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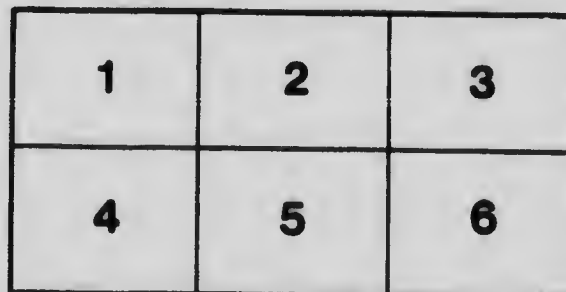
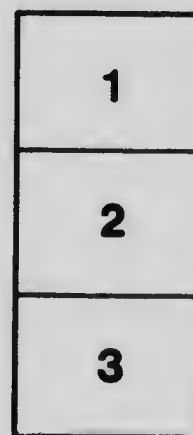
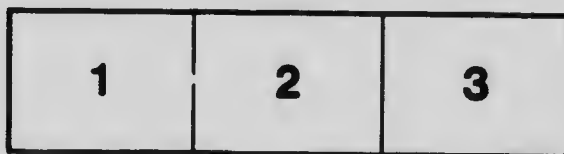
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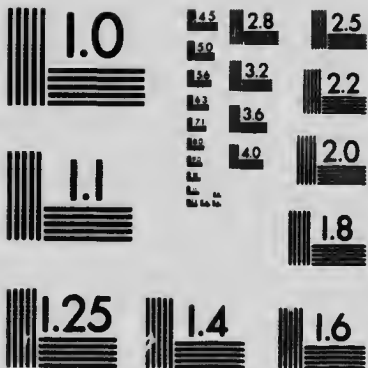
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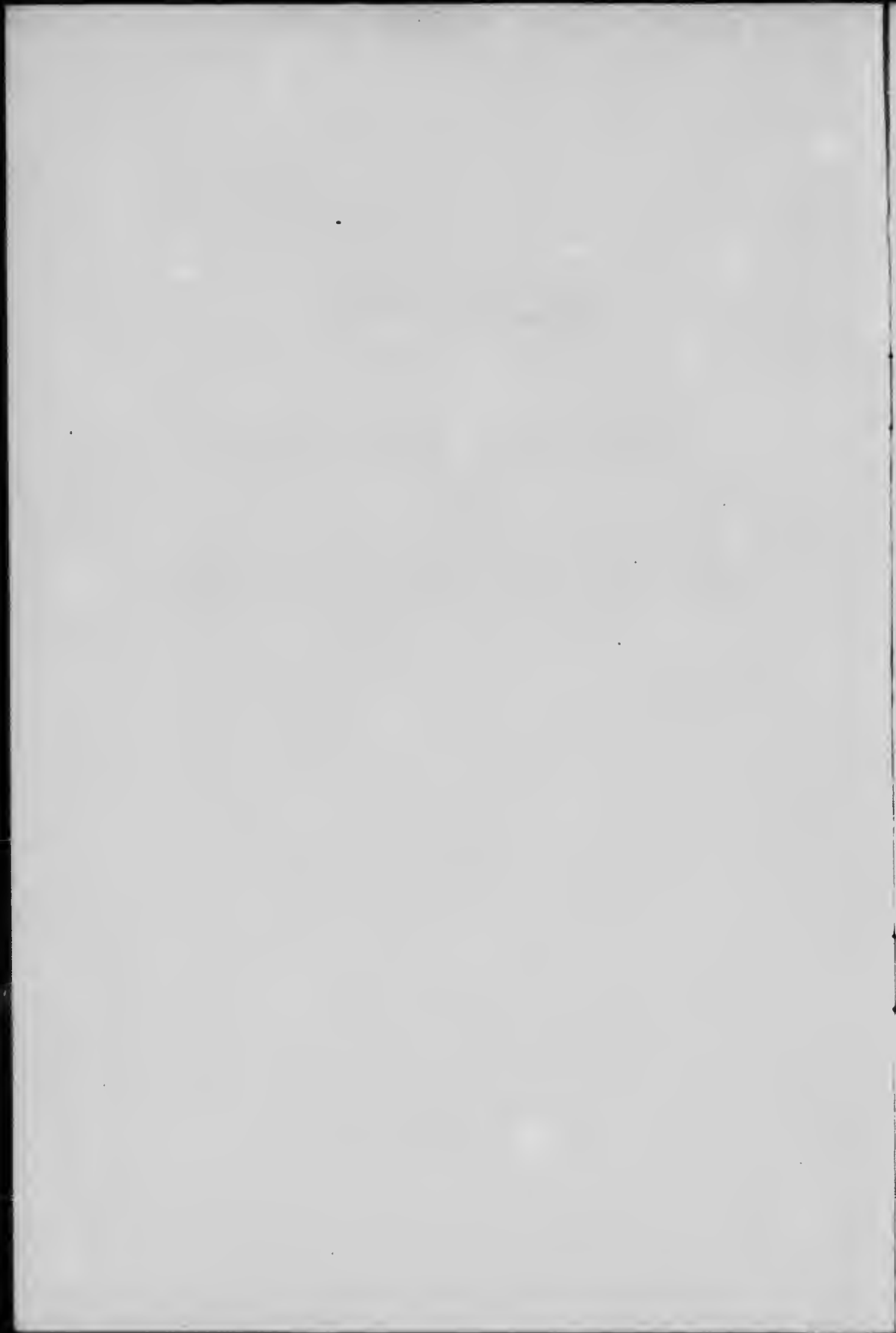
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REPORT
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SPECIAL COMMITTEE
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UNIVERSITY OF TORONTO

