

Appendix
(D. D.)

7th May.

(Appendix, No. 4.)

TORONTO, 20th February, 1844.

REV. SIR,

As I believe you are one of the King's College Council, I beg to address you on a subject connected with the Land Department of that Institution.

About twelve months ago, I purchased seventy acres of land on the Kingston Road about six miles from Toronto, from the Reverend H. Addington Simcoe, through his Power of Attorney, the Honorable Colonel Allan, and wishing to build a house and lay out grounds there, was anxious to extend my possession. Mr. C. Watkins, a gentleman residing in the neighbourhood, hearing this, sent me to say that he held the adjoining property as a leasehold from King's College but that he wished to dispose of it. I returned for answer that I would make enquiries at the College Office, and if the fee-simple could be obtained at a reasonable rate, I would relieve him of his lease. I made the application, and was told that none of the College Lands were for sale, and that answer being returned to Mr. Watkins, my negotiations with him were closed. However, some few weeks afterwards Mr. W. told me that he had learned from good authority that the determination of the College Council not to sell their lands had been altered, and that they were now open for sale again, upon which I consented, (not without reluctance) to make enquiries again at the office, and if his information was correct, to negotiate further with him. I therefore attended at the King's College Office, accompanied by my brother and Mr. F. Lewis, (Land Agent,) whom I had employed generally to transact my business. I again inquired if the land, describing it by number, &c. was for sale, and the Clerk answered "yes;" he then, at my request, put down my name as an applicant for the purchase of it; he told me the price would be fixed by the Council at their next meeting. I therefore left the office, perfectly assured that I could purchase the right of soil, and accordingly gave Mr. Watkins £150 for the unexpired term of his lease, which was an extravagantly high price, and was only done that I might be able to buy it from the College. Shortly after I directed Mr. Lewis to make further enquiries (that is, if the Council had determined the price,) which he did, and was told that the sale of that land was refused. Now in the mean time I had built my house, and relying on the information given me when my name was proposed as a purchaser, I had very materially altered my plans with regard to the situation of it,—that is, as I expected shortly to be the owner of the whole property, I had placed my house much nearer to the leasehold than I otherwise would have done. I addressed Dr. Boys in a letter afterwards, but without effect; I might perhaps not so fully have explained it as I ought. My present object in troubling you is to request that you will oblige me by again laying my case before the Committee, as it is a very serious affair to me; the land is of the poorest quicksand, and certainly will never be cultivated under a lease; and I may venture to say that few would be found who could cultivate even if they were the owners; the fact is proved by the surrounding land being all open and lying in common, the owners not thinking it worth fencing. Should there be any doubt entertained respecting the answer given to me at the office, it may not be out of place to say that I can obtain the affidavit of both my brother and Mr. Lewis. I beg to apologise for thus trespassing upon you.

And remain, &c.

(Signed,) EDWARD WINSTANLEY.

(Appendix, No. 5.)

Extract from the Minutes of the Council of King's College at a meeting held on the 26th February, 1845.

Present :

The Honorable and Right Reverend the Lord Bishop of Toronto, President of the University.
The Rev. John McCaul, L. L. D., Vice President.
The Rev. James Beaven, D. D., Professor of Divinity, &c.
H. H. Croft, Esquire, Proctor, Professor of Chemistry, &c.
W. C. Gwynne, Esquire, M. B., Professor of Anatomy, &c.
John King, Esquire, M. D., Professor of the Theory and Practice of Medicine.
F. W. Barron, Esquire, B. A., Principal of Upper Canada College.

"No. 9. Dr. Beaven submitted a letter from Mr. Winstanley, praying to be allowed to purchase the east half of lot No. 35, in the broken front A. of 'Scarboro', for reasons which he had not fully stated on a former occasion.

"Referred to the Land Committee."

A true extract,

(Signed,) H. BOYS,
Registrar, K. C.

(Appendix No. 6.)

(Copy.)

Remarks of the Bursar on those passages in Mr. Winstanley's Memorial to His Excellency the Chancellor, dated 13th of May, 1845, which relate to the Bursar or his Office.

Passages of the Memorial.

Bursar's Remarks.

1.

That the result of his inquiries at the Bursar's Office was, "that the Council had invariably recognized the right of pre-emption in the lessees, and that in his case there could not exist the slightest difficulty in obtaining a deed."

It has been the invariable custom of the Bursar to deny any right in the lessees to purchase. The utmost he could have told Mr. Winstanley was this, that if the Council were desirous of offering any particular lot for sale, they would, in all probability, give the refusal of it to the lessee.

He may also have admitted the probability of their not refusing to sell this lot to Mr. Winstanley.

2.

The Bursar promised to submit the lot to the Council, for the purpose of a price being put on it.

The Bursar made this promise and fulfilled it.

3.

The Bursar said, "the minimum price of the College Lands, is five dollars per acre, and in your case, I should certainly say that will be the maximum also."

The Bursar has not the least recollection of using this expression; however it is a point of no consequence as the question is not about the price of the land.