

[33 & 34 VICT.] *The Owens Extension College, Manchester*, [CH. 2.]
Act, 1870.



CHAP. 2.

An Act for the Extension of the Owens College, Manchester ; A.D. 1870.
and for other purposes. [4th July 1870.]

WHEREAS there has for some years existed at Manchester an educational institution known as the Owens College, founded by or under the will of the late John Owens of Manchester, merchant, deceased, dated the 31st day of May 1845, the parts of which will relating to the testator's bequest for educational purposes are set forth in the first schedule to this Act :

And whereas the object of the Owens College (as directed in the founder's will) is to provide or aid the means of instructing and improving young persons of the male sex (being of an age of not less than fourteen years) in such branches of learning and science as are usually taught in the English universities, subject to the following as a fundamental condition, (namely,) that the students, professors, teachers, and other officers and persons connected with the institution shall not be forced to make any declaration as to or submit to any test of their religious opinions, and that nothing shall be introduced in the matter or mode of education or instruction in reference to any religious or theological subject which shall be reasonably offensive to the conscience of any student, or of his relations, guardians, or friends under whose immediate care he shall be :

And whereas the Owens College having acquired a high reputation, and the principles on which it is founded and conducted being well approved by the people of Manchester and its neighbourhood, a desire has arisen among them for the extension of the institution as a place for the general advancement of higher education in Lancashire and the neighbourhood on a wider basis and under the management of a public body rather than of trustees of private nomination :

And whereas large sums of money have been subscribed for the purpose of promoting such extension :

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And whereas it is proposed by the promoters of such extension that the same should be accomplished by means of the creation of a new educational institution of the same general character as the Owens College; and particularly having a like fundamental condition as to the absence of any religious test or of any religious or theological teaching reasonably offensive to the conscience of any student, to which new institution the Owens College may be united:

And whereas it is expedient that such new institution be created accordingly, and be placed under the management of a body incorporated by Act of Parliament, with full powers of government and management, and with power to agree to the amalgamation with such new institution of the Owens College, and the endowments connected therewith, on such conditions as may be approved by the Charity Commissioners for England and Wales, and sanctioned by Parliament:

And whereas the objects aforesaid cannot be obtained 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 'The Owens Extension College, Manchester, Act, 1870.'

Interpretation of terms.

2. In this Act the term "the college" means the educational institution or college to be established under this Act; the term "person" includes a corporation aggregate or sole.

Effect of schedules.

3. The schedules to this Act shall be deemed part of this Act.

Establishment of college.

4. There may be established and for ever maintained in or near the city of Manchester, subject and according to the provisions of this Act, a college wherein young persons, as the proper authorities of the college may from time to time direct, may receive instruction in such branches of learning and sciences as are or may be for the time being usually studied at the English universities, and as shall from time to time be directed by the proper authorities of the college.

Constitution in second schedule.

5. The constitution of the college shall be that set forth in the second schedule to this Act.

First Life Governors in third schedule.

6. The first Life Governors of the college according to the constitution thereof shall be the persons named and described in the third schedule to this Act.

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7. The Life Governors and other the Governors for the time being of the college holding office in accordance with the constitution of the college, and their successors, are hereby united into a corporation for the purpose of the establishment and maintenance of the college, and for other the purposes of this Act, and for those purposes are hereby incorporated by the name of The Owens Extension College, and by that name shall be one body corporate, with perpetual succession and a common seal, and by that name may sue and be sued in any court or place of judicature within Her Majesty's dominions (which body corporate is in this Act referred to as the Governors): Provided that in the event of Owens College being amalgamated with the college hereby established, the name of the corporation and college shall be thenceforth "The Owens College."

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Incorporation of
Governors.

8. The Governors are hereby empowered to establish and maintain the college, subject and according to the provisions of this Act.

Power to
establish
college.

9. The Governors shall be capable in law (notwithstanding any statute of mortmain or other statute or law) to acquire and hold as a site for the college lands in or near the city of Manchester to the extent of ten acres.

Power to
hold site.

10. The Governors are hereby empowered to erect, provide, and maintain, on a site in or near the city of Manchester, a building or buildings for the college, with all necessary and proper lecture rooms, libraries, laboratories, museums, and other rooms and buildings for educational purposes, offices, outbuildings, gymnasia, conveniences, yards, gardens, approaches, and appurtenances, and to fit up, furnish, and provide the same with all necessary and proper apparatus, fittings, furniture, and conveniences, and other means in aid of or subservient to the prosecution of the studies for the time being pursued at the college.

Power to
erect college
buildings,
&c.

11. The Governors may from time to time accept donations, subscriptions, and endowments in money or other form, including the moneys already subscribed, and may apply the same, and the interest, income, and accumulations thereof, for or towards the purchase of or payment for lands, buildings, and hereditaments, and other the purposes specially authorised by this Act, and otherwise for or towards the general benefit of the college, or for or towards any exhibition, scholarship, or professorship, or other special object connected with the college, according to the judgment of the Governors and the directions of the respective donors, subscribers, or founders, if any, and any such donation may be accepted upon any conditions which the Governors may approve of, and they shall

Power to
receive and
apply dona-
tions, &c.

