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No. 65.

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4th Session, 3rd Parliament, 14 & 15 Vict. 1851.

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## BILL.

An Act to amend the Charter of *The University of Toronto.*

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Received and read a first time, Thursday, 5th  
June, 1841.

Secoud reading, Wednesday, 25th June, 1851.

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Hon. Mr. SHERWOOD.

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TORONTO: PRINTED BY LOVELL AND GIBSON.

**B I L L .**

An Act to amend the Charter of *The University of Toronto.*

**W**HEREAS the enactments hereinafter repealed or amended, originated in the earnest desire of the Legislature to meet the wishes of the people of this Province, by so constituting the University therein mentioned, as to afford to all denominations and classes of Her Majesty's subjects, without distinction, the means of obtaining a liberal education therein, but they have failed to effect the end intended, inasmuch as no College or educational institution has under them become, or manifested any desire to become affiliated to the said University, and many parents and others are deterred by the expense and other causes from sending the youth under their charge and care to reside in a large and distant City, or from conscientious scruples object to allow them to be educated in any institution where they cannot receive religious instruction from teachers of their own faith; and whereas many persons do and will therefore prosecute and complete their studies in other institutions in divers parts of this Province, to whom it is expedient to afford such facilities, and on whom it is just to confer such distinctions and rewards as may incline them to persevere in these their laudable pursuits; and whereas experience hath shown that the principles embodied in Her Majesty's Royal Charter to the University of London in England are well adapted to remove the difficulties and to promote the attainment of the objects aforesaid: Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, That the 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 24th, 25th, 26th, 27th, 28th and 43rd sections of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, "*An Act to amend the Charter of the University established at Toronto by His Majesty King George the Fourth, to provide for the more satisfactory government of said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an appendage thereof,*" and the 1st, 3rd, 4th and 5th sections of the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, 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*"

Certain sections of 12 Vict. c. 82, and 13 & 14 Vict. c. 49, repealed.

“*Toronto, and to provide for the institution and endow-  
 “ments of Regius and other Professorships, Lectureships,  
 “Fellowships, Scholarships, Exhibitions, Prizes and other  
 “rewards in the said University, and for other purposes  
 “connected with the said University, and with the College 5  
 “and Royal Grammar School of Upper Canada, forming  
 “an appendage thereof;”* and so much of any other part  
 of either of the said Acts or of the Charter referred to  
 in the Act first mentioned, as may be inconsistent with  
 this Act, shall be repealed; but so much of the said 10  
 Charter as shall not be inconsistent with this Act, or with  
 those provisions of the said Acts which are not hereby  
 repealed shall remain valid, or if repealed by the Act  
 first mentioned shall be revived.

Name of the  
 University  
 changed.

II. The University established by the said Charter and 15  
 mentioned in the said Acts, shall henceforth be called  
 “*The University of Toronto,*” and shall continue to be  
 a body corporate, with such powers and privileges as are  
 conferred upon it by those portions of the said Charter  
 and Acts which remain in force after the passing of this 20  
 Act, or by this Act; and neither such change of name nor  
 anything in this Act shall be construed to make the said  
 University a new Corporation, or to cause any action, suit  
 or proceeding in law or in equity, to which the said Uni-  
 versity may be a party, to abate, cease or be discontinued, 25  
 but the same may be continued upon the suggestion of  
 the passing of this Act, by, against or with regard to the  
 said University by the corporate name hereby assigned  
 to it.

But it shall  
 not be deemed  
 a new  
 Corporation.

How certain  
 words in the  
 former Acts  
 and Charter  
 shall be  
 construed.

