

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Sixth day of February, 1812, and continued by several Prorogations to Thursday the Eighth day of February, 1816, in the Fifty-sixth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. being the Sixth Session of the Tenth General Assembly, convened in the said Province. From Henry H. Cogswell, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: from the Sixth Session of the Eighth General Assembly, to the Fifty-Sixth year of his Majesty's Reign. John Howe and Son, 1816.

56 George III – Chapter 29

An Act for founding, establishing and maintaining, an Academy at Pictou, in this Province.

Whereas Edward Mortimer, Duncan Ross, Thomas McCulloch, John Patterson, Thomas Davidson, George Smith, John McLeon, Junior, Alexander Grant, Robert Lowden, and James McGigor, and others, have agreed to pay and contribute direct sums of money for the purpose of founding, establishing and maintaining, an academy in the district of Pictou. And whereas the said Edward Mortimer, Duncan Ross, Thomas McCulloch, John Patterson, Thomas Davidson, George Smith, John McLeon, Junior, Alexander Grant, Robert Lowden, and James McGigor, and the other persons who have agreed to pay and contribute divers sums of money for the purpose aforesaid, are Presbyterians, and a great majority of the inhabitants of the district of Pictou, are either emigrants from Scotland, or are the descendants of emigrants from Scotland, where the Presbyterian religion prevails: and the said inhabitants of the district of Pictou, or a great majority of them, do now profess the Presbyterian religion, and are desirous of educating their children therein:

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, that it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, for the time being, by letters patent under the great seal of this province, to incorporate Edward Mortimer, Duncan Ross, Thomas McCulloch, Thomas Davidson, George Smith, Robert Lowden, William Patrick, and James McGrigor, of Pictou, aforesaid, and also, Archibald Gray and James Robson, ministers of the Presbyterian Congregation at Halifax, and Samuel George William Archibald, of Truto, in the district of Colchester, and James Foreman, of Halifax, in this Province, to be one body, politick and corporate, in deed, and in name, and have succession for ever in manner as shall be herein after mentioned and provided for, by the name of the Trustees of the Pictou Academy, and that by the same name they shall have perpetual succession, and a common seal, to be appointed by themselves, and also, to sue and be sued, implead and be impleaded, in all courts and places within the province of Nova-Scotia, and they, or the major part of them shall have power from time to time, to choose from among themselves heir president, vice-president, and other officers, as by said letters patent shall be directed, and to make bye laws and ordinances for the regulation and general management of the said academy, and to assemble together within the said district of Pictou, when and where and as often, and upon such notice as to them shall seem meet,

for the execution of their trust and shall also have full power and capacity to purchase, receive, take, hold, and enjoy for the use and benefit of the said academy, as well legacies, goods and chattles, as lands, tenements, hereditaments, notwithstanding any statute or statutes of mortmain. Provided always, that the lands and tenements so to be purchased, received, taken, held and enjoyed as aforesaid, are situated within the said District of Pictou, and do not exceed the yearly value of two thousand pounds sterling.

II. And be it further enacted, that the said Edward Mortimer, Duncan Ross, Thomas McCulloch, Thomas Davison, George Smith, Robert Lowden, William Patrick, James McGregor, Archibald Gray, Samuel George William Archibald, and James Foreman, shall present themselves at the Supreme Court, which shall be held at Halifax, or Colchester, or before one of the judges thereof, declare that he is a member of the Church of England, as by law established, or make and subscribe the following declaration:

I, A. B. appointed one of the trustees of the Pictou Academy, do declare that I do profess the Presbyterian religion, as the same is declared in the Westminster confession of faith.

III. And be it further enacted, that the said Edward Mortimer, Duncan Ross, Thomas McCulloch, Thomas Davison, George Smith, Robert Lowden, William Patrick, James McGregor, Archibald Gray, James Robson, Samuel George William Archibald, and James Foreman, from and after the time of receiving the letters patent, and making the declaration aforesaid, and not before, shall be, and shall continue to be, trustees of the said Pictou Academy, so long as they shall profess the religion of the Church of England, as by law established, or the Presbyterian religion, and no longer; and that each and every of the said trustees shall repeat and subscribe the declaration herein before recited, in the Supreme Court, or before one of the judges of the said court, once at the least in every three years.

