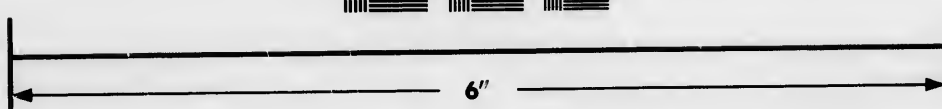
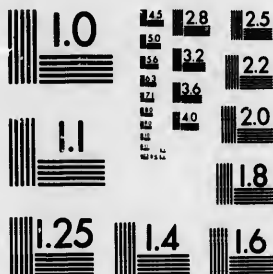


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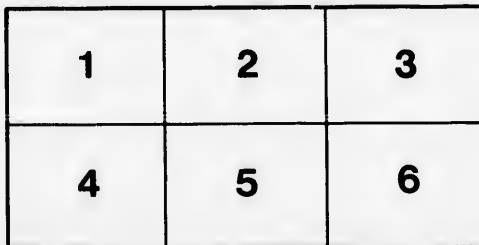
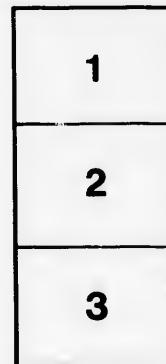
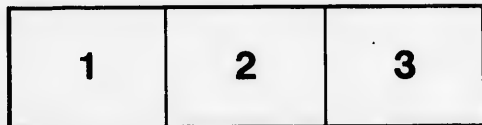
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DOCUMENTARY HISTORY  
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EDUCATION IN UPPER CANADA  
FROM THE PASSING OF THE  
CONSTITUTIONAL ACT OF 1791

TO THE  
CLOSE OF THE REVEREND DOCTOR RYERSON'S ADMIN-  
ISTRATION OF THE EDUCATION DEPARTMENT  
IN 1876.

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VOLUME III: 1836-1840.

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*Edited, under the direction of the Honourable the Minister of Education, with Explanatory Notes,*

BY

J. GEORGE HODGINS, M.A., LL.D.

BARRISTER-AT-LAW,

LIBRARIAN AND HISTORIOGRAPHER TO THE EDUCATION DEPARTMENT FOR ONTARIO.



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DOCUMENTARY HISTORY  
OF  
EDUCATION IN UPPER CANADA, 1836-1840.

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PREFATORY REMARKS.

With this Volume closes the educational proceedings of the Legislature of Upper Canada as a separate and independent Province. So varied had these proceedings been, that they only cover, in this Volume, the period of four years: 1836-1840. The Volume, however, includes, in a supplementary Chapter, (of two Parts), a record of the proceedings, (1), of the General Board of Education for Upper Canada, from 1823 to 1833, when it ceased to exist, and also, (2), a record of the proceedings of the Council of King's College,—detailing the somewhat chequered financial history of that Institution, from 1828 to the end of 1840.

This Third Volume, it may also be noted, completes, (with the First and Second), the History of Education in Upper Canada for a period of Fifty years, from 1790 to 1840. The three Volumes together, now completed, extend to over one thousand pages.

For the time, at least, the Legislature, of Upper Canada settled, in the year 1837, the troublesome and vexed question of the amendment to the King's College Charter. This was not done without a good deal of discussion, some of which is embodied in the permanent form of valuable Reports on the subject. The most comprehensive of these Reports is an elaborate defence of the King's College Council, in refusing to surrender the Charter of the College, at the request, almost peremptory, of Lord Goderich, the Colonial Secretary, in November, 1831. A second Report, even more elaborate in its character than the other, is one prepared by a Select Committee of the Legislative Council in 1837, on the proposed King's College Charter Amendment Bill, which was passed by the House of Assembly, and sent up, for the concurrence of the Legislative Council by that House.



In this comprehensive Report was raised the interesting question of the right of a Colonial Legislature to alter, or amend, a Royal Charter. The same question was raised in the Legislature of New Brunswick, in 1845, under somewhat similar circumstances. The matter was referred, in both cases, to the Imperial Government for settlement; but, in the replies of the Colonial Secretary, reasons were given for assenting to the alterations which had been made by the Legislature, but without, however, touching the point at issue.

