

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” incorporates all the basic provisions of the above amendments but has been slightly reorganized and the sections renumbered. The years and chapter numbers of the various statutes amending and supplementing the 1863 Act are noted at the end of each section.

The most recent statute, the *Dalhousie-Technical University Amalgamation Act*, S.N.S. 1996, c. 24, which effected the amalgamation between Dalhousie and the Technical University of Nova Scotia, is set out separately immediately following the consolidation. The latter statute is a special Act, but it also supplements the basic statute by addressing some governance issues.

Over the years, many other special Acts applying to Dalhousie have been enacted. These statutes are listed and summarized following the *Dalhousie-Technical University Amalgamation Act*.

In reading the excerpts of the statutes, please note that Dalhousie’s legal name has changed over the years. Initially, the name was “Dalhousie College.” In 1863, it was changed to “The Governors of Dalhousie College and University.” Most recently, in 1996, it was changed to “Dalhousie University.”

Finally, please note that the unofficial consolidation and the summaries are provided for your convenience and personal use only. Where accuracy is critical, please consult the official text of the statutes. These can be obtained by contacting Legal Counsel’s Office (494-2184).

- (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 time any such member or members to represent any special endowments or affiliated colleges which may be entitled to representation. **1935, c.104**
- (3) No person who is both a member of the Board and a full-time member of the teaching staff shall, at any meeting of the Board, take part in any discussion respecting, or vote in any matter before the Board which directly relates to the terms and conditions of that person's employment with the Board, including the terms and conditions of employment of any class of employee to which that person belongs. **1988, c.74**
- (4) Any vacancy in the Board herein designated or as hereafter constituted occurring from any cause shall be filled by the appointment of a successor to hold office until the expiration of the term for which the member whose seat is vacated was appointed and such appointment shall, in the case of a successor to a person designated in clause (a) of subsection (1) hereof be made by the Governor in Council upon the recommendation of the Board, and in the case of a successor to a person appointed upon nomination of one of the bodies mentioned in clauses (b), (c), (d), (e), (f), (g) and (i) of subsection (1) shall be made by the Board on the nomination of such body and upon the approval thereof by the Board. **1935, c.104; 1988, c.74**
- 2 The Governors shall have the power to affiliate to Dalhousie College any other Colleges desirous of such affiliation, or any schools in Arts, in Theology, in Law or in Medicine, and to make statutes for such affiliations and for the regulation and management thereof, on the same principles as obtained in other universities, and to vary and amend such statutes from time to time: Provided always, that such Statutes of affiliation, before they go into effect shall be submitted to and receive the sanction of the Governor in Council. **1875, c.27**
- 2A There shall be an Executive Committee of the Board which shall consist of not more than twelve members and shall include the Chairman, the Vice-Chairman, the President and the Chairman of each of the standing committees of the Board for the time being and of such other members of the Board as may be appointed from time to time. The Executive Committee may exercise and discharge all the rights, powers, privileges, and functions of the Board (except that of appointment and dismissal of the full-time teaching and administrative staffs, and recommendations of members of the Board to the Governor-in-Council) in the intervals between meetings of the Board. The Board may nevertheless delegate to the Executive Committee the power to appoint or dismiss members of the full-time teaching and administrative staffs in the intervals between meetings of the Board. **1935, c.104; 1967, c. 133**
- 3 [this section is omitted – the provision is of historical interest only – see **1935, c.104, s.4**]

- 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 College shall be deemed and taken to be a University, with all the usual and necessary privileges of such institutions; and the students 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 the liberty within themselves of performing all scholastic exercises for the conferring of such degrees, and in such manner as shall be directed by the statutes and bye-laws. **1863, c.24**
- 6 No religious tests or subscriptions shall be required of the professors, scholars, graduates, students, or officers of the College. **1863, c.24**
- 7 (1) The internal regulation of Dalhousie College and University is committed to the University Senate, but any such internal regulation is subject to the approval of the Board. **1988, c.74**
- (1A) The membership of the University Senate shall be constituted in such manner as is determined from time to time by the University Senate and approved by the Board. **1988, c.74**
- (2) Without restricting the generality of sub-section (1), "internal regulation" includes power to exercise disciplinary jurisdiction over students attending the University, and in particular power
- (a) to fine students;
- (b) to suspend the rights of students to attend the University or to participate in any student activities, or both;
- (c) to expel students from the University.
- (3) The University Senate is empowered to delegate its disciplinary jurisdiction in any particular case or generally to any person or body of persons, subject to such conditions with respect to the exercise of any delegated power as it considers proper. **1969, c.127**

