

CAP. LXXXIX.

An Act to amend the Laws relating to the University of Toronto, by separating its functions as a University from those assigned to it as a College, and by making better provision for the management of the property thereof and that of Upper Canada College.

[Assented to 22nd April, 1853.]

WHEREAS the enactments hereinafter repealed have failed to effect the end proposed by the Legislature in passing them, inasmuch as no College or Educational Institution hath under them become affiliated to the University to which they relate, and many parents and others are deterred by the expense and other causes, from sending the youth under their charge to be educated in a large City distant, in many cases, from their homes; And whereas from these and other causes, many do and will prosecute and complete their studies in other institutions in various parts of this Province, to whom it is just and right to afford facilities for obtaining those scholastic honours and rewards which their diligence and proficiency may deserve, and thereby to encourage them and others to persevere in the pursuit of knowledge and sound learning; And whereas experience hath proved the principles embodied in Her Majesty's Royal Charter to the University of London in England, to be well adapted for the attainment of the objects aforesaid, and for removing the difficulties and objections hereinbefore referred to: 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 Act passed in the twelfth year of Her Majesty's Reign, 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*, and the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *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 connected with the said University, and with the College and Royal Grammar School*

Preamble.

Acts 12 V.
c. 82, and

13 & 14 V. c.
49, repealed.

of

Royal Charter. *of Upper Canada College, forming an appendage thereof, are hereby repealed, as is also so much of the Charter referred to in the Act first mentioned, as may be inconsistent with this Act; but so much of the said Charter as shall not be inconsistent with this Act, shall remain in force.*

UNIVERSITY OF TORONTO.

Corporate name of University.

II. The University established by the Charter aforesaid and mentioned in the said Acts, shall henceforth be called *The University of Toronto*, and shall continue to be a Body Corporate, with the powers vested in Corporate bodies by the Interpretation Act, and power to hold such real property as may be assigned to it under the provisions of this Act, and such other powers and privileges as are conferred upon it by those portions of the said Charter remaining in force, or by this Act, but such powers shall be exercised in accordance with the provisions of this Act.

General powers.

Functions of University defined.

III. There shall be no Professorship or other Teachership in the said *University of Toronto*, but its functions shall be limited to the examining of Candidates for Degrees in the several Faculties, or for Scholarships, Prizes or Certificates of Honor in different branches of knowledge, and the granting of such Degrees, Scholarships, Prizes and Certificates, after Examination, in the manner hereinafter mentioned.

Corporation how composed.

IV. The said Corporation of *The University of Toronto* shall hereafter consist of one Chancellor, one Vice-Chancellor, and such number of other Members of the Senate as the Governor of this Province shall from time to time appoint under His Hand and Seal at Arms, and as shall be appointed by the Senate under the power hereinafter given.

Senate, Chancellor and Vice-Chancellor.

V. The Chancellor, Vice-Chancellor and other Members of the Senate for the time being, shall constitute the Senate of the said University; and the first Chancellor and Vice-Chancellor shall be appointed by the Governor in the manner aforesaid.

Vacancies in Chancellorship.

VI. Whenever a vacancy shall occur in the office of Chancellor of the said University, either by death, resignation or otherwise, the Governor may, in the manner aforesaid, nominate a fit and proper person to be Chancellor instead of the Chancellor occasioning such vacancy.

Office of Vice-Chancellor after the first to be an elective one.

VII. The office of Vice-Chancellor of the said University shall be a biennial one, that is to say, the term of office of each Vice-Chancellor shall expire on some day in the calendar year next but one after that in which he shall have been appointed or elected, and the day on which the term of office shall expire shall be appointed by Statute of the University; and the Members of the Senate shall, at a meeting to be holden for that

that purpose on some day within a month before the expiration of the said term of office, of which meeting notice shall be given in such manner as shall be fixed by Statute, elect some one of the Members of the Senate to be Vice-Chancellor when the term of office of the then Vice-Chancellor shall expire, and so from time to time biennially; or in case of the death, resignation, or other vacancy in the office of any such Vice-Chancellor, before the expiration of his term of office, they shall, at a meeting to be holden by them for that purpose, as soon as conveniently may be, of which notice shall be given in manner aforesaid, elect one other of the said Members of the Senate to be Vice-Chancellor for the remainder of the term in which such death, resignation, or other avoidance shall happen.

Election to be biennial.

VIII. If at any time, by death or otherwise, the number of the said Members of the Senate shall be reduced below the number of ten, exclusive of the Chancellor and Vice-Chancellor for the time being, then and in such case, and as often as the same shall happen, if the Governor do not think proper to complete the said number by appointment, the Members of the Senate shall, as soon as conveniently may be, at a meeting to be holden for that purpose, of which notice shall be given in such manner as shall be provided by Statute, elect one or more fit and proper persons to be Members of the Senate in addition to the then remaining Members thereof, to the end that by means of such election the number of ten Members of the Senate of the said University may be completed, exclusive of the Chancellor and Vice-Chancellor of the said University; but no person shall be appointed or elected a Member of the Senate who shall not be a subject of Her Majesty.

