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SPEECH

OF JOHN HILLYARD CAMERON, ESQ.

AT THE BAR OF THE LEGISLATIVE ASSEMBLY, IN DEFENCE OF THE UNIVERSITY OF KING'S COLLEGE AT TORONTO.

(Concluded from our last.)

We know that, prior to the revolt of the American Colonies, there existed in them many institutions chartered and endowed by the Crown; and we also know that, after the United States became independent, these grants came up before the State Legislature and Supreme Courts of that country; we ought, therefore, to look into these matters, and see in what manner grants made by the Crown were treated after the dominion of that Crown had passed away; and if, upon searching into them, we shall find them respected—if we shall find, instead of being diverted from their original purposes, that they were held inviolable, and solemnly confirmed—how much the more ought we in this, which is still, and which I trust will ever be, a British Colony, to respect and conserve them? If we find that the Legislature did attempt to interfere, but that the Judicial authority declared that interference to be unconstitutional—how much the more ought we to hope that the Legislature of a British Colony will not persist in this high-handed measure? If it has been declared unconstitutional in a revolted Province, when attempted to be applied to institutions chartered by a Sovereign, every vestige of whose power, it may be fairly presumed, the inhabitants were anxious to destroy; how much the more is it incumbent upon this Honourable House to pause before it gives its sanction to an act which the Judiciary of revolted America, in a spirit of justice worthy of imitation, refused to allow. And such has been the case, not in one or two instances, but again and again the Courts of the United States have been found refusing to allow any interference with rights and property granted by charter from the Crown of Great Britain. And when these charters were contrary to the genius of the United States, in cases where the grants were contrary to the spirit of its institutions, do we find a different course pursued? No! On the contrary, the same rule was applied to all, the same principle ruled every case.—In one instance, a grant was made by the Crown of glebe lands for the support of Protestant Episcopal Clergy in North Carolina; after the revolution, that grant was attacked by the Legislature, the case was submitted to a Judicial tribunal, and by a judgment of the Court it was confirmed for ever. In another instance, a charter was granted by the Crown to a University endowed in part by the State; after the revolution the State desired to interfere and to revoke the charter, and an Act was passed for that purpose, but the Judiciary declared it to be unconstitutional and void. In that case, the charter granted by the Crown was respected, although part of the endowment was given by the State, and not all by the Colony under which it originated. What stronger evidence can be required, what more conclusive precedents than these two cases? The one was a grant of glebe lands for the support of Protestant Episcopalian Clergymen, and the other a University; and yet in a country which loves not Great Britain, in a country which had just revolted from her dominion, the charters granted by her Sovereign were declared to be inviolable, and the rights established by the Crown were perpetuated, after its allegiance to that Crown was renounced.—Shall it be said, when the King's Charter was respected under such circumstances, that here, where we believe that we enjoy all the rights of British subjects, the Royal Charter shall be taken away and destroyed, all the rights it conferred be trampled upon, and all its immunities dashed to the earth? Surely it shall not be said, when Charters of the Crown which a revolution could not sweep away, even in matters of religion, were respected in a country which, in a treaty with Tripoli in 1797, declared that its government was not founded upon the Christian religion, and that it had not in itself any character of enmity to the laws or religion of the Mahomedan—surely it shall not be said that here, in a Christian country, in a land boasting Monarchical Institutions, a Royal Charter was destroyed? Let it not be said that in a country revolted from the Crown of England, the King's Charter is respected, and the institutions created by it still exist; while in a Province of the British Empire they are swept away. Surely it cannot be argued that when it was allowed to remain inviolate in the one case, it ought to be taken away in the other? Surely it cannot be said that when it was conserved in a country whose institutions were contrary to its existence, that here it should be taken away when its terms are as broad, when the preamble and the very clauses of the College of New Hampshire, and that now sought to be destroyed, are almost identical? Let honorable gentlemen compare the two together, and then point out the disparity; there is no variation in substance, although there is in words. The New Hampshire Charter recites, "that considering that the best means of education be established in our Province of New Hampshire, for the benefit of said Province;" the King's College Charter declares, "that whereas the establishment of a College within our Province of Upper Canada, in North America, for the education of youth in the Christian religion, and for their instruction in the various branches of science and literature which are taught in our Universities in this Kingdom, would greatly conduce to the welfare of our said Province." The cases of the College of New Hampshire preserved in all its rights by a revolted people, and that of King's College sought to be annihilated by a Colonial Legislature, are in substance the same. A portion of the lands for the endowment of the former were granted by Vermont in 1785, and were of great value, and others were granted by New Hampshire in 1789 and 1807, and were also of great value. We find, therefore, in the two charters, two things which are identical, the preamble of the grants of land; where, then, lies the difference between the two cases? And yet the Legislature of New Hampshire, desiring to interfere, adopted the same language as is made use of in the Bill for the same purpose now before this honourable House. It would indeed appear that the Legislature of this Colony are attempting to act upon a Bill taken from there, and which was there declared to be unconstitutional. There is also another point of resemblance, the Legislature of New Hampshire was not contented with one Bill, but it brought forward *three;* but how were those bills received? The case was argued by Mr. Webster, one of the greatest lawyers in the United States, before Chief Justice Marshall and Judge Storey, the latter of whom is the author of several standard works of legal literature—books which are received as authorities in England, and quoted as such by the judges upon the bench—and what was the judgment which was given by two of the most eminent Judges of the United States—what was the law which they laid down upon the occasion:

"The Government has no power to revoke a grant even *of its own funds*, when given to a private person, or a corporation for special uses. It cannot recall its own endowment granted to any hospital, or college, or city, or town, for the use of such corporation. It is perfectly clear that any act of a legislature which takes away any powers or franchises vested by its charter in a private corporation, or in its corporate officers, or which restrains or controls the legitimate exercise of them, or transfers them to other persons without its consent, is a violation of the obligations of that charter. If the legislature means to claim such an authority, it must be reserved in the grant. The charter of Darmouth College contains no such reservation: and I am, therefore, bound to declare, that the Acts of the Legislature of New Hampshire, now in question, do impair the obligations of that charter, and are consequently unconstitutional and void."

If the Judiciary of the United States refused to allow any interference, by the Legislature, in a Charter granted by the Crown to a College, when that country was a Colony of England, that is a strong argument to use before a British House of Assembly, —before the Assembly of a Colony still belonging to Great Britain, why no legislation should be allowed upon it here. Surely it will not be said that I have nothing to rest upon when I bring forward a judgment pronounced upon chartered rights granted by the Crown half a century before they were impeached, and then declared to be still subsisting, as strongly, as fully as ever, although the dominion of the Crown which granted them had passed away. If it be a strong argument that a grant from the Crown has been respected in a revolted Colony, is it not still stronger when I can shew that where a grant of lands was made by the State of North Carolina, and that, too, for religious purposes, an Act, afterwards passed by the Legislature of that State, resuming and annulling that grant, was declared to be unconstitutional and void, and that the Legislature at once, desirous of paying respect to those who gave expression to the laws, recalled and repealed that Act? When I find a charter granted by a State, and the endowment by the people respected, after a revolution, in so great a degree only did the Judiciary declare that the Act of interference of the Legislature of the State was unlawful, but the Legislature itself recalling its Act, passed another declaring all such interference on its own part unconstitutional and void—when I find this, I say, is it not a strong argument in defence of the cause I am now pleading? When I look upon these cases, have I not a right to ask a British Legislature not to interfere with property and privileges which the Legislature of the United States preserved even after its allegiance was destroyed. Have I not a right to ask that it will not be done here, even to quiet the popular cry; because it is better, if wrong has been done and injury felt, that both should be endured rather than this high-handed measure should be allowed to destroy that given by the Crown—rather than our faith in the Crown should be shaken. Who are they who cry so loud for this spoliation?—who are they? and what has been their conduct in other lands? This measure is called one of State necessity,—that is the tyrant's plea,—the plea made use of by Mr. Fox, when he brought in his celebrated bill to destroy the charter of the East India Company. He gave three reasons for that measure: that the charter conferred political power upon the Company—surely there is none contained in this; that it had abused its powers, and therefore that it ought to be forfeited—is it pretended that it is so in this case? if it is, there is no allegation of the kind; and that a great and overruling State necessity justified its destruction. That the charter did confer political power is certain, for it gave the Company the government of the countries it acquired; that it had been abused was probable; but the great reason for the spoliation was that which is urged in the present case, an overruling State necessity. But did the Parliament of England admit this mighty argument? Did the Parliament of Great Britain bow down to this overruling State necessity? Did this bill, which was intended to destroy the charter of the East India Company—then so great, with an empire then extending so far, and now still further—become a law? No, it was rejected; it was thrown out, and the strongest argument used against it was, that it was an interference with vested rights, with rights upon which large sums of money had been expended, and which it good faith ought to be preserved, and therefore the Legislature had no power to interfere with it, unless with the consent of the Company itself. And though all the reasons given for its destruction were probably true, yet that bill did not become a law.—And at length when a bill was brought in by Mr. Pitt to change the charter of that Company, it was with the solemn consent of the Company to abide by its provisions, and to accept it instead of the charter under which it was then acting. The principle was there again established, that there could be no interference on the part of the Legislature without the sanction of the Corporation, although the Corporation possessed political powers such as were never before possessed by the Company, and greater than will ever be possessed by another, although it was accused of having abused those powers, and although there was an overruling State necessity for the change. How then can we be now told of a State necessity for a measure like this, in a case where it cannot be applied with the same show of reason as to the India Company? It is the *vox populi vox Dei*—no it is not so, the *vox populi* here has nothing to do with the *vox Dei*. We are told that the members of the Church of Scotland require this alteration—we are told that the Dissenters require this change—we are told they will be satisfied if something is done for the settlement of this question, but we are not told that they will be satisfied with this bill. I believe they are not satisfied with it. We are told that wanting this change, they have a right to cry out for it. Let us look where they have themselves been interfered with in other lands, and let us see how they have borne the interference. We hear that they declare that King's College is exclusive, and must be thrown open without reference to religion; and if it were exclusive, which it is not, let us see how they acted in other lands in like circumstances. A bequest was left by Lady Hewley for the benefit of, amongst other things, the poor preachers of Christ's Holy Gospel, which was assumed by the Dissenters. But the Unitarians were not satisfied with the disposition of the property, and considered that, by the declaration in Lady Hewley's will, they were entitled to participate in the benefits of the charity as preachers of Christ's Gospel. They obtained it, and, contriving to command a majority in the management, held it for 150 years. It might be presumed that having retained possession of it for so long a period, that long usage would almost have given the sanction of law to that possession. But the Dissenters were not satisfied with their possessing it longer than 150 years; they thought that a century and a half's possession of the good things of the charity was quite enough, and they filed a bill in Chancery against them. The matter came up for decision, and was given in favour of the Dissenters. In spite of the cry of liberty, they were not deterred from pursuing their legal remedy to the last, and the result was that they turned out those whom they declared to be interlopers. And these are they who cry out against the exclusiveness of the Church of England—these are they who, with unclean hands, would write Ichabod upon King's College, that they may obtain a liberty themselves which they denied to others, and which the institution that they now attack does not in reality deprive them of.

