CHAPTER clxvii.

An Act for incorporating the Trustees of the Belfast Presbyterian College and authorising them to take conveyances and transfers of the said College and other property and for providing for the management of the same by the said Trustees subject to the control of the General Assembly of the Presbyterian Church in Ireland and for other purposes. [24th July 1882.] A.D. 1882.

WHEREAS a College known as "The Presbyterian College Belfast" (in this Act referred to as "the College") has been established in Belfast since the year 1852 by and under the control of the General Assembly of the Presbyterian Church in Ireland for the education in theology and other subjects connected therewith of candidates for the ministry of the said church and divers buildings now used for the purposes of the said College have been built and the sites thereof and also other lands have been granted and acquired for the purposes of the College and the same and other property real and personal are now vested in divers persons as trustees for the College and purposes connected therewith:

And whereas by the Irish Presbyterian Church Act 1871 it was enacted that certain persons therein named and their successors appointed as therein-after expressed should be the trustees of the Presbyterian Church in Ireland for the purpose of carrying into effect the provisions of that Act and (section 13) that it should be lawful for Her Majesty by charter to incorporate the trustees with power notwithstanding the statutes of mortmain to hold land to such extent as in the Act provided but not further or otherwise and that the trustees when so incorporated by charter should continue to act in the execution of the Act and (section 15) that it should be lawful for the trustees of any college church building schoolhouse manse or other real property whether freehold or chattel held in trust for the said church or any congregation in 34 & 35 Vict. c. 24.

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connexion therewith or any person or persons in whom the same might be vested if they or he respectively should think fit to grant assign or otherwise vest in the trustees when incorporated by charter as aforesaid with their concurrence such college church building schoolhouse manse or other real property whether freehold or chattel to be held by the trustees upon such trust and subject to such rights as at the time of such grant assignment or vesting affected the same respectively and that the former trustees should be thereupon released from the trusts thereof respectively and (section 16) that it should be lawful for any person whomsoever entitled so to do to give grant devise bequeath or assure by any deed will or other instrument sufficient in law to create or convey an estate therein any messuages lands hereditaments or any estate therein to the trustees when incorporated by charter as aforesaid for any college or for any church building or schoolhouse in connexion with any congregation or church or for a hall for the meeting of the said General Assembly:

Provided always that under the provisions aforesaid or otherwise not more than thirty acres should be held in trust for any congregation nor more than one hundred acres in trust for any college nor more that twenty acres in trust for erecting thereon a hall offices or other buildings for the use of said General Assembly: Provided always nevertheless that any such gift grant bequest or assurance of lands in excess of the acreage hereby authorised to be held as aforesaid should be void as to the excess only.

And whereas the said trustees were incorporated by charter dated the 28th day of November 1871:

And whereas the College and the said property real and personal held in trust for the College and purposes connected therewith have not been vested in the said trustees of the Presbyterian Church in Ireland in pursuance of the said recited Act and the said trustees are unwilling that the said College and property should be vested in them and decline to undertake the trust by reason of the magnitude thereof:

And whereas it is expedient that a corporate body should be constituted as by this Act provided (herein-after referred to as the College Trustees) with power to take by grant assignment transfer or otherwise and to hold all or any part of the said College and property and that subject to the provisions of this Act the said College and property should be held by the College Trustees upon the same trusts and for the same purposes as the same respectively are now held:

And whereas it is expedient that the College Trustees should be authorised to hold lands for the purposes of the College and for other purposes connected therewith to the extent herein-after mentioned:

And whereas it is expedient that the College Trustees should be empowered subject to the approval of and confirmation by the General Assembly to make byelaws rules and regulations for the management of all property real or personal vested in them upon trust for the College and for any purposes connected therewith and that the College Trustees should have the powers and be subject to the provisions by this Act conferred and in this Act contained:

And whereas the purposes aforesaid 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 authority of the same as follows:

Short title.

1. This Act may be cited for all purposes as the Belfast Presbyterian College Act 1882.

Interpretation of terms.

2. In the construction and for the purposes of this Act the following terms shall have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant thereto (that is to say):

The term "College Trustees" means the Belfast Presbyterian College Trustees incorporated by this Act:

The term "the trust properties" means and includes all property real and personal vested in any person or persons in trust for the benefit of the College or any purposes connected therewith:

The term "property" includes things in action and rights of action:

The term "person" includes corporation.

Trustees.

