

CAP. XLIX.

An Act to remove certain doubts respecting the intention of the Act of the last Session of the Parliament of this Province for amending the Charter of the University of Toronto, and to provide for the institution and endowments of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards in the said University, and for other purposes connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an appendage thereof.

[10th August, 1850.]

WHEREAS in the preamble of the Act passed in the last Session of the Parliament of this Province, chaptered eighty-two, and intituled, *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*, the promotion of the religious and moral improvement, as well as the secular education of the people of this Province is expressly set forth as the object of its enactment, and as a means of accomplishing such object in a community consisting of various denominations of Christians, the necessity is asserted of having the said University entirely free in its government and discipline from all denominational bias, so that the just rights and privileges of all might be fully maintained without offence to the religious opinions of any; and whereas the said enactment originated in a sincere desire for the advancement of true religion, and a tender regard for the conscientious scruples of all classes of professing Christians, which it sought to evince by affording to the different denominations the opportunity, and thereby pressing upon them the obligation, each in its own way and each according to its own discipline and in conformity with its own peculiar views of religious truth, of providing for the spiritual welfare and advancement in religious knowledge of the youth belonging to its own communion, and not from any indifference to the importance of religious duties, or of imparting religious knowledge in the education of youth: And whereas, notwithstanding the distinct avowal of the principles on which the said Act was based, doubts have been raised as to the Christian character of the said Institution and of the powers of the University, by statute or otherwise, to make the necessary regulations for insuring to its members the opportunities of religious instruction and attendance upon public worship by their respective Ministers, and according to their respective forms of religious faith: And whereas for the satisfaction of all whose minds may have been disturbed by such doubts, it is desirable to declare: Be it therefore accordingly declared and 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 declared and enacted by the authority of the same, That it hath been and at all times hereafter shall be fully competent to and for the said University, by statute either visitatorial or senatorial to be passed for that purpose, to make any regulations that may be deemed expedient for the undergraduates and students attending lectures in the said University, attending upon public worship in their respective churches, or other places of religious worship, and receiving religious instruction from their respective Ministers, and according to their respective forms of religious faith, and that not only shall every facility be afforded by the authorities of the said University for such attendance on religious worship, and such acquirement of religious knowledge, but that no candidate for matriculation or for any degree, who shall at the time of his application, be a student in any of the different Colleges which shall be so far affiliated to the said University as to be entitled to appoint a member to the Senate thereof, shall be received as a student or admitted to a degree in the said

Preamble.

Act 12 Vict. c. 82, cited.

Intention of the said Act as to Religious instruction recited.

The intention of the said Act as to Religious instruction declared and provision made for giving effect to it, by statute of an University.

University, without possessing such religious requisites as may be prescribed by the constituted authorities of the affiliated College to which he belongs, and which, according to his standing in such affiliated College, he shall by the rules and statutes thereof be required to possess: Provided always nevertheless, firstly, that no part of the funds of the said University shall be expended for any such purpose, but that it be left to the authorities of each denomination of Christians to provide for the religious instruction of its own adherents attending the said University or members thereof; and provided also, secondly, that nothing herein contained shall extend or be construed to extend to empower the said University, by statute or otherwise, to compel any person to become a student or member of such affiliated College as a condition precedent to his being matriculated or admitted to any degree in the said University, or otherwise howsoever.

Proviso.

Proviso.

And also by statute of Upper Canada College.

II. And for the like reason, it is hereby further declared and enacted by the authority aforesaid, That it hath been, now is, and at all times hereafter shall continue to be fully competent to and for the said College and Royal Grammar School of Upper Canada College, by Statute, either collegiate or visitatorial, to be passed for that purpose, to make any similar regulations for the like purposes and subject to the like limitations and restrictions.

Nine members of the Senate to be a quorum.

III. And be it enacted, That notwithstanding any thing in the said Act of Parliament contained, nine Members of the Senate of the said University shall form a quorum thereof for the despatch of business.

Caput may under section 24 of the said Act, report the names of eminent men who would accept the chair and do honor to the University; and if the Senate concur, the Governor may appoint one of such men.

