



## CHAPTER xx.

An Act for incorporating Mason University College and  
for other purposes.

[3rd June 1897.]

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WHEREAS by the indenture specified in the first part of the schedule hereto (which indenture was duly executed and enrolled as required by law for the assurance of land to charitable uses) the freehold hereditaments therein described were assured by Josiah Mason Esquire (afterwards created to be Sir Josiah Mason Knight) to such uses as should be appointed concerning the same under the powers in that behalf therein-after contained and in default of and subject to any such appointment to the use of the parties to the said indenture of the second part their heirs and assigns upon the trusts therein-after declared concerning the same And the leasehold hereditaments therein described were assigned by the said Josiah Mason unto the said parties thereto of the second part their executors administrators and assigns for the unexpired residue of the terms for which the same were respectively holden upon the trusts therein-after declared concerning the same And the object of the said trusts was declared to be the foundation of an institution intended to be called "Josiah Mason's Scientific College" or "Josiah Mason's College for the Study of Practical Science" and of a preparatory school which might be added thereto and the said Josiah Mason thereby declared his intention in founding the same to be the promotion in conformity with the provisions of the said indenture of thorough systematic education and instruction specially adapted to the practical mechanical and artistic requirements of the manufactures and industrial pursuits of the Midland district and particularly the boroughs of Birmingham and Kidderminster to the exclusion of mere literary education and instruction and of all teaching of theology and of subjects purely theological which limitations the said Josiah Mason thereby declared to be fundamental And the said trusts were thereby declared to be for the erection of such buildings as should be requisite first for a college and afterwards for a preparatory school and for the maintenance of the

A.D. 1897. said institution and the provision of scholarships exhibitions and other prizes as therein directed And the said indenture contained provisions enabling the Trustees to appoint the principal and vice-principal of the said institution and to regulate the number duties and qualifications of the professors masters teachers and other officers servants and assistants and to make rules and regulations in conformity with the provisions of the said indenture for the management of the institution <sup>o</sup> Provided and it was thereby declared to be a fundamental condition of the institution (subject and without prejudice to the prohibition against teaching or examination in subjects purely theological or of party political controversy and also subject and without prejudice to the provisions as to the qualifications of the Trustees) that no principal vice-principal professor teacher or other officer servant or assistant of the institution should be required to make any declaration as to or submit to any test whatever of his religious or theological opinions or be presumed to be qualified or disqualified by any such religious or theological opinions but should be appointed solely for his fitness to give the scientific or artistic instruction required from him And it was thereby directed that arrangements should be made as soon as practicable for the systematic instruction of students And the said Josiah Mason thereby expressly declared that such instruction should as far as practicable include the following subjects viz. Mathematics abstract and applied physics both mathematical and experimental chemistry theoretical practical and applied the natural sciences especially geology and mineralogy with their application to mines and metallurgy botany and zoology with special application to manufactures and physiology with special reference to the laws of health and the English French and German languages and might in the discretion of the Trustees include all such other subjects of instruction as should be necessary to carry into effect the intention of the founder to give thorough systematic scientific education and instruction specially adapted to the practical mechanical and artistic requirements for the time being of the manufactures and industrial pursuits of the Midland district and of the boroughs of Birmingham and Kidderminster and the surrounding districts specially including mechanical drawing and architecture but excluding mere literary education and instruction Provided always that no lectures or teaching or examination should be permitted in the institution upon theology or any question or subject in its nature purely theological or upon any question which for the time being should be the subject of party political controversy and this condition the said Josiah Mason did declare to be fundamental And the said indenture empowered the Trustees to make arrangements for

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popular instruction in addition to the regular systematic instruction of students thereby contemplated and to make regulations at their discretion as to the fees or payments to be taken for either form of instruction with power to vary the same to adapt them to the varying conditions of the different classes of pupils and to remit wholly or in part any fees payable And the said indenture provided for giving a certain preference in the admission of students to the benefits of the institution to inmates of the said Josiah Mason's Orphanage and subject thereto for giving preference to candidates born within the boroughs of Birmingham and Kidderminster And the said indenture provided that any of the then present or future Trustees who should (amongst other things) cease to be a layman or a Protestant should ipso facto cease to be a trustee and provided for the election after the death of the said Josiah Mason of five official Trustees (who were to be laymen and Protestants) by the Birmingham Town Council to act jointly with the other or ordinary Trustees and for filling up vacancies in the number of the official and ordinary Trustees and for vesting the trust property in all the Trustees official as well as ordinary for the time being and provided for the government of the institution and the management of the trust property partly by the whole body of the Trustees assembled at annual or other general meetings and partly by a council to be appointed from amongst the Trustees at every annual meeting And the said indenture provided that it should be lawful for the said Josiah Mason at any time or times during his life and after his decease for the Trustees within two years next after the expiration of every successive period of fifteen years the first of such periods of fifteen years to be computed from the twenty-third day of February in the year of the decease of the said Josiah Mason by any deed or deeds to be by him or them (as the case might be) sealed and delivered in the presence of and to be attested by two or more witnesses from time to time to alter or vary the trusts and provisions therein contained in all or any of the particulars following (that is to say) The number of the Trustees the number and functions of the council the age at and conditions on which the regular students should be respectively admitted into and should respectively leave the institution the course of instruction whether regular systematic or unsystematic in the institution the proportion of income to be applied to scholarships exhibitions prizes premiums and gratuities and the preference of regular students born in the boroughs of Birmingham and Kidderminster Provided always that no such alteration or variation should be made unless in the judgment of the said Josiah Mason or (as the case might be) in the unanimous judgment of the

