

ACT No. XXII OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 18th July 1857.)

AN ACT to establish and incorporate an University at Bombay.

WHEREAS, for the better encouragement of Her Majesty's subjects of all  
Preamble. classes and denominations within the Presidency of  
Bombay and other parts of India in the pursuit of a  
regular and liberal course of education, it has been determined to establish  
an University at Bombay for the purpose of ascertaining, by means of exami-  
nation, the persons who have acquired proficiency in different branches of  
Literature, Science, and Art, and of rewarding them by Academical Degrees  
as evidence of their respective attainments, and marks of honor proportioned  
thereunto; and whereas, for effectuating the purposes aforesaid, it is expe-  
dient that such University should be incorporated; It is enacted as follows:  
(that is to say)—

Incorporation.

I. The following persons, namely,

The Right Honorable JOHN, LORD ELPHINSTONE,  
Governor of Bombay.

The Honorable Sir WILLIAM YARDLEY, Knight,  
Chief Justice of the Supreme Court of Judicature at Bombay.

The Right Reverend JOHN HARDING,  
Doctor of Divinity, Bishop of Bombay, *Ex-officio*.

The Honorable SIR HENRY SOMERSET, Lieutenant-General,  
Knight Companion of the Most Honorable Order of the Bath,  
Commander-in-Chief of the Forces in Bombay, *Ex-officio*.

The

ACT No. XXII OF 1857.

The Honorable JAMES GRANT LUMSDEN,  
Member of the Council of Bombay, *Ex-officio*.

The Honorable ARTHUR MALET,  
Member of the Council of Bombay, *Ex-officio*.

EDWARD IRVINE HOWARD, Esquire,  
Director of Public Instruction, *Ex-officio*.

ROBERT HAINES, Esquire, M. D.,  
Acting Educational Inspector, Presidency Division, *Ex-officio*.

C. MOREHEAD, Esquire, M. D.,  
Principal of the Grant Medical College, *Ex-officio*.

JOHN HARKNESS, Esquire, L. L. D.,  
Principal of the Elphinstone College, *Ex-officio*.

The REVEREND JAMES McDougall,  
Acting Principal of the Poona College, *Ex-officio*.

PHILIP WILLIAM LEGEY, Esquire,  
Member of the Legislative Council of India.

The Honorable SIR MATTHEW RICHARD SAUSSE, Knight,  
Puisne Judge of the Supreme Court of Judicature at Bombay.

SIR JAMSETJEE JEEJEEBHOY, Knight.

METCALFE LARKEN, Esquire,  
Judge of the Sudder Court in Bombay, and President  
of the late Board of Education.

JUGGONAUTH SUNKERSETT, Esquire,  
Member of the late Board of Education.

BOMANJEE HORMUSJEE, Esquire,  
Member of the late Board of Education.

BHAO

ACT No. XXII OF 1857.

BHAO DAJEE, Esquire,  
Graduate of the Grant Medical College,  
Member of the late Board of Education.

MATTHEW STOVELL, Esquire,  
Surgeon in the Bombay Army,  
Secretary to the late Board of Education.

CLAUDIUS JAMES ERSKINE, Esquire,  
Civil Service, late Director of Public Instruction.

WILLIAM EDWARD FRERE, Esquire,  
Member of the Royal Asiatic Society, and  
President of the Bombay Branch of the Royal Asiatic Society,  
Judge of the Sudder Court in Bombay.

Major General CHARLES WADDINGTON,  
Companion of the Most Honorable Order of the Bath,  
Chief Engineer of Public Works.

The Reverend JOHN WILSON,  
Doctor of Divinity, Fellow of the Royal Society,  
Honorary President of the Bombay Branch of the Royal Asiatic Society.

The Reverend PHILIP ANDERSON, Master of Arts,  
Chaplain on the Bombay Establishment.

HENRY BARTLE EDWARD FRERE, Esquire,  
Commissioner in Scinde.

Lieutenant EDWARD FREDERICK TIERNEY FERGUSON, Indian Navy.

MAHOMED YUSOOF MOORGAY, Cazee of Bombay.

JAMES JOHN BERKLEY, Esquire,  
Fellow of the Geographical Society, M. I. C. E.,  
President of the Bombay Mechanics' Institution, and  
Chief Resident Engineer of the Great Indian Peninsular Railway Company.

