

created by the Act 1843, and none of the other Colleges did affiliate. It was found necessary, therefore, to amend that Act by the present University Act of 1853, brought in by the Hon. Mr. Hincks. By that Act the University is declared to be separate, and distinct from the College of Toronto, or any other College, and provision is made for the incorporation of other Colleges in the University, and for their receiving a portion of the public University funds for their support.

In consequence of the objectionable nature of some of the provisions of the Act 1853 itself, and the means which have been employed to defeat its intent, none of these objects have been carried into practical effect. Such, however, undoubtedly were the purposes for which it was framed, and passed into a law. This is proved by the testimony of at least three of the members of the Administration of Mr. Hincks, by whom it was brought before the Provincial Parliament,—by the preamble of the Act, which fully declares the desirableness of different University Colleges in a growing and widely extended country,—by its express provisions for the separation of the University from the College of Toronto, and by the 54th section explicitly recognising the right of the other Chartered Colleges to a share in the public endowment for the diffusion of a higher education, and providing that the whole surplus funds should be set apart to aid in their support. Nay more, in order that there might be as large a surplus as possible for the support of other Colleges, the Faculties of Law and Medicine were abolished in University College, Toronto, which was thenceforth to consist of only one Faculty, the Faculty of Arts,—and the sum for building purposes for University College was expressly limited to what was necessary for "improvements" on, or "additions" to the ample buildings then in existence. In this way it was naturally expected that out of a revenue, amounting at that time to nearly £16,000 a year, and which, by the sale of many thousand acres of valuable lands still remaining of the original grant might be yet vastly increased, a very large sum indeed would, after providing for the support of the Faculty of Arts in University College, Toronto, remain over for the support of the other Chartered Colleges of the country.

If further proof be necessary of the purpose of the Act in this respect, it is enough to state, that it was begun at first in some measure fairly, and according to its intention, to be carried into effect, before other evil influences had begun to work and make it a dead letter. Accordingly at the end of the first year after its being passed, notwithstanding the enormous sum even then absorbed by University College, Toronto, and the extraordinary payment of a year's salary to the Professors of Law and Medicine, as a compensation for the doing away of these Faculties in University College, a surplus of £6400 was set aside "to be appropriated by Parliament to the support of other Academical Institutions," and there it still remains.

The Act of 1853 did not, indeed, take the simple and statesmanlike ground taken in the Bill already alluded to for the settlement of the University question, brought in by the Hon. Mr. Draper, which clearly and explicitly provided for the incorporation of the different Colleges as integral parts of one University, and for the participation of each in the public University Fund, and which, in these its leading features, is, we are persuaded, the only settlement of the question which will generally satisfy the country, and effectually promote the wider diffusion of literary and scientific knowledge. The Act of 1853 was very far,

therefore, from being a satisfactory settlement; but, such as it was, it ought certainly to have been faithfully and honestly carried out. It has not, however, been so, and any professional man, any candid person, be he of what profession or persuasion he may, who compares its provisions with its practical working, and with the proceedings of those entrusted with the carrying of it into operation, will say, that it has not been so, and that both the spirit and the letter of the law have been violated.

1. In the first place, one of the main objects of the Act 1853, as stated in its title, and provided by its enactments, was the separation of the University proper from University College, or any other affiliated College, and in conformity with this its design the Senate at first was composed of persons of eminence of various persuasions and professions, and comprised only one Professor of the University College, Toronto. Now, however, there are in the Senate, the governing body of the University, no less than four Professors of that College, and a number of their own graduates, among the rest the Principal of Upper Canada College. Four others are Ministers of the Free Church, and Independents, in Toronto, whose students receive tuition in the under-graduate classes free, besides Scholarships at University College, and who, therefore, on all occasions side with its Professors; and of the others, 7 or 8 are non-resident, and cannot, if they would, attend the meetings of Senate. The result is that, the quorum of the Senate being only 5, the control of the whole affairs of the University is now in the hands of University College and its Professors. Instead, therefore, of the University being wholly separate and distinct, as was expressly designed by the Act, the University and University College are now virtually one and the same.

