

# An Act to Incorporate Saint Thomas' College\*

## 24 George V, Chapter 45 (1934)

Be it enacted by the Lieutenant-Governor and Legislative Assembly, as follows:

1. His Excellency The Right Reverend Patrick A. Chiasson, Roman Catholic Bishop of Chatham; and Very Reverend James M. Hill, Reverend John D. Keane, Reverend James E. Dunn, and Reverend John F. Ryan, Roman Catholic Clergymen, now connected as professors and teachers with Saint Thomas' College at the Town of Chatham in the County of Northumberland and their respective successors in office are hereby declared to be a body politic and corporate in deed and in name and shall have succession forever by and under the name of "Saint Thomas' College," for the purpose of carrying on at the said Town of Chatham, or such other place or places in the Province of New Brunswick as may be deemed desirable, the work of education in all its branches and for such purpose shall have all the powers, rights and privileges made incident to a corporation by Section 14 of The Interpretation Act, being Chapter 1 of The Revised Statutes of New Brunswick, 1927, and by The Corporations Act, being Chapter 87 of said Statutes, and particularly, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that the corporation, hereby incorporated, shall have full power and capacity in its corporate name.--

a) To continue, manage, maintain, increase and extend the institution heretofore conducted at Chatham aforesaid and known as Saint Thomas' College, and to found, establish, manage and maintain at Chatham aforesaid, or elsewhere in the Province of New Brunswick such other schools, colleges or educational institutions as may be deemed advisable.

b) To affiliate with the said College any other college or university in any department of arts, theology, law, medicine, agriculture, engineering, or in any other department of science or knowledge, and to make such rules and ordinances for such affiliations and for the regulation and management thereof as from time to time may be deemed advisable.

c) To make by-laws, not contrary to law, for the good rule and government of the corporation and for regulation and management of its affairs.

d) To appoint all professors, tutors, instructors, lecturers, officers and servants, that may be deemed necessary to carry out its objects, and to fix their compensation and define their duties.

e) To purchase, or otherwise obtain, receive, hold, possess and enjoy for its own use and benefit, any and all rights, privileges, goods, chattels, choses in action, lands, tenements, hereditaments, property moneys and investments subject to clause g) of this

section which at any time hereafter, may be offered for sale or other disposal, given, devised or bequeathed to the Corporation, either absolutely or upon such terms, conditions or trusts as may be imposed with reference thereto, by the person so offering for sale or other disposal, giving, devising or bequeathing the same, and to alienate, convey, sell, assign, transfer and set over any or all of the same, either absolutely or by way of mortgage.

f) To erect or otherwise acquire all necessary buildings for the use of the said College in all or any of its branches and to provide all necessary buildings, gymnasiums, parks, athletic and pleasure and other grounds, the means of exercise and recreation, in connection with the said schools, colleges and educational institutions and suitable buildings or residences for boarding and lodging the students and other persons in attendance at or employed in connection with the same, and all other things which may be deemed desirable for their health, pleasure and comfort.

g) To invest, from time to time, its moneys or any portion thereof, either in the purchase of other real estate, or upon good and sufficient landed security, at interest, or in securities of the Dominion of Canada, or in Provincial Debentures of any Province of Canada, or in public or municipal debentures or securities issued under the authority of any Act of the Parliament of Canada, or of any Province within the said Dominion, and the same shall not be invested in the stock, shares or securities of any joint stock or incorporated company, or upon private or personal security, or deposited in the hands of any private banker.

h) To take security by way of mortgage or otherwise for all moneys loaned by it or indebtedness due it.

i) To borrow, from time to time, such moneys as may be deemed necessary, at such rate of interest as may be agreed upon, and to accept bills of exchange or give promissory notes, or bonds, debentures, or other certificates of indebtedness in the name of the Corporation therefor.

j) To purchase or otherwise acquire, and to sell to the students attending said schools, colleges and educational institutions, any books, stationery, educational equipment and apparatus they may require.

k) To charge and collect from said students for their board, lodging, instruction, attendance, degrees, use of library and laboratories, and other privileges, such fees as may be deemed necessary.

l) To do all things reasonably necessary and incidental to the carrying out and enjoyment of the preceding powers, rights, privileges, purposes and objects.

\* Amended by 3 George VI, Chapter 99 (1939); and Chapter 173 (1960).

2. The said persons named in Section 1 of this Act and their successors appointed members of the Corporation hereinafter provided for, shall be the Board of Governors of the said College and shall be known and described as "The Board of Governors of Saint Thomas' College," and shall have the management and control of all the affairs and property of the said Corporation, and shall have power and authority to manage and control all the affairs of the said College, and may make all such rules and regulations as may be deemed advisable relating thereto.

3. The first meeting of the Board of Governors for the organization thereof under the provisions of this Act, shall be held at Saint Thomas' College at Chatham aforesaid at a time and place to be named by His Excellency The Right Reverend Patrick A. Chiasson, or in case of his death or absence or failure to call such meeting, then by any two others of the persons named in Section 1 of this Act; notice of such meeting shall be given to the other members of the said Corporation, either personally or by posting up a notice of such meeting in three conspicuous places within the said College building one week prior to the day of such meeting.