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Trustees such alteration or variation should tend to make the regulations and provisions for the time being subsisting in relation to the institution better adapted to the then for the time being existing practical mechanical and artistic requirements of the manufacturing and industrial population of the Midland District of England and especially of the boroughs of Birmingham and Kidderminster Provided also that no alteration or variation should be made in any of the provisions or conditions which by the said indenture were declared to be fundamental And the said indenture empowered the Trustees for the time being with the written consent of the said Josiah Mason during his life and after his decease then in the discretion of the Trustees for the time being at the cost and expense therein specified to take proceedings for obtaining a Royal Charter or a special Act of Parliament for the incorporation of the Trustees or any of them either alone or with any other person or persons or body or bodies corporate and to contain such provisions for the government of the corporation to be so formed and for the management of the institution and otherwise for the establishment on a permanent foundation of the trusts and purposes therein-before declared as having regard to the difference between an incorporated body having perpetual succession and a trust constituted in the manner therein-before appearing would most nearly correspond with the trusts powers provisoes and declarations therein-before respectively declared and contained and would give full effect to the purpose of the said Josiah Mason as therein declared And whereas the said Sir Josiah Mason exercised the said power of varying the trusts of the said indenture by the deeds poll specified in the second part of the schedule hereto which deeds were duly executed and attested as required by the said indenture and by the deed poll of the twenty-third day of February one thousand eight hundred and seventy-four he directed that if and whilst he or after his decease the Trustees should from time to time think expedient the "regular systematic instruction" referred to in the said indenture might include the following subjects (namely) Anatomy and the Greek and Latin languages And he directed that it should be lawful for the Trustees with his concurrence (if living) to permit any part of the buildings for the time being occupied for the purposes of the institution established under the provisions of the said indenture to be used upon such terms as the Trustees with his concurrence (if living) should approve for purposes connected with the completion of the education of students in medicine and surgery whether under the immediate regulation and superintendence of the Trustees or under the regulation and superintendence of any other person or persons or



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of any college or university or society or association And also if and whilst the income of the charity established under the provisions of the said indenture should be more than sufficient for the several objects intended to be provided for by the said indenture to apply the surplus income of the charity in the payment of such professors and teachers or otherwise in the provision of such instruction for such completion as aforesaid of the education of students in medicine and surgery Provided that no part of the buildings of the institution should be used for purposes connected with the completion of the education of students in medicine and surgery unless there should also be for the time being existing under the provisions of the said indenture adequate and satisfactory provision in buildings for the several objects intended to be provided for therein and no part of the income of the charity should be appropriated for the payment of professors or teachers or otherwise in the provision of such instruction as aforesaid to complete the education of students in medicine and surgery unless there should also be for the time being adequate provision in income for the several objects intended to be provided for in the said indenture And by the deed poll of the twenty-third day of February one thousand eight hundred and eighty-one the said Sir Josiah Mason directed that if and whilst he or after his decease the Trustees should from time to time think expedient the regular systematic instruction authorised by the said indenture might include not only the subjects specified in that behalf in the said indenture and the additional subjects specified in that behalf in the said former deed poll but also all such other subjects (if any) not being expressly excluded by the said indenture as he (if living) and after his decease the Trustees for the time being should judge necessary or desirable for the general benefit of the students with the view more especially of promoting and maintaining such a course of study as should qualify for degrees in arts and sciences in the Victoria University or the London University or any other university of which the institution should form part And he authorised the Trustees for the time being of the institution if and when they should in their absolute discretion think proper to apply for the admission of the said institution as a college affiliated to or in connexion with the said Victoria University or any other university granting degrees in arts and sciences and with that view to take all such proceedings as they might think proper for the incorporation of the said institution as provided by the last clause of the said indenture as a college in any such university and to defray the costs and expenses of all such proceedings either out of the capital of the trust funds vested in them or out of the income thereof at their discretion

A.D. 1897. — And whereas the said Sir Josiah Mason died on the sixteenth day of June one thousand eight hundred and eighty-one And whereas shortly afterwards the said five official Trustees were duly elected by the Birmingham Town Council And whereas divers vacancies have occurred in the number of the ordinary and the official Trustees and the said vacancies have been duly filled as provided by the said indenture and the present Trustees of the said institution are James Gibbs Blake John Thackray Bunce Francis Corder Clayton George James Johnson George Hamilton Kenrick and Oliver Pemberton who are ordinary Trustees and the Right Honourable Joseph Chamberlain Richard Chamberlain George Dixon Robert Francis Martineau and Edward Lawley Parker who are official Trustees And whereas since the foundation of the said institution divers conveyances have been made of lands and hereditaments to the Trustees for the time being of the said institution to be held upon the trusts declared as aforesaid for the maintenance of the said institution And whereas in or about the year one thousand eight hundred and ninety-one a scheme was proposed for the amalgamation of the Medical Faculty of Queen's College Birmingham with the said Mason Science College And whereas under or by virtue of an order of the Chancery Division of the High Court of Justice made by the Honourable Mr. Justice Chitty at Chambers on the twenty-second day of June one thousand eight hundred and ninety-two In the matter of the Queen's College at Birmingham And in the matter of the Queen's College Birmingham Act 1867 And in the matter of the trusts of a deed dated eighteenth August one thousand eight hundred and seventy-six being the foundation deed of the Ingleby lectures and the Ingleby scholarships And in the matter of the trusts of a deed dated twentieth January one thousand eight hundred and eighty-seven being the foundation deed of the Russell Memorial Prize (1892.—2. No. 35) And of a resolution of the governors of the said Queen's College made on the twentieth day of October one thousand eight hundred and ninety-two and authorised by the said order (the governing body of the said Mason Science College having erected buildings and prepared rooms and made provision for giving a course of education in medicine and surgery as stipulated in the said order) the medical and dental departments of the said Queen's College were closed and abandoned and the anatomical and other collections books and other things specified in the said order and formerly belonging to the said Queen's College were handed over to and became the absolute property of the Trustees of the said Mason Science College And whereas the education of students in medicine and surgery has since formed one of the objects of the said institution And whereas

it has been found that the progress of the medical school so attached to the said institution is seriously hampered by reason of the inability of the students educated in the said medical school to obtain degrees in medicine and surgery (other than the degrees of the University of London or of the Royal University of Ireland) except by migration to and residence in a college affiliated to some other university And whereas it is desirable in order that the students of the said institution may obtain such degrees that it should become a college of some university now established or hereafter to be established : A.D. 1897.

