

And the said Ward of St. Patrick to comprise all that part of the said City lying to the north of the northerly boundary line of Queen Street west, and west of the westerly boundary line of Yonge Street.

And so much of the Liberties of the said City as lies to the southward and eastward of the St. Lawrence Ward, shall be and is hereby attached to the St. Lawrence Ward ; so much thereof as lies to the northward and eastward of the St. David's Ward, shall be and is hereby attached to the said St. David's Ward ; so much thereof as lies to the northward of the said St. James's Ward, shall be and is hereby attached to the said St. James's Ward ; so much thereof as lies to the southward and westward of the St. George's Ward, shall be and is hereby attached to the said St. George's Ward ; so much thereof as lies to the westward of the St. Andrew's Ward, shall be and is hereby attached to the said St. Andrew's Ward ; and so much thereof as lies to the northward and westward of the St. Patrick's Ward, shall be and is hereby attached to the said St. Patrick's Ward ; the limits between the respective portions of the said Liberties hereby attached to the different Wards of the said City being ascertained by the extension of the boundary lines between the said Wards respectively, through the said Liberties, except the boundary line between the portions hereby attached to the St. Lawrence Ward, and that hereby attached to the St. David's Ward, which shall consist of the northerly boundary line of King Street east to the River Don.

C A P. L X X X I I.

An Act to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an appendage thereof.

[30th May, 1849.]

WHEREAS a University for the advancement of Learning in that division of the Province called Upper Canada, established upon principles calculated to conciliate the confidence and insure the support of all classes and denominations of Her Majesty's subjects, would, under the blessing of Divine Providence, encourage the pursuit of Literature, Science and Art, and thereby greatly tend to promote the best interests, Religious, Moral and Intellectual of the people at large : And whereas, with a view to supply the want of such an Institution, His late Majesty King George the Fourth, by Royal Charter, bearing date at Westminster, the fifteenth day of March, in the eighth year of His Reign, was pleased to establish at Toronto, then called York, in that division of the Province, a Collegiate Institution, with the style and privileges of a University, and was afterwards pleased to endow the said Institution with certain of the Waste Lands of the Crown, in that part of the Province : And whereas the people of this Province consist of various denominations of Christians, to the members of each of which denominations it is desirable to extend all the benefits of a University Education, and it is therefore necessary that such Institution, to enable it to accomplish its high purpose, should be entirely free in its government and discipline from all Denominational bias, so that the just rights and privileges of all may be fully maintained without

Preamble.

Royal Charter
of 18th March,
1828, cited.

offence

Despatch of
8th Novr.,
1832, cited.

Act of U. C. 7
W. 4. c. 16,
cited.

Repeal of 7 W.
4. c. 16.

Repeal of so
much of Char-
ter as is incon-
sistent with
this Act.

Corporate
name and
powers.

offence to the religious opinions of any; And whereas the Legislature of the late Province of Upper Canada having been invited by His late Majesty King William the Fourth, "to consider in what manner the said University could be best constituted for the general advantage of the whole Society," as appears by the Despatch of His Majesty's Secretary of State for the Colonies, bearing date the eighth day of November, in the year of our Lord one thousand eight hundred and thirty-two, the Parliament of that Province, afterwards, by an Act passed in the seventh year of the Reign of His said late Majesty King William the Fourth, chaptered sixteen, and intituled, *An Act to amend the Charter of King's College*, did alter and amend the said Charter in certain particulars, in order, as the Preamble to the said Act recites, "to meet the desire and circumstances of the Colony:" And whereas such alteration and amendment have been found insufficient for these purposes, and therefore, as well for the more complete accomplishment of this important object, in compliance with His said late Majesty's Most Gracious invitation, as for the purpose of preventing the evil consequences to which frequent appeals to Parliament on the subject of the constitution and government of the said University is calculated to produce, it has become expedient and necessary to repeal the said Act, and to substitute other Legislative provisions in lieu thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the said Act shall be and the same is hereby repealed.

II. And be it enacted, That so much of the said Charter, so granted by His said late Majesty King George the Fourth as aforesaid, as is contradictory to or inconsistent with this Act or any of the provisions thereof, or as makes any provision in any matter provided for by this Act other than such as is hereby made in such matter, shall be, and the same is hereby repealed and annulled; any thing in the said Charter or the said Act of the Parliament of the late Province of Upper Canada to the contrary notwithstanding.

II. UNIVERSITY OF TORONTO.

III. And be it enacted, That from henceforth the said University so established by the said Royal Charter of His said late Majesty King George the Fourth, bearing date the fifteenth day of March, in the eighth year of His Reign as aforesaid, shall be known and designated by the name and style of "The Chancellor, Masters and Scholars of the University of Toronto," in the stead and place of the name given thereto in and by said Charter, and the same shall continue to be a University for the Education of Youth, and the conferring Degrees in Arts and Faculties, as provided by the said Charter; and the said University, by the said name of "The Chancellor, Masters and Scholars of the University of Toronto," shall continue to be a Body Corporate and Politic, with perpetual succession and a Common Seal, and all other corporate and other rights, powers and privileges conferred by the said Royal Charter, except so far as the same are repealed, altered or modified by the provisions of this Act, and all and singular the rights, powers and privileges conferred by the said Charter, except as aforesaid, shall be and the same are hereby confirmed to the said Chancellor, Masters and Scholars, and their Successors for ever; And the said University, by and under the name

name aforesaid, shall be able and capable in Law of purchasing, acquiring, taking, having, holding and enjoying by gift, grant, conveyance, devise, bequest, or otherwise, to them and their Successors, any estate or property, real or personal, to and for the use of the said University, or to, for, or in trust for any other use or purpose whatsoever in any way connected with the advancement of Education or the Arts or Sciences, and of letting, conveying or otherwise disposing thereof from time to time as they may deem necessary or expedient.

Power to take and hold property for certain purposes:

IV. And be it enacted, That the Governor, or person administering the Government of this Province for the time being, shall be the Visitor of the said University for and on behalf of Her Majesty, Her Heirs and Successors, which Visitation power shall and may be exercised by Commission under the Great Seal of this Province, the proceedings whereof having been first confirmed by the Governor, or person administering the Government of the Province in Council, shall be binding upon the said University and its Members, and all others whomsoever.

Governor to be the Visitor.

Powers to be exercised by Commission, &c.

V. And be it enacted, That there shall be a Chancellor of, in and for the said University, who shall be elected by a majority of voices in open convocation, and shall hold office for the period of three years; Provided always nevertheless, firstly, that the person so to be elected Chancellor shall be a natural born or naturalized subject of Her Majesty, and shall not be a Minister, Ecclesiastic or Teacher under or according to any form or profession of religious faith or worship whatsoever; and provided also, secondly, that at the time of his election, or while he shall continue Chancellor, he shall not hold any other office, place or employment, either in the said University or in any other University, College, Seminary, School or place of Learning or Education in this Province, or elsewhere.

Chancellor to be elected triennially by convocation.

Proviso: to be a subject of Her Majesty and not an Ecclesiastic, &c.

Proviso: not to hold any other educational employment.

VI. And be it enacted, That there shall be a Vice-Chancellor, of, in and for the said University, who shall be or shall have been a Professor of and in the same, and shall be elected annually by the Senate of the said University; Provided always nevertheless, firstly, that the person so to be elected Vice-Chancellor shall be a natural born or naturalized subject of Her Majesty, and shall not, at the time of his election, or while he shall continue Vice-Chancellor, hold any office, place or appointment in any other University, College, Seminary, School or place of Learning or Education in this Province, or elsewhere; and provided also, secondly, that the election of any Professor of the said University to be Vice-Chancellor, as aforesaid, shall not in any way affect any Professorship or Professorships that he may then hold, but the same shall continue to be held by him as if he had not been elected such Vice-Chancellor; and provided also, thirdly, that such Vice-Chancellor shall, during the time that he shall hold such office, reside within the said University, or if permitted so to do by any Statute of the said University to be passed for that purpose, then in such place as may be prescribed by such University Statute.

Vice-Chancellor to be elected annually by Senate.

Proviso: to be a subject of Her Majesty, &c.

Proviso: his election not to prevent his being also a Professor.

Proviso: to reside in University, unless permitted by Statute to reside elsewhere.

VII. And be it enacted, That there shall be a President of in and for the said University, who shall be appointed by the Crown under the Great Seal of the Province; Provided always nevertheless, firstly, that the person so to be appointed President shall be a natural born or naturalized subject of Her Majesty, and shall not at the time of his appointment, or while he shall continue President thereof, hold any office, place or appointment in any other University, College, Seminary, School, or place of Learning

President to be appointed by Crown.

Proviso: to be a subject of Her Majesty, and not to hold any other educational employment, or

To reside in University unless permitted to reside elsewhere.

Provision for supplying a temporary vacancy.

or Education in this Province, or elsewhere; and provided also, secondly, that such President shall, during the time that he shall hold such office, reside within the said University, or if permitted so to do by any Statute of the said University, to be passed for that purpose, then in such other place as may be prescribed by such University Statute; and provided also, thirdly, and lastly, that during the vacancy of the office of President of the said University, such temporary provision shall and may be made by the Caput of the said University for the performance in the best manner in their power of the duties attached to such office as shall or may be directed or appointed by any University Statute to be passed for that purpose.

Convocation to appoint a Pro-Vice-Chancellor yearly; his duties.

VIII. And be it enacted, That it shall and may be lawful for the Convocation to appoint annually a Pro-Vice-Chancellor, who shall be authorized to perform the duties of the said office of Vice-Chancellor, whenever the said Vice-Chancellor shall from illness or otherwise be unable to perform the same himself.

Precedence of Vice-Chancellor and other Officers.

IX. And be it enacted, That the Vice-Chancellor of the said University, or in his absence, the Pro-Vice-Chancellor, while actually performing the duties of Vice-Chancellor, shall take precedence next after the Chancellor thereof, and the President of the said University next after the Vice-Chancellor, or Pro-Vice-Chancellor, while so actually performing the duties of Vice-Chancellor, and the Pro-Vice-Chancellor, except as aforesaid, next after the President: And the Professors, Officers, Members and Servants of the said University in such order as shall or may from time to time be fixed by any Statute of the said University to be passed for that purpose.

Duties of Vice-Chancellor.

Duties to be designed by Statute.

Proviso: powers not to interfere with those of President.