TORONTO:
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Dec. 8th, 1909.

**TO THE BOARD OF GOVERNORS OF THE
UNIVERSITY OF TORONTO.**

The Special Committee appointed to investigate and report upon the complaints made by the Honourable S. H. Blake and others with respect to the "Department of Religious Knowledge" in the University of Toronto and to the class or character of the teaching therein, and to the alleged teaching of "Religious Knowledge" in University College, beg to report as follows:—

1. Your Committee has had before it the correspondence referred to it by the board and additional correspondence from Mr. Blake, including a letter written by him to Chancellor Burwash, dated Feb. 11th, 1909, and the letter from Chancellor Burwash to which it is a reply.

2. Your Committee has heard the personal statements of Professor McCurdy, Dr. Eakin, Professor Davidson, and Principal Hutton.

3. Your Committee invited Mr. Blake to furnish it with any evidence he might have in support of his complaint, and received correspondence from him in the matter.

The Revs. Dr. Elmore Harris, Dr. Carman, and Dr. McLaren and Dr. Hoyles, K.C., appeared before your Committee and made statements of their views and arguments. Dr. Harris read and left with your Committee a paper on the subject.

4. Your Committee has met many times and has fully considered all the correspondence and documents and the statements of those who have appeared before your Committee. The printed "Calendar of the University of Toronto, University College, Victoria College, Trinity College, Faculty of Arts, 1908-1909," and Examination papers in "Oriental Languages" of University College for 1907 and 1908 have also been examined and considered.

5. The complaint in Mr. Blake's letter of 30th November, 1908, is that in University College "the teaching of Religious Knowledge is *ultra vires*."

In his letter of 22nd December, 1908, he refers to the University Calendar, 1908-1909, and to the "Department of Religious Knowledge"

mentioned therein, and he complains that "the setting up of this department is an illegal act, looking at the constitution of the University," and that "the class of instruction given therein is absolutely opposed to the orthodox position connected with the Bible."

6. In his paper read to your Committee Dr. Harris submits that the University Act, 1906, "excludes all interpretation of the Bible through any of the professors or lecturers of University College, whether in the form of Higher Criticism, Lower Criticism, or any other criticism."

7. As the legal questions involved depend upon the construction and effect of the provisions of the University Act, 1906, your Committee requested a sub-committee, consisting of Sir Charles Moss, Sir William Meredith, Dr. Hoskin, K.C., and Dr. Z. A. Lash, K.C., to consider and report upon these provisions. The report of the sub-committee forms part of this report as Appendix A.

8. The conclusions reached by the sub-committee, which your Committee has approved and adopted may be summarized thus:—

(1) That it is the imperative duty of the University of Toronto, under section 129 of the Act, to include in its curriculum on Arts the subjects of Biblical Greek, Biblical Literature, Christian Ethics, Apologetics, the Evidences of Natural and Revealed Religion and Church History.

(2) That the University of Toronto is directed by that section not to make provision for instruction in these University subjects, but to leave the making of such provision to the voluntary action of the federated Universities and Colleges. This is in strong contrast to section 127, sub-section (1), which expressly directs the University to give instruction in certain other subjects.

