and be proceeded on and have effect as if it were a statute made by the Commissioners, with the substitution only of the University or the College for the Commissioners in the provisions of this Act in that behalf.

A.D. 1877.
Confirmation or disallowance of altering statutes.

Reference of other Statutes to Universities Committee.

56. Every statute, ordinance, and regulation made as follows ; namely,

Statutes awaiting submission to Queen in Council, or made before cesser of powers of Commissioners.

- (1.) Every statute, ordinance, and regulation made by or in relation to the University or a College under any former Act before the passing of this Act, and required by any former Act to be submitted to the Queen in Council, but not so submitted before the passing of this Act ; and
- (2.) Every statute, ordinance, and regulation made by or in relation to the University or a College under any former Act after the passing of this Act, and before the cesser of the powers of the Commissioners, and required by any former Act to be submitted to the Queen in Council ; and
- (3.) Every statute, ordinance, and regulation made by or in relation to a College under any former Act or any ordinance since the first day of January one thousand eight hundred and seventy-seven, and before the passing of this Act,

shall, in lieu of being submitted to the Queen in Council under and according to any former Act or any ordinance, and whether or not a submission to the Queen in Council is required under any former Act or any ordinance, be, with the consent of the Commissioners in writing under their seal, but not otherwise, submitted to the Queen in Council under this Act, and be proceeded on as if it were a statute made by the Commissioners, with the substitution only of the University or the College for the Commissioners in the provisions of this Act in that behalf ; and the same, if and as far as it is approved by Order in Council under this Act, shall have effect as if it had been submitted and proceeded on under any former Act or any ordinance.

Tests.

57. Nothing in this Act shall be construed to repeal any provision of the Universities Tests Act, 1871.

Saving for Tests Act. 34 & 35 Vict c. 26.

58. Where the Commissioners, by any statute made by them, erect or endow an office declared by them in the statute to require in the incumbent thereof the possession of theological learning, which (notwithstanding anything in this Act) they are hereby em-

Operation of Tests Act as regards new theological offices.

A.D. 1377. powered to do, provided the office be not a headship or fellowship
 34 & 35 Vict. of a College, then the Universities Tests Act, 1871, shall, with
 c. 26. reference to that office, be read and have effect as if the statute
 had been made before and was in operation at the passing of the
 Universities Tests Act, 1871.

Provision for religious instruction and worship in pursuance of Tests Act. **59.** The Commissioners, in statutes made by them, shall make provision, as far as may appear to them requisite, for the due fulfilment of the requisitions of sections five and six of the Universities Tests Act, 1871 (relating to religious instruction and to morning and evening prayer in Colleges); but, except for that purpose, they shall not, by a statute made by them, endow wholly or in part an office of an ecclesiastical or theological character by means of any portion of the revenues or property of the University or a College not forming, when the statute comes into operation, the endowment, or part of the endowment, of an office of that character, and in any statute made by them, shall not make directly, or indirectly through the consolidation or combination of any office or emolument with any other office or emolument, whether in the University or in a College or Hall, the entering into holy orders or the taking of any test a condition of the holding of any office or emolument existing at the passing of this Act to which that condition is not at the passing of this Act attached.

Land.

License in mortmain unnecessary on purchases under University Acts. **60.** A license to aliene or to take and hold in mortmain shall be and be deemed to have been unnecessary in respect of a purchase, made before or after the passing of this Act, by the University or a College of land situate within a district or place described or named in, and required for any purpose mentioned in, the following enactments respectively :

20 & 21 Vict.
 c. 25.
 19 & 20 Vict.
 c. 88.

Section four of the Oxford University Act, 1857 :

Section fifty-one of the Cambridge University Act, 1856.

Electoral Roll, Cambridge.

Notice of objection as to Electoral Roll to be given. **61.** No objection to the list of members of the Electoral Roll of the University of Cambridge, promulgated in accordance with section seven of the Cambridge University Act, 1856, made on the ground of any person being improperly placed on or omitted from that list, shall be entertained unless notice of it is given in writing to the Vice-Chancellor at least four days before the day for publicly hearing objections to that list; and the Vice-Chancellor shall, at least two days before such day, cause to be promulgated a list of all the objections of which notice has been given.

THE SCHEDULE.

A.D. 1877.

Short Titles for former Acts.

OXFORD.

- 17 & 18 Vict. c. 81.—An Act to make further provision for the good government and extension of the University of Oxford, of the Colleges therein, and of the College of Saint Mary, Winchester. The Oxford University Act, 1854.
- 19 & 20 Vict. c. 31.—An Act to amend the Act of the seventeenth and eighteenth years of Her Majesty concerning the University of Oxford and the College of Saint Mary, Winchester. The Oxford University Act, 1856.
- 20 & 21 Vict. c. 25.—An Act to continue the powers of the Commissioners under an Act of the seventeenth and eighteenth years of Her Majesty concerning the University of Oxford and the College of Saint Mary, Winchester, and further to amend the said Act. The Oxford University Act, 1857.
- 23 & 24 Vict. c. 91.—An Act for removing doubts respecting the Craven Scholarships in the University of Oxford, and for enabling the University to retain the custody of certain testamentary documents. The Oxford University Act, 1860.
- 32 & 33 Vict. c. 20.—An Act to remove doubts as to the validity of certain statutes made by the Convocation of the University of Oxford. The Oxford University Statutes Act, 1869.

CAMBRIDGE.

- 19 & 20 Vict. c. 88.—An Act to make further provision for the good government and extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton. The Cambridge University Act, 1856.

