

No. 65.

1st Session, 6th Parliament, 21 Vict., 1858.

(PRIVATE BILL.)

BILL.

An Act to incorporate Knox College,
Toronto.

Received and read, first time, Tuesday, 20th
April, 1858.

Second reading, Friday, 23rd April, 1858.

MR. MACBETH.

TORONTO

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An Act to incorporate Knox College.

WHEREAS a Theological Institution has been for some time, and is now in operation at Toronto, in this Province, under the authority of the Synod of the Presbyterian Church of Canada, and the said Synod has petitioned the Legislature for an Act to incorporate the said Institution, under the name of "Knox College;" and whereas it is expedient to comply with the said Petition; Therefore Her Majesty, &c., enacts as follows:

Preamble.

- I. James Gibb, of Quebec; James Court, John Redpath and the Reverend Alexander F. Kemp, of Montreal; John R. Dickson and James Stewart, of Kingston, George Hay, of Ottawa: Andrew Jeffrey, of Cobourg; William Herron and the Reverend Thomas Lowry, of Whitby; Donald McLellan, James Osborne and the Reverend David Inglis, of Hamilton; Morris C. Lutz, of Galt; Charles Allen, of Elora; Alexander D. Ferrier, of Fergus; Andrew Smith, of Woodstock; William Clarke and the Reverend John Scott, of London; Archibald Young, of Port Sarnia; George Brown, Christopher G. Patterson, the Reverend Michael Willis, D.D., and the Reverend William Reid, of Toronto, and all and every such other person and persons as now is or are or shall at any time hereafter be Ministers of the Presbyterian Church of Canada or members of the said church in full communion therewith, shall henceforth be a body corporate under the name of "Knox College," and shall continue to be a body corporate, with perpetual succession, and a common seal, and with the powers vested in corporate bodies by "The Interpretation Act," and also with power under the said corporate name, to hold all property now held by the said Institution, or by any one or more persons in trust for the benefit of the said Institution, and to purchase, acquire, have, take, hold, and enjoy, by gift, grant, conveyance, devise, bequest, or otherwise, to them and their successors, any estate or property, real or personal, to and for the use of the said College, in trust for the promotion of theological learning and education of youth for the holy ministry, under the authority and according to the principles and standards of the Presbyterian Church of Canada aforesaid, and also with power to let, convey, or otherwise dispose of such real or personal estate, from time to time, as may be deemed expedient, with the written consent of the Synod; Provided always, that such real estate so held by the said College hereby incorporated, shall be such and such only as may be required for the purposes of college buildings and offices, residences for the professors, tutors, students and officers, with gardens or pleasure grounds pertaining thereto; Provided also, that any other real estate may be acquired by the said College in manner aforesaid, if the same shall be sold within three years from the date of its acquisition, and

Who shall be members of the Corporation.

Corporate name and general powers.

Application of Property.

Proviso: real estate limited.

Proviso: other real estate may be taken if sold within three years.

the proceeds thereof be vested in the public securities of the Province, stocks of the chartered banks, mortgages, or other approved securities, for the use of the said College.

What principles and doctrines shall be taught in the said College.

II. The principles and doctrines to be taught in the said College by the professors and tutors, or other persons who shall, from time to time, and at all times hereafter be employed or appointed in giving instruction in said College, shall be such and such only as are consistent with the "Confession of Faith;" "The larger and shorter Catechisms," and "The Form of Church Government," all of which are called "The Westminster Standards," and shall comprise all theological learning consistent with the said standards; Provided always, that the said "Confession of Faith" be understood and taken with the explanatory note thereto agreed upon by the Synod of the Presbyterian Church of Canada, met at Toronto in the year of our Lord, 1854; Provided also, that the said Westminster Standards be taken and understood, together with such other or further directions and rules as to Church government, discipline or worship, as may from time to time be prescribed or ordained by the Synod of the said Presbyterian Church of Canada, and that such directions and rules be duly recorded in the Minute Book of the said Synod, and signed by the Moderator and Clerk for the time being of such Synod; Provided also, that in case of difference of opinion in regard to the true meaning of the said principles, doctrines, standards, directions, and rules, or any or either of them, the same shall be taken and deemed to be in accordance with the interpretation thereof respectively by the Synod of the Presbyterian Church of Canada at a regular meeting thereof, of all which directions, rules, or interpretations, a copy certified by the Moderator and Clerk of the said Synod for the time being shall be sufficient or evidence.

Proviso.

Proviso.

Proviso.

What persons only shall be employed as Professors and Tutors.

