

No. 68.]

# BILL.

[1906.

## An Act respecting the Western University and College.

WHEREAS The Western University and College (hereinafter called the University) was incorporated by chapter 70 of the Acts of the Legislative Assembly passed in the 41st year of the reign of Her late Majesty Queen Victoria, hereinafter called "The Principal Act," as amended by chapter 89 of the Acts passed in the 45th year of the same reign, and was empowered to carry on the work of a University and college in connection with the Church of England, and whereas the University has by its petition requested that the method of the appointment of senators in the University should be changed and the number of senators increased and their term of office and qualifications defined and that the University might be given power to enact rules for the formation and regulation of faculties and that the said Acts might be amended, and whereas the Act respecting the University passed in the 55th year of the same reign and chaptered 107 has never been brought into force; and whereas it is desirable that it should be repealed; and whereas it is expedient to grant the prayer of the said petition;

**Preamble**

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: --

1. Section 1 of chapter 70 of the Acts passed in the 41st year of the reign of Her late Majesty Queen Victoria is amended by striking out the following words: "who may hereafter be appointed to be chancellor or members of the senate as hereinafter mentioned and all the persons on whom the University hereby created may hereafter confer any degree" and by substituting therefor the words "included in the third section of this Act."

**41 Vic., c. 70, s. 1  
amended.**

2. Section 3 of the said principal Act is hereby repealed and the following substituted therefor: --

**41 Vic., c. 70, s. 3  
repealed.**

"3.-(1) In addition to the persons named in the first section of this Act the Corporation of the Western University and College shall consist of (a) The Chancellor of the University; (b) The Lord Bishop (hereinafter called the bishop) for the time being of the Church of England Diocese of Huron (hereinafter called the diocese); (c) the Vice-Chancellor; (d) the members (hereinafter called senators) of the senate (hereinafter called the senate) of the University; (e) all persons (hereinafter called the graduates) who are now or who may hereafter be graduates of the University and who shall contribute an annual sum of not less than five dollars to the funds of the University; (f) all persons (hereinafter called the subscribers) who may subscribe to the funds of the University an annual sum of ten dollars; and (g) all persons (hereinafter called the donors) who donate to the University a capital sum of not less than five hundred dollars."

"(2) The chancellor shall be elected by the corporation and shall hold office for four years and shall be eligible for re-election."

“(3) The vice-chancellor shall be elected by the senate and shall hold office for four years and shall be eligible for re-election.”

“(4) No person shall be disqualified to hold the office of chancellor or vice-chancellor because he is a member of the corporation in some other official capacity or because before election he was not a member of the corporation.”

“(5) Every annual subscription to the funds of the University shall be due on the first day of January and any subscriber or graduate who is in arrear with respect to any annual subscription shall not be entitled to vote.”

3. Every person who before the passing of this Act shall have received the testamur of Huron College or on whom whether before or after the passing of this Act the University has conferred any degree, shall be included in the term “graduate of the University” within the meaning of the third section of the said principal Act.

**Who to be called graduates of University.**

4.—(1) The senate of the University shall consist of (a) the bishop, (b) the chancellor of the University (when the bishop is not chancellor); (c) the heads of the various faculties established by the University; (d) sixteen members of the council of Huron College; (e) sixteen persons (of whom not less than one-half shall be laymen) chose by the synod of the diocese; (f) sixteen persons, of whom eight shall be appointed by the bishop and eight elected by the subscribers and donors; (g) four graduates elected by the graduates in medicine, and (h) four graduates elected by all the graduates of the University except the graduates in medicine.

**Constitution of the Senate.**

(2) The bishop shall be the president of the senate. When the bishop is absent the vice-chancellor shall preside. If both are absent a chairman shall be elected by the members present at any meeting.

(3) Section 1 of the Act passed in the 45th year of the reign of Her late Majesty Queen Victoria, chaptered 89, is hereby amended by striking therefrom the words “and each and every of them being an always continuing to be members of the Church of England,” and section 2 of the said Act is hereby repealed.

(4) No religious qualifications or tests shall be required in the case of any member of the senate.

5. The corporation shall meet forthwith after the passing of this Act and shall elect a person to be the chancellor of the University. And thereafter the corporation shall meet annually and at every fourth annual meeting shall elect a person to be the chancellor of the University.

**Election of Chancellor.**

6.—(1) The subscribers and donors shall meet forthwith after the passing of this Act (for which first meeting seven members shall form a quorum) and shall elect two persons to be senators for one year, two persons to be senators for two years, two persons to be senators for three years, and two persons to be senators for four years, and the persons so elected shall be members of the senate for the respective terms.

**Election of Senators.**

(2) And thereafter the subscribers and donors shall meet annually and shall at each annual meeting elect two persons to be members of the senate for the term of four years.

(3) The council of Huron College shall meet forthwith after the passing of this Act and shall elect four of the members of the council to be senators for one year, four members of the council to be senators for two years, four members of the council to be senators for three years, and four members of the council to be senators for four years. And thereafter the council shall annually elect four of the members of the council to be senators for four years.

(4) At the first meeting of the synod of the diocese held after the passing of this Act the synod shall elect four persons to be senators for one year, four persons to be senators for two years, four persons to be senators for three years, and four persons to be senators for four years. And thereafter the synod shall annually elect four persons to be senators for four years.

(5) The graduates in medicine shall meet forthwith after the passing of this Act and shall elect one person to be a senator for one year, one person to be a senator for two years, one person to be a senator for three years, and one person to be a senator for four years. And thereafter the graduates in medicine shall elect annually one person to be a senator for four years.

