

McMASTER UNIVERSITY

Complete Policy Title: **An Act to Incorporate McMaster Divinity College
(The McMaster Divinity College Act 1957)**

Policy Number (if applicable): **n/a**

Approved by: **Royal Assent**

Date of Most Recent Approval: **June 1, 1957** (date of Royal Assent)

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Position Responsible for Developing and Maintaining the Policy:

Contact Department **[University Secretariat](#)**

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BILL 18

3RD SESSION, 25TH LEGISLATURE, ONTARIO
5-6 ELIZABETH II, 1957

An Act to incorporate McMaster Divinity College

Preamble

WHEREAS the persons mentioned in section 2 by their petition have represented that the work of training ministers, missionaries and other religious workers of the Christian faith was carried on by Canadian Literary Institute which was incorporated by chapter 217 of the Statutes of Canada, 1857, its name having been changed to Woodstock College by chapter 68 of the Statutes of Ontario, 1883, that the said work was continued by Toronto Baptist College which was incorporated by chapter 87 of the Statutes of Ontario, 1881, and by McMaster University which was incorporated by chapter 95 of the Statutes of Ontario, 1887, uniting Toronto Baptist College and Woodstock College; and whereas the petitioners have prayed for special legislation incorporating them under the name of McMaster Divinity College and granting the corporation all such powers and rights as may be necessary or convenient to enable it to continue under the auspices of the Baptist Convention of Ontario and Quebec the work heretofore carried on by McMaster University of training ministers, missionaries and other religious workers of the Christian faith, particularly those of the Baptist denomination; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.— (1) In this Act,

- (a) "Board" means the Board of Trustees of the College;
- (b) "College" means McMaster Divinity College;
- (c) "Convention" means Baptist Convention of Ontario and Quebec;
- (d) "Principal" means Principal of the College;
- (e) "property" includes all property, both real and personal;
- (f) "Senate" means Senate of the College;
- (g) "University" means McMaster University.

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| College
Incorporation | 2. George Adam, of the City of Montreal in the Province of Quebec, Collamer C. Calvin, of the City of Toronto in the Province of Ontario, Thomas Camelford, of the Town of Dunnville in the Province of Ontario, Charles P. Fell and E. Carey Fox, of the said City of Toronto, the Reverence George P. Gilmour, of the City of Hamilton in the Province of Ontario, Arnold G. Hitchon, of the City of Brantford in the Province of Ontario, George L. Holmes, of the said City of Toronto, the Reverend Stuart Ivison, of the City of Ottawa in the Province of Ontario, Lloyd D. Jackson, of the said City of Hamilton, the Honourable Mr. Justice Roy L. Kellock, of the said City of Ottawa, Tracy E. Lloyd, Gordon C. McEwen, John H. Northway and the Reverend Robert F. Sneyd, of the said City of Toronto, Major General A.E. Walford, of the said City of Montreal, Harry A. Willis, of the said City of Toronto, and the Reverend Daniel Young, of the City of London in the Province of Ontario, are hereby constituted a body corporate with perpetual succession and a common seal under the name of McMaster Divinity College. |
| Purpose | 3. The purpose of the College shall be to train ministers, missionaries and other religious workers of the Christian faith, particularly those of the Baptist denomination. |
| Trust property
vested in
College | 4. All property granted, conveyed, devised or bequeathed to or to any person in trust for or for the benefit of the College or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trusts affecting the same, shall be vested in the College. |
| R.S.O. 1950, c.
184 | 5. The College shall have, in addition to the powers, rights and privileges mentioned in section 27 of <i>The Interpretation Act</i> , power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time as occasion may require, and to acquire other estate or property in addition to or in the place thereof without such licence and such limitation. |
| Land vested in
College not
liable to
expropriation | 6. Real property vested in the College shall not be liable to be entered upon, used or taken by any corporation except a municipal corporation or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto. |

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- Application of statute of limitations** **7.** All real property vested in the College, as far as the application thereto or any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.
- Property to be applied for purposes of College** **8.** Except as provided by section 17, the property of the College shall be applied solely for the purposes of the College.
- Investment of Funds** **9.** The funds of the College not immediately required for its purposes and the proceeds of all property which come to the hands of the Board, subject to any trusts affecting the same, may be invested and re-invested in such investments as to the Board shall seem meet.
- Provisional Board** **10.** The said George Adam, Collamer C. Calvin, Thomas Camelford, Charles P. Fell, E. Carey Fox, the Reverend George P. Gilmour, Arnold G. Hitchon, George L. Holmes, the Reverend Stuart Ivison, Lloyd D. Jackson, the Honourable Mr. Justice Roy L. Kellock, Tracy E. Lloyd, Gordon C. McEwen, John H. Northway, the Reverend Robert F. Sneyd, Major General A. E. Walford, Harry A. Willis and the Reverend Daniel Young shall constitute the provisional Board of Trustees of the College and shall act until the Board has been reconstituted as provided by section 11.
- Composition of Board** **11.** Within twenty days after the coming into force of this Act, the Board shall be reconstituted so as to be composed as follows:
- (a) The Principal of the College and the President of the University, *ex officio*.
 - (b) Ten members to be elected for terms of five years by the Convention from persons nominated by the nominating committee of the Convention, provided that if no meeting of the Convention at which such members may be elected is held within the said twenty days, such members may be elected at the first meeting of the Convention thereafter.
 - (c) Three members to be elected for terms of three years by such members of an association or associations of graduates as are graduates of the College or are graduates in theology of the University who received their degrees prior to 1958.
 - (d) Three members to be elected for terms of three years by the Board.

