

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1824. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1824.

5 George IV – Chapter 33 (1823)

An Act to enable the Governor and Trustees of the College of New Brunswick, to make a conditional surrender of their Charter, and for the further endowment of the College, upon the granting of a new Charter. Passed the 25th of March, 1823.

Whereas the Governor and Trustees of the College of New-Brunswick, have by their Petition, under their Seal of Incorporation, to this General Assembly, stated, “that by a Provincial Charter under the Great Seal of this Province, bearing date the twelfth day of February, in the year of our Lord one thousand and eight hundred, granted in the King’s name, during the administration of the late Lieutenant-Governor Carleton, the College of New-Brunswick was established and incorporated, with perpetual succession, by the name of The Governor and Trustees of the College of New-Brunswick, and with power to confer Degrees in the liberal Arts and Sciences, in the same manner as they are conferred by the Universities in England—That until very lately the funds and state of the Corporation were such as to prevent the Petitioners from attempting to put the Institution into any thing like a Collegiate form—That an attempt has recently been made to organize, and to put into operation, the College, and a President was accordingly appointed, and statutes proposed and established, under which four Students were matriculated— That the Petitioners are very desirous to see the Institution placed upon a respectable footing, and so as to ensure to those who may receive their instruction there, all the advantages which usually result from a Collegiate education—That in order to effect the same, the Petitioners are of opinion the first step to be taken will be to surrender the present Charter into the hands of His Majesty, and to solicit one in its place to pass under the Great Seal of the United Kingdom, which the Petitioners have reason to hope may be obtained, together with some other marks of His Majesty’s favour— That the estates and property already vested in the Corporation, are so circumstanced as to make it necessary that an Act of the General Assembly should pass, to enable them to surrender the present Charter, conditionally, so as to preserve the rights of the College and the interests of those who hold under titles from the Petitioners, and who are connected with the Institution”: And whereas the said Governor and Trustees by their said Petition, have prayed, “ that such an Act may pass the General Assembly as may answer the intended purpose —

I. Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That the said Governor and Trustees of the College of New-Brunswick, shall and may have power and authority, and they are hereby authorized and empowered, by an Instrument in writing under their said Seal of Incorporation, to surrender into His Majesty’s hands the said Charter of Incorporation, bearing date as aforesaid the twelfth day of February, in the year of our Lord one thousand and eight hundred, upon condition that His Majesty will accept of the same, and will be graciously pleased to grant another Charter in its place, for the reincorporation of the said College. Provided always, that until such new Charter shall be granted, and the same go into operation, the said Provincial Charter, and the powers of the said Governor and Trustees, and all estate and rights vested in them, and all statutes, rules and orders, made or to be made by them, shall continue to exist in the

same manner, to all intents and purposes, as if this Act, and the surrender so to be made under and by virtue hereof, had not been made, any thing herein contained to the contrary in any wise notwithstanding.

II. And be it further enacted, That should His Majesty be graciously pleased to favour this Province with such a Charter as is intended to be prayed for by the said Petition, His said Majesty shall be deemed and taken to be the Founder of the College, and shall be vested with all the rights and powers by Law belonging to the Founder of a College, and that His said Majesty may in and by such new Charter, nominate, constitute and appoint, such persons to form the Corporation of the College, and such persons to be Patron and Visitor respectively, with such powers and authorities to be vested in them severally, and in general may put the said Collegiate Establishment upon such a footing as to His Majesty in His Royal Wisdom may seem meet.

III. And be it further enacted, That immediately upon the commencement of the exercise of the powers to be vested by the contemplated new Charter, the said Provincial Charter, and the enrollment thereof in the Chancery, shall be, and shall be deemed and taken to be, *ipso facto* cancelled and annulled, and that all powers and authorities vested, as well in the said Governor and Trustees, as in all and singular the Officers by them appointed, shall from that time cease, and that all debts at that time due and owing to the said Governor and Trustees, shall thence become debts due and owing to the new Corporation of the said College, and recoverable in the name of such new Corporation, as if the same debts had been contracted with them; and that property real and personal of every kind and description which may at that time belong to and be holden by the said Governor and Trustees, shall immediately thereupon be transferred to and vested in the said new Corporation, and be holden thenceforth by such new Corporation in the same manner as the said Governor and Trustees might have held and enjoyed the same if the surrender of the said Provincial Charter had not been made; and that all Tenants of the said Governor and Trustees, shall thereupon be deemed and taken to be the Tenants of the said new Corporation, in the same manner as if they had originally become Tenants of such new Corporation; and that all the statutes, rules and orders, of the said Governor and Trustees of the College of New-Brunswick, shall thenceforth cease to exist. Provided always, that the Graduates and Students of the said College, shall be entitled to all the benefits resulting, or which would have resulted to them severally, if such statutes, rules and orders, had continued in force, and such surrender had not been made, anything herein contained to the contrary notwithstanding.

IV. And whereas the funds of the said College will require to be increased, to render the Institution beneficial as an Academical Establishment—Be it therefore further enacted, that in addition to the monies heretofore granted towards the endowment of the said College of New-Brunswick, and the Schools connected therewith, there be granted to the King's Most Excellent Majesty, and to His Heirs and Successors, towards the further endowment of the said College, the sum of six hundred Pounds currency per annum, payable out of the aggregate Fund of the Province, in such way as His Majesty may please to direct, after the surrender of the said Provincial Charter, and the granting of a new one as aforesaid under the Great Seal of the United Kingdom, and also the further sum of fifteen hundred Pounds, to be applied towards the erection of a

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suitable Building for the residence of the President and Professors, and the Students of the College, and towards the procurement of a Library and Philosophical Apparatus for the same.

V. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, but not to be in force until His Majesty's Royal Approbation be thereunto had and declared.

N.B.—This Act was “Confirmed, finally Enacted and Ratified,” by an Order of His Majesty in Council, dated at the Court at Windsor, the 18th of November, 1823.