And whereas it is desired and is expedient for these reasons and for more completely effecting the objects with which the said Sir Josiah Mason founded the said institution that the said institution should be incorporated as herein-after provided and that the said recited indenture and deeds poll should be replaced by such provision as is herein-after contained for the constitution and government of the College incorporated by this Act and for the management of the property of such college :

And whereas the said recited indenture contained express provisions with regard to the leasing the management and the sale and exchange of the hereditaments thereby assured authorising the Trustees of the said institution or any five of them to make any lease of any part or parts of the same hereditaments not for the time being occupied as the site of the said institution for any term upon the conditions therein specified and also to dispose of and convey by way of sale or exchange all or any part of the hereditaments thereby assured and to receive and apply the purchase money as therein directed :

And whereas it is enacted in the twenty-ninth section of the Charitable Trusts Amendment Act 1855 that it shall not be lawful for the trustees or persons acting in the administration of any charity to make or grant otherwise than with the express authority of Parliament under any Act already passed or which may hereafter be passed or of a court or judge of competent jurisdiction or according to a scheme legally established or with the approval of the Charity Commissioners (in that Act called "the Board of the Charity Commissioners for England and Wales") any sale mortgage or charge of the charity estate or any lease thereof in reversion after more than three years of any existing term or for any term of life or in consideration wholly or partly of any fine or for any term of years exceeding twenty-one years :

And whereas the Trustees of the said institution were advised that the said provisions of the said indenture specified in the first part of the schedule hereto constituted a scheme legally established

A.D. 1897. — within the meaning of the twenty-ninth section of the Charitable Trusts Amendment Act 1855 and that they were therefore entitled to make such leases sales exchanges and conveyances of their charity estate as were authorised by the said provisions without the express authority of any Act of Parliament court or judge or the approval of the said Commissioners :

And whereas the said Trustees being so advised granted certain leases and made certain sales exchanges and conveyances of parts of the charity estate in accordance with the said provisions of the said indenture but without the express authority of any Act of Parliament court or judge or the approval of the said board to divers lessees purchasers and other contractors who dealt with the Trustees in good faith and for valuable consideration and carried out and accepted such leases sales exchanges and conveyances without requiring such express authority or approval as aforesaid under the advice or impression that the same was unnecessary :

And whereas it was decided in the case of *Mason's Orphanage v. The London and North Western Railway Company* heard before the Court of Appeal on the twenty-seventh day of February one thousand eight hundred and ninety-six that provisions similar to those of the said indenture did not constitute a scheme legally established within the meaning of the twenty-ninth section of the Charitable Trusts Amendment Act 1855 and that trustees of a charity acting under deeds containing such provisions were not entitled to sell any part of the charity estate without the express authority or the approval required by the same section :

And whereas it is now apprehended that the said leases sales exchanges and conveyances of parts of the charity estate so made as aforesaid without the express authority or approval required by the twenty-ninth section of the Charitable Trusts Amendment Act 1855 to persons dealing with the Trustees in good faith and for valuable consideration were void :

And whereas the said Trustees are desirous and it is expedient that the said leases sales exchanges and conveyances so made as aforesaid may be rendered valid :

And whereas the council of the city of Birmingham and the overseers of the parish of Birmingham in which city and parish the College is situate have by resolution approved of the exemption of the College from rates as herein-after provided :

And whereas this object and the other objects herein-before described cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal



and Commons in this present Parliament assembled and by the A.D. 1897.  
authority of the same as follows :—

*Preliminary.*

1. This Act may be cited as the Mason University College Short title.  
Act 1897.

2. This Act shall come into operation on the first day of January Commence-  
one thousand eight hundred and ninety-eight (which date is ment of Act.  
herein-after referred to as "the commencement of this Act") save  
as otherwise by this Act provided and except Part III. which shall  
come into operation immediately upon the passing of this Act  
Provided that—

(1) It shall be lawful to proceed with the election or appointment  
of governors of the College immediately after the passing of  
this Act and every election or appointment so made after the  
passing of this Act shall be valid although made before but  
shall not take effect until the first day of January one thousand  
eight hundred and ninety-eight :

(2) The registrar of the Mason Science College shall as soon as  
may be after the passing of this Act send out notices to the  
bodies or persons entitled to appoint or elect governors under  
this Act informing them of the incorporation of the College  
and of the provisions of this Act respecting the appointment  
or election by them of governors of the College and requesting  
them to appoint or elect governors of the College accordingly  
with all convenient speed and to notify to him the names of  
the persons appointed or elected.

PART I.

*Incorporation and Purposes of the Institution of Mason  
University College.*

3. The Right Honourable Joseph Chamberlain James Gibbs Incorpora-  
Blake John Thackray Bunce George James Johnson Francis Corder tion of  
Clayton and the several persons by or in pursuance of this Act Mason  
appointed by name or ex officio to be life governors or governors University  
of the College and all other persons who at any time hereafter by College.  
appointment election nomination or otherwise shall become life  
governors or governors of the said College are hereby incorporated  
by the name of Mason University College (in this Act referred to  
as "the College") into one body politic and corporate with perpetual  
succession and a common seal and with power without any further  
licence in mortmain to take purchase and hold and also to grant

A.D. 1897. — demise or otherwise dispose of real and personal property of every kind.

Vesting of  
property in  
Mason  
University  
College.

4.--(1) All the lands tenements and hereditaments of whatever tenure and all other property (including any bank balances and things in action) whatsoever which shall immediately before the commencement of this Act be vested in the Trustees of the Mason Science College subject to the uses or trusts of the deeds specified in the schedule hereto shall vest in the College for all the estate or interest which the said Trustees shall have had in the said lands tenements and hereditaments or property respectively immediately before the commencement of this Act subject respectively and without prejudice to all such estates interests and rights of any other person or persons in or over the said lands tenements and hereditaments or property as the same shall have been lawfully subject to in the hands of the said Trustees immediately before the commencement of this Act.