With a view to determine a question, somewhat novel in its character, I obtained, and have inserted in their appropriate place, the opinions, on the question raised, of several gentlemen, who were known to be familiar with Constitutional Law. These opinions are the more valuable, from the fact, that they discuss several points of collateral interest.—especially as to the general powers of a Colonial Legislature in dealing with matters of Imperial concern, in so far as they affect Provincial, or now, Dominion, affairs.

Two other subjects embraced in this Volume are of special historical interest. The first is, the enlarged and comprehensive character of the educational legislation of 1839, which embraced three important measures, providing for,—

1. The endowment of the Common Schools of Upper Canada with One Million (1,000,000) acres of the Crown Lands of the Province.

2. The proposed annual grant of Eighty thousand dollars, (\$80,000,) for the support of Common Schools,—one half to be paid out of the Revenue, and the other half to be raised by taxation,—in anticipation of the sale of the proposed land grant.

3. The endowment of Grammar Schools with Two Hundred and Fifty Thousand, (250,000,) acres of Crown Lands, and also, a liberal monetary provision for these, and other, Schools, out of the "School Lands" share of the original grant of 1797.

It is greatly to be regretted that the first and second of these schemes failed to be realized,—especially as they were proposed just before the last Session of the Parliament of Upper Canada. The noble grant of One Million acres of the Crown Lands to the Common Schools was recommended by a joint Committee of both Houses. The

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Bill to give effect to this recommendation passed the House of Assembly, but only reached the Legislative Council on the day before the Legislature was prorogued—too late to receive the concurrence of that Body. The Bill to give effect to this large land grant, having thus failed, the monetary grant, supplementary to it, was not pressed to a final vote in the House of Assembly.\*

The educational proceedings of the year 1839 were further distinguished by the appointment of an influential Commission, to enquire into the condition of the Public Departments, and also "into the State of Education in Upper Canada,"—including the Common and Grammar Schools, Upper Canada College, and the financial condition of King's College University.

The Committee of the Commissioners, which was appointed to enquire into this matter, were also directed to suggest "plans" for the improvement and extension of the educational facilities of the Province, including Common Schools, Grammar Schools, Upper Canada College, as a "School," and as a "Temporary University," as well as to prescribe a Course of Study for each class of Schools, and for the double Institution, which was to be embraced in Upper Canada College.

In order to aid the Education Committee of the Commissioners in coming to a satisfactory conclusion in these matters, so as to be able to suggest suitable "plans" for the extension and improvement of Education in Upper Canada, they sought for, and obtained, the views of several noted public men on the subject. The opinions and suggestions of these Gentlemen are of special value, as they picture, with more or less vividness, the lights and shades of the Education of the times; while the remedial scheme, which the Commissioners proposed, embodied, to a large extent, the views then current among experienced Members of both Houses of the Legislature, whom the Commissioners had consulted. These Gentlemen, and indeed every one who gave any attention to the subject, united in deploring the

\* It was not until 1849,—ten years afterwards—that a movement was made to renew this project. In that year, an Act was passed by the Legislature of United Canada, granting One Million acres of the Crown Lands for the benefit of Common Schools in the two Provinces. This was by no means so generous an endowment as that recommended by a Joint Committee of the two Houses in 1839. The One Million of acres, then proposed to be set apart in that year, was intended for the benefit of the Common Schools of but one Province,—not of two, as in 1849. A provision, making a monetary grant, as in 1839, was embodied in the Act of 1849, (12 Victoria, chapter 200.)

