

[STATUTES OF NOVA SCOTIA, 1789]

*Anno vicesimo nono GEORGII III.***CAP. IV.****An ACT, for founding, establishing and maintaining
a College in this Province.**

[1] Preamble.

WHEREAS the permanent Establishment and effectual Support of a College at *Windsor*, may, by the blessing of God, become of the greatest public Utility to this Province, and to His Majesty's neighbouring Colonies;

£444. 8. 10.
granted annually for the support of the College and payment of the Professors &c.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That a Sum not exceeding Four hundred and Forty four Pounds, Eight Shillings and Ten Pence half penny, Current Money of *Nova-Scotia*, equal to Four hundred Pounds Sterling Money of *Great Britain*, shall be yearly, and every Year granted, allowed and paid

Chargeable on the Duties on Sugars,

by, from, or out of, such Monies as may from Time to Time be collected and paid into the public Treasury of this Province from the Duties imposed or to be imposed on brown and loaf or refined Sugars; and

and, if insufficient on the other Aids.

in Case such Duties are not sufficient to answer the said Sum at the Days and Time of Payment thereof; then by, from, or out of any other Aids, Supplies or Taxes not otherwise specially appropriated to other Uses;

which Sum of Four hundred and Forty-four Pounds, Eight Shillings and Ten Pence half Penny, shall be drawn by Warrant, under the Hand and Seal of the Governor, Lieutenant Governor, or Commander in Chief for the Time being, on the

Provincial Treasurer in the way usually practised in equal Quarterly Payments; the first Quarter to commence the First of *January*, One Thousand Seven Hundred and Eighty Nine, and to be drawn for on the First of *April*, and so on from Quarter to Quarter, as the same shall grow due, on the Requisition of the Governors of the said College or the Major Part of them as herein after appointed, for or towards the Maintenance and Support of the said College, and the Payment of the Salaries of the President and Professors to be by them appointed.

II. And be it further enacted, by the Authority aforesaid, That the Governor, and Commander in Chief of the Province of *Nova-Scotia*, for the Time being; the Lieutenant Governor for the Time being; the Bishop of *Nova-Scotia* for the Time being; the Chief Justice for the time being; the Secretary of the Province, for the Time being; the Speaker of the *House of Assembly*, for the Time being; His Majesty's Attorney General for the Time being; and His Majesty's Solicitor General for the Time being; shall be Governors of the said college.

Governors of the College named and appointed.

III. And be it further enacted, by the Authority aforesaid, That for the better Management and Regulation of the said College, and the more full and compleat executing the Purposes of this Act, the said Governors hereby appointed,

Incorporated by the name of the Governors of King's College in *Nova-Scotia*.

shall be a Body Politick and Corporate in Deed, and Name, and have Succession for ever by the Name of "the Governors of *King's College* of *Nova-Scotia*." and

by that Name shall 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

to have and use a Common Seal to be appointed by themselves, and

Governors or the Major part to make Ordinances, use a Common Seal,

[1] [Canadiana.ca] *The Perpetual Acts of Nova Scotia, 1789*, pp 277-279; *Statutes at Large . . . of Nova-Scotia (1758-1804)*, vol 1, pp 268-269. According to the House of Assembly Journal, the bill was read and passed by the house on 3 April 1789 (p 37), amendments proposed by the legislative council later the same day (p 40), amendments agreed to by the house on 4 April 1789 (p 40) and the bill received royal assent from lieutenant-governor John Parr on 9 April 1789, the date of prorogation (p 52). Under British parliamentary practice in this era, the act would have been retroactively deemed legally in force on 5 March 1789, date of commencement of the session. This new King's College was founded in Windsor, NS, by united empire loyalists who had lost their previous King's College in New York—which is now Columbia University. The college was made a university by royal charter in 1802 and claims to be the oldest university in what is now Canada. A disastrous fire in 1920 caused it to move to Halifax, where it still legally exists now in association with Dalhousie University, governed by the *King's College Act*, RNS 1998 c 44.

to make Bye Laws and Ordinances for the Regulation and general Management of the said College, and

to assemble together, when and where, and as often and upon such Notice as to them shall seem meet, for the Execution of the Trust hereby reposed in them; and

shall also have full Power and Capacity to purchase, receive, take, hold, and enjoy for the Use and Benefit of the said College, and the Purposes of this Act, as well Goods and Chattles, as Lands, Tenements and Hereditaments, any Law or Statute to the contrary thereof notwithstanding.

IV. And be it further enacted, by the Authority aforesaid, That the Governors of the said College so appointed and incorporated by this Act, or such major Part of them at any General Meeting assembled,

shall from Time to Time, and as they shall think fit, make and establish such Statutes, Rules and Ordinances for the Instruction, Care and Government, of the Students, and for the Care and Preservation of the Books, Furniture and other Property belonging to the said College as to them shall seem meet, and

shall and may in like Manner

nominate and appoint the President and Professors (the President always to be a Clergyman of the established Church of England, duly qualified for that Office,) to whom the Tuition of the Students in the said College shall be committed; and also to appoint such Officers and Servants from Time to Time, as the said Governors or such major Part of them may think necessary, and

assign to them respectively out of the said Sum of Four hundred and Forty-four Pounds, Eight Shillings and Ten Pence half Penny annually granted by this Act, such Salaries and Allowances as they shall think fit; and

shall and may in like manner suspend or remove the President, Professors, Officers and Servants, or any or either of them for Misbehaviour or neglect of Duty;

and no President or Professor, Officer, or Servant of the said College, unless in Cases of Sickness, shall absent themselves from their respective Du-

ties without the express Leave of the Governors or the Majority of them, who are hereby authorized

to appoint a Deputy or Deputies to fill the Office of such President or Professor in such Cases, and to appropriate a part or the whole of the Salary of the President or Professor absent as aforesaid, for the Payment of such Deputy.

V. And be it further enacted, by the Authority aforesaid, That besides the Four hundred and Forty-four Pounds, Eight Shillings and Ten Pence half Penny hereby annually granted for the Purposes of the said College, it shall and may be lawful for the Governor or Lieutenant Governor and Commander in Chief, at the Requisition of such major Part of the Governors of the said College to draw by Warrant from the Treasury of this Province, a Sum not exceeding Five hundred Pounds, to enable them to purchase such House, Lot of Ground and Premises in the Township of *Windfor* as they may choose and think requisite, and proper for the purpose of founding and establishing of such College.

VI. And be it further enacted, That it shall and may be lawful for the said Governors to provide a Person well and sufficiently qualified to act as a temporary President, and also a Person or Persons well and sufficiently qualified, to act as temporary Professors, who shall be immediately employed in the Education of Youth;

and the said Governors shall and may continue to apply such Parts or Shares of the said Sum herein before granted for the Payment and Support of such temporary Establishment until a sufficient Building shall be erected, and a Charter obtained from our Most Gracious Sovereign to authorize the opening of such College in due Form.

and to purchase or receive for the use of the College Goods & Lands.

Governors or the Major part to establish Rules for the Instruction and Government of the Students,

and to Nominate and appoint the president and professors,

and to fix their Salaries &c.

and to remove them for Misbehaviour.

No professor or Officer to absent himself without leave..

Further Sum of £500. granted to enable the Governors to purchase a House or Ground in Windfor for the College.

Governors to provide a temporary President or professors,

until a sufficient building shall be erected, and a Charter obtained from His Majesty.