3. Sir Edward Coey, of Merville, in the county of Antrim, deputy lieutenant and one of Her Majesty's justices of the peace; James Porter Corry, of Dunraven, in the county of Antrim, one of Her Majesty's justices of the peace; John Findlater, of Monkstown, in the county of Dublin; William Millar Kirk, of Gorey, in the county of Wexford, one of Her Majesty's justices of the peace; Archibald Dunlop Lemon, of Edgecumbe, in the county of Down, one of Her Majesty's justices of the peace; John Workman, of Belfast, in the county of Antrim, one of Her Majesty's justices of

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the peace; and William Young, of Finaghy, in the county of Antrim, one of Her Majesty's justices of the peace; and their successors appointed as herein-after provided shall be and are hereby constituted one body corporate by the name and style of "The Belfast Presbyterian College Trustees" and shall by that name have perpetual succession and a common seal and a capacity (any statute to the contrary notwithstanding) to acquire and hold lands to the extent and for the purposes prescribed by this Act.

Power to trustees to grant assign or transfer trust properties to College Trustees.

4. It shall be lawful for any trustees or trustee of any part of the trust properties or any person or persons in whom the same or any part thereof may be vested to grant assign or transfer the same to or otherwise vest the same in the College Trustees with their concurrence.

Vesting of trust properties in College Trustees.

5. Every part of the trust properties so vested in the College Trustees shall be held by them upon such trusts and subject to such rights as at the time of such vesting affected the same respectively and the former trustees shall be thereupon released from the trusts thereof respectively.

Transfers to College Trustees to be held on trusts.

6. The College Trustees if they think fit may accept or take from any person any conveyance assignment gift devise or bequest of any real or personal property for the benefit of the College or any purpose connected therewith and the College Trustees shall hold such property when so transferred as aforesaid on the trusts declared by or contained in the deed will or other instrument or otherwise existing in respect of the same: Provided always that not more than one hundred acres shall be held at any one time by the College Trustees for the purposes of this Act: Provided further that any gift grant devise transfer or assurance of lands in excess of the acreage hereby authorised to be held as aforesaid shall be void as to the excess only. Provided further that notwithstanding anything herein-before or in the Act of 1871 contained the College Trustees may if they take a transfer of a certain mortgage dated the 16th day of June, 1871, and made between Dame Letitia Maria Nugent of the first part Alexander Hamilton Ralph Erskine Scott and John Cook of the second part and Sir Edward Coey, James Kennedy, James Porter Corry, John Lytle, Sir Thomas M'Clure, and William Todd of the third part for securing the sum of 35,000*l.* and interest hold the lands comprised in such security for a period of fifteen years from the time of such transfer.

As to surplus lands.

7. The College Trustees may from time to time sell lease exchange or otherwise dispose of on such terms and in such manner

as they think fit or may mortgage any lands vested in them and not being otherwise required for any of the purposes of this Act and may enter into execute and do all contracts assurances and things necessary or proper in that behalf and every such sale or lease as aforesaid may be made either absolutely for a sum in money or for any annual rent or rents to be made payable as the College Trustees direct or partly for a sum of money and partly for such rent or rents as aforesaid as the College Trustees think fit and the College Trustees may afterwards sell any rent so to be made payable.

Mode of investment of trust funds.

8. The College Trustees may from time to time invest all personal property that shall come to or be in their hands in any of the public stocks or funds or Government securities of the United Kingdom or India or any colony or dependency of the United Kingdom or upon mortgage of real securities in England Wales or Ireland or in any other securities whatever which the said General Assembly of the said church shall from time to time approve and no member of the College Trustees shall be liable for any loss occasioned by the depreciation or failure of any such investment or otherwise save by his own wilful default and the College Trustees from time to time at their discretion may vary or transpose such stocks funds and securities into or for others of the same or a like nature.

Directions as to business accounts.

9. The College Trustees shall conduct their business at such place and keep such minute books and shall keep and render such accounts and make such reports from time to time and hold such meetings as the said General Assembly of the Presbyterian Church shall from time to time direct and require.

Power to appoint officers.

10. The College Trustees may from time to time appoint a secretary treasurer and such other officers agents and servants and prescribe for them such duties and pay them such remuneration (if any) for their services as the College Trustees shall subject to the provisions of this Act or of any byelaw made thereunder think fit and such treasurer secretary and other officers shall hold their respective offices on such terms as the College Trustees shall determine.

Power to General Assembly to appoint auditors.

11. The said General Assembly may at its ordinary meetings in each year or at any extraordinary meeting specially convened for the purpose appoint two or more fit and proper persons to examine and audit the accounts of the College Trustees and such auditors shall have power to call for and require the production of all books of account vouchers and documents relating to the income and expenditure of the College Trustees during the year to which the

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accounts so to be audited relate and the same shall be produced to them accordingly and the said auditors shall be paid by the College Trustees such sum as remuneration for their trouble as the said General Assembly shall direct and each auditor shall remain in office till his successor is appointed and in the event of the death or resignation of one auditor the surviving or continuing auditor shall have all the powers and authorities of the two auditors till a successor of the auditor who shall die or resign is appointed.