(6) The graduates other than the graduates in medicine shall meet forthwith after the passing of this Act and shall elect one person to be a senator for one year, one person to be a senator for two years, one person to be a senator for three years, and one person to be a senator for four years. And thereafter the graduates other than the graduates in medicine shall elect annually one person to be a senator for four years.

(7) The term of office of every elected senator shall commence on the first day of July next after his election.

(8) Retiring senators shall be eligible for re-election.

(9) If an elected senator shall die or resign or become incapable of holding the position of a senator or shall (without leave of the senate) absent himself from the meetings of the senate during a period of six months the remaining senators may by resolution declare that a vacancy exists and may thereupon appoint a person to fill the vacancy and the person so appointed shall be a senator (subject to the provisions of this sub-section) for the residue of the term for which the senator so dying or resigning or becoming incapable or absenting himself as aforesaid was elected.

(10) The bishop may at any time after the passing of this Act appoint two persons to be senators for one year, two persons to be senators for two years, two persons to be senators for three years, and two persons to be senators for four years. If an appointed senator shall die or resign or become incapable of holding the position of a senator or shall (except by leave of the senate) absent himself from the meetings of the senate during a period of six months the bishop may by a writing under his hand certify to the registrar of the University that a vacancy exists, and thereupon the person named in such writing shall cease to be a senator and the bishop may appoint a person to fill the vacancy. Every appointment by the bishop of a senator shall be sufficiently certified to the senate by a writing under the hand of the bishop delivered to the registrar, and shall take effect thereupon.

7. The senate may create faculties and confer degrees in divinity and medicine and in any and as many of the arts or sciences as the senate may from time to time determine.

**Powers of senate as creating faculties and conferring degrees.**

8.— (1) In addition to the provisions of the said principal Act, the senate may enact rules (a) defining the respective duties, powers and jurisdictions of the corporation and the senate, and (b) regulating the calling, constitution and proceedings of meetings of (1) the corporation, (2) the senate, (3) the graduates, and (4) the subscribers and donors, and (c) generally providing for all matters not specifically covered by the provisions of this Act.

(2) The senate may enact rules governing the operations, business and conduct of the University and creating and regulation the various faculties thereof.

(3) All rules enacted by the senate may be repealed, amended or added to as the senate may from time to time by rule enact.

9. Chapter 107 of the Acts passed in the 55th year of the reign of Her late Majesty Queen Victoria is hereby repealed. *[Endnote 1.]*

**55 Vic., c. 107 repealed.**

10. Section 7 of the said principal Act is hereby amended by striking out the words “the faculty of arts or in science or literature” in the first and second lines of the said section and substituting the words “any faculty other than in divinity or medicine.”

**41 Vic., c. 70 s. 7 amended.**

11.— (1) Authority is hereby given to the Corporation of the City of London (hereinafter called the city), with the approval of the ratepayers of the said city qualified to vote on money by-laws first had and obtained for the purpose, and the University and Huron College to enter into an agreement whereby the city may agree to undertake to pay the salaries of all the professors in arts who, according to the terms of the charter, shall be at least four in number, and to provide accommodation for and all the costs of maintenance of the University (the council of Huron College agreeing to allow the use of the present buildings while the same remain sufficient for the purposes of the College and the University) and the University is empowered to grant to the city the right to appoint the members of the senate and thereupon while such agreement continues and is implemented, the provisions hereinbefore contained for the election of senators by the council of Huron College and by the synod and the appointment of senators by the bishop shall not take effect.

**City of London authorized to enter into agreement with University and Huron College as to payments of salaries of Arts professors and maintenance of University, etc.**

(2) No such agreement shall be entered into by the University except upon the following terms, namely: --

- (a) Huron College shall have the right of affiliation with the University upon terms at least not less favorable than those which may now be obtained by the College from the University of Toronto.
- (b) The University shall continue to confer degrees in theology and shall have and always maintain a theological faculty, which said faculty shall consist of the principals and professors of all the theological colleges in affiliation with the University
- (c) Students of Huron College who take theological options shall not be required to pay tuition fees to the University for the remaining portion of the Arts Course.
- (d) The degree of D.D. when recommended *causa honoris* by the council of any affiliated theological college shall be conferred by the University.

(3) If the city, after taking over the University, shall at any time fail to maintain a *bona fide* Arts Course in the terms of any agreement entered into between the city and the University and Huron College then any such agreement shall be thereby avoided and determined, and this Act shall be read and construed to have effect as if subsections (1) and (2) of this section had not been enacted or contained herein.

(4) In the alternative, if the agreement referred to in subsection 1 of this section should not be made or maintained the city and the University and Huron College are hereby empowered to enter into an agreement whereby the city shall undertake to pay the salaries of two or more professors in the Arts department, who shall be appointed by the council of the said city and who may belong to any denomination of Christians. While such agreement continues the Arts Course shall be determined by a board consisting of the principal of the Normal School, the principal of the Collegiate Institute, and the Public School inspector for the City of London, and the professors in Arts who shall make all regulations regarding the subjects prescribed and also take charge of and conduct the examination, but in all other respects the University shall remain and be governed as in this Act provided.

(5) Clause c of subsection 2 of this section shall apply to any agreement made in pursuance hereof.

*Endnote:*

1. Chapter 107 of the Acts passed in the 55th year of the reign of Her late Majesty Queen Victoria was called the Act of 1892 but was never brought into force [Reference: [Preamble of the Act of 1923.](#)]

No. 68.

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2nd Session, 11th Legislature,  
6 Edward VII., 1906.

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BILL.

An Act respecting the Western University  
and College

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First Reading, 8th March, 1906.  
Second Reading, 30th April, 1906.  
Third Reading, 4th May, 1906.

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Mr. Hodgins.

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