

Appendix
(D. D.)

7th May.

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DOCUMENTS

Respecting KING'S COLLEGE, laid before the Legislative Assembly by the Honorable Mr. Attorney General Draper, by Command of His Excellency the Governor General, on the 7th May, 1846.

No. 1.—Memorial of the Professor of Anatomy and Physiology.

No. 2.—Report of Committee on the Memorial of the Professor of Anatomy and Physiology.

No. 3.—Opinion of the Visitors of King's College.

No. 1.—Memorial of the Professor of Anatomy and Physiology.

To The Right Honorable SIR CHARLES THEOPHILUS METCALFE, Baronet, Chancellor of the University of King's College, &c. &c.

The Memorial of the undersigned, Professor of Anatomy and Physiology in the said University,

MOST RESPECTFULLY SHEWETH:

That from the time of the appointment of Your Excellency's Memorialist to a Professor's Chair, and to a seat in the Council of the said University, he has perceived with regret and alarm the system pursued of alienating the extensive Estates with which the Institution was originally endowed, and the conversion of the said Endowment into money, and above all the using the Capital proceeds of the alienations aforesaid to meet and bear current expenditure.

That it appears from the monthly returns made by the Bursar to the Council, that the Committee appointed for the sale of land, are proceeding with the alienation of the Estate to a very considerable extent,—and Your Excellency's Memorialist is therefore led to apprehend a continuance of this system, a system which he firmly believes to be destructive of the best and most permanent interests of the Institution, and which, however convenient it may be found for present purposes, will assuredly call forth public censure and reprobation hereafter. Your Excellency's Memorialist therefore respectfully addresses Your Excellency for a threefold purpose.

First.—To pray Your Excellency to interpose the authority vested in Your Excellency for the preservation of the Endowment of the College in its present shape—of land,—a species of property which, in the circumstances of this country, must in the lapse of time become vastly increased in value, and which in all countries has been found the most secure, and most available for the support of permanent Institutions of learning, and for the prevention by the most rigid rules of the use of any portion of the Capital Endowment of the said Institution in the current expenditure thereof.

Secondly.—That Your Excellency may understand the motives of Your Memorialist's opposition to the proceedings of the College Council, on questions of alienation of the Endowment and of expenditure, motives which are liable to be misunderstood, and still more liable to be misrepresented; so that the conduct of Your Excellency's Memorialist, which he feels to be disinterested, and to proceed from the purest sense of duty, and from zeal for the advancement of Science in Canada, may not be set down to any factious desire on his part to impede the majority of those with whom he is associated in the measures which they see fit to adopt in the management of the University affairs.

And, *Thirdly.*—Your Excellency's Memorialist makes this respectful representation, to the end that should the present system of alienation and waste continue to be pursued, that he, or those who may happen to be interested in the reputation he is desirous of maintaining, and leaving behind him, may when the time comes when the consequences of the present course of the College Council shall be felt and reprobated, have the means of shewing that he, as a Member of the College Council, left no means in his power unused which might have a tendency to protect the College Endowment, and to preserve the same unimpaired to futurity.

Your Excellency's Memorialist therefore most humbly represents that the College Charter, while it ordains and grants that the Chancellor, President and Scholars, and their successors, shall be able and capable to have, take, receive, purchase, acquire, possess, hold, enjoy and maintain, to and for the use of the said College, any messuages, lands, tenements and hereditaments, and while the same Charter grants to the Council of the said College the power to make Statutes, Rules and Ordinances for the management of the Revenues and Property of the said College, the said Charter gives no express power to the said Council or to the Corporation of King's College to alienate the whole or any part of the landed Endowment; and Your Excellency's Memorialist humbly conceives that had it been in contemplation of the Crown, when the said Charter was granted, that the landed Endowment of the said College should be transmuted into money, or that the Capital arising from the transmutation thereof should be used for temporary or current purposes, some expression of such design would be apparent in the said Charter; and the absence of any such expression leads Your Excellency's Memorialist to the conclusion, that when His late Majesty King George the Fourth granted His Royal Charter for a seat of learning, which was to exist for all time thereafter, His Majesty intended that all the landed Endowment of the College should be retained in the same perpetuity. But if the Members of the present Corporation have and exercise the power of alienation of a part of the said landed Endowment, they or their successors may alienate the whole, and if present convenience be a sufficient argument for using the capital Endowment of the Institution now, the same inducement will be probably found sufficient at all times so long as the Endowment lasts. Your Excellency's Memorialist therefore most humbly represents to Your Excellency, not only that the alienation and use of the said Endowment in the manner represented is contrary to all principle or intention of perpetuity in the Institution, but it is also a most dangerous precedent to be set by the Council, who now act at what may be called the commencement of the operations of the University.

That Your Excellency's Memorialist from the consideration of the necessity of the preservation of landed Endowment for the purpose of giving permanency to Institutions for the promotion of learning and science,