- 8 (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. **1935, c.104, s. 5; 1967, c.133**
- 10 Notwithstanding that any person or persons who have hitherto acted as members of the Board may not have been duly and legally appointed to that office, all acts, matters and things, purporting to have been done by the Board and which a legally constituted Board could have done are declared to be legal, valid and binding. **1935, c.104, s.6**
11. The Legislature shall have power from time to time to modify and control the powers conferred by this act. **1863, c.24, s.8**

Excerpts from the *Dalhousie-Technical University Amalgamation Act*, S.N.S. 1996, c. 24.

- 2 In this Act,
- (a) “amalgamated university” means Dalhousie and the Technical University as amalgamated and continued by this Act;
 - (b) “Dalhousie” means the Governors of Dalhousie College and University;
 - (c) “Technical University” means the Technical University of Nova Scotia.
- 3
- (1) Effective April 1, 1997, the Governors of Dalhousie College and University, a body corporate and politic pursuant to Chapter 104 of the Acts of 1935, *An Act Relating to Dalhousie College*, and the Technical University of Nova Scotia, a body corporate pursuant to Chapter 463 of the Revised Statutes, 1989, the *Technical University of Nova Scotia Act*, are amalgamated and continued as a body corporate and politic under a single board of Governors and having the name Dalhousie University.
 - (2) Every Act of the Legislature respecting Dalhousie, including, without restricting the generality of the foregoing, Chapter 24 of the Acts of 1863, *An Act for the regulation and support of Dalhousie College*, and Chapter 104, applies to the amalgamated university.
 - (3) Notwithstanding any other enactment, the Board of Governors of the amalgamated university may include up to five additional members nominated by the College Board established pursuant to this Act and approved and appointed by the Board of Governors of the amalgamated university.
 - (4) For greater certainty,
 - a) the amalgamated university is not an agent of Her Majesty in right of the Province; and
 - b) a person employed or engaged by the amalgamated university is not an officer, servant or agent of Her Majesty in Right of the Province.
- 4 Effective April 1, 1997,
- (a) all right, title and interest of Dalhousie and the Technical University in any real or personal property or otherwise is vested in the amalgamated university;
 - (b) all the obligations and liabilities of Dalhousie and the Technical University are the obligations and liabilities of the amalgamated university including all employee benefits and entitlements;
 - (c) in any enactment or in any document, including any deed, lease, agreement, will trust or debenture, a reference to Dalhousie or the Technical University, whether

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
- 5
- (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 lecturers in law, and out of the revenues of the College to provide for the maintenance and support of such Faculty and to make rules for the regulation and management of such Faculty, and for the granting of degrees in law on the same principles as obtain in universities, and to vary and amend such rules from time to time.

Chapter 31 of the Acts of 1883 – **“An Act to vest a portion of the Grand Parade (so called) in the City of Halifax and for other purposes.”**

This Act settles competing claims to the Grande Parade as between Dalhousie and the City of Halifax by vesting the Grande Parade in the City of Halifax. Among other things, this Act provides, in Section 4:

City of Halifax shall pay to the Governors of Dalhousie College at Halifax on the first Tuesday of June in every year so long as they shall maintain a college within the corporate limits of the city of Halifax the sum of Five Hundred Dollars to be expended by them in scientific or technological education in such way as they may deem expedient; and in the event of any special chair in technology or mechanics being founded in said College, the said money shall be exclusively applied in aid of such chair...”

Chapter 62 of the Acts of 1886 – **“An Act in relation to the purchase of Dalhousie College Building by the City of Halifax.”**

Section 2 of this Act authorized the City to convey to Dalhousie “for the purpose of erecting university buildings thereon” a portion of the south common of Halifax bounded on the south by Morris Street, on the west by Robie Street, on the north by College Street, and on the east by a line formed by the extension of Carleton Street to Morris Street.

Section 3 of this Act provides that the lands to be conveyed shall “be used solely for university purposes, and as appurtenant to the college buildings to be erected thereon, and shall not be sold, let or otherwise disposed of by the said governors and upon breach of any of the provisions hereof the same shall revert to the city.”

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.