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No. 90.

1st Session, 4th Parliament, 16 Victoria, 1852.

B I L L .

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.



Received and read first time, Tuesday, 21st
September, 1852.

Second reading, Tuesday, 5th Oct., 1852.

(500 Copies.)

AMENDMENTS

To be proposed by MR. RIDOUT, to Clause No. 53 of the Bill (No. 9 amend the Laws relating to the University of Toronto and U Canada College.

CLAUSE 53.

That the undermentioned words be expunged:—After “Canada,” in the line, to “and,” on the 42nd line : “not exercising the power of granting De except in “Divinity;”

Also, the entire of the 43rd line as well as the word “year,” on the 44th viz: “and receiving pecuniary aid from the Legislature for the same year;”

Likewise, the following Proviso of said Clause: “Provided firstly, tha “receipt of any portion of such sum by any College shall be held to imp. “abandonment by such College of any Clause in its Charter providing ft “authorizing any Religious Test or Profession of Faith on the part of any Stude “such College, or of any Professor or Teacher therein, except the Profess “Divinity, and to be a declaration by such College that no such Religious Te “Profession of Faith shall be required of any Professor, Teacher or Student, ex “as aforesaid.”

1st Session, 4th Parliament, 16 Victoria, 1853.

AMENDMENTS

To be proposed by Mr. RIDOUT, to Clause
No. 53 of the Bill (No. 90) to amend
the Laws relating to the University of
Toronto and Upper Canada College.

Printed by Order of the Legislative Assembly.

B I L L .

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.

WHEREAS the enactments hereinafter repealed have failed Preamble.
to effect the end proposed by the Legislature in passing them, inasmuch as no College or Educational Institution hath
5 under them become affiliated to the University to which they relate, and many parents and others are deterred by the expense and other causes, from sending the youth under their charge to be educated in a large City distant, in many cases, from their homes; And whereas from these and other causes many
10 do and will prosecute and complete their studies in other institutions in various parts of this Province, to whom it is just and right to afford facilities for obtaining those scholastic honours and rewards which their diligence and proficiency may deserve, and thereby to encourage them and others to
15 persevere in the pursuit of knowledge and sound learning; And whereas experience hath proved the principles embodied in Her Majesty's Royal Charter to the University of London in England, to be well adapted for the attainment of the objects aforesaid, and for removing the difficulties and objections
20 hereinbefore referred to: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the
25 Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act*
30 *to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory government of the said University, and for other purposes connected with the same. and with the College and Royal Grammar School forming an appendage thereof,*
35 and the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to remove certain doubts respecting the intention of the Act of the last Session of the Parliament of this Province, for amending the Charter of the University of Toronto, and to*
40 *provide for the institution and endowments of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other rewards connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an appendage thereof,* are
45 hereby repealed, as is also so much of the Charter referred to in the Act first mentioned, as may be inconsistent with this

Acts 12 Vic.
c. 82, and

13 and 14 Vic.
c. 49, repeal-
ed.

Act ; but so much of the said Charter as shall not be inconsistent with this Act, shall remain in force.

UNIVERSITY OF TORONTO.

Corporate name of University.

II. The University established by the Charter aforesaid and mentioned in the said Acts, shall henceforth be called *The University of Toronto*, and shall continue to be a Body 5 Corporate, with the powers vested in Corporate bodies by the Interpretation Act, and power to hold such real property as may be assigned to it under the provisions of this Act, and such other powers and privileges as are conferred upon it by those portions of the said Charter and remaining in force, 10 or by this Act, but such powers shall be exercised in accordance with the provisions of this Act.

General powers.

Its functions defined.

III. 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 15 several Faculties, or for Certificates of proficiency in other branches of knowledge, and the granting of such Degrees and Certificates, after Examination, in the manner hereinafter mentioned.

How composed.

IV. The said Corporation of *The University of Toronto* 20 shall hereafter consist of one Chancellor, one Vice-Chancellor, and such number of other Members of the Senate as the Governor of this Province shall from time to time appoint under His Hand and Seal at Arms, and as shall be appointed by the Senate under the power hereinafter given. 25

Senate : appointment of first Chancellor and Vice-Chancellor.

V. The Chancellor, Vice-Chancellor and other Members of the Senate for the time being, shall constitute the Senate of the said University ; and the first Chancellor and Vice-Chancellor shall be appointed by the Governor in the manner aforesaid.

Vacancies in Office of Chancellor.

VI. Whenever a vacancy shall occur in the office of Chan- 30 cellor of the said University, either by death, resignation or otherwise, the Governor may, in the manner aforesaid, nominate a fit and proper person to be Chancellor instead of the Chancellor occasioning such vacancy.

Vice-Chancellor after the first to be elective.

VII. The office of Vice-Chancellor of the said University 35 shall be a biennial one, that is to say, the term of office of each Vice-Chancellor shall expire on some day in the calendar year next but one after that in which he shall have been appointed or elected, and the day on which the term of office shall expire shall be appointed by Statute of the University ; and 40 the Members of the Senate shall, at a meeting to be holden for that purpose on some day within a month before the expiration of the said term of office, of which meeting notice shall be given in such manner as shall be fixed by Statute, elect some

one of the Members of the Senate to be Vice-Chancellor, when the term of office of the then Vice-Chancellor shall expire, and so from time to time biennially; or in case of the death, resignation, or other vacancy in the office of any such
 5 Vice-Chancellor, before the expiration of his term of office, shall, at a meeting to be holden by them for that purpose, as soon as conveniently may be, of which notice shall be given in manner aforesaid, elect one other of the said Members of the Senate to be Vice-Chancellor for the remainder of the
 10 term in which such death, resignation, or other avoidance shall happen.