Election of Members of Senate by the remaining Members in certain cases.

IX. The Governor of this Province shall be (as heretofore) the Visitor of the said University on behalf of Her Majesty, and such visitatorial powers may be exercised by commission under the Great Seal of this Province, the proceedings whereof, having been first confirmed by the Governor, shall be binding on the said University and its Members and on all others whomsoever.

Governor to be the Visitor.

X. The Chancellor, Vice-Chancellor and Members of the Senate for the time being, shall (subject to the provisions of this Act relative to the income and property of the said University), have the management of and superintendence over the affairs and business thereof; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor and Members of the Senate to make such Statutes and to act in such manner as to them shall appear best calculated to promote the purposes of the said University; and the said Chancellor, Vice-Chancellor and Members of the Senate shall have full power from time to time to make and alter any Statutes (so as the same be not repugnant to the laws of

Senate to manage the business of the University. Power to make Statutes.

of Upper Canada, or to the general objects and provisions of this Act,) touching the examination for Degrees, or for Scholarships, Prizes or Certificates of Honor, and the granting of such Degrees, Scholarships or Certificates, and the fees to be paid by Candidates for examination or upon taking any Degree, and the application of such fees, and touching the periods of the regular meetings of the Senate and the mode of convening special meetings thereof, and in general touching all other matters whatsoever regarding the said University or the business thereof, or for any purpose for which provision may be required for carrying out this Act according to its intent and spirit in any case unprovided for by this Act; and all such Statutes when reduced into writing, and after the Common Seal of the said University shall have been affixed thereto, and after they shall have been approved by the Visitor, shall be binding upon all persons being Members or Officers thereof, and upon all Candidates for Degrees, Scholarships, Prizes or Certificates of Honor to be conferred by the said University, and all others whom it may concern, a certified copy of such Statutes being deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the Visitor of the said University, for his approval; and no such Statute shall have force or effect until it shall have been approved by the Visitor, and such approval signified through the said Secretary: Provided always, that by any such Statute approved as aforesaid power may be given to any Committee, Officers or persons to make Regulations for better carrying out the provisions or object of any Statute, in the manner and to the extent therein prescribed.

Statutes to be approved by the Visitor before they are binding.

Proviso.

Power to grant Certificates of Honor.

XI. In addition to the power of conferring Degrees in Arts and Faculties vested in the said University, the said Chancellor, Vice-Chancellor and Members of the Senate shall have power, after examination, to grant Certificates of Honor in such branches of knowledge as they shall from time to time, by Statutes to be made in that behalf, determine.

Majority to decide, &c.

XII. All questions which shall come before the Chancellor, Vice-Chancellor and Members of the Senate, shall be decided by the majority of the Members present; but in case of equality of votes, the maxim *præsumitur pro negante* shall prevail.

Quorum.

XIII. No question shall be decided at any meeting unless the Chancellor or Vice-Chancellor, and four other Members of the Senate, or, in the absence of the Chancellor and Vice-Chancellor, unless five other Members of the Senate at the least, shall be present at the time of such decision, nor shall any Meeting be legally held unless held at the times or convened in the manner provided for by Statute as aforesaid.

Legal Meetings of the Senate.

Chairman.

XIV. At every Meeting of the Chancellor, Vice-Chancellor and Members of the Senate, the Chancellor, or in his absence the

the Vice-Chancellor, shall preside as Chairman, or in the absence of both a Chairman shall be chosen by the Members present or a majority of them.

XV. The said Chancellor, Vice-Chancellor and Members of the Senate for the time being shall have full power to appoint by Statute from time to time, and as they shall see occasion to remove in like manner, all Examiners, Officers and Servants of the said University, except the Bursar hereinafter mentioned.

XVI. Once at least in every year, at a time or times to be fixed by Statute, the said Chancellor, Vice-Chancellor and Members of the Senate shall cause to be held an Examination of the Candidates for Degrees, Scholarships, Prizes or Certificates of Honor as aforesaid; and at every such Examination the Candidates shall be examined by Examiners appointed for the purpose by the said Chancellor, Vice-Chancellor and Members of the Senate; and at every such Examination the Candidates shall be examined orally or in writing or otherwise, in as many branches of general knowledge as the Chancellor, Vice-Chancellor and Members of the Senate shall consider the most fitting subjects for such examination; and special Examinations may be held for Honors; and all such Examinations shall be open and public.

