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REPORT OF THE SPECIAL COMMITTEE  
OF THE SENATE ON THE AFFILIATION OF COLLEGES, SCHOOLS  
AND OTHER INSTITUTIONS TO THE UNIVERSITY OF  
TORONTO.

*To the Senate of the University of Toronto:*

The Special Committee appointed to consider and report upon the essential qualifications for affiliation to be possessed by colleges, schools and other institutions now claiming affiliation to the University, and whether the colleges, schools and other institutions now affiliated with the University continue to be so qualified, and whether entitled to representation on the Senate, and to report such general rules or statutes dealing with the subject of affiliation generally as they may consider expedient, have considered the several matters referred to them, including a proposed statute relating to existing affiliations subsequently referred, and report as follows:

As to the statutory provisions respecting affiliation to the University of Toronto.

I. The first legislative provisions providing for the connection or affiliation of other collegiate institutions to the University of Toronto will be found in 12 Vict. c. 82, ss. 17, 18 and 43, (1849)—repealed in 1853.

II. The next legislative provisions on that subject, and which originated the present system of affiliated colleges, will be found in the Act of 1853, 16 Vict. c. 89, ss. 17 and 18, subsequently consolidated in C. S. U. C., c. 62, ss. 25-28, where they may be more readily examined. The clauses of the Act referred to appear to have been adapted from clauses on a similar subject in the charter granted to the University of London.

(1) Your committee would direct special attention to the legislative policy on college affiliation indicated in the preamble to sec. 25 of C. S. U. C., c. 62: "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 with the said University,"—apparently indicating that the legislative intention at that time as to affiliation was to benefit existing colleges by inducing them to educate their students in the subjects of instruction prescribed by the University, and thereby to raise their standard of scholarship.

(2) The second point to be noticed is the legislative and governmental selection of colleges to be benefited by affiliation as set out in section 26. That section might perhaps, on a critical analysis, be found capable of two constructions. One construction might indicate that two classes of colleges and institutions should be affiliated, viz., (a) that the then existing "Colleges" in Upper and Lower Can-

ada (section 26), incorporated by Royal Charter or Act of Parliament, should, without further preliminaries or designation, be entitled to the benefits conferred by section 25; and (b) that as to other incorporated or unincorporated "Institutions," whether then existing or subsequently established, only such of them as the Governor should designate, should be entitled to such benefits. Another construction might indicate that only such of the above mentioned colleges and institutions as the Governor should prescribe or designate, should be affiliated to the University and entitled to the benefits of section 26. It must have been under this clause (s. 26) that University College became affiliated to the University, for there is no other provision in the Act which under its affiliation could have been effected.

(3) If the first indicated construction was the proper one to be given to the section, it might have been necessary to consider how it affected the other then existing incorporated colleges in Upper and Lower Canada, by affiliating them to the University; but such consideration is perhaps unnecessary owing to the phraseology of section 45 as to prior applications for affiliation contained in Mr. Crooks' Act of 1873 (36 Vict. c. 29, or R. S. O., (1877), c. 210, s. 61, s-s. 3).

(4) Section 18 of the Act of 1853, or 27 of C. S. U. C., c. 62 prescribed a different procedure for determining from what medical and law schools candidates for degrees in medicine and law should be admitted to the University examinations. The Senate was authorized to select and report or recommend to the Governor such schools; and when its report or recommendation was approved by the Governor, persons who had completed the prescribed course of instruction in such schools became entitled to be admitted to the University examinations. By section 28 such reports as to medical and law schools might from time to time be varied by the Senate with the approval of the Governor, by striking out any of such schools or by adding or recommending others.

(5) Then followed in this latter section the affiliation clause, declaring the relation of such colleges and schools to the University: "And all institutions from which under the three last preceding [25, 26 and 27] sections, students may be examined for degrees, shall be said to be affiliated for that purpose to the University."