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A.D. 1870. apply the money received from the fees and payments of students in such manner for the benefit of the college as they think fit.

Investment
of money.

12. The moneys from time to time held for the benefit of the college, and not required to be immediately applied for the purposes authorised by this Act, may be invested in the purchase (within the limits authorised by this Act) or on mortgages of freehold, copyhold, or leasehold lands, rents, and hereditaments, either subject to or free from any chief, quit, or other rents, or in the purchase or on the security of debentures, bonds, or mortgages, or debenture stocks of municipal corporations, or of companies incorporated by Act of Parliament for public purposes, and paying dividends on their ordinary stock or shares at the time of the making of such investments, or in or on any securities and investments in or on which ordinary trustees are or may for the time being be authorised by law to invest trust moneys; and all such investments shall be made and may from time to time be varied, under the direction of the council acting according to the constitution of the college. In other respects the investment of the money from time to time held for the benefit of the college shall be regulated by byelaws to be from time to time made for the purpose according to the constitution of the college.

Power to
hold other
land.

13. The Governors, for purposes of the college, may from time to time acquire by gift, purchase, or otherwise, for any estate or interest, any lands in addition to those for the time being forming the site of the college, and may hold the same, notwithstanding the statute of mortmain or any other statute or law, but so that the lands held by them by virtue of this section (exclusive of lands held by way of mortgage) do not exceed in the whole at any one time the extent of two hundred acres.

Saving for
9 Geo. II.
c. 36.

14. Nothing in this Act shall affect the operation in relation to the Governors or the college of the Act of the ninth year of the reign of His Majesty King George the Second (chapter thirty-six), "to restrain the disposition of lands, whereby the same become inalienable."

Copyholds
to be in
trust.

15. Any lands of copyhold tenure acquired by the Governors shall be surrendered to and held by some persons as trustees for the Governors, which persons shall hold the same in trust for the Governors, and shall surrender or otherwise dispose of the same as the Governors direct.

Leases of
land.

16. The Governors may grant leases (with or without previous agreements) of all or any parts of the lands for the time being vested in them, with their respective appurtenances, except the site

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of the college and its appurtenances, and except lands vested in them by way of mortgage, and may from time to time concur in the granting of leases (with or without previous agreements) of all or any parts of any lands for the time being vested in them by way of mortgage, for such terms, on such conditions, and at such rents, with or without fine, as they, or as they and the persons with whom they concur (as the case may be), think fit.

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17. The Governors may from time to time sell, exchange, or otherwise dispose of, on such terms and in such manner as they think fit, or mortgage, any lands vested in them, and not being the site or part of the site of the college, and not being otherwise required for purposes thereof, and may enter into, execute, and do all contracts, assurances, and things necessary or proper in that behalf, and every such sale as aforesaid may be made either absolutely for a sum in money, or for any annual rent or rents, to be made payable as the Governors direct, or partly for a sum of money and partly for such rent or rents as aforesaid, as the Governors think fit, and the Governors may afterwards sell any rent so to be made payable.

Power to sell
&c. lands.

18. The receipts in writing of the treasurer of the college, or of any of the Governors authorised in that behalf by byelaw, for any money paid to the Governors or the treasurer for purposes of the college shall be sufficient discharges to the persons paying the same from the money therein expressed to be received, and from being bound to see to the application, or being responsible for any loss or misapplication thereof.

Receipts of
treasurer to
be dis-
charges.

19. With respect to contracts to be made by the Governors the following provisions shall have effect; (that is to say,)

Regulations
as to con-
tracts.

With respect to any contract which if made between individuals would be by law required to be in writing and under seal, the Governors may make the same in writing under their common seal, and in the same manner may vary or discharge the same;

With respect to any contract which if made between individuals would be by law required to be in writing and signed by the parties to be charged therewith, the Governors may make the same in writing signed by any two of them, or by the treasurer, or any person appointed by byelaw to act in that behalf generally, or in any particular case, and in the same manner may vary or discharge the same;

With respect to any contract which if made between individuals would be by law valid, though not reduced into writing, the

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Governors may make the same or authorise the same to be made without writing, and in the same manner may vary or discharge the same; and all contracts made according to the provisions of this section shall be effectual at law, and shall be binding on the Governors and their successors and all other parties thereto, their heirs, executors, or administrators, and on any default in execution of their obligation either by the Governors or any other party thereto, such actions or suits may be brought either by or against the Governors as might be brought if the same contract had been made between individuals.

Power to sell

Minutes of proceedings, &c. to be evidence.

