

An Act for Incorporating the Trustees of the Saint Mary's College, at Halifax.

(Passed the 29th day of March, A. D. 1841.)

WHEREAS, a number of persons, professing the Roman Catholic Religion, associated themselves in this Province, under the name of the Society to support the Seminary of Saint Mary's, and have raised, from time to time, large sums of money, by private contribution, which they have expended in the erection of valuable and expensive buildings, and the establishment and support of a Seminary, without being aided by any Legislative grant of money for that purpose. Preamble.

And whereas, they have found it necessary and proper, for carrying into full effect their aforesaid useful objects, to establish a Collegiate Institution, under the name of Saint Mary's College, to be supported out of the Funds, Contributions, and Collections of the said Society—which College, being now in operation with a large number of Students, they have petitioned the Legislature for an Act to Incorporate the Trustees, and extend to it Collegiate privileges and pecuniary aid.

And whereas, the said Society is supported by a large portion of the Inhabitants of this Province, and has, by great exertions and perseverance, and by very large pecuniary contributions, as aforesaid, and the establishment of the said Institutions, greatly advanced the interest of Education in this Province, and is therefore deserving of encouragement; and as the said Collegiate Institution is likely to be a public benefit, by affording the means of Education, in the higher branches of Classical and Scientific Literature, to the Youth of the Country, on moral and religious principles, in a manner suited to their means and habits, whereby the danger of their leaving this Province, and probably being induced to settle in Foreign Countries, will be avoided:

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the Right Reverend Doctor Fraser, the Reverend Richard O'Brien, the Honorable Michael Tobin, the Honorable Michael Tobin, junior, Edward Kenny, Peter Furlong, and Lawrence O'Connor Doyle, Esquires, now being the Trustees of the said Seminary, together with three other persons, that is to say—one named by His Excellency the Lieutenant-Governor, one to be named by Her Majesty's Legislative Council, and one to be named by the House of Assembly, shall be Trustees and Governors of the said Saint Mary's College.

Names of present Trustees of Seminary & three others named by the Governor, Council and Assembly respectively to be Trustees and Governors of St. Mary's College.

On vacancies occurring how to be supplied

II. *And be it enacted*, That on vacancies occurring in the case of the persons named by His Excellency the Lieutenant-Governor, the same vacancies may be supplied by the Governor, Lieutenant-Governor, or other Officer administering the Government, for the time being; and on vacancies occurring in the case of persons appointed by Her Majesty's Legislative Council, such vacancies may, from time to time, be supplied by the said Council; and on vacancies occurring in case of persons appointed by the House of Assembly, such vacancies may, from time to time, be supplied by the said House of Assembly; and on vacancies occurring in the case of any of the Trustees, whose names have been hereinbefore mentioned, the same vacancies may be supplied by the surviving or remaining Trustees.

The Trustees & Fellows of the College to be a body Politic

Name
May sue and be sued
May have a Common Seal
May make by Laws &c.
May hold goods and Tenements as well as Lands and Tenements so as the Lands do not exceed £10,000

III. *And be it enacted*, That for the better management and regulation of the said College, and the more full and complete executing the purposes of this Act, the said Trustees, hereby appointed, and hereafter, and from time to time, to be appointed, by virtue hereof, together with the Fellows of the said College, to be from time to time appointed, by virtue hereof, shall be a Body Politic and Corporate, in deed and name, and shall have perpetual succession, by the name of Saint Mary's College, and by that name shall sue and be sued, implead and be impleaded, in all Courts and places in 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 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 such College, and the purposes of this Act, as well goods and chattels as lands, tenements, and hereditaments, so as such lands, tenements, and hereditaments shall not exceed in value Ten Thousand Pounds, any Law or Statute to the contrary notwithstanding.

The College may consist of six or more Professors & Fellows & six or more Scholars

The College to be deemed an University with the usual privileges
The Students may take degrees in the Arts & Faculties
Proviso

IV. *And be it enacted*, That the said College may consist of six or more Professors and Fellows, and six or more Scholars, at such salaries, and subject to such provisions, regulations, limitations, and qualifications, rules and restrictions, as shall hereafter be appointed by the Statutes, Rules, and Ordinances of the said College, and the said College shall be deemed and taken to be an University, with all and every the usual privileges of such an Institution, and that the Students, in the said College, shall have the liberty and privilege of taking the Degrees of Bachelor, Master, and Doctor, in the several Arts and Faculties, at the appointed times, and shall have power, within themselves, of performing all Scholastic Exercises necessary for the conferring of such Degrees, as shall be directed by the Statutes, Rules, and Ordinances of the said College; *Provided always*, that the temporary vacancy of any of the said Offices of Professor, Fellow, or Scholar, shall not involve a forfeiture of all or any of the rights or privileges granted by this Act.

While money is paid out of the Treasury the Governor may enquire into proceedings of Trustees
Governor with the Executive Council may remove Trustees if found offending against this Act

V. *And be it enacted*, That so long as any sum of money shall be paid out of the provincial Treasury, towards the support and maintenance of the said College, the Governor, Lieutenant-Governor, or Officer administering the Government, for the time being, of the said Province of Nova Scotia, may, from time to time, enquire into the proceedings of the said Trustees and Governors, before himself and Her Majesty's Executive Council of the said Province; and if, after just enquiry and due proof, they shall find that any of the said Trustees and Governors have conducted the proceedings of the said College in a manner inconsistent with this Act, or the professed objects of the said College, then, and in that case, the Governor, Lieutenant-Governor, or Officer administering the Government, for the time being, with the advice of Her Majesty's Executive Council of this Province, may remove any of the Trustees and Governors so found offending.

No religious test to be required

VI. *And be it enacted*, That no religious test or subscription shall be required of any Scholar, Graduate, or Student, or the Trustees of the said College, but that all the privileges and advantages thereof shall be open and free to all and every person and persons, whomsoever, without regard to religious persuasion or denomination.

The Act to continue 11 years
Suspended clause

VII. *And be it enacted*, That this Act shall continue and be in force for Eleven Years, and from thence to the end of the then next Session of the General Assembly.

VIII. *And be it enacted*, That this Act shall not go into operation, or be of any force and effect, until Her Majesty's pleasure shall be made known thereon.

Faculty?
NO

Adm
Fellows
Professors