Receipts by treasurer &c. a discharge.

12. The receipt in writing of the treasurer or of any of the College Trustees authorised in that behalf by byelaw for any moneys paid and for any real or personal property transferred to them or in execution of any of the purposes of this Act shall effectually discharge the person or persons paying or transferring the same therefrom and from being bound to see to the application or being answerable for the loss misapplication or non-application thereof.

Contracts by College Trustees.

13. With respect to contracts to be made by the College Trustees the following provisions shall have effect (that is to say):—

With respect to any contract which if made between individuals would be by law required to be in writing and under seal the College Trustees may make the same in writing under their common seal and in the same manner may vary or discharge the same.

With respect to any contract which if made between any individuals would be by law required to be in writing and signed by the parties to be charged therewith the College Trustees may make the same in writing signed by any two of the College Trustees or by the treasurer or by any person appointed by byelaw to act in that behalf generally or in any particular case and in the same manner may vary or discharge the same.

With respect to any contract which if made between individuals would be by law valid though not reduced into writing the College Trustees may make the same or authorise the same to be made by them or by any person on their behalf without writing and in the same manner may vary or discharge or authorise the variation or discharge of the same:

And all contracts made according to the provisions of this section shall be valid and effectual and shall be binding on the College Trustees and their successors and on all other parties thereto their heirs executors or administrators.

General Assembly to cause notes

14. The said General Assembly of the Presbyterian Church and the College Trustees in discharging their respective duties under

this Act or any byelaws to be made in pursuance thereof shall respectively cause notes minutes or copies (as the case requires) of their orders resolutions and proceedings to be entered in books to be kept under their superintendence and every such entry shall be signed by the Moderator of the General Assembly or by the chairman of the meeting at which the order resolution or proceeding entered was passed or taken by the Moderator or chairman as the case may be of the next subsequent meeting and every such entry so signed shall be received as evidence in all courts and elsewhere without proof of the meeting having been duly convened or held or of the persons making or taking any such order resolution or proceeding or causing the same to be entered being members of the General Assembly or being Trustees (as the case may be) or of the signature of the person signing as chairman or of the fact of his having been Moderator or chairman as the case may be all which matters shall be presumed until the contrary is shown.

Entry of proceedings to be entered in books.

15. All acts done at a meeting of the General Assembly or of the College Trustees by any person acting as a member of the General Assembly or being a trustee shall notwithstanding it being afterwards discovered that there was some defect in the appointment of any such person so acting or that he was disqualified be as valid as if there had been no such defect or disqualification.

Acts done at meeting of General Assembly or of College Trustees valid notwithstanding disqualification.

16. Any order resolution or proceeding of the College Trustees or any power by this Act conferred or any gift grant devise transfer bequest or assurance to the College Trustees or otherwise for the benefit of the said College or any purpose connected therewith shall not be invalidated by reason only of there being a vacancy in the College Trustees.

Validity of gifts and bequests notwithstanding vacancy in the office of a Trustee.

17. No member of the College Trustees by being party to or executing in his capacity of member of the College Trustees any contract or other instrument or otherwise lawfully executing any of the powers given to the members of the College Trustees by this Act or the byelaws to be made in pursuance of its provisions shall be subject to be sued or prosecuted either individually or together with any other person by any person whomsoever and the body or goods or lands of such member shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into signed or executed by him or by reason of any other lawful act done by him in the execution of any of the powers of the College Trustees and the members of the College Trustees their heirs executors and administrators shall be indemnified out of the property subject to their control under this Act for all payments

Indemnity to College Trustees.

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made or liabilities incurred in respect of any acts done by them and for all losses costs and damages which they may incur in or incident to the execution of the powers granted to them as aforesaid and the College Trustees for the time being may apply any of the property subject to their control under this Act for the purposes of such indemnity.

Power to pay travelling expenses.

18. The College Trustees may from time to time pay any travelling and other expenses incurred by any member or members of the College Trustees in or about the execution of the purposes of this Act or any of them or in any way connected therewith.

Mode of election of College Trustees.

