

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1840. York: Robert Stanton, 1840.

3 Victoria – Chapter 35

**An Act to establish a College by the name and style of the University at Kingston. Passed 10th February, 1840.**

Whereas by the Petition of the Reverend Robert McGill, Moderator of the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, and of the Reverend Alexander Gale, Clerk of the said Synod, it appears that certain Lands and Funds have been placed at the disposal of the Presbytery of Toronto, by benevolent individuals, for the purpose of assisting in the establishment of an Academical Institution or College, in connexion with the Church of Scotland: And whereas the establishment of a University at Kingston, in the Midland District of this Province, for the Education of youth in the principles of the Christian Religion, and for their instruction in the various branches of Science and Literature, which are taught in the Universities of the United Kingdom, would greatly conduce to the welfare of the Inhabitants of this Province: And whereas Lot number thirty-two, in the third Concession South of Dundas Street, in the Township of Trafalgar, in the District of Gore, is now held in trust by John Ewart, for the benefit of the said College, and it is desirable that the Trustees hereinafter named, and their successors in office, have legislative authority to take and hold the said Lot of Land, and other Lands and Funds, as a Corporate Body in perpetuity, for the purpose aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That it shall and may be lawful for the Reverend Robert McGill, the Reverend Alexander Gale, the Reverend John McKenzie, the Reverend William Rintoul, the Reverend William T. Leach, the Reverend James George, the Reverend John Machar, the Reverend Peter Colin Campbell, the Reverend John Cruikshank, the Reverend Alexander Mathieson, Doctor in Divinity, the Reverend John Cook, Doctor in Divinity, and the Principal of the said College for the time being, Ministers of the Presbyterian Church of Canada, in connexion with the Church of Scotland; the Honourable John Hamilton, the Honourable James Crooks, the Honourable William Morris, the Honourable Archibald McLean, the Honourable John McDonald, the Honourable Peter McGill, Edward W. Thompson, Thomas McKay, James Morris, John Ewart, John Steele, John Mowat, Alexander Pringle, Thomas Blackwood, John Strange, Esquires, Members of the said Church, and their successors, to take, receive, hold and maintain in law the above named Lot of Land, or any other messuages, lands, tenements, hereditaments or other property, real or personal, acquired or to be acquired for the establishment and maintenance of an Academical Institution or College as aforesaid, for the Education and Instruction of Youth and Students in Arts and Faculties, such Institution to be called, "the University at Kingston."

II. And be it further enacted by the authority aforesaid, That the said Trustees and their successors shall be and remain forever hereafter a Board or Body Politic and Corporate, in deed and in manner, by the name and style of the Trustees of the University at Kingston, and by that name shall and may have perpetual succession; and shall and may be able in law and in equity to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever; and may have a Common Seal, and may change and alter the same at their pleasure; and also shall be able and capable to have, take, receive, purchase, acquire, hold, possess, enjoy, and maintain in law, to and for the use of the said College, any messuages, lands, tenements and hereditaments of what kind, nature or quality soever, so as that the same do not exceed, in yearly value above all charges, the sum of Fifteen Thousand Pounds Sterling; and also that they and their successors shall have power to take, purchase, acquire, have, hold, enjoy, receive, possess and retain all or any goods, chattels, moneys, stocks, charitable or other contributions, gilts, benefactions or bequests whatsoever; and to give, grant, bargain, sell, demise or otherwise dispose of all or any part of the same, or of any other property, real, personal or other they may at any time or times possess or be entitled to, as to them shall seem best for the interest of the said College.