X. And be it enacted, That it shall be the duty of the Vice-Chancellor of the said University, in subordination to the Senate thereof, to maintain and enforce the observance of the Statutes of the said University by the President and Professors and other Members thereof, and to maintain and enforce all necessary discipline therein in regard to such President, Professors and Members, by admonitions and otherwise, as shall or may by Statute of the said University be provided in that behalf, together with all such other duties, consistent with the powers by this Act conferred upon other Officers of the said University, as shall or may by any such Statute be directed or provided, or to the said office attached: Provided always nevertheless, that nothing herein contained shall be construed to interfere with the power over the Students and Members in *statu pupillari* of the said University, hereinafter conferred upon the President thereof.

Duties of President.

Duties to be assigned by Statute.

XI. And be it enacted, That it shall be the duty of the President of the said University, in subordination to the Caput and Senate thereof, to exercise a general superintendence over all the Students and Members in *statu pupillari* of the said University and over all the officers and servants of the same, and over the studies, lectures, examinations, exercises, and literary pursuits prescribed to such undergraduates by or under the authority of the Statutes of the said University, saving always nevertheless the powers and privileges by this Act conferred upon the Deans and Faculties of the said University, with all such other duties, as consistently with the powers by this Act conferred upon other officers of the said University, shall or may by any such Statute be directed or provided or to the said office attached.

XII. And be it enacted, That there shall be no Faculty of Divinity in the said University, nor shall there be any Professorship, Lectureship or Teachership of Divinity in the same, but that the present Faculty of Divinity shall have power to confer degrees in Divinity upon such Students and other Members of the said University as have hitherto been, or at present are pursuing their studies in that Faculty on their becoming entitled to such degrees according to the existing Statutes of the said University, as far as the requirements of such Statutes shall be capable of being complied with after the passing of this Act, which degrees shall be as valid and effectual to all intents and purposes whatsoever as if they had been conferred by the said University previous to the passing of this Act, except that their date shall for all purposes relating to the standing of the parties on whom they shall be conferred, be reckoned from the time at which they shall have actually been conferred by such Faculty.

No Faculty or Professorship of Divinity.
But the present Faculty may confer Degrees on those who are now Students.

XIII. And be it enacted, That there shall be in the said University three Faculties, to be called the Faculty of Law, Medicine and Arts respectively, each of which Faculties shall be composed of such of the Professors as shall be fixed by any University Statute to be passed for that purpose, and shall be presided over by a Dean to be elected annually from among the Professors composing such Faculty, and each of such Faculties shall and may moreover make such By-laws as they may think proper for the government of such Faculty, such By-laws not being contrary to this Act, or to the Charter or Statutes of the said University; Provided always nevertheless, that no such By-law shall be of any force or effect until approved by the Senate of the said University, at a meeting thereof to be called for the purpose of considering the same. Provided always, that if in the election of a Dean the votes be equally divided, the senior Professor of such Faculty shall have an additional or casting vote in such election.

Three Faculties, Law and Medicine and Arts, with Deans, and power of making By-laws.

Provide: By-laws to require assent of Senate.

Provide: casting vote in the election of a Dean.

XIV. And be it enacted, That there shall be in the said University a Council of five Members, to be called the Caput of the said University, which Caput shall consist of the President of the said University for the time being, the Deans of the three Faculties of Law, Medicine and Arts, and a fifth Member to be appointed to such Council by the convocation of the said University annually, of which Caput any four Members shall be a quorum for the despatch of business, in which said Caput the President of the said University, or in his absence the Deans of Faculty, in the order above mentioned, shall preside.

Caput of five Members, President, three Deans and fifth Member appointed by the convocation.

Quorum: Who shall preside.

XV. And be it enacted, That the ordinary general discipline, and government of the said University in subordination to the Senate thereof, shall be vested in and exercised by the Caput of the said University, and that all the acts of the Vice-Chancellor and of the President of the said University, except in matters in which such Vice-Chancellor, or President, is, or shall be intrusted with separate, distinct and independent powers, either by this Act, the Charter of the said University, or some Statute thereof, shall be under the direction and subject to the controul of the said Caput, which, except as before excepted, shall have full power to make orders and give directions in all such matters, subject nevertheless to an appeal to the Senate of the said University in all matters directly affecting any of the Professors or Officers thereof, or involving the expulsion of any Member from the said University: Provided always, nevertheless, that the mode and manner of exercising the powers hereby vested

General powers and duties, &c., of Caput.

Appeal to the Senate in certain cases.

Provide: exercise of such

powers may be regulated by Statute.

vested in the said Caput shall and may from time to time be regulated and directed by Statutes of the said University to be passed for that purpose.

Caput to report annually to Senate and transmit a duplicate to the Governor.

XVI. And be it enacted, That it shall be the duty of the said Caput to make an Annual General Report to the Senate of the said University, on the general state, condition, progress and prospects of the said University, and all things touching the same, and to make such suggestions as they may think proper for the improvement of the same, a duplicate of which said report such Caput shall transmit to the Governor, or person administering the Government of the Province for the time being, through the Provincial Secretary thereof.

Of whom the Senate shall consist.

XVII. And be it enacted, That there shall be in the said University a Deliberative Body, to be called the Senate of the said University, which shall consist of the Chancellor, Vice-Chancellor, the President, and all the Professors of the said University, and of twelve or more additional Members, who shall be appointed to seats in the same one half thereof by the Crown and the other half thereof by such Colleges in Upper Canada as now are or hereafter shall be incorporated, with the power of conferring Degrees in Divinity, and not in the other Arts or Faculties, each of which additional Members, except those who shall be first appointed to such seats under this Act, and those who shall be appointed to fill such seats for the residue of the term of office of their immediate predecessors respectively, shall hold his seat in the said Senate for a term of three years, and shall be appointed to and vacate the same according to a cycle to be established by a Statute of the said University to be passed for that purpose, and which shall make such provision for the same as shall insure, that, as nearly as may be, one third of the said additional Members so to be appointed by the Crown as aforesaid, and also one third of the said additional Members so to be appointed by the said Colleges, shall respectively vacate their seats in such Senate every year: Provided always nevertheless, firstly, that fifteen Members shall be a quorum for the despatch of business, and that the Chancellor, and in his absence the Vice-Chancellor, and in the absence of both the Pro-Vice-Chancellor, and in the absence of all, then the President of the said University shall preside at all meetings of the said Senate, and in the absence of all such Officers, then such other Member of the said Senate as shall be appointed for that purpose for the time; And provided also, secondly, that no person shall be qualified to be appointed by the Crown to any such seat in the said Senate who shall be a Minister, Ecclesiastic, or Teacher, under or according to any form or profession of Religious Faith or Worship whatsoever: And provided also, thirdly, that no person shall be qualified to be appointed either by the Crown or by any such Incorporated College to a seat, in the said Senate, who shall not have taken the Degree of Master of Arts, or any Degree in Law or Medecine in the said University at least five years prior to the time of his appointment to such seat: Provided always, nevertheless, fourthly, and lastly, that the restriction contained in the said last foregoing Proviso to this Section, shall not apply to any appointments to be made to such Senate prior to the year of our Lord, one thousand eight hundred and sixty.

Term of office of additional Members.

Proviso: Quorum, and who to preside.

Proviso: Crown not to appoint Ecclesiastics.

Qualification of Senators to be appointed by the Crown or an Incorporated College.

Proviso: such Proviso not to apply to any appointment before 1860.

Number of additional Members appointed by Colleges and the Crown to be always equal.

XVIII. And be it enacted, That every such Incorporated College in Upper Canada, as is described in the next preceding section of this Act, shall be entitled to appoint one of such additional Members of such Senate, and that the Crown shall in like manner be entitled to appoint one other of such additional Members for every Member that such Colleges shall be so entitled to appoint respectively as aforesaid, so that

that in all time to come, the number of Crown Seats and the number of the Collegiate Seats in such Senate shall be equal: Provided always, nevertheless, firstly, that until there shall be at least six such Incorporated Colleges in Upper Canada, entitled to appoint to seats in such Senate, according to the provisions of this and the next preceding section of this Act, it shall and may be lawful for the Crown, besides appointing to the corresponding Crown Seats in such Senate, to appoint also to the six Collegiate Seats therein, or to so many of them as there shall or may from time to time be no such Incorporated College entitled to appoint to: And provided also, secondly, that in making such appointments to such Collegiate Seats in such Senate, the Crown shall not be restricted in its choice, as by the second proviso to the said next preceding section of this Act is provided.

Proviso :
Crown to ap-
point to Colle-
giate Seats
until there are
six Colleges
entitled.

Proviso :
Crown not
restricted by
2d Proviso of
Sec. 17.

XIX. And be it enacted, That the Senate of the said University shall have full power and authority to frame and make such Statutes, Rules and Ordinances as they may think necessary or expedient touching or concerning the good government of the said University, or touching or concerning the Professors and all others holding office in the same, the Studies, Lectures, Examinations, Exercises, Degrees in Arts and Faculties to be pursued, given, had, or held therein, and all matters touching the same; and for the summoning and holding regular or Special Meetings of the Caput, and of the Senate, and for the times and mode of summoning and holding Convocations of the said University, and all matters relative to the same; the duties of the Chancellor, and the residence and duties of the Vice-Chancellor and President of the said University; the number, examination, residence, duties and order of precedence and seniority of the Professors of the said University; the number of Fellowships, Scholarships, Exhibitions and other Prizes of, and in the said University, and all matters relative to the establishment of such Fellowships, Scholarships, Exhibitions and Prizes, and the Examination of Candidates for the same; the number, residence, appointment and duties of all Officers and Servants of the said University, the management of the property and revenues thereof, the salaries, stipends, provision, fees and emoluments of and for the Vice-Chancellor, President, Professors, Fellows, Scholars, Officers and Servants of the said University, and generally concerning any other matter or thing for the well-being and advancement of the said University; and also from time to time to revoke, renew, augment or alter all, every or any of the said Statutes, Rules and Ordinances as to them shall seem meet or expedient: Provided always nevertheless, firstly, that such Statutes, Rules or Ordinances, or any of them, shall not be repugnant to the Laws or Statutes of this Province: Provided also, secondly, that no such Statute, Rule or Ordinance shall be passed and adopted at the same Meeting at which it is at first introduced and considered, but that a Second Meeting of the said Senate shall be specially convened for the passing and adopting any such Statute, Rule or Ordinance: And provided also, thirdly, and lastly, that it shall and may be lawful for the Crown, at any time within two years from the passing of any such Statute, Rule or Ordinance, by Letters Patent under the Great Seal of this Province, to disallow such Statute, Rule or Ordinance, and thereupon every such Statute, Rule or Ordinance shall from the date of such Letters Patent, stand repealed and be of no force or effect whatsoever.