19. If any member of the College Trustees in this Act mentioned or hereafter to be appointed shall die or be declared a bankrupt or file a petition for relief under any Act for the time being in force for the relief of debtors or make any composition with his creditors or cease to be a member of some congregation in connexion with the said General Assembly of the Presbyterian Church in Ireland or to reside in Ireland or shall be absent therefrom for a continuous period of twelve months or shall by writing under his hand delivered or sent to the clerk for the time being of the said General Assembly express his desire to be discharged or shall refuse or become incapable to act or shall be removed from the office of member of the College Trustees by a vote of the said General Assembly then and in any of such cases it shall be lawful for the said General Assembly at its annual meeting or at any meeting specially convened for such purpose to appoint a person to fill such vacancy: Provided always that no person shall be eligible to be elected a member of the College Trustees who at the time of holding any such meeting of the General Assembly is not and has not for a period of at least two years immediately previous to his election been a member of some congregation in connexion with the said General Assembly.

Power to make bye-laws with assent of General Assembly.

20. Subject to the provisions of this Act the College Trustees from time to time may make such byelaws rules and regulations as may be deemed expedient with respect to all or any of the matters following:

The management and disposition of the property real and personal from time to time vested in them and the investment of any such personal property and the change of any such investment:

The management or control of the business affairs and proceedings of the College Trustees and the times and places for holding meetings of the College Trustees and the method of convening such meetings and the business to be transacted thereat and the number necessary to form a quorum of members present at

a meeting of the College Trustees and the appointment of a chairman at such meetings or any such meeting:

The appointment of a secretary agent treasurer banker clerks servants or other officers of the College Trustees and the duties to be performed by them and the salaries or other remuneration to be paid to them respectively:

The keeping of minute books account books and a record generally of all material transactions matters and things connected with the College Trustees or the management thereof:

The preparation of a report and statement of accounts to be submitted to each annual meeting of the said General Assembly:

The appointment of committees and the numbers necessary to form a quorum thereat and the powers and duties to be delegated to the said committees and the mode of conducting the business of such committees:

The salaries of professors at the College and the bursaries to students at the College and the amounts of such salaries and bursaries and the times of payment thereof:

The moneys to be applied for keeping up the College buildings College library and the insurance thereof and all other charges and expenses incident to the College:

The management and letting of the said professors houses and keeping same in repair:

The allocation of class fees between the said professors and their successors or assistants:

The payment of the surplus income of the property of the College Trustees to the treasurer for the time being of the faculty of the College and the application by him as the said faculty shall direct for the benefit of the College: Provided always that the receipt to be given by such treasurer for any such payment shall be a sufficient discharge therefor and shall relieve the College Trustees from all liability to see to the application thereof:

Provided always that the said byelaws rules and regulations shall provide that any of the said professors shall be entitled to remain in the occupation of his official residence until he shall die or resign or be removed from his office by the said General Assembly and that the said byelaws rules and regulations may generally make provision for the management of the College or incident thereto as the College Trustees shall think right: Provided further that the said byelaws rules and regulations and every alteration repeal or addition thereto shall not come into force and effect until approved

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of by the said General Assembly of the Presbyterian Church and such approval shall be duly evidenced by the same being signed by the Moderator for the time being of the said Assembly and the clerk of Assembly and the said General Assembly at the annual meeting of Assembly or any meeting specially convened for the purpose may by the vote of a majority present at such meeting approve of revoke repeal or alter wholly or in part all or any part of every or any such byelaw rule or regulation as aforesaid and substitute or make any other byelaw rule or regulation in lieu thereof as such General Assembly shall think fit and any instrument in writing which shall purport to be a byelaw rule or regulation of the College Trustees and which shall be sealed with the common seal of the College Trustees shall be received as primâ facie evidence of the same being such byelaw rule or regulation in all courts and before all justices officers and persons whomsoever: Provided always that the said byelaws rules and regulations shall not at any time be repealed altered or added to by the College Trustees nor any new ones be added thereto unless at a meeting of the College Trustees duly convened for the purpose and of which meeting fourteen days notice shall previously be given to each member of the College Trustees in such form as may be provided by the byelaw for the time being as to notices such notices to specify the proposed repeal alteration or addition.

Acts of General Assembly.

21. The vote of a majority of the members present and voting at any meeting of the said General Assembly duly convened shall be considered as the act of the Assembly for any of the purposes for which the said act is hereby rendered necessary and all votes and proceedings of the said General Assembly which shali be signed by the Moderator thereof for the time being and the clerk of Assembly shall be received as evidence that the same were passed at a meeting of the said Assembly duly convened and constituted.

As to expenses of College Trustees.

22. The costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act and carrying the same into effect and the management of the property subject to the control of the College Trustees and generally of carrying the purposes of this Act into execution shall be paid by the College Trustees out of any moneys which may come to their hands.

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