(3) That by section 127, sub-section (2), it is the imperative duty of University College to give instruction in Greek, Latin, Ancient History, English, French, German, Oriental Languages, and Ethics, and in such other subjects as may from time to time be determined by statute in that behalf, but not in Theology.

(4) That the direction in Section 129 to the University of Toronto to include in its curriculum the subjects above-named and to leave the making of any provision for instruction therein to the federated Universities and Colleges does not apply to University College.

(5) That the sole limitations upon University College with respect to instruction are:

(a) It must not give instruction in Theology.

(b) There must not be transferred to it without the direction of the Board of Governors, made with the consent of the federated Universities, any of the special subjects of instruction assigned by section 127, sub-section (1), of the Act to the University of Toronto.

9. With reference to the so-called "Department of Religious Knowledge," your Committee has examined the Calendar of the

University of Toronto for 1908-1909, and finds that it includes in the curriculum the subjects required to be included by section 129 of the University Act, 1906, above set out. Your Committee finds as a fact that the University of Toronto has not given instruction in these subjects, and has left to the voluntary action of the federated Universities and Colleges the giving of such instruction. The term "Religious Knowledge" has been used in the Calendar as a convenient (though possibly inaccurate) heading for the part or division under which these subjects are included, and the subjects are referred to as being in the "Department of Religious Knowledge"—another convenient (though possibly inaccurate) term—but there is nothing in the Calendar, in this respect, which transgresses the statute. On the contrary, the Calendar complies with the statute in respect of the subjects referred to. Your Committee, therefore, begs to report that the complaint that "the setting up of this department is an illegal act" is not well founded.

10. Your Committee is of opinion that it is not within its province to enquire into the class or character of the teaching given in this department. It has been given by the federated Universities and Colleges as required by the statute. Whether such teaching is consistent with or is "opposed to the orthodox position connected with the Bible" neither your Committee nor the Board of Governors has any right to interfere.

11. With reference to the alleged teaching of "Religious Knowledge" in University College, your Committee points out that the term "Religious Knowledge" is not used in the statute; the words in section 127, sub-section (2), are, "but not in Theology."

12. The chief objection of the complainants is that the Bible is used in the course of instruction in Oriental Languages in University College, and that certain parts of the Old Testament have been commented upon in a manner opposed to the "orthodox position connected with the Bible," and, as already mentioned, Dr. Harris contended that the University Act, 1906, excludes all interpretation of the Bible through any of the Professors or Lecturers of University College, and, in his statement to your Committee, he, in effect, held that any discussion of any of the books or narratives of the Bible would be a teaching of Theology and should not be allowed.

13. Your Committee begs to report that, in its opinion, the University Act does not exclude all interpretation of the Bible in University College, and that every discussion of any of its books in the College would not be a teaching of Theology contrary to the statute. In the opinion of your Committee many of the subjects assigned to University College could not be fully and properly taught without the use of the Bible—notably, Oriental Languages, Ethnics, Ancient History, and Greek require the assistance of the Bible for their full and proper appreciation. To exclude all discussion of the Bible and the literary, historical, linguistic, and ethical sides thereof, whether in the Hebrew, Greek, English, or other version, would be to exclude

from the Arts Course of the College an important literary work, an important historical work, an important help to the study of languages, and the greatest code of Ethics known to the world. Your Committee begs, further, to report that, in its opinion, discussions of the books and narratives of the Bible in the study of Literature, Ancient History, Oriental Languages, and Greek may take place without entering upon the domain of Theology contrary to the statute.

14. In the printed Calendar for 1908-1909, under the heading, "Colleges in the Faculty of Arts," there are grouped "University College," "Victoria College," and "Trinity College," and throughout the Calendar this grouping has been maintained where practicable, so as to avoid unnecessarily repeating with respect to each college information as to the courses of instruction which are common to the three. This way of framing the Calendar is, no doubt, convenient, and, where equal freedom of teaching a subject is possessed by all, no misunderstanding can arise; but your Committee is of opinion that University College does not possess the same freedom as the other two colleges with respect to teaching the subject of Oriental Languages and the various sub-divisions of that subject, which are set out in the Calendar as follows:—

ORIENTAL LANGUAGES.

1a. A course in the history of the Hebrew people from the Exodus to 586 B.C.; an introduction to prophecy with a study of the eighth century prophets. Two hours a week.

