

ecting the trusts affecting these and similar lands and properties vested in the Crown as trustee, that the B.N.A. Act, 1867, in section 109, provided that all lands and all sums due or payable for such lands should belong to Ontario, "subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same." And in this case the "trust" for the University in the University lands is separate from the "interest" of the Province.

In 1877, when member for West Elgin in the Ontario Legislature, I brought up the question of new Parliamentary Buildings, and in doing so called attention to the provisions of the expropriation Act of 1853, and to the resolutions of the former House approving of the site in the University Park, and pledging the financial credit of the Province to pay interest on the value of the site to the University Income Fund. (See v. 10, Journals Leg. Assem., 1877, p. 106.) But beyond a short debate on my motion for reports and estimates, nothing was done until 1880, when an Act was passed (43 Vic., ch. 2), based on the provisions of the Act of 1853, affirming the expropriation of a "portion of the ground forming part of the Queen's Park, and lying to the North of the College Avenue," and providing that the lands, when set off and ascertained, should be "vested in the Crown for the public uses of the Province, freed and discharged from any and all trusts or charges whatsoever"—these latter words being necessary to discharge the city's claim under the lease referred to.

This Act makes no reference to the controlling power of the Senate which was recognized by the Acts of 1853 and 1858, and subsequent Acts; nor does it repeal the Legislative pledge to pay interest on the value of the expropriated land which is contained in the charge expressly made on the Consolidated Revenue Fund in favour of the University Income Fund by the Expropriation Act of 1853.

The only clause in the Act of 1880 which in any way affects the provisions of the Expropriation Act of 1853 is the one which provides that the site of the present Parliamentary Buildings may be sold and the proceeds applied to recoup the Province in respect of the moneys expended for the erection of the new buildings. The Expropriation Act of 1853 provided for this charge, and also for the charge of the interest value of the land.

The Act of 1880 therefore differs but little from the Act of 1853; while it leaves untouched and unrepealed the provisions which expressly charge and pledge the Consolidated Revenue Fund with an annual payment to the University Income Fund, for the expropriated lands, and which is now a charge on that fund to which the faith of the Crown and the Legislature stands pledged; and which became operative when the Crown's act of expropriation was exercised.

It cannot reasonably be contended that the Province will expropriate lands vested in the Crown on an express charitable trust, and erect buildings on these trust lands, for its own use and occupation, without making reasonable compensation for the same to its *cestui que trust*. A subject-trustee so acting would find the punitive jurisdiction of the courts sufficiently vigorous to enforce the equitable rights of his *cestui que trust*. The Crown, as the fountain of justice, and as the especial guardian of public trusts, and as the public prosecutor to enforce trusts of a public or charitable nature, will, I feel satisfied, recognize its trusteeship and the rightful claim of the University, confirmed and assured by the Act of 1853, if properly brought before it.

Hitherto, the University Senate has been speechless on this question; perhaps paralyzed by the breach of trust committed by its predecessor in 1858. Convocation and its Executive Committee, though instructed about two years ago to investigate the alleged forfeiture of the lease to the city of Toronto of the 50 acres of the University patrimony, have also been dumb, and have thus, I fear, added force to the argument against their usefulness. To Dr. Wilson, President of University College, we are indebted for calling public attention to the financial rights and claims of the University and of its endowment, as recognized by the Acts to which I have referred. But although Dr. Wilson's appeal was made known over three months ago to the Senate and to the Executive Com-

mittee of Convocation, neither body seems to have recognized his effort nor supported his appeal. It now remains for the graduates to rally to the aid of their *Alma Mater*, and, by petitions and deputations, to ask that the public faith, pledged to her by a solemn Act of Parliament, be maintained; and to urge that the statute law, as well as the universally recognized law of express trusts, be as effective in guiding the honour and faith of the Crown, as they are binding on the conscience and duty of an ordinary subject-trustee.

THOMAS HODGINS.

A SUMMER SONNET.

As once I wandered through dim woodland ways
Full filled with Summer's presence all divine,
I came where crescent branches intertwine
And form a fragrant bower quite fit for fays;
Accordingly, there sheltered from the rays
Of the too-ardent sun, I saw recline
A nymph of fairest form—I wished were mine
Fore'er the golden grace of Summer days.

In olden times, as pristine poets sang,
Meeting a nymph made madness in the brain,
The happy wretch roamed from the world apart
In later years men miss the keener pang,
Though still they feel, as then, the pleasant pain—
I kept my head, and nearly lost my heart.

GWYN ABAUN.

THE WAYBACK LITERARY SOCIETY.

(A LETTER FROM ONE OF THE MEMBERS.)

GENTLEMEN,—With a view to establishing a footing of amicable friendship between ourselves and the members of the learned body to which I address this letter, I have decided to set before you a brief and exact account of the recent opening of the Literary Society of Wayback village.

Wayback itself is so well-known to us all as scarcely to need any description. It consists of seven taverns, offering commodious accommodation for an "animated bust" at election time, one store, a dwelling house here and there among the taverns, and on the back street the shop of a misguided barber who found his way to Wayback, God knows how! and was too dazed and hopeless on his arrival to escape again.

The village is peopled chiefly by the tavern-keepers, a few pedestrian roosters of the one-legged persuasion, a tree or two, a pump and the Literary Society.

From what has been said it is quite evident that there exists there a fine source of intellectual genius. For many moons, however, since the first germ of Wayback had been planted by the building of the first tavern and the arrival of the aforesaid misguided barber, this genius had lain dormant. The intellectual genii had contented themselves with solacing their constrained souls with chewing tobacco. But like the sleeping beauty in the wood (this expression was made use of in the inaugural address, and subsequently referred to in the Wayback *Wanderer* as a meteor) the people of Wayback were awakened from their dormancy by the reading of Gray's elegy a short time ago at a school entertainment.

Each man went home with a restless poetical feeling somewhere between his cowhide boots and his shirt button, and a keen suspicion that there was a "mute inglorious Milton" inside him somewhere. Numerous persons proceeded to the corner tavern to see whether there was any truth in Mr. Gray's theory about the impotency of an animated bust upon the wrath, a proceeding which so inflamed the "Cromwells guiltless" of the party, that their ardent desire to become "Cromwells guilty" created considerable furore in the tavern with no small bursting of pant-buttons; which, by the way, set at rest all lingering doubts in the minds of the Cromwells by having them pronounced guilty, on competent authority, a few days after. All this stimulus to intellectual activity resulted shortly