The learned gentleman paused for a moment, and then went on to say:

When the Church of Scotland was attacked, did she suffer her privileges to fall to the ground, or the rights of one particular University to be removed? Did the Universities in the Church of Scotland ever grant bursaries to any except to those who subscribed to the belief of the established Church? No: not a single person could obtain a bursary except he signed a profession of faith according to the views entertained by that community. In Glasgow, alone, could they be obtained without that form, and then only because a private individual had founded scholarships without reference to the Scottish Church. So that, with all this outcry against the exclusive character of the King's College University, the Church of Scotland gave bursaries to none except they were its own supporters. When an attempt had been made to unite the Old Aberdeen College with the Marshall or New Aberdeen College, the people of Scotland arose as one man and petitioned the Legislature against the proposed measure for altering a constitution which had been given by Royal Charter to those institutions; and the Imperial Legislature refused to do any thing against the wishes expressed by the petitions of the Scottish University. It refused, in relation to those institutions, to take the course which the Colonial Legislaure was now called upon to adopt, with regard to Kings College in this country. Was it ever urged that the Old Aberdeen University ought to be destroyed, or that the Imperial Legislature could have any right to interfere with its privileges, merely because that body received a grant of public money? Was it argued that this public grant made the institution which received it a public institution, and, therefore, liable to legislative interference? There was no question that the Parliament of England, being theoretically omnipotent, might have made any alteration it pleased; but, when a bill was brought in for the purpose of making the alterations to which he alluded, it had received the petitions against the measure from the University, and it rejected the bill; and, although the Whig Ministry had introduced it, they were outvoted even by their own supporters. Not satisfied with losing one bill in the Lower House, the supporters of the measure brought another for the same purpose into the House of Lords; and the Lords also threw it out. He said that they were not satisfied with being defeated in the House of Commons on this measure, but brought a bill into the Upper House also to destroy the privileges of the Scotch Universities. They had made that bill less objectionable than the first, but yet they were signally defeated, and the Ministry, on that occasion, was deserted by its friends and supporters. That was a good example of the Imperial Parliament—it had refused to act against the protest of the Rectorial Court of the Old University of Aberdeen, and against the memorials which were presented by the other Universities. When the Legislature had found that the authorities would not consent to surrender the grant made to them by Royal Charter, what did it do? Did it attempt to force them to do it, or did it make the grant of so many thousands annually a reason for forcing them? No: it did not. Did not the Universities of Cambridge and Oxford receive £3,000 a-year each? But was that made a reason for Parliamentary interference? Were they not public institutions much more than the one now under discussion? Yet the Legislature did not interfere with their charter, nor take away their rights, nor level their immunities. No: it never placed itself in such a situation that any corporation or individual could say to it, "You have deprived us of our property by a high-handed and unconstitutional act, and have thus made yourself a bye-word among the nations of the earth. You have taken away by law that which you could not have deprived us of with propriety. You have done that by law which, in the due course of law, you could not have done; and you have given the sanction of law to that which is against law." It appeared, then, that the Presbyterians and Dissenters had both defended their own institutions in cases similar to the present, and they ought not, therefore, to say that the Church of England had not the right to do so too. Those Churches could not turn round and say that there was a difference between the cases, because the King's College was a public institution, being founded by a grant from the Crown; because the Universities of Scotland would then become public institutions too, being maintained by grant from Parliament. But, in fact, they were no more so than if a private individual had made a grant to an University. The House was told, however, that the Crown invited legislation on the subject. It might just as well be said, that a man who had made a deed for the conveyance of a piece of land, had desired some third party to come in and to bring an action of ejectment to turn out the occupant, as that the Crown, having given up property and vested it in these