III.—(1) The amending Act of 1873, 36 Vict. c. 29, subsequently consolidated with the Act, C. S. U. C. c. 62, above cited, in R. S. O. (1877); c. 210, gave to the affiliated colleges the right to representation on the University Senate (s. 11); re-established convocation, and gave to the graduates in convocation (see sec. 24 of the Act of 1873), "the power of deciding upon the recognition, upon such terms as the Senate shall propose, of the affiliation of any college or school with the said University." The Legislature, however, subsequently altered this by the Act, 40 Vict. c. 16, s. 20, so as to make it read as in R. S. O. c. 210, sec. 64, subsec. 4, "the power of discussing upon such terms as the Senate shall propose, the affiliation of any college or school with the said University." By the University Federation Act of 1887 (50 Vict. c. 43, s. 59), this limited power of convocation was repealed.

(2) The Act (R. S. O. c. 210) further provided (s. 61) that the Senate might, by statute in that behalf, with the approval of the Lieutenant-Governor in Council, prescribe that any college, school or other institution established for instruction in the subjects specified in the section, should be "deemed to be affiliated with the said University for the purpose of admitting therefrom as candidates" at the University examinations "such persons as may have respectively completed in such college," etc., the course of instruction prescribed by the Senate.

(3) Power was also given to the Senate, with the like consent of the Lieutenant-Governor in Council, to remove any such affiliated college, etc., "from its said connection with the said University."

(4) The clause (s. 61) defining what colleges, etc., should be deemed to be affiliated, provided (sub-sec. 3) that excepting such colleges, etc., as were in connection with the University "under special applications heretofore made in that behalf," or as might become so in conformity with the provisions therein contained, and excepting University College, and the law and medical schools affiliated under sec. 18 of the Act of 1853, "no other college, school or institution shall be deemed or taken to be affiliated for any purpose with the University."

IV. In 1884 the R. S. O., c. 210, was amended by 47 Vic. c. 46; and in 1887 the present University Federation Act was passed, 50 Vict., c. 43, now R. S. O. 1887, c. 230, by which some of the previous statutory provisions respecting affiliation were varied as follows:

(1) A new relation to the University was established, viz., Federated Universities and Federated Colleges.

(2) Federated colleges were defined to be all colleges in Toronto then in affiliation to the University, not being Schools of Medicine.

(3) Affiliated Colleges were defined to be:

(a) Colleges affiliated with a Federating University (sec. 8, sub-sec. 1, and sec. 53, sub-sec. 3).

(b) Schools of Medicine then in affiliation with the University (sec. 8, sub-sec. 2, and sec. 53, and sub-sec. 3).

(c) Colleges, schools or other institutions, then in connection with the University "under special applications" theretofore made (sec. 53, sub-sec. 3).

(d) University College (sec. 53, sub-sec. 3).

(e) Schools of Law and Medicine affiliated under sec. 18 of the Act of 1853 (sec. 53, sub-sec. 3).

(f) Colleges, schools or other institutions thereafter making application for affiliation and affiliated by statute of the Senate (sec. 53, sub-sec. 1).

And by the latter part of sec. 53, sub-sec. 3 it was enacted that excepting the above "no other college, school or institution shall be deemed or taken to be affiliated for any purpose with the University."

(4) Your committee consider that under the statutory provisions respecting affiliation since their first enactment in 1853, the colleges, schools and other institutions affiliated to the University should be active educational or teaching institutions in which students should be educated and enabled to complete their studies in some branch of learning, or in some art or science according to a course of instruction prescribed by the University; and they refer to the provisions of section 3 of the Act of 1853 (also C. S. U. C., c. 62, s. 3, and R. S. O., c. 210, s. 4), limiting the functions of the University to the examination of candidates for degrees, etc., in the several faculties; and also to sections 38 (sub-secs. 2, 3 and 4), 52, 53 (sub-sec. 1), 54 and 55 of the University Federation Act and other sections in the Acts above referred to.