VIII. If at any time, by death or otherwise, the number of the said Members of the Senate shall be reduced below the number of *ten*, exclusive of the Chancellor and Vice-Chancellor
 15 for the time being, then and in such case, and as often as the same shall happen, if the Governor do not think proper to complete the said number by appointment, the Members of the Senate shall, as soon as conveniently may be, at a meeting to be holden for that purpose, of which notice shall be given in
 20 such manner as shall be provided by Statute, elect *one* or more fit and proper persons to be Members of the Senate in addition to the then remaining Members thereof, to the end that by means of such election the number of *ten* Members of the Senate of the said University may be completed, exclusive of
 25 the Chancellor and Vice-Chancellor of the said University; but no person shall be appointed or elected a Member of the Senate who shall not be a subject of Her Majesty.

Election of Members of the Senate by the remaining Members in certain cases.

IX. The Governor of this Province shall be (as heretofore) the Visitor of the said University on behalf of Her Majesty
 30 and such visitatorial power may be exercised by commission under the Great Seal of this Province, the proceedings whereof having been first confirmed by the Governor, shall be binding and the said University and its Members and on all others whomsoever.

Governor to be Visitor.

X. The Chancellor, Vice-Chancellor and Members of the Senate for the time being, shall (subject to the provisions of this Act relative to the income and property of the said University), have the management of and superintendence over the affairs and business thereof; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor,
 40 Vice-Chancellor and Members of the Senate to pass such Statutes and to act in such manner as to them shall appear best calculated to promote the purposes of the said University; and the said Chancellor, Vice-Chancellor and Members of the Senate shall have full power from time to time to make and
 45 alter any Statutes (so as the same be not repugnant to the laws of Upper Canada, or to the general objects and provisions of this Act,) touching the examination for Degrees, or for Certificates of Proficiency, or for Honors, and the granting of such

Senate to manage the business of the University.

Power to make Statutes.

Degrees, Honors or Certificates, and the fees to be paid by Candidates for examination or upon taking any Degree or obtaining any Certificate, and the application of such fees, and touching the periods of the regular meetings of the Senate and the mode of convening special meetings thereof, and in general touching all other matters whatsoever regarding the said University or the business thereof, or for any purpose for which provision may be required for carrying out this Act according to its intent and spirit in any case unprovided for by this Act ; and all such Statutes when reduced into writing, and after the Common Seal of the said University shall have been affixed thereto, and after they shall have been approved by the Visitor, shall be binding upon all persons being Members or Officers thereof, and upon all Candidates for Degrees, Honors or Certificates of proficiency to be conferred by the said University, a certified copy of such Statutes being deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the Visitor of the said University, and all others whom it may concern, for his approval ; and no such Statute shall have force or effect until it shall have been approved by the Visitor, and such approval signified through the said Secretary : Provided always, that by any such Statute approved as aforesaid power may be given to any Committee, Officers or persons to make Regulations for better carrying out the provisions or object of any Statute, in the manner and to the extent therein prescribed.

Power to grant Certificates of proficiency.

XI. In addition to the power of conferring Degrees in Arts and Faculties vested in the said University, the said Chancellor, Vice-Chancellor and Members of the Senate shall have power, after examination, to grant Certificates of Proficiency in such branches of knowledge as they shall from time to time, by Statutes to be made in that behalf, determine.

Majority ; equal division, &c.

XII. All questions which shall come before the Chancellor, Vice-Chancellor and Members of the Senate, shall be decided by the majority of the Members present ; but in case of equality of votes, the maxim *præsumitur pro negante* shall prevail.

Quorum.

XIII. No question shall be decided at any meeting unless the Chancellor or Vice-Chancellor, and five other Members of the Senate, or, in the absence of the Chancellor and Vice-Chancellor, unless six other Members of the Senate at the least, shall be present at the time of such decision, nor shall any Meeting be legally held except at the times provided by Statute as aforesaid.

Chairman.

XIV. At every meeting of the Chancellor, Vice-Chancellor and Members of the Senate, the Chancellor, or, in his absence, the Vice-Chancellor, shall preside as Chairman, or in the absence of both, a Chairman shall be chosen by the Members present or a majority of them.

XV. The said Chancellor, Vice-Chancellor and Members of the Senate for the time being shall have full power to appoint by Statute from time to time, and as they shall see occasion to remove in like manner, all Examiners, Officers and Servants of the said University, except the Bursar hereinafter mentioned.

XVI. Once at least in every year at a time or times to be fixed by Statute, the said Chancellor, Vice-Chancellor and Members of the Senate shall cause to be held an examination of the Candidates for Degrees or Honors or for Certificates of proficiency as aforesaid: and at every such examination the Candidates shall be examined by Examiners appointed for the purpose by the said Chancellor, Vice-Chancellor and Members of the Senate: and at every such examination the Candidates shall be examined orally or in writing or otherwise, in as many branches of general knowledge as the Chancellor, Vice-Chancellor and Members of the Senate shall consider the most fitting subjects for such examination: and special examinations may be held for Honours: but so far as it may be practicable, no person shall be allowed to examine Candidates who shall have been his own pupils in the branch of knowledge in which they are to be examined, and all such Examinations shall be open and public.