20. The Governors and the council and the senate of the college respectively, in discharging their respective duties under the constitution of the college and this Act, shall cause notes, minutes or copies (as the case requires) of their orders, resolutions, and proceedings to be entered in books to be kept under their superintendence, and every such entry shall be signed by the chairman of the meeting at which the order, resolution, or proceeding entered was passed or taken, or by the chairman of the next subsequent meeting of the same body, and every such entry so signed shall be received as evidence in all courts and elsewhere without proof of the meeting having been duly convened or held, or of the persons making or taking any such order, resolution, or proceeding, or causing the same to be entered, being governors or members of the council or of the senate (as the case may be), or of the signature of the person signing as chairman, or of the fact of his having been chairman, all which matters shall be presumed until the contrary is shown.

To evidence of meeting

Validity of Acts notwithstanding defects in appointment, &c.

21. All acts done at a meeting of the Governors, or of any committee of the Governors, or by any person acting as a Governor, shall, notwithstanding it being afterwards discovered that there was some defect in the appointment of any such Governor or person so acting, or that he was disqualified, be as valid as if there had been no such defect or disqualification.

Proceedings not invalidated by vacancy.

22. Any order, resolution, or proceeding of the Governors, or any power by this Act conferred, or any gift, devise, or bequest to the Governors or otherwise for the benefit of the college, shall not be invalidated by reason only of there being a vacancy in the office of governor or any other office.

Service of notice, &c.

23. Any notice, writ, summons, or other document required to be served on the Governors may be served by being delivered for them to or at the office of their secretary or registrar.

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24. The Governors of the college by this Act established and the trustees for educational purposes under the will of the said John Owens (whether any of the Governors are also such trustees or not) may from time to time enter into agreements and arrangements for all or any of the following purposes, and may execute and do all deeds and things necessary or proper in that behalf; (that is to say,)

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Amalgamation of Owens College with the college.

For the amalgamation or union of the Owens College with the college:

For the alteration of the existing trusts and regulations of and affecting the Owens College, and the endowments and foundations, primary and collateral, of and connected with and the property and rights of the Owens College, due regard being had to the intentions of the testator as set forth in his said will:

For the adoption by the college of the professors, associates, students, officers, and servants of the Owens College:

For the transfer to the college of the endowments and foundations, primary and collateral, of and connected with and the property and rights of the Owens College:

For the transfer to the college of the contracts, engagements, and liabilities of the Owens College:

but so that any agreement or arrangement for any of the purposes aforesaid shall have no operation unless and until it is approved by the Charity Commissioners for England and Wales, and certified in a scheme under their seal, which shall, when so approved and certified, be forthwith reported to Her Majesty, and such report shall within fourteen days after the making thereof be laid before both Houses of Parliament if Parliament be then sitting, or otherwise within fourteen days after the meeting thereof, and the scheme so reported shall be submitted to Parliament to be confirmed by Act of Parliament, with or without any alterations or modifications thereof, and such Act shall be deemed a Public General Act.

25. In the event of the amalgamation or union of the Owens College with the college coming into operation, every donation, gift, and disposition of property, real or personal, theretofore lawfully made (but not having actually taken effect) or thereafter lawfully made, by deed, will, or otherwise, to or in favour of the Owens College or the trustees thereof, or otherwise for purposes thereof or objects connected therewith, shall thereupon take effect as if the same had been made to or in favour of the college or the Governors, or otherwise for like purposes of or like objects connected with the college, and all exhibitions founded in connexion with and to be executed at the Owens College shall thenceforth take effect and be executed at

Transfer of gifts not having taken effect, &c.

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A.D. 1870. the college by way of substitution of the college in place of the Owens College.

Expenses of Act.

26. 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 by the Governors out of the money subscribed or other money in their hands for purposes of the college.

The SCHEDULES to this Act.

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THE FIRST SCHEDULE.

Parts of the Will (dated 31st May 1845) of John Owens, late of Manchester, merchant, deceased, relating to his bequest for educational purposes.

And I bequeath all such parts of my personal estate and effects whatsoever and wheresoever as shall at my death be of such character or in such state of investment as to be by law capable of being devoted by will to charitable purposes unto the said George Faulkner and Samuel Alcock, their executors and administrators, upon trust that they and the survivor of them, and the executors and administrators of such survivor, shall receive, make sale of, or otherwise convert into money the same premises, and out of the moneys to arise therefrom shall in the first place pay or satisfy all such parts (if any) of my debts, funeral and testamentary expenses, and the pecuniary legacies and annuities herein-before bequeathed, as the real and personal estate and property hereby made primarily liable thereto shall be insufficient to satisfy, and shall also pay to or for the benefit of the several charitable institutions herein-after mentioned the respective sums herein-after specified, (that is to say,) the Manchester Royal Infirmary and Dispensary the sum of one thousand pounds, the Lancasterian School in Manchester aforesaid the sum of five hundred pounds, the Deaf and Dumb School near Manchester the sum of one hundred pounds, the Penitentiary or Asylum for Female Penitents in or near Manchester the sum of one hundred pounds, the Chorlton-upon-Medlock Dispensary, in the township of Chorlton-upon-Medlock, the sum of one hundred pounds, and the school attached to the church of St. Saviour in Manchester aforesaid the sum of fifty pounds; and I direct the aforesaid several charitable legacies to be paid to the respective treasurers of the said several institutions, or to the other officers authorised by the respective trustees, directors, or managers thereof, to receive and give effectual discharges for the same, and that the said several legacies to the Manchester Royal Infirmary and Dispensary, and the Lancasterian School in Manchester aforesaid, shall be invested upon such Government or public securities on which the same may legally be invested, and in the names of such persons respectively, as the respective trustees, directors, or managers thereof shall from time to time direct, and that the annual income to arise therefrom be from time to time applied in aid of the respective objects of those institutions under the management of the trustees, directors, or managers thereof respectively, and that the said several sums hereby bequeathed unto or in favour of the said other