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| Members eligible for re-election | 12. | (1) | All elected members of the Board shall be eligible for re-election. |
| Eligibility of staff | | (2) | No person on the teaching or administrative staff of the College other than the Principal shall be eligible for membership on the Board. |
| Quorum | | (3) | Notwithstanding any vacancies on the Board, as long as there are at least fourteen members the Board may exercise its powers and five members shall constitute a quorum. |
| Chairman | | (4) | The Board shall elect one of its members to be chairman. |
| Vacancies | | (5) | After thirty days notice to any member, the Board, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Board, may declare vacant the seat of such member. |
| Filling Vacancies | | (6) | The Board may fill any vacancy on the Board for the balance of the term involved. |
| Records | | (7) | The Board shall keep proper records and minutes of its proceedings and proper books of account of the financial affairs of the College. |
| Report | | (8) | The Board shall present a report of its work annually to the Convention. |
| Powers of the Board | 13. | | Except in such matters as are assigned by this Act to the Senate, the government, conduct management and control of the College and of its property, revenues, business and affairs shall be vested in the Board and the Board shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, power,

(a) to appoint and remove the Principal, professors and other members of the teaching staff and all other officers, agents and servants of the College, provided that all academic appointments of the Board, other than appointments for not more than twelve months, shall be made from among such persons as may be nominated by the Senate;

(b) to fix the numbers, duties, salaries and other emoluments of all officers, agents and servants of the College;

(c) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers; |

(d) to borrow money for purposes of the College and give security therefore on such terms and in such amounts as it may deem advisable;

(e) to make by-laws and regulations for the conduct of its affairs.

**Composition of
the Senate**

- 14.** Within sixty days after the coming into force of this Act, the Senate shall be constituted so as to be composed as follows:
- (a) The Principal of the College and the Dean of Theology of the University, *ex officio*.
 - (b) Eight members to be elected for terms of four years by and from the Board.
 - (c) Three members to be elected for terms of three years by and from the teaching staff of the College.
 - (d) Four members to be elected for terms of four years by such members of an association or associations of graduates as are graduates of the College or are graduates in theology of the University who received their degrees prior to 1958, from among the said graduates.

**Members
eligible for re-
election**

- 15.** (1) All elected members of the Senate shall be eligible for re-election.

Quorum

- (2) Notwithstanding any vacancies on the Senate, as long as there are at least twelve members the Senate may exercise its powers and six members constitute a quorum.

Chairman

- (3) The Principal shall be chairman of the Senate.

Vacancies

- (4) After thirty days notice to any member, the Senate, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Senate, may declare vacant the seat of such member.

**Filling
Vacancies**

- (5) The Senate may fill any vacancy on the Senate for the balance of the term involved.

Report

- (6) The Senate shall present a report of its work annually to the Convention.

**Powers of
Senate**

- 16.** The Senate shall have power,
- (a) to nominate for appointment by the Board the Principal, professors and other members of the teaching staff except in cases of appointments for not more than twelve months;
 - (b) to control and regulate the system of education pursued in the College and the conduct, activities and discipline of the students thereof;
 - (c) to determine all courses of study, including standards for admission into the College and qualifications for degrees, diplomas and certificates granted by the College;
 - (d) to conduct examinations and appoint examiners;
 - (e) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;
 - (f) to grant such degrees, diplomas and certificates as may appropriately be granted by a divinity college, including degrees in theology;
 - (g) to determine, subject to ratification by the Board, the terms on which any faculty or department may be established in the College or any school may become part of the College;
 - (h) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
 - (i) to make by-laws and regulations for the conduct of its affairs.

**Power to grant
use of property
to University**

- 17.** The Board shall have power to grant to the University, as may be agreed upon with the Board of Governors of the University, the right to use property and services of the College while the work of the College is conducted on lands owned by the University.

**First election of
members of
Board and
Senate**

- 18.** Notwithstanding the provisions of sections 11 and 14, on the first election of members of the Board and Senate,
- (a) two of those to be elected under clause *b* of section 11 shall be elected for one year, two for two years, two for three years, two for four years and two for five years;

(b) one-quarter of those to be elected under each of clauses *b* and *d* of section 14 shall be elected for one year, one-quarter for two years, one-quarter for three years and one-quarter for four years;

(c) one-third of those to be elected under each of clauses *c* and *d* of section 11 and clause *c* of section 14 shall be elected for one year, one-third for two years and one-third for three years.

Commencement 19. This Act comes into force on the 1st day of June, 1957.

Short Title 20. This Act may be cited as *The McMaster Divinity College Act, 1957*