XVII. And in order to extend the benefits of Colleges and Establishments already instituted in this Province for the promotion of Literature, Science and Art, whether incorporated or not incorporated, by connecting them for such purposes with the said University, all persons shall be admitted as Candidates for the respective Degrees of Bachelor of Arts and Master of Arts, to be conferred by the said University of Toronto, on satisfying the Chancellor, Vice-Chancellor and Members of the Senate, by proper Certificates, that such persons have in any of the Institutions hereinafter mentioned, gone through and completed such course of instruction as the said Chancellor, Vice-Chancellor and Members of the Senate shall, as to the said respective Institutions, by Statutes to be made as aforesaid from time to time, determine; and the Institutions in which such course of instruction may be completed shall be those hereinafter mentioned, that is to say: all Colleges in Upper or Lower Canada incorporated by Royal Charter or by Act of the Parliament of this Province, or of either of the late Provinces of Upper or Lower Canada, and also such other Institutions, corporate or unincorporated, as now are or shall hereafter be established for the purposes of education within this Province, which the Governor of this Province shall from time to time prescribe to the said Chancellor, Vice-Chancellor and Members of the Senate, under His Hand and Seal at Arms.

And for the purpose of granting the Degrees of Bachelor of Medicine and Doctor of Medicine, and the improvement of Medical Education in all its branches, as well in Medicine as

Officers.

Examinations.

From what Colleges, &c., Students may be examined for Degrees in Arts.

And for Degrees in Law or Medicine.

in Surgery, Midwifery and Pharmacy, and for the purpose of granting the Degrees of Bachelor of Laws and Doctor of Laws, respectively, the said Chancellor, Vice-Chancellor and Fellows shall, from time to time, report to the Governor of this Province, through the Provincial Secretary, what appear to them to be the 5 Medical Schools and Institutions, or the Law Schools and Institutions, whether corporate or unincorporated, in this Province, from which, either singly, or jointly with other Medical or Law Schools or Institutions in this Province, or in other parts of Her Majesty's Dominions, or in Foreign parts, it may be fit and ex-10 pedit, in the judgment of the said Chancellor, Vice-Chancellor and Members of the Senate, to admit Candidates for Degrees, in Medicine or in Law, and on approval of such report by the Governor, shall admit all persons to examination as Candidates for the respective Degrees of Bachelor of Medicine and Doctor 15 of Medicine Bachelor of Laws or Doctor of Laws to be conferred by the said University, on satisfying the said Chancellor, Vice-Chancellor and Members of the Senate, that such Candidate has therein gone through and completed the course of instruction which they shall by regulations in that behalf determine; 20 and it shall be lawful for the said Chancellor, Vice-Chancellor and Members of the Senate, from time to time, with approval of the Governor, to vary, alter and amend any such reports, by striking out any of the said Institutions or Schools included therein, or by adding others thereto: and all Institutions from 25 which under this or the next preceding section students may be examined for degrees, shall be said affiliated for that purpose to the said University.

Power to confer Degrees.

XIX. The said Chancellor, Vice-Chancellor and Members of the Senate shall have power, after examination, to confer the 30 several Degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine and Doctor of Medicine, and to examine for Medical Degrees in the four branches of Medicine, Surgery, Midwifery and Pharmacy; and such reasonable fees shall be charged to the Candidates for 35 Examination, Degrees or for Certificates of proficiency as aforesaid, as the Chancellor, Vice-Chancellor and Fellows shall by Statute in that behalf from time to time determine, and such fees shall be paid and applied as shall be determined by Statute. 40

Relative Degrees of proficiency to be declared in certain cases.

XX. At the conclusion of every examination of Candidates for Degrees, the Examiners shall declare the name of every Candidate whom they shall deem to be entitled to any of the said Degrees, and the departments of knowledge in which his proficiency shall have been evinced, and also, if he has been 45 examined for Honors but not otherwise, his proficiency in relation to other Candidates also examined for Honors, and he shall receive from the Chancellor a Certificate under the Seal of the University, and signed by the Chancellor, in which the particulars so declared shall be stated. 50

XXI. At the conclusion of every examination of Candidates for Certificates of Proficiency as aforesaid, the Examiners shall under such Regulations as shall be made by Statute in that behalf, classify such Candidates according to their Degrees of proficiency, and declare such relative proficiency, either by Certificate to be granted to them respectively, under the Seal of the University, or in and by published lists of the Candidates to whom such Certificates shall have been granted.

Classification of persons obtaining Certificates of Proficiency.

XXII. The regulations to be made with respect to the literary and scientific attainments of persons obtaining Honors, Degrees or Certificates of proficiency, and their Examination, shall, in so far as circumstances will, in the opinion of the Chancellor, Vice-Chancellor and Members of the Senate, permit, be similar to those in force for like purposes in the University of London, to the end that the standard of qualification in the *University of Toronto* may not be inferior to that adopted for a like Degree, Certificate or Honor in the University of London.

Standard of qualification for Degrees, &c.

XXIII. The Examiners may be required to take the following oath of office before the Chancellor or Vice-Chancellor:—"I swear that I will perform my duty of Examiner without fear, favor, affection or partiality towards any Candidate, and that I will not knowingly allow to any Candidate any advantage which is not equally allowed to all. So help me God."

Examiners to be Sworn.