III. Whenever in those portions of either of the said 30  
 Acts or of the said Charter, which will be in force after  
 the passing of this Act, the University or Corporation of  
 “*The Chancellor, Masters and Scholars of the Univer-  
 sity of Toronto,*” or of “*King’s College*” is mentioned or  
 referred to, “*The University of Toronto*” shall hereafter 35  
 be understood to be intended; and whenever the Caput  
 of the University is mentioned, the Senate shall be under-  
 stood to be intended, and the word “*Officers,*” when-  
 ever it occurs in the same, shall include any Examiners  
 or other officers to be appointed under this Act; but there 40  
 shall be no professorship or other teachership in the said  
 University; and the mention of any officer or office in the  
 said Acts or Charter shall not be understood as implying  
 that there shall be any officer or office of that name in  
 the said University, unless the Senate shall see fit. 45

No professor-  
 ships, &c.  
 allowed.

Future effect  
 of sections 46,  
 47, 48, of 12  
 Vict. c. 82.

IV. The 46th, 47th and 48th sections of the Act first  
 mentioned shall have no effect after the passing of this  
 Act, except as to things done under them before that  
 time, and not inconsistent with this Act.

V. The said University and Corporation, by the name herein assigned to it, shall hereafter consist of one Chancellor, one Vice-Chancellor, (who shall be a salaried officer,) and such number of Fellows 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 contained.

Of whom the Corporation shall consist.

IV. The Chancellor, Vice-Chancellor and Fellows 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: but no minister, ecclesiastic or religious teacher of any denomination or persuasion shall be appointed Chancellor at any time.

Senate.

Chancellor and Vice-Chancellor now appointed, &c.

VII. Whenever a vacancy shall occur in the office of Chancellor 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.

Governor to fill vacancies in the office of Chancellor.

VIII. The office of Vice-Chancellor of the said University, shall, whenever any vacancy shall occur after the first appointment to the said office, be an annual one; and the members of the Senate shall, at a meeting to be holden by them for that purpose on some day within fifteen days after such vacancy shall be known to them, and of which due notice shall be given, elect some one of the Fellows of the said University to be Vice-Chancellor, and to hold his office for one year from the time of his election; and 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 tenure of the said office, of which meeting due notice shall be given, elect some one of the Fellows of the said University to be Vice-Chancellor, and so from time to time annually; or in case of the death, resignation, or other avoidance of any such Vice-Chancellor after the first, before the expiration of his year of office, shall, at a meeting to be holden by them for that purpose, as soon as conveniently may be, of which due notice shall be given, elect one other of the said Fellows to be Vice-Chancellor for the remainder of the year in which such death, resignation, or other avoidance shall happen.

How vacancies in the office of Vice-Chancellor shall be filled.

IX. If at any time, by death or otherwise, the number of the said Fellows shall be reduced below the number exclusive of the Chancellor and Vice-Chancellor for the time being, then and in such case, and as often as the same shall happen, the Members of the Senate shall, as soon as conveniently may be, at a meeting to be holden for that purpose, of which due notice shall be given, elect or more fit and proper per-

Election of Fellows, when they fall below a certain number.

sons to be Fellows in addition to the then remaining Fellows, to the end that by means of such election the number of Fellows of the said University may be completed, exclusive of the Chancellor and Vice-Chancellor of the said University: but no person shall be appointed or elected a Fellow who shall not be a subject of Her Majesty. 5

Governor to be Visitor.

X. The Governor of this Province shall be (as heretofore) the Visitor of the said University on behalf of Her Majesty, with the powers vested in him as such Visitor by 10 the Act first mentioned.

Senate to have the management of the affairs of the University.

They may make Statutes for certain purposes.

