

Appendix
(D. D.)

7th May.

No. 3.—*Report of the Committee of College Council
on the case of the Reverend C. Winstanley.*

The Land Committee report that they have made minute enquiry into the particulars of Mr. Winstanley's case, as detailed in his Memorial to His Excellency the Chancellor.

It appears that about the latter end of the spring of 1844, application was made verbally to the Bursar by Mr. E. Winstanley, relative to the purchase of the lot south half 38, A. Scarborough, and that when the application was submitted to the Council they declined selling it, principally on the ground that they did not wish to part with any of their property so near Toronto.

On the 14th of June Mr. Winstanley addressed a letter to the Bursar, a copy of which is annexed. (No. 1.)

This was read in Council on July 17th, and the proceedings on that occasion are recorded in the Minute of which a copy is annexed. (No. 2.) A copy of the Bursar's reply is also annexed. (No. 3.)

On February 19th, 1845, the case was entered amongst those intended for the Land Committee at their meeting held on that day. But no action was taken thereon, inasmuch as the Council had already decided that the lot in question should not be sold, and the matter had not been formally referred to the Committee by that body.

On February 26th, 1845, the case was brought under the consideration of the Council by Dr. Beaven, who read a letter from Mr. E. Winstanley, of which a copy is annexed. (No. 4.)

The matter was then referred to the Land Committee by a Minute, a copy of which is annexed. (No. 5.)

In their meeting on April 3rd, the subject was discussed, and it was decided that a recommendation should be made to the Council, that the lot should be sold to Mr. Winstanley. The following were the votes on that occasion.

<i>Affirmative.</i>	<i>Negative.</i>
The Vice President.	Professor Gwynne.
The Dean.	Professor King.

The Chairman (Vice President) giving the casting vote in the affirmative.

On April 12th, 1845, the Committee reported their recommendation, which was negatived by the Council, —the votes being,

<i>Affirmative.</i>	<i>Negative.</i>
The Vice President.	The President.
The Dean.	Professor Croft.
The Principal of U. C. C.	Professor Gwynne.
	Professor King.

The principal grounds of Mr. Winstanley's complaint are, 1st: That the promises given to him in the Bursar's office have not been confirmed by the Council; and 2nd, That they have in this case departed from the practice of recognizing the right of preemption in the lessees.

1. It appears that Mr. E. Winstanley in neither of his letters adverted to the circumstance which is positively asserted in the Memorial, that the Bursar had given a promise that the land should be sold to him.

On the contrary, it is stated in his letter of February 20th, 1845, that the answer which he obtained as to the land being for sale, was received from a Clerk, probably Mr. Hawkins. Now the Council have never recognized the authority of any of their Clerks to enter

into engagements for the disposal of the property of the Institution, either by sale or lease, and although they have generally ratified engagements entered into by the Bursar, yet they do not feel themselves bound to confirm every promise given by that officer, inasmuch as he might exceed his powers.

2. The practice of permitting lessees to purchase the lands which they held under lease, has certainly been (as the Committee believe) the rule adopted by the Council in these matters, and the refusal to sell in such cases the exception. But the Council have not only never recognized any obligation (unless formally expressed) to sell to their lessees, but have published their intention of exercising an option.

The Committee feel it to be unnecessary to enquire into the grounds of the Memorialist's insinuation, that the conduct of the Council has been influenced by any personal feeling towards him, inasmuch as they have no doubt that in this case, as in all other transactions of the kind, the Council regarded solely the interests of the Institution under their care, and are persuaded that not even one member was induced by the personal solicitation to which Mr. Winstanley resorted, to vote either for or against his application.

The Committee regret that the Memorialist should have considered it proper to introduce observations not immediately connected with the facts of his case, and hazarded assertions on points on which it is impossible that he could have had sufficient information.

As he has, however, not confined his remarks to those matters which should have exclusively engaged his attention, the Committee feel it to be their duty to advert briefly to some of the points which he has considered himself at liberty to notice.

The Memorialist states that "Mr. E. Winstanley made the application thus advised to the Sub-Committee, who had now resumed the sale of lands to an extent which Your Memorialist believes showed no diminution from the former operations of the Council. The result of the determination of the Committee," &c. The Memorialist is incorrect as to these facts. No such application was made to the Sub-Committee, nor was the subject ever under their consideration by reference or otherwise. Mr. E. Winstanley certainly had interviews with each of the Members of that Sub-Committee, and learned from two of them, the Vice President and the Dean, that their opinion was that the lot should be sold to him, but neither of them expressed any favourable opinion of his *right*, as is subsequently stated by the Memorialist.

The Committee know not what grounds the Memorialist has for believing that the sale of lands by the Sub-Committee shew no diminution from the former operations of the Council. But of this there can be no doubt that that in which he asserts his belief is contrary to fact.

Neither can the Committee learn from what member of the Council the information was procured, that "the opposition in the Council to sales has been got rid of by the appointment of a Sub-Committee by whom they were now exclusively managed, and that upon application to that Committee, the Memorialist's rights would be at once recognized."

This, however, is certain, that the information by whomsoever given is wholly incorrect.

The Memorialist further expresses the apprehensions which he has felt, "that the College Council were disposing of a larger portion of the Endowment than the necessities of the University might require."

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