parties, was now desirous of further legislation on the subject. Would it not be wrong for the Crown to desire such further legislation? Or, was there any proof that it did so desire it, even if it had the power? He held in his hand two despatches which the hon. Attorney-General (West) had laid upon the table, and from which the House was called on to presume that the Crown desired to interfere in this matter. He had, however, always thought—although, perhaps, the idea was an antiquated one, and inapplicable to these enlightened days—that, when any document of that kind had performed its part, it was so far done with. Now, he thought that the mission of this despatch had been already accomplished, and that it could not have any further application. It might be seen that these despatches contained orders which had been sent to the Governor before the passing of the Act of 1837, and, therefore, he contended that their mission had been accomplished as far as the Crown was concerned. But, supposing that was not the case: supposing it to be right to presume an intention on the part of the Crown to direct the Provincial Parliament in the erection of an University; what was it that the despatches said? Did they advise the Government to lay before the Legislature any measure for altering the constitution of the College without the sanction of the Corporation? Or did they advise the Government to introduce a bill to which the Corporation had not given its consent? They said:

"Under these circumstances, I am to convey through you, to the members of the Corporation of King's College, the earnest recommendation and advice of His Majesty's Government, that they do forthwith surrender to His Majesty the Charter of King's College of Upper Canada, with any lands which may have been granted to them. I persuade myself that the counsels which are thus given to that body, in the spirit of the most perfect respect for all the individuals by whom it is composed, will not be disregarded, and it is on that assumption that I proceed to notice the ulterior measures which, upon such a surrender, it will be convenient for you to adopt."

The advisers of the Crown were not found directing the Governor of the Colony to recommend Parliament to pass a law without reference to King's College, and yet one which would deprive it of its property; but, on the contrary, he was to ask the Corporation voluntarily to surrender its rights. He was to take that step which in such a case clearly ought to be the first. He was to prevail on the University to give up that which the Crown had granted, for the purpose of giving another charter in lieu. It was a question which he must now bring under the notice of the House, whether this Corporation could have surrendered their lands for the purpose of giving them up altogether? Whether they could, without the understanding that they were to get a new charter, have surrendered their lands in such a way as to destroy their corporate existence? The law of the land said they could not do so. Even to enable them to give up their charter for the purpose of getting another, it was necessary to get an Act of Parliament; but it would have been impossible for them to have given up their endowments, unless to obtain a new one conformably to the terms of the first, that was to say, granting certain advantages to the Chancellor, President, and Scholars of the College. The law was, that corporations could not annihilate themselves, nor give up their corporate existence. The first authority which he would mention on the point was the case of the Dean and Chapter of Norwich. There, although the deed of surrender only specified the delivery of the Church and the lands and buildings attached, yet, in fact, it implied the surrender of all their rights and possessions, and it was held that notwithstanding the transaction, the old corporation remained. The decisions in the cases of Haywood against Fulver, and the King against Gray, were to the same purpose. And it was also said in a case in which the City of London was concerned, that it was out of the power of that Corporation to part with its rights. A similar case was that of Annis, in the reign of Henry VIII. In the London case a quotation was made which showed that in the time of Henry VIII. it became necessary to procure a legislative enactment, in order to enable the corporation of the Knights of St. John of Jerusalem to surrender; their own will not being held to be sufficient for that purpose. All the corporation of King's College could have done to meet the views expressed in the despatch would have been to surrender their right for the purpose of taking back an amended charter, granted like the first to the Chancellor, President, and Scholars of the College, with such other provisions as it might have appeared proper to grant. The despatch went on to say, and this was a direction which had been carried out by the authority of the College, because they had never given their assent to that part of the bill of 1837 which related to the granting of divinity degrees; it went on to say:

"But there is one object to which I must direct your attention, and which you will not fail to specially recommend to the consideration of the Legislature; I mean the permanent establishment in the College, upon a secure footing, of a Divinity Professor of the Church of England. This is a matter of great importance to those of His Majesty's subjects in Upper Canada who belong to the Church of England; and His Majesty, as head of that Church, cannot be insensible to the duty which belongs to him of protecting it in all parts of his dominions."

He said that the University had acted upon the terms of that instruction when it had rejected so much of the charter of 1837, as prevented tests being required before divinity degrees were granted. And yet the House was told that there ought to be no professor of divinity at all, when they had the despatches themselves on their very face contradicting the assertion. He now came to the University Bill itself. If nothing more were enacted therein than the provisions for the erection of an University, the Counsel of King's College would say nothing against it; because it must be admitted, that the Crown had the constitutional right to incorporate any other College if it pleased. So long as they were not interfered with, they would never desire to be heard at the Bar of the House; but it was now proposed to force them to become a King's College. The recital of the Bill was as follows:—

'Whereas it is necessary to make further provision for the more general extension of liberal education, and for facilitating the instruction of the youth of this Province, of all Christian denominations, in the various branches of Science and Literature usually taught in a University, and to provide for the establishment of a University in which Degrees in Arts and Faculties may be conferred; And whereas, in a Despatch dated the 8th November, 1832, from the then Principal Secretary of State for the Colonies, it is stated that 'the Legislature of Upper Canada have already been invited to consider in what manner the University can be best constituted for the general advantage of the whole society:' Be it therefore enacted, &c.;'

