

SUMMARY AND UNOFFICIAL CONSOLIDATION
OF THE STATUTES RELATING TO DALHOUSIE UNIVERSITY

Introduction

The basic statute relating to Dalhousie University is Chapter 24 of the Acts of 1863. This statute replaced earlier statutes (1820-1821, c.39; 1823, c.7; 1838, c.20; 1841, c.36; 1848, c.52). The 1863 statute has been amended and supplemented several times over the years:

1875, c. 27	1967, c.133
1881, c. 18	1969, c. 127
1934, c. 97	1976, c. 87
1935, c.104	1988, c. 74
1936, c.120	1996, c. 24
1958, c.121	

Unlike modern statutes, the 1863 statute was not amended in a clear fashion. The “unofficial consolidation” of the university statute below is designed to set out the basic provisions of the statute in a manner that is easier to understand. To accomplish this, the “consolidation”

Unofficial Consolidation of an Act for the Regulation and Support of Dalhousie College (1863, c. 24) e

Whereas it is expedient to extend the basis on which the said College is established, and to alter the constitution thereof, so as the benefits that may be fairly expended from its invested capital, and its central position may, if possible, be realized, and the design of its original founders as nearly as may be carried out.

Be it enacted by the Governor, Council and Assembly as follows:

- 1863, c.24
- 1 (1) The Board of Governors of Dalhousie College is continued as a body politic and corporate by the name and style of the "The Governors of Dalhousie College and University" (hereinafter referred to as "the Board") and shall continue to possess and exercise all the usual powers and authorities as such and all privileges and powers hitherto conferred upon it and vested in it by law and to have the title, control and disposition of property and funds belonging to the College and University, and shall consist of the following:
- (a) the Chancellor and the President of the University, and including those now appointed to office, twenty-five persons appointed by the Governor in Council upon the recommendation of the Board, and their successors in office appointed in like manner from time to time; 1958, c.121
 - (b) twelve persons nominated from time to time by the Alumni Association of Dalhousie College and University and approved and appointed by the Board; 1976, c.87
 - (c) two persons nominated from time to time to represent the Board of Governors of the University of King's College pursuant to an agreement between Dalhousie and King's College dated the first day of September, A.D. 1923, and approved and appointed by the Board; 1958, c.121
 - (d) a person nominated from time to time by the United Church of Canada in accordance with Clause (25) of the Orders of the Commission appointed under the provisions of the United Church of Canada Act, 14-15 George V, Chapter 122 and approved and appointed by the Board; 1958, c.121
 - (e) the Mayor of the City of Halifax for the time being; 1958, c.121
 - (f) four persons nominated from time to time by the Dalhousie Student Union and approved and appointed by the Board; 1976, c.87 (14-1703(26))

- (i) subject to subsection (3) four members of the full-time teaching staff, nominated by the University Senate and approved and appointed by the Board. 1988, c.74
- (2) The Board may define by ordinance from time to time the tenure of office of any or all present or future members of the Board and may designate from time to

- 4 (1) The Governors shall have power to appoint and to determine the duties and salaries of the President, Professors, Lecturers, Tutors and other officers of the College, and from time to time to make statutes and by-laws for the regulation and management thereof, and shall assemble together as often as they shall think fit, upon such notice as to them shall seem meet for the execution of the trust hereby reposed in them. 1863, c.24
 - (2) The Governors have power to appoint and to determine the tenure and duties of the Chancellor and the Vice-Chancellor. 1958, c.121
 - (3) The person appointed as incumbent of the office of President shall by virtue of the office also be Vice-Chancellor. 1958, c.121
- 5 The said Coll

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- (1) The Board shall from time to time when any new department, building, project or policy arises for consideration, appoint a committee of its members to meet with a like committee of the Senate, which joint committee shall investigate the same and recommend to the Board its findings thereon.
 - (2) There shall, in each year during the month of October, be a meeting of the President and six members of the Board with six representatives elected by the Senate, at which meeting may be discussed any matters pertaining to the welfare of the University, and any recommendations of such meeting shall be communicated to the Board and to the Senate.
 - (3) On the request of the Senate at any other time, the Board shall appoint representatives to meet with a like number of representatives of the Senate and with the President to discuss any matters pertaining to the welfare of the University, and any recommendations of such meetings shall be communicated to the Board and the Senate. 1935, c.104, s.3