III. All persons who shall from time to time, and at all times hereafter be employed or appointed as Professors of Theology in the said College, shall, at the time of their induction into office, be Ordained Ministers of the Presbyterian Church of Canada, and if Licentiate shall at any time be appointed, they shall, before their induction, be Ordained to the Holy Ministry in the usual manner by the Presbytery of Toronto, or by a Commission specially appointed for that purpose by the Synod; and all persons, if any, who shall be appointed or employed as Tutors, shall, at the time of their entrance into office, be members of the said Church in full Communion therewith, and said Professors and Tutors shall sign such Formula of adherence to the aforesaid "Westminster Standards," and to the discipline and Government of the Church, as may be required by the Synod.

Appointment of Professors and Tutors.

IV. All Professors and Tutors who shall hereafter be appointed or employed in the said College shall be appointed by the said Synod at its ordinary Annual Session, or at any special Meeting of the said Synod to be called for the purpose of making such appointments or appointment by notice from the Moderator of Synod for the time being to be sent to each Member of Synod at least fifteen days before the day appointed for such special Meetings, such appointments to be made by open vote of the majority of Members present at the sederunt of the said Synod at which the appointment shall be made, or in such other manner as the said Synod shall from time to time by a resolution de-

termine and direct to be pursued in making such appointments ; Pro-
 5 aforesaid, or in case of any such Professor being removed or being
 10 provided always, that any such Professor or Tutor may resign, or may by
 the said Synod be removed, suspended, or deposed from office, and in
 case of any such Tutor resigning or ceasing to be such Member as
 Professor so resigning, ceasing to be a Member or being removed or
 deposed as aforesaid, shall *ipso facto* cease to be a Professor or
 Tutor in the said College, and cease to have any claim to any emolu-
 ment or privilege belonging to the said College, and his office shall be
 vacant.

Proviso: they
 may be
 removed and
 effect of such
 removal.

V. The said Synod for the time being of the Presbyterian Church of
 15 Canada shall from time to time and at all times hereafter, at any ordi-
 nary Session of the said Synod or special meeting of the said Synod con-
 20 vened as in manner aforesaid, have the sole and entire power to frame
 and establish and afterwards to alter, amend or annul all regulations
 for governing the said College, for designating and prescribing the
 duties of the said professors and teachers and for fixing the amount of
 their annual stipends, for directing the course of studies, exercises and
 tuition of the said students, for the reception, education and discipline
 of such students, and if need be for the expulsion of any one or more
 of them from the said College.

Synod of the
 Church to
 make rules for
 the govern-
 ment of the
 College.

VI. For the better execution of these purposes, the Synod shall have
 25 authority to constitute the Professor or Professors of said College,
 together with five ordained Ministers on the roll of the Synod and
 three elders or members of the Church in full communion, to be annu-
 ally appointed into a Court to be called "The College Senate," for the
 exercise of Academical Superintendence and discipline over the Stu-
 30 dents and all other persons within the said College, and with such power
 for maintaining order and enforcing obedience to the statutes, rules and
 ordinances of the said College as to the Synod may seem necessary ;
 such Senate shall have charge and management of the Library and
 Museum, and shall also have power and authority to confer the degrees
 of Bachelor of Divinity and Doctor of Divinity in such manner and on
 35 such conditions as the Synod may from time to time approve or appoint.

Senate of the
 College to be
 appointed; its
 powers.

To make rules,
 and to confer
 degrees in
 divinity.

VII. The said corporation and their successors shall for ever have a
 Board of Trustees to be appointed in manner hereinafter directed, who
 shall have the whole management of the financial affairs of the said
 40 College, shall receive and disburse all its revenues, keep and
 manage all its property, and transact all its business relating to prop-
 erty or money committed to their care and trust by the said Synod ;
 but in cases where special instructions for the management and dis-
 posal of said revenues and property shall be given by the Synod in
 writing under the hand of their clerk, it shall be the duty of the said
 45 Board to act according to such instructions, provided the said instruc-
 tions be not repugnant to this Act or the laws of the Province ; The said
 Board shall also have power and authority to appoint, on such terms
 as they may deem suitable, all subordinate officers and servants required
 in said College or as may be determined upon by the Synod, and shall
 50 dismiss and remove such officers or servants as they shall see fit ; Pro-
 vided that said Board shall present an Annual Report of all matters
 intrusted to them, with a statement and balance sheet of the financial

Board of
 management
 of the financial
 affairs of the
 College ; its
 powers and
 duties.

Appointment
 of servants and
 officers.

Proviso: annu-
 al report to be
 made.

affairs and property of the said College, to the said Synod on or before the second day of its yearly session.

How the said Board shall be composed : present members.