“wretched system of Education in the Province,”—as it was characterized, in the Letter to the Commissioners, of the Reverend Robert Murray, who was, two years afterwards, appointed to be the first Superintendent of Education in Upper Canada. After all, the “System of Education,” deficient as it was in its machinery and management, did, on the whole, accomplish much good, and kept alive, in most localities, an interest in education, and a strong desire for better things. What it so greatly lacked, and what has always been regarded as essential to the life and vitality of any scheme of Education, was some system of supervision and inspection. The consequence was, that many persons, without any claims to qualifications of any kind for the office of Teachers, were indiscriminately employed; the results can be easily imagined. In many cases, the language employed, by persons who referred to this subject, was as strong as could be used, in characterizing the kind and quality of the Teachers who were engaged in many parts of the Province during the period between 1830 and 1840. All united, however, in urging the establishment, as an absolute necessity, of at least four Normal Schools in Upper Canada—so great was the destitution then in regard to Teachers in the Province.

It may easily be accounted for, that the elaborate Report of this Education Committee of the Commissioners produced no immediate result, although it was a store-house of information and suggestion. The Public mind, at the time, was too largely absorbed in the consideration and discussion of the greater scheme of political amelioration which was unfolded in the memorable Report of the Earl of Durham, Lord High Commissioner. The Union of the Provinces of Upper and Lower Canada also loomed in the distance; and the two subjects together combined to exclude from practical action, on the part of the Legislature, the important subject of education, especially as it was felt that, as a subordinate matter, it could most probably, be more effectively dealt with under the proposed new *regime*.

The less practical part of the educational proceedings of these times was the provision, in the Act of 1839, “for the Advancement of Education in the Province,” for the establishment of a “Temporary University.” in Upper Canada College. The Education Commis-

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sioners were directed to prepare a scheme to give it effect. This they did. But it was a cumbersome and ineffective plan, although somewhat elaborate in its details. The provision in the Act, (2 Victoria, Chapter 10,) was a reproduction, although in a less ambitious form, of an abortive scheme of the same kind, which was adopted by the House of Assembly in 1830, but rejected by the Legislative Council.\* It was, no doubt, an attempt to solve the University question of the times, as was the very establishment of Upper Canada College itself intended to be a compromise on the same subject. In both cases, the object clearly was to postpone the establishment of the University until effective steps had been taken to largely increase the number, and greatly to improve the character, of the Common Schools, and also to multiply the number of Grammar Schools throughout the Country. The latter were felt to be absolutely necessary, for, without them, Students could not be prepared for entering the University.

Most of the educational contests in the Legislature took place on this subject; and, year after year, one, or other, prominent Member of the House of Assembly would move that some practical steps be taken to give effect to the secondary object of the original grant of 1797, and to provide for the establishment of "Free Grammar Schools" out of the "School Grant" share of that first educational endowment. The Lieutenant Governor was frequently addressed on the subject; but no steps were ever taken to provide a machinery for giving effect to these Resolutions and Addresses adopted by the House of Assembly in regard to "Free Grammar Schools." It is true, that a large additional land grant was made to the Grammar Schools in 1839; but, by this grant, it was not intended to make these Schools "free."

At the close of this Volume, I have referred to the unjust criticism, (in regard to Upper Canada College and the University,) which was practically endorsed by Lord Glenelg and the Earl of Durham. I have also pointed out what was, no doubt, the real cause of the prolonged dispute in regard to Upper Canada College, and to some extent, of the University.

J. GEORGE HODGINS.

TORONTO, 16th January 1895.

\* See pages 301 and 305 of the First Volume of this Documentary History.

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## CHAPTER I.

(SUPPLEMENTARY TO VOLUMES I AND II OF THIS DOCUMENTARY HISTORY.)

## PART I. PROCEEDINGS OF THE FIRST GENERAL BOARD OF EDUCATION FOR UPPER CANADA, 1823-1833.

This Documentary History of Education in Upper Canada would scarcely be complete without a fuller and more connected reference (than I have hitherto been able to give,) to the Proceedings of the First General Board of Education for Upper Canada, and of the Second Board, which was the more important of the two, and was known as the Council of King's College, Upper Canada.

I have, therefore, gone carefully over the original Minutes of this first Board of Education, and of the second, or more important Council,—that of King's College,—and have selected and extracted only such portions of the Proceedings of these Bodies as appeared to be of general public interest.\* In order to give these extracts a connected and consecutive form, I have embodied them in their chronological order, in this Chapter, as supplementary to the earlier Chapters in Volume One, and to the later Chapters in Volume Two, of this History.