Powers of
Senate to
make Statutes
for certain pur-
poses.

Good Govern-
ment of Uni-
versity, and
Officers' stu-
dies, &c.

Meetings of
Caput, &c.
Duties of
Officers.

Fellowships,
&c.

Officers and
Servants.

Salaries, fees,
&c.,

Altering By-
laws.

Proviso : not to
be repugnant
to Law of
Canada.

Proviso : not to
be proposed
and passed at
the same
Meeting.

Proviso :
Crown may
disallow any
Statute within
two years.

XX. And be it enacted, That the Chancellor, Vice-Chancellor, President, and Professors of the said University, and all persons admitted in the said University to any Degree in Law or Medicine, or to that of Master in any of the other Arts or Faculties, and who shall have paid from the time of his admission to such Degree the annual

Who shall be
Members of
the Convoca-
tion.

Proviso: that
Honorary
D. gree not to
confer a vote.

annual sum of twenty shillings of lawful money of Canada for and towards the support and maintenance of the said University, shall be and be deemed, taken and reputed to be Members of the Convocation of the said University: Provided always, nevertheless, that no person upon whom an Honorary Degree only shall have been conferred by the said University, shall have any right by virtue thereof to vote as a Member of such Convocation.

Endowment
Board consti-
tuted for the
University and
Upper Canada
College.

Quorum.

Proviso: Crown Mem-
ber to be
Chairman of
Board, and to
hold no other
office in Uni-
versity, &c.

XXI. And be it enacted, That there shall be for the said University, and for the College and Royal Grammar School of Upper Canada College, a Body to be called "The Endowment Board of the University of Toronto and of the College and Royal Grammar School of Upper Canada College," which shall consist of five Members, who shall hold their places at such Board, during the pleasure of the parties in whom their appointment is hereby vested respectively, one of which Members shall be appointed by the Governor, or person administering the Government of this Province for the time being, one by the Senate of the said University, one by the Caput thereof, and one by the College Council of the said College and Royal Grammar School, on a majority of them, of which Board any three Members shall form a quorum for the despatch of business: Provided always nevertheless, firstly, that the Member of such Board to be so appointed by the Governor, or person administering the Government of the Province, as aforesaid, shall be the Chairman of such Board, and shall be so expressly named in the Instrument by which he shall be so appointed, which said Chairman of the said Board shall be a person holding no Professorship, Office or Employment whatsoever in the said University, or in the said College or Royal Grammar School, or in any other University, College, Collegiate Institution, School, or other place of Learning in this Province, or elsewhere, and shall not be a Member of the Senate or Caput of the said University, or of any other such University, College, Collegiate Institution, School, or other place of Learning as aforesaid, nor shall he, during the time that he shall continue to be Chairman of such Board, be capable of being appointed to any such Professorship, Office or other Employment whatsoever, either in the said University, or in the said College and Royal Grammar School, or in any such other University, College, Collegiate Institution, School, or other place of Learning, as aforesaid, or to any seat in the Senate or Caput of the said University, or Council of the said College and Royal Grammar School, or in any other Council, Board or Body, belonging to, or connected with the same, or any of them: And provided also, secondly, that each Member of such Board shall give such security for the proper discharge of his duty as shall be settled by a Statute of the University in that behalf.

Proviso: Mem-
bers to give
security.

Endowment
Board to have
charge of prop-
erty, &c., of
University.
Power to alien-
ate endow-
ment limited.

Proviso. to
give all infor-
mation called
for the Govern-
or, by Caput,
&c.

XXII. And be it enacted, That it shall be the duty of the said Endowment Board to take upon themselves the general charge, superintendence and management of the whole property and effects, real and personal, of the said University, under the direction of such University Statutes as shall or may be passed for that purpose: Provided always nevertheless, firstly, that nothing herein contained shall be construed to confer upon the said Endowment Board a power to alienate any portion of the endowment of the said University, contrary to the provisions of the thirty-seventh Section of this Act: And provided also, secondly, that such Endowment Board shall from time to time, and at all times, as the same may be required, afford to the Governor, or person administering the Government of this Province for the time being, and also to the Chancellor, Caput and Senate of the said University, or to such Committee or Committees of such

Caput

Caput or Senate as they may respectively appoint for that purpose, all such information respecting such property and effects, and the whole fiscal or financial affairs of the said University, as the said Governor, or person administering the Government of the Province, or the said Chancellor, Caput or Senate, or any such Committee or Committees of such Caput or Senate shall or may from time to time require: And provided also, thirdly, that such Board shall in like manner afford the like information to the Auditors to be appointed annually for auditing the accounts of the said University: And provided also, fourthly and lastly, that it shall moreover be the duty of such Board annually to make a full report of the state of the property and effects of the said University under their charge, superintendence and management, and generally of the whole fiscal or financial affairs of the said University, to the Senate of the said University, and at the same time to transmit a duplicate of such report to the Governor or person administering the Government of this Province, through the Provincial Secretary thereof.

To give like information to Auditors.

Proviso: to make Annual Fiscal Report to Senate, &c. to transmit duplicate to Governor, &c.

XXIII. And be it enacted, That there shall be two Auditors of Accounts of the said University, to be appointed annually, one by the Chancellor, or in default of such appointment, by the Vice-Chancellor of the said University, and the other by the Senate thereof, whose duty it shall be to examine and audit the Accounts of the said Endowment Board, as far as they regard the property and effects of the said University, and all other Accounts of the said University generally, and to make a report upon the same to the Senate of the said University, a duplicate of which report such Auditors shall transmit to the Governor, or person administering the Government of the Province for the time being, through the Provincial Secretary thereof.

Two Auditors to be appointed, and by whom; their duties; to report to Senate, and send duplicate to Governor, &c.

XXIV. And be it enacted, That the Professors of the said University shall be appointed by the Crown upon the report or resolutions of the Senate of the said University in the manner following, that is to say: whenever any new Chair shall be established in such University, or whenever any Chair theretofore established in the same shall become vacant, by death or otherwise, it shall be the duty of the Caput of the said University, under and subject to such regulations as may be established by any University Statute to be passed for that purpose, to make known by public advertisement the fact of such Chair being vacant as aforesaid, the duties imposed by the Statutes of the said University upon the incumbent of such Chair, together with the salary and emoluments belonging to the same, and requiring that the names, residence and additions, and also the testimonials of all Candidates for such Chair, should be transmitted to and deposited in the proper office of the said University, by a day to be named in such advertisements; and it shall be the duty of the said Caput, on some day to be specially appointed for that purpose, after the day so fixed for the receipt of such applications as aforesaid, to proceed to take the said testimonials of the different candidates for such Chair into consideration, and thereupon, on the same, or on some subsequent day, and with as much deliberation as may be, to make a report addressed to the Senate of the said University upon the same, and the said Senate shall be specially called together by a notice addressed to each Member thereof, and sent to him through the Post Office, to take such report into consideration, and it shall be the duty of the said Senate, upon full examination of such testimonials, and the report of the Caput upon the same, and if in their discretion they shall think fit so to do, or if the same shall be required by any Statute of the said University to be passed for that purpose, then by personal, public, oral examination of such

Appointment of Professors to be in the Crown out of three to be reported by Senate.

Manner of making the selection of such three.

Senate to examine testimonials, &c.

such candidates, and by all such other ways, methods and means as shall or may be directed in that behalf by any such University Statute, to select three of the candidates for the said Chair, whom in their judgment, the said Senate shall deem best qualified to fill the same, with advantage to the said University, and to transmit the names of such three candidates together with their testimonials, the report of the Caput thereon, and their own report or resolutions, adopting, qualifying or dissenting from such report, or any part thereof, with their reasons therefor, and for the selection of such three candidates to the Governor, or person administering the Government of this Province for the time being, through the Provincial Secretary thereof; and it shall and may be lawful for the said Governor, or person administering the Government of this Province for the time being, to appoint some one of the said three candidates to fill such vacant Chair in the said University: Provided always nevertheless, firstly, that no sitting of the Senate of the said University shall be held to take such testimonials and the report of the Caput thereon into consideration, or for the examination of the candidates for such Chair, within a shorter period than one calendar month after such report of the said Caput shall have been prepared, and the notice of such sittings addressed to the different Members of the said Senate delivered to the Post Office as aforesaid: And provided also, secondly, that in case there shall not be as many as three, of the said candidates for such vacant Chair, whom the said Senate shall in their judgment deem qualified to fulfil the duties thereof as aforesaid, they shall nevertheless still transmit the names of three of such candidates, if there shall have been so many, and shall, in so transmitting the same, state which of such three candidates they do not deem sufficiently qualified to be appointed to such vacant Chair, as aforesaid, and the grounds of such opinion: And provided also, thirdly, and lastly, that during the vacancy of any such Chair such temporary provision shall and may be made by the Caput of the said University for the performance of the duties attached to the same as shall or may be directed and appointed by any University Statute to be passed for that purpose.

Proviso: interval between Caput's report and sitting of Senate thereon.

Proviso: if three be not found capable of filling Chair, fact to be stated in report of Senate.

Proviso: temporary provision to be made during the vacancy.

Senate to have power to suspend a Professor:

Proviso: Entry to be made of the grounds of suspension. Effect of suspension.

Proviso: copy to be sent to Visitor.

Proviso: suspension for three months without appeal to vacate the Chair.

Proviso: temporary provision for performance of duties.

XXV. And be it enacted, That it shall and may be lawful for the Senate of the said University, upon the report of the Vice-Chancellor thereof, or upon that of a Committee of its own Members, to suspend any Professor of the said University from his office for any just and reasonable cause to them appearing: Provided always, nevertheless, firstly, that the grounds of every such suspension shall be entered and recorded at length on the books of the said Senate; and every Professor so suspended shall thereupon cease from the performance of his duties and from the exercise of his rights, functions and privileges until, and unless such suspension shall be removed by the Visitor of the said University under his Privy Seal: And provided also, secondly, that a copy duly authenticated of the entry and record of such suspension, and the grounds thereof, be forthwith transmitted to the said Visitor through the Provincial Secretary: And provided also, thirdly, that the continuance of any such suspension for a period of three calendar months continually without any appeal by such Professor to the said Visitor, against such decision of the said Senate, shall *ipso facto* vacate such Professorship, as if the party so suspended were naturally dead: And provided also, fourthly, and lastly, that during every such suspension, such temporary provision shall and may be made by the Caput of the said University for the performance in the best manner within their power of the duties of such suspended Professor as is hereinbefore provided with respect to those of a vacant Chair.

