

The lots claimed by the Grammar School Trustees are described on the books of this office, and on the plan of Block D, City of Toronto, of which they form a part as lots 11 and 12, South of March Street, (now Stanley Street), and 1 and 2, North of Nowgate Street, (now Adelaide Street); of the former two lots the Trustees are in possession as tenants of Upper Canada College, free of rent; of the latter two lots they never had possession, except a small strip of the more northerly lot, which it was discovered had been included within the fence.

There is not the slightest doubt that these lots form part of the Endowment bestowed upon Upper Canada College. Until the buildings near Government House were erected, the College met in the very premises now occupied by and claimed for the Grammar School; and during the time the College property was managed by King's College Council, that body, at the solicitation of the Grammar School Trustees, made some necessary repairs, which, of course, they would not have been asked to do, had not the Trustees recognized the College as the proprietors. I enclose two or three extracts from the Minutes of Council on this subject.

I am not sufficiently acquainted with the history of the Grammar School to say how the Trustees came to re-open it after it had been merged in Upper Canada College, and to re-occupy the premises when they were vacated by the College. I have not been able to get any satisfactory information upon the question from an examination of the records in my possession. Nor do the Trustees in their memorial to Lord Elgin, throw any light upon it. They, however, make the important admission (at the foot of the first page), that the title is in the College; although they, at the same time, allege that it was from inadvertence the property was not reconveyed to their predecessors for the benefit of the County Grammar School.

I first had occasion to examine into the state of these lots early in 1853, when the late Board of Endowment, appointed under Mr. Baldwin's Act, anxious to increase the income of the College, were looking out such portions of the property as could immediately be made productive or more productive. We had disposed of several lots in Block D. An examination relating to the lots in dispute showed that the Common School Trustees occupied the premises forming lots 1 and 2, North of Adelaide Street, at the almost nominal rent of £20 per annum, as one of their District Schools; while, as already stated, the Grammar School Trustees were in possession of the other two lots, free of rent. Having made my report to the Board, it was ordered, on 28th February, 1853, (the parties present being the Hon. J. H. Cameron, Dr. Hayes, and myself as Chairman), "That notice to quit be served upon the proper parties, so that possession be obtained as soon as possible with a view to a sale."

The necessary notices were given. The Grammar School Trustees claimed to have the right to hold the property occupied by them. The Common School Trustees proposed to give immediate possession (on payment of a sum of £10) of the premises they occupied, viz., Nos. 1 and 2, North of Adelaide Street. Their proposition was agreed to, *and I have had possession of these lots ever since.*

The present Act came into operation on 30th April, a few days after I had closed with the Common School Trustees. Under the circumstances, I did not feel myself justified in taking any ulterior measures to dispossess the Grammar School Trustees, until I had some authority upon which to fall back for advice. The present Board of Endowment was not appointed until February, 1854. At our first meeting it was ordered that the City lots, the property of Upper Canada College, should be offered for sale by auction on a convenient day. In the consequent advertisement, Lots 1 and 2 were included, but the Grammar School Trustees not having been dispossessed of Lots 11 and 12,—these were omitted.

Just previous to the sale, I discovered that the Trustees also held possession of about 18 feet in width along the northern side of Lot No. 1, and I gave instructions to the Auctioneer to omit that also from the sale and to sell at so much per foot on Nelson Street. When the remainder of Lots 1 and 2 were put up, certain of the Grammar School Trustees appeared and protested against a sale on the ground that the property was theirs—that by some document, which they referred to but did not produce, the whole four lots had been appropriated to them, and that they were then in communication with the Govern-