

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1847. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1847.

10 Victoria – Chapter 111 (1845)

An Act to amend the Charter of King's College. Passed 27th March, 1845.

Whereas His Majesty King George the Fourth was graciously pleased to issue His Letters Patent, bearing date at Westminster, the fifteenth day of December, in the eighth year of His Reign, in the words following, viz:—

Whereas the establishment of a College within our Province of New Brunswick, in North America, for the education of Youth in the principles of the Christian Religion, and for their instruction in the various branches of Science and Literature which are taught at our Universities in this Kingdom, would greatly conduce to the welfare of our said Province: And whereas humble application hath been made to us by many of our loving subjects in our said Province, that we would be pleased to grant our Royal Charter for the more perfect establishment of a College therein, and for incorporating the Members thereof for the purposes aforesaid: Now know ye, that we, having taken the premises into our Royal consideration, and duly weighing the great utility and importance of such an Institution, have of our special grace, certain knowledge, and mere motion, ordained and granted, and do by these presents, for us, our heirs and successors, ordain and grant that there shall be established at or near our Town of Fredericton, in our said Province of New Brunswick, from this time, one College, with the style and privileges of an University, as hereinafter directed, for the education and instruction of Youth and Students in Arts and Faculties, to continue for ever, to be called "King's College;" And we do hereby declare and grant that our trusty and well beloved the Right Reverend Father in God, John, Bishop of the Diocese of Nova Scotia, or the Bishop for the time being of the Diocese in which the said Town of Fredericton may be situate, in any future division or alteration of the said present Diocese of Nova Scotia, shall for us and on our behalf be the Visitor of the said College; and that our trusty and well beloved Sir Howard Douglas, Baronet, our Lieutenant Governor of our said Province, or the Governor, Lieutenant Governor, or other person administering the Government of our said Province for the time being, shall be the Chancellor of our said College; And we do hereby declare, ordain and grant, that there shall at all times be one President of our said College, who shall be a Clergyman in Holy Orders of the United Church of England and Ireland, and that there shall be such and so many Professors in different Arts and Faculties, within our said College, as from time to time shall be deemed necessary or expedient, and as shall be appointed by us or by the said Chancellor of our said College on our behalf, and during our pleasure; And we do hereby grant and ordain that the Reverend George Best, Master of Arts, Archdeacon of our said Province of New Brunswick, shall be the first President of our said College, and the Archdeacon of our said Province for the time being, shall, by virtue of such his office, be at all times the President of the said College; And we do hereby for us, our heirs and successors, will, ordain and grant, that the said Chancellor and President, and the said Professors of our said College, and all persons who shall be duly matriculated into and admitted as Scholars of our said College, and their successors for ever, shall be one distinct and separate Body Politic and Corporate, in deed and in name, by the name and style of The