V.—(1) The right to representation on the University Senate was originally conferred upon affiliated colleges, schools and other institutions by 36 Vict., c. 29, s. 3 (R. S. O., c. 210, s. 11), and is now regulated by section 11, sub-sec. 2, R. S. O. (1887), c. 230. The colleges and schools affiliated prior to that Act are declared entitled to representation on the Senate; but by sec. 8, sub-sec. 1, colleges



therein mentioned, which may thereafter become affiliated to the University, only obtain the right to representation on the Senate by the grant of that right under a statute of the Senate.

(2) The power to revoke the federation of a college which affiliates to or becomes an integral part of another University is given to the Senate by sec. 8, sub-sec. 3. And a similar power to revoke the affiliation of colleges, schools and other institutions previously affiliated under that Act or any former Act is given to the Senate by sec. 53, sub-sec. 2. In each case the revoking powers of the Senate are to be exercised by statute; but no statute is to have force or effect until approved by the Visitor (s. 41).

(3) The above Act, R. S. O. (1887), c. 230, was amended by 52 Vict., c. 52; 54 Vict., c. 58, and 55 Vict., c. 61, but not as to the provisions respecting the federation and affiliation of colleges, etc.

#### I. FEDERATED COLLEGES.

The relation of these colleges to the University is regulated by R. S. O. 1887, c. 230, s. 8, sub-sec. 2, which provides that "all colleges in Toronto which are in affiliation with the University of Toronto, when this Act takes effect, not being Schools of Medicine, shall be considered Federating Colleges, within the meaning of this Act." And their right to representation on the Senate is conferred by section 11, sub-secs. 1 and 2.

At the time the Act came into operation the following colleges in Toronto were in affiliation with the University and became Federated Colleges under the Act:

St. Michael's College, under Statute No. 132, passed on the 14th March, 1881.

Wycliffe College, under Statute No. 156, passed on the 21st May, 1885.

Knox College, under Statute No. 165, passed on the 14th November, 1885.

With respect to the Toronto Baptist College your committee report that it was originally affiliated to the University under a statute (No. 158) passed on the 3rd July, 1885. But by the Act 50 Victoria, c. 95 (1887) its corporate existence was united with that of Woodstock College, and the two institutions were merged into "one corporation under the name of McMaster University," and the united institutions were placed under the management and administration of one board of governors. No provision was made for continuing the affiliation of the college to the University of Toronto; while the University into which it was merged was placed under the following provision (s. 12), respecting affiliation with certain other institutions: "The said University shall not have the power or right to establish, maintain or be connected with any school or college in theology other than Toronto Baptist College, nor the right to affiliate, under any conditions, with any other school or college in theology."

Your committee consider that under the Act in question, the Toronto Baptist College has ceased to exist as a separate corporation and college, and has become merged in, and now forms an integral part of, McMaster University; and that the affiliation of the Toronto Baptist College to the University of Toronto ceased on and after the date at which the Act merging it in the McMaster University came into operation, viz., 1st November, 1887.

#### II. MEDICAL SCHOOLS.

In 1874 the Senate appointed a committee to consider the general question of the affiliation of medical schools to the University, which committee reported

that the then system of affiliation was unsatisfactory, and recommended that the whole question should be reconsidered, and with that view that all existing affiliations of schools of medicine should be cancelled.

The question was further discussed between the Senate, the Executive Government and the affiliated schools of medicine, and resulted in a full report from the Senate to the Provincial Government, dated the 4th April, 1876. On the 31st October, 1876, the Minister of Education, after reviewing the whole question, made the following recommendation to the Lieutenant-Governor in Council:

"The undersigned would, in view of the foregoing circumstances, respectfully recommend that the report of the Senate be concurred in by your Honor in council, and that the several schools of medicine affiliated, or claiming to be affiliated, with the University of Toronto, by the said report of the Senate in the year 1854, be no longer considered affiliated with the University, in order that the Senate may be placed in a position to fully consider the subject of affiliation under the circumstances set forth in their report of the 4th April, 1876, and that such former affiliation be deemed to cease at the expiration of the academic year now current."