(2) All the lands tenements hereditaments and property hereby vested in the College shall be held on trust for the purposes hereinafter specified.

(3) If the said Trustees or any of them shall at the time of the commencement of this Act be entitled as such to any shares stock annuities or other property transferable only in books kept by the Bank of England or by any company or other body the Trustees so entitled thereto shall stand possessed of the same upon trust for the College and shall transfer the same to the College or as the council of the College shall direct.

(4) Generally the College shall by virtue of this Act succeed to the rights and duties of the said Trustees under any contract or other instrument existing at the time of the commencement of this Act and made lawfully by or in favour of the said Trustees or any of them as such (including any contract which shall have been made valid by this Act) and the College may sue or be sued upon any such contract or other instrument accordingly.

Trusts of  
property  
vested in  
College.

5. The purposes for which the property so vested in the College as aforesaid shall be held in trust shall be—

(A) The provision of such instruction in all the branches of a liberal education (except as herein-after provided) as may enable students to qualify for degrees in arts science medicine surgery or other subjects at any University which grants degrees to non-resident students or any University of which the College may hereafter become a member or to qualify for admission to any of the learned professions ;

(B) The provision of such instruction whether technical artistic or theoretical as may be of service to persons engaged or about

to engage in any of the manufactures or industrial pursuits of the Midland District of England and particularly of the city of Birmingham and borough of Kidderminster ;

- (c) The provision of facilities for the prosecution of literary scientific medical or surgical research ;
- (d) The use for the purposes aforesaid of the buildings furniture fittings and apparatus by this Act vested in the College and the maintenance insurance repair or replacement of the same and generally the provision and maintenance of proper buildings rooms furniture fittings and apparatus for effecting the aforesaid purposes ;
- (e) The engagement maintenance and payment of such a staff of professors lecturers or other teachers or instructors and of other officers and of servants as may be necessary to effect the aforesaid purposes ;
- (f) The provision of such fellowships scholarships exhibitions prizes or other rewards as may tend to encourage proficiency in the subjects taught provided that not more than one-tenth part of the net income of the estates and invested property of the College as existing at the time of the commencement of this Act shall be annually applied for this purpose but this restriction shall not prevent the application for this purpose of the capital or income of any gift or endowment made after the commencement of this Act either for this purpose specifically or for the purposes of the College generally ;
- (g) The provision of instruction upon any subject not herein-after prohibited to be taught by lectures or classes open to persons other than regular students of the College.

6. Such fees and payments may be charged to and taken from the regular students and any other persons who may attend any of the courses of instruction provided by the College as may be prescribed by the statutes or by the council of the College Any such fees or payments may be varied so as to be adapted to the varying conditions of the different classes of students or other persons to be instructed and the fees or payments which would otherwise be payable by any student or class of students or other persons may be wholly or partly remitted but no person shall be admitted to the benefit of the instruction provided by the College (except as an associate a research student a scholar or an exhibitor) without payment of fees who shall not in the judgment of the council of the College be for the time being either wholly or principally dependent for his livelihood upon his own skill and labour or upon the support of a parent or parents or of some other person or persons so dependent.

Fees and  
payments for  
instruction.

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Theology  
and party  
politics  
excepted.

7. No instruction or teaching shall be given or permitted or lecture delivered or examination held by or in the College in theology or upon any question or subject which is purely theological in its nature or upon any question which shall for the time being be the subject of party political controversy.

No endow-  
ment with  
theological  
condition  
attached to  
be accepted.

8. No gift or endowment for providing theological or religious teaching or for other theological or religious purposes or having any theological or religious condition attached thereto shall be accepted by or on behalf of the College.

Unsectarian  
basis.

9. No president vice-president governor treasurer principal professor lecturer instructor teacher student servant or other person being an officer or a member of or employed by the College shall be required to make any declaration as to his or her religious opinions or to submit to any test whatever thereof or shall be in any way disqualified by any religion or religious opinions which he or she may profess or by being in holy orders of the Church of England or of Rome or a minister or preacher of any other religious community or sect.

Female  
students.

10.—(1) Female students may be admitted to attend any of the courses of instruction which may be established in or provided by the College subject to such restrictions and regulations as shall be prescribed by the statutes herein-after authorised to be made but male and female students shall not be admitted to the same classes in medicine and surgery (except such classes in those subjects as are necessary to qualify students for degrees in science) without the consent in writing of a majority of two-thirds of the professors for the time being of the faculty of medicine in the College.

(2) The aforesaid restriction on the admission of women to the same classes with men in medicine and surgery shall not prevent the establishment of separate courses of instruction in those subjects for women only.

Preference  
to be given  
to certain  
inmates of  
Sir Josiah  
Mason's  
Orphanage.

11. In the admission of regular students to the College preference shall be given (other things being equal) to candidates otherwise eligible for admission who have been or shall for the time being be inmates of Sir Josiah Mason's Orphanage and who shall be recommended by the Trustees of the said orphanage as qualified by natural ability and inclination to profit by the course of instruction at the College but no such preference shall be given to such orphanage students if and whilst the number of such orphanage students shall for the time being amount to one-fifth of the number of all the students of the College.



## PART II.

A.D. 1897.

*The College Constitution.*

**12.** The authorities of the College shall be the president of the College the vice-presidents of the College the treasurer of the College the court of governors of the College the council of the College and the senate of the College. The College authorities.

**13.—**(1) The president shall be the head and chief officer of the College. The president.

(2) The Right Honourable Joseph Chamberlain shall be the first president and shall hold office for ten years from the date of the commencement of this Act or until his previous death or resignation.

(3) Every succeeding president shall be elected by the court of governors of the College and shall hold office for ten years from the date of his election or until his previous death or resignation.

(4) The first and any succeeding president going out of office shall be eligible to fill the vacancy.

(5) The president shall if present preside at meetings of the court of governors and at the opening and closing of the College session.

(6) In the absence of the president the function of so presiding shall be discharged by one of the vice-presidents.