1b. Hebrew grammar; translation from English into Hebrew and from the Hebrew of Genesis into English. Davidson's Hebrew Grammar; Kittel's Biblia Hebraica. Three hours a week.

2a. A course in the history of the Hebrew people from 586 to 4 B.C.; an introduction to the prophetic books from Jeremiah to Malachi, with a critical study of selected portions. Two hours a week.

2b. Hebrew grammar with special attention to syntax; translation from English into Hebrew; reading of Genesis 37, 40-45; Deuteronomy 1-11; I. Kings 17-19, 21; history of the Massoretic Text and the Versions; outlines of the history of Israel and the geography of Palestine. Davidson's Hebrew Grammar; Kittel's Biblia Hebraica; Davies' Lexicon or Brown, Driver and Briggs' Lexicon; Ottley's History of the Hebrews; MacCoun's Holy Land in Geography and History, Vol. I. Three hours a week.

2c. Selections from Judges, with special attention to syntax; Hebrew prose exercises. Gesenius-Kautzch's Grammar; Davidson's Hebrew Syntax. One hour a week.

2d. Reading of Exodus 8-20; I. Samuel 9-19; II. Kings 17-19. One hour a week.

2e. Grammar of the Palestinian Aramaic, with reading of extracts from Daniel, Ezra and the Targums. Baer and Delitzsch's Text of Daniel and Ezra; Brown's Aramaic Method,

Part I.; Dalman's Aramaeische Dialektproben. Two hours a week.

3a. An introduction to the Exilic and Restoration literature, with a critical study of selected portions. Two hours a week.

3b. Translation from English into Hebrew; introduction to the prophetic literature; Hebrew history from the settlement in Canaan to the end of the Kingdom (586 B.C.). Davidson's Hebrew Syntax; Driver, Bennett or McFadyen on the Literature of the Old Testament; Kent's History of the Hebrew people. One hour a week.

3c. Reading of Amos and Isaiah 40-55. Kittel's Biblia Hebraica; Gesenius-Kautzsch's Hebrew Grammar; Brown, Driver and Briggs' Lexicon. One hour a week.

3d. Reading of selections from Isaiah 1-39. One hour a week.

3e. Reading of selections from Jeremiah and Ezekiel. One hour a week.

3f. Hebrew prose composition. Davidson's Hebrew Syntax. One hour a week.

3g. History of Western Asia and Egypt to 586 B.C., with special attention to the history, literature and institutions of the Hebrews. Kent's History of the Hebrew People; Breasted's History of Egypt; Goodspeed's History of the Babylonians and Assyrians; McCurdy's History, Prophecy and the Monuments; Driver's Literature of the Old Testament. Two hours a week.

3h. Syriac grammar with exercises in reading easy prose. Nestle's Syriac Grammar, Roediger's Chrestomathia Syriaca. Two hours a week.

3i. Arabic grammar with exercises in reading easy prose. Socin's Arabic Grammar. One hour a week.

4a. An introduction to the didactic and lyrical poetry, with a critical study of the books of Job, Ecclesiastes, Song of Songs and the Psalms. Two hours a week.

4b. Translation from English and Hebrew; introduction to the poetical books; Jewish history from the fall of Jerusalem (586 B.C.) to the end of the Maccabean period. Davidson's Hebrew Syntax; Driver, Bennett or McFayden on the Literature of the Old Testament; Kent's History of the Jewish People. One hour a week.

4c. Reading of selected Psalms. Kittel's Biblia Hebraica; Gesenius-Kautzsch's Hebrew Grammar; Brown, Driver and Briggs' Lexicon. One hour a week.

4d. Reading of selections from Job, Proverbs and Ecclesiastes. One hour a week.

4e. Reading of selected Psalms not in 4c. One hour a week.

4f. Hebrew prose composition. Davidson's Hebrew Syntax. One hour a week.

4g. Same as 3g.

4h. Reading of Arabic prose selections. Bruennow's Chrestomathy; Nallino's Chrestomathia Qorani Arabica. Two hours a week.

4i. Elements of Assyrian and the comparative grammar of the Semitic languages. Delitzsch's Assyrische Lesestuecke (4th edition); Wright's Comparative Grammar of the Semitic Languages; Zimmern's Vergleichende Grammatik. One hour a week.

