

Appendix
(D. D.)

7th May.

To give every facility in their power to such measures as are within the discretion of His Majesty's Government for overcoming the supposed difficulty, the College Council take this occasion, the first that has been presented to them, to state what are the modifications of the Charter which in their opinion it would be desirable to introduce, taking the several points which have been the subject of discussion in the order in which they occur. The Council are willing that the Bishop of Quebec being Visitor should not be insisted upon. They approve of the Charter in that point as it stands, and think it liable to no just exception; but, if it be excepted against, they would not regard that provision of the Charter as indispensable, because it is not really essential, and because usage in similar Institutions does not require it. They think, however, that no person should be Visitor who is not a Member of the Church of England, unless indeed it should be thought advisable to make the Court of King's Bench visitor in conformity to a general and constitutional principle.

The Council are willing that the President of the College, on any future vacancy, should be any Clergyman in Holy Orders of the Church of England whom the King may think fit to appoint. That provision in the Charter which makes the Archdeacon of York President, *ex-officio*, the Council admits to be inexpedient since it may very well happen that the qualifications which may very properly lead to an appointment to the Archdeaconry of York may not include all that are necessary for the important and particular duties of President of a College. The Council takes it for granted that no one contemplates any thing else than that the present Archdeacon of York, who specially named in the Charter, is to continue President so long as he may consent to do so.

The Council think it desirable that the subscription to the Thirty-nine Articles should be dispensed with in respect to the Members of the Council, who they would nevertheless recommend should be Members of the Church of England; but if His Majesty's Government deems a relaxation of the Charter on that point indispensable, the Council are disposed respectfully to acquiesce.

With regard to the clause in which mention is made of the religious tests or qualifications to be required of persons to be admitted to a Degree in Divinity, the Council are willing it should be altered so as to read thus: "And we further will, ordain and appoint that no religious test or qualification shall be required of or appointed for any person admitted or matriculated as Scholars within our said College; or of any persons admitted to any Degree, or any Art or Faculty therein, save only of persons admitted within our said College to any Degree in Divinity, respecting whom such regulations may be made as the College Council shall think fit."

The Council have thus respectfully laid before Your Excellency the objections which occur to them against the surrender of the Charter, for the purpose of throwing the whole matter as a perfectly open question before the Legislature, and they have also stated what are the alterations which they think might with advantage be made in the Charter, and in effecting which they will cheerfully give any aid in their power.

Before taking leave of the subject, however, they cannot forbear to declare that they have experienced no little surprise and mortification in perusing some of the arguments which His Majesty's Secretary of State has advanced for proving the propriety and necessity of surrendering the Charter.

In the first place, they humbly submit that the Charter of King's College cannot reasonably be called exclusive and restrictive by comparison with that of any other College in the Dominions of the Crown. And in the next place, they cannot concur in the assumption that anything contained in the Charter has necessarily had the effect of counteracting or defeating the design of the Institution, and depriving the Province of the advantage anticipated from its adoption.

They admit that representations have been made, complaining of their Charter in common with a multitude of other supposed grievances, and that His Majesty's Government in deference to these representations, has suspended the operations of the College Council; but they cannot admit that this suspension of proceeding has been otherwise necessary than from this direct interposition proceeding from His Majesty's Government.

The Council perceives that His Majesty's Secretary of State notices the fact, "that whilst no positive steps have been yet taken for giving to King's College any practical existence, the new College which Your Excellency has established has been forwarded with considerable activity, and is now open for the instruction of youth; from which fact it is assumed that experience has demonstrated that under the peculiar circumstances of Upper Canada, a College with restrictive tests is altogether inoperative for any useful purpose."

The Council do indeed very much regret, that it should have escaped the recollection of His Majesty's Government, that the progress of King's College has been obstructed by such a direct interposition of the Government, under the authority of the Secretary of State, as excludes all inferences of the kind, and such as left no room for deliberation, much less for experiment. In justice to themselves and to prevent further misapprehension on this subject, the College Council take this occasion to explain how it has happened that this Institution, founded on a solemn Charter under the Great Seal of England, has not been called into action in the few years that have elapsed since they were appointed to manage its affairs: they, therefore, beg to state that, upon the arrival of the Charter, which was a short time before Your Excellency assumed the Government of this Province, the necessary measures were taken by His Excellency the then Chancellor, and by the College Council appointed by him, for carrying its provisions into effect. In a short space of time they had purchased a very eligible site for the College; they had had a minute Survey and Report made of the value of all the lands which constitute the Endowment; and had made such arrangements as were rapidly producing the necessary funds. They had procured a model and specifications of suitable buildings, and were on the very point of advertizing for contracts to erect such parts of them as would suffice for the immediate purposes of the Institution.

They were proceeding in all this without difficulty or hesitation when Your Excellency succeeded to the Government of the Province, and in a short time afterwards (acting doubtless upon instructions received from His Majesty's Secretary of State) convened the College Council for the purpose of making to them the announcement that no further steps should be taken. This announcement was made in terms so positive, that it was declared that one stone should not be put upon another until certain alterations in the Charter had been made or proposed to the Legislature, and that as Chancellor Your Excellency would utterly refuse to concur in any further measures of the Council under present circumstances.

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