(7) The president shall have power to consider and if he think fit suspend and refer back to the court of governors any statute passed by the said court against which the council appeal to him.

(8) In case of the absence of the president from the United Kingdom or of his inability to act through illness the function of so suspending and referring back a statute shall be discharged by the vice-presidents and in case of difference among them by the majority of them.

**14.—**(1) There shall be three vice-presidents.

(2) James Gibbs Blake M.D. John Thackray Bunce and George James Johnson shall be the first vice-presidents and shall respectively hold office for five years from the date of the commencement of this Act or until their respective previous death or resignation. The vice-presidents.

(3) Every succeeding vice-president shall be elected by the court of governors and shall hold office for five years from the date of his election or until his previous death or resignation.

(4) Each of the first three vice-presidents and any succeeding vice-president going out of office shall be eligible to fill the vacancy.

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The court of  
governors.

**15.** The court of governors of the College shall consist of the president and vice-presidents and of the other governors of the College named or designated in this Act or elected appointed or nominated as in this Act prescribed. Such other governors may be either men or women.

Certain life  
governors  
appointed by  
name.

**16.** The following persons shall be life governors of the College and shall hold office until their respective death or resignation (that is to say) :—

The Most Honourable the Marquess of Hertford the Right Honourable the Earl of Dudley the Right Honourable the Earl of Harrowby the Right Honourable the Earl of Warwick the Right Honourable the Earl of Dartmouth the Right Honourable the Earl of Denbigh the Right Honourable the Viscount Cobham the Right Honourable Lord Burton the Right Honourable Lord Calthorpe the Right Honourable Lord Leigh the Right Honourable Lord Norton the Right Honourable Lord Windsor the Right Honourable Lord Wrottesley the Honourable the Viscount Newport the Right Honourable Joseph Chamberlain the Right Honourable Sir Henry Hartley Fowler Sir Henry Wiggin Baronet Sir John Jaffray Baronet Sir Benjamin Hingley Baronet Sir Balthazar Walter Foster Sir Alfred Hickman Sir John Benjamin Stone Sir Richard Tangye Sir Willoughby Francis Wade James Gibbs Blake John Thackray Bunce George James Johnson Richard Chamberlain Francis Corder Clayton George Dixon George Hamilton Kenrick Robert Francis Martineau Edward Lawley Parker William Beilby Avery Arthur Albright George Stacey Albright William Elijah Benton Charles Gabriel Beale Thomas Barnsley Richard Cadbury George Cadbury Alexander Macomb Chance John Homer, Chance Gilbert Henry Claughton Charles Cochrane William Thomas Gustavus Cook John Corbett Frederick Corbett Frederick Elkington John Feeney Charles Harding Alfred Bradley Holinsworth Charles Bradley Holinsworth John Bernard Hardman William Harris Robert Heath George Hookham John Charles Holder Laurence William Hodson Thomas Vincent Jackson Frank James George Hope Johnstone John Arthur Kenrick William Kenrick Arthur Keen Thomas Grosvenor Lee George Braithwaite Lloyd John Henry Lloyd John Pearce Lacy John Walford Lea Henry Mitchell John Manley Charles Edward Mathews John Throgmorton Middlemore George Henry Morley Edward Nettlefold Abraham Follett Osler Alfred Clarkson Osler Henry Follett Osler Thomas Parker John Phillips Hume Chancellor Pinsent William Showell Rogers Charles Showell Howard Samuel Smith Martyn Josiah Smith William Charles Alston Smith-Ryland Thomas William Thursfield William Augustus Tilden George

Tangye Michael Tomkinson Thomas Ferdinand Walker John William A.D. 1897.  
Bund Willis-Bund John Edward Wilson Hugo Joseph Young.

Any vacancy occurring in the number of governors so appointed may be filled up by the election by the court of governors of some fit person to be a life governor of the College.

17. A certain number of governors of the College shall be elected as follows (namely) :—

Certain governors to be elected by the councils of certain counties county boroughs and towns and by certain other bodies.

Five by the council of the city of Birmingham ;

One by the county council of Warwickshire ;

One by the county council of Worcestershire ;

One by the county council of Staffordshire ;

One by the county council of Shropshire ;

One by the county council of Leicestershire ;

One by the county council of Derbyshire ;

One by the county council of Rutlandshire ;

One each by the council of every county borough in Warwickshire Worcestershire Staffordshire Shropshire Leicestershire Derbyshire and Rutlandshire (except the city of Birmingham) ;

One each by the school board of every county borough in Warwickshire Worcestershire Staffordshire Shropshire Leicestershire Derbyshire and Rutlandshire ;

One by the council of the borough of Kidderminster ;

One each by the council or such other representative or statutory body of any such other town or district in the aforesaid counties as the statutes of the College may from time to time prescribe ;

One each by such educational body or bodies (whether now established or hereafter to be established) of the city of Birmingham or borough of Kidderminster or of any of the above-mentioned counties county boroughs or other towns or districts as the statutes of the College may from time to time prescribe :

Governors so elected may be but need not be members of the councils or other bodies by which they are respectively elected :

Every governor so elected shall hold office for five years from the date of his election or until his previous death or resignation and shall be re-eligible Any vacancy occurring in the number of the governors so elected shall be filled up by the council or other body which elected the governor whose place shall be vacant.

18. A certain number of governors of the College shall be appointed as follows (namely) :—

Certain governors to be appointed as specified.

One by the Lord President of the Council for the time being ;

One each by the chancellors for the time being of the universities of Oxford Cambridge London Wales Victoria University ;

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One by the warden of Durham University ;

One by the Royal College of Physicians of London ;

One by the council of the Royal College of Surgeons of England :

Every governor so appointed shall hold office for five years from the date of his appointment or until his previous death or resignation and shall be eligible for re-appointment Any vacancy occurring in the number of the governors so appointed shall be filled up by the official person or body who or which appointed the governor whose place shall be vacant.

Ten governors to be elected from among certain county and borough members.