Bequest of personal estate capable of being devoted to charitable purposes.

Upon trust to convert into money.

To pay debts not paid out of other estate.

Legacies to local charities.

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Residue to trustees for educational purposes.

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Appointment of first trustees for educational purposes.

Power to appoint new trustees when number reduced to five.

Resolutions of a prescribed proportion of the trustees to be binding.

Declaration of trusts of charitable trust fund.

To found an institution for instruction in branches of

charitable institutions herein-before specified shall be applied, under the direction of the respective trustees, directors, or managers thereof, in aid of the several purposes of such institutions respectively; and as concerning the residue of the said moneys and trust funds to arise from or consist of such parts of my personal estate and effects as may be capable of being bequeathed for charitable purposes, and the annual income thereof, and which residue is hereinafter referred to as my residuary charitable trust fund, I direct that the aforesaid trustees or trustee for the time being shall pay the same unto the trustees for educational purposes herein-after appointed, to be by them applied upon and for the trusts and purposes herein-after declared or referred to concerning the same.

And I do hereby appoint as my first trustees for educational purposes the several persons herein-after designated or named respectively, or such of them as shall be living at my death, and I shall then usually reside in or within fifty miles from any part of the limits of the parliamentary borough of Manchester, and shall accept such office, (that is to say,) the several persons who shall, at or next after my death be respectively the mayor of the borough of Manchester, the Dean of Manchester, and the representatives in Parliament of the borough of Manchester, and the said George Faulkner, Samuel Alcock, and William Neild, James Heywood, Alexander Kay, Samuel Fletcher, Richard Cobden, John Benjamin Smith, John Frederic Foster, and Mark Philips, all of Manchester aforesaid, esquires; and I direct that when and as soon and as often as the number of my trustees for educational purposes shall be reduced to five, by reason of the death or retirement of any of such trustees for the time being, or of the personal unfitness or incapacity of any or either of them in the judgment of the other trustees for the time being, or by reason of any one or either of the said trustees for the time being, ceasing to reside in or within the aforesaid limits from the said parliamentary borough of Manchester, the other trustees for the time being shall respectively supply such vacancies by the nomination of the like number of proper persons residing in the same borough, or within the aforesaid distance therefrom, but so that in every such selection a preference shall be given to the mayor of Manchester and the parliamentary representatives of the borough of Manchester for the time being, if they respectively shall not be then such trustees, and shall be willing to act as such, and shall reside within the aforesaid limits.

And I further direct that at every meeting of the said trustees for the time being the resolution of two thirds of the whole number present thereat, if such number shall be not less than one half of the whole number, shall be as binding as if all the trustees for the time being had concurred therein, provided notice in writing of such meeting, and of the object of such resolution, shall have been previously given to or left at the dwelling-house or place of business of each absent trustee.

And as concerning my said residuary charitable trust fund herein-before directed to be paid and transferred to my said trustees for educational purposes, I do hereby declare that they shall be possessed of and apply the same, and the annual income to arise therefrom, upon trust, and to the intent that they may carry into effect, so far as the amount of such fund will reasonably admit, my earnest desire and general object to found within the said parliamentary borough of Manchester, or within two miles from any part of the limits thereof, an

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institution for providing or aiding the means of instructing and improving young persons of the male sex (and being of an age not less than fourteen years) in such branches of learning and science as are now and may be hereafter usually taught in the English universities, but subject nevertheless to the two fundamental and immutable rules and conditions herein-after prescribed, namely, first, that the students, professors, teachers, and other officers and persons connected with the said institution shall not be required to make any declaration as to or submit to any test whatsoever of their religious opinions, and that nothing shall be introduced in the matter or mode of education or instruction in reference to any religious or theological subject which shall be reasonably offensive to the conscience of any student, or of his relations, guardians, or friends under whose immediate care he shall be. Secondly, that if and as often as the number of applicants for admission to such institution as students shall be more than adequate to the means of the institution a preference shall in all cases be given to the children of parents residing, or who if dead, or the survivor of whom, resided when living, within the limits now comprised in the parliamentary borough of Manchester aforesaid, or within two miles from any part of such limits; and secondly, to the children of parents residing, or who or the survivor of whom when living resided, within the limits comprised in the parliamentary district or division of South Lancashire; but, subject as aforesaid, the said institution shall be open to all applicants for admission without respect to place of birth, and without distinction of rank or condition in society.