The surplus income was by the Act 1853 to be reserved every year for the support of other Colleges. In the year immediately after the passing of that Act a surplus of £6400, as has been already mentioned, was set apart for that purpose, and, had the funds been faithfully and economically managed, a still larger amount ought to have remained over every year from the yearly increasing revenue. No surplus, however, with the exception of £500 additional, has since been permitted to accrue out of an average revenue of upwards of £15,000 a year, although supporting only a single Faculty of Arts, and, in order that no such surplus might accrue in University College, a system of the most lavish and unwarrantable expenditure has been resorted to at the instigation of certain Professors of University College. Nay more, these Professors have openly declared their purpose practically to disregard and defeat the intent of the 54th section of the Act altogether, as they have hitherto done. Although, therefore, the annual income of the present University of Toronto,—reduced as it has been, and small as is the return from fees of students (\$226.)—is now upwards of £13,500, and will certainly by the sale of the lands yet unsold, even after retaining 50 acres round the present buildings, ere long rise to £20,000 a year, and in all probability much more, there is every reason to believe, that the result will be the same, so long as things remain as they are.

Without entering into details on this subject, which may be found in the accounts of the revenue and expenditure of the University, in the Appendices to the Journals of the House of Assembly, and in the Report of the last University Commission, it may be sufficient to state one or two leading facts from which we may form some idea of the rest. Take for example the Bursar's office. The expenses of that office alone, for the collection and management of

the University funds, have been on an average as great as the whole expenditure of Queen's College with 10 Professors, and greater than that of either Trinity or Victoria College. Take again the whole annual expenditure of the University fund, by which a single Faculty in a single College of Toronto has hitherto been maintained, and it will be found nearly to equal all the annual expenditures put together of the other 7 principal Chartered Colleges in Upper and Lower Canada, most of them with their Faculties complete, giving as thorough an education, and with 10 times more students. If the Preparatory Schools in connection with these different Institutions be taken into account, the expenses of the University of Toronto and its preparatory department will be found to be upwards of £2000 a year more than those of all the others. This has been conclusively proved, and will be seen by any one who examines the statistics in public returns.

3. The only authority given by the Act for expenditure for building purposes is to the following effect: p. 57, "The Governor in Council may authorize such permanent improvements and additions to the buildings (then in existence,) 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 the Permanent Fund aforesaid, hereby made applicable to the support of the institution for the purposes of which the improvement or addition is made." This is the sole authority in the Act for any expenditure on buildings. The buildings here referred to were almost new, having been erected in 1843, a few years before, had cost £20,000, while the laying out of the grounds around them cost £10,000 more, and this clause of the Act expressly limits the expenditure from the permanent fund for building purposes to "additions" and "improvements" on these buildings then in existence. Yet, in defiance of this provision of the statute, these costly buildings have been altogether abandoned, and new buildings have been erected on a totally different site at a further enormous expense of \$320,000. Not only therefore has the annual income which was required by the Act to be devoted, first to the economical defraying of "current expenses," and next to the formation of a surplus fund, been illegally squandered and frittered away, but the permanent capital has been illegally and deeply encroached upon, to the lasting injury of the higher educational interests of the Province, by this vast and unwarranted expenditure on totally new buildings.

The express design and provisions of the University Act of 1853 having been thus openly violated and defeated, the people of Canada, for whose benefit the public University funds were set apart, are under the necessity of having recourse to the Provincial Parliament, in order that, a thorough investigation of the whole matter having been made, that Act may be reviewed and amended, of which the practical working has been, while it contemplates one University, altogether distinct from any one Collegiate Institution, to merge the University into the University College of Toronto, and, while it contemplates several Colleges, to foster one College alone.

Queen's, Victoria and Trinity Colleges, as they have already shown, and the whole population of Upper Canada, with the exception of interested parties bent on the maintenance of the present system of things, (and who will make all the louder noise the smaller their numbers,) will hail with satisfaction any plan of settlement, either with or without the incorporation of the different Colleges in one University of Upper Canada, which shall give for the support of secular education in each a