VIII. The said Board of Trustees shall be composed of twenty-four persons, of whom not more than one-fourth may be Ministers, the remainder, whether three-fourths or more, shall be elders, deacons or members in full communion with the Presbyterian Church of Canada ; and the several persons hereinbefore named shall be the first and present Trustees of the said Corporation, and shall respectively continue in office until others shall be appointed in their stead in manner hereinafter described ; Provided that in case any such trustee or his successor being a layman, that is, an elder, deacon or member, shall remove permanently from the Province, or shall resign or cease to be a member in such full communion, or being a minister shall resign or permanently leave the Province or be suspended or deposed in due process of discipline, such trustee so resigning or permanently absent or ceasing to be a member or being suspended or deposed, shall *ipso facto* cease to be such trustee, and his office of trustee shall be vacant ; Provided that in case of any vacancy in the office of trustee by reason of any of the matters aforesaid or any other matter, then it shall be lawful for the remaining trustees, at a meeting of the Board to be called by the Chairman for that purpose, by a majority of votes of those present at such a meeting, to elect a Minister trustee in the room of a Minister-trustee from the roll of the Synod, and in the room of a layman-trustee any lay-member of the Church eligible as aforesaid, and the trustee or trustees thus elected shall take the place on the roll of the trustees of the person or persons in whose room he or they shall have been elected, and shall retire from the trusteeship in the order in which such person or persons would have retired : Provided also, that five shall form a sufficient quorum for the transaction of all business, and the Chairman shall only have a casting vote in case of equality of votes on any matter properly before the Board. The Chairman of the said Board shall be appointed annually by the Synod, and shall convene said Board at such time and place and in such manner as may be most convenient, or may be appointed by the Synod. The Board shall appoint its own treasurer and secretary who shall keep records which shall be open to inspection at any time by the Synod.

Proviso: office vacated in certain cases.

Proviso: filling vacancies.

Proviso: quorum.

Chairman.

Treasurer and Secretary.

Future members to be appointed by the Synod.

IX. All members of the said Board, successors of the present trustees, shall from time to time and at all times hereafter be elected by the said Synod by an open vote of the majority of the members thereof present at the Sederunt of Synod, at which such election shall take place on the second day or any subsequent day of the annual session of the said Synod.

Enrolment of names of members.

Eight to retire annually.

X. The names of the twenty-four trustees hereinbefore mentioned, and the names of their successors chosen in manner aforesaid, shall be enrolled by the clerk of the Synod in alphabetical order, and they shall hold office from the day of their election until the election of their successors ; Provided that on the second day of the annual session of the said Synod for the year 1859, the first eight named in the roll shall retire from the said trusteeship, and so on annually thereafter, counting from the top of the said roll, and their places shall be filled up by eight trustees chosen annually in manner aforesaid; the eight trustees last chosen to be placed at the foot of the said roll, which roll shall be made

up yearly by the Clerk of the said Synod, so that eight trustees shall retire yearly from the said Board in rotation reckening from the top of the roll so yearly made up by the said clerk; Provided always that the trustees so retiring annually in rotation shall be eligible for re-election. They may be re-elected.

5 XI. In case the body of christians known under the name of the Presbyterian Church of Canada, shall at any time or times hereafter under that or any other name unite itself with any other body or bodies of Presbyterians adhering to the standards aforesaid, or take such other body or bodies of Presbyterians into union with itself, and in case such Act to apply to any body of Christians formed by the union of the said Church with any other.
 10 united body of Presbyterians shall agree to hold and shall hold a Synod once or oftener in each year according to the manner now in use in the said Presbyterian Church of Canada, then and in every such case this Act shall apply to such united body of Presbyterians under whatever name they shall have formed such union, and all the rights,
 15 powers and authorities by this Act vested in the Synod of the Presbyterian Church of Canada shall be vested in and apply to the Synod of such united body under whatever name or designation such united body may be known.

XII. In case the said Presbyterian Church of Canada or such united Powers of Synod to be transferred to General Assembly in a certain case.
 20 body as aforesaid shall determine to form itself into two or more Synods and to form one General Assembly which shall have supreme jurisdiction in such Church or united body, then all the rights, powers and authorities by this Act vested in the Synod of the Presbyterian Church of Canada or in the Synod of such united body as aforesaid, shall be
 25 diverted from the said Synod and be applied to and be vested in such General Assembly; and for the purposes of this Act such General Assembly or Supreme Court shall thenceforth exclusively exercise all the rights, powers, and authorities conferred by this Act on the Synod of the Presbyterian Church of Canada.

30 XIII. This Act shall be deemed a public Act. Public Act.