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No. 259.

4th Session, 3d Parliament, 14 & 15 Victoria, 1851.

BILL.

An Act to amend the Charter of the University of Toronto, and to constitute "The University of Upper Canada in lieu thereof."

Received and read a first time, Wednesday, 23rd
July, 1851.

Second reading, Monday, 28th July, 1851.

Mr. BOULTON, (of Toronto.)

TORONTO: PRINTED BY LOVELL AND GIBSON.

B I L L .

An Act to amend the Charter of the University of Toronto and to constitute "The University of Upper Canada," in lieu thereof.

WHEREAS it is expedient that there should be a Preamble.
University in Upper Canada, so constituted as to afford to all denominations and classes of Her Majesty's subjects without distinction, the means of obtaining those distinctions and evidences of proficiency in the Arts, Faculties and Sciences and in the various branches of a liberal Academical Education, to which their respective attainments may entitle them; and whereas experience hath shewn that the principles embodied in Her Majesty's Royal Charter to the University of London in England, are well adapted to promote the attainment of the objects aforesaid, and would be acceptable to all classes of Her Majesty's Subjects in this Province: Be it therefore enacted, &c.

15 That so much of the Act passed in the twelfth year of Her Majesty's Reign, 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 the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an appendage thereof.*" or of the Royal Charter therein referred to, as confers the power of granting Degrees in the Faculties of Arts, Law and Medicine on the Corporation therein mentioned and styled "the Chancellor, Masters and Scholars of the University of Toronto," and all such parts of the said Act or Charter as are inconsistent with anything in this Act contained, shall be and the same are hereby repealed; and that the said Corporation shall henceforth be called "University College" and shall continue to be a body corporate with such collegiate powers and privileges as are conferred upon it by those portions of the said Charter and Act which remain in force after the passing of this Act or by this Act; and neither such change of name nor anything in this Act, shall be construed to make the said College a new Corporation, or to cause any action or suit or proceeding in Law or Equity to which the said College may be a party to cease or be discontinued, but the same may be continued upon the suggestion of the passing of this Act, by, against or with regard to the said College by the corporate name hereby

Parts of 12 V., c. 82, and the charter therein referred to repealed in so far as inconsistent with this Act, &c.

assigned to it, and that nothing in this Act shall be construed to apply to any portion of the endowment of the said College, other than such as may be necessary for defraying the expenses of management of the University hereinafter constituted, or to alter, change or vary the present provision made for the government or management of its funds : Provided always, that nothing in this Act shall be taken to destroy the powers or action of the Senate of the Corporation aforesaid, hereafter to be called " University College," except only in so far as such powers shall be inconsistent with this Act, but that the said Senate shall continue to exist under the title of " the Council of University College," to be constituted in the manner hereinafter provided, and the members thereof shall be appointed, in the same manner and hold their seats respectively for the same term as prior to the passing of this Act, except in so far as it is herein otherwise provided, nor shall the seat of any Member of the Senate be vacated by the mere passing of this Act ; and provided also, that the said College shall not be entitled to receive or charge fees for Degrees to be granted by the University hereinafter constituted, and that the Scholarships endowed by the said College, or any County or Counties of Upper Canada shall, as in the manner hereinafter ordered, be open to all persons in Upper Canada.

Proviso:

Proviso.

Allowance out of College Funds to defray the expenses of the University.

II. And for the payment of the expenses of the management of the University hereinafter constituted, be it enacted, That there shall be paid and applied yearly, out of the income of the Endowment of University College aforesaid, a sum of money adequate for the purpose, and the same is hereby made an annual charge on the said income, but such annual payment shall not exceed the sum of *five hundred pounds*, and such payment shall cease at any time that such expenses of management may be provided for out of Provincial funds.

Constitution of the Council (heretofore called the Senate) of the College.

III. And whereas it is expedient to make provision for the re-constitution of the Senate of University College, be it enacted, That there shall be in the said " University College " a deliberative body to be called " The Council of University College," which shall consist of the President and all the Professors of the said University College and of six additional members, who shall be appointed to seats in the said Council by the Crown, and such Council shall have and exercise such rights, power and authority in the said " University College " as in and by the hereinbefore recited Act, the Senate of the University of Toronto had and exercised under the said Act, in the said University of Toronto, save and except where any of such rights, powers and authority may be abolished or restricted by this Act : Provided that no person shall be appointed by the Crown to a seat in the said Council who could not under the said recited Act be appointed to a seat in the Senate of the said University of Toronto.