XVII. And in order to extend the benefits of Colleges and Establishments already instituted in this Province for the promotion of Literature, Science and Art, whether incorporated or not incorporated, by connecting them for such purpose with the said University, all persons shall be admitted as Candidates for the respective Degrees of Bachelor of Arts and Master of Arts, to be conferred by the said University of Toronto, on satisfying the Chancellor, Vice-Chancellor and Members of the Senate, by proper Certificates, that such persons have in any of the Institutions hereinafter mentioned, gone through and completed such course of instruction as the said Chancellor, Vice-Chancellor and Members of the Senate shall, by Statutes to be made as aforesaid from time to time, determine; and the Institutions in which such course of instruction may be completed shall be those hereinafter mentioned, that is to say: all Colleges in Upper or Lower Canada incorporated by Royal Charter or by Act of the Parliament of this Province, or of either of the late Provinces of Upper or Lower Canada, and also such other Institutions, corporate or unincorporated, as now are or shall hereafter be established for the purposes of education within this Province, which the Governor of this Province shall from time to time prescribe to the said Chancellor, Vice-Chancellor and Members of the Senate, under His Hand and Seal at Arms.

XVIII. And for the purpose of granting the Degrees of Bachelor of Medicine and Doctor of Medicine, and the improvement

Students may be examined for Degrees in Law or Medicine.

improvement of Medical Education in all its branches, as well in Medicine as in Surgery, Midwifery and Pharmacy, and for the purpose of granting the Degrees of Bachelor of Laws and Doctor of Laws, respectively, the said Chancellor, Vice-Chancellor and Members of the Senate shall, from time to time, report to the Governor of this Province, through the Provincial Secretary, what appear to them to be the Medical Schools and Institutions, or the Law Schools and Institutions, whether corporate or unincorporated, in this Province, from which, either singly or jointly with other Medical or Law Schools or Institutions in this Province, or in other parts of Her Majesty's Dominions, or in Foreign parts, it may be fit and expedient, in the judgment of the said Chancellor, Vice-Chancellor and Members of the Senate, to admit Candidates for Degrees in Medicine or in Law, and on approval of such report by the Governor, shall admit any person to examination as a Candidate for the respective Degrees of Bachelor of Medicine or Doctor of Medicine, Bachelor of Laws or Doctor of Laws, to be conferred by the said University, on his satisfying the said Chancellor, Vice-Chancellor and Members of the Senate, that such Candidate has therein gone through and completed a course of instruction during such period as they shall, by regulations in that behalf, determine; and it shall be lawful for the said Chancellor, Vice-Chancellor and Members of the Senate, from time to time, with the approval of the Governor, to vary, alter and amend any such reports, by striking out any of the said Institutions or Schools included therein, or by adding others thereto; and all Institutions from which, under this or the next preceding section Students may be examined for Degrees, shall be said to be affiliated for that purpose to the said University.

Affiliated Institutions, what.

Power to confer Degrees in Arts and Faculties.

XIX. The said Chancellor, Vice-Chancellor and Members of the Senate shall have power, after examination, to confer the several Degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine and Doctor of Medicine, and to examine for Medical Degrees in the four branches of Medicine, Surgery, Midwifery and Pharmacy; and such reasonable fees shall be charged to the Candidates for Examination, for Degrees or for Certificates of Honor as aforesaid, as the Chancellor, Vice-Chancellor and Members of the Senate shall, by Statute in that behalf, from time to time determine, and such fees shall be paid and applied as shall be determined by Statute.

Fees.

Standard of Qualification for Degrees, &c.

XX. The regulations to be made with respect to the literary and scientific attainments of persons obtaining Degrees or Certificates of Honor, and their Examination, shall, in so far as circumstances will, in the opinion of the Chancellor, Vice-Chancellor and Members of the Senate, permit, be similar to those in force for like purposes in the University of London, to the end that the standard of qualification in the *University of*

of Toronto may not be inferior to that adopted for a like Degree, Certificate or Honor in the University of London.

XXI. The Examiners may be required to make the following declaration before the Chancellor or Vice-Chancellor:

“ I solemnly declare that I will perform my duty of Examiner without fear, favor, affection or partiality towards any Candidate, and that I will not knowingly allow to any Candidate any advantage which is not equally allowed to all.”

Examiners to make a declaration of impartiality.

XXII. The said Chancellor, Vice-Chancellor and Members of the Senate, may make such special Regulations as to them shall seem just, with regard to the examination of Students who have matriculated in the said University before the passing of this Act, and with regard to the completion by them of the prescribed course of instruction, but in so far only as relates to the first Degree to be taken by any such Student after the passing of this Act, after which they shall be subject to the same regulations as other Candidates.

As to Students in the University before the passing of this Act.