10 Victoria – Chapter 111 (1845)

Chancellor, President and Scholars of King's College, at Fredericton, in the Province of New Brunswick; and that by the same name they shall have perpetual succession, and a Common Seal; and that they and their successors shall from time to time have full power to alter, renew or change such Common Seal at their will and pleasure, and as shall be found convenient; and that by the same name they, the said Chancellor, President and Scholars, and their successors, from time to time, and at all times hereafter, shall be able and capable to have, take and receive, purchase, acquire, hold, possess, enjoy and maintain, to and for the use of the said College, any messuages, lands, tenements and hereditaments, of what kind, nature or quality soever, (situate and being within our said Province of New Brunswick,) so as that the same do not exceed in yearly value the sum of fifteen thousand pounds above all charges, and moreover to take, purchase, acquire, have, hold, enjoy, receive, possess and retain all or any goods, chattels, charitable or other contributions, gifts or benefactions whatsoever; And we do hereby declare and grant that the said Chancellor, President and Scholars, and their successors, by the same name, shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered, in all or any Court or Courts of Record within our United Kingdom of Great Britain and Ireland, and our said Province of New Brunswick, and other our dominions, in all and singular actions, causes, pleas, suits, matters and demands whatsoever, of what nature and kind soever, in as large, ample and beneficial manner and form as any other Body Politic and Corporate, or any other our liege subjects, being persons able and capable in law, may or can sue, implead or answer, or be sued, impleaded or answered in any manner whatsoever; And we do hereby declare, ordain and grant, that there shall be within our said College or Corporation, a Council, to be called and known by the name of "The College Council;" And we do will and ordain that the said Council shall consist of the Chancellor and President for the time being, and of seven of the Professors in Arts and Faculties of our said College, and that such seven Professors shall be members of the United Church of England and Ireland, and shall, previously to their admission into the said College Council, severally sign and subscribe the thirty nine Articles of Religion, as declared and set forth in the Book of Common Prayer; and in case at any time there should not be within our said College seven Professors of Arts and Faculties, being Members of the Established Church aforesaid, then our will and pleasure is, and we do hereby grant and ordain that the said College Council shall be filled up to the requisite number of seven, exclusive of the Chancellor and President for the time being, by such persons, being Graduates of our said College, and being Members of the Established Church aforesaid, as shall for that purpose be appointed by the Chancellor for the time being of our said College, and which members of Council shall in like manner subscribe the thirty nine Articles aforesaid, previously to their admission into the said College: And whereas it is necessary to make provision for the completion and filling up of the said Council at the first institution of our said College, and previously to the appointment of any Professors, or the conferring of any Degree therein; Now we do further ordain and declare that the Chancellor of our said College for the time being, shall, upon or immediately after the first institution thereof, by Warrant under his hand, nominate and appoint seven discreet and proper persons, resident within our said Province of New Brunswick, to constitute jointly with him, the said Chancellor, and the President of our said College for the time being, the first or original Council of our said College, which first or original Members of the said Council shall, in like manner, respectively subscribe the thirty nine Articles aforesaid, previously to their admission to the said Council; And we do further declare and grant, that the Members of the said College Council, holding within our said College the offices of

Chancellor, President, or Professor of any Art or Faculty, shall respectively hold their seats in the said Council so long as they and each of them shall retain such their offices aforesaid, and no longer; and that the Members of the said Council, not holding offices in our said College, shall from time to time vacate their seats in the said Council when and so soon as there shall be an adequate number of Professors in our said College, being Members of the Established Church aforesaid, to fill up the said Council to the requisite number before mentioned; And we do hereby authorize and empower the Chancellor for the time being of our said College, to decide in each case what particular member of the said Council, not holding any such office as aforesaid, shall vacate his seat in the said Council, upon the admission of any new member of Council holding any such office; And we do hereby declare and grant, that the Chancellor for the time being of our said College shall preside at all meetings of the said College Council which he may deem it proper or convenient to attend, and that in his absence the President of our said College shall preside at all such meetings, and that in the absence of the said President the senior member of the said Council present at any such meeting shall preside thereat, and that the seniority of the members of the said Council, other than the Chancellor and President, shall be regulated according to the date of their respective appointments; provided always, that the members of the said Council, being Professors in our said College, shall in the said Council take precedence over and be considered as seniors to the members thereof not being Professors in our said College; And we do ordain and declare that no meeting of the said Council shall be or be held to be a lawful meeting thereof, unless five members at the least be present during the whole of every such meeting, and that all questions and resolutions proposed for the decision of the said College Council, shall be determined by the majority of the votes of the members of Council present, including the vote of the presiding member, and that in the event of an equal division of such votes, the member presiding at any such meeting shall give an additional or casting vote; And we do further declare, that if any member of the said Council shall die or resign his seat in the said Council, or shall be suspended or removed from the same, or shall, by reason of any bodily or mental infirmity, or by reason of his absence from the said Province, become incapable for three calendar months or upwards of attending the meetings of the said Council, then and in every such case, a fit and proper person shall be appointed by the said Chancellor to act as and be a member of the said Council in the place and stead of the member so dying or resigning, or so suspended or removed, or incapacitated as aforesaid; and such new member succeeding to any member so suspended or incapacitated, shall vacate such his office on the removal of any such suspension, or at the termination of any such incapacity as aforesaid, of his immediate predecessor in the said Council; And we do further ordain and grant, that it shall and may be competent to and for the Chancellor for the time being of our said College, to suspend from his seat in the said Council any member thereof for any just and reasonable cause to the said Chancellor appearing, provided that the grounds of every such suspension shall be entered and recorded at length by the said Chancellor in the Books of the said Council, and signed by him; and every person so suspended shall thereupon cease to be a member of the said Council, unless and until he shall be restored to and re-established in such his station therein by any order to be made in the premises by us, or by the said Visitor of our said College, acting in our behalf and in pursuance of any special reference from us; And we do further declare, that any member of the said Council, who, without sufficient cause to be allowed by the said Chancellor by an order entered for that purpose on the said Council Books, shall absent himself from all the meetings thereof which may be held within any six

