

pendent of the Senate, and the details of its organization and discipline are beyond our controul. In this enquiry I only appear for the University, and it is not my intention to enter into questions relating to the College, apart from its connection with the general scheme, unless in answer to questions which may be put to me by the Committee.

(1.) *Legality of the Management of the University.*

It is argued that the Collegiate Institutions supported by the different denominations, have, by the Act, an equitable, if not a legal, right to an apportionment of the University endowment. Dr. Cook supports this view upon what he conceives to be the well known and easily proved policy of the framers of the University Amendment Act; Dr. Stinson upon what he considers "the plain letter and obvious design" of the Act itself. I cannot agree with either of them. It would be very unsafe to judge of the meaning and intention of an Act from the recollection of conversations with leading politicians, or even from the individual wishes of members of the Government, several years ago; and still more so, from a clause in the Bill as originally introduced, which does not appear in the Act as finally passed. If any conclusion is to be drawn from this latter fact, it is rather a presumption that the Legislature did *not* sanction the principle of the suppressed clause; but that, it having been originally proposed to make a specific grant to certain Institutions, it was judged by the framers of the Bill, and by the Legislature, wiser to leave the appropriation of any surplus which might arise, after the main objects of the Act had been accomplished, to future legislation. That the present 54th section cannot have been intended to carry out in other words the principle of the suppressed clause, is obvious from the fact that the latter expresses, as a condition of the grant, the abandonment of their Charters by the Colleges; whereas the former in no way limits the apportionment which may be made by Parliament of any surplus.

Neither does the Act, as it stands, bear out the intention assigned to it by Dr. Stinson. To understand properly the meaning of the Preamble of the University Amendment Act, reference must be had to Mr. Baldwin's Act of 1849, which it repeals. The Preamble to the Act 12 Victoria, chapter 82, recites that "whereas the people of this Province consist of various denominations of Christians, to the members of each of which denominations, it is desirable to extend all the benefits of University Education," &c. The Act, therefore, goes on to purge King's College of its denominational aspect, and under another name to constitute one central Institution in Toronto, *both for teaching and examining*, intended to be entirely free from all denominational bias. The 43rd section provides that any existing College, upon surrendering its right to confer Degrees, except in Divinity, may become affiliated; but the only privilege they obtain thereby is the power of electing Members to the Senate. The only teaching Body, except in Theology, was to be the University of Toronto, and no Degree could be conferred except upon students who had gone through their regular course in Toronto. This being premised, the meaning of the Amendment Act is obvious. It recites in the Preamble that no Colleges have affiliated; that