IV. And be it further enacted, in case any of the said trustees shall die, or shall fail to make the said declaration, once in three years, that from and after the time of the death of any one of the said trustees, from and after the time when any of the said trustees shall have neglected for three years to make the said declaration, it shall and may be lawful for any three or more of the said trustees to call a meeting of the said trustees, at Pictou, in the said district, and if the said meeting shall be attended by seven of the said trustees, then the said trustees, or the major part of them so assembled, may proceed to elect such person or think fit and proper to be a trustee, or trustees, and in the place of the person or persons who have died, or have failed to make the said declaration &c. and the said trustees shall forthwith transmit to the governor, or commander in chief, a certificate, signed by the major part of the trustees present, at the said meeting, in the words following:

We A. B. do certify, that a meeting of the trustees of the Pictou Academy was held at Pictou aforesaid, on the ____ day of ____ and the following members were present at the said meeting, viz. A. B. C. D. &c.

And we do further certify, that at the said meeting _____ of _____ was duly elected a trustee of the said Pictou Academy, in the place of C. D. deceased or removed, or of C. D. who has failed to make the declaration, &c.

And we do further certify, that the said A. B. professes the religion of the Church of England, or the Presbyterian religion, and that he is a person of good moral conduct, and is well affected towards His Majesty's person and government: and if the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall approve of the election of the person named in the said certificate, he shall endorse his approbation thereon, and return the same to the said trustees; and the person or persons so elected shall, on receiving the said certificate and on making the declaration prescribed and directed by this act in the Supreme Court, and not before, be qualified to act as a trustee or trustees of the Pictou Academy; but if the Governor, or Commander in Chief shall not approve of the person so elected, then the said trustees shall proceed to elect some other person or persons in manner aforesaid, and so continue to do until they shall elect some other person or persons as the Governor, or Commander in Chief, may and shall approve of.

V. And be it further enacted, if it shall so happen in consequence of the death or absence of the said trustees, that seven of the said trustees cannot be assembled to make such election, it shall and may be lawful for the Governor, or Commander in Chief, upon the application of the remaining trustees, to nominate and appoint such person or persons of the religion of the Church of England or the Presbyterian religion, as he may think proper to be a trustee or trustees of the said Pictou Academy in the place of the person or persons who may have died or removed, or neglected to make the said declaration.

VI. And be it further enacted, that all and every person or persons, who shall be appointed a master or teacher, or masters or teachers, in the said academy, or who shall hold any office under he said trustees, shall make and subscribe the declaration in the Supreme Court herein before directed to be made and subscribed by the trustees of the said academy, and shall repeat the same at the Supreme Court as often as the trustees are herein directed, and to repeat the said declaration. Provided always, that nothing herein contained shall be construed to extend to the scholars or pupils who may be placed at, or sent to, the said academy, to be educated therein.

VII. And be it further enacted, that the trustees of the said academy shall transmit a copy of all bye laws, which shall or may be enacted by them, or the major part of them, to the Governor, or Commander in Chief, within one month after the making or enacting the same, and if the Governor, or Commander in Chief, shall express his dissent to the said bye laws at any time within twelve months after the same shall have been transmitted to him, then the said bye law shall be deemed and considered as totally abrogated and repealed.

VIII. And be it further enacted, that it shall not be lawful for the trustees of the said academy, to purchase, receive, take, hold or enjoy, any lands or tenements, that do not lie within the said district of Pictou; and that it shall not be lawful for them to purchase, receive,

take, hold or enjoy, any lands or tenements within the said district, beyond the yearly value of two thousand pounds, sterling.

IX. And be it further enacted, that nothing herein contained, shall be of any force or effect, until his Majesty's pleasure is known herein; nor unless the said academy shall be opened and established for the education of youth, within ten years after his Majesty shall have approved thereof.