And for giving effect to such desire and object, upon further trust that my said trustees for educational purposes for the time being shall with all convenient speed after my death by deed declare, prescribe, and make such trusts, provisions, rules, and regulations concerning my said residuary charitable trust fund and the annual income thereof, and the application thereof from time to time, and the management and mode of conducting such institution, in every respect as shall in their judgment be best adapted to carry into effect in the most beneficial and efficient manner the said general object and intention herein-before specified, and to define and ascertain the precise and best mode of carrying the same into practical operation by imparting to such young persons such education and instruction as aforesaid, and supplying them with such aids, assistance, and encouragement in and for the promotion of their studies by the establishment of professorships, the appointment of teachers and assistants, the providing of books and other requisites for such studies, the institution of exhibitions, premiums, and other rewards and allowances for superior diligence and attainments, and such other means as the said trustees shall in their absolute discretion think fit, together with such schemes, orders, rules, and regulations as they shall deem advisable for preventing and repressing by expulsion, suspension, or other means any abuse of the said institution, and any misconduct in the students, professors, teachers, and other persons employed therein, and for regulating the age or respective ages, time or respective times, at and during which the students shall be admitted, and shall continue to enjoy the benefits thereof, and of any particular course or courses of study therein, and the mode, order, and rotation of admission, and the respective proportions of the trust fund to be appropriated to any particular purpose or purposes of the said institution, and the mode of investment of the capital of such fund, or of any part thereof, for

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learning taught in the English universities. Subject to two fundamental rules.

No religious test to be required, &c.

Preference to be given first to children of parents within borough of Manchester or two miles therefrom.

And, secondly, to children of parents residing within South Lancashire.

Subject as aforesaid the institution to be open to all applicants.

Trustees to declare the trusts and regulations concerning the trust fund and the management of the institution.

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Power to alter
the trusts and
regulations.

Direction
what shall be
deemed
reasonably
offensive to
the conscience
of any student.

Power to
apply for
charter of
incorporation.

Power to hire
buildings.

Power (when
legalised) to
apply part of
trust fund in
the purchase
and erection
of land and
buildings for
the purposes
of the
institution.

Investment of
trust fund and
application of
income.

the time being, and generally for the regulation and adjustment of every question, matter, and thing connected with the said institution.

And I empower the said trustees for the time being in like manner, and from time to time, to extend, alter, or vary all or any of the aforesaid trusts, provisions, schemes, orders, rules, and regulations, but so nevertheless that every such trust, provision, scheme, order, rule, and regulation, as well original as extended, altered, or varied, shall be consistent with the aforesaid general object and the said fundamental rules and conditions.

And I direct with reference to and by way of explanation of the first of the aforesaid conditions, but subject to the power of the said trustees for the time being by any such deed to alter this present provision, that any matter or thing shall be deemed reasonably offensive to the conscience of any student which, upon complaint thereof by him, or on his behalf by any person under whose immediate care he shall be as aforesaid, shall be declared by one-third in number of the said trustees for the time being by writing under their hands to be in their judgment so offensive.

Provided always, and I do hereby further declare, that it shall be lawful for my said trustees for educational purposes for the time being to apply for a charter of incorporation of the said institution from the Crown upon such terms, and subject to such provisions and regulations, as may be thought expedient, and which shall be consistent with the said general object of the aforesaid fundamental rules and conditions.

Provided always, and I do hereby further declare, that, if and so far only as the same may be lawful, the said trustees for the time being may out of the annual income of the said institution hire from year to year, or for any less term or interest, any such buildings and property as they may deem proper for the purposes of the institution. And I expressly declare that I do not direct, and I expressly and intentionally abstain from directing, the investment of any part of my said residuary charitable trust fund in the purchase or erection of any lands or buildings for the purposes of the aforesaid institution, inasmuch as I am informed, and upon the assumption, that in the present state of the law such direction would be illegal; but I further declare that if the case be otherwise, or if by any eventual alteration in the law during my life or after my decease such direction or application may become lawful, then in that event and only after the time at which such application shall become for all purposes lawful my said trustees for educational purposes for the time being shall apply such part or parts of my said residuary charitable trust fund as, together with the sum which shall be or shall have been expended in the preliminary expenses of the establishment and regulation of the said institution, and which I authorise to be paid out of the said fund, shall not exceed in the whole one third part of the capital of the same fund, in the purchase and erection of such land and buildings as they shall for the time being think expedient for the purposes of the aforesaid institution, with power for them to sell the same, and out of the proceeds of any such sale or sales to purchase and erect any other land and buildings, and so on from time to time.