IV. And be it enacted, That it shall at all times be lawful for the Caput of the said University, in reporting upon the testimonials of candidates for any vacant professorship, as directed by the twenty-fourth section of the said Act, to report also the names of any men of distinguished literary or scientific reputation, whose accession to such chair would in their opinion be an acquisition to the public character of the University as a seat of learning, and who they may have ascertained or have reason to believe, would accept of such, if offered to them; and thereupon the Senate of the said University, if they shall concur in that part of the Report of the said Caput, shall report the names of such persons, or of those of them with respect to whom they shall so concur with the Caput, to the Governor of the Province, with those of the three candidates required to be transmitted to him by the said twenty-fourth section of the said Act, and in every such case it shall and may be lawful for the Governor, if he shall deem it expedient so to do, to appoint any one of those persons to such chair, who may be willing to accept thereof, instead of appointing to the same any of the three candidates whose names shall have been so transmitted to him as aforesaid; any thing in the said twenty-fourth section of the said Act to the contrary notwithstanding.

The Crown may institute and endow Regius Professorships: their rights.

V. And be it enacted, That it shall and may be lawful for Her Majesty from time to time by Letters Patent under the Great Seal of the Province, to institute, establish and endow such and so many Regius Professorships in any of the Faculties of the said University, as she shall think fit, and from time to time, by Letters Patent under the Great Seal of the Province, to appoint some fit and proper person to such Regius Professorship; and to every such Professorship and to the person who shall fill the same, shall belong all and singular the like rights, powers, and privileges which shall be attached to or be vested in the other Professorships, and Professors of the said University respectively: Provided always, firstly, that no such Regius Professorship shall be so instituted without an endowment, either by charge on the public Provincial Revenue, or by invested capital in land or other property, not at the time forming any part of the property of the said University, but sufficient to secure to the holder thereof an income equal at least to that of the smallest salary assigned by Statute of the said University to any of the chairs on the foundation thereof in the same faculty to which such Regius Professorship may be attached, or unless such salary shall have been voted amongst the other annual votes for educational purposes upon the Estimates sent down to Parliament by the Crown; and provided also, secondly, that every such Regius Professorship and Regius Professor shall be subject to all and singular the Statutes, Rules and Ordinances of the said University, and be entitled to all and singular the same

Proviso: a certain endowment required.

Proviso: such Professors subject to the statutes.

same

same rights, powers and privileges as any other Professorship or Professor in the same; and provided also, thirdly, that the appointments to all such chairs shall be made by the Crown of its mere motion and during its pleasure, without the necessity of any Report from the Caput or Senate, as provided with respect to the chairs on the foundation of the said University.

Proviso: appointment to be *ex mero motu* and during pleasure.

VI. And be it enacted, That it shall and may be lawful for Her Majesty from time to time by Letters Patent under the Great Seal of the Province, to found, institute, establish and endow such and so many Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards in the said University as she shall think fit, and to prescribe in such Letters Patent, all such Rules and Regulations as she may think proper for the appointing to and conferring of such Lectureships, Fellowships, Scholarships, Exhibitions, Prizes, and other Rewards, all which Rules and Regulations the authorities of the said University are hereby required to observe and give effect to as in the said Letters Patent shall be directed.

The Crown may institute and endow Lectureships, &c.

VII. And be it enacted, That it shall and may be lawful for any person or persons, bodies politic or corporate whomsoever, to found such and so many Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, in the said University, as they may think proper, by providing a sufficient endowment in Land or other property, and conveying the same to the Chancellor, Master and Scholars of the said University in trust for the said purpose, and thereupon suing out Letters Patent from the Crown, instituting, establishing and endowing the same with the property so provided for that purpose as aforesaid, in all which Letters Patent shall be set forth such Rules and Regulations for the appointing to and conferring of such Professorships, Lectureships, Fellowships, Scholarships, Prizes or other Rewards, as the respective founders thereof, with the approbation of the Crown, shall think fit to prescribe for that purpose, all which Rules and Regulations the authorities of the said University are hereby required to observe and give effect to, as in the said Letters Patent shall be directed: Provided always nevertheless, that none of such Professorships upon private foundation, shall entitle the holder of the Chair of such Professorship for the time being, to any seat in the Senate of the said University or other share in the government thereof, unless the same shall be especially conferred upon such Chair or Professor by a Statute of the said University either visitatorial or senatorial to be passed for that purpose.

Private parties and Corporations may found and endow Professorships, Lectureships, &c., and sue out Letters Patent establishing the same.

Proviso: such Professorships not to give a seat in the Senate: exception.

VIII. And be it enacted, That nothing in the three next preceeding sections of this Act contained shall affect or be construed to affect in any way the twelfth section of the said recited Act, but that the provisions of the said three sections shall to all intents and purposes whatsoever be subject to and limited by the provisions of the said twelfth section as if the same had been inserted in this Act.