XXIV. The said Chancellor, Vice-Chancellor and Members of the Senate, may make such special Regulations as to them shall seem just, with regard to the examination of Students who have matriculated in the said University before the passing of this Act, and with regard to the completion by them of the prescribed course of instruction, but in so far only as relates to the first Degree to be taken by any such Student after the passing of this Act, after which they shall be subject to the same Regulations as other Candidates.

As to Students in the University before the passing of this Act.

XXV. The said Chancellor, Vice-Chancellor and Members of the Senate, may grant Scholarships, Exhibitions, Prizes and Rewards to persons who shall distinguish themselves at their examination, but the sum to be expended for such purposes in any one year shall not exceed such sum as shall be appropriated for that purpose under the provisions hereinafter made, and such Scholarships shall be of the nature and extent of those next mentioned; and all such Scholarships, Exhibitions, Prizes and Rewards shall be granted according to Regulations previously made and published.

Scholarships, Prizes and Rewards.

XXVI. The said Scholarships and those provided for in the next following section of this Act, shall hereafter be held to be University Scholarships in any of the Institutions in Upper Canada in which the course of instruction prescribed by the Regulations of the University for Candidates

What such Scholarships shall be.

for Degrees may be gone through and completed, and shall be held by the Chancellor, Vice-Chancellor and Members of the Senate, for the purpose of being distributed by them, as aforesaid with the consent of the Governor; and to each of such Scholarships an annual stipend shall be attached, 5 payable (out of the University Funds or by any County as the case may be), for such periods and on such conditions as shall be fixed by the Regulations to be made by Statute in that behalf; and the holder of any Scholarship granted under this and the next preceding or the next following section, shall have 10 the title of "University Scholar:" Provided always, that every Scholarship, in the University of Toronto granted before this Act shall be in force; shall thereafter be a University Scholarship in University College hereinafter mentioned, and the holder thereof shall have the said title of "University Scholar." 15

As to certain Scholarships to be founded by the University and the several Counties in Upper Canada.

XXVII. And whereas it is expedient to stimulate the Youth of the Province to avail themselves of the benefit of a University Education, by the establishment of a certain number of Scholarships in the said University for each County of Upper Canada, for the purpose of assisting (as far as possible) with pecuniary aid, those of the deserving Youth of each County, whose parents may be unable to meet the expense necessarily attendant upon such an education: Be it therefore enacted, That it shall be the duty of the Chancellor, Vice-Chancellor 25 and Members of the Senate of the said University, to provide by Statute, for the establishment of four University Scholarships for each County in Upper Canada, so soon as the funds of the said University shall permit, and to regulate every thing appertaining to the election, rights, privileges and emoluments of the Scholars on whom the same shall be conferred: 30 Provided always nevertheless, firstly, that the Scholars on whom such Scholarships shall be conferred shall be entitled to attend all examinations in the said University, and enjoy all the advantages afforded therein, and to take any Honor, 35 Degree or Certificate of Proficiency to which they may become entitled, without payment of any fee for the same; and that two of the four Scholarships so to be founded for each County, shall be endowed from the University Funds: Provided also, secondly, that no County shall be 40 entitled to claim the benefit of the Scholarships to be so founded, or any of them, unless the Municipal Council of such County shall have provided, permanently, sufficient funds for the endowment of one or both the Scholarships to be so founded: and not endowed from University Funds, according to the rate 45 fixed by the said Senate; and upon such provision being made by the Municipal Council of any County, the Senate of the said University shall proceed to fill up either one or both the said Scholarships according to the sum provided by the said Municipal Council, and shall, at the same time, according to 50 circumstances, fill up either one or both the Scholarships to be endowed from University Funds; it being the intention of this

Proviso.

Proviso.

Act, that the Scholarships to be endowed from University Funds, shall only be filled up so far and so long as the several Counties respectively shall provide Funds for the support of those to be endowed from those sources: Provided also, thirdly, Proviso.
 5 that the said Scholarships shall be filled up by the Senate of the said University upon public examination to be held before that Body by Examiners to be by them appointed, and the selection shall be made out of such a number of the Youth of each County as shall have been admitted to contend for such
 10 Scholarships by the Certificate of the Municipal Council of such County: Provided also, fourthly, that no person shall be admitted as a Candidate for such Scholarships, unless he shall have received a Certificate of birth or residence from the Municipal Council of the County to which such Scholarships shall
 15 belong, as aforesaid: And provided also, fifthly, that no person shall be deemed one of the Youth of any given County within the meaning of this section, unless he shall have been born in such County, or unless his parents or surviving parents, or one of them, shall have been a stated resident of such
 20 County for five years continually prior to the granting of such Certificate, and shall, at the time of granting such Certificate, be still stated residents, or a stated resident thereof, or if they be both dead; then, unless they, or the survivor of them, shall have been such stated residents for the five years next pre-
 25 ceding and at the time of their death or the death of the survivor of them: Provided also, sixthly, that every such Certificate shall remain in force for one year from the granting thereof, and no longer, after which it shall and may be renewed if the party remains entitled to it, as at the first: And provided
 30 also seventhly and lastly, that it shall and may be lawful for the said Senate, and they are hereby required to make provision for preserving all now existing Scholarships of the said University on their present footing, for the space of five years next after the passing of this Act for the benefit of such per-
 35 sons as have already commenced a course of study with a view to compete for the same, or have obtained any such Scholarships. The word "County" in this Section shall include any Union of Counties for Municipal purposes. Word County interpreted.