And, subject to this present provision, in case and to the extent in which it may become operative, I direct that the capital of my said residuary charitable trust fund shall be from time to time invested in such Government or public securities as may be lawful investments thereof, and that the annual income only of

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the same fund and the investments thereof shall be applied in payment of the current annual expenses of the aforesaid institution.

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Provided always, and I hereby declare and require, that as well my trustees for educational purposes for the time being as the corporation which may be created by any such charter as aforesaid shall once at least in every year after any part of my said residuary charitable trust fund shall have been paid, or shall have become applicable upon or for the charitable purposes aforesaid, appoint, at the expense of the said trust estate, some person or persons duly qualified to act as auditor or auditors of the accounts of the receipt and expenditure of and in respect to as well the capital as the income of the same trust fund during the then preceding year, or from the time up to which such accounts shall have been last made up and audited pursuant to this provision, and forthwith after such appointment shall render to such auditor or auditors a true, plain, and full account in writing of such receipt and expenditure, and shall produce to him or them all such books, vouchers, and other evidence as shall be requisite to prove the accuracy and sufficiency of such account, and of every particular contained therein, and shall at the like expense, and forthwith after such account shall have been audited, and at latest within one calendar month after the time up to which such account shall be made, publish the same, or a complete and intelligible abstract thereof, to be approved by such auditor or auditors, once at least in two newspapers for the time being published and circulated in the said borough of Manchester.

Appointment
of auditors.

Accounts to be
audited and
published.

Provided also, and I hereby further declare, that if and as often as any default shall be made in the appointment of an auditor or auditors, or in the production, verification, and publication of the accounts in relation to the said charitable trust fund within the time and in manner herein-before required, it shall be lawful for the mayor, aldermen, and burgesses of the borough of Manchester, acting by the town council thereof, to appoint, at the expense of the said trust estate, some person or persons (not exceeding three) to inspect and examine and make copies of or extracts from the books of account, accounts, vouchers, and other evidence relating to the receipt and expenditure of my said residuary charitable trust fund and the income thereof, and to make out and verify such particulars or abstracts thereof as he or they may think requisite in order to exhibit the actual state thereof, and to publish any such particulars or abstracts in such manner as the said town council may think fit, and my said trustees for educational purposes for the time being, or the corporation so to be created as aforesaid, shall for the aforesaid purposes be bound to permit such inspection, examination, and other acts, and shall produce to the person or persons so to be appointed all books, accounts, vouchers, and other evidence which may relate to such receipt and expenditure as aforesaid, and shall otherwise facilitate and promote the aforesaid objects by all means within their power.

In default of
appointment
of auditor,
town council
to appoint and
publish
accounts.

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THE SECOND SCHEDULE.

CONSTITUTION OF THE COLLEGE.

It is a fundamental condition of the constitution of the college that no student, professor, teacher, or other officer or person connected with the institution shall be required to make any declaration as to or to submit to any test whatsoever of his religious opinions, and that nothing shall be introduced in the matter or mode of education or instruction in reference to any religious or theological subject which can be reasonably offensive to the conscience of any student, or of the relations, guardians, or friends under whose immediate care he may be.

The government of the college shall be vested in an official head to be called President, and the three following bodies; namely,

- I. The Court of Governors.
- II. The Council.
- III. The Senate.

The court to be the supreme governing body:

The council to be a committee managing the financial and other ordinary business of the college, and preparing questions for the decision of the court:

The senate to organise and direct the education of the college and superintend its discipline:

Both senate and council to be responsible to the court for the proper discharge of their functions.

THE COURT OF GOVERNORS.

The court shall consist of the president and forty-two members:

(A.) Twenty-four governors shall be appointed for life, being at the time of their appointment persons residing or having their usual place of business within fifty miles of Manchester, and not being members of the senate. Such governors shall cease to hold office on the failure of this qualification, but may be re-elected, provided that there shall not at any time be less than sixteen life governors who are qualified as aforesaid.

The first life governors named in the third schedule to this Act, shall so soon as conveniently may be proceed to fill up the number of governors to twenty-four. Vacancies amongst the life governors by resignation, non-residence, or otherwise shall for the future be filled up as they occur, and within twelve months, by the continuing members of the court.

(B.) Fifteen governors shall hold office on nomination as after mentioned, and (except as to members of Parliament) for terms of five years only from the date of nomination:

(1.) Three shall be nominated by the president:

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- (2.) Two shall be nominated by the council of the city of Manchester, and one by the council of the borough of Salford, but these governors need not necessarily be members of those bodies: A.D. 1870.
- (3.) Three shall be nominated by the court from among the members of Parliament for the counties and boroughs of Lancashire, Cheshire, Yorkshire, and Derbyshire, provided that no person so elected shall retain his seat on the court after he shall for six months have ceased to be a member of Parliament:
- (4.) Three shall be nominated by the Lord President of the Privy Council (or by any other member of Her Majesty's Government who may be discharging the functions of Minister of Education):
- (5.) Three shall be nominated by the associates of the college (as herein-after provided).

(c.) Three shall be the principal and the two professors who may for the time being be members of the council (as herein-after constituted).