Sec. 12 of the said Act not to be affected.

IX. And be it enacted, That the third proviso to the fifty-eighth section of the said Act shall apply to such Statutes, Rules and Ordinances of the College Council of the College and Royal Grammar School of Upper Canada College, as have been or shall be passed by that body, for prescribing or regulating the general duties of the Principal or Masters of the said College or others employed to teach therein, in their respective Collegiate employments, or for prescribing the course of study to be pursued, or the discipline to be observed in the said College and Royal Grammar School, and to none others.

Third proviso of sec. 58 of 12 V. c. 82, to apply to certain statutes, &c. of U. C. College.

X. And be it enacted, That all sums of money received by the Bursar of the said University for or on account of the said College and Royal Grammar School at any time since the Royal Assent was given to the said Act of Parliament, and all debts of what nature or kind soever at the time when such assent was given to the said Act due to the said College and Royal Grammar School, or in which such College and Royal Grammar School was then or at any time after beneficially interested, shall be deemed and taken to be available to, and collectable by, the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School, in the same manner as the debts mentioned in the seventy-seventh section of the said Act, are thereby declared

Certain moneys to be receivable by the Principal, &c. of U. C. College, under sec. 77, of 12 V. c. 82.

Subject to certain deductions.

declared to be recoverable, subject to the deduction therefrom of all moneys which since the Royal Assent was so given to the said Act, shall or may have been paid by the said Bursar for, or on account of the said College and Royal Grammar School.

C A P . L . .

An Act for the more effectual Administration of Justice in the Court of Chancery in Upper Canada.

[10th August, 1850.]

Preamble.

WHEREAS it is expedient to give further facilities for instituting and carrying on suits in the Court of Chancery in order as much as possible to obviate delay and diminish expense : 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 it shall be lawful for the Judges of the said Court from time to time to appoint Masters and Deputy Registrars of the said Court, in such localities as the said Judges may consider necessary and expedient for the purpose of promoting as far as possible the local Administration of Justice : And it shall and may be lawful for the said Judges from time to time to cancel such appointments and to appoint others at their pleasure, and to make such rules and orders as may be necessary for regulating the offices of the said Masters and Deputy Registrars hereby authorized to be appointed, and for specifying the business to be transacted in the said respective offices, and for fixing the costs to be allowed in respect thereof, and from time to time to make other rules and orders amending, altering or rescinding the same or any of them ; Provided that nothing herein shall be construed to prevent the Judges of the said Court from appointing the same person to hold the offices of Master and Deputy Registrar, if they shall think it right so to do.

Judges may appoint Masters and Deputy Registrars in such localities as they think proper.

Proviso.

Such Masters and Deputy Registrars to account for and pay over one half of their emoluments.

II. And be it enacted, That the said Masters and Deputy Registrars of the Court of Chancery respectively, shall, on the first day of January, the first day of April, the first day of July and the first day of October, in each and every year, make up and render to the Inspector General of Public Accounts of the Province, accounts in writing of all the fees, dues, emoluments, perquisites and profits received by or on account of the said offices respectively, in such form and with such particulars as the said Inspector General shall from time to time require : which said accounts shall be signed by the Officer rendering the same, and shall be sworn to before the Judge of the County Court of the County in which such office is held ; and such Officers respectively shall, within ten days after the rendering of such account, pay over one-half of the amount of all such fees, dues, emoluments, perquisites and profits, to the Receiver General of the Province, and shall be respectively entitled to retain the other half as their remuneration, and if default shall be made in such payment, the amount due by the Officer making default shall be deemed a specialty debt to Her Majesty.

Master in Ordinary may appoint a Clerk.

III. And be it enacted, That it shall be lawful for the Master in ordinary of the said Court of Chancery to appoint, subject to the approval of the Judges of the said Court, one Clerk, whom the said Master on the like approval may remove at pleasure, and that there shall and may be paid and payable out of the Consolidated Revenue Fund of this Province (after paying or reserving sufficient to pay all such sums as have been directed by any former Act of the Parliament of this Province to be paid out of the same, but with preference to all other payments which shall hereafter be charged upon the same) the yearly sum of One Hundred and Twenty-five Pounds, as and for the salary of a Clerk in the Master's Office, such salary to commence from the tenth day of September last, and to be paid from the said tenth day of September up to the time of the appointment of a Clerk in pursuance of this Act to the Master of the said Court,

Salary allowed; how paid, &c.