XXVI. And be it enacted, That if upon the report of the Vice-Chancellor, or upon that of a Committee of their own Members, the Senate of the said University, after affording to the party all reasonable opportunity of being heard in his defence, shall report to the Governor, or person administering the Government of this Province for the time being, through the Provincial Secretary thereof, their opinion that any Professor of the said University ought to be removed from his Professorship, and shall in such report set forth at length the grounds and reasons for such opinion, it shall and may be lawful for the Governor, or person administering the Government thereof for the time being, if he shall deem it just and proper so to do, by an Instrument under his Privy Seal to remove such Professor from his Professorship, and thereupon such Chair shall be dealt with as if it had become vacant by the death of such Professor.

Governor may remove any Professor on report of Senate.

XXVII. And be it enacted, That the examinations of Candidates for Professors, Chairs, and for Degrees in Arts and Faculties in the said University shall be public, and shall be conducted by such and so many Examiners as shall or may be appointed by the Senate of the said University, according to the provisions of any University Statute or Statutes to be passed for that purpose.

Examinations for Professorship or Degrees to be open, and by what examiners.

XXVIII. And be it enacted, That the said University shall have no power to confer any Degree in Divinity, but shall have full power and authority to confer all other Degrees in all other Arts and Faculties whatsoever, including Honorary Degrees, and Degrees *ad eundem*, and all other University powers and privileges, as fully and effectually to all intents and purposes whatsoever as such power and authority is held, possessed or enjoyed by the Universities of the United Kingdom of Great Britain and Ireland, or any of them: Provided always, nevertheless, that Degrees *ad eundem* shall by the said University be conferred only upon the Graduates of Universities within Her Majesty's Dominions, or on the Graduates of such Foreign Universities as shall or may from time to time be declared entitled to the said privilege by a Statute or Statutes of the said University to be passed for that purpose.

University not to confer any Degree in Divinity—but in all the other Arts and Faculties.

Proviso as to Degrees *ad eundem*.

XXIX. And be it enacted, That no religious Test or qualification whatsoever shall be required of or appointed for any person admitted or matriculated as a Member of such University whether as a Scholar, Student, Fellow, or otherwise, or of or for any person admitted to any Degree in any Art or Faculty in the said University, or of or for any person appointed to any Office, Professorship, Lectureship, Mastership, Tutorship, or other place or employment whatsoever in the same, nor shall religious observances, according to the forms of any particular Religious Denomination, be imposed upon the Members or Officers of the said University, or any of them.

No Religious Test required of persons admitted into University, or to any Office therein.

XXX. And be it enacted, That it shall not be lawful for the Chancellor, Masters and Scholars of the University of Toronto, or for the said Endowment Board, on their behalf, to borrow any money on the security of the said University, or of the funds or other property thereof, or otherwise howsoever, except under the authority of a Statute of the said University, by which Statute there shall at the time be appropriated, such an amount of the annual income of the said University, arising from the interest and dividends of money actually invested under the authority of the thirty-eighth Section of this Act, as shall be sufficient to meet the annual interest upon such loan, and in addition thereto a sufficient sum per centum per annum upon the original principal

University not to borrow money except by Statute, nor without providing a Sinking Fund to pay off the Loan in twenty years.

Rank of such appropriation as a charge on the University Fund.

Statute not to be repealed.

A Copy of every Book, &c. published in the Province to be presented to the Library of the University.
And of any further editions.

Penalty for not presenting such copy.

How recoverable.

Property of University vested in Corporation.

principal of such loan, to constitute a Sinking Fund for the final redemption, satisfaction and discharge of the said original principal of such loan within at least twenty years from the time of the contracting of the same, and the annual interest of such loan, and the annual appropriation for such Sinking Fund for the redemption and satisfaction thereof, shall constitute an extra charge upon the Income Fund of the said University as hereinafter established, which so long as any part of the said original principal of such loan shall remain unpaid shall take precedence of the fourth, fifth and sixth ordinary annual charges upon such Income Fund as the same are respectively charged and imposed upon the same by the fortieth Section of this Act: And until such payment and satisfaction of the whole principal and interest of such loan, any University Statute, either Visitatorial or Senatorial, whereby such provision shall or may be attempted to be repealed or altered, shall be null and void to all intents and purposes whatsoever.

XXXI. And be it enacted, That a printed copy of the whole of any book which shall be published in this Province after the passing of this Act, whether consisting of the whole or only part of a volume, if separately published, together with all maps, prints, or other engravings belonging thereto, and of every pamphlet, sheet of letter-press, sheet of music, map, chart or plan separately published, furnished and coloured in the same manner as the best copies of the same shall be published, and also of any second or subsequent edition which shall be so published, with any additions or alterations, whether the same shall be in letter-press, or in the maps, prints, or other engravings belonging thereto, and whether the first edition of such book shall have been published before or after the passing of this Act, bound, sewed, or stitched together as offered for sale generally by the publisher thereof, and upon the best paper upon which the same shall be printed, shall, within six calendar months after the same shall first be sold, published, or offered for sale, be delivered on the part of the publisher at the library of the said University, and a receipt taken for the same from the Librarian, which receipt shall set forth the title and edition of such book at length, and upon demand, be given by such Librarian to the person depositing such copy at the said library; and on default of such delivery within the time aforesaid, the publisher of every such book, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan, shall forfeit, besides the value of such copy which he ought to have delivered, a sum not exceeding five pounds, to be recovered by the Librarian, or other Officer or Agent of such Librarian, properly authorized for that purpose, for the use of the said University, to be applied for the augmentation of the said library, to be recovered in a summary way on conviction before any two Justices of the Peace for the District, County, City, or place where the publisher making default shall reside or be found, or in the name of the Chancellor, Masters and Scholars of the said University, in an action of debt or other proceeding of the like nature, in any Court of competent jurisdiction in this Province, in which action the said University, if they shall recover, shall recover the costs reasonably incurred, to be taxed as between Attorney and Client.

XXXII. And be it enacted, That all the property and effects, real and personal, of what nature or kind soever, now belonging to or vested in the said University, or in the Chancellor, President and Scholars thereof, or in any other person or persons, or Body Corporate or Politic whatsoever, for the use or benefit of the said University, shall be and continue vested in the Chancellor, Masters and Scholars of the University of Toronto, to hold to them and their successors, to the use of them and their successors

successors for ever, any thing in the said Charter of His said late Majesty, in any Act of the Parliament of the late Province of Upper Canada, or of this Province, or in any Letters Patent, Royal Charters, Deeds or other Instruments to the contrary thereof in any wise notwithstanding.

XXXIII. And be it enacted, That all debts due to the said University, or to the Chancellor, President and Scholars thereof, in their Corporate capacity, and all judgments, recognizances, bonds, covenants and other instruments or contracts suffered, acknowledged, or given to, or made with them as aforesaid, or with the Chancellor, President and Scholars thereof in their Corporate capacity, by whatsoever name the same may have been suffered, acknowledged, given, or made, shall be available, stand and continue of good purport, and full force and strength to the Chancellor, Masters and Scholars of the University of Toronto, as if the said University had been therein named by the Corporate name hereby given to the same; and it shall and may be lawful for the said University, by the Corporate name last aforesaid, to proceed upon the same by execution or otherwise, and recover thereon as if the same had been suffered, acknowledged, or given to, or made with them, by the name last aforesaid.

Corporation to have power to sue for debts due the University, &c.

XXXIV. And be it enacted, That the Chancellor, Masters and Scholars of the University of Toronto, shall, both in law and equity, be liable to all the present existing debts, contracts and agreements of the said University, and may be sued upon and recovered against for the same, as if the same had been contracted or entered into by them by the name aforesaid.

Corporation liable for all debts due by University.

XXXV. And be it enacted, that the Fiscal year of the said University shall commence on the first day of January, and end on the thirty-first day of December of each year.

Fiscal year to be the same as the Calendar year.

XXXVI. And be it enacted, That the Salaries of the different Professors, Lecturers, Teachers, Officers and Servants of the said University shall, by the Statutes establishing the same, be made payable quarterly, on the four quarter-days of such Fiscal year, that is to say, the first days of January, April, July, and October, in the same.

Salaries to be payable quarterly.

XXXVII. And be it enacted, That none of the real property of the said University, and none of the property thereof invested according to the directions of either the thirty-eighth or forty-second sections of this Act, shall be disposed of or applied otherwise than by authority of a Statute of the said University.

None of real property, &c., to be disposed of but by Statute.

XXXVIII. And be it enacted, That the proceeds arising from the sales of any of the lands referred to in the thirty-seventh section of this Act, which it shall from time to time be deemed expedient by the said University to sell and dispose of, and all moneys received upon investments called in, or paid off, together with any surplus of the income over the expenditure of the said University, as provided by the forty-second section of this Act, shall form a Fund, to be called in the Books of the said University "The University Investment Fund," the moneys at the credit of which Fund shall, from time to time, be invested in such Government or landed securities as shall be approved of by the Senate of the said University.

Proceeds of Sales of Lands, &c., to form an Investment Fund.

How to be invested.

XXXIX. And be it enacted, That the annual income of the said University, arising from the fees and dues payable to the same for Matriculation, Lectures, Tuition, Degrees,

Annual Income, &c., to
or

form Income Fund.

How to be appropriated and applied.

Order of charges upon the Income Fund,
First.

Second.

Third.

Fourth.

Fifth.

Sixth.

Deduction from salaries to meet deficiencies of income.

Provide: such deductions to be made up out of any surplus during the six following years.

Provide: beyond which no claim shall extend.

or otherwise, or from such portion thereof as by any Statute or Statutes of the said University, shall be payable into the General Funds of the said University, and not to the Professors or Officers thereof, and from the annual or other periodical rents, interests and dividends arising from the property and effects of the said University, of what nature or kind soever, whether real or personal, together with all such annual or other donations or subscriptions, as may be made to the said University for the general benefit thereof, without being specifically appointed by the Donor to any particular object or purpose, shall form another Fund, to be called "The University Income Fund," the moneys at the credit of which last mentioned Fund shall be appropriated and applied to make good and satisfy the several charges by the next following section of this Act charged and imposed upon the said Fund in the order in which such charges are therein charged and imposed upon the same.