He had to touch upon the preamble, because he was Counsel against every word of the Bill which affected the rights of King's College, and because the preamble contained some important words which would be placed on the records of Parliament, and which led to the belief that the Crown had called upon the House to interfere. The University of Upper Canada would be established by the 1st clause. By the 2nd, the Governor-General was appointed the Visitor. But he thought the 3rd was of a character which could never obtain the assent of any legislative body, who desired to maintain the peace and harmony of the Institution. It provides that the Chancellor should be an elective officer, to be chosen by the Convocation of an University, which Convocation, it was declared by the 13th clause, should be composed of "the Chancellor and Vice-Chancellor, and all the Members, the University Caput and all other persons holding Professorships in the said University, and all persons admitted therein to the degree of Master of Arts, or to any degree in Divinity, Law, or Medicine, and who, from the time of such their admission to such degree shall pay the annual sum of shillings, of lawful money of this Province, for and towards the maintenance and support of the said University, and shall be and be deemed, taken and reputed to be Members of the general Convocation of the said University." The House had been told that the bill would have the natural effect of doing away with the difficulties which have so long existed on this subject; that it would make a change in the very nature of parties, and that, as far as mankind was affected by its operation, the lion and the lamb would lie down together. The very fascinating picture had been drawn of the effect which would be produced by the bill, when under its provisions, all the Colleges would be receiving their proper students within their several doors, for the purpose of assembling at morning or evening worship. He found, however, that the beautiful delineation of the picture would prove only too much like the deceitful *mirage*, which offers to the thirsty and wearied traveller a beautiful prospect of refreshment, but which when arrived at it, he finds to be but the same dry and sandy desert. He feared it would be much the same with the beautiful picture which had been presented to the House of the effect of the bill—at least as far as the convocation was concerned. Another clause of the bill was of a very different nature, it provided that the Church of England student should go to his own College—the Methodist to his—the Presbyterian to his. But with regard to the religious instruction of those for whom no College was provided and who would not submit to the test required by the Church of England, or the Presbyterian, or the other Colleges, he supposed they must be left to go without any. It was a fascinating picture,—a very fascinating one, but he believed it to be all a romance, not a reality. The 13th clause provided that the convocation should be composed of all the members of the council of the University and of all persons occupying the chairs of professors, and of all persons admitted to the degree of M.A., or any other degree whatsoever in Theology, Law, or Medicine, &c., in any one of all the various Colleges; but yet, the principle of the bill is, that no religious dissension or discussion shall be allowed to take place; that the caput, like a boy's debating club, shall admit of no religion or politics in any form or shape whatsoever; although the convocation was to be composed of persons of all classes of belief—of the Church of England man with his 39 articles, of the Methodist with his declaration of belief, and of the member of the Church of Scotland with his confession of faith.—Such was the body which was to elect the Chancellor and Vice Chancellor of the University; and it appeared to be supposed, that the provisions of the bill could effectually put a stop to religious differences, and that the Chancellor would never be chosen on account of his religious opinions; that there would be no partizanship nor any canvassing to secure his election by any one religious party—in short that all those people would put their religious feelings and animosities into their pockets, and come together like lambs to elect a Chancellor. This abolition of all the usual polemical rage, animosity and enthusiasm, however, was only to take place as far as the Colleges were concerned, and had no reference to the University, so that the Convocation, if it had a majority of infidels, might elect an infidel Chancellor in an University composed of Christian Colleges. No one could fail to see that this election of Chancellor would give rise to heartburnings and animosities which would tear the Institution to piece and would light up the flames of discord from one end of the Province to the other, so that the election of Chancellor for this University would be a worse trouble than the election for members of Parliament.—Then again the President of each College was to be pro Vice Chancellor, and was to preside at the Assembly of persons with the title of professor, who were to form the Special Convocation for the purpose of granting degrees in Divinity. Thus there was to be no religion in the University—the voice of the Church was not to be heard within its walls, and the students would be taught nothing there, but heathen mythology, for though some of the Colleges would belong to parties who would take religious tests and conform to religious observances, yet there was nothing to prevent others from being established which would be mere boarding houses, or at best schools. Yet this Infidel University, which was to keep all religious matters so quiet, and so cool—this Infidel University, he said, was, by means of its Pro Vice Chancellors, to confer Divinity Degrees, and the anomaly would be established of an University which recognized no religion conferring Divinity Degrees by its Pro Vice Chancellors. It was to be done by a kind of side wind, instead of being done, as it might just as well be, by the Chancellor himself. But in this University, without religion, where the name of God was never to be sounded and where no religious observances were even to be performed, it was necessary to have a Pro Vice Chancellor and to form a Special Convocation from each particular College, for the purpose of granting those Degrees. This plan looked all very well in theory, but it should be remembered by the House that it was something which had never yet been tried, and that the people did not like to leave the old high-ways and by-paths, to try new high-ways and by-paths, so very different from what they had always been accustomed to before. Besides these things, he found, that the Caput was to be composed of heads of Colleges who would subscribe to the test of their belief in the divine inspiration of the scriptures, and in the Doctrine of the Trinity; but as far as he was aware there was no provision in the bill to prevent religious dissension arising in that body, or to prevent religious matters from being discussed. It was true they would not be able to pass any statutes or laws which would touch the observances of any denomination to which the particular Colleges might belong; but there was nothing to prevent religious discussion among them.—When the Board met week after week, month after month, and year after year,—no, not year after year—because he was persuaded that with such a regulation the Institution would be dissolved in much less time than a twelvemonth—but he would ask whether when these Theological people, these Professors of Divinity came hot from their Divinity Lectures, and Theological Classes, no question of religion would ever arise among them? It was impossible to believe it. It was utterly absurd.—And if that were so, then it became sufficiently plain, that the Caput would be exposed to be disturbed and torn by religious discussions; and that the flattering picture of all these Colleges each worshipping in its own way would be discovered to be an illusion. The very drawing of that picture, was enough to show the utter impossibility of its real existence; the students would be coming hot from hearing something said against Protestants, or against Catholics, or Presbyterianism, or Methodism,—hot and reeking as they would be, when they met each other from these lectures, and these remarks, could a better plan be devised, he would ask, for giving power and fierceness to their animosities. The Province could adopt no plan more likely to secure all things which were hateful in religious controversy. Would this bill altogether change the minds of men? Yet unless their hearts, and constitution, and very souls were changed, there could be no question whatever that discussions would spring up in the hotbed which would be formed, and that they could be ten times more likely to occur than they otherwise would have been. The House would inflict an injury on the Province, if it adopted this principle of centralisation, when in fact the principle which ought to be adopted was that of dispersion. Let the House take the only two Institutions which were at all like the one now proposed to be erected—he meant the Universities of Paris and London, and it would find that the principle adopted there was that of dispersion. Centralisation would not extinguish animosity, but only increase it; and instead of the torch being put out by that means, it would spread into a burning flame. He had now got through the second clause of the bill and he would proceed to point out two clauses which were inconsistent with each other. These were the 15th and 17th, but the mere inconsistency could be easily remedied in that case. In the 22nd clause however he found a much more serious objection, it ran thus;