XXVIII. Any Statutes made under the said fiftieth section of the Act herein first cited and repealed, by the Commissioners therein referred to, and in force when this Act, shall come into effect, shall remain in force, in so far as they may not be inconsistent with this Act, until repealed or altered by the Chancellor, Vice-Chancellor and Members of the Senate of the said
 40 University, who shall have full power to amend or repeal the same and make others in their stead. Statutes under 12 V. c. 82, s. 50, to remain in force until repealed.

XXIX. It shall be the duty of the Senate of the said University, annually, to report to the Governor, at such time as he shall appoint, on the general state, progress and prospect of the
 50 University, and upon all matters touching the same, with such Senate to make certain Reports.

suggestions as they may think proper to make ; and the said Council shall also, at all times, when thereunto required by the Governor, inquire into, examine and report upon any subject or matter connected with the said University ; and copies of such annual or other reports shall be laid before both Houses of the Provincial Parliament at the then next Session thereof. 5

UNIVERSITY COLLEGE.

University
College con-
stituted.

XXX. 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 and a Common Seal, with power to hold real and personal property, subject to the provisions hereinafter made, and shall be capable of suing and being sued, pleading and being impleaded by the name aforesaid, and shall have other the usual powers of Corporate Bodies, according to the Interpretation Act, subject to the said provisions. 15

Appointment
of Members
of the Corpo-
ration.

XXXI. The said Corporation shall consist of a President, Vice-President, and not less than ten ordinary Members of the said Council, to be from time to time appointed by the Governor of this Province, by a Commission under His Hand and Seal at Arms, and for a term not exceeding two years ; but the Vice-President and at least five Members of the Council shall be appointed, in the first instance, for a term not exceeding one year, to the end that the term of office of one half of the Members of the said Corporation may, in so far as may be found conveniently practicable, expire at the end of each year : Provided that any Member may be removed by the Governor before the expiration of his term of office, that any Member going out of office may, in the discretion of the Governor, be re-appointed forthwith or at any time thereafter. 25 30

Proviso.

Meetings of
the Corpora-
tion, Division,
&c.

XXXII. The President, or in his absence the Vice-President, or if both be absent, then the Senior Member of the Council present, shall preside at all Meetings of the Corporation, and in case of an equal division of votes among the Members present, the rule *presumitur pro negante* shall prevail ; and among Members appointed at the same time, the order in which their names stand in the Commission shall be the order of Seniority, and all such Meetings shall be held at the times to be prescribed by the Statutes of the said College. 35 40

Quorum.

Majority.

XXXIII. Any *five* Members of the said Council shall be a *quorum* for transacting all business of the Council and doing all things which the said Council may lawfully do ; and all things done at any Meeting of the Council shall be ordered by the majority of the votes of the Members present thereat, 45

subject to the provision hereinbefore made for the case of an equal division of votes.

XXXIV. The said Council shall have full power and authority to make Statutes for the good government, conduct and regulation of the said College, and of the Professors, Teachers, Students, Officers and Servants thereof, for regulating the Fees to be paid by Students or Persons attending Lectures, or receiving instruction in the said College, and the times of regular Meetings of the Council, and generally for the management of the property and business thereof, and any purpose necessary for carrying this Act into effect according to its intent and spirit in cases for which no provision is made by this Act, so that such Statutes be not inconsistent with the provisions of this Act or the laws of this Province, and from time to time to amend or repeal the same; and the said Council may by any such Statutes empower the said Professors, Lecturers and Teachers, or any of them, to make Regulations for the government of the said Students, Officers and Servants, and for the conduct and discipline of the said College, in such matters and to such extent as may be limited in such Statutes, and subject to such control or approval as may be therein mentioned: Provided always, that no Statute made by the said Council shall have force and effect until it shall have been submitted to the Visitor of the said College, and by him approved, and a certified copy of all such Statutes shall be transmitted to the Provincial Secretary, within ten days from the passing thereof, to be submitted to the said Visitor for his approval.

XXXV. 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, such Statutes being consistent with Statutes of *The University of Toronto*, as regards the course of instruction to be followed by Candidates for Degrees or Certificates of Proficiency: Provided always, that there shall be no Professor or Teacher of Divinity in the said College; and that after the day of 185 , there shall be no Professorship or Teachership of Law, or of Medicine, Anatomy or other subject immediately connected with the study and practice of Medicine or Surgery.

XXXVI. The Professors, Lecturers, Teachers, Officers and Servants of the said College shall be appointed by the Governor of this Province, after such examination, inquiry and report as he shall require to be instituted and made by the Council of the said College, and shall hold office during his pleasure; but the Council shall have power to suspend any of them from the exercise of their functions until the pleasure of the Governor shall be known, reporting such suspension immediately to the

Power to make Statutes for certain purposes.

Proviso.

Council to determine the Branches of Knowledge to be taught.

Proviso.

Professors, &c., to be appointed by the Governor.