III. And be it further enacted by the authority aforesaid, That the said Board of Trustees shall forever hereafter consist of twenty-seven Members, of whom twelve shall be Ministers of the said Presbyterian Church of Canada, in connexion with the Church of Scotland, and fifteen shall be Laymen in full communion with the said Church, the same to be appointed in succession, in manner as follows, that is to say: three Ministers and four Laymen whose names stand lowest in this Act, and in the future roll of Ministers and Laymen composing the Board, shall after the year one thousand eight hundred and forty-two, retire from the Board annually on the first day of the Annual Meeting of the said Synod, and their room be supplied by the addition of seven new Members, three Ministers and four Laymen; the three Ministers to be chosen by the said Synod on the first day of the annual meeting of the same, in such manner as shall seem best to the said Synod, and the four Laymen to be chosen also on the first day of the Annual Meeting of the said Synod, by the lay Trustees remaining after the seven have retired, from a list of persons made up in the following manner, that is to say: each congregation admitted on the roll of the said Synod, and in regular connection therewith, shall at their Annual Meeting nominate every third year one fit and discreet person, being a Member in full communion with said Church, to fill the office of Trustee of said College, and the persons names so nominated, being duly intimated by the several congregations to the Secretary of the Board of Trustees, and in such form as the said Board may direct, shall be enrolled by the said Board, and constitute a list from which lay Trustees shall be chosen to fill the vacancies occurring at the Board during each year, the names of the Members thus added to the Board, to be placed from time to time at the top of the roll of the Board: Provided always that the retiring Trustees may be re-elected as heretofore provided, if the Synod and remaining lay Trustees respectively see fit to do so: And provided always that in case no election of new Trustees shall be made on the said first day of the Annual Meeting of the said Synod, then and in such case the said retiring Members shall remain in office until their successors are appointed at some subsequent period: And provided always that every Trustee, whether Minister or Layman, before entering on his duties as a Member of said Board, shall have solemnly declared his belief of the doctrines of the Westminster Confession of Faith, and his adherence to

the standards of the said Church, in government, discipline and worship, and subscribed such a formula to this effect as may be prescribed by the said Synod, and that such declaration and subscription shall in every case be recorded in the books of the said Board: And provided always that all the Trustees named in this Act, shall continue to hold their offices as Members of the said Board, until the first day of the Annual Meeting of the said Synod, which shall be holden in the year one thousand eight hundred and forty-three.

IV. And be it further enacted by the authority aforesaid, That after the removal by death, resignation or otherwise, of the first Principal and Professor, who are to be nominated by the Committee of the General Assembly of the Church of Scotland, the said Trustees and their successors shall forever have full power and authority to elect and appoint for the said College a Principal, who shall be a Minister of the Church of Scotland, or of the Presbyterian Church of Canada, in connexion with the Church of Scotland, and such Professor or Professors, Master or Masters, Tutor or Tutors, and such other officer or officers as to the said Trustees shall seem meet: Provided always, that such person or persons as may be appointed to the office of Principal, or to any Professorship or other office in the Theological Department in said College, shall before discharging any of the duties or receiving any of the emoluments of such office or Professorship, solemnly declare his belief of the doctrines of the Westminster Confession of Faith, and his adherence to the standards of the Church of Scotland, in government, discipline and worship, and subscribe such a formula to this effect as may be prescribed by the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, and that such declaration and subscription be recorded in the books of the Board of Trustees: And provided always that such persons as shall be appointed to Professorships not in the Theological Department in said College, shall before discharging any of the duties or receiving any of the emoluments of such Professorships, subscribe such a formula, declarative of their belief of the doctrines of the aforesaid Confession of Faith, as the said Synod may prescribe.

V. And be it further enacted by the authority aforesaid, That no religious test or qualification shall be required of or appointed for any persons admitted or matriculated as scholars within the said College, or of persons admitted to any Degree in any Art or Faculty therein, save only that all persons admitted to any Degree in Divinity, shall make such and the same declarations and subscriptions as are required by this Act to be made and subscribed by the Professor or Professors in the Theological Department.

VI. And be it further enacted by the authority aforesaid, That if any complaint respecting the conduct of the Principal, or any Professor, Master, Tutor, or other officer of the said College, be at any time made to the Board of Trustees, they may institute an enquiry, and in the event of any impropriety of conduct being duly proved, they shall admonish, reprove, suspend or remove the person offending, as to them may seem good: Provided always that the grounds of such admonition, reproof, suspension or removal be recorded at length in the books of the said Board.

VII. And be it further enacted by the authority aforesaid, That the said Trustees and their successors shall have full power and authority to erect an Edifice or Edifices for the use of the said

College: Provided always that such Edifice or Edifices shall not be more than three miles distant from Saint Andrew's Church, in the Town of Kingston, in the Province of Upper Canada.

