

Besides (waiving the benefit of all this argument) Lord Goderich, having left the larger sum to the disposal of the legislature for general purposes, the legislature selected, of their own free choice, as is clear from the above report of their committee, those of education; and surely they come under the head of general purposes.

Nevertheless, in the face of this Act, concurred in by both Houses, and assented to by the Governor, and as authentic a law as ever law was, in the following September, the appropriation which appears to have been contemplated by Lord Goderich was actually enforced by order of Colonel Craig, the then Civil Secretary, and the 7,154*l.* transferred to the general fund of the province. The other injunction of the Act, as to keeping the future balances of these estates in a separate chest, has been no better observed. They have been invariably mixed with the other public revenue, a separate account only being kept to show their amount.

By this account it appears that the balance on the 10th October 1838 had accumulated to 13,436*l.* 4*s.* 6½*d.* If to this is to be added, as it unquestionably ought, the 7,154*l.* currency, or 6,439*l.* 5*s.* 10½*d.* sterling, the whole fund applicable to education, in respect of the Jesuits' estates, will amount to 19,875*l.* 10*s.* 4*d.* sterling.

As regards the condition annexed to the surrender of the Jesuits' barracks, I fear it is not capable of fulfilment. I communicated with the military authorities on the subject, and was informed that the Crown was in possession of no land within the walls, where barracks must be, sufficient for their site; and of course it would be bad economy in the province, with a view to getting back the lost property, to incur, first of all, the expense of purchasing land in the town already built upon, pulling down the buildings, and then erecting new barracks, and afterwards that of pulling down the old ones and raising more profitable buildings on their site. The most equitable arrangement, I should submit, would be for the Crown to come forward now and pay the proper market price for what it has so long withheld.

A full description of these estates will be found, in a tabular form, in the Appendix to this Report, (Letter A.), as also a minute criticism of their past management, and suggestions for their future improvement. This has been the undivided labour of Mr. Dunkin, the secretary to the commission, to whose unremitting exertions in this and other departments of the inquiry, not only during the continuance, but for some months subsequent to the expiration of the commission, I am indebted for much of the information I am able to supply.

To take up the order of events where it was broken off, the hopes of the friends of education in the province, which had been grievously disappointed by the Governor's recommendation in 1800 to abstain from any further complaints, were fully revived by his announcing, in his speech of the following year, the benevolent intentions of the Imperial Government. "With great satisfaction I have to inform you, that his Majesty, from his paternal regard for the welfare and prosperity of his subjects of this colony, has been graciously pleased to give directions for the establishing of a competent number of free schools, for the instruction of their children in the first rudiments of useful learning, and in the English tongue, and also, as occasion may require, for foundations of a more enlarged and comprehensive nature; and his Majesty has been further pleased to signify his royal intention, that a suitable proportion of the lands of the Crown should be set apart, and the revenue thereof applied to such purposes."

The 41 Geo. 3, c. 17, an Act founded on these promises, and intitled, "An Act for the establishment of Free Schools and the advancement of Learning in the Province," was immediately passed. It will be found abstracted in Appendix, (Letter B.), No. 1. The following are its principal provisions.

The Governor is empowered to erect a corporation, to be called "The Royal Institution for the advancement of Learning," with all necessary powers for holding land in mortmain, &c., to be composed of trustees to be appointed by the Governor. To this corporation the entire management of all schools and institutions of royal foundation in the province, as well as the administration of all estates and property which may be appropriated to the said schools, is committed. The sanction of the Governor is required to all rules and statutes which may be made for the schools by the trustees, and for the government of the masters and scholars. He may establish one or more free schools in each parish or township, as he may see fit, upon the application of the inhabitants, or a majority of them, to that effect, and he appoints the masters, and orders their salaries, after the conveyance of the school-house to the trustees, which is to be done immediately upon their completion; the expense of the erection of the houses to be equally apportioned among the inhabitants.

In 1803 the promised grants of land, by which the contemplated schools were to be supported, never having been made, the Executive Council recommended to the Governor that 16 townships of the waste lands of the Crown should be appropriated for this purpose. In answer to this recommendation, the province received the same year an assurance that 20,000 acres should be granted to each of the cities of Quebec and Montreal for the support of a seminary, and that immediate steps should be taken in the matter. These steps, however, never were taken, the grants of land never made, and the Act of 1801 remained a dead letter.

Complaints of this bad faith have never ceased. In answer to one of them, as late as 1831, Lord Goderich, after admitting that grants of land had been promised by the Crown, adds, "that of course such promises are binding and must be carried into effect, unless there are circumstances, of which he was not then apprized, which might have cancelled the obligation