No objection can be taken to this part of the Calendar with respect to Victoria College or Trinity College, or with respect to the treatment of these subjects in those colleges, as no limitation is placed by the statute upon their freedom of teaching, but with respect to University College your Committee is of opinion that the wording of the Calendar should be modified so as to make it clear that the subjects referred to are to be treated in their literary, historical, linguistic and ethical aspects only, and not as theological subjects. Your Committee is also of opinion that such of the books of reference as are mentioned which may treat these subjects from the theological point of view should not appear or be used in connection with the instruction to be given in University College.

15. Your Committee is of the opinion that the complaint that Theology has been taught in University College contrary to the statute is not well founded, though the enquiry which the Committee has conducted has shown that in a few isolated instances a teacher has encroached on the domain of Theology.

16. Your Committee recognizes it as fundamental that teachers in University College must not trespass upon the field of Theology, and recommends that the Board of Governors, through the President, direct them accordingly.

D. BRUCE MACDONALD,
Chairman.

APPENDIX A.

1. As confusion appears to exist in some quarters with regard to the legal status of the University of Toronto and of University College, it is necessary to a clear appreciation of the effect of The University Act (1906) upon these institutions and in order to properly construe the various provisions of that Act respecting them, to trace the course of the previous legislation.

2. It is not necessary to go farther back than Chapter 89 of the Statutes of Canada for the year 1853. The title of that Act gives a general idea of its effect. It is, "An Act to amend the Laws Relating to the University of Toronto by Separating its Functions as a University from those assigned to it as a College and by making better provision for the Management of the Property thereof and that of Upper Canada College." Prior to the passing of this Act, the powers of the University of Toronto included not only the degree-conferring power, but the teaching power as a College.

3. Section 1 of this Act repeals the previous Acts relating to the University and so much of its charter "as may be inconsistent with this Act." By Section 2, the University established by the charter referred to "shall henceforth be called the University of Toronto." Section 3 declares that "There shall be no professorship or other teachership in the said University of Toronto, but its functions shall be limited to the examining of candidates for degrees in the several faculties or for scholarships, prizes or certificates of honor in different branches of knowledge, and the granting of such degrees, scholarships, prizes and certificates after examination in the manner hereinafter mentioned."

4. University College was first constituted by Section 27 of this Statute, which enacts that "There shall be and there is hereby constituted at the City of Toronto a collegiate institution by the name of University College, and the said College shall be under the direction, management and administration of a body corporate to be called the Council of University College, which shall have perpetual succession," etc., etc.

5. This Act of 1853 appears in the Consolidated Statutes of Upper Canada (1859) as Chapter 62. No change is made in the substance of Sections 1, 2 and 3 above quoted. Section 39 declares that "The collegiate institution heretofore constituted at the City of Toronto by the name of University College, . . . , and all Statutes, By-laws, Rules and Regulations of such Council are hereby continued subject to the provisions of this Act." The Statutes were next revised in 1877, but instead of combining in the one Act the provisions relating to the University of Toronto and University College respectively, two separate chapters contain these provisions, together with the amendments which had been made since the enactment in Chapter 62 of the Consolidated Statutes of Upper Canada. Chapter 209 of the Revised Statutes of 1877 is entitled "An Act Respecting University College," and Section 1 continues, as did the Consolidated Statute referred to,

the collegiate institution of University College. Chapter 210 of the Revised Statutes of 1877 is entitled "An Act respecting the University of Toronto." This chapter by Sections 1 and 2, continues the University of Toronto as a body corporate with the powers and privileges conferred upon it by those portions of its charter remaining in force and by the former Statute "subject to the provisions of this Act."

6. The next revision of Statutes took place in 1887. Chapter 230 of this revision combines and revises Chapters 209 and 210 of the revision of 1877 and the amendments passed in the meantime. Section 2 continues the University of Toronto by a similar provision of continuance to that made in 1877. Section 68 continues University College by a similar provision of continuance to that made in 1877.

7. The next revision of the Statutes was in 1897. Chapter 298 of this revision combines and revises Chapter 230 of the Revised Statutes of 1887 and the amendments which had been made in the meantime. Section 2 of this chapter continues the University of Toronto by a similar provision of continuance to that contained in the revision of 1887, and Section 69 continues University College by a similar provision of continuance to that contained in the revision of 1887.

8. In 1901, Chapter 41, called "The University Act 1901," was passed. This was a revision with amendments of the previous legislation. It continued the University of Toronto and University College in the usual terms.