XXIII. The said Chancellor, Vice-Chancellor and Members of the Senate, may grant Scholarships, Prizes and Rewards to persons who shall distinguish themselves at their examination, but the sum to be expended for such purposes in any one year shall not exceed such sum as shall be appropriated for that purpose under the provisions hereinafter made, and such Scholarships shall be of the nature and extent of those next mentioned; and all such Scholarships, Prizes and Rewards shall be granted according to Regulations previously made and published.

Scholarships, Prizes and Rewards to be granted.

XXIV. The said Scholarships shall hereafter be held to be University Scholarships in any of the affiliated Institutions in Upper Canada, and shall be held by the Chancellor, Vice-Chancellor and Members of the Senate, for the purpose of being awarded according to the proficiency manifested on examination in prescribed subjects, and to each of such Scholarships an annual stipend shall be attached payable out of the University Income Fund, for such periods and on such conditions as shall be fixed by the regulations to be made by Statute in that behalf; and the holder of any Scholarship granted under this and the next preceding section shall have the title of “ University Scholar:” Provided always, that every Scholarship in the University of Toronto granted before this Act shall be in force, shall thereafter be a University Scholarship in University College hereinafter mentioned, and the holder thereof shall have the said title of “ University Scholar.”

Nature of such Scholarships.

Proviso.

XXV. Any Statutes made under the fiftieth section of the Act herein first cited and repealed, by the Commissioners therein referred to, and in force when this Act shall come into effect,

Statutes under s. 50 of 12 V. c. 82, to-re-

main in force until repealed. effect, shall remain in force, in so far as they may not be inconsistent with this Act, until repealed or altered by the Chancellor, Vice-Chancellor and Members of the Senate of the said University, who shall have full power to amend or repeal the same and make others in their stead.

Senate to make certain Reports to the Governor.

XXVI. It shall be the duty of the Senate of the said University, annually to report to the Governor, at such time as he shall appoint, on the general state, progress and prospect of the University, and upon all matters touching the same, with such suggestions as they may think proper to make; and the said Senate shall also at all times when thereunto required by the Governor, inquire into, examine and report upon any subject or matter connected with the said University; and copies of such annual or other reports shall be laid before both Houses of the Provincial Parliament at the then next Session thereof.

Copies to be laid before Parliament.

UNIVERSITY COLLEGE.

University College constituted to be managed by a Council.

XXVII. There shall be and there is hereby constituted at the City of Toronto, a Collegiate Institution by the name of *University College*, and the said College shall be under the direction, management and administration of a Body Corporate to be called *The Council of University College*, which shall have perpetual succession and a Common Seal, with power to hold real and personal property, subject to the provisions hereinafter made, and shall be capable of suing and being sued, pleading and being impleaded by the name aforesaid, and shall have other the usual powers of Corporate Bodies, according to the Interpretation Act, subject to the said provisions.

Members of the Council.

XXVIII. The said Corporation shall consist of a President, Vice-President, and such Professors as may from time to time be appointed to Chairs in the said University College.

Meetings of the Council.

XXIX. The President, or in his absence the Vice-President, or if both be absent, then the Senior Member of the Council present, shall preside at all Meetings of the Corporation, and in case of an equal division of votes among the Members present, the rule *præsumitur pro negante* shall prevail; and among Members appointed at the same time, the order in which their appointments shall have been made shall be the order of Seniority; and all such Meetings shall be held at the times to be prescribed by the Statutes of the said College.

Chairman, &c.

Quorum.

XXX. Any five Members of the said Council shall be a *quorum* for transacting all business of the Council and doing all things which the said Council may lawfully do; and all things done at any Meeting of the Council shall be ordered by the majority of the votes of the Members present thereat, subject to the provision hereinbefore made for the case of an equal division of votes.

Majority to decide.

XXXI. The said Council shall have full power and authority to make Statutes for the good government, discipline, conduct and regulation of the said College, and of the Professors, Teachers, Students, Officers and Servants thereof, for regulating the Fees to be paid by Students or persons attending lectures or receiving instruction in the said College, and the times of regular Meetings of the Council, and generally for the management of the property and business thereof, and for any purpose necessary for carrying this Act into effect according to its intent and spirit in cases for which no provision is made by this Act, so that such Statutes be not inconsistent with the provisions of this Act or the laws of this Province, and from time to time to amend or repeal the same; Provided always, that no Statute made by the said Council shall have force and effect until it shall have been submitted to the Visitor of the said College, and by him approved; and a certified copy of all such Statutes shall be transmitted to the Provincial Secretary, within ten days from the passing thereof, to be submitted to the said Visitor for his approval.

Council to make Statutes for certain purposes.

Proviso: to have no force until approved by the Governor.