Proviso. Governor with the reasons therefor: Provided always, that the Professors Lecturers and Teachers of the University of Toronto as now constituted, shall, until it be otherwise ordered by the Governor, be Professors, Lecturers and Teachers of University College, excepting after the said day of 185 , those who may be Professors or Teachers of those subjects which are not under this Act to be taught in the said College. 5

No religious test to be required. XXXVII. No religious test or profession of religious faith shall be required of any Professor, Lecturer, Teacher, Student, Officer or Servant of the said College, nor shall religious observances, according to the forms of any particular religious denomination be imposed on them or any of them, but it shall be lawful for the Council to make such Regulations as they may think expedient touching the moral conduct of the Students and their attendance on public worship in their respective Churches or other places of religious worship, and their receiving religious instruction from their respective Ministers, and according to their respective forms of religious faith, and every facility shall be afforded for their so doing. 10 15 20

Professorships, &c., may be founded in the said College by private parties, and how. XXXVIII. It shall and may be lawful for any person or persons, body or bodies politic or corporate whomsoever, to found such and so many Professorships, Lectureships, Scholarships, Exhibitions, Prizes and other Rewards, in the said College as they may think proper, by providing a sufficient endowment in land or other property, and surrendering or conveying the same to the Crown for the purposes of the said College, and thereupon suing out Letters Patent from the Crown, instituting, establishing and endowing the same with the property so provided for that purpose as aforesaid, in all which Letters Patent shall be set forth such Rules and Regulations for the appointing to and conferring of such Professorships, Lectureships, Scholarships, Prizes or other Rewards, as the respective founders thereof, with the approbation of the Crown, shall think fit to prescribe for that purpose, all which Rules and Regulations the authorities of the said College are hereby required to observe and give effect to, as in the said Letters Patent shall be directed: Provided always, that such endowment as aforesaid shall be vested in the Crown for the purposes for which it shall be given, as shall also any property real or personal, given, devised or bequeathed to the said College or for the use thereof; And provided also, that no Professorship or Lectureship shall be so founded for the teaching of any subject which under this Act is not to be taught in the said College. 25 30 35 40 45

Proviso.

Governor to be Visitor. XXXIX. The Governor shall be the Visitor of the said College on behalf of the Crown, and his visitatorial power may be exercised by Commission under the Great Seal of this Province, and the proceedings of any Commission so appointed, being 50

confirmed by the Governor, shall be binding on the said College and the Council thereof, and on all persons whomsoever.

XL. It shall be the duty of the Council of the said College, Council to report annually to the Governor.
 5 annually, to report to the Governor, at such time as he shall appoint, on the general state, progress and prospect of the College, and upon all matters touching the same, with such suggestions as they may think proper to make; and the said
 10 Council shall also, at all times, when thereunto required by the Governor, inquire into, examine and report upon any subject or matter connected with the said College; and copies of such annual or other reports shall be laid before both Houses of the Provincial Parliament at the then next Session thereof.

XLI. All terms kept, or studies or exercises performed in the
 15 University of Toronto as now constituted, shall be valid and effectual, and shall be deemed to be terms kept, or studies or exercises performed, in University College: and the Statutes and Regulations of the said University in force when this Act
 20 shall come into effect, shall remain in force and apply to University College, so far as they may be consistent with this Act until repealed or altered by Statutes to be made under this Act.

UPPER CANADA COLLEGE AND ROYAL GRAMMAR SCHOOL.

XLII. The Corporation of "The Principal Masters and
 Scholars of Upper Canada College and Royal Grammar Present Corporation dissolved.
 School," shall be dissolved and determined from the time this
 25 Act comes into force; and the said Institution and all the affairs and business thereof, shall be under the control, management and direction of the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, subject to the provisions of this Act.

XLIII. The Governor of this Province, shall be the Visitor of
 the said College and Royal Grammar School, on behalf of Governor to be Visitor.
 Her Majesty, and his Visitatorial Power shall and may be exercised by Commission under the Great Seal of this
 35 Province, the proceedings whereof, having been first confirmed by the Governor in Council, shall be binding upon the said College and Royal Grammar School, and upon the said Senate, and all others whomsoever.

XLIV. The said Chancellor, Vice-Chancellor and Members of
 the Senate of the University of Toronto, shall have full power Power to make Statutes.
 40 and authority to make Statutes for the good government, conduct and regulation of the said College and Royal Grammar School and of the Principal Masters, Students, Officers and Servants thereof, for regulating the Fees to be paid by Students receiving instruction in the said College, and generally for
 45 the management of the business and affairs thereof, and for any

purpose necessary for carrying this Act into effect according to its intent and spirit in cases in which no provision is made by this Act, so that such Statutes be not inconsistent with the provisions of this Act or the laws of this Province, and from time to time to amend or repeal the same ; and the said Chancellor, Vice-Chancellor and Senate, may by any such Statutes empower the Principal and Masters, or any of them, to make Regulations for the government of the Students, Officers and Servants, and for the conduct and discipline of the said College and Royal Grammar School, in such matters and to such extent as may be limited in such Statutes, and subject to such control or approval as may be therein mentioned ; Provided always, that no Statute shall have force and effect until it shall have been submitted to the Visitor of the said College and Royal Grammar School, and by him approved ; and a certified copy of all such Statutes shall be transmitted to the Provincial Secretary, within ten days from the passing thereof, to be submitted to the said Visitor for his approval.

Principal,
Masters, &c.,
how ap-
pointed.

XLV. There shall be in the College and Royal Grammar School, a Principal, and such Masters, Officers and Servants as shall from time to time be directed by any Statute relating to the said Institution, approved as aforesaid, and the Salary, and emoluments attached to each such office, shall be from time to time fixed by Statute ; and the said Principal, Masters, Officers and Servants shall be appointed by the Governor of this Province, and shall hold Office during his pleasure : Provided always, that until it shall be otherwise ordered by the Governor, the present Principal, Masters, Officers and Servants of the said Institution, shall remain in Office, and until it be otherwise ordered by Statute, the Salaries and Emoluments attached to each Office shall be those now attached to the same respectively.

Proviso.

