

4.

Relying on the uniform and hitherto invariable usage of the College Council, of giving the lessee the privilege of pre-emption, and on the repeated promises made to Mr. E. Winstanley by the Bursar.

The Bursar denies having made any promises whatever to Mr. Winstanley, except that he would bring the case before the Council, which he did accordingly.

5.

On Mr. Winstanley expressing his surprise to Dr. Boys, that a refusal to sell should be given after a distinct promise had been made, Dr. Boys merely observed, "that the Council were very arbitrary," "but that he thought he could hold out strong hopes that the lot would eventually be conveyed to your Memorialist."

The Bursar never could have admitted that a promise had been made; nor does he think he used the words here attributed to him. If he used the harsh term, "arbitrary," as applicable to the Council, he must have been in jest.

6.

"Fearing that the matter had not been fairly represented to the Council by the Bursar, and that he might not have informed that body of the repeated promises made to Mr. E. Winstanley."

The Bursar never concealed any part of the transaction from the Council, nor ever made any promises to Mr. Winstanley.

7.

"That the rejection of his claims could only have arisen under the grossest misrepresentations on the part of the officials in the Bursar's Office, whose conduct throughout has been marked by insincerity and provocation, which he professes himself prepared to establish by unexceptionable testimony."

The officials in the Bursar's Office have done nothing in prejudice of Mr. Winstanley's case. For the Bursar's part, he has brought the case under the consideration of the Council at what he has considered to be the most favourable moments, which was all his duty permitted him to do; and he has acted throughout with a sincere desire to have the sale effected. He is quite certain Mr. Winstanley cannot bring forward any testimony sufficient to sustain the assertions here made.

(Signed),

H. BOYS,
Bursar, K. C.King's College,
14th June, 1845.

No. 4.—Letter from the Private Secretary to the Reverend C. Winstanley.

GOVERNMENT HOUSE,
MONTREAL, 3rd July, 1845.

REV. SIR,

The Chancellor having referred your Memorial of the 13th of May last, relating to certain land which you are desirous of purchasing from the Corporation of King's College, to the King's College Council, and having received from them a Report thereon, I am desired to inform you that His Excellency does not conceive that he would be justified in interfering with

that Body in the exercise of their discretion, in withholding the lot in question from sale, to which they are influenced, not by the Minute of His Excellency referred to by you, but because it appears to them to be conducive to the interests of the University to reserve the land.

The Chancellor, therefore, regrets that it is not in his power to afford you relief.

I have, &c.

(Signed,) J. M. HIGGINSON.

Rev. C. Winstanley,

&c. &c. &c.
Toronto.

No. 5.—Letter from the Private Secretary to the President of King's College.

MONTREAL, 7th March, 1846.

MY LORD,

I am commanded by His Excellency, Earl Cathcart, to state to you his desire, as Chancellor of the University of King's College, to be furnished in a definite and official form with the views of the Council of King's College on the present state of their Charter, as amended by the Statute of Upper Canada, 7th William IV, chapter 16.

His Excellency is apprised that in each of the two last Sessions of the Provincial Parliament, a measure was introduced into the House of Assembly to amend that Act and the Charter, and that on each of these occasions the Council of King's College employed Counsel who were heard against these respective measures.

His Excellency has also been informed, that in the opinions of many, changes are still necessary to make the Institution harmonize with the wants and wishes of the greater portion of the people of Upper Canada, for whose benefit the Institution was created and endowed; although great differences may and do exist in determining what those changes should be.

His Excellency cannot doubt the desire of the College Council that such changes (if any are necessary for this purpose) should be made as are calculated from their character to give general satisfaction, at all events to those classes of the community lying most within the range of the benefits of an Institution of this kind.

His Excellency entertains full confidence that every Member of the College Council will be desirous, so far as his conscientious convictions may permit, of adopting such a conciliatory course as, not merely general policy but also the inferences suggested by the somewhat anomalous position of that Body will, on careful deliberation recommend; and he therefore invites the College Council to take into consideration the present state and condition of the Charter,—its adaptation to its end,—and the amount of change which, in their judgment, will remove any reasonable objections to its general utility.

His Excellency is anxious in no respect to prejudice this important question, and he conceives that his situation, as Chancellor, justifies him in asking for such an exposition of the views of the College Council as will facilitate his arriving at a clear understanding of the whole subject, and enable him at a proper period