XI. The Chancellor, Vice-Chancellor and Fellows for the time being, shall (subject to the provisions of the said Act relative to the Endowment Board and the duties assigned to it, and to the other unrepealed provisions of the 15 said Act, and to those of this Act relative to the income and property of the said University), have the entire management of and superintendence over the affairs, concerns and property thereof; and in all cases unprovided for by this Act, or by any unrepealed enactment of the said 20 Acts, it shall be lawful for the Chancellor, Vice-Chancellor and Fellows 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 Fellows shall have full 25 power from time to time to make and alter any Statutes and regulations (so as the same be not repugnant to the laws of Upper Canada, or to the general objects and provisions of this Act, or to the unrepealed enactments of the Acts aforesaid,) touching the examination for Degrees, or 30 for certificates of proficiency, and the granting of the same, and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor and Fellows, and in general touching all other matters whatsoever regarding the said University or the property thereof; and all 35 such Statutes and regulations, when reduced into writing, and after the Common Seal of the said University shall have been affixed thereto, shall be binding upon all persons being members or officers thereof, and all candidates for Degrees or certificates of proficiency to be conferred 40 by the said University, a certified copy of such Statutes and regulations being deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the Visitor of the said University, who may at any time within two years after the same shall have been left 45 with the said Secretary, disallow the same, and any by-law or regulation so disallowed shall be null and void from the time when the disallowance thereof shall be signified to the said University.

Statutes may be disallowed by the Visitor.

University to grant

XII. In addition to the power of conferring Degrees in 50 Arts and Faculties vested in the said University, the said

Chancellor, Vice-Chancellor and Fellows shall have power, after examination, to grant Certificates of proficiency in such branches of knowledge as they shall from time to time, by regulations to be made in that behalf, determine.

Certificates of proficiency.

XIII. All questions which shall come before the Chancellor, Vice-Chancellor and Fellows, shall be decided by the majority of the members present; and the Chairman at any such meeting shall have a vote, and in case of equality of votes, a second or casting vote.

Questions to be decided by majority of votes.

XIV. No question shall be decided at any meeting unless the Chancellor or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows, at the least, shall be present at the time of such decision.

Quorum fixed.

XV. At every meeting of the Chancellor, Vice-Chancellor and Fellows, 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 the major part of them.

Who shall preside at meetings.

XVI. The said Chancellor, Vice-Chancellor and Fellows for the time being shall have full power, from time to time, and as they shall see occasion, to remove all Examiners, officers and servants of the said University.

Senate to appoint officers, &c.

XVII. Once at least in every year the said Chancellor, Vice-Chancellor and Fellows shall cause to be held an examination of the candidates for Matriculation and for Degrees or for Certificates of proficiency as aforesaid; and at every such examination the candidates shall be examined by Examiners appointed for the purpose from among the Fellows, by the said Chancellor, Vice-Chancellor and Fellows, or by other Examiners so to be appointed; and at every such examination the candidates shall be examined in as many branches of general knowledge as the Chancellor, Vice-Chancellor and Fellows shall consider the most fitting subjects of such examination.

Examination of candidates, &c.

XVIII. 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, Master of Arts, Bachelor of Laws or Doctor of Laws, to be conferred by the said University of Toronto, on satisfying the Chancellor, Vice-Chancellor and Fellows that such persons have in any of the institutions hereinafter mentioned, completed such

Candidates who have gone through the prescribed course of study in certain institutions to be admitted to examination.

course of instruction as the said Chancellor, Vice-Chancellor and Fellows shall, as to the said respective institutions, by regulations 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 5 hereinafter mentioned, that is to say: all Universities and Colleges in Upper or Lower Canada, or in any other part of Her Majesty's dominions, empowered to grant Degrees in the Arts and Faculties; Upper Canada College, and all other incorporated Colleges in Upper Canada; all 10 Colleges and Educational Institutions in connection with the University of London, in England; and also such other institutions, corporate or unincorporated, as now are or shall hereafter be established for the purposes of education within this Province, or elsewhere within Her 15 Majesty's dominions, as the Governor of this Province shall from time to time prescribe to the said Chancellor, Vice-Chancellor and Fellows, under his hand and seal at arms.

From what schools, &c. candidates for Medical Degrees may be examined.