Not more than five members of the senate shall at any one time be members of the court.

Any governor absent from meetings of the court for eighteen consecutive months shall vacate his seat, but shall be eligible for re-election.

For the first organisation of the court the proceedings shall be as follows:

The twenty-four life governors shall before their third meeting elect the first president and the first three parliamentary governors, and shall arrange with the president, and with the corporations of Manchester and Salford, and with the Lord President of the Privy Council, for the completion of their respective nominations:

If on this or any future occasion two months shall elapse after notice to the respective nominors that a vacancy awaits to be filled up by him or them, the council shall cause to be given one month's further notice of the vacancy; after the expiration of such month the vacancy or vacancies not filled up shall be filled up by the remaining governors at their next regular meeting:

All proceedings of the court shall be valid prior to the appointment of any of the nominated governors, and notwithstanding any vacancy or vacancies.

The court shall meet twice a year at least, at fixed times, and at other times when convened by the president or council, and shall

Be the supreme governing body of the college;

Elect the president and treasurer and eight members of the council;

Have power to appoint committees;

And to make and alter byelaws.

The quorum necessary to constitute a meeting of the court shall be fifteen, and no resolution for election of president or treasurer, or members of the council, or for the removal of the principal or any professor, or for making or altering byelaws, shall be carried unless at least two thirds of that number vote in its favour; other questions may be decided by majority.

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The chairman of the meeting may vote, and may have a second or casting vote. If the president be absent the members of the court present, being a quorum, shall appoint a chairman for the meeting.

Seven days notice of all business, except as after mentioned, to be brought forward shall be sent to every member of the court, and no meeting shall be competent to transact any other business than such as shall directly arise out of the business so brought forward, or such business as shall have arisen since the issue of the summons for the meeting, and which shall yet, for the satisfactory working of the institution, require immediate determination.

THE PRESIDENT.

The president shall be elected by the court for five years, and may be re-elected.

The functions of the president shall be—

- (1.) To preside as chairman at meetings of the court, and at the opening and closing of the college sessions:
- (2.) To fill up his nominations in the court:
- (3.) To consider, and, if he shall think fit, suspend, and refer back to the court, any byelaw passed by the court against which the council or the senate may appeal to him.

THE TREASURER.

The treasurer shall be annually elected by the court from amongst the governors, and may be re-elected.

The functions of the treasurer shall be—

- (1.) To preside at meetings of the council when the president is absent, And generally, under the direction of the council—
- (2.) To take charge of the college property, and funds, investments, income, and expenditure, and to keep proper books of account, and present to the council periodical accounts and reports, as they may arrange;
- (3.) To keep and affix the college seal;
- (4.) And to provide and maintain proper registers and custody for the college muniments and securities.

THE COUNCIL.

The council shall consist of the president and twelve members; of these, eight shall be elected by the court from among the Governors, not being members of the senate, of whom one of the nominees of the Minister of Education, if he shall reside within fifty miles of Manchester, shall be one; two shall be professors, other than the principal, elected by the senate from their body; the eleventh and twelfth shall be the treasurer and the principal.

The members of the council, other than the president, treasurer, and principal, shall hold office for two years only from the date of appointment, but may be re-elected.

In case of vacancy arising during the term of service of any such member, if he be one of the nominees of the court, the council may fill up this vacancy by appointing any governor to the same for the remainder of the late member's

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term of office. If he be one of the two professors the senate may make their appointment of a new member for his full term. A.D. 1870.

The council shall meet once a month at least during the college session, and at other times when convened by the president, the treasurer, or the principal.

Three clear days notice of all business, except as after mentioned, to be brought forward shall be sent to every member of the council, and no meeting shall be competent to transact any other business than such as shall directly arise out of the business so brought forward, or such business as shall have arisen since the issue of the summons for the meeting, and which shall yet, for the satisfactory working of the institution, require immediate determination.

The quorum necessary to constitute a meeting of the council shall be seven, and a majority shall carry any resolution, except in the case of a resolution for the removal of a professor, which shall only be carried by a vote of at least eight members of the council. The chairman of the meeting may vote, and may have a second or casting vote.

If the treasurer and the president be absent the members of the council present, being a quorum, shall appoint a chairman for the meeting.

The council shall—

- (1.) Manage the financial and ordinary affairs of the college, and annually report to the governors thereon:
- (2.) Keep the record of and see to the due maintenance of the lists of the members of the council and the associates, and the registers of students:
- (3.) Direct the affixing of the college seal:
- (4.) Appoint the principal and professors and make contracts with them, and before proceeding to the election of a professor the council shall in ordinary cases advertise for and receive candidates' applications and testimonials, and shall refer the same to the senate for examination, arrangement, and report; but the council shall not be obliged to adopt the report, or be bound by the recommendation of the senate. In special cases, and after having applied to the senate for information, the council may, subject to the approval of the court, appoint to a professorship without advertisement:
- (5.) Appoint the registrar, the treasurer's clerks, and other officers and servants of the college, and regulate their remuneration, with power to remove them:
- (6.) Control and direct the management of the libraries and museums connected with the college:

And shall have power—

- (7.) To license halls and lodging-houses, and make such regulations as it may think fit for their proper management:
- (8.) To receive from the senate suggestions and statements of business transacted by them, and suspend, if it think fit, any rule or resolution passed by them until the pleasure of the court respecting the same shall have been ascertained:
- (9.) To fix and from time to time vary the fees to be paid by students, with power to dispense with, remit, or compound for the payment of fees by any particular student or class of students:

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- (10.) To expel offending students:
- (11.) And shall discharge such other functions as the court may from time to time commit to it.