XXXII. There shall be in the said College such Professors, Lecturers and Teachers, and there shall be taught in the said College such Sciences, Arts and Branches of Knowledge as the Council shall, by their Statutes in that behalf, from time to time determine, such Statutes being consistent with Statutes of *The University of Toronto*, as regards the prescribed subjects of Examination; Provided always, that there shall be no Professor or Teacher of Divinity in the said College; and that after the first day of January one thousand eight hundred and fifty-four, there shall be no Professorship or Teachership of Law, or of any of the branches of Medicine or Surgery, except in so far as the same may form part of a general system of liberal Education.

Council to determine the branches of knowledge to be taught.

Proviso: as to Divinity, Law and Medicine.

XXXIII. The President and Vice President, Professors, Lecturers, Teachers, Officers and Servants of the said College shall be appointed by the Governor of this Province, after such examination, inquiry and report as he shall consider necessary, and shall hold office during his pleasure; Provided always, that the President, Professors, Lecturers and Teachers of the University of Toronto as now constituted, shall, until it be otherwise ordered by the Governor, be the President, Professors, Lecturers and Teachers of University College, excepting after the said first day of January one thousand eight hundred and fifty-four, those who may be Professors or Teachers of those subjects which are not under this Act to be taught in the said College.

President, Professors, &c. to be appointed by the Governor.

Proviso: as to present Professors, &c.

XXXIV. No religious test or profession of religious faith shall be required of any Professor, Lecturer, Teacher, Student, Officer or Servant of the said College, nor shall religious observances, according to the forms of any particular religious denomination

No religious test, &c. to be required.

denomination be imposed on them or any of them; but it shall be lawful for the Council to make such Regulations as they may think expedient touching the moral conduct of the Students and their attendance on public worship in their respective Churches or other places of religious worship, and their receiving religious instruction from their respective Ministers, and according to their respective forms of religious faith, and every facility shall be afforded for their so doing.

Professor-
ships, &c. may
be founded by
private parties
and how.

XXXV. It shall and may be lawful for any person or persons, body or bodies politic or corporate whomsoever, to found such and so many Professorships, Fellowships, Lectureships, Scholarships, Exhibitions, Prizes and other Rewards, in the said College, as they may think proper, by providing a sufficient endowment in land or other property, and surrendering or conveying the same to the Crown for the purposes of the said College, 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, Fellowships, Lectureships, 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 College are hereby required to observe and give effect to, as in the said Letters Patent shall be directed: Provided always, that such endowment as aforesaid shall be vested in the Crown for the purposes for which it shall be given, as shall also any property real or personal, given, devised or bequeathed to the said College or for the use thereof; And provided also, that no Professorship or Lectureship shall be so founded for the teaching of any subject which under this Act is not to be taught in the said College.

Proviso.

Governor to be
Visitor.

XXXVI. The Governor of this Province shall be the Visitor of the said College on behalf of the Crown, and his visitatorial powers may be exercised by Commission under the Great Seal of this Province, and the proceedings of any Commission so appointed being confirmed by the Governor, shall be binding on the said College and the Council thereof, and on all persons whomsoever.

Council to
report annual-
ly to the
Governor.

XXXVII. It shall be the duty of the Council of the said College, annually to report to the Governor, at such time as he shall appoint, on the general state, progress and prospects of the College, and upon all matters touching the same, with such suggestions as they may think proper to make; and the said Council shall also, at all times when thereunto required by the Governor, inquire into, examine and report upon any subject or matter connected with the said College; and copies of such annual or other reports shall be laid before both Houses of the Provincial Parliament at the then next Session thereof.

Copies to be
laid before
Parliament.

XXXVIII.

XXXVIII. All terms kept or studies or exercises performed in the University of Toronto as now constituted, shall be valid and effectual, and shall be deemed to be terms kept, or studies or exercises performed in University College; and the Statutes and Regulations of the said University in force when this Act shall come into effect, shall remain in force and apply to University College, so far as they may be consistent with this Act, until repealed or altered by Statutes to be made under this Act.

Terms, &c. kept in the former University to avail to Students.

UPPER CANADA COLLEGE AND ROYAL GRAMMAR SCHOOL.

XXXIX. The Corporation of "The Principal, Masters, and Scholars of Upper Canada College and Royal Grammar School," shall be dissolved and determined from the time this Act comes into force; and the said Institution and all the affairs and business thereof, shall be under the control, management and direction of the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, subject to the provisions of this Act.

Present Corporation dissolved.

XL. The Governor of this Province shall be the Visitor of the said College and Royal Grammar School, on behalf of Her Majesty, and his visitatorial powers may be exercised by Commission under the Great Seal of this Province, the proceedings whereof, having been first confirmed by the Governor in Council, shall be binding upon the said College and Royal Grammar School, and upon the said Senate and all others whomsoever.

Governor to be Visitor.