**19.** Ten governors of the College shall be elected by the court of governors from among the representatives in the Commons House of Parliament of the counties or divisions of the counties of Warwickshire Worcestershire Staffordshire Shropshire Leicestershire Derbyshire and Rutlandshire and of the boroughs or divisions of the parliamentary boroughs situate in the said counties :

Every governor so elected shall hold office until he cease to be one of such representatives or until his previous resignation of the governorship Any vacancy occurring in the number of the governors so elected shall be filled up by the election by the court of governors of another governor from among such representatives as aforesaid.

Ex-officio governors.

**20.** Each of the following officers or persons shall by virtue of his office herein-after mentioned be a governor of the College while he shall hold the office herein-after mentioned or until while holding such office he resigns the office of governor (namely) :—

The Lord Mayor of Birmingham ;

The chairman of the guardians of the poor of the parish of Birmingham ;

The chairman of the Birmingham School Board ;

The bailiff of the governors of the Foundation of King Edward VI. in Birmingham ;

The senior vice-president of the Birmingham and Midland Institute ;

The head master of the High School on the Foundation of King Edward VI. in Birmingham ;

The head masters of Rugby Repton Shrewsbury Uppingham and Malvern ;

The head masters of the Grammar Schools on the Foundation of King Edward VI. in Birmingham ;

The head master of the Birmingham Municipal School of Art ;

The principal of the Birmingham Municipal Technical School ;

The president of the Birmingham and Midland Counties Branch of the British Medical Association ;



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The president of the Birmingham Clinical Board ;

The president of the Birmingham Law Society ;

The chairman of the committee of the General Hospital  
Birmingham ;The chairman of the committee of the Queen's Hospital  
Birmingham ;

The principal of the College ;

The dean of the Queen's Faculty of Medicine in the College.

**21.** Three governors of the College shall be elected by the senate of the College from among the professors of the College other than the principal and the dean. Every governor so elected shall hold office for three years or until the previous determination of his professorship or his previous resignation of the office of governor and shall if he retains his qualification be re-eligible. Any vacancy occurring in the number of the governors so elected shall be filled up by the election by the senate of another governor from among such professors as aforesaid.

Certain  
governors to  
be elected  
from among  
the pro-  
fessors.

**22.** The court of governors shall have power to appoint former students who have become distinguished to be life governors of the College.

Former stu-  
dents may be  
appointed life  
governors.

**23.—(1)** Every person who shall at any time contribute to the College a donation of the value of five hundred pounds or upwards whether contributed in one sum or at one time or by instalments shall be a governor of the College until his death or resignation. If any such donation as aforesaid shall be made by will or codicil the donor shall be entitled to nominate by will or codicil a person to be a governor of the College until death or previous resignation and in default or on failure of such nomination the donor's legal personal representatives or representative for the time being shall be entitled on one occasion to nominate a person to be such a governor of the College.

Contributors  
of 500*l.* may  
be or nomi-  
nate life  
governors.

(2) Every corporation company or other association (not being a partnership firm) which shall at any time contribute to the College a donation of the value of five hundred pounds or upwards whether contributed in one sum or at one time or by instalments shall be entitled on one occasion to nominate a person to be a governor of the College until his death or resignation.

(3) Every partnership firm which shall at any time contribute to the College a donation of the value of five hundred pounds or upwards whether contributed in one sum or at one time or by instalments shall be entitled on one occasion to nominate one of the partners to be a governor of the College until his death or resignation.

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Filling up  
vacancies  
amongst life  
governors.

Proceedings  
of the court  
of governors  
to be valid  
if there be  
forty gover-  
nors.

Governing  
body of the  
College.

Constitution  
of the  
council.

24. Whenever by death or resignation the number of life governors shall fall below forty the court of governors shall with all convenient speed elect a sufficient number of fit persons to make up the number of life governors to not less than forty.

25. Any proceedings of the court of governors shall not be invalid by reason only of any governor or governors not having been elected or appointed and notwithstanding any vacancy in the number of governors so long as the whole number of governors (however elected appointed or made) shall not be less than forty. Provided that the court of governors may validly exercise any power hereby conferred on them of electing any governor or governors notwithstanding that the whole number of governors for the time being may be less than forty.

26. The court of governors shall be the governing body of the College.

27.—(1) The council of the College shall consist of the president the vice-presidents the treasurer the five governors of the College elected by the council of the city of Birmingham the principal of the College the dean of the Queen's Faculty of Medicine in the College the three professors elected to be governors by the senate and ten other members appointed or to be elected as herein-after provided from among the other governors of the College but at no time shall there be more than five professors on the council.

(2) The said ten other members shall in the first instance be—

George Hamilton Kenrick

Robert Francis Martineau

and eight other persons to be elected by the court of governors from among the governors of the College other than those who are hereby made members of the council.

(3) Of the said ten members so appointed or to be elected as aforesaid two shall retire in the year one thousand eight hundred and ninety-nine two others in the year one thousand nine hundred two others in the year one thousand nine hundred and one two others in the year one thousand nine hundred and two and the remaining two in the year one thousand nine hundred and three and the day for retirement of every such member shall be the day of the first meeting of the court of governors in the year in which such member is to retire in pursuance of this section. Provided that the court of governors shall at their first meeting or at their third meeting at the latest by a majority of votes or in case of an equality of votes by the casting vote of the chairman determine

which of the governors so appointed or elected as aforesaid shall retire in the above years respectively. A.D. 1897.

(4) At their first meeting in the years one thousand eight hundred and ninety-nine one thousand nine hundred one thousand nine hundred and one one thousand nine hundred and two and one thousand nine hundred and three two governors shall be elected by the court of governors to fill the place of the members of the council retiring as aforesaid and every governor so elected shall retire at the first meeting of the court of governors in the fifth year and at such meeting their places shall be filled by the election of other governors and so from time to time from the date of his election any retiring governor being eligible for re-election.