The following is an account of the proceedings of the First Meeting of the General Board of Education for Upper Canada, appointed under the authority of the Imperial Government in 1823. The names of the Members of the Board are given on page 196 of the First Volume of this History. The Board ceased to exist in March, 1833. Its proceedings during these years are frequently referred to in the First and Second Volumes of this Documentary History.

The following is a copy of the Minutes of the first Meeting of the Board :

*June 14th, 1823.* The Board for the General Superintendence of Education in Upper Canada, met for the first time this day, in the Executive Council Chamber, and several papers laid before it were read, videlicet :

Letter of appointment of the Reverend Doctor Strachan as President of the Board, dated the 26th of May, 1823 ; copy of a letter from Major G. Hillier, the Lieutenant-Governor's Secretary, dated 13th (not "30th," of May, 1823, and printed on page 180 of the First Volume of this Documentary History) ; extract of a Despatch from His Excellency, Sir Peregrine Maitland, the Lieutenant-Governor. (on page 179 of the First Volume of this History) ; extract of a Despatch from Earl Bathurst, Colonial Secretary, in reply ; a list of the Townships, appropriated for the Endowment of Schools.

It was resolved that the Honourable Colonel Wells' name be most respectfully submitted to His Excellency, the Lieutenant-Governor, for his approbation, as Treasurer of the Board, with an allowance of five *per centum* on the actual income accruing to the Board from the sale of School Lands.

It was resolved that the name of James Givens, junior, be likewise most respectfully submitted to His Excellency, the Lieutenant-Governor, for His approbation, as Secretary to the Board, with a salary for the first year of not less than Fifty pounds (£50) per annum

\* For permission to consult, and take copies of, these old documents, I am indebted to Mr. J. E. Berkeley Smith, Bursar of the University of Toronto.



The Board directed the Reverend Doctor Strachan, the President, to write to Colonel Talbot, at Port Talbot, Lake Erie, requesting him to take charge of the School Reserves in the London District, and to communicate to the Board his opinion as to the best method of disposing of them, and the probable prices that may be obtained for them.

The Board directed the President to communicate with The Honourable George H. Markland, at Kingston, and the Reverend Robert Addison, at Niagara, on the subject of establishing National (Church of England) Schools at Kingston and Niagara.

The Board likewise directed the President to submit to His Excellency the Lieutenant-Governor the propriety of transferring the School Fund, now in the hands of His Majesty's Receiver-General, to their Treasurer, as contingent expenses for stationery, advertisements, etc., which must be immediately incurred.

The Honourable Thomas Ridout, Surveyor-General, having mentioned that the Township of Blandford had not yet been surveyed, the Board submitted to the Lieutenant-Governor the propriety of advertising the same for survey, on the usual terms adopted by His Majesty's Government.

JOHN STRACHAN,  
President.

YORK, 14th June, 1823.

#### CHURCH OF ENGLAND NATIONAL SCHOOLS IN UPPER CANADA 1820-1823.

On the 3rd of February, 1831, an Address from the House of Assembly to Sir John Colborne, the Lieutenant Governor, was passed. It asked for copies of two Despatches:—one from Sir Peregrine Maitland, the Lieutenant Governor written in 1822, to Earl Bathurst, the then Colonial Minister, and the other in the reply to that Despatch.\* Sir John Colborne, responding to this Address, said that Sir Peregrine Maitland's Despatch related to "School Lands and the Organization of Schools;" and the other, he said, had "been laid before the House," and was an extract from Lord Bathurst's reply to the Despatch of Sir Peregrine Maitland. He did not, however, furnish the House with a copy of either Despatch; and the only extracts from them then given by him were too meagre to be of much service. I, therefore, now give as much of both Despatches as are entered in the first Volume of the Minutes of the General Board of Education for Upper Canada, under date of the 14th of June, 1823.†

#### DOCUMENTS SUBMITTED TO THE GENERAL BOARD OF EDUCATION FOR UPPER CANADA, AT ITS FIRST MEETING, ON THE 14th OF JUNE, 1823.

