

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1829. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1829.

9 & 10 George IV – Chapter 29

An Act for the Endowment of King's College at Fredericton, in the Province of New-Brunswick, and also to make now provisions for the establishment and support of Grammar Schools throughout the Province. Passed 10th February, 1829.

Whereas in pursuance of the power and authority in them vested by an Act passed in the fourth Year of His Majesty's Reign, intituled, "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," the said Governor and Trustees did by an Instrument in writing, under their Seal of Incorporation, surrender into His Majesty's hands their Charter of Incorporation, upon condition that His Majesty would accept the same, and be pleased to grant another Charter in its place for the re-incorporation of the said College: And whereas His Majesty has been graciously pleased to accept the said resignation so made by the said Governor and Trustees of their said Charter of Incorporation, and to grant in the place thereof a Royal Charter under the Great Seal of the United Kingdom, bearing date the fifteenth day of December, in the eighth Year of His Majesty's Reign, thereby establishing a College, with the privilege of a University, by the name of King's College, and Incorporating the Members thereof by the name and style of "The Chancellor, President, and Scholars of King's College, at Fredericton, in the Province of New-Brunswick." And whereas, in and by the said Act, it was further provided, 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 Enrolment thereof, should be deemed and taken to be ipso facto cancelled and annulled, and the property and debts of the said Governor and Trustees, transferred to, and vested in the new Corporation: And whereas, on the first day of January, in this present Session, a commencement was made of the exercise of the powers vested by the said new Charter:—

I. Be it therefore declared and enacted by the Lieutenant-Governor, Council, and Assembly, That all Debts due and owing to the Governor and Trustees of the College of New-Brunswick, shall be paid to, and may be recoverable by and in the name of the Chancellor, President and Scholars of King's College at Fredericton in the Province of New-Brunswick, in the same manner as if the said Debts had been contracted with them; and all properly, real and personal, of the said Governor and Trustees has now become vested in the said new Corporation, and shall be holden henceforth by them in the same manner as the said Governor and Trustees might have held the same; and all Tenants of the said Governor and Trustees shall be deemed and taken to be Tenants of the said new Corporation; and that the said new Corporation are, and shall be liable to the debts, contracts and engagements, made and entered into by the said Governor and Trustees, in the same manner as if the same had been contracted by the said new Corporation; and the Graduates and Students of the late College of New-Brunswick, shall be deemed and taken to be Graduates and Students of the present University of King's College and entitled to the rights and privileges as such.

II. And whereas, by the Acts now in force, the several yearly sums of one hundred Pounds, one hundred and fifty Pounds, and six hundred Pounds, have been appropriated for the support and Endowment of the College, and the Schools connected therewith, and the further annual sum of two hundred and fifty Pounds, was pledged by a Resolution of the House of Assembly, for the better Endowment of the College, in consideration of the Royal Aid, which has been promised for that purpose: And whereas it is deemed expedient to repeal those Acts, and grant in this Act the aforesaid sum: Be it therefore further enacted, That an Act passed in the forty-fifth year of the Reign of His late Majesty King George the Third, intituled, “An Act for granting aid in support of the College of New-Brunswick, incorporated by Charter, and established at Fredericton;” and also, an Act passed in the fifty-sixth year of the Reign of His said late Majesty, intituled, “An Act for granting further aid, in support of the College of New-Brunswick, and of the Public Grammar School of the City of Saint John;” and the fourth Section of the said Act, passed in the fourth year of His present Majesty's Reign, be, and are hereby severally repealed.

III. And be it further enacted, That there be granted to the said Chancellor, President and Scholars of King's College, at Fredericton, in the Province of New-Brunswick, and their successors, for the Endowment of the said College, and also the establishment and support of Collegiate Schools, the yearly sum of eleven hundred Pounds, to be paid from the Treasury of the Province, and drawn out of the same, by Warrants of the Lieutenant-Governor or Commander-in-Chief of this Province for the time being, by and with the advice and consent of His Majesty's Council.