(5) Any vacancy occurring in the number of the said ten members of the council so appointed or to be elected as aforesaid by the death or resignation of a member during his term of office shall be filled up at the next meeting of the court of governors at which members of the council shall be elected in place of those whose term of office shall have expired but any such vacancy may be filled up at any previous meeting of the court of governors whether specially convened for the purpose or not Any member of the council elected to fill any such vacancy shall hold office for the unexpired residue only of the term of years for which the member whose place he is to fill was elected.

**28.** Subject and according to the statutes of the College the council shall have the control of the discipline and educational business and internal economy of the College with power to delegate to the senate the exercise of any of their powers and functions relating thereto in addition to the functions by this Act expressly vested in the senate and in particular the council shall have power to appoint and remove the principal the professors and lecturers and the registrar and other officers and servants of the College and to expel any student for misconduct and shall also have such other powers and discharge such other functions as the statutes of the College may from time to time prescribe. General powers of the council.

**29.** Subject and according to the College statutes the council shall manage all the lands hereditaments estates and property of the College and administer the revenues and income of the College and shall have power to demise for any term of years sell exchange or otherwise dispose of all or any part of the lands tenements or hereditaments of the College (except the principal college buildings and the site thereof) and to enter into any contract preliminary to Powers of council for management and administration of the College estates and property.

A.D. 1897. — making any such lease sale exchange or other disposition for such considerations and generally upon such terms and conditions as they shall think fit with power also to exercise all the powers of the court of governors with respect to any such lease sale exchange disposition or preliminary contract as aforesaid and to direct that the College seal shall be affixed to any deed or instrument necessary to give effect to any lease sale exchange disposition or contract so resolved to be made or to any deed or instrument necessary and proper to be made for any other purpose and generally to determine any question relating to the management or administration of the College property.

The  
treasurer.

**30.**—(1) The treasurer shall discharge such functions as the statutes of the College may prescribe.

(2) Francis Corder Clayton shall be the first treasurer and shall hold office for the period of five years from the date of the commencement of this Act or until his previous death or resignation.

(3) Every succeeding treasurer shall be elected by the court of governors from among the governors of the College and shall hold office for one year from the date of his election or until his previous death or resignation.

(4) The first and any succeeding treasurer going out of office may be elected to fill the vacancy.

(5) The receipt of the treasurer shall be a sufficient discharge for any money or property payable or deliverable to the College.

(6) If the office of treasurer shall become vacant by death resignation or any other cause before the expiration of his year of office the council shall forthwith elect from among the governors of the College a treasurer for the remainder of the year.

The senate.

**31.**—(1) The principal and professors for the time being shall form the senate of the College.

(2) Subject to the statutes of the College and to the control and approval of the council the senate shall regulate the education and discipline of the College and in particular may—

(A) Fix the times of the beginning and ending of the terms and the times of all College examinations and fix the hours of the classes and arrange the subjects of instruction and examination and frame regulations for the conduct of the classes and examinations ;

(B) Fix the times and manner and conditions of competition for scholarships exhibitions and prizes ;



(c) Regulate the admission of students and keep and furnish to the registrar class lists ; A.D. 1897.

(D) Suspend any student for misconduct.

(3) Subject and according to the statutes of the College any professor aggrieved by any act of the senate may appeal to the council.

**32.** The court of governors council or senate of the College may from time to time appoint from among their own members respectively such and so many committees either of a general or a special nature and consisting of such number of persons as they may respectively think fit for any purposes which they may respectively think proper to be regulated or managed by or by means of a committee but the acts or resolutions of every such committee shall be submitted to the court of governors council or senate respectively (as the case may be) for approval.

Power to  
appoint com-  
mittees.

**33.—(1)** The court of governors shall have power to make statutes (not being repugnant to the law of England or contrary to the objects and provisions of this Act) for the regulation of the proceedings of the court of governors and of the council and of the senate and of their respective committees and the appointment of a chairman and a vice-chairman of the council and for fixing the least number of members requisite to be present at a meeting of the council or of the senate and for the appointment and regulation of boards of studies to consist of such persons whether members of the court of governors the council or the senate or not as the statutes shall prescribe and for regulating any matter by this Act directed to be prescribed by the statutes of the College and for regulating all matters connected with the government and administration of the College and the management and administration of the College property and the discipline and educational business and internal economy of the College and generally for carrying out the purposes for which the property of the College is to be held in trust as herein-before declared and to annul amend or alter such statutes by others of the like nature from time to time as they shall think fit.

Power  
to make  
statutes.

(2) Statutes to be so made by the court of governors are in this Act referred to as the statutes of the College.

(3) As soon as conveniently may be after the passing of this Act the Trustees of the said Mason Science College shall cause draft statutes for the College hereby incorporated to be prepared in order that the same may be ready for submission to the first meeting of the court of governors of the College.

A.D. 1897.

## PART III.

*Confirmation of certain Leases Sales &c. made by the Trustees of Josiah Mason's Scientific College or the Mason Science College.*

Leases sales  
&c. made by  
the Trustees  
between  
12th De-  
cember 1870  
and 27th  
February  
1896 to be  
valid and  
effectual.

**34.** All leases (specified in Part III. of the schedule to this Act) sales exchanges and conveyances of land made by the Trustees for the time being of the institution known as Josiah Mason's Scientific College or the Mason Science College or any of such Trustees at any time between the twelfth day of December one thousand eight hundred and seventy and the twenty-seventh day of February one thousand eight hundred and ninety-six both inclusive of any lands or hereditaments held on trust for the purposes of the said institution or any estate interest or right in or over the same in accordance with the provisions made by any of the deeds specified in Parts I. and II. of the schedule hereto for the leasing management sale and exchange of the estate of the said institution but without the express authority of any Act of Parliament court or judge or the approval of the Charity Commissioners shall be perfectly valid in law from their commencement and shall be deemed to have been lawfully and validly made from their commencement notwithstanding the want of such express authority or approval as aforesaid and shall be as effectual for all intents and purposes from their commencement as if they had been made or executed by all the Trustees for the time being of the said institution with the approval of the Charity Commissioners.

