

licated in the Legislative Address. On this endowment the support of Free Grammar Schools was to constitute *the first charge*, and when this demand had been satisfied, and when the circumstances of the country should demand such an institution, a University was to be proceeded with. This Despatch has been made the subject of frequent reference; but, from the explicit language employed, no question has ever been seriously raised as to its true construction. The law officers of the Crown in 1798 understood it in the sense we have above given; (3) the House of Assembly in 1831, (4) and in subsequent years, declared such to be its true spirit and intent; and the Earl of Durham in his celebrated Report, (5) construed it even still more favorably to the Grammar Schools.

Acting on a power afforded in the Duke of Portland's reply, Chief Justice Elmsley, after a consultation with several individuals designated in the Despatch, drew up (Dec. 1, 1798) a Report (6) recommending the immediate appropriation, for educational purposes, of 500,000 acres of the waste lands of the Crown,—250,000 to be devoted to the establishment of Grammar Schools, the remaining moiety to be devoted to the future establishment of a University. The Chief Justice expressly states that the above endowment for Grammar School purposes is not to be regarded as a finality; but that on the contrary, as the country becomes more thickly populated, additional endowments will become necessary.

Looking back to that first day of winter, seventy years ago, when this outline of our Grammar School System was traced, we cannot help reflecting how unfortunate has been the course of events! How slow would the amiable and learned Chief Justice have been to anticipate that, notwithstanding his labours, the proposed University, which was, to his mind, a thing of the remote future, would have had the first selection of the finest lands of the Grammar School Reserves; that, when it had done choosing, then U. C. College, a nondescript institution—an institution contemplated by neither the Sovereign (7) nor the Legislature, (8) nor the Chief Justice, nor by any one except its illiterate founder,—that this institution should appropriate to itself the choicest portion of the remaining lands; that, finally, the beggarly residue of the Reserves, consisting of land impartially distributed between sandy wastes and rocky wildernesses, (9) should be assigned for the support of those Grammar Schools which were with the Chief Justice, and with the people of U. Canada, the object of first solicitude!

The recommended appropriation of waste lands was immediately made by the Imperial Government. Ten Townships were set aside, which, after the usual deductions of Crown and Clergy Reserves, yielded 549,000 acres available for the purposes of the grant. It was, however, soon found that, owing to the sparseness of the population, the lands were unsaleable, except at a sacrifice. Accordingly, in 1807 we find the Legislature of U. Canada providing an *interim* endowment for the Grammar Schools. By the Acts of 1807 (10) and 1808, (11) a Grammar School was established

3 Jour. Ass. 1831 App. p. 107. 4 Address of Assembly to Wm. IV, Friday, Dec 23rd, 1831. 5 Report on the Affairs of B. N. America, 1839, "Upper Canada."

6 Jour. Ass. 1831, App. p. 107. 7 Jour. Ass. 1832-3, App. p. 69. 8 Ibid.

9 Report of Surveyor-General Hurd, Jour. Ass. 1832-3, App. p. 72. 10 47 Geo III. Cap. 6. 11 48 Geo. III. Cap. 16.