HENRY

HENRY LACON ANDERSON, Esquire,  
Secretary to Government.

being the first Chancellor, Vice-Chancellor, and Fellows of the said University, and all the persons who may hereafter become or be appointed to be Chancellor, Vice-Chancellor, or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, or Fellows, are hereby constituted and declared to be one Body Politic and Corporate by the name of the University of Bombay; and such Body Politic shall by such name have perpetual succession, and shall have a common seal, and by such name shall sue and be sued, implead and be impleaded, and answer and be answered unto, in every Court of Justice within the territories in the possession and under the Government of the East India Company;

II. The said Body Corporate shall be able and capable in law to <sup>Power to hold and dispose of property.</sup> take, purchase, and hold any property, moveable or immoveable, which may become vested in it for the purposes of the said University by virtue of any purchase, grant, testamentary disposition, or otherwise; and shall be able and capable in law to grant, demise, alien, or otherwise dispose of all or any of the property, moveable or immoveable, belonging to the said University; and also to do all other matters incidental or appertaining to a Body Corporate.

III. The said Body Corporate shall consist of one Chancellor, one <sup>Constitution of Body Corporate.</sup> Vice-Chancellor, and such number of ex-officio and other Fellows as the Governor of Bombay in Council hath already appointed, or shall from time to time, by any order published in the *Bombay Gazette*, hereafter appoint; and the Chancellor, Vice-Chancellor, and Fellows for the time being shall constitute <sup>Senate.</sup> the Senate of the said University. Provided that, if any person being Chancellor, Vice-Chancellor, or Fellow of the said University, <sup>Office vacated by leaving India.</sup> shall leave India without the intention of returning thereto, his office shall thereupon become vacant.

IV. The Governor of Bombay for the time being shall be the Chancellor of the said University, and the first Chancellor shall <sup>Chancellor.</sup> be the Right Honorable John, Lord Elphinstone.

V. The

V. The first Vice-Chancellor of the said University shall be Sir William Yardley, Knight. The Office of Vice-Chancellor shall be held for two years only; and the Vice-Chancellor herein-before nominated shall go out of Office on the first day of January 1859. Whenever a vacancy shall occur in the Office of Vice-Chancellor of the said University by death, resignation, departure from India, effluxion of time, or otherwise, the Governor of Bombay in Council shall, by notification in the *Bombay Gazette*, nominate a fit and proper person, being one of the Fellows of the said University, to be Vice-Chancellor in the room of the person occasioning such vacancy. Provided that, on any vacancy in the said Office which shall occur by effluxion of time, the Governor of Bombay in Council shall have power to re-appoint the Vice-Chancellor herein-before nominated, or any future Vice-Chancellor, to such Office.

VI. The Chief Justice of Her Majesty's Supreme Court of Judicature, the Bishop of Bombay, the Members of the Council of Bombay, the Director or Acting Director of Public Instruction, the Educational Inspector or Acting Educational Inspector of the Presidency Division, the Principals and Acting Principals of Government Colleges, all for the time being, shall, while filling such Offices, be ex-officio Fellows of the said University. The whole number of the Fellows of the said University, exclusive of the Chancellor and Vice-Chancellor for the time being, shall never be less than twenty-six; and whenever the number of the said Fellows, exclusive as aforesaid, shall by death, resignation, departure from India, or otherwise, be reduced below twenty-six, the Governor of Bombay in Council shall forthwith, by notification in the *Bombay Gazette*, nominate so many fit and proper persons to be Fellows of the said University as, with the then Fellows of the said University, shall make the number of such Fellows, exclusive as aforesaid, twenty-six. But nothing herein contained shall prevent the Governor of Bombay in Council from nominating more than twenty-six persons to be Fellows of the said University if he shall see fit.

VII. The Governor of Bombay in Council may cancel the appointment of any person already appointed or hereafter to be appointed a Fellow of the University; and as soon as such order is notified in the *Gazette*, the person so appointed shall cease to be a Fellow.

The appointment of a Fellow may be cancelled.