This recommendation was concurred in by the Executive Council, and an order of the Lieutenant-Governor in Council was passed on the 14th November, 1876, giving it effect. The documents setting forth these proceedings will be found in Sessional Paper No. 32 to the Journal of the Ontario Legislature for 1877.

*Trinity Medical College* was incorporated by the Act 40 Victoria, chapter 65, passed on the 2nd March, 1877, and was created a college by the Act 51 Victoria, chapter 91. The preamble of the Act of 1877 recited that the applicants for incorporation had conducted Trinity College Medical School as the medical department of the University of Trinity College, and that they were desirous, with a view to its continued affiliation with the University of Toronto, that it should be placed on an equality with other medical schools, and should have an existence separate and distinct from that of any other corporation. And by section 12 of the Act it was provided that for the purpose of its students being enabled to procure university honors or degrees it should be lawful for the school to affiliate with any University or Universities empowered to grant such degrees, upon such terms as the said school and such University or Universities might agree.

Subsequently, and on the 27th June, 1877, this medical school was affiliated to the University by statute No. 113, which reads as follows:

"Whereas the Senate, on the 12th June, 1877, passed certain resolutions containing the terms upon which medical colleges or schools applying for affiliation should be admitted thereto;

"And whereas the Trinity School of Medicine, after communication to it of the said resolutions, has applied to be affiliated to the University in accordance with the terms of the said resolutions;

"And whereas it appears proper, under the circumstances, to grant the said application;

"That in compliance with the said application, and in pursuance of and subject to the terms of the said resolutions, the Trinity School of Medicine be, and the same is hereby affiliated to this University."

The resolutions and the proceedings of the Senate thereon will be found in Sessional Paper No. 55 to the Journal of the Legislature of Ontario, 1879, and

also in Sessional Paper No. 20 to the Journal of the Legislature, 1881. The first of the above series of resolutions reads as follows :

"Firstly, that no medical school or college should be admitted to or continued in affiliation which is or becomes connected with another university, either as its medical faculty or by its professors or lecturers being the examiners for the degrees, honors, scholarship or standing of another university ; or its holding out in any way that its examinations will be accepted by another university as entitling to degrees, honors, scholarships or standing.

"Provided that this shall not preclude any one or more individual professors or lecturers, *bona fide*, becoming examiners in another university, the intent being that the faculty of any affiliated college, or any part thereof, shall not be permitted substantially to conduct the examinations of their own students for degrees, honors, scholarships or standing in another university.

"Any school applying to be affiliated shall be informed of this regulation, and shall be required to enter into an undertaking to observe it ; subject to the express condition that upon breach of such undertaking the statute shall be repealed and affiliation cancelled."

At the meeting of the Senate, held on the 25th June, 1877, the application of Trinity Medical School, applying for affiliation to the University on the terms contained in the above resolution, was laid before the Senate ; and on the 27th June, 1877, the above statute affiliating the Trinity Medical School to the University was passed.

In the annual announcement of Trinity Medical College for 1893-4, it is stated that the college is in affiliation with Trinity University, the University of Toronto, Queen's University and the University of Manitoba.

From the calendars of Trinity University, accessible to your committee, it appears that on several occasions a large proportion of the examiners in medicine in that institution have been selected from the staff of Trinity Medical College, as the following table will show : In 1884, 6 out of 8 ; in 1885, 6 out of 9 ; in 1886, 6 out of 9 ; in 1888, 6 out of 9 ; in 1890, 9 out of 12 ; in 1891, 9 out of 14 ; in 1892, 9 out of 13 ; in 1893, 10 out of 14.