successive calendar months, shall thereon vacate such his seat in the said Council; And we do by these presents, for us, our heirs and successors, will, ordain and grant, that the said Council of our said College shall have power and authority to frame and make statutes, rules and ordinances, touching and concerning the good government of the said College; the performance of Divine Service therein; the Studies, Lectures, Exercises, Degrees in Arts and Faculties, and all matters regarding the same; the residence and duties of the President of our said College; the number, residence and duties of the Professors thereof; the management of the revenues and property of the said College; the salaries, stipends, provisions and emoluments of and for the President, Professors, Scholars, Officers and Servants thereof; the number and duties of such Officers and Servants; and also touching and concerning any other matter or thing which to them shall seem good, fit and useful for the well being and advancement of our said College, and agreeable to this our Charter; and also from time to time, by any new statutes, rules or ordinances, to revoke, renew, augment, or alter all, every or any of the said statutes, rules and ordinances, as to them shall seem meet and expedient; provided always, that the said statutes, rules and ordinances, or any of them, shall not be repugnant to the Laws and Statutes of the United Kingdom of Great Britain and Ireland, or of our said Province of New Brunswick, or to this our Charter; provided also, that the said statutes, rules and ordinances shall be subject to the approbation of the said Visitor of the said College for the time being, and shall be forthwith transmitted to the said Visitor for that purpose; and that in case the said Visitor shall for us and on our behalf, in writing, signify his disapprobation thereof within two years of the time of their being so made and framed, the same or such part thereof as shall be so disapproved by the said Visitor, shall from the time of such disapprobation being made known to the said Chancellor of our said College, be utterly void and of no effect, but otherwise shall be and remain in full force and virtue; provided nevertheless, and we do hereby expressly save and reserve to us, our heirs and successors, the power of reviewing, confirming or revising, by any order or orders to be by us or them made in our or their Privy Council, all or any of the decisions, sentences or orders so to be made as aforesaid by the said Visitor for us and on our behalf, in reference to the said statutes, rules and ordinances, or any of them; And we do further ordain and declare, that no statute, rule or ordinance shall be framed or made by the said College Council, touching the matters aforesaid, or any of them, excepting only such as shall be proposed for the consideration of the said Council, by the Chancellor for the time being of our said College; And we do require and enjoin the said Chancellor thereof to consult with the President of our said College and the next senior member of the said College Council, respecting all statutes, rules and ordinances to be proposed by him to the said Council for their consideration; And we do hereby for us, our heirs and successors, charge and command that the statutes, rules and ordinances aforesaid, subject to the said provisions, shall be strictly and inviolably observed, kept and performed from time to time, in vigour and effect, under the penalties to be thereby or therein imposed or contained; And we do further will, ordain and grant, that the said College shall be deemed and taken to be an University, and shall have and enjoy all such and the like privileges as are enjoyed by our Universities of our United Kingdom of Great Britain and Ireland, as far as the same are capable of being had and enjoyed by virtue of these our Letters Patent; and that the Students in the said College shall have liberty and faculty of taking the Degrees of Bachelor, Master and Doctor in the several Arts and Faculties at the appointed times, and shall have liberty within themselves of performing all Scholastic Exercises for the conferring such Degrees, in such manner as shall be directed by the statutes, rules and ordinances of the said

College; And we do further will, ordain and appoint, that no religious test or qualification shall be required of or appointed for any persons admitted or matriculated as Scholars within our said College, or of persons admitted to any Degree in any Art or Faculty therein, save. only that all persons admitted within our said College to any Degree in Divinity, shall make such and the same declaration and subscription, and take such and the same oaths as are required of persons admitted to any Degree of Divinity in our University of Oxford; And we do further will, direct and ordain, that the Chancellor, President and Professors of our said College, and all persons admitted therein to the Degree of Master of Arts, or to any Degree in Divinity, Law or Medicine, and who from the time of such their admission to such Degree, shall pay the annual sum of twenty shillings sterling money, for and towards the support and maintenance of the said College, shall be and be deemed, taken and reputed to be members of the Convocation of the said University, and as such members of the said Convocation, shall have, exercise and enjoy all such and the like privileges as are enjoyed by the members of the Convocation of our University of Oxford, so far as the same are capable of being had and enjoyed by virtue of these our Letters Patent, and consistently with the provisions thereof; And we will, and by these our presents, for us, our heirs and successors, do grant and declare that these our Letters Patent, or the enrolment or exemplification thereof, shall and may be good, firm, valid, sufficient and effectual in the law, according to the true intent and meaning of the same, and shall be taken, construed and adjudged in the most favourable and beneficial sense for the best advantage of the said Chancellor, President and Scholars of our said College, as well in our Courts of Record or elsewhere, and by all and singular Judges, Justices, Officers, Ministers, and other subjects whatsoever, of us, our heirs and successors, any mis-recital, non-recital, omission, imperfection, defect, matter, cause or thing whatsoever to the contrary thereof in any wise notwithstanding. In witness whereof, we have caused these our Letters to be made Patent. Witness ourself, at Westminster, the fifteenth day of December, in the eighth year of our Reign.”