XL. And be it enacted, That the first annual charge upon the said University Income Fund, shall be the necessary expenses incurred in the receipt, collection and management of the moneys of the said University, as well those constituting the Investment Fund, as those constituting the said Income Fund: the second charge upon such Income Fund shall be the necessary outlay for taxes, insurance and repairs of the buildings and other property of the said University: the third charge upon such Income Fund, shall be the salaries of the Bursar, Librarian, and other similar Officers, or those of the Lecturers and other Teachers, not being Professors, and the salaries, wages, and allowances of all Subordinate Officers and Servants of the said University: the fourth charge upon the said Fund shall be such sum of money as by any Statute or Statutes of the said University, to be passed for that purpose, shall be annually appropriated for the Incidental Expenses of the said University for the fiscal year, or so much of such sum as shall be required for such Incidental Expenses: the fifth charge upon such Fund shall be the salaries of the Vice-Chancellor, President and Professors of the said University, and so much of those of the Members of the Endowment Board of the said University and College as shall be payable out of the Funds of the said University; and the sixth and last charge, such special appropriations out of the said Income Fund for such year, as shall have been directed to be made by any Statute of the said University, passed for that purpose.

XLI. And be it enacted, That whenever the Income Fund of the said University for any year shall not be sufficient to satisfy and discharge the different charges upon the same for such year, as herein provided, the amount of the deficiency for such year shall be supplied from the surplus Income Fund which has not yet been carried to the Investment Fund, or shall be deducted in equal proportions from all the salaries constituting the fifth annual charge upon such Fund for the following year, by proportionate quarterly deductions from such salaries as the same become respectively payable at each financial quarter of such following year: Provided always nevertheless, firstly, that the parties whose receipts of salary may have been diminished by such proportionate deductions, as aforesaid, shall be entitled to have such deficiency made good in part or in the whole, as the case may be, out of any surplus, or surplusses of income over expenditure, that may accrue during the six years next ensuing that in which such proportionate deductions shall have been so made as aforesaid: Provided also, secondly, that for the deficiency thus occasioned in such salaries, and which, at the end of every sixth year, may yet remain unsatisfied as aforesaid, the Incumbents to whose Offices or Chairs such salaries shall be attached respectively, shall have no claim upon the said University or upon the Funds thereof, but the amount of such salaries received

received by each of such Incumbents according to the provisions of this Act, shall be deemed and taken to have been received by him in full satisfaction and discharge of the whole of his salary for such six years, for which such proportion of the same shall have been paid to him as aforesaid.

XLII. And be it enacted, That the surplus, if any, of the said University Income Fund, after satisfying and discharging the several charges, whether ordinary or extra, by this Act charged upon the same, shall be annually transferred to the Investment Fund of the said University, and with the other moneys belonging to that Fund shall be from time to time invested, as in and by the thirty-eighth section of this Act is declared, so that there shall be no balance of the said Income Fund to be carried forward from one fiscal year to the next.

Surplus of Income Fund to be transferred to the Investment Fund.

XLIII. And be it enacted, That so soon as any of the Incorporated Colleges, Collegiate Institutions or Universities in Upper Canada, having the power of conferring Degrees not only in the Faculty of Divinity, but the other Arts and Faculties also, shall have signified to the Governor, or person administering the Government of this Province for the time being, under their Corporate Seal, their desire to become entitled to appoint a Member to the Senate of the said University according to the provisions of this Act in that behalf, it shall and may be lawful for the Crown, by Letters Patent under the Great Seal of the Province, reciting such Instrument, to declare so much of the Charter of such College, Collegiate Institution, or University, whether the same shall be granted by Parliament or otherwise, as shall have been granted to, or vested in such College, Collegiate Institution or University the power of conferring such Degrees, (saving always nevertheless to such College, Collegiate Institution or University the power of conferring Degrees in the Faculty of Divinity), to be from the date of such Letters Patent, or from such other day as may be named therein for that purpose, repealed, abrogated and annulled, and thereupon from such day all such powers and privileges, with the saving aforesaid, shall be and the same are hereby declared to be absolutely repealed, abrogated and annulled accordingly, any thing in the several Charters of such Colleges, Collegiate Institutions or Universities, whether granted by the Parliament or otherwise, to the contrary thereof in any wise notwithstanding.

Upon surrender by any existing College having University powers, of all but the power of conferring Degrees in Divinity, it shall have the right to send a Member to the Senate.

Abrogation of powers surrendered.

XLIV. And be it enacted, That all Statutes, Rules and Ordinances of the said first mentioned University in force at the time of the passing of this Act, and which are not inconsistent with the provisions thereof, shall be and continue in force till repealed, altered or amended by some other Statute of the said University, either Visitation or Senatorial, to be hereafter enacted or passed for that purpose.

Present Statutes of the University to remain in force till altered or repealed.

XLV. And be it enacted, That nothing herein contained shall be deemed in any manner to affect any Degrees conferred or Terms kept, or studies or exercises performed in the said University, and the same shall be valid and effectual for all purposes whatsoever; and the same shall continue to be deemed Degrees conferred and Terms kept and studies and exercises performed in the said University as if this Act had not been passed.

Existing Degrees conferred or Terms kept confirmed.

XLVI. And be it enacted, That with the exception of the Professor of Divinity, every Professor, Lecturer and Officer of the said University now actually holding a Chair, or Office in the same, shall continue to hold his Chair, Place, or Office under a

Present Professors, except the Professor of Divinity, to

new

remain until removed.

Proviso: the Commission of Visitation may re-arrange the Chairs, &c.

Or to vary the salaries.

new Warrant to be issued to him for the same, until he shall be removed therefrom in the manner prescribed by this Act: Provided always, nevertheless, that nothing herein contained shall prevent or be construed to prevent the Commission of Visitation to be issued as hereinafter directed, or any other such Commission of Visitation, or any University Statute to be passed for that purpose from re-arranging such Chairs or the duties attached to the same respectively, or from adding to, varying or deducting from the duties of the Chair or Chairs held by any such Professor, Lecturer or Teacher in the said University, or from so altering or varying the amount of salary or emolument receivable by any such Professor, Lecturer or Teacher, as shall be necessary to give effect to the provisions of this Act, for the prevention of the dissipation of the Endowment or Capital Stock of such University, and restricting its expenses and disbursements to the amount of its annual income from the same.

Recital.

Commission of Visitation to be issued to adapt Statutes to alterations in Charter.

Code reported and approved to be in force, &c.

XLVII. And whereas for the purpose of adapting the Statutes of the said University to the alterations hereby made in the Charter thereof, it is desirable that a Commission of Visitation should be issued to consider of and report upon the same: Be it therefore enacted, That so soon after the passing of this Act as to the Governor, or person administering the Government of the Province for the time being, shall seem expedient, a Commission of Visitation under the Great Seal shall be issued directed to not less than five Commissioners who shall be thereby directed to confer with the authorities of the said University upon the subject of such alterations and amendments in or to such Statutes, Rules or Ordinances as they shall think proper to recommend for this purpose, and generally for the well ordering of the said University, and thereupon to report a Code of proper Statutes, Rules and Ordinances for the government of the said University, which Code having been first approved by the Governor, or person administering the Government of the Province for the time being, shall be obeyed in future in the said University until by lawful authority the same shall or may be amended, altered or repealed.

Recital of the cases of certain Professors.

Commission of Visitation to consider cases of Professors who have been disappointed in expectations held out to them, &c.

XLVIII. And whereas certain of the Professors of the said University claim to have been induced to give up certain preferments or other pursuits or employments in which they were at the time engaged, and from which they were deriving their support, for the purpose of accepting certain of the Chairs in the said University under the expectation of such appointments being permanent, and with the assurance that the emoluments thereof would at least be equal to certain specified amounts respectively, and it is therefore expedient that the cases of such persons and of others who can advance just claims to compensation for services performed to the said University, should be specially enquired into and reported upon, with a view to ascertaining the merits of their respective cases, and how far if their claims be found just, some reasonable satisfaction may be afforded them for such losses as they may have sustained or may sustain from such expectations and assurances not having been realized: Be it therefore enacted, That the said Commissioners shall be directed by such Commission of Visitation to enquire into the case of any such person, upon the same being specially referred to them by the Governor, or person administering the Government of the Province for the time being, through the Provincial Secretary thereof, and if upon any such reference they shall find any such person reasonably entitled to any such satisfaction, they shall report the same, and if they shall deem proper shall report one or more Statutes, Rules or Ordinances for providing for such satisfaction if they shall find the Funds of the said University adequate to bear the same.

XLIX. And be it enacted, That the said Commissioners shall be further directed by the said Commission of Visitation to consider and report upon the best means of making the Chair of Agriculture recently established in the said University, more efficient and useful; and to consider and report generally upon the best means of making the said University, as far as its funds will permit, the instrument of drawing forth and stimulating the talent of the youth of Upper Canada, by the establishment of Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, and by such other means as in their judgment may be best adapted to such end.

Commission of Visitation to report upon the Chair of Agriculture. And the establishment of Fellowships, &c.

L. And whereas it is expedient to stimulate the youth of the Province to avail themselves of the benefit of a University Education, by the establishment of a certain number of Scholarships in the said University, for each County of Upper Canada, for the purpose of assisting (as far as possible) with pecuniary aid, those of the deserving Youth of each County, whose parents may be unable to meet the expense necessarily attendant upon such an education: Be it therefore enacted, That it shall be the duty of the said Commissioners, in the Code of Statutes so to be reported by them as aforesaid, to provide for the establishment of four Scholarships for each County in Upper Canada, so soon as the funds of the said University shall permit, and to regulate every thing appertaining to the election, rights, privileges and emoluments of such Scholars to be elected to the same: Provided always nevertheless, firstly, that the Scholars elected to fill such Scholarships shall be entitled to attend all Classes and Lectures in the said University, and enjoy all the advantages afforded therein without payment of any fee for the same: And that two of the four Scholarships so to be founded for each County, shall be endowed from the University Funds with such an annual stipend as in the estimation of the said Commissioners the said Funds may permit: Provided also, secondly, that no County shall be entitled to claim the benefit of the Scholarships to be so founded, or any of them, unless the Municipal Council of such County shall have provided, permanently, sufficient funds for the endowment of one or both the Scholarships to be so founded, but not endowed from University Funds, according to the rate fixed by such Commissioners: And upon such provision being made by the Municipal Council of any County, the Senate of the said University shall proceed to fill up either one or both the said Scholarships according to the sum provided by the said Municipal Council, and shall, at the same time, according to circumstances, fill up either one or both the Scholarships to be endowed from University Funds; it being the intention of this Act, that the Scholarships to be endowed from University Funds shall only be filled up so far and so long as the several Counties respectively shall provide Funds for the support of those to be endowed from those sources. Provided also, thirdly, that the said Scholarships shall be filled up by the Senate of the said University upon public examination to be held before that Body by Examiners to be by them appointed, and the selection shall be made out of such a number of the Youth of each County as shall have been admitted to contend for such Scholarships by the Certificate of the Municipal Council of such County: Provided also, fourthly, that no person shall be admitted as a Candidate for such Scholarships unless he shall have received a Certificate of birth or residence from the Municipal Council of the County to which such Scholarships shall belong, as aforesaid. And provided also, fifthly, that no person shall be deemed one of the Youth of any given County within the meaning of this section unless he shall have been born in such County, or unless his parents or surviving parent, or one of them, shall have been a stated resident of such County for five years continually prior to the granting of such Certificate, and shall, at the time of

Recital.