"XXII. And be it enacted that King's College, upon and after the passing of any Act of the Parliament of this Province amending the Charter thereof, shall be and become a College of the said University."

The 23rd and 24th allowed Queen's College at Kingston, and the Victoria College at Coburg to become a College of the University of Upper Canada—if they pleased to do so. But in those cases the union was not compulsory. Why was it, he would ask, that King's College alone should be compelled to come into the scheme? Why was not the same justice to be done towards the Church of England, as towards the Church of Scotland or the Methodists? Why was the option given to Queen's College, and Victoria College, while it was denied to poor King's College. This University was to be the kind and tender mother not only opening her arms to King's College and inviting her to come to them, but saying—"Come to me at once, you must come, for I know it is for your good, and though I am an indulgent parent, yet if you do not come I will make you." This indulgent and kind mother, this alma mater, says to King's College, "you shall not stay away, let Queen's College preserve her rights, and Victoria College hers, if either of them please to do so. But King's College! I will not allow you to stand out." Why, he asked, was all this? Because it was felt that King's College had a charter, and an endowment, and it was felt, besides, that unless she were compelled to come into the arrangement, there would be such a powerful opposition to the injustice that would be done in taking away her property, that it might perhaps be impossible to work the bill at all. It was therefore ordered by the bill, that the Church of England should not have the option of belonging or not, to an Institution opposed to her principles. It was said to her,—"It is true we know your principles,—we know that you are opposed to infidelity, and we know that you believe in the Bible, but, notwithstanding that, you shall and must belong to this Institution whose principles are totally opposed to yours. Other Colleges have privileges, rights and immunities, and we leave it optional with them to relinquish them or not, but you, King's College shall be obliged to place yourself in this position which we have marked out for you, whether you desire it or no. And we will insist upon this, because we have determined to take away your revenues, and to confiscate your endowments." The 21st clause was as follows: viz:—

"XXI. And be it enacted, that Upper Canada College shall be incorporated with and form an appendage of the said University, as a Royal Collegiate Grammar School, and be subjected to the jurisdiction and control of the Caput thereof, and that the Principal thereof shall be appointed and removed by Her Majesty, Her Heirs and Successors.'