Your committee also learn that whilst Trinity Medical College sends up annually large numbers of students to the examinations of Trinity University, during the years 1886-1890, inclusive, only five students, and for the last four years none at all from that college have presented themselves at the examinations of the University of Toronto. These facts unexplained deserve the best consideration of the Senate.

*Toronto School of Medicine* was affiliated to the University by Statute No. 114, passed on the same 27th of June, 1877, and on the same terms and conditions as the Trinity Medical School. The application of the Toronto School of Medicine, applying for affiliation on the terms contained in the resolutions of the Senate passed on the 12th June, was laid before the Senate on the 25th June, and the statute above mentioned was passed at the following meeting of the Senate on the 27th June, 1877.

This School of Medicine is not now engaged as a teaching institution, in giving instruction in medical studies or in preparing students in the course of instruction required to qualify them to be admitted as candidates at the University examinations for standing or for scholarships, honors, degrees and certificates which the University is authorized to confer in the science of medicine.

It is accordingly recommended that its affiliation be declared at an end on and after the 1st October, 1895.



### III. OTHER COLLEGES AND SCHOOLS.

*Albert College* was originally incorporated in 1857, under the title of "Belleville Seminary." (20 Vic. c. 184.) In 1861, as appears by an Instrument of Affiliation, dated 13th September, 1861, and laid before the Senate on the 4th October, 1861, the Governor in Council, pursuant to C. S. U. C., c. 62, s. 26, upon the application of its Board of Trustees, affiliated this institution to the University of Toronto. In 1866, its original name was changed to Albert College, and University powers in respect of degrees in Arts were conferred upon it, with the condition that its standards of qualification for such degrees should not be inferior to those of the University of Toronto. (29 and 30 Vic., c. 136.) The above Acts of 1857 and 1866 were varied by Acts passed in 1871 (34 Vic., c. 9), and in 1884 (47 Vic., c. 93). Under the latter Act its University powers were revoked; its graduates and undergraduates were incorporated into Victoria University, and it was, by sec. 8, affiliated to that University, and declared entitled in respect of such affiliation to two representatives on the Senate of Victoria University. The right of this college to representation on the Senate was conferred by the Act of 1873, and is continued by the present University Federation Act, R.S.O., (1887), c. 230.

*Ontario Agricultural College* was established by the Legislature and Government of Ontario, in 1880, and is now managed under the provisions of R.S.O., 1887, c. 233. By sec. 10 of that Act, the Lieutenant-Governor in Council, as the governing body of the institution, "may agree with the University of Toronto for the affiliation of the said college with the University, but only to the extent of enabling the students of the said college to obtain at the examinations of the University such rewards, honors, standing, scholarships, diplomas or degrees in agriculture as the University may be allowed to confer." By Statute No. 189, passed on the 17th May, 1888, this college was affiliated to the University, and its right to representation on the Senate depends upon the state of the law regulating college representation on the Senate when the statute of affiliation was passed.

*Royal College of Dental Surgeons of Ontario* was affiliated to the University by Statute No. 192, passed on the 25th May, 1888, and its right to representation on the Senate depends upon the law then in force.

*School of Practical Science* was established by the Legislature and Government of Ontario in 1873, and is now managed under the provisions of R.S.O., 1887, c. 232. By sec. 10 of that Act the Lieutenant-Governor in Council "may affiliate the school with the University, but only to the extent of enabling students of the school to obtain at the examinations of the University such rewards, honors, standing, scholarships and degrees in science as the said University may be authorized to confer."

This school was affiliated to the University by Statute No. 208, passed on the 18th October, 1889, which provides "that the School of Practical Science be and the same is hereby affiliated with the University of Toronto, and entitled to representation in accordance with the provisions of the University Federation Act, R.S.O., (1887), c. 230."

*Toronto College of Music* was affiliated to the University by Statute No. 216, passed on the 21st May, 1890, and its right to representation is governed by the second clause, which is as follows: "That the said Toronto College of Music shall have the right of representation on the Senate so long as it remains unaffiliated with any other University."