Present
Statutes, &c.,
to remain in
force until
repealed.

XLVI. All Statutes, Rules and Ordinances of the said College and Royal Grammar School in force at the time of the passing of this Act, and which are not inconsistent with the provisions thereof, shall be and continue in force, until repealed, altered or amended by some other Statute to be hereafter enacted or passed for that purpose.

No religious
test to be
required.

XLVII. No religious test or profession of religious faith shall be required of any Principal, Master, Student, Officer or Servant of the said College, nor shall religious observances, according to the forms of any particular religious denomination be imposed on them or any of them, but it shall be lawful for the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto by Statute to make such Regulations as they may think expedient touching the moral conduct of the Students and their attendance on public worship in their respective Churches or other places of religious worship, and their receiving religious instruction from their respective Ministers,

and according to their respective forms of religious faith, and every facility shall be afforded for their so doing.

XLVIII. It shall be the duty of the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, annually, to report to the Governor, at such time as he shall appoint, on the general state, progress and prospect of the College and Royal Grammar School and upon all matters touching the same, with such suggestions as they may think proper to make; and also, at all times, when thereunto required by the Governor to inquire into, examine and report upon any subject or matter connected with the said College; and copies of such annual or other reports shall be laid before both Houses of the Provincial Parliament at the then next Session thereof.

Annual Reports to be made, &c.

ENDOWMENT AND PROPERTY.

XLIX. All the property and effects, real or personal, of what nature or kind soever, now belonging to or vested in the Corporation of the Chancellor, Masters and Scholars of the University of Toronto, or in the Corporation of the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School, or in any person or persons, Body or Bodies Politic or Corporate in trust for the said Corporations, or either of them, shall, from and after the coming into force of this Act, be and the same and every part thereof are hereby transferred to and vested in Her Majesty, Her Heirs and Successors, for the purposes of this Act, and shall, as shall also all Deeds, Titles, Accounts, Books, Maps, Plans, Documents and Writings belonging to or relating to the same, be forthwith delivered up by any person or persons, body or bodies politic or corporate having custody or possession thereof, to such person or persons, officer or officers, as the Governor of this Province shall appoint or authorize to receive the same; and every right, title, claim or demand of either of the said Corporations to any real or personal property, debt or sum of money, shall be and is hereby vested in the Crown, and any suit or proceeding for the recovery thereof may be brought or continued by and in the name of the Crown upon suggestion of the passing of this Act; and every debt due by or claim upon either of the said Corporations may be paid or satisfied by the Crown out of the property transferred as aforesaid; and all property, real or personal, which shall be hereafter given, devised or bequeathed to or for the use of either of the said Institutions, or to or for the use of University College, shall be vested in the Crown for the purposes of such Institution.

Property transferred to the Crown.

L. The said property, real or personal, shall be managed and administered, under the orders of the Governor in Council, by an Officer to be appointed by Commission under the Great Seal of this Province, to hold his office during pleasure, and to be called the Bursar of the University and Colleges at Toronto;

How such property shall be managed.

and the Governor in Council shall fix the salary of the said Bursar, and may allow him such Assistants in his office as may be found necessary, and fix their remuneration; and the said Bursar shall have such powers as shall from time to time be assigned to him by the Governor in Council, for the manage- 5 ment and administration of the said property, the leasing of the same, or making agreements for the sale thereof, and the receiving of the rents, issues and profits thereof or the proceeds of the sale of any part thereof, or any monies in any way arising therefrom, and shall account for and pay over the same in such 10 manner as the Governor shall from time to time direct; and shall give security to the Crown for the due performance of his duties and the faithful accounting for and paying over all moneys which shall come into his hands as such Bursar, in such amount, with such securities, and in such manner and form as the 15 Governor in Council shall direct; and the said Bursar shall, as regards his obligation to account for and pay over all monies coming into his hands as such, be deemed to be an Officer employed in the collection of the Provincial Revenue, and shall, in case of his default, be liable to be dealt with 20 accordingly; and the said Bursar shall make and transmit to the Governor, and at such time in each year as he shall appoint, an annual account of the property under his management and of his official receipts and expenditure; and a copy of each account shall be laid before each House of the Pro- 25 vincial Parliament at the then next Session thereof:

Annual
Accounts, and
what they
shall shew.

And each such Annual Account shall shew among other things:

The number of acres of land originally granted for the endowment of the said University, or the said Upper Canada College and Royal Grammar School; 30

The number of acres sold, and at what rate. The total amount of sales,—the amount received on account thereof and the amount due.

The amount of Capital invested, and the amount expended to the end of the preceding year. 35

The amount of received, and a detailed account of the amount expended for the preceding year, in salaries, contingent expenses and buildings, specifying the duties of the persons receiving such salaries, and the purposes of such buildings.

Income Fund
established.

LI. The fees received for tuition, examination, degrees, 40 certificates of proficiency or otherwise in the said University, Colleges and Grammar School, or such part thereof as shall be payable into the General Fund thereof, the rents, issues and profits of all such property as aforesaid, and all interest on the purchase money of any part of such property sold and not 45 wholly paid for, or on monies arising from the sale of any such

property and invested at interest, and all other casual and periodical incomings, including any donations or subscriptions touching which it shall not be otherwise ordered by the Donors, shall be deemed Income for the purposes of this Act, 5 and shall form the Income Fund, and may be expended for the purposes and under the authority thereof; but the purchase money of any such property sold, and the principal of any money invested shall be deemed permanent property, and shall not be expended or diminished in any way, but shall remain 10 as a Permanent Fund for the support of the said Institutions and the purposes of this Act.