9. Then comes The University Act (1906). By Section 3 the University of Toronto and University College "are and each of them is hereby continued and subject to the provisions of this Act shall respectively have, hold, possess and enjoy all the rights, powers and privileges which they respectively now have, hold, possess and enjoy." In approaching The University Act (1906) it must be borne in mind that it is a revision and consolidation of the previous Acts relating to the University of Toronto and University College. It does not create them anew; it preserves all their rights, powers and privileges subject only "to the provisions of this Act." It deals with them as separate institutions, each having its own rights, powers and privileges, and where an enactment is intended to apply to both institutions it is clearly so expressed, and the Statute is equally clear when dealing with the institutions separately.

10. The question relating to the powers of the University of Toronto and of University College respectively in connection with the matter now before your Committee depends upon the true construction and effect of Sections 127 and 129 of The University Act (1906). It is important here also to trace the previous legislation upon the matters embraced in these sections. It has already been pointed out that by the Act of 1853 the teaching power of the University of Toronto was abolished and its functions were limited to the examining of candidates for degrees and to the conferring of degrees, etc., and that by the Act of 1853 University College was first constituted. Section 32 of that

Act confer upon this College teaching powers as follows:—

“There shall be in the said College such professors, lecturers and teachers, and there shall be taught in the said College such sciences, arts and branches of knowledge as the Council shall by their Statutes in that behalf from time to time determine . . . provided always that there shall be no professor or teacher of Divinity of the said College.”

Section 34 declares that “No religious test or profession of religious faith shall be required of any professor, lecturer, teacher, student, officer or servant of the said College.” No changes were made in these Sections 32 and 34 by the revision in the Consolidated Statutes of Upper Canada (1859) or by the revision of 1877. No change was made with respect to the powers of the University of Toronto by the Consolidated Statutes or by the revision of 1877.

11. In 1887, by Chapter 43 of the Statutes of that year, an important change was made with respect to the powers of the University of Toronto. The preamble to that Act recites “that it is desirable that the Universities and Colleges of the Province of Ontario should be permitted to enter into such relations with the University of Toronto as would enable them to avail themselves of the instruction given by the faculty of the said University.” The Act makes provision for the federation of other Universities with the University of Toronto and for the federation or affiliation of other colleges therewith. Section 68 continues University College, and Section 77 enacts as follows:—

“There shall be established in the said University College a teaching faculty consisting of a professor, lecturer, and fellow, in each of the following subjects, viz.: Greek, Latin, French, German and English, and a professor and lecturer in Oriental Languages and a professor of Moral Philosophy, and Ancient History shall be taught in connection with the classes of Greek and Latin, and a teaching faculty may be established in such other subjects (except Divinity) not mentioned in Section 5 of this Act, as by regulation made in that behalf may be determined, subject to the approval of the Lieutenant-Governor in Council.”

This Act is divided into various headings. Section 77 appears under the heading “University College,” as distinct from the sections relating to the University of Toronto. The next group of sections is headed “Provisions Applicable to University of Toronto and University College.” The first of this group is Section 81, repeating with the necessary extension to the University the enactment of 1853 that no religious test or profession of religious faith shall be required, etc.

Section 5, Sub-section (1) is as follows:—

“(1) There shall be established in the University of Toronto a teaching faculty in the following subjects, viz.: Pure Mathematics, Physics, Astronomy, Geology, Mineralogy, Chemistry (Pure and Applied), Zoology, Botany, Physiology, History,

Ethnology and Comparative Philology, History of Philosophy, Logic and Metaphysics, Education, Spanish and Italian, Political Science, (including Political Economy, Jurisprudence and Constitutional Law), Engineering, and such other Sciences, Arts, and branches of knowledge, including a teaching faculty in Medicine and in Law, as the Senate may from time to time determine, unless otherwise prohibited by this Act."

Sub-section (3) of this Section is as follows:—

"3. The curriculum in Arts of the University shall include the subjects of Biblical Greek, Biblical Literature, Christian Ethics, Apologetics, the Evidences of Natural and Revealed Religion and Church History, but any provision for examination and instruction in the same shall be left to the voluntary action of the federating Universities and Colleges, and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree."

12. The Revised Statutes of 1887 made no change in the enactments above quoted, nor did the revision of 1897, but by "The University Act" (1901), Section 77 above quoted was changed into the following, and appears as Sub-section (2) of Section 24:—

"In University College instruction shall be given in Greek, Latin, Ancient History, English, French, German, Oriental Languages and Ethics, and in such other subjects (except Theology) as by regulation made in that behalf may be determined by the Statute of the Senate."