9 The Board shall have and be deemed always to have had the power

- (a) to borrow money for the purposes of the Board and to mortgage, pledge or charge any real or personal property of the Board as security for the repayment thereof, for the purpose of purchasing land for any of the purposes of the Board, or for the purpose of erecting, finishing, enlarging, altering or repairing any building, for payment of any indebtedness incurred by the Board or for which the Board may be liable, or for any of the other purposes of the Board; provided that nothing contained in this Section shall be deemed to have authorized or to authorize the mortgaging, pledging or charging of any money, securities or other property which have been or may hereafter be given to the Board for the purpose of endowing any Chair or scholarship;
- (b) to lend money to and to guarantee the indebtedness of any person, firm or corporation for the purpose of assisting in the provision of housing accommodation for members of the teaching and administrative staffs and students of Dalhousie University;
- (c) subject to any provision to the contrary contained in any trust instrument, the Board may invest its money and funds in any bonds, debentures, stock, shares and other securities which it may consider proper for investment.

the reference is by official name or otherwise shall be held and construed to be a reference to the amalgamated university; and

- (d) subject to this Act, the amalgamated university has all of the rights, powers and privileges that Dalhousie and the Technical University had immediately before April 1, 1997
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- (1) The amalgamated university shall create a College of applied science and technology devoted to the advancement of technical education and research.
 - (2) The College shall be an academic unit of the amalgamated university, bearing a unique name, having a College Board and an Academic Council and headed by a Principal.
 - (3) The College shall be comprised of multiple interrelated professional faculties supported by College and university-wide services.
 - (4) The Board of Governors of the amalgamated university shall prescribe the terms of reference of the College Board and the Principal.
 - (5) Subject to the approval of the Board of Governors of the amalgamated university, the Senate of the amalgamated university shall prescribe the terms of reference of the Academic Council.
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- (1) Chapter 463 of the Revised Statutes, 1989, the Technical University of Nova Scotia Act, is repealed effective April 1, 1997.
 - (2) Notwithstanding subsection (1), the amalgamated university may award degrees, diplomas or certificates with the designation of the Technical University to students who have been enrolled in a program at the Technical University prior to April 1, 1997.

[Note: The omitted sections address the following issues: Section 6 of the statute imposes reporting requirements for the first five years of the Act (now passed). Sections 7 to 11, inclusive, address the transfer of employees, employee rights, and pension plan issues.]

Special Acts Applicable to Dalhousie University

Chapter 18 of the Acts of 1881 – “An Act provide for the organization of a Law Faculty in connection with Dalhousie College and for other purposes.” Section 1 of this Act provides:

The Governors of Dalhousie College at Halifax shall ... have power to organize a Faculty of Law in connection with such College; and to appoint professors or

Chapter 198 of the Acts of 1912 – “An Act to amend Chapter 24, Acts of 1863, entitled, ‘An Act for the Regulation and support of Dalhousie College and to take over the powers of the Halifax Medical College’.”

This Act transfers the Halifax Medical College, its franchise and property to Dalhousie.

Chapter 99 of the Acts of 1962 – “An Act relating to the Governors of Dalhousie College and University and the Maritime College of Pharmacy.”

This Act vests property of the Maritime College of Pharmacy in Dalhousie and repeals Chapter 80 of the Acts of 1940 – An Act to incorporate the Maritime College of Pharmacy.

Chapter 64 of the Acts of 1960 – “An Act to amend the law relating to the City of Halifax.”
Section 27 of this Act is as follows:-

27. (1) The Council may by resolution close to public use that portion of Carleton Street as shown coloured in red on a plan entitled “Plan Showing Portion of Carleton Street between University Avenue and College Street to be closed to Public Use and Conveyed to the Governors of Dalhousie College, “dated the 14th of January, 1960 and being on file in the Office of the Commissioner of Works of the city of Halifax at City Hall as Plan No. SS-5-14734. Upon the passage of such resolution of the right of the public to use the said portion of the said street shall be terminated and extinguished.
- (2) Upon the filing in the Registry of Deeds of a copy of the said resolution certified by the City Clerk, the legal title to the lands comprising such portion of Carleton Street as shown on said plan, shall vest in the City and the City may sell and convey such land to the Governors of Dalhousie College for such sum as it may determine and give a good and sufficient deed thereof.
- (3) Notwithstanding any provision of the Charter, the official street lines of that portion of Carleton Street as shown on Section 17-B of the Official City Plan, shall, upon the passing of the said resolution be deemed to have been removed, and such removal shall be so indicated on the Official Plan of the City and on the Copy thereof filed in the Registry of Deeds at Halifax, Nova Scotia.