##### 1. *Extract of a Despatch from Sir Peregrine Maitland to Earl Bathurst, Secretary of State for the Colonies, in 1822.*

Much good might be effected by the organization of a general system of Education; an object to which might be, applied the proceeds of the sale of some portion of the Lands set aside, under the title of School Reserves; consisting of twelve Townships, comprising 740,000 acres, still, however, reserving a certain portion for the future endowment of an University, should such an establishment not be considered advisable at present.

1. It is proposed to establish one introductory School on the National [Church of England] plan in each Town of a certain size.‡ It is supposed that a salary of One Hundred pounds.

\* The date of the writing of this Despatch is indifferently given as in 1822 and 1823. It, however, was written in 1822, as the reply to it is dated in the autumn of that year, videlicet, 12th of October, 1822.

† These Despatches are referred to on pages 174-180, 204, 244 and 284 of the First Volume of this Documentary History, and on pages 19 and 20 of the Second Volume.

‡ The kind of Schools here authorized, —two years after the one in York was established, —are fully described on pages 174-180 of the First Volume of this Documentary History.

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(£100.) per annum to the Master of each such School would be sufficient. The number of these Schools may be increased, as the circumstances of the Province may require, and the revenue may allow.

2. With a view to engaging Teachers of a more respectable description ;\* and, if necessary, from the Mother Country, it is proposed that an additional allowance of One Hundred pounds, (£100.) per annum be made to the Master of each District (Grammar) School,—those now receiving One Hundred pounds, (£100.) per annum each under a Provincial Statute,—and that, to each of these Schools, there be attached four, or six, free Scholarships, to which the Provincial Government may nominate the children of poor and loyal subjects.

3. That the whole of these Schools of both orders [National and Grammar] be placed under the Superintendence of a General Board of Education, to be held at the seat of Government.

4. That to the President of the Board, on whom the more active duties of it must necessarily devolve, and who should, occasionally, visit the different Schools, and must incur expense in conducting the necessary correspondence, etc., there be allowed a salary of Three Hundred pounds, (£300.) per annum. That the services of the other Members of the proposed Board, who will only be required to attend periodical meetings, should be gratuitous.

5. That a percentage be allowed to some fit person to act as Secretary to the Board and Treasurer of the funds.

The mischiefs which may result from the introduction of School Masters and School Books from the United States, have been alluded to in a former Despatch, and the recent return of a Member to the House of Assembly affords one instance of the baneful influence of the mischiefs arising from this source.†

YORK, 1822.

P. MAITLAND.

2. *Extract from the reply to this Despatch of Lord Bathurst, the Colonial Secretary, dated the 12th of October, 1822.*

I am happy to have it in my power to convey to you His Majesty's consent that you appropriate a portion of the Reserves of Land set aside for the establishment of an University

\* Considering the kind of Teachers then employed in Upper Canada, those "of more respectable description" would be very desirable. See pages 37, 51, 70 and 346 of the Second Volume of this Documentary History.

† Dr. Thomas Rolph, who travelled in Upper Canada in 1832-3—ten years after this Despatch was written—thus refers to the state of the Schools in the Province, at that time. He says: "It is really melancholy to traverse the Province, and go into many of the Common Schools; you find a herd of children, instructed by some anti-British adventurer, instilling into the young and tender mind sentiments hostile to the Parent State; false accounts of the late war in which Great Britain was engaged with the United States; geography setting forth New York, Philadelphia, Boston, etc., as the largest and finest cities in the world; historical reading books, describing the American population as the most free and enlightened under heaven; insisting on the superiority of their laws and institutions, to those of all the world, in defiance of the agrarian outrages and mob supremacy daily witnessed and lamented; and American spelling-books, dictionaries, and grammar, teaching them an anti-British dialect, and idiom; although living in a Province, and being subjects, of the British Crown."—*Observations Made during a Visit, in 1832, 33, together with a Statistical Account of Upper Canada—By Dr. Thomas Rolph, Ancaster, Gore District, Upper Canada. Dundas, 1836.*