IV. Provided always, and be it further enacted, That the sum of money hereby granted is upon condition that His Majesty will be graciously pleased to grant for the further Endowment of the said King's College, the annual sum of one thousand Pounds sterling, out of His Majesty's Casual Revenue of this Province, or from such other branch of His Majesty's Royal Revenue, as he may be pleased to appoint for that purpose: provided nevertheless, that nothing herein contained shall extend or be construed to authorize the appropriation of any part of the Public Revenue of this Province without the consent of the Legislature thereof.

V. Whereas His Excellency Sir Howard Douglas, Baronet, Lieutenant-Governor of this Province, and Chancellor of the said University, has been pleased to intimate his wish and intention, to make a donation of the sum of one hundred Pounds, to be placed in some safe funds on interest; and the yearly interest to be applied to the purchase of a suitable Medal, or Prize, for the best composition, in prose or verse, in the Greek, Latin, or English Language, on such subject as the Chancellor for the time being may appoint, under any regulations to be made for that purpose by the Chancellor and College Council: And it is the express desire of His Excellency, that the said sum should be placed in the Treasury of the Province, under the security of the Legislature: Be it therefore further enacted That upon the said sum of one hundred Pounds being paid by His Excellency into the Treasury of the Province, the same may be applied to the Public Service of the Province, to be disposed of as other Public monies, by the Legislature; and that yearly and every year from henceforth forever, there be paid out of the Treasury of this Province, to the Chancellor of the said University for the time being, the sum of ten Pounds, to be applied and disposed of according to the munificent intention of the Donor.

VI. And whereas many of the provisions of the several Acts for the establishment of Grammar Schools in the several Counties of this Province have been found inadequate for the purposes thereby intended, and it has become expedient to alter and make the same more effectual: Be it further enacted. That an Act made and passed in the fifty-sixth year of the Reign of His late Majesty King George the Third, intituled, "An Act to establish Grammar Schools in the several Counties of this Province:" Also an Act made and passed in the fourth year of His present Majesty's Reign, intituled, "An Act to alter the Act for the establishment of Grammar Schools, in the several Counties of this Province," be, and the same are hereby repealed; saving and reserving nevertheless to the Trustees and Directors of any Grammar Schools, all such sum or sums of money, which may be due and payable to them at the time of passing this Act, under and by virtue of any of the provisions of the said last two recited Acts.

VII. And be it further enacted, That His Excellency the Lieutenant-Governor, or Commander-in-Chief for the time being, by and with the advice and consent of His Majesty's Council, shall be, and he is hereby authorized and empowered to appoint during pleasure, and to remove as he shall see fit, three or more fit and proper persons in the several Counties of this Province, the Counties of York and Charlotte, and the City, and County of Saint John excepted, to be Trustees and Directors of the Grammar Schools, in each of the said Counties, except as aforesaid, and for which they shall be respectively appointed.

VIII. And be it further enacted, That the said Trustees and Directors of the said Grammar Schools, in each of the said Counties, respectively, except as aforesaid, or the major part of them, shall form and constitute a board for the management of the said Schools respectively, with full power and authority to procure and provide proper places whereon to erect suitable buildings for the said Schools, in their respective Counties, and to accept and receive donations for the erection of such buildings, and for the endowment of the said Schools, and to purchase and hold Lands and Real Estate in trust, and for the use of such Schools, and that they be enable to sue and be sued, implead and be impleaded, answer and be answered unto, by the same and description of Trustees and Directors of their respective Schools.

IX. And be it further enacted, That the said Trustees and Directors, or the major part of them, in each of their respective Counties, except as aforesaid, are hereby empowered to procure and retain a Master or Usher for their said respective Schools, and to make and establish Bye-Laws, Ordinances and Regulations for the government of the said Schools, and to enforce obedience to the same, by expulsion or other public, censure as they may judge proper, and to fix and determine the rates of tuition at the said Schools: Provided always, That no such Bye-Laws, Ordinances, or Regulations, shall have any force or effect, until they shall have received the approbation of His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being.

X. And be it further enacted, That no Master or Masters, Usher or Ushers, shall be employed to teach in any School or Schools now established, or hereafter to be established in this Province, unless such Master or Usher shall be duly qualified and licenced as is required in and by His Majesty's Royal Instructions.

XI. And be it further enacted, That the said Trustees and Directors, shall hold public visitations and examinations of the said Schools, twice in each and every year, that is to say, on the first Monday in May, and the first Monday in November.