And whereas it is deemed advisable and necessary that certain alterations be made in the said Charter for the more effectual extension of the benefits of the Institution to all Denominations of Her Majesty’s Subjects in the Colony, and that the said Charter may be rendered more productive of the benefits thereby intended;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That for and notwithstanding any thing in the said Charter contained, His Excellency the Lieutenant Governor or Administrator of the Government for the time being, shall be Visitor of the said College, in the place and stead of the Visitor named in the said Charter; that the Chief Justice of the Supreme Court for the time being shall be Chancellor of the said College; and that the provisions of the Charter, “that the President of the said College shall be a Clergyman in Holy Orders of the United Church of England and Ireland,” and “that the Archdeacon of the Province for the time being, shall, by virtue of such his office, he at all times the President of the College,” be annulled, and that the President in future be appointed by Her Majesty, Her Heirs and Successors, or by the Visitor on Her Majesty’s behalf.

II. And be it enacted, That the College Council shall be fifteen in number, as follows, viz: The Chancellor, the President of the College, the Master of the Rolls, the Speaker of the Assembly, the

Secretary of the Province, the Attorney General, and nine other Members to be nominated by the Visitor, with the power of suspension in the Visitor, now vested by the said Charter in the Chancellor; and that seven Members of the said Council shall at all times constitute a quorum for the dispatch of business.

III. And be it enacted, That it shall not be required that Members of the said Council be Graduates of the said College, or of any other University, nor shall any religious test be appointed for or required of any Members of the said Council, or of any Professor of the said College, save and except the Professor of Theology, who shall at all times be a Clergyman of the United Church of England and Ireland.

IV. And be it enacted, That from and after the passing of this Act, any person taking a Degree in Divinity, shall take the oaths now prescribed by the Charter, and shall be required to name and subscribe the following and no other declaration:—

“I do hereby solemnly profess, testify and declare, that I believe in the authenticity and Divine inspiration of the Old and New Testaments, and in the Doctrine of the Holy Trinity.”

V. And be it enacted, That notwithstanding any thing in the said recited Charter contained, it shall and may be lawful for any Member of the said College Council, at any meeting thereof, to propose such modifications of, and additions to the Statutes, Rules and Ordinances of the said College, as he may deem proper, without first consulting with or obtaining the consent of the Chancellor for the time being.

VI. And be it enacted, That from and after the passing of this Act, the power of appointment to Professorships be vested in Her Majesty, Her Heirs and Successors, or in the Visitor on Her Majesty's behalf.

VII. And be it enacted, That Divine Service shall at all times be performed in the said College, according to the order, rites and ceremonies of the United Church of England and Ireland.

VIII. And be it enacted, That the Registrar of the said College shall, within fourteen days after the meeting of the Legislature in each and every year, prepare and lay before the Assembly a full and detailed Account, duly attested, of the income and expenditure of the Institution for the previous year, together with a statement of the number and names of Professors, and the number and names of the Students.

IX. And be enacted, That the said Charter shall still be and remain in full force and effect in all respects, except so far as the same is hereby altered and amended, and that nothing herein contained shall extend or be construed to extend to affect any right of action by or against the present Corporation, or to affect any contracts or agreements made by and with the same, or to affect the right, title, power or authority of the said Corporation, to the Corporate Lands, tenements and premises, or to the rents, duties and liabilities arising therefrom, or from any part thereof.

X. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto had and declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 19th day of December, 1846, and published and declared in the Province the 3d day of February, 1847.]