Commissioners to be directed to provide for Scholarships, &c.

Proviso: Scholars to attend classes *gratis*, and some to have stipends.

Proviso: conditions on which a County shall have the benefit of Scholarships.

Proviso: Scholarships to be filled upon Public Examination.

Certificate of Birth or Residence required.

Who to be deemed the Youth of a given County: Certificate to be required.

granting

granting such Certificate, be still stated residents, or a stated resident thereof, or if they be both dead, then, unless they or the survivor of them shall have been such stated resident for the five years next preceding and at the time of their death or the death of the survivor of them. Provided also, sixthly, that every such Certificate shall remain in force for one year from the granting thereof, and no longer, after which it shall and may be renewed if the party remains entitled to it as at the first: And provided also seventhly and lastly, that it shall and may be lawful for such Commissioners, and they are hereby required to make provision for preserving all Scholarships now existing in the said University on their present footing for the space of five years next after the passing of this Act for the benefit of such persons as have already commenced a course of study with a view to compete for the same, or have obtained any such Scholarships.

Proviso: duration of Certificate.

Proviso: for conservation of present Scholarships.

III. UPPER CANADA COLLEGE AND ROYAL GRAMMAR SCHOOL.

LI. And whereas by the said Act passed in the seventh year of the Reign of His late Majesty King William the Fourth, it was amongst other things enacted, That the College then lately erected in the City of Toronto, should be incorporated with, and form an appendage of the said University; And whereas it is expedient, while maintaining the said College as an appendage of the said University, to confer upon it a more independent organization for the regulation of its own affairs, than it at present possesses: Be it enacted, That the Principal, Masters and Scholars of the said College, for the time being, shall henceforth, by and under the name of "The Principal, Masters and Scholars of Upper Canada College, and Royal Grammar School," be a Body Corporate and Politic in fact and in name, and shall have perpetual succession and a Common Seal, with power to change, alter or make anew the same; and shall and may, by the name aforesaid, contract and be contracted with, sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever; and that they, and their Successors, by and under the name aforesaid, shall be able and capable in law of purchasing, acquiring, taking, having, holding and enjoying by gift, grant, conveyance, devise, bequest or otherwise, to them and their Successors, any estate or property, real or personal, to and for the use of the said College and Royal Grammar School, or to, for or in trust for any other use or purpose whatsoever in any way connected with the advancement of Education, and of letting, conveying or otherwise disposing thereof, from time to time, as they may deem necessary or expedient.

Upper Canada College and Royal Grammar School to remain an Appendage of University, under a separate organization--and incorporated. Corporate name and powers.

Governor to be Visitor, &c.

Power to be exercised by Commission.

LII. And be it enacted, That the Governor, or person administering the Government of this Province for the time being, shall be the Visitor of the said College and Royal Grammar School, on behalf of Her Majesty, Her Heirs and Successors, which Visitatorial Power shall and may be exercised by Commission under the Great Seal of this Province, the proceedings whereof, having been first confirmed by the Governor, or person administering the Government of this Province in Council, shall be binding upon the said College and Royal Grammar School, and all others whomsoever.

Principal to be appointed by Crown on recommendation of Senate of University.

Proviso: to be a subject of Her Majesty

LIII. And be it enacted, That there shall be in the said College and Royal Grammar School a Principal, who shall be appointed by the Crown upon the Report or Resolutions of the Senate of the said University, made upon the proceedings and in the manner hereinbefore provided for in respect of the appointment to Chairs in the said University: Provided always nevertheless, firstly, that the person so to be appointed Principal shall be a natural born or naturalized subject of Her Majesty, and shall not

at the time of his appointment, or while he shall continue Principal thereof, hold any office, place or appointment in any other University, College, Seminary, School, or place of Learning or Education in this Province, or elsewhere: And provided also, secondly, that such Principal shall, during the time that he shall hold such office, reside within the said College and Royal Grammar School, or if permitted so to do by any Statute of the said College and Royal Grammar School to be passed for that purpose, then in such other place as may be prescribed by such Collegiate Statute; And provided also, thirdly, and lastly, that during the vacancy of the office of Principal of the said College or Royal Grammar School, such temporary provision shall and may be made by the Council of the said College and Royal Grammar School for the performance in the best manner in their power of the duties attached to such office, as shall or may be directed or appointed by any College Statute to be passed for that purpose.

and not hold any other educational appointment.

Proviso as to Residence in College, &c.

Proviso as to performance of duties during any vacancy.

LIV. And be it enacted, That the Ordinary General Discipline and Government of the said College and Royal Grammar School, in subordination to the Council thereof, shall be vested in and exercised by the Principal thereof: Provided always nevertheless, firstly, that in all matters directly affecting any of the Masters of the said College and Royal Grammar School, or involving the expulsion of any Member from the same, an appeal shall lie from the decision of the said Principal to the Council of the said College; And provided always also, secondly, that the mode and manner of exercising the powers hereby vested in the said Principal shall and may, from time to time, be regulated and directed by Statutes of the said College and Royal Grammar School to be passed for that purpose.

Ordinary general discipline, &c., in whom vested.

Proviso: Appeal to Council in certain cases.

Proviso: exercise of their powers may be regulated by Statute.

LV. And be it enacted, That it shall be the duty of the Principal of the said College and Royal Grammar School to make an Annual General Report to the Council thereof on the general state, condition, progress and prospects of the said College, and all things touching the same, and to make such suggestions as he may think proper for the improvement of the same; a duplicate of which said report the said Principal shall transmit to the Governor, or person administering the Government of this Province for the time being, through the Provincial Secretary thereof.

Principal to report annually to College Council and transmit duplicate to the Governor.

LVI. And be it enacted, That there shall be in the said College and Royal Grammar School a Deliberative Body to be called the College Council thereof, which shall consist of the Principal of the said College and Royal Grammar School for the time being when such office shall not be vacant, and four other persons to be appointed by the Crown during pleasure, of which Council any three Members shall be a *Quorum* for the despatch of business: Provided always nevertheless, firstly, that no person shall be qualified to be appointed by the Crown to such seat in the said Council who shall be a Minister, Ecclesiastic or Teacher under or according to any form or profession of religious faith or worship whatsoever; And provided also, secondly, that no person shall be qualified to be so appointed who shall not have taken the Degree of Master of Arts in the said University of Toronto, at least five years prior to the time of his appointment to such seat: And provided also, thirdly, and lastly, that the restriction contained in the said last foregoing Proviso to this Section shall not apply to any appointment to be made to such Council prior to the year of Our Lord one thousand eight hundred and sixty.

College Council how constituted.

Quorum.

Proviso: Crown Members not to be Ecclesiastics.

Proviso: Qualification of Crown Members.

Proviso: last Proviso not to take effect till 1860.

Who shall call and preside at such meetings of the Council.

LVII. And be it enacted, That the Principal of the College shall have the power of calling special meetings of the said Council, and shall preside at all meetings of the said Council at which he shall be present, and that in his absence the Senior Member of the said Council present shall preside in his place.

Council to make College Statutes, &c. for certain purposes.
Good Government of Colleges, &c.

Meeting of Council.
Duties of Principal, &c.

Officers and Servants.

Salaries, fees, &c.

Altering Statutes.

Proviso: Statutes not to be repugnant to law.

Proviso: Not to be passed and proposed at the same Meeting.

Proviso: to be approved by Caput of University.

Proviso: Crown may disallow any Statute within two years.

Endowment Board to have charge of property of College.

Proviso: To give all information required by Governor, Principal of College, &c.

LVIII. And be it enacted, That the Council of the said College and Royal Grammar School shall have full power and authority to frame and make such Statutes, Rules and Ordinances as they may think necessary or expedient touching or concerning the good government of the said College and Royal Grammar School, or touching or concerning the different Masterships and Teacherships in or belonging to the same including that of the Principal; the studies, examinations and exercises to be pursued, had or held therein, and all matters touching the same; and for summoning and holding regular or special meetings of the said Council, and all matters relative to the same; the duties of the Principal, and the residence and duties of the Principal, Masters, and Teachers of the said College and Royal Grammar School; the number of exhibitions and other prizes of and in the said College and Royal Grammar School, and all matters relative to the creation of, examination for, and conferring of the same; the number, residence, appointment and duties of all the Officers and Servants of the said College and Royal Grammar School; the management of the property and revenue thereof; the salaries, stipends, provision, fees and emoluments of and for the Principal, Masters, Teachers, Officers and Servants of the said College and Royal Grammar School, and generally concerning any other matter or thing for the well being and advancement of the said College and Royal Grammar School; and also, from time to time, to revoke, renew, augment or alter all, every, or any of the said Statutes, Rules and Ordinances as to them shall seem meet or expedient. Provided always nevertheless, firstly, that such Statutes, Rules or Ordinances, or any of them, shall not be repugnant to the laws or Statutes of this Province: Provided also, secondly, that no such Statute, Rule or Ordinance shall be passed and adopted at the same meeting at which it is first introduced and considered, but that a second meeting of the said Council shall be specially convened for the passing and adopting any such Statute, Rule or Ordinance: And provided also, thirdly, that no such Statute, Rule or Ordinance shall have any force or effect until it shall have been approved by the Caput of the said University: And provided always, also, fourthly, and lastly, that it shall and may be lawful for the Crown, at any time within two years from the passing of any such Statute, Rule or Ordinance, by Letters Patent under the Great Seal of this Province, to disallow such Statute, Rule or Ordinance, and thereupon every such Statute or Ordinance shall, from the date of such Letters Patent, stand repealed, and be of no force or effect whatsoever.