It may be proper to remark here that it was not until 1846 that a check was put upon this abuse of public confidence on the part of American, or Americanized, teachers. In the Upper Canada Common School Law of 1850 it is provided that "no foreign book in the English branches can be used in any Model or Common Schools without the express permission of Council of Public Instruction." Foreign Teachers were also required by the School Acts of 1843 and 1850 to take the oath of allegiance to Her Majesty before they could receive a certificate of qualification from the County Board of Public Instruction. These restrictive provisions of the school law are thus justified by the Reverend Doctor Ryerson, in his Special Report to the Legislature in 1847: "I think that less evil arises from the employment of American Teachers than from the use of American text-books \* \* \* \* Whatever may be thought of the wisdom or expediency of restricting legal certificates of qualification to natural born or naturalized British subjects, I believe public sentiment is against its repeal, and in favour of having the youth of the country taught by our own fellow-subjects, as well as out of our own books \* \* \* In regard to the exclusion of American books from the schools, I have stated that it is not because they are foreign books simply that they are excluded, but because they are, with very few exceptions, anti-British, in every sense of the word. They are unlike the school books of any other enlightened nation, so far as I have the means of knowing. The school books of Germany, France and Great Britain contain nothing hostile to the institutions or derogatory to the character of any other nation \* \* \* American school books, with very few exceptions, abound in statements and allusions prejudicial to the institutions of the British nation, etc."—*Eighty Years Progress in British North America, 1783-1863. Article: Historical Sketch of Education in Upper Canada. By J. George Hodgins, M.A., LL.B., F.R.G.S. Page 393.*

No doubt a great change has come over the American mind since then, and particularly since the Civil War. "Loyalty" and "Allegiance" are no longer bywords of scorn.

for the support of Schools on the (Church of England) National plan of Education. You will exercise your own discretion with respect to the manner in which you will execute this object, part of the details of which you have already proposed to me in the Memorandum delivered by Mr. John B. Robinson, taking, at the same time, due precaution not to endanger the ultimate interests of the University, whenever the Province, at probably no distant period, may require its satisfactory organization; and, for the furtherance of this purpose, I will not fail to transmit to you a due allotment of Bibles and Prayer Books on your requisition.

2. With respect to the sale of the University Reserves, with the view of more general cultivation and concentration; and of applying their proceeds to the same purposes, this point must be left to your careful discretion. I have only to observe that when Colonel Talbot suggested the expediency of such a sale in his own District, he estimated the probable amount of the sale at Thirty or Forty Thousand pounds (£30,000 or £40,000). I merely state this, that you may be informed of the fact, without offering any opinion upon it myself.

COLONIAL OFFICE, DOWNING STREET,  
LONDON, 12th October, 1822.

BATHURST.

3. List of Townships in the Province of Upper Canada, originally appropriated, either in whole, or in part, for the endowment of Schools.\*

Name of District.	Name of Township.	Acres in each Township, as originally appropriated for schools.	Acres now remaining in each Township under original appropriation	Difference of acreage in the present and original appropriation.
Ottawa .....	Alfred .....	25,143	none.	25,143
	Plantagenet .....	40,000	none.	40,000
	Bedford .....	74,286	74,286	"
Midland .....	Humberbrooke .....	80,572	80,572	"
	Sheffield .....	63,858	63,858	"
Newcastle .....	Seymour .....	33,286	33,286	"
	Blandford .....	20,429	20,429	"
	Houghton .....	65,000	19,000	46,000
London .....	Middleton .....	35,000	14,000	21,000
	Southwold .....	40,500	17,000	23,500
	Westminster .....	51,143	9,000	42,143
	Yarmouth .....	20,000	14,000	6,000
		549,217	345,481	203,786
Home .....	Luther† .....		47,000	
	Proton† .....		47,000	
			439,431	
Deficiency of acreage yet to be made up.....			109,786	
Original Appropriation, as shown in the first column of figures.....			549,217	

SURVEYOR GENERAL'S OFFICE,  
YORK, 27th March, 1823.

THOMAS RIDOUT,  
Surveyor General.

