

the particular date, the Governor's proceeding was wholly unauthorized. And these invalid Orders in Council, it should be most carefully borne in mind, constitute the only authority under which the Grammar Schools were ruthlessly plundered, and under which U. C. College continues at this hour, to enjoy the fruits of its plunder!

With like deadly effect have these Orders in Council been used against the Provincial University. We would not be understood as saying that in all, eye, or in a majority of the cases where pecuniary advances were made to U. C. College, even this shallow device was resorted to. [110] The very ease with which Orders in Council could, at any time, be evoked obliterated the necessity for their frequent use. And when to the easy possibility of Orders in Council we add the circumstance that the Principal of U. C. College enjoyed, from the very beginning, [111] a seat in the governing body of the University, it will be seen how immensely the spoliation of the Provincial University must have been facilitated. The College Council had the control of the financial affairs of the University; [112] five members constituted a quorum; [113] and, when only five members were present, the Principal of U. C. College was almost always one. Take the following as an illustrative example of the practical working of this system. [114] There were between July 15, 1840, and April 27, 1842 (inclusive), sixteen meetings of King's College Council, at only one of which (October 21, 1840) a quorum was present. Notwithstanding the informal character of the remaining fifteen meetings, at eleven out of that number, most important business was transacted, such as the execution of Deeds of Conveyance, and at ten out of the eleven meetings at which the University Endowment was thus illegally disposed of, the Principal of U. C. C. formed one of the three or four members present. We have no desire to press this matter particularly against the then Principal of U. C. College. We do not find that, in such matters, he acted otherwise than his predecessor had done, or than his successor likewise did. Such unwarrantable alienation of University property was essentially part and parcel of the system of things inaugurated simultaneously with the establishment of U. C. College. Now the theory of the University Act of 1837, [115] which constituted U. C. College "an appendage of the University," [116] was, that while the financial affairs of two institutions were to be kept entirely distinct, U. C. C. was to be "subject to the jurisdiction and control of King's College," but in 1843 it was found that in practice their relative positions had become exactly reversed, and that the University was in a state of helpless pupillage to U. C. College!

#### "FINAL REPORT" ON U. C. COLLEGE.

Notwithstanding the startling disclosures of 1843 things went on continually growing worse until, in '48, the state of affairs had become so alarm-

110 It may surprise some to learn that as late as 1861, one thousand pounds str. of University money were given (not lent) to Upper Canada College, "by Order in Council."—Bursar's Statement for 1861, Appendix to Journal Assembly, 1863.

111 Pamphlet entitled "Proceedings at the Ceremony of Laying the Foundation Stone of King's College." Toronto: Rowse, 1843. Appended List of Officers, &c., 1828-1843.

112 Charter of King's College, bearing date March 15, 1828.

113 Ibid. These provisions were retained in the Act of 1837.

114 The particulars which follow can be readily verified by consulting the Final Report, page 137-146.

115 7 Wm IV. cap 16.

116 Ibid. § 2.