

Certified correct as passed Third Reading on the 2nd day of
March, 1956. W. B. MONTEITH, *Law Clerk.*

MR. PETERSON.

BILL

No. 47.]

[1956.

An Act to incorporate St. Mark's College.

Preamble.

WHEREAS the Most Reverend William Mark Duke, D.D., LL.D., Archbishop of the Archdiocese of Vancouver, and the Most Reverend Martin Michael Johnson, D.D., Coadjutor to the said Archbishop of the Archdiocese of Vancouver with the rights of succession, and the Right Reverend Thomas Melville Nichol, D.P., and the Very Reverend John Edward Brown, and the Very Reverend Henry Carr, C.S.B., B.A., LL.D., and the Reverend Michael Joseph Oliver, C.S.B., B.A., P.H.N., have represented that they desire to establish a Roman Catholic educational institution in the City of Vancouver, in the Province of British Columbia, and in affiliation with the University of British Columbia:

And whereas it is expedient that the said institution should be incorporated:

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

Incorporation.

I. The Most Reverend William Mark Duke, D.D., LL.D., Archbishop of the Archdiocese of Vancouver, and the Most Reverend Martin Michael Johnson, D.D., Coadjutor to the said Archbishop of the Archdiocese of Vancouver with the rights of succession, and the Right Reverend Thomas Melville Nichol, D.P., and the Very Reverend John Edward Brown, and the Very Reverend Henry Carr, C.S.B., B.A., LL.D., and the Reverend Michael Joseph Oliver, C.S.B., B.A., P.H.N., all of the City of Vancouver, and such persons as may from time to time be members of the Board of Management under the provisions hereinafter contained shall be and are hereby constituted a body politic and corporate by and under the name of "St. Mark's College" (hereinafter called the "College").

Affiliation.

2. The College may affiliate with the University of British Columbia pursuant to the provisions of the "British Columbia University Act" in that behalf.

Power to hold property.

3. The College shall, by the name of "St. Mark's College," have perpetual succession and a common seal, and by such name may, from time to time and at all times hereafter, acquire by purchase, lease, gift, devise, bequest, or otherwise, and may hold, possess, and enjoy, real and personal property of every nature and kind situate either within or without the Province, and especially such lands, tenements, and hereditaments within the Province as may be necessary for use and occupation as college buildings and offices, residences for professors, tutors, students, and officers, with gardens or pleasure-grounds pertaining thereto, together with all libraries, furniture, and fixtures used in connection therewith, and the College shall have, for the purposes and benefit of the college or colleges to be established and maintained hereunder, power to sell, lease, alienate, and dispose of any such property for such consideration as may be agreed on.

Borrowing powers.

4. The College shall have and is hereby given full power and authority to borrow such sum or sums of money from time to time as may be necessary for its purposes, either with or without security, and shall have power and authority to mortgage or pledge any or all of its lands, tenements, or hereditaments or any other of its property for securing any sum or sums of money so borrowed, or for securing any part of the purchase-money of any such lands, tenements, or hereditaments.

Power to alienate.

5. The College shall have power for the purposes of the Corporation to execute deeds, agreements, bills of sale, mortgages, bills of exchange, promissory notes, and other like documents.

Investment of funds.

6. The College shall have full power and authority:—

- (a) To invest all or any sum or sums of money of or belonging to the College, or given or bequeathed to it, in any bonds or securities of Canada or of any Province thereof, or of the United Kingdom and Northern Ireland, or in any debentures of any of the municipalities of the said Provinces, or in any securities in which life insurance companies are authorized from time to time by the Parliament of Canada to invest, and also to lend and invest any such moneys upon the security of any real or personal property, and also to make any other investments which may, by the laws of the Province, be authorized for the investment of trust funds; and the College may, under its corporate name or in the name of any person or persons as trustee or trustees, take and hold any real or personal property or any interest therein by way of mortgage to secure any such investment:

- (b) To pass on and entrust to a trust company all or any sum or sums of money belonging to the College, to be held, controlled, administered, and dealt with by such trust company, subject to the provisions of clause (a), for such time and in such manner as the Board of Management may from time to time direct.

Board of Management.

7. The affairs of the College shall be managed by a Board of Management consisting of not less than five and not more than thirty members, and the following shall constitute the first Board of Management: The Most Reverend William Mark Duke, D.D., LL.D.; the Most Reverend Martin Michael Johnson, D.D.; the Right Reverend Thomas Melville Nichol, D.P.; the Very Reverend John Edward Brown; the Very Reverend Henry Carr, C.S.B., B.A., LL.D.; and the Reverend Michael Joseph Oliver, C.S.B., B.A., P.H.N.; and the above-named persons shall continue to hold office until their successors are appointed as hereinafter provided.

Appointment of Board.

8. The Board of Management shall be constituted by the election of at least one-third of the total number of its members in such manner and at such time as the Board of Management may from time to time by rule or by-law appoint.

Powers of Board.

9. The Board of Management shall have the whole management of the financial affairs of the College, and shall receive and disburse all its moneys; control, keep, and manage all its property; and transact all business relating to property and money committed to its care.

Appointment of professors and other officers.

10. The Board of Management shall have power and authority from time to time to appoint and, as they shall have occasion, to remove the principal or other head, the professors, tutors, and masters, and all other officers, agents, and servants of the College, and the said Board shall have power to delegate the powers reserved to be exercised by the said Board pursuant to the provisions of section 9 to a recognized Roman Catholic teaching clerical order organized in Canada from time to time for such times and under such times and conditions as may be decided upon by a majority vote of the Board of Management, and the principal or other head of the College shall be a priest of the Roman Catholic Church or a member of some Roman Catholic teaching order.

Constitution of Senate.

11. The professors of the College, together with such persons as may be appointed from the Board of Management and nominated by the said Board once every two years at a time to be decided upon by the Board for that purpose, shall constitute the Senate of the College, to whom shall be entrusted the reception, academic superintendence, and discipline of the students and of all other persons within the College.

- Rules or by-laws.** **12.** The Board of Management may from time to time make rules or by-laws for the government of the College and for its guidance, and may alter, amend, and annul the said rules or by-laws from time to time: Provided always that such rules or by-laws shall not be contrary to this Act or repugnant to the laws of the Province.
- Rules or by-laws.** **13.** The said rules or by-laws shall be entered in a minute-book kept for the said purpose and signed by the secretary of the Board of Management in office from time to time at the time during which the same are adopted or passed, and such books shall be deposited among the records of the Board of Management.
- Certified copy to be evidence.** **14.** A copy of the said rules or by-laws certified under the hand of the secretary of the Board of Management for the time being shall be admitted and received as evidence of the said rules or by-laws, and of the contents thereof, in any Court of this Province, and for all purposes, without proof of the signature of the said secretary.
- Power to confer degrees.** **15.** The Senate of the College shall have power to provide for the granting of and to grant degrees in theology only, including honorary degrees and certificates of proficiency in theology as the Senate may determine.
- By-laws as to conferring of degrees.** **16.** The Senate shall have power to make by-laws touching any matter or thing pertaining to the conditions on which degrees may be conferred, whether the said degrees be such as are granted in course or by examination, or such as are honorary, or whether they be conferred on matriculants of the College or other persons, and to amend such by-laws when the Senate shall see fit.
- Short title.** **17.** This Act may be cited as the "St. Mark's College Act."
- Commencement of Act.** **18.** This Act shall come into force on a date to be fixed by the Lieutenant-Governor in Council by his Proclamation.