Proviso.

IV. And be it enacted, That there shall be at the City of Toronto in Upper Canada a University to be called "The University of Upper Canada," which shall be a body corporate and politic, and shall have perpetual succession and a common seal, and such other corporate powers as may be necessary to the exercise of the powers hereby vested in it, but shall not have the power of holding property real or personal; and the said University shall consist of one Chancellor, one Vice-Chancellor, one Pro-Vice-Chancellor, 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; and the Governor of this Province shall be the Visitor of the said University.

University of Upper Canada constituted.

V. The Chancellor, Vice Chancellor, Pro-Vice Chancellor and Fellows for the time being, shall constitute the Senate of the said University; and the Chancellor shall be appointed by the Governor in the manner aforesaid, and shall continue to hold office for three years, but no Minister, ecclesiastic or religious teacher, shall at any time be appointed Chancellor.

Senate.

VI. Whenever a vacancy shall occur by death or otherwise in the Office of Chancellor of the said University, the Governor shall nominate and appoint a fit and proper person to be Chancellor in the stead and place of the one occasioning such vacancy.

Vacancy in the office of Chancellor.

VII. The Offices of Vice-Chancellor and Pro-Vice-Chancellor of the said University, shall be annual ones; and the members of the Senate shall, at a meeting to be holden by them for that purpose and of which due notice shall be given, elect some one of the Fellows of the said University to be Vice-Chancellor, and another to be Pro-Vice-Chancellor, and to hold their offices for one year from the time of their 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 another to be Pro-Vice Chancellor, and so from time to time annually; or in case of the death, resignation or other avoidance, of the office of any such Vice-Chancellor or Pro-Vice-Chancellor 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 or other of the said fellows to be Vice-Chancellor or Pro-Vice-Chancellor, for the remainder of the year in which such death, resignation or other avoidance shall happen.

Election of Vice-Chancellor and Pro-Vice-Chancellor.

Senate may fill vacancies among Fellows when their number is reduced below 24.

VIII. If at any time by death or otherwise the number of Fellows shall be reduced below the number of twenty-four, exclusive of the Chancellor, Vice-Chancellor and Pro-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 one or more fit and proper persons, firstly from among the graduates of any University in the British Dominions, who may be resident in Canada, and next, or in case the number cannot be satisfactorily selected from among such graduates as aforesaid, then as the said Senate may see fit from among men of sound learning and good standing in the said Province, to be Fellows in addition to the then remaining Fellows, to the end that by means of such election the number of twenty-four Fellows of the said University may be complete.

Majority of Senate to decide.

IX. All questions which shall come before the Chancellor, Vice-Chancellor, Pro-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.

Quorum.

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

Chairman.

XI. At every meeting of the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows, the Chancellor, or in his absence the Vice-Chancellor, or in case of his absence also, then the Pro-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.

Appointing Officers, &c.

XII. The said Chancellor, Vice-Chancellor, Pro-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.

Examiners to be appointed.

XIII. That once at least in every year, the said Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows, shall nominate certain Professors or Lecturers from amongst those belonging to the Colleges in connexion with the said University, or such other men of sound learning as they may see fit, to be the Board of Examiners of the University; Provided always, that no two Professors of the same branch of education be appointed to the

Proviso.

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said Board of Examiners, but the said Examiners shall be chosen in such manner as that the respective subjects of Education or learning be fully represented in the said Board ; and at every Examination the Candidates shall be examined in as many branches of knowledge as the Senate shall consider most fitting subjects for such examination, and as shall be declared by previous statute passed by the said Senate.

XIV. And in order to extend the benefits of Colleges and establishments already instituted in the Province for the promotion of literature, science, and arts, 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, or Bachelor of Medicine or Doctor of Medicine, to be conferred by the said University of Upper Canada, on satisfying the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows, that such persons have in any of the Institutions hereinafter mentioned, completed such course of instruction as the said Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows shall, by regulations 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 Universities and Colleges in 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 Canada; all Colleges and Educational Institutions in connexion with the University of London, in England, and also such other Institutions as now are or shall hereafter be established for the purposes of Education within this Province, as shall be recommended for affiliation to the Governour General by the Senate of the University, and so appointed by him.