*Women's Medical College* was affiliated to the University by Statute No. 217, passed on the 21st May, 1890; but the statute makes no provision for the representation of this college on the Senate.

*Ontario School of Pharmacy* was affiliated to the University by Statute No. 257, passed on the 22nd January, 1892, and is as follows: "That the Ontario School of Pharmacy be, and the same is hereby affiliated with this University, and entitled to representation on the Senate."

*Huron College* was affiliated to the University by Statute No. 277, passed on the 30th September, 1892, the second clause of which is as follows: "Huron College shall have the right of representation on the Senate when and so long as it is unaffiliated with any other University."

Your committee have prepared a draft statute on the affiliation of colleges, schools and other institutions, which is herewith appended.

Your committee desire to acknowledge the kindness of Lord Chancellor Herschell, Chancellor of the University of London, in transmitting the report of the Royal Commission on the proposed Gresham University, and other documents which have been helpful and suggestive to the committee in considering the questions referred to them by the Senate.

All which is respectfully submitted.

THOMAS HODGINS,  
*Chairman.*

STATUTE ON THE AFFILIATION OF COLLEGES, SCHOOLS AND OTHER INSTITUTIONS  
TO THE UNIVERSITY OF TORONTO.

The Senate of the University of Toronto enacts as follows:

1. That every college, school, or other institution coming within the description of such institutions contained in section 53, sub-section 1 of the Revised Statutes of Ontario, (1887), chapter 230, hereafter applying for affiliation to the University of Toronto, shall comply with the regulations and conditions prescribed by this statute.

2. The application for affiliation to the University shall be made to the Senate by the corporation or governing body establishing and controlling the management and property of such college, school or other institution and shall set forth—

(a) The educational purposes for which the said college, school or other institution was established, and the date of its establishment.

(b) The subjects and period of study prescribed for its students.

(c) The professors and teachers engaged therein, and their departments of instruction.

(d) The average number of students attending the same, based upon the yearly attendance for the three years next preceding the application for affiliation.

(e) An estimate of the probable average number of students which may present themselves at the University examinations.

(f) Whether such college, school or other institution is affiliated to or with any other University or College in Ontario.



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3. The said corporation or other governing body shall also furnish such other information as may be required by the Senate or by any committee to which the Senate may refer its application for affiliation.

4. There shall be a Standing Committee of the Senate on affiliation, which shall consist of \_\_\_\_\_ members of the Senate to which every application for affiliation shall be referred, and which committee shall investigate the facts set forth in the said application, and report upon the same and whether the application should be granted with, or without, representation on the Senate; and, if the application is approved, they shall also report a statute to carry the same into effect. On any reference by the Senate the committee shall also inquire into and report upon any evidence presented to the Senate as to any breach of the conditions of affiliation as set forth in this statute. Such standing committee shall be appointed as prescribed by clause 48 of Part I of the Consolidated Statutes of the University.

5. The right of affiliation to the University shall be conditional and shall depend upon the said college, school, or other institution continuing as a teaching institution in which students may complete therein, such a course of preliminary instruction as will qualify them to be admitted as candidates at the University examinations referred to in section 53 of the University Federation Act, for standing in some branch of learning, or in some art or science, or for such scholarships, honors, degrees and certificates therein as the University is authorized to confer.

6. Any college, school or other institution affiliated to the University, ceasing to be such teaching institution as defined in the fifth clause of this statute, shall thereby forfeit its right to affiliation, and also its right to representation on the Senate (if any).

7. The right of any such college, school or other institution to representation on the Senate shall depend upon—

(a) The application therefor by the said corporation, or governing body as aforesaid.

(b) A special statute to be passed by the Senate for that purpose.

8. The forfeiture of affiliation shall be effected by a statute to be introduced upon the adoption by the Senate of a report of the Standing Committee on affiliation showing that the conditions of affiliation set forth in this statute have not been observed.