THE PRINCIPAL.

The principal shall be the chairman of the senate, and its representative on the council and the court. In his absence the senate shall appoint a chairman of the meeting. The chairman may vote, and may have a second or casting vote. The principal need not be a professor in the college.

THE SENATE.

The principal and whole body of professors shall form the senate, and shall meet at least once in each month during the session.

The senate shall, subject to the control of the council, discharge such functions in reference to education and discipline as the court may by byelaws or regulations assign to it, and in particular shall (subject as aforesaid)—

- (1.) Fix the hours of the classes and arrange the subjects of instruction and examination, and frame regulations for the conduct of classes and examinations:
- (2.) Fix, subject to founders' regulations (if any), times and mode and conditions of competition for scholarships and prizes:
- (3.) Regulate the admission of students, and keep and furnish to the registrar class lists, and maintain the ordinary discipline of the college, with power to suspend any offending student:
- (4.) Appoint and dismiss any tutors or occasional lecturers.

All resolutions passed, appointments made, and rules framed by the senate shall be laid before the council at its next meeting, and the council may at its discretion suspend any of them till approved by the court.

Any professor aggrieved by any act of the senate may appeal against the same to the council, who may, if it think fit, sustain the appeal and refer the matter to the decision of the court.

REMOVAL OF PRINCIPAL OR PROFESSORS.

The principal or any professor may be removed from office only in the following manner:

The council may (upon a month's notice of motion having been given to each member of the council, and also to the principal or to the professor in question) by a vote of not less than eight members resolve that it is expedient to remove a professor, and declare when his appointment shall cease. A copy of such resolution shall forthwith be delivered to the principal or to the professor as aforesaid:

A month shall be allowed to such principal or professor from his receiving a copy of the resolution of the council, during which he may appeal to the court, and if he does not appeal, or if on appeal the court shall by a vote of not less than ten members confirm this resolution of the council, his chair shall, according to the terms of the resolution, become ipso facto vacant, but if such principal or professor appeals, and the court decides against his removal, he shall retain his chair.

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LEGISLATION.

A. The court shall have power to make byelaws for the government and administration of the college which are not contrary to the provisions of this Act. No byelaw may be proposed without at least one month's notice of the intention to propose it being primarily given to the council, unless the proposal originates with the council and is accompanied by their report.

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B. Changes in the constitution of the college which are not contrary to the provisions of this Act may be passed by the court upon the recommendation of the council, and shall then be laid before Her Majesty in Council for approval, and when so approved shall be adopted, and be subject to alteration in like manner.

THE ASSOCIATES.

The court shall at any time have power, on the recommendation of the council, and with the consent of the senate, to fix the conditions on which persons who have been students may become associates of the college, and such associates shall have the right of appointing in such manner as the court may direct three members of the court, and shall have such other privileges in connexion with the college (not inconsistent with its fundamental laws) as it may direct.

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THE THIRD SCHEDULE.

NAMES OF FIRST CLASS GOVERNORS.		
Thomas Ashton	Manchester	Merchant.
John Marsland Bennett	Manchester	Timber merchant.
Charles Frederick Beyer	Gorton, Manchester	Engineer.
William Romaine Callender, the younger.	Manchester	Merchant.
Richard Copley Christie	Manchester	Esquire, barrister-at-law.
Robert Dukinfield Darbi- shire.	Manchester	Solicitor.
The Reverend Nicholas William Gibson	Manchester	Clerk, one of the canons of Manchester.
Murray Gladstone	Manchester	Merchant.
Edward Hardcastle	Manchester	Merchant.
Oliver Heywood	Manchester	Banker.
William Henry Houldsworth	Manchester	Cotton spinner.
Richard Johnson	Manchester	Wire manufacturer.
John Lawson Kennedy	Manchester	Calico printer.
Alfred Neild	Manchester	Calico printer.
Herbert Philips	Manchester	Merchant.
John Robinson	Manchester	Engineer.
Sigismund James Stern	Manchester	Merchant.
John Edward Taylor	Manchester	Newspaper publisher.
Joseph Thompson	Manchester	Manufacturer.
Sir Joseph Whitworth, Bart.	Manchester	Engineer.
Matthew Alexander Eason Wilkinson.	Manchester	Doctor of Medicine.

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