XLI. The said Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, shall have full power and authority to make Statutes for the good government, conduct and regulation of the said College and Royal Grammar School and of the Principal, Masters, Pupils, Officers and Servants thereof, for regulating the fees to be paid by Pupils receiving instruction in the said College, and generally for the management of the business and affairs thereof, and for any purpose necessary for carrying this Act into effect according to its intent and spirit in cases in which no provision is made by this Act, so that such Statutes be not inconsistent with the provisions of this Act or the laws of this Province, and from time to time to amend or repeal the same; and the said Chancellor, Vice-Chancellor and Senate, may by any such Statutes empower the Principal to make Regulations for the government of the Masters and Pupils, Officers and Servants, and for the conduct and discipline of the said College and Royal Grammar School, in such matters and to such extent as may be limited in such Statutes, and subject to such control or approval as may be therein mentioned; Provided always, that no Statute shall have force and effect until it shall have

Senate of University to make Statutes for the Government of this Institution.

Proviso: Statutes to

have no force until approved by the Governor.

been submitted to the Visitor of the said College and Royal Grammar School, and by him approved; and a certified copy of all such Statutes shall be transmitted to the Provincial Secretary, within ten days from the passing thereof, to be submitted to the said Visitor for his approval.

Principal, Masters, &c. how appointed.

XLII. There shall be in the College and Royal Grammar School, a Principal, and such Masters, Officers and Servants, as shall from time to time be directed by any Statute relating to the said Institution, approved as aforesaid, and the salary and emoluments attached to each such office, shall be from time to time fixed by Statute; and the said Principal, Masters, Officers and Servants shall be appointed by the Governor of this Province, and shall hold Office during his pleasure: Provided always, that until it shall be otherwise ordered by the Governor, the present Principal, Masters, Officers and Servants of the said Institution shall remain in Office, and until it be otherwise ordered by Statute, the Salaries and Emoluments attached to each Office shall be those now attached to the same respectively.

Present Statutes, &c. to remain in force until repealed.

XLIII. 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 Statute to be hereafter enacted or made for that purpose.

No religious test, &c. to be required.

XLIV. No religious test or profession of religious faith shall be required of any Principal, Master, Pupil, Officer or Servant of the said College, nor shall religious observances according to the forms of any particular religious denomination, be imposed on them or any of them; but it shall be lawful for the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto by Statute to make such Regulations as they may think expedient touching the moral conduct of the Pupils and their attendance on public worship in their respective Churches or other places of religious worship, and their receiving religious instruction from their respective Ministers, and according to their respective forms of religious faith, and every facility shall be afforded for their so doing.

Certain regulations may be made.

Senate to make annual reports to the Governor.

XLV. It shall be the duty of the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, annually to report to the Governor, at such time as he shall appoint, on the general state, progress and prospects of the College and Royal Grammar School and upon all matters touching the same, with such suggestions as they may think proper to make; and also, at all times when thereunto required by the Governor to inquire into, examine and report upon any subject or matter connected with the said College and Royal Grammar School; and copies of such annual or other reports shall be laid before both

Copies to be laid before Parliament.

both Houses of the Provincial Parliament at the then next Session thereof.

ENDOWMENT AND PROPERTY.

XLVI. All the property and effects, real or personal, of what nature or kind soever, now belonging to or vested in the Corporation of the Chancellor, Masters and Scholars of the University of Toronto, or in the Corporation of the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School, or in any person or persons, body or bodies politic or corporate in trust for the said Corporations, or either of them, shall, from and after the coming into force of this Act, be and the same and every part thereof are hereby transferred to and vested in Her Majesty, Her Heirs and Successors, for the purposes of this Act, and shall, as shall also all Deeds, Titles, Accounts, Books, Maps, Plans, Documents and Writings belonging to or relating to the same, be forthwith delivered up by any person or persons, body or bodies politic or corporate having custody or possession thereof, to such person or persons, officer or officers, as the Governor of this Province shall appoint or authorize to receive the same; and every right, title, claim or demand of either of the said Corporations to any real or personal property, debt or sum of money, shall be and is hereby vested in the Crown, and any suit or proceeding for the recovery thereof may be brought or continued by and in the name of the Crown upon suggestion of the passing of this Act; and every debt due by or claim upon either of the said Corporations may be paid or satisfied by the Crown out of the property transferred as aforesaid; and all property, real or personal, which shall be hereafter given, devised or bequeathed to or for the use of either of the said Institutions, or to or for the use of any of the Institutions herein named and provided for, shall be vested in the Crown for the purposes of this Act.

All the property of the said Institution vested in the Crown for the purposes of this Act.