What Institutions shall be in connection with the College.

XV. The said Chancellor, Vice-Chancellor, Pro-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 Degrees in the branches of Medicine, Surgery, Midwifery and Pharmacy ; and such reasonable fees shall be charged to the Candidates for Degrees as the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Fellows shall, by regulations or by-laws in that behalf from time to time determine.

Power to confer Degrees.

XVI. 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

Names of successful Candidates to be declared, &c.

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, Vice-Chancellor or Pro-Vice-Chancellor, a Certificate under the seal of the University, and signed by the Chancellor, Vice-Chancellor or Pro-Vice-Chancellor, in which the particulars so declared shall be stated. 5

Standard of requirements not to be inferior to that of the University of London for the same degree, &c.

XVII. The regulations to be made with respect to the literary and scientific attainments of Candidates for Degrees and their examination, shall, in so far as circumstances will in the opinion of the Chancellor, Vice-Chancellor, Pro-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 Upper Canada may not be inferior to that adopted for a like Degree, Certificate or Honour in the University of London. 10 15

Examiners to be sworn.

XVIII. The Examiners may be required to take the following oath of office before the Chancellor or Vice-Chancellor, or Pro-Vice-Chancellor:—" I swear that I will perform my duty of Examiner without fear, favour, 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." 20 25

Provision as to degrees in Divinity.

XIX. And as regards Degrees in Divinity, be it enacted, That no one shall be admitted to any Degree in Divinity in the said University who has not previously taken a Degree in the Faculty of Arts in the said University or in some other University in the British dominions, as a guarantee to the Senate of his literary attainments; and that the Degree of Bachelor or Doctor in Divinity shall be conferred upon such candidates being graduates as aforesaid, as shall produce to the said Chancellor, Vice-Chancellor or Pro-Vice-Chancellor, a certificate of their having been examined for such Degree and entitled thereto by at least three Priests, Ministers or Ecclesiastics appointed for that purpose by the College in connexion with the University of Upper Canada, to which the said candidate shall belong, provided that such certificate shall be approved by the Head of the College by which such examiners were appointed, and sealed with its Corporate Seal. 30 35 40

Colleges may frame their own regulations except as to standard of acquirement.

XX. And be it enacted, That each College in connection with the said University, may, according to its powers in that behalf, frame its own by-laws for its good government, internal regulations, &c., &c., independently of the Senate of the said University: provided nevertheless that each College shall be required to conform and comply with the standard of acquirement laid down by 45 50

the said Senate in so far as relates to Degrees in the Faculties of Arts, Law and Medicine.

XXI. The said Chancellor, Vice-Chancellor and Fellows, shall regulate the expenses of the said University, with as strict regard to economy as may be consistent with its thorough efficiency, and shall endeavour so to fix the fees and allowances of the Examiners and Officers hereafter to be appointed, as that the same may be respectively fairly proportioned to the extent and importance of the duties assigned to them; and all such fees and allowances shall be fixed by Statutes.

Affairs to be economically administered.

XXII. And be it enacted, That the Scholarships provided for in the fiftieth section of the said recited Act shall hereafter be held to be Scholarships in any College in connection with the said University of Upper Canada; and that the examination, for such Scholarships shall be conducted by the Board of Examiners of the said University of Upper Canada hereinbefore provided for, and any person who shall have obtained any such Scholarship shall immediately signify in writing to the Chancellor, Vice-Chancellor, or Pro-Vice-Chancellor of the University of Upper Canada the name of the College in connection with the said University at which he intends to reside, and may then reside at and attend such College, and have and enjoy at the said College all the privileges and emoluments of the said Scholarship.

Scholarships under sect. 50 of 12 Vic., ch. 82, to be Scholarships in any College connected with the University.

XXIII. And be it enacted, That the Chancellor, Vice-Chancellor or Pro-Vice-Chancellor of the said University shall without delay report to the Council of the said University College, the names of all those who shall have obtained such Scholarships upon the examinations to be had as aforesaid, and upon receiving such Report the said Council of the said University College shall permit the parties who shall have obtained the said Scholarships to receive, and shall grant all necessary orders and do every necessary act to enable such parties to receive the emoluments of such Scholarships.

Names of successful candidates for Scholarships to be reported.