It will be observed that the words "except Theology" were substituted for the words "except Divinity" appearing in the previous Acts, and "Ethics" was substituted for "Moral Philosophy." Section 5, Sub-sections 1 and 3 of Section 5 above quoted were changed into the following, and appear as Sub-section 1 and 3 of Section 24:—

(1) "The course of instruction in the Faculty of Arts shall be apportioned between the University and University College as follows:—

(1) "In the University instruction shall be given in Mathematics, Physics, Astronomy, Geology, Mineralogy, Chemistry, Biology, Physiology, History, Ethnology, Comparative Philology, Italian and Spanish, History of Philosophy, Psychology, Logic, Metaphysics, Education, Political Science, including Political Economy, Jurisprudence and Constitutional Law, and Constitutional History, and in such other subjects as the Senate may by Statute from time to time determine. Instruction shall also be given in Law, Medicine and Applied Science and Engineering, which shall continue as separate faculties."

(3) "The curriculum in Arts of the University shall include the subjects of Biblical Greek, Biblical Literature, Christian Ethics, Apologetics, the Evidences of Natural and Revealed Religion and Church History, but any provision for examination and

instruction in the same shall be left to the voluntary action of the federated Universities and Colleges; and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree."

Section 23 makes the same provision with respect to a religious test in connection with the University and University College as was contained in the previous Acts.

13. The University Act (1906), by Section 9 makes the same provision with respect to a religious test.

Section 127 is as follows:—

(1) "The course of instruction in the Faculty of Arts shall be apportioned between the University and University College as follows:—

"In the University instruction shall be given in Mathematics, Physics, Astronomy, Geology, Mineralogy, Chemistry, Biology, Physiology, History, Ethnology, Comparative Philology, Italian, Spanish, History of Philosophy, Psychology, Logic, Metaphysics, Education, Political Science, including Political Economy, Jurisprudence and Constitutional Law, and Constitutional History, and in such other subjects as, from time to time, may be determined by Statute in that behalf.

"(2) In University College instruction shall be given in Greek, Latin, Ancient History, English, French, German, Oriental Languages and Ethics, and in such other subjects as may, from time to time, be determined by Statute in that behalf, but not in Theology."

Section 128 is as follows:—

"The subjects of instruction assigned by Section 127 of this Act to the University and University College, respectively, shall not be transferred from the one to the other except by the direction of the Board, and no such direction shall be made unless with the consent of the federated Universities."

Section 129 is as follows:—

"(1) The curriculum in Arts of the University shall include the subjects of Biblical Greek, Biblical Literature, Christian Ethics, Apologetics, the Evidences of Natural and Revealed Religion and Church History, but any provision for examination and instruction in the same shall be left to the voluntary action of the federated Universities and Colleges, and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree."

"(2) The options provided for by Sub-section 1 shall be evenly distributed over each year of the general or pass course, and, as far as practicable, over each of the honour courses."

14. It will be observed that Sections 127 and 129 of the Act of 1906 are clear in their application. Sub-section 1 of 127 is confined to the University. Sub-section 2 is confined to University College.

Section 129 is confined to the University. Sub-section 2 of 127 does not differ in substance from the similar section in the Act of 1901, but the words, "except Theology," appearing in the Act of 1901 are omitted, and the words, "but not in Theology," are inserted at the end. Section 129, Sub-section 1, is word for word the same as Sub-section 3 of Section 5 of the Act of 1901.

15. It is manifest that Sub-section 2 of Section 127, which applies only to University College, is not controlled or modified by Section 129, and that under Sub-section 2 instruction is to be given in University College in the subjects named and in such other subjects as may from time to time be determined by statute in that behalf, the only exception being Theology. Section 129 is a direction to the University only and not to University College, whose powers and the limitation thereof with respect to instruction in the subjects named are defined by Sub-section 2 of 127. The only other limitation upon University College respecting instruction is contained in Section 128, quoted above, which makes the direction of the Board of Governors and the consent of the federated Universities necessary to any transfer to the College of any of the University subjects named in that Section.

16. It is manifest that under Section 129 the University of Toronto not only has the right, but has the imperative duty to include in the curriculum of Arts the religious and theological subjects mentioned in the Section, leaving to the voluntary action of the federated Universities and Colleges the examination and instruction in those subjects.