VIII. And be it further enacted by the authority aforesaid, That the said Trustees and their successors, shall have power and authority to frame and make statutes, rules and ordinances, touching and concerning the good government of the said College; the performance of Divine service therein; the studies, lectures, exercises, and all matters regarding the same; the number, residence and duties of the Professors thereof; the management of the revenues and property of the said College; the salaries, stipends, provision and emoluments of and for the Professors, Officers and Servants thereof; the number and duties of such Officers and Servants, and also touching and concerning any other matter or thing which to them shall seem necessary for the well-being and advancement of the said College, and agreeably to this Act; and also from time to time by any new statutes, rules or ordinances, to revoke, renew, augment or alter all, every or any of the said statutes, rules and ordinances, as to them shall seem meet and expedient: Provided always that the said statutes, rules and ordinances, or any of them, shall not be repugnant to the provisions of this Act, or to the laws and statutes of this Province: Provided also that the said statutes, rules and ordinances, in so far as they regard the performance of Divine service in the said College, the duties of the Professors in the Theological Department thereof, and the studies and exercises of the students of Divinity therein, shall be subject to the inspection of the said Synod of the Presbyterian Church, and shall be forthwith transmitted to the Clerk of the said Synod, and be by him laid before the same at their next meeting for their approval, and until such approval duly authenticated by the signatures of the Moderator and Clerk of the said Synod is obtained, the same shall not be in force.

IX. And be it further enacted by the authority aforesaid, That so soon as there shall be a Principal and one Professor in the said College, the Board of Trustees shall have authority to constitute under their Seal the said Principal and Professor, together with three Members of the Board of Trustees a Court, to be called the College Senate, for the exercise of Academical Superintendence and discipline over the students, and all other persons resident within the same, and with such powers for maintaining order, and enforcing obedience to the statutes, rules and ordinances of the said College as to the said Board may seem meet and necessary: Provided always that so soon as three additional Professors shall be employed in the said College, no Trustee shall be a Member of the College Senate, but that such Principal and all the Professors of the College shall forever constitute the College Senate with the powers just mentioned.

X. And be it further enacted by the authority aforesaid, That whenever there shall be a Principal and four Professors employed in the said College, the College Senate shall have power and authority to confer the Degrees of Bachelor, Master and Doctor in the several Arts and Faculties.

XI. And be it further enacted by the authority aforesaid, That five of the said Trustees lawfully convened, as is hereinafter directed, shall be a quorum for the dispatch of all business, except for the disposal and purchase of real estate, or for the choice or removal of the Principal or Professors, for any of which purposes there shall be a meeting of at least thirteen Trustees.

XII. And be it further enacted by the authority aforesaid, That the said Trustees shall have full power and authority, from time to time, to choose a Secretary and Treasurer, and also once in each year or oftener a Chairman, who shall preside at all meetings of the Board.

XIII. And be it further enacted by the authority aforesaid, That the said Trustees shall have full power, by a majority of voices of the Members present, to select and appoint in the event of a vacancy in the Board by death, resignation or removal from the Province, a person whose name is on the list from which appointments are to be made, to fill such vacancy, choosing a Minister in the room of a Minister, and a Layman in the room of a Layman, and inserting the name of the person so chosen in that place on the roll of the Board in which the name of the Trustees in whose stead he may have been chosen stood.

XIV. And be it further enacted by the authority aforesaid, That the said Trustees shall have power to meet at the College upon their own adjournment, and so often as they shall be summoned by the Chairman, or in his absence by the Senior Trustee, whose seniority shall be determined by the order in which the said Trustees are named in this Act, or shall be elected hereafter: Provided always that the said Chairman or Senior Trustee shall not summon a meeting of the Corporation, unless required so to do by a notice in writing from three Members of the Board: And provided also that he cause notice of the time and place of the said meeting to be given in one or more of the public Newspapers of the Province of Upper and Lower Canada, at least thirty days before such meeting, and that every Member of the Corporation resident within the said Provinces, shall be notified in writing by the Secretary to the Corporation of the time of such meeting.

XV. And be it further enacted by the authority aforesaid, That so soon as the University of King's College, and the College hereby instituted, shall be in actual operation, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to authorise and direct the payment from the Funds of the said University of King's College, in aid of the Funds of the College hereby instituted, of such yearly sum as to him shall seem just for the purpose of sustaining a Theological Professorship therein, and in satisfaction of all claim on the part of the Church of Scotland for the institution of a Professorship of Divinity in the University of King's College, according to the Faith and discipline of the Church of Scotland.