VIII. The

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VIII. The Chancellor, Vice-Chancellor, and Fellows for the time being shall have the entire management of and superintendence over the affairs, concerns, and property of the said University; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor, and Fellows to act in such manner as shall appear to them best calculated to promote the purposes intended by the said University. The said Chancellor, Vice-Chancellor, and Fellows shall have full power from time to time to make and alter any bye-laws and regulations (so as the same be not repugnant to law, or to the general objects and provisions of this Act) touching the examination for degrees and the granting of the same; and touching the examination for honors and the granting of marks of honor for a higher proficiency in the different branches of Literature, Science, and Art; and touching the qualifications of the candidates for degrees, and the previous course of instruction to be followed by them, and the preliminary examinations to be submitted to by them; and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor, and Fellows; and, in general, touching all other matters whatever regarding the said University. And all such bye-laws and regulations, when reduced into writing, and after the common seal of the said University shall have been affixed thereto, shall be binding upon all persons, members of the said University, and all candidates for degrees to be conferred by the same, provided such bye-laws and regulations shall have been first submitted to and shall have received the approval of the Governor of Bombay in Council.

Chancellor, Vice-Chancellor, and Fellows, to superintend the affairs of the University.

Bye-laws.

IX. All questions which shall come before the Chancellor, Vice-Chancellor, and Fellows, shall be decided at a meeting of the Senate by the majority of the members present; and the Chairman at any such meeting shall have a vote, and, in case of an equality of votes, a second or casting vote. No question shall be decided at any meeting, unless the Chancellor, or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows at the least shall be present at the time of the decision. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman; and, in the absence of both, a Chairman shall be chosen by the Fellows present, or the major part of them.

Meetings of the Senate.

X. The

ACT No. XXII OF 1857.

X. The said Chancellor, Vice-Chancellor, and Fellows for the time being shall have full power from time to time to appoint, and as they shall see occasion to remove, all Examiners, Officers, and servants of the said University.

Appointment and removal of Examiners and Officers.

XI. The said Chancellor, Vice-Chancellor, and Fellows, shall have power, after examination, to confer the several degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, and Master of Civil Engineering; they shall also have power, after examination, to confer upon the candidates for the said several degrees marks of honor for a high degree of proficiency in the different branches of Literature, Science, and Art, according to rules to be determined by the bye-laws to be from time to time made by them under the power in that behalf given to them by this Act.

Power to confer degrees.

XII. Except by special order of the Senate, no person shall be admitted as a candidate for the degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, or Master of Civil Engineering, unless he shall present to the said Chancellor, Vice-Chancellor, and Fellows, a certificate from one of the Institutions authorized in that behalf by the Governor of Bombay in Council, to the effect that he has completed the course of instruction prescribed by the Chancellor, Vice-Chancellor, and Fellows of the said University, in the bye-laws to be made by them under the power in that behalf given by this Act.

Qualification for admission of candidates for degrees.

XIII. The said Chancellor, Vice-Chancellor, and Fellows shall cause an examination for degrees to be held at least once in every year; on every such examination the candidates shall be examined either by Examiners appointed for the purpose from among the Fellows by the said Chancellor, Vice-Chancellor, and Fellows, or by other Examiners so to be appointed; and on every such examination the candidates, whether candidates for an ordinary degree, or for a degree with honors, shall be examined on as many subjects and in such manner as the said Chancellor, Vice-Chancellor, and Fellows shall appoint.

Examination for degrees.

XIV. At the conclusion of any examination of the candidates, the Examiners shall declare the name of every candidate whom they shall have deemed entitled to any of the said degrees.

Grant of degrees.

ACT No. XXII of 1857.

degrees, and his proficiency in relation to other candidates; and also the honors which he may have gained in respect of his proficiency in that department of knowledge in which he is about to graduate; and he shall receive from the said Chancellor a certificate, under the seal of the said University of Bombay and signed by the said Chancellor or Vice-Chancellor, in which the particulars so stated shall be declared.

XV. The said Chancellor, Vice-Chancellor, and Fellows shall have power to charge such reasonable fees for the degrees to be conferred by them, and upon admission into the said University, and for continuance therein, as they, with the approbation of the Governor of Bombay in Council, shall from time to time see fit to impose.

Such fees shall be carried to one General Fee Fund for the payment of expenses of the said University, under the directions and regulations of the Governor of Bombay in Council, to whom the accounts of income and expenditure of the said University shall once in every year be submitted for such examination and audit as the said Governor of Bombay in Council may direct.

Fees.

Annual accounts.

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