Estates  
interests and  
rights con-  
ferred or  
created by  
agreements  
to be valid  
in law.

**35.** All the estates interests and rights (whether matter of conveyance reservation condition covenant simple contract or otherwise) purported to be conferred or created by the deeds or other instruments or the agreements by which such leases sales exchanges and conveyances as aforesaid were effected whether limited to or expressed to be conferred upon the lessees or purchasers or any other person or persons or the said Trustees shall be perfectly valid in law from their commencement and shall be deemed to have been lawfully and validly conferred and created from their commencement notwithstanding the want of such express authority or approval as aforesaid and shall be as effectual for all intents and purposes from their commencement as if they had been limited conferred or created by all the Trustees for the time being of the said institution with the approval of the Charity Commissioners.

All payments  
contracts  
and con-  
veyances

**36.** All such payments contracts and conveyances made and acts done or suffered under or by virtue of or on the faith of the validity of such leases sales exchanges and conveyances as aforesaid

as would have been validly and rightly made done or suffered if the said leases sales exchanges and conveyances had been originally valid shall have and be deemed to have had from the time when such payments contracts conveyances or acts were made done or suffered respectively the same force and effect at law and in equity as such payments contracts conveyances or acts would have had if the said leases sales exchanges and conveyances had been originally valid and the hereditaments comprised in such leases sales exchanges and conveyances as aforesaid shall as from the time when such leases sales exchanges and conveyances were made respectively be and be deemed to have been subject to the same estates interests and rights and devolve and be deemed to have devolved in the same manner in all respects as the same hereditaments would have been subject to or would have devolved if such leases sales exchanges and conveyances as aforesaid and also such payments contracts conveyances and acts as aforesaid had been originally valid.

A.D. 1897.

—  
under leases  
sales &c. to  
be valid.

## PART IV.

*General Provisions.*

**37.** The College shall not be assessed rated or liable to pay or contribute to any borough improvement or parochial rates in respect of any buildings lands or property of any description occupied by the College at the date of the commencement of this Act Provided always that the exemption herein contained shall not extend to any part of such buildings land and property which shall for the time being be occupied by any member officer or servant of the College and the parts of buildings so occupied shall be rated as separate tenements.

Exemption  
of College  
from rates  
&c.

**38.** If any president vice-president governor or treasurer of the College or any firm of which any president vice-president governor or treasurer of the College shall be a member shall be employed to perform any professional services for the College or to supply any article to the College or to do any business of any kind for or with the College such president vice-president governor or treasurer or his firm as the case may be shall be entitled to charge and to receive all such sums of money by way of remuneration or payment as he or his firm would be entitled to charge and receive if he did not stand in any fiduciary relation to the College but any president vice-president governor or treasurer of the College shall have no power to deliberate or vote at any court council or meeting or otherwise by virtue of his office upon any question touching the employment or proposed employment of himself or his firm for

Governors  
rendering  
professional  
or business  
services to  
the College  
to be entitled  
to charge  
therefor.

A.D. 1897. any such purpose as aforesaid or his or his firm's remuneration or payment or any contract made or proposed to be made with him or his firm.

Power for the College to become a member of some university.

**39.** Application may be made at any time hereafter if authorised by the court of governors of the College for the admission of the College as a member of or a college affiliated to any university now established or hereafter to be established and having power to grant degrees in arts sciences medicine and surgery and the costs and expenses of and incident to any such application may be paid and borne out of the income of the College estates and property or wholly or partly out of money representing capital or to be raised by sale or mortgage of some part of the property of the College.

Officers continued.

**40.** The several persons respectively who shall occupy the respective positions of professors and other officers of the Mason Science College immediately before the commencement of this Act shall continue to hold their respective positions and be entitled to all the salaries fees privileges and benefits respectively incident thereto until they shall respectively cease to hold their several offices respectively under the provisions of this Act or otherwise in accordance with arrangements made or authorised by the authorities of the College hereby incorporated.

Costs of Act.

**41.** The costs charges and expenses connected with and incidental to the preparation and passing of this Act shall be defrayed out of the income of the property of the College or if the council shall so determine shall be paid in whole or in part with money representing capital or to be raised by the sale or mortgage of some part of the property of the College.

Repeal of trust deeds.

**42.** From and after the commencement of this Act the deed of foundation and the deeds of variation specified in the schedule to this Act shall be repealed and cancelled and the Trustees acting in the execution of the said deeds shall be indemnified by virtue of this Act in respect of all acts and things done by them or any of them in the execution in good faith by them of the trusts of the said deeds.



The SCHEDULE.

A.D. 1897.

BEING THE FOUNDATION AND OTHER DEEDS RELATING TO THE  
MASON SCIENCE COLLEGE.

PART I.—*The Deed of Foundation.*

December 12th 1870—Indenture of this date made between Josiah Mason Esquire afterwards Sir Josiah Mason Knight (in this schedule referred to as “the Founder”) of the first or one part and James Gibbs Blake and George James Johnson of the second or other part.

PART II.—*The Deeds of Variation.*

February 23rd 1874 { Deeds poll of these dates respectively both duly  
February 23rd 1881 { executed under the hand and seal of the Founder  
in pursuance of the power in that behalf reserved  
to him by the said deed of foundation.

PART III.—*Leases granted by the Trustees.*

Date of Lease.	Name of Lessee.	Parcels.	Terms granted.	Rent reserved.
10th April 1877	Isaac Horton	Land fronting to Spiceal Street Birmingham and the house and shop &c. thereon and numbered 7.	99 years from 24th June 1876.	£ 164 s. 0 d. 0
10th April 1877	Isaac Horton	Land fronting to Lease Lane Birmingham containing 292 square yards (adjoining on one side to a party carriage-way) and the buildings thereon.	99 years from 24th June 1876.	50 0 0
20th December 1883.	William Morton	Land fronting to Spiceal Street Birmingham containing 147 square yards and the house and shop &c. thereon and numbered 18.	27 years from 25th March 1884.	150 0 0

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