

to its own use, the property of the Home District School; not only had it spent \$26,000 of Common School money [102] but it had actually absorbed more than one half of the whole University Endowment. In 1843, before a single lecture had been delivered in King's College, the Bursar of that institution informs us [103] that loans to no less an amount than \$240,000, inclusive of interest, had then been advanced out of the funds of the Provincial University to U. C. College; and to raise these loans the richest and otherwise most valuable part of the University Endowment had been sold at a sacrifice. [104] We have called these advances to U. C. College, *loans*; we should rather have named them, *benevolences*; for however diverse in other respects the advances to that institution were, singularly uniform were they in their result, which may be summed up in the words—neither payment of interest nor restitution of principal.

The means by which U. C. College had been enabled to deplete, to this frightful extent, the University, can be readily rendered intelligible.

THE CANADIAN COURT OF STAR CHAMBER, SIR JOHN COLBORNE PRESIDING.

During the Administration of Sir John Colborne, and subsequently, the favorite expedient to cover an illegal transaction was an ORDER IN COUNCIL. To such an excess was this resort carried that the functions of Parliament were at one time virtually suspended. [105] It will be remembered that the endowment of U. C. College out of the Grammar School Reserves was based only on these Orders in Council. And one of the last administrative acts [106] of Sir John Colborne while Lieut.-Governor of U. Canada, was the endowment, in 1835, by means of an Order in Council of 57 Rectories. The endowment of the latter had certainly been contemplated by the Constitutional act of 1791; [107] and the Clergy Reserves had been set aside as the special source of their endowment. [108] And yet when Sir John Colborne, in 1835, undertook by Order in Council, to endow those Rectories out of the Clergy Reserves, the Imperial Government, on the highest legal authority in England, declared the act invalid. [109] Can it then be supposed that the Gov. was authorized to endow by Order in Council, an institution never contemplated by the Legislature, out of an endowment specifically set aside by the law for the maintenance of the Grammar Schools? We have already seen that the mere dates of the grants to the U. C. College would alone prove fatal to the validity of its endowment, and now we find that in any case, and irrespectively of

102 References in verification of the above particulars have already been supplied.

103 Journal Assembly 1843, Appendix No. 1—King's College Accounts, with Bursar's note.

104 Final Report. Dr. Gwynne's Statement, page 194; also, remarks by Commissioners, page 344.

105 The House of Assembly was practically prohibited from legislating on certain classes of public questions, e. g. Education. For a partial list of interdicted subjects, vide Journal Assembly 1831-2, Thursday, January 5, 1832.

106 Lord Durham calls it "his last public act."

107 31 Geo. III, cap. 31, §§ 38, 39, 40.

108 Ibid, §§ 36, 37.

109 Journal Assembly 1837-8, February 5, 1838. The legal opinion, which will be found in full in the place cited, concludes with the following unmistakable words:—"Thirdly, we are of opinion that the erection and the endowment of the 57 Rectories by Sir John Colborne are not valid and lawful acts."