LII. The income derived from property heretofore vested in the Corporation of Upper Canada College and Royal Grammar School, shall be applied to defray the current expenses of the 15 said Institution only, and shall form the Income Fund thereof, and shall be applied under the direction of the Governor in Council, to defray the current expenses of the said College and Grammar School and those to be incurred in the management of the endowment thereof, and the surplus, if any, after defray- 20 ing all charges thereon, shall form part of the Permanent Fund aforesaid and shall be invested in the manner hereinafter provided; and all monies forming part of the said Permanent Fund and arising from such surplus as aforesaid, or from property heretofore vested in the said Corporation, shall be permanently 25 appropriated to the support of the said Upper Canada College and Royal Grammar School.

LIII. Out of the remainder of the said Income Fund, after paying the charges of management as hereinafter mentioned, it shall be lawful for the Governor in Council to appropriate 30 yearly:

Such sum as shall be required to defray the current expenses of the said University of Toronto, including Scholarships, Exhibitions, Rewards and Prizes authorized by the 25th section of this Act, and to defray the current expenses of 35 University College; including in both cases the care, maintenance and ordinary repairs of the property assigned for the use of the said University or College, and with power to the Governor in Council to decide what shall be deemed ordinary repairs as distinguished from permanent improvements;

40 A sum to be divided among the several Colleges in Upper Canada, not exercising the power of granting Degrees except in Divinity, and affiliated to the said University and receiving pecuniary aid from the legislature for the same year, the sum awarded to each such College, being in propor- 45 tion to the amount of such aid received by it; Provided firstly, that the receipt of any portion of such sum by any College shall be held to imply an abandonment by such College of any clause in its charter providing for or authorizing any Religious

Test or profession of faith on the part of any Student in such College, or of any Professor or Teacher therein, except the Professor of Divinity, and to be a declaration by such College that no such Religious Test or profession of faith shall be required of any Professor, Teacher or Student, except as aforesaid : Provided secondly, that the sum received by any such College under this section, shall be applied exclusively to the payment of the salaries of Professors and Teachers employed in such College, in teaching those branches of Knowledge and those only, which shall form part of the course of study prescribed by the Statutes of the University for Candidates for Degrees or Certificates of Proficiency, and that no part of such sum shall be applied to pay the salary or remuneration of any Professor or Teacher of Law, or of Medecine; Anatomy or other subject immediately connected with the study and practice of Medecine or Surgery; and provided, lastly, that the Senate of the University may require from any College in Upper Canada receiving aid from the said Income Fund or from Parliament, a statement shewing the manner in which the sum received as such aid shall have been expended, and 20 such statement shall be embodied in the then next annual report of the Senate.

Proviso. 5

Proviso. 15

Scholarships under Seat. A sum towards the support of Scholarships to be granted under the provisions of the 27th section of this Act. 25

How appropriations may be made. And in making such appropriations for the current expenses of the said University, or of University College, or of Upper Canada Royal College and Grammar School, it shall be lawful for the Governor in Council either to direct the particular purposes to which the whole or any part of the sum appropriated shall be applied, or to place the whole or any part of such sum at the disposal of the Senate of the said University or of the Council of the said College, to be applied under the provisions of Statutes in that behalf, approved as aforesaid, and by which Statutes the said Senate or Council may place any sum or sums at the disposal of any Committee, or person or persons, to be applied by them or him according to the directions of such Statutes, or in their discretion, to purposes to be therein named. 30 35

How surplus shall be invested. LIV. Any surplus of Income Fund remaining at the end of any year after defraying the expenses payable out of the same shall be invested by the Bursar under the orders of the Governor in Council, in Public Provincial Securities and not otherwise, and shall then form part of the Permanent Fund, and all sums of money received by the said Bursar and forming part of the Permanent Fund aforesaid shall be invested in like manner; and any such securities may under such order as aforesaid be exchanged, sold or otherwise disposed of by the said Bursar. 40 45

LV. The expenses of the Bursar's office and of the management of the property aforesaid, shall be paid out of the said Income Fund hereinbefore mentioned, and shall be the first charge thereon, and the Governor in Council shall determine what share thereof shall be paid out of that portion of the said Fund belonging to Upper Canada College and Royal Grammar School.

Expenses of
the Bursar's
Office.

LVI. The Governor in Council shall from time to time assign for the use and purposes of the said University, of the said University College and of Upper Canada College and Royal Grammar School respectively, such portions of the property hereby vested in the Crown as may be necessary for the convenient accommodation and business of the said Institutions respectively, and the property so assigned for the use of each shall be deemed to be in the legal possession and under the control of the Senate or Council of such Institution.

Portions of
property to be
assigned for
the use of the
said Institu-
tions.

LVII. The Governor in Council may authorize such permanent improvements or additions to the buildings on the said property as may be necessary for the purposes of the said Institutions respectively, and may direct the cost thereof to be paid out of that part of the Permanent Fund aforesaid hereby made applicable to the support of the Institution for the purposes of which the improvement or addition is made.

Improvements
to buildings.

LVIII. For all the purposes of this Act and all accounts to be kept and payment or expenditure to be made under it, the fiscal year shall coincide with the calendar year.

Fiscal year.

LIX. This Act shall come into force and effect upon the day of _____, one thousand eight hundred and fifty-three; and not before.

Commence-
ment of Act.