\* The following is a Note on page six of the Minutes of the Board of Education in regard to this list. From the record on page 46 of these Minutes, it appears that the original appropriation of these lands was made by the Government on the 1st of December, 1798.

† These Townships were added, in lieu of those of Alfred and Plantagenet, in the Ottawa District;—still leaving a deficiency in the original appropriation of 203,786 acres. See Memorial of the General Board of Education to the Lieutenant Governor, on the subject of the deficiency in the original grant of 1798, in the Minutes of the Board, dated the 7th of March, 1826, —page 6, post. In that Memorial, and elsewhere, the deficiency is accounted for as having been caused by "grants to individuals" past or prospective. See pages 102, 103, and 133 of the Second Volume of this Documentary History.

*4. Report of the Executive Council on a Proposed General System of Education for Upper Canada, 1823.*

The foregoing Documents, having been referred to the Executive Council, in a Letter from Major G. Hillier, the Secretary of Sir Peregrine Maitland, dated the 13th of May, 1823,\* the Council took them into consideration, and made a Report thereon to the Lieutenant Governor, dated the 14th of May, 1823. The Report was as follows :—

*Report of a Committee of the Honourable the Executive Council, on the subject of a proposed General System of Education, to be established in Upper Canada, under the sanction of His Majesty's Government.†*

Present, at an Executive Council meeting at York on Wednesday, the 14th of May, 1823.—the Honourable William Dummer Powell, Chief Justice, Chairman, and the Honourable Messieurs James Baby and Samuel Smith, and the Honourable and Reverend Doctor Strachan.

*To His Excellency Sir Peregrine Maitland, Lieutenant Governor of Upper Canada, etc.*

MAY IT PLEASE YOUR EXCELLENCY,

The Committee of the Executive Council, having under its consideration the Letter of Major Hillier of 13th instant, with its enclosures, on the subject of the School Township Reserves, to be sold, or conveyed, in trust to the General Board of Education for Upper Canada, to be established under the sanction of His Majesty's Government, conveyed in the Despatch of Earl Bathurst—of the 12th of October last,—copies of which accompany Major Hillier's Letter, respectfully submit,

2. That the contingency of receipt on any Sale of Lands at this period, affords no adequate assurance of a specific income to enable the Committee to specify the portions requisite to fulfill the plan submitted last year by your Excellency to Earl Bathurst.

3. That the proposed addition to the Salaries of the eleven District

(Grammar) Schoolmasters will amount to the sum of . . . . .	£1,100	“	“
The Salary of the President of the General Board of Education . . . . .	300	“	“
To the National (Church of England) School in each District . . . . .	1,100	“	“
Contingencies . . . . .	500	“	“
	£3,000	“	“

4. To promote this Income certain, Fifty Thousand pounds (£50,000,) must be raised by sale of the School Reserves ; and, if no more can be reasonably expected on the average sale, it will require the sale of two hundred thousand (200,000) acres.

5. In obedience to your Excellency's commands, which require the Lands to be conveyed to the General Board of Education, for the purposes designated, it is suggested, that the Lands in the Townships of the London District, will produce the highest prices at present, which do not, however, contain the number of acres proposed, therefore, the Committee respectfully submit : that the Lands reserved for Seminaries of Learning, remaining in the Townships of Yarmouth, Westminster. Southwold, Middleton, Houghton and Blandford, together with the Townships of Seymour and Sheffield, may be applied to carry into effect the intentions of His Majesty's Government.

All which is humbly submitted,

WILLIAM DUMMER POWELL,  
Chief Justice and Presiding Councillor.

EXECUTIVE COUNCIL OFFICE,  
14th of May, 1823.

NOTE. Meetings of the General Board of Education for Upper Canada were held on the 26th of July, the 1st of November and the 26th of December, 1823 ;

\*A copy of this Letter will be found on page 180 of the First Volume of this Documentary History. The copy, from which it was there transcribed, gave its date as the 30th, instead of the 13th of May, 1823.