LIX. And be it enacted, That it shall be the duty of the Endowment Board of the said University and College to take upon themselves the general charge, superintendence and management of the whole property and effects, real and personal, of the said College and Royal Grammar School, under the direction of such College Statutes as shall or may be passed for that purpose: Provided always, nevertheless, firstly, that such Endowment Board shall, from time to time, and at all times, as the same may be required, afford to the Governor, or person administering the Government of this Province for the time being, and also to the Principal and Council of the said College or to such Committee or Committees of such Council as they may appoint for that purpose, all such information respecting such property and effects, and the whole fiscal

or financial affairs of the said College and Royal Grammar School, as the said Governor, or person administering the Government of the Province, or the said Principal or Council, or any such Committee or Committees of such Council shall or may from time to time require: And provided also, secondly, that they shall in like manner afford the like information to the Auditors to be appointed annually for auditing the Accounts of the said College and Royal Grammar School: And provided also, thirdly, and lastly, that it shall moreover be the duty of such Board annually to make a full report of the state of the property and effects under their charge, superintendence and management, and of the whole fiscal or financial affairs of the said College, to the Council of the said College and Royal Grammar School, and at the same time to transmit a duplicate of such report to the Governor or person administering the government of this Province, through the Provincial Secretary thereof.

Proviso: The like to Auditors.
To make annual report to the Council and transmit duplicate to the Governor.

LX. And be it enacted, That there shall be two Auditors of Accounts of the said College and Royal Grammar School, to be appointed annually, one by the Principal of the said College, and the other by the College Council thereof, whose duty it shall be to examine and audit the Accounts of the said Endowment Board, as far as they regard the property and effects of the said College and Royal Grammar School, and all other Accounts of the said College and Royal Grammar School generally, and to make a Report upon the same to the Council of the said College, a duplicate of which Report such Auditors shall transmit to the Governor, or person administering the Government of the Province for the time being, through the Provincial Secretary thereof.

Two Auditors to be appointed to report to College Council and transmit duplicate to Governor.

LXI. And be it enacted, That the Masters of the said College and Royal Grammar School shall be appointed by the Crown.

Masters to be appointed by Crown.

LXII. And be it enacted, That it shall and may be lawful for the Senate of the said University of Toronto, upon the report of the Caput thereof, or upon that of a Committee of its own Members, to suspend the Principal of the said College and Royal Grammar School, or any of the Masters thereof from his office, for any just and reasonable cause to them appearing; Provided always nevertheless, firstly, that the grounds of every such suspension shall be entered and recorded at length on the Books of the said Senate, and such Principal or Master so suspended shall thereupon cease from the performance of his duties, and from the exercise of his rights, functions and privileges, until and unless such suspension shall be removed by the Visitor of the said College and Royal Grammar School under his Privy Seal: And provided also, secondly, that a copy, duly authenticated, of the entry and record of such suspension and the grounds thereof, be forthwith transmitted to the said Visitor through the Provincial Secretary; And provided also, thirdly, that the continuation of any such suspension for a period of three calendar months continually, without any appeal by such Principal or Master to the said Visitor, against such decision of the said Senate, shall *ipso facto* vacate such Principalship or Mastership as if the party so suspended were naturally dead; And provided also, fourthly, that during every such suspension, such temporary provision shall and may be made by the Council of the said College and Royal Grammar School for the performance, in the best manner within their power, of the duties of such Principalship or Mastership, as is hereinbefore provided with respect to those of a vacant Chair in the said University.

Senate of University may suspend Principal or Masters.

Proviso: Grounds to be entered on Books of Senate.

Proviso: copy of entry, &c. to be transmitted to the Visitor.

Proviso: suspension for three months without appeal to vacate.

Proviso: temporary provision to be made for performance of duties.

Governor may remove Principal and Masters, on report of Senate of University.

LXIII. And be it enacted, That if upon the report of the Caput, or upon that of a Committee of their own Members, the Senate of the said University, after affording the party all reasonable opportunity of being heard in his defence, shall report to the Governor or person administering the Government of this Province for the time being, through the Provincial Secretary thereof, their opinion that the Principal of the said College and Royal Grammar School, or any of the Masters thereof, ought to be removed from his office, and shall in such report set forth at length, the grounds and reasons for such opinion, it shall and may be lawful for the Governor, or person administering the Government for the time being, if he shall deem it just and proper so to do, by an Instrument under his Privy Seal, to remove such Principal or Master from his said office, and thereafter such office shall be dealt with as if it had become vacant by the death of such Principal or Master.

No Religious Test to be required.

LXIV. And be it enacted, That no religious test or qualification whatsoever shall be required of or appointed for any person admitted as a Member of such College and Royal Grammar School, whether as a Scholar, Student, Fellow, or otherwise, or of or for any person appointed to any office, Mastership, Teachership, or other place or employment whatever in the same; nor shall religious observances, according to the forms of any particular religious denomination, be imposed upon the Members or Officers of the said College and Royal Grammar School, or any of them.

Nor Religious observances imposed.

College not to borrow money except under a Statute, nor without providing a Sinking Fund to pay the debt off in twenty years.

LXV. And be it enacted, That it shall not be lawful for the Principal, Masters and Scholars of the said College and Royal Grammar School, or for the Endowment Board of the said University and College on their behalf, to borrow any money on the security of the said College and Royal Grammar School, or of the Funds or other property thereof, or otherwise howsoever, except under the authority of a Statute of the said College and Royal Grammar School, by which Statute there shall at the same time be appropriated such an amount of the annual income of the said College and Royal Grammar School, arising from the interest and dividends of money actually invested under the authority of the seventy-second Section of this Act, as shall be sufficient to meet the annual interest upon such loan, and in addition thereto, a sufficient sum per centum per annum upon the original principal of such loan, to constitute a Sinking Fund for the final redemption, satisfaction and discharge of the said original principal of such loan, within at least twenty years from the time of the contracting of the same, and the annual interest of such loan; and the annual appropriation for such Sinking Fund for the redemption and satisfaction thereof, shall constitute an extra charge upon the Income Fund of the said College and Royal Grammar School, as hereinafter established, which, so long as any part of the said original principal of such loan shall remain unpaid, shall take precedence of the fourth, fifth and sixth ordinary annual charges upon such Income Fund as the same are respectively charged and imposed upon the same by the seventy-fourth section of this Act, and until such payment and satisfaction of the whole principal and interest of such loan, any Collegiate Statute, either Visitatorial or Collegiate, whereby such provision shall or may be attempted to be repealed or altered, shall be null and void to all intents and purposes whatsoever.

Appropriation for Sinking Fund to be a charge on College property.

Statute not to be repealed until the Loan is paid off.

Property of the College vested in the Corporation.

LXVI. And be it enacted, That whatever shall remain of the original endowment of the said College and Royal Grammar School, whether the legal Titles thereto be now vested in the said College and Royal Grammar School or in the Principal Master and Scholars thereof, or in the said College, Collegiate Institution or University and all

all other the property and effects, real and personal, of what nature or kind soever, now belonging to or vested in the said College and Royal Grammar School, or in the Principal, Masters and Scholars thereof, or in the said College, Collegiate Institution or University, or in any other person or persons, or Body Corporate or Politic whatsoever, for the use or benefit of the said College and Royal Grammar School, shall be, and the same and every part thereof are hereby transferred to and vested in the Principal, Masters, and Scholars of Upper Canada College and Royal Grammar School, to hold to them and their Successors for ever; any thing in the said Act of the Parliament of the late Province of Upper Canada or of this Province, or in any Letters Patent, Royal Charters, Deeds, or other Instruments to the contrary thereof in any wise notwithstanding.

LXVII. And be it enacted, That all debts due to the said College and Royal Grammar School or to the Principal, Masters and Scholars thereof, in their Corporate Capacity, and all Judgments, Recognizances, Bonds, Covenants and other Instruments or Contracts suffered, acknowledged or given to or made with them as aforesaid, or with the said College, Collegiate Institution or University hereinbefore mentioned on behalf of the said College and Royal Grammar School or with the Chancellor, President and Scholars of the said University on behalf of the said College and Royal Grammar School, by whatever name the same may have been suffered, acknowledged, given or made, shall be available, stand and continue of good purport and full force and strength to the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School, as if the said College and Royal Grammar School had been therein named by the Corporate Name hereby given to the same; and it shall and may be lawful for the said College and Royal Grammar School, by the Corporate Name last aforesaid, to proceed upon the same by execution or otherwise, and recover thereon as if the same had been suffered, acknowledged or given to or made with them by the name last aforesaid.

Debts due to the College vested in the Corporation:

And may be recovered by it.

LXVIII. And be it enacted, That except as hereinafter excepted, the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School shall both in Law and Equity be liable to all the present existing debts, contracts and agreements of the said College and Royal Grammar School, and may be sued upon and recovered against for the same, as if the same had been contracted or entered into by them by the name aforesaid: Provided always, nevertheless, that nothing herein contained shall extend or be construed to extend to the debt now claimed to be due by the said College and Royal Grammar School to the said University, which debt shall be and the same is hereby absolutely cancelled and discharged.

Corporation liable for all debts due by the College.

Proviso: Debt to University cancelled.

LXIX. And be it enacted, That the fiscal year of the said College and Royal Grammar School shall commence on the first day of January and end on the thirty-first day of December in each year.

Fiscal year to correspond with Calendar year.

LXX. And be it enacted, That the Salaries of the Principal, Masters, Teachers, Officers and Servants of the said College and Royal Grammar School shall, by the Statutes establishing the same, be made payable Quarterly on the four Quarter days of each fiscal year, that is to say, the first days of January, April, July and October in the same.

Salaries to be payable quarterly.

LXXI. And be it enacted, That none of the real property of the said College and Royal Grammar School, and none of the property thereof invested according to the directions

No real property, &c., to be disposed of

except by
Statute.

directions of either the seventy-second or seventh-sixth Sections of this Act, shall be disposed of or applied otherwise than by authority of a Statute of the said College and Royal Grammar School.

Proceeds of
Sales of Lands
to form Invest-
ment Fund.