4. At such meeting the Board of Governors, or a majority of them, shall elect a president, vice-president, secretary, and such other officers as may be deemed necessary. At such meeting as well as at all subsequent meetings, three members of the Board of Governors shall constitute a quorum for the transaction of business.

5. There shall be an annual meeting of the Board of Governors at such time and place in the Province of New Brunswick as may from time to time be fixed by the Board; the said Board at the first meeting held after the passing of this Act, or adjournment thereof, shall prescribe the time and place for holding such annual meeting.

6. Vacancies occurring amongst the officers so elected from time to time, whether by death, resignation or permanent removal from the Province of New Brunswick, or otherwise, shall be filled by the Board of Governors.

7. In addition to the annual meetings, special meetings of the Board may be held from time to time as may be deemed advisable or necessary, and such meetings shall be called in such manner as the Board shall from time to time prescribe.

8. The president, vice-president, secretary, and other officers shall be elected among the Board of Governors.

9. All vacancies which may occur in the Board of Governors, whether by death, resignation, removal from the Province of New Brunswick, or otherwise, shall be filled by the remaining members of the said Board at a meeting duly called for that purpose.

10. The President and professors of said College, appointed by the Board of Governors, shall constitute the Faculty of the said College, who shall have the control and discipline of the students attending the College and shall prescribe and control the requirements for matriculation, the courses of study for undergraduates, the granting of degrees, and generally all matters relating to the educational work of the College.

11. The said "Saint Thomas' College" shall be held and taken, and is hereby declared to be a University, with all and every the powers and privileges of such an institution, and the Board of Governors thereof shall have full power and authority to confer upon properly qualified persons the degree of Bachelor, Master and Doctor in the several arts and faculties in the manner and upon the conditions which may be ordered by the Board of Governors.

### 3 George VI, Chapter 99 (1939)

Whereas there has been a new division of Dioceses of the Roman Catholic Church in the Province of New Brunswick, and as a result the See of Chatham has been moved to Bathurst and the Bishop of the former Diocese of Chatham is now the Roman Catholic Bishop of Bathurst;

And whereas it is desired to increase the number of Governors of Saint Thomas College;

Be it therefore enacted by the Lieutenant-Governor and Legislative Assembly as follows:

1. Chapter 45 of the Act 24 George V. (1934) is hereby amended by adding thereto the following as Section 1A:

1A. The Roman Catholic Bishop of Bathurst shall be ex officio a member of the Corporation and shall for the purposes of this Act be deemed to be an incorporator.

2. Section 2 of said Chapter 45 is hereby repealed and the following substituted in lieu thereof:-

2. The incorporators named in this Act, their successors as members of the Corporation, and any other persons, not exceeding twenty-five in number, to be selected and appointed by the said incorporators, and the successors of such persons so selected and appointed, shall be and constitute The Board of Governors of Saint Thomas' College, and the said Board shall deal with all matters referred to it by the said incorporators, and their successors as such incorporators.

## Chapter 173 (1960)

Whereas St. Thomas' College has by its petition prayed that an Act respecting St. Thomas' College be amended:

And whereas it is deemed expedient to grant the prayer in the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of New Brunswick, enacts as follows:

1. An Act respecting St. Thomas' College. Chapter 45, 24 George V, 1934, as amended by Chapter 99, 3 George VI, 1939, is further amended by repealing Section 1A thereof and substituting therefor the following:

1A. The Roman Catholic Bishop of Saint John shall be ex officio a member of the corporation and shall, for the purposes of this Act, be deemed to be an incorporator, and the Roman Catholic Bishop of Saint John is hereby vested with all rights, privileges, benefits and authorities respecting the corporation which are now or heretofore have been vested in the Roman Catholic Bishop of Bathurst (formerly known as the Roman Catholic Bishop of Chatham), as fully and effectually as if the Roman Catholic Bishop of Saint John had been named an incorporator by the said Chapter 45, 24 George V, 1934.

2. Section 1A as amended by this Act shall be deemed to have been in force on and after the second day of April, 1959, and all acts and things heretofore done in conformity or substantial conformity therewith are ratified and confirmed and declared to have been validly done, and shall have effect accordingly.

3. The said Act is further amended by changing the name of the institution to "St. Thomas' University," and all property, real and personal, rights, privileges, powers, franchises, concessions and authorities presently vested in the institution under the name "St. Thomas' College" shall hereafter be vested in it under the name "St. Thomas' University," and all duties, obligations and liabilities presently to be observed, paid or performed by the institution under the name "St. Thomas' College" shall hereafter be observed, paid and performed by the institution under the name of "St. Thomas' University," and all proceedings may be continued or commenced by or against the institution under its new name that might have been continued or commenced by or against it under its former name.