XIX. And for the purpose of granting the Degrees of 20 Bachelor of Medicine and Doctor of Medicine, and for the improvement of Medical Education in all its branches, as well in Medicine as in Surgery, Midwifery and Pharmacy, the said Chancellor, Vice-Chancellor and Fellows shall, from time to time, report to the Governor of this 25 Province, through the Provincial Secretary, what appear to them to be the Medical Institutions and Schools, whether corporate or unincorporated, in this Province, from which, either singly, or jointly with other Medical Institutions and Schools in this Province or in other parts of Her 30 Majesty's Dominions, or in Foreign parts, it may be fit and expedient, in the judgment of the said Chancellor, Vice-Chancellor and Fellows, to admit candidates for the Medical Degrees, and on approval of such report by the Governor, shall admit all persons as candidates for the 35 respective Degrees of Bachelor of Medicine and Doctor of Medicine to be conferred by the said University, on satisfying the said Chancellor, Vice-Chancellor and Fellows, that such candidate has therein completed the course of instruction which they shall by regulations in that behalf determine; and it shall be lawful for the said Chan- 40 cellor, Vice-Chancellor and Fellows, from time to time, with the 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. 45

Power to confer Degrees.

XX. The said Chancellor, Vice-Chancellor and Fellows, shall have power, after examination, to confer the 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 50 Degrees in the four branches of Medicine, Surgery, Mid-



wifery and Pharmacy ; and such reasonable fees shall be charged to the candidates for Degrees or for Certificates of proficiency as aforesaid, as the Chancellor, Vice-Chancellor and fellows shall by regulations or by-laws in that behalf from time to time determine.

Fees.

XXI. 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 his proficiency in relation to other candidates, 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.

Names of successful candidates for Degrees to be declared.

XXII. 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 the Chancellor, Vice-Chancellor and Fellows 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.

Candidates certificates of proficiency to be classified.

XXIII. The regulations to be made with respect to the literary and scientific attainments of persons obtaining Degrees or certificates of proficiency, and their examination, shall, in so far as circumstances will, in the opinion of the Chancellor, Vice-Chancellor and Fellows, 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 to be as high as in the University of London.

XXIV. 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 take an oath of office.

XXV. The present statutes of the said University shall continue in force, in so far as they shall not be repugnant to or inconsistent with this Act, until they shall be repealed or altered in the manner hereby provided by the Chancellor, Vice-Chancellor and Fellows, whose duty it shall be, so soon as conveniently may be after the passing of this Act, to revise all the Statutes and Regulations of

Present statutes to remain in force, except, &c.

the said University so as to make them harmonize with the provisions of this Act.

Regulations  
as to Students  
now  
matriculated.

**XXVI.** The said Chancellor, Vice-Chancellor and Fellows, 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. 5 10

One Degree  
in Divinity  
may be  
granted to  
Students  
who might  
obtain it  
under 12 Vict.  
c. 82.

**XXVII.** The said Chancellor, Vice-Chancellor and Fellows may grant one Degree in Divinity to any person who without this Act would, under the Act first mentioned, have been entitled to obtain such Degree, and may make such regulations as to them shall seem just with regard to the examination of such persons and the conditions upon which such Degrees shall be obtained; but no other Degree in Divinity shall be conferred by the said University. 15 20

Present  
Professors,  
&c. continued  
until it be  
otherwise  
ordered.

**XXVIII.** Until it shall be otherwise ordered by the said Chancellor, Vice Chancellor and Fellows, the present Professors and Lecturers of the said University, shall, upon the passing of this Act, and by virtue thereof be respectively Examiners in the same branches of knowledge in which they are now such Professors and Lecturers, and with the same salaries as they now enjoy and the other officers and servants of the said University shall in like manner continue to hold their offices, salaries and emoluments until it be otherwise ordered as aforesaid. 25 30

They may be  
required to  
give  
instruction to  
Students now  
matriculated.

**XXIX.** The said Chancellor, Vice-Chancellor and Fellows, may authorise and require any of the Examiners to give instruction and lectures to the Students now matriculated in the said University, during such time as may, in the opinion of the said Chancellor, Vice-Chancellor and Fellows, be requisite to afford to such students a fair opportunity of taking one degree after the passing of this Act; but no such Examiner being now a Professor or Lecturer in the said University, shall receive for such instruction or lectures any allowance beyond his present salary. 35 40

Affairs of the  
University to  
be economi-  
cally  
administered.