XII. And be it further enacted, That the Scholars shall be taught in the said Schools, English Grammar, the Latin and Greek Languages, Orthography, the use of the Globes, and the practical branches of the Mathematics, and such other useful learning as may be judged necessary; and the said Trustees and Directors for the respective Counties shall be, and they are hereby authorized and empowered to nominate and send to the said Schools any number of Boys, not exceeding eight, to any one School, to be taught gratis, and such Boys shall be instructed in all the branches of Education which are taught at the said Schools respectively, or such parts thereof as the said Trustees and Directors shall direct, and in the same manner as any other Scholars; and on the removal of any such Boys from the said Schools respectively, the Trustees and Directors shall and may appoint and send others in their stead, so as to keep up at all times the full number of eight free Scholars in each of the said Schools: Provided always, That such Boys be poor Orphans, or Children whose Parents cannot afford to pay for their Education.

XIII. And be it further enacted, That the sum of one hundred pounds, annually, shall be included in the estimate of the ordinary expenses of the Province for each of the following Counties, that is to say, the Counties of Northumberland, Sunbury, Westmorland, Gloucester and Kent, and Queens and Kings Counties; which said sum of one hundred pounds shall be granted annually, for the payment of the Masters thereof, respectively; the same to be drawn on the Certificate of the Trustees and Directors in favor of the person or persons entitled thereto.

XIV. And be it further enacted, That no Grammar School in any of the said last mentioned Counties shall be entitled to the said sum of one hundred pounds in the next preceding Section mentioned, unless the inhabitants of the County in which such School shall be established, shall have raised or subscribed, and bona fide to be paid, the further sum of fifty pounds, in aid and support of the Master thereof.

XV. And be it further enacted, That whenever the said Trustees and Directors, in any of the said Counties last mentioned, shall certify to His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being, that a building suitable for a Grammar School hath been provided in such County, and that they the said Trustees and Directors have provided a competent Master to manage and teach the said School, and that the sum of fifty pounds hath been raised or subscribed and to be bona fide paid by the Inhabitants of such County to the said Trustees and Directors of such School, in aid of the support and maintenance of the said Master; that then and in such case it shall be lawful for His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being, by and with the advice and consent of His Majesty's Council to draw on the Treasury of the Province for one half of the said sum of one hundred pounds in favor of the Master or Teacher of the said School; and so to draw from time to time on the Treasury upon the like certificate; in half yearly payments for the use of such School: Provided always, that all the sums of money which shall be borne upon the estimate as aforesaid from year to year for the use

of such Schools, and which shall not be drawn, from the Treasury of the Province, pursuant to this Act, shall revert to the Provincial Fund, to be appropriated by the Legislature.

XVI. And be it further enacted, That no part of the said sum of fifty pounds, to be raised by the Inhabitants of any of the said last mentioned Counties, in aid and support of any Grammar School within the same, shall be borne, paid, or subscribed by the Master or Usher of such School.

XVII. And be it further enacted, That from and after the first day of January, one thousand eight hundred and thirty, no beneficed Clergyman of the Established Church, or Minister of any other sect or denomination of Christians, having the spiritual charge of any Parish or Congregation, shall be eligible or be appointed Master or Usher of any Grammar School in any of the said last mentioned Counties.

XVIII. And be it further enacted, That all those persons who have at any time been appointed Trustees and Directors of any Grammar Schools, under and by virtue of the provisions of the hereinbefore last recited Acts, shall remain and continue in office, and the rules, ordinances, regulations and Bye Laws, by them respectively made and passed, and which have been duly approved of for the Government of any Grammar School, shall be construed and taken to be in full force and effect, and in the same manner as if the said Acts had not been repealed.

XIX. And be it further enacted, That the Trustees and Directors of the respective Grammar Schools for the said Counties last mentioned, shall be at all times accountable to the Legislature of the Province, for their conduct, and the management of the money to be vested in them by virtue, and in pursuance of this Act.

XX. And be it further enacted, That there be granted to the President and Directors of the Public Grammar School in the City of Saint John, the yearly sum of fifty pounds in addition to the sum of one hundred pounds now by Law granted; the same to be applied to the support of the Master or Usher, of the said School; and to defray the contingent expenses thereof.

XXI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.