XLVII. The said property, real or personal, shall be managed and administered, under the orders of the Governor in Council, by an Officer to be appointed by Commission under the Great Seal of this Province, to hold his office during pleasure, and to be called the Bursar of the University and Colleges at Toronto; and the Salary of the said Bursar shall be fixed by the Governor in Council at such amount not exceeding Four Hundred Pounds currency per annum, as to him shall seem meet, and the said Bursar shall be allowed by the Governor in Council such assistance in his office as may be found necessary; and the said Bursar shall have a seal of office, and shall have such powers as shall from time to time be assigned to him by the Governor in Council, for the management and administration of the said property, the leasing of the same, or making agreements for the sale thereof, and the receiving of the rents, issues and profits thereof or the proceeds of the sale of any part thereof, or any moneys in any way arising therefrom, and shall account for

The said property to be managed by a Bursar under the direction of the Governor in Council.

Duties, &c. of Bursar.

for and pay over the same in such manner as the Governor shall from time to time direct, and shall give security to the Crown for the due performance of his duties and the faithful accounting for and paying over all moneys which shall come into his hands as such Bursar, in such amount, with such securities, and in such manner and form as the Governor in Council shall direct; and the said Bursar shall, as regards his obligation to account for and pay over all moneys coming into his hands as such, be deemed to be an Officer employed in the collection of the Provincial Revenue, and shall, in case of his default, be liable to be dealt with accordingly; and the said Bursar shall make and transmit to the Governor, and at such time in each year as he shall appoint, an annual account of the property under his management and of his official receipts and expenditure; and a copy of each account shall be laid before each House of the Provincial Parliament at the then next Session thereof:

To transmit annual accounts to the Governor, to be laid before Parliament.

What such accounts must shew.

And each such Annual Account shall shew, among other things:

The number of acres of land originally granted for the endowment of the said University, or the said Upper Canada College and Royal Grammar School;

The number of acres sold, and at what rate: The total amount of sales,—the amount received on account thereof, and the amount due;

The amount of Capital invested, and the amount expended to the end of the preceding year;

The amount received, and a detailed account of the amount expended for the preceding year, in salaries, contingent expences and buildings, specifying the duties of the persons receiving such salaries, and the purposes of such buildings.

Provision for facilitating the transfer of property sold.

XLVIII. And in order to facilitate the transfer and conveyance of the property by this Act transferred to and vested in Her Majesty, it shall be lawful for the Governor from time to time to issue a Commission under the Great Seal of the Province, to the Bursar of the University and Colleges at Toronto aforesaid, authorizing the said Bursar under his hand and seal of office, to transfer and convey any of such property to purchasers and others entitled to receive conveyances thereof; and that all such transfers and conveyances may be made according to the form in the Schedule to this Act, or in words to the like effect; and the same shall to all intents and purposes as effectually grant, transfer and convey the lands therein set forth, to the parties therein specified, according to the quality of the estate and the conditions and provisions therein mentioned, in the same manner and with the

the like effect, as if the same had been directly granted by the Crown under the provisions of this Act : Provided that nothing herein contained shall be held to prevent the Crown from granting such lands directly : And provided further, that all such transfers and conveyances shall be registered in the Registry Office of the County in which the lands shall be situate, in like manner and subject to the same provisions of law as conveyances from and to private parties.

Proviso. 1

Proviso.

XLIX. The fees received for tuition, examination, degrees, certificates of honor or otherwise, in the said University, in University College, and in Upper Canada College and Royal Grammar School, or such part thereof as shall be payable into the general funds thereof, the rents, issues and profits of all such property as aforesaid, and all the interest on the purchase money of any part of such property sold and not wholly paid for, or on moneys arising from the sale of any such property and invested at interest, and all other casual and periodical incomings, including any donations or subscriptions touching which it shall not be otherwise ordered by the Donors, shall be deemed Income for the purposes of this Act, and shall form the General Income Fund, and may be expended for the purposes and under the authority of this Act ; but the purchase money of any such property sold and the principal of any money invested shall be deemed permanent property, and shall not (except only in the case hereinafter provided for) be expended or diminished in any way, but shall remain as a Permanent Fund for the support of the said Institutions and the purposes of this Act.

General Income Fund constituted.

Permanent Fund.

L. That part of the said General Income fund which shall be derived from property heretofore vested in the Corporation of Upper Canada College and Royal Grammar School, or from other property held for the use of, or from fees received in the said College and Grammar School and payable into the general funds thereof, shall be applied to defray the current expences of the said Institution only, and shall form the special Income Fund thereof, and shall be applied under the direction of the Governor in Council, to defray the current expences of the said College and Grammar School and those to be incurred in the management of the endowment and funds thereof and the maintenance and repairs of property assigned for its use, and the surplus, if any, after defraying all charges thereon, shall form part of the Permanent Fund aforesaid and shall be invested in such manner as the Governor in Council shall direct : and all moneys forming part of the said Permanent Fund and arising from such surplus as aforesaid or from property heretofore vested in the said Corporation, shall be permanently appropriated to the support of the said Upper Canada College and Royal Grammar School.

Income Fund of U. C. College and Grammar School.

Permanent Fund of the same.