LXXII. And be it enacted, That the proceeds arising from the sales of any of the lands referred to in the seventy-first section of this Act which it shall from time to time be deemed expedient by the said College and Royal Grammar School to sell and dispose of, and all moneys received upon investments called in or paid off, together with any surplus of the income over the expenditure of the said College and Royal Grammar School, as provided by the seventy-sixth Section of this Act, shall form a Fund to be called in the Books of the said College and Royal Grammar School "The College Investment Fund," the moneys at the credit of which Fund shall from time to time be invested in such Government or Landed Securities as shall be approved of by the Council of the said College and Royal Grammar School.

How to be
invested.

Annual In-
come to form
the "Income
Fund."

LXXIII. And be it enacted, That the annual income of the said College and Royal Grammar School arising from the fees and dues payable to the same for entrance, tuition, or otherwise, or from such portion thereof as by any Statute or Statutes of the said College and Royal Grammar School shall be payable into the General Funds of the said College and Royal Grammar School, and not to the Principal, Masters or Officers thereof, and from the annual or other periodical rents, interests and dividends arising from the property and effects of the said College and Royal Grammar School, of what nature or kind soever, whether real or personal, together with all such annual or other donations or subscriptions as may be made to the said College and Royal Grammar School, for the general benefit thereof without being specially appointed by the Donor to any particular object or purpose, shall form another Fund to be called "The College Income Fund," the moneys at the credit of which last mentioned Fund shall be appropriated and applied to make good and satisfy the several charges by the next following Section of this Act charged and imposed upon the said Fund in the order in which such charges are therein charged and imposed upon the same.

Application of
such Fund.

What shall be
charges on In-
come Fund,
and their order.

First.

Second.

Third.

Fourth.

Fifth.

Sixth.

LXXIV. And be it enacted, That the first annual charge upon the said College Income Fund shall be the necessary expenses incurred in the receipt, collection and management of the moneys of the said College and Royal Grammar School, as well those constituting the Investment Fund as those constituting the said Income Fund. The second charge upon such Income Fund shall be the necessary outlay for taxes, insurance and repairs of the buildings and other property of the said College and Royal Grammar School. The third charge upon such Income Fund shall be the salaries, wages and allowances of all Subordinate Officers and Servants of the said College and Royal Grammar School. The fourth charge upon the said Fund shall be such sum of money as by any Statute or Statutes of the said College and Royal Grammar School, to be passed for that purpose, shall be annually appropriated for the incidental expenses of the said College and Royal Grammar School for the fiscal year, or so much of such sum as shall be required for such incidental expenses. The fifth charge against such Fund shall be the salaries of the Principal and Masters of the said College and Royal Grammar School, and so much of those of the Members of the Endowment Board of the said University and College as shall be payable out of the Funds of the said College. And the sixth and last charge, such special appropriations out of the said Income Fund for such year as shall have been directed to be made by any Statute of the said College and Royal Grammar School passed for that purpose.

LXXV.

LXXV. And be it enacted, That whenever the Income Fund of the said College and Royal Grammar School, for any year, shall not be sufficient to satisfy and discharge the different charges upon the same for such year as herein provided, the amount of the deficiency for such year shall be supplied from the surplus Income Fund which has not yet been carried to the Investment Fund or shall be deducted in equal proportions from all the salaries constituting the fifth annual charge upon such fund for the following year, by proportionate quarterly deductions from such salaries, as the same become respectively payable at each financial quarter of such following year: Provided always nevertheless, firstly, that the parties whose receipts of salary may have been diminished by such proportionate deductions as aforesaid, shall be entitled to have such deficiency made good in part, or in the whole, as the case may be, out of any surplus, or surplusses of income over expenditure that may accrue during the six years next ensuing that in which such proportionate deductions shall have been so made as aforesaid: Provided also, secondly, that for the deficiency thus occasioned in such salaries, and which at the end of every sixth year may yet remain unsatisfied, as aforesaid, the incumbents to whose Offices or Masterships such salaries shall be attached respectively shall have no claim upon the said College and Royal Grammar School or upon the Funds thereof, but the amount of such salaries received by each of such incumbents, according to the provisions of this Act, shall be deemed and taken to have been received by him in full satisfaction and discharge of the whole of his salary for such six years, for which such proportion of the same shall have been paid to him as aforesaid.

Deduction from salaries to meet deficiencies in the Income Fund.

Proviso: deficiency to be made up by surplus accruing during six following years.

Proviso: Beyond which no claim shall be allowed.

LXXVI. And be it enacted, That the surplus, if any, of the said College Income Fund, after satisfying and discharging the several charges, whether ordinary or extra, by this Act charged upon the same, shall be annually transferred to the Investment Fund of the said College and Royal Grammar School, and with the other moneys belonging to that Fund be from time to time invested as in and by the seventy-second Section of this Act is declared, so that there shall be no balance of the said Income Fund to be carried forward from one fiscal year to the next.

Surplus if any of Income Fund to be transferred to Investment Fund.

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

Present Statutes of College to remain till altered.

LXXVIII. And be it enacted, That the Principal and other Masters and Officers of the said College and Royal Grammar School now actually holding a Mastership, or Office in the same, shall continue to hold such Mastership or Office under a new Warrant to be issued to him for the same, until he shall be removed therefrom in the manner prescribed by this Act; Provided always nevertheless, that nothing herein contained shall prevent or be construed to prevent the Commission of Visitation to be issued as hereinafter directed, or any other such Commission of Visitation, or any Collegiate Statute to be passed for that purpose, from re-arranging such Masterships or Offices, or the duties attached to the same respectively, or from adding to, varying or deducting from the duties of the Mastership, or Office held by any such Master or Officer in the said College or Royal Grammar School, or from so altering or varying the amount of salary or emolument receivable by any such Master or Officer as shall be necessary to

Present Principal and Masters to continue until removed.

Proviso: Commission of Visitation may re-arrange the Officers or duties.

Or the salaries, &c.

give

give effect to the provisions of this Act for the prevention of the dissipation of the endowment or capital stock of such College and Royal Grammar School, and restricting its expenses and disbursements to the amount of its annual income from the same.

Commission of Visitation to issue for like purposes with Commission for University.

LXXIX. And be it enacted, That so soon after the passing of this Act as to the Governor, or person administering the Government of the Province for the time being, shall seem expedient, a like Commission of Visitation shall be issued to and in respect of the said College and Royal Grammar School as that hereinbefore directed to be issued to and in respect of the said University, with similar powers and directions as far as the Governor, or person administering the Government of the Province for the time being, shall deem the same applicable or expedient to be contained in such Commission; Provided always nevertheless, that nothing herein contained shall prevent or be construed to prevent the issue of one Commission embracing both objects, if such shall be the pleasure of the Governor, or person administering the Government of the Province for the time being, as aforesaid.

Proviso: one Commission may include both.

IV. MISCELLANEOUS AND TEMPORARY PROVISIONS.

Actions at Law and Suits in Equity by or against University, College, &c., not to abate.

LXXX. And be it enacted, That no action at law or suit in equity now pending between either the said first mentioned University and any person or persons, Bodies Corporate or Politic, or between the said College and Royal Grammar School, and any such person or persons, Bodies Corporate or Politic, by whatsoever name such University or College may be proceeding, or be proceeded against in such action or suit, shall abate, cease or be discontinued by reason of any thing in this Act contained, but every such action or suit shall and may, upon suggestion of the passing hereof, be proceeded with for or against such University or College by the Corporate name hereby conferred upon the same respectively; any thing herein contained to the contrary notwithstanding.

Recital.

LXXXI. And whereas a gift of Books, principally consisting of Theological Works, was some years since made to the said University hereinbefore first mentioned by the Society for Promoting Christian Knowledge, which in consequence of the abolition of the Chair of Divinity, that Society may desire to have transferred to some other Institution or otherwise disposed of: Be it therefore enacted, That upon application from the said Society by their proper Officer, to be made to the said Chancellor, Masters and Scholars of the said University of Toronto, at any time before the year of our Lord, one thousand eight hundred and fifty-five, requesting that such gift may be returned to them or otherwise disposed of as they may appoint, it shall and may be lawful for the said Chancellor, Masters and Scholars, and they are hereby required to deliver over the same according to such request, and the same shall thereupon become vested in the said Society, or in such other person or persons, Bodies Politic or Corporate as the said Society shall or may in and by such request so to be made as aforesaid nominate and appoint in that behalf; any thing herein contained to the contrary notwithstanding.

Theological Library to be transferred at request of Society for promotion of Christian Knowledge.

Commencement of this Act.

LXXXII. And be it enacted, That this Act shall come into operation upon, from and after the first day of January next, or such earlier day as shall or may be fixed for that purpose by Proclamation under the Great Seal of this Province.

LXXXIII.

LXXXIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices and others whomsoever without being specially pleaded. Act to be a public Act, &c.

LXXXIV. And be it enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c., this Session.

CAP. LXXXIII.

An Act for the better establishment and maintenance of Public Schools in Upper Canada, and for repealing the present School Act.

[30th May, 1849.]

WHEREAS it is expedient to make provision for the better establishment and maintenance of Public Schools, in that part of this Province formerly Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Governor of this Province may from time to time appoint by Letters Patent under the Great Seal of this Province, a fit and proper person to be Superintendent of Schools for Upper Canada, and to hold his office during pleasure; and the said Superintendent shall be allowed Four hundred and twenty pounds currency salary per annum, and shall be allowed Three hundred and fifteen pounds currency per annum for a clerk and the contingent expenses of his office, to be by him accounted for according to the terms of this Act; and the said Superintendent shall give security to Her Majesty, to the satisfaction of the Governor in Council, in the sum of Two thousand pounds currency, and shall in the exercise of his duty be subject to all lawful directions or orders that the Governor or person administering the Government of this Province may by and with the advice of the Executive Council give in respect thereto. Preamble.

II. And be it enacted, That it shall be the duty of the Superintendent of Schools for Upper Canada: Superintendent of Schools to be appointed for Upper Canada—his salary, &c.

First. After deducting certain sums, as hereinafter provided, to apportion, on or before the fifteenth day of April in each year, all moneys appropriated by the Legislature for Common Schools in Upper Canada, for the then current year, according to the ratio of population in each County in Upper Canada, as compared with the whole population of such part of this Province according to the census of the population thereof, which shall have been last taken and returned at the time of such apportionment; or, if the census or returns upon which such apportionment, according to this provision of this Act, ought to be made, be so defective in respect to any County that it will be impracticable to ascertain thereby the share of the School moneys which ought to be apportioned to the said County, then he shall apportion To give security, and be subject to the Governor in Council.