**XXX.** The said Chancellor, Vice-Chancellor and Fellows shall regulate the expenses of the said University with as strict a regard to economy as may be consistent with its thorough efficiency, and shall endeavour so to fix the salaries and allowances of the Examiners and Officers hereafter to be appointed, as that the same may be respectively fairly proportioned to the extent and 50

importance of the duties assigned to them; and all such salaries and allowances shall be fixed by Statute, and no sum exceeding *one hundred pounds* currency, shall be expended or the expenditure thereof authorised, except  
5 by Statute.

XXXI. The said Chancellor, Vice-Chancellor and  
Fellows, may grant scholarships, exhibitions, prizes and  
rewards, to persons who shall distinguish themselves at  
their examination, but the sum to be expended for such  
10 purposes in any one year shall not exceed *five hundred pounds*, and such scholrships 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 or prizes may be granted, to a limited amount.

15 XXXII. The scholarships provided for in the fiftieth section of the Act first mentioned, shall hereafter be held to be scholarships in any of the Institutions in Upper Canada in which the course of instruction prescribed by the regulations of the University may be gone through  
20 and completed; and to each of such scholarships an annual stipend shall be attached, 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 in that behalf, and to any  
25 scholarship granted under this or the next preceding section, there shall also be attached the title of "University Scholar."

What the scholarships under section 50 of 12 Vict. c. 82, shall be.

XXXIII. There shall be paid out of the income fund  
of the said University, the sum hereinafter mentioned to  
30 the Institution in Upper Canada (except Upper Canada College which is already endowed out of the public lands of that portion of the Province), in which any person who shall take a Degree in the said University, shall have gone through and completed the course of instruction  
35 required by the University in order to enable him to take such Degree, that is to say: If such person take the Degree of Bachelor of Arts, the sum of *twenty-five pounds*; Master of Arts, the sum of *forty pounds*; Bachelor of Laws, the sum of *twenty-five pounds*; Doctor of  
40 Laws, the sum of *forty pounds*; Bachelor of Medicine, the sum of *twenty-five pounds*; Doctor of Medicine, the sum of *forty pounds*; to which sums *twenty-five per cent* shall be added if the person obtaining such Degree shall at the same time take Honours, and a reasonable sum to  
45 be fixed by Statute may in like manner be paid to the Institution in Upper Canada, in which any person who shall obtain a certificate of proficiency, shall have gone through and completed the course of instruction required by the regulations to be made in that behalf.

Allowance to Institutions at which successful candidates for Degrees or certificates shall have gone through their course of study.

Expenditure under 3 next preceding sections, to be part of 6th charge on University funds.

**XXXIV.** The expenditure authorized by the three next preceding Sections, shall form part of the sixth charge on the income fund of the said University, and the order of precedence in which any of them shall be paid, if the amount of the said fund be not in any year 5 sufficient to meet the whole, may be fixed by the Statute, or it may be provided that in such case a proportionate amount only shall be paid on account of the whole or of any portion of such expenditure.

No Professorships, &c. to be founded under sections 6 and 7 of 13 & 14 Vict. c. 49.

**XXXV.** No Professorships or Fellowships in the said 10 University shall be founded under the sixth and seventh Sections of the Act secondly above mentioned, and the scholarships therein referred to, shall hereinafter be held to be such scholarships as are hereinbefore mentioned.

Endowment Board not to be affected.

**XXXVI.** The constitution and duties of the endow- 15 ment Board shall not be affected by this Act, except that the member thereof appointed by the Caput of the said University, shall go out of office on the passing of this Act, and shall be replaced by a member who shall be appointed by the Chancellor, Vice-Chancellor and 20 Fellows of the said University, and who shall hold his office during their pleasure, as shall also the other member appointed by the Senate.

Exceptions.