LI. Out of the remainder of the General Income Fund, (which remainder shall be called the University Income Fund,) after

University Income Fund:

and charges payable out of it.

after paying the charges of management as hereinafter mentioned, it shall be lawful for the Governor in Council to appropriate yearly, such sum as shall be required to defray the current expenses of the said University of Toronto, including Scholarships, Rewards and Prizes authorized by the twenty-third and twenty-fourth Sections of this Act, and to defray the current expenses of University College; including in both cases the care, maintenance and ordinary repairs of the property assigned for the use of the said University or College, and with power to the Governor in Council to decide what shall be deemed ordinary repairs as distinguished from permanent improvements.

In what manner and form appropriations out of the said Funds may be made.

LII. In making such appropriations for the current expenses of the said University, or of University College, or of Upper Canada Royal College and Grammar School, it shall be lawful for the Governor in Council either to direct the particular purposes to which the whole or any part of the sum appropriated shall be applied, or to place the whole or any part of such sum at the disposal of the Senate of the said University or of the Council of the said College, to be applied under the provisions of Statutes in that behalf, approved as aforesaid, and by which Statutes the said Senate or Council may place any sum or sums at the disposal of any Committee, or person or persons, to be applied by them or him according to the directions of such Statutes or in their discretion, to purposes to be therein named.

Allowance to present Professors who shall retire from office, on or before 1 July, 1853.

LIII. It shall be lawful for the Governor in Council, to cause to be paid out of the said University Income Fund, a sum not exceeding one year's Salary at the present rate, to each of those Professors in the now University of Toronto, who will not under the Thirty-third Section of this Act, be Professors in University College, and who shall resign their chairs as such Professors in the University of Toronto on or before the first day of July, one thousand eight hundred and fifty-three; such allowance to be payable at such time after the said first day of July as the Governor in Council shall appoint.

Surplus to be appropriated hereafter.

LIV. Any surplus of the said University Income Fund remaining at the end of any year after defraying the expenses payable out of the same, shall constitute a Fund to be from time to time appropriated by Parliament for Academical Education in Upper Canada.

Expenses of Bursar's office how paid.

LV. The expenses of the Bursar's office and the management of the property aforesaid, shall be paid out of the said General Income Fund hereinbefore mentioned, and shall be the first charge thereon, and the Governor in Council shall from time to time determine what share thereof shall be paid out of that portion of the said Fund belonging to Upper Canada College and Royal Grammar School.

LVI. The Governor in Council shall from time to time assign for the use and purposes of the said University, of the said University College and of Upper Canada College and Royal Grammar School, respectively, such portions of the property hereby vested in the Crown, as may be necessary for the convenient accommodation and business of the said Institutions respectively; and the property so assigned for the use of each shall be deemed to be in the legal possession and under the control of the Senate or Council of such Institution.

Portions of property to be assigned for use of the said Institution.

LVII. The Governor in Council may authorize such permanent improvements or additions to the buildings on the said property as may be necessary for the purposes of the said Institutions respectively, and may direct the cost thereof to be paid out of that part of the Permanent Fund aforesaid hereby made applicable to the support of the Institution for the purposes of which the improvement or addition is made.

Governor in Council may authorize improvements.

LVIII. For all the purposes of this Act and of all accounts to be kept and payments or expenditure to be made under it, the fiscal year shall coincide with the calendar year.

Fiscal year.

SCHEDULE.

To all to whom these presents shall come :

Whereas A. B. of _____ is entitled to receive a conveyance of the lands hereinafter mentioned, which lands are part of certain property vested in Her Majesty, under and by virtue of a Statute of this Province passed in the sixteenth year of the reign of Her Majesty, intituled, *An Act to amend the Laws relating to the University of Toronto, by separating its functions as a University from those assigned to it as a College, and by making better provision for the management of the property thereof, and that of Upper Canada College*; And whereas under the provisions of the Statute aforesaid C. D. of _____, the Bursar of the University of and Colleges at Toronto, has been authorized by a Commission under the Great Seal of this Province to transfer and convey any of the property aforesaid to purchasers and others entitled to receive conveyances thereof: Now these presents witness, that the said C. D. as such Bursar, under and by virtue of the said Commission and the said Statute, and in consideration of the sum of _____ paid therefor by the said A. B. hereby grants, transfers and conveys to the said A. B. his heirs and assigns for ever (or as the case may be) all that certain parcel or tract of land being Lot, &c. (as the case may be) which said land is bounded or may be known as follows, &c., (describe the land by its boundaries and insert any reservations, conditions or provisos.) In witness whereof the said C. D., as Bursar aforesaid, has hereunto set his hand and affixed the seal of his office, this _____ day, &c.

Signed, sealed and delivered } C. D.
in presence of }

Bursar. [L. S.]
C A P .