So that a Church of England School was to be made the means of preparing the young men of the Province for an infidel University. He said Church of England School, because, a Royal Collegiate Grammar School was necessarily a Church of England Institution. The masters of it must be persons who had obtained a license from the Bishop of the diocese where the school was situated, and that license was only given upon such masters taking the oath of allegiance and subscribing to the 39 Articles. He was justified therefore in saying that a Collegiate Grammar School must be exclusively a Church of England School; and there was another feature of such a School, which was, that nothing could be taught there but Latin and Greek, so that this School at Toronto, at which mathematics and the other branches of an English education were now taught, was to be remodelled and nothing was to be taught there but Latin and Greek. No doubt, however, the people of the Province would be very thankful that proficients in Latin and Greek should be sent into all parts of the country. To show that a Grammar School must be confined in the manner which he had described, he would mention the case of the Highgate School, which was endowed by Sir R. Cholmondely, in the reign of Elizabeth, and in the year 1571. It appeared in that case, that it had been ordered by statutes passed by Governors appointed by letters patent, that the master should be a graduate, and should teach the A B C and the other branches of an English education. An information was filed in which it was charged that the School had been perverted from the uses intended by the founder, and had become a mere charity school, and that by allowing this to happen, the governors had abused their trust. It was shown, however, that in the memory of man the school had been nothing but a school for an English education; but it was nevertheless declared by Lord Eldon that the school was one intended for teaching grammar, and must, therefore, be applied according to the original intention of its founder. But it might be said, allowing that to be the case, still it by no means follows that the school should necessarily be under the direction of no master but one who is a member of the Church of England. That however, was only adjudged to be the law of the land. In the King against the Archbishop of York, a mandamus had been issued to the Bishop, directing him to license one R. W. for a Grammar School at Skepton, in Yorkshire; he put in as an answer, that R. W. had refused to be examined, and that he relied on the canon law, as well as on a degree given in the time of James I. The result had been, that the master was obliged to be licensed according to the form he had already mentioned, that is to say, he had to subscribe to the oath of allegiance, the 39 articles, the canons of 1603, and the liturgy. As a Collegiate Grammar School, therefore, must be a Church of England school, why make this school at Toronto one of that description, at the same time that it is intended simply to prepare people to enter the University. It was not a subject of complaint that this school would be a Church of England school, but it was complained of, that the boys should be compelled to learn Latin and Greek. If that was not intended, he could not imagine what the intentions of the authors of the bill could be, but he had no doubt it was intended, because he had too good an opinion of the high legal abilities of the framer of the measure to suppose that he would have put the words, Royal Collegiate School, into the bill, without considering fully the meaning of them. He was quite sure that the learned gentleman to whom he had alluded knew quite well that this must mean a Church of England institution, and a school for the instruction of boys in Latin and Greek. The Upper Canada College would stand in a very different position after the passing of this law, from that in which it stands at present. It had now a master who did not belong to the Church of England, and pupils who did not belong to that Church. He believed that there would be just as many, perhaps more, scholars, if the school were confined entirely to the Church of England; but that would not be the case unless they were taught, as they now are, not Latin and Greek exclusively, but all the branches of an English education, and unless they received mathematical and all other instruction necessary to give boys a good foundation for an University course. Therefore the Upper Canada College school was now in a better position than it would be after the passing of the law, though not in so good a one, according to his opinion, as if the distinctive character of a religious institution were given it. The 25th clause authorized any body to have a College in the University, no matter whether they were christians or heathens, so long as they could only obtain a Royal Charter, and any College which might have fifteen students, would be entitled to £300, and any which might have fifty, would be entitled to £1200 a-year. Now it seemed very extraordinary this should be proposed to be done, with an income which it was calculated by the hon. and learned gentleman who had charge of the bill, did not exceed £8000 per annum. It was impossible to say how many Colleges would be chartered, and would thus obtain the right to become Colleges of the University. The University would require £6000 to carry it on as an University, so that there would be no more than £2000 to divide among all these Colleges, and to pay the Theological Professors of the Church of England, the Presbyterians and the Methodists, and any others who might come forward hereafter. It might indeed be answered that it was not to be presumed that Royal Charters would be granted to every body who might apply for one. But let it be recollected, that one of the great benefits of this beautiful Act consisted in its being intended for a final measure, but who could tell but that other bodies might apply for charters, and having applied for them might obtain them. Besides, he would ask what was the main reason for the bill being proposed, unless it were to give satisfaction to all parties in the Province, and to furnish means of education for all? If other people then apply for charters and are refused, could it be argued that satisfaction would be given in such a manner? No: the cry would be heard again, and then there would again be an excitement carried on throughout the Province, and then there would be another alteration of this final measure. After the University had received its £6000, no one would say that much would be left to divide among the rest. Yet it could not be supposed that there would not be other applications for charters, because as to a mere commercial speculation, such an application would be a very good one, since a charter could be procured at an expense of £700 at the utmost; be believed it might be got for £500, and every body would be for getting £300 per annum at an outlay of £700 capital. Looking at it as a mere investment for money, the speculation would be a most profitable one. The 30th clause allowed professors to retain the position now occupied by them, at the discretion of the Visitor. The clause deprived Professors of the rights vested in them, unless the Visitor chooses that they should remain there, and that without any reference to the position which they held at present or their right to continue. If any one of them were obnoxious to the Governor, the Governor would have the power to prevent him from retaining his position. He said, that ought not to be the case. He contended, that after the University was erected the Professors and the other members of the present institution ought to be continued, without reference to the Visitor, except in so far as he should have the right to remove them in the manner appointed by the other clauses of the bill. He thought that this interference with vested rights was wrong and unconstitutional. We come now to the bill for altering and amending the charter of King's College—that bill which declared that King's College should no longer stand in the position which it now occupies under the Royal Charter, or under the Act of 1837. It was provided in this bill that the Council