†These proceedings, and the Report of the Executive Council on the subject referred to it, are briefly mentioned on pages 180, 196 and 197 of the First Volume of this Documentary History.

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also on the 30th of January, 15th of March, 4th of May, 24th of September, 1824; on the 13th of January, 10th of February, 21st of March, 29th of June, 6th of October and on the 23rd of December, 1825; but the business transacted at these meetings was of no public importance.

*March 7th, 1826.* The General Board of Education for Upper Canada met at the Executive Council Office, this day. When it was resolved that the following Memorial should be submitted to His Excellency, Sir Peregrine Maitland, the Lieutenant Governor in Council:—

*To His Excellency Sir Peregrine Maitland, Lieutenant Governor of Upper Canada, etc.*

The Petition of the President and Members of the Board for the General Superintendence of Education in this Province, Humbly Sheweth:—

That, according to the original appropriation of Lands made under the sanction of His Majesty's Government on the 1st day of December, 1798, in order to raise a fund for promoting Education, 549,217 acres were set apart as reserved for that purpose. That these reservations were made for this purpose in the following Townships, videlicet:—

Name of Township.	Acres.	Name of Township.	Acres.
In Alfred .....	25,143	In Houghton .....	65,000
" Plantagenet .....	40,000	" Middleton .....	35,000
" Bedford .....	74,286	" Southwold .....	40,500
" Hinchinbrook .....	80,572	" Westminster .....	51,143
" Sheffield .....	63,858	" Yarmouth .....	20,000
" Seymour .....	33,286		
" Blandford .....	20,429	Total acres appropriated for Schools,	459,217

These lands continued to be reserved for many years, agreeably to the original order.

2. That subsequently, to facilitate the formation of roads and settlements, and for other objects, the Government of this Province has, from time to time, granted to individuals, or reserved in order to grant them, various portions of such reservations, amounting in the whole to 203,786 acres:—

3. That in the Townships of Luther and Proton, in the Home District, newly surveyed, 94,000 acres (or 47,000 acres in each) have been reserved, in order to replace, in part, the portions of the original reservation which have been applied, as above mentioned, to purposes inconsistent with the object first intended, and that the lands now reserved, for the purpose of providing means of Education, do not in the whole exceed 439,431 acres, and falling short of the appropriation, made by the order of the 1st December, 1798, by 109,786 acres.

4. Your Memorialists humbly beg leave to represent to your Excellency, that, independently of the fact, that the Lands recently set apart to replace those reserved, are of considerably inferior value, it is, in the opinion of your Memorialists, very desirable that the full quantity originally intended to be assigned to the important object, for which they have been appointed Trustees, should be preserved; and, to that end, they pray that your Excellency in Council will be pleased to order that such quantity of the Lands now remaining at the disposal of the Crown, will be sufficient to make up the original reservation, may be set apart for that purpose.†

And your Memorialists, as, in duty bound, will ever pray.

JOHN STRACHAN,  
President.

OFFICE OF THE GENERAL BOARD OF EDUCATION FOR UPPER CANADA,  
YORK, the 7th of March, 1826.

\*Reference is made in the First Minutes of the General Board of Education to this Memorial and the Land appropriations mentioned in it, on page 1 *ante*.

†The Executive Council made a full report to Sir John Colborne in 1831 on the then state of the University and Free Grammar School endowment of 1797, 98. See pages 44-46 of the Second Volume of this Documentary History; see also pages 101-105, 133, 138 and 279 of the same Volume.

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NOTE. Meetings of the General Board of Education for Upper Canada met at intervals in 1827, and in January, 1828, but no business of public importance was transacted at them, nor at the Meetings of August 16th, and of the 28th of November, 1828. In September, 1828, the Honourable George Herchmer Markland, was appointed by Sir Peregrine Maitland, Lieutenant Governor, Secretary of the Board, in place of Mr. James Givins, junior.

May 6th, 1828. The Board met this day, and, after discussing the matter, it was.

Resolved that the Mayor's English Spelling Book, reprinted at Kingston by Mr. James McFarlane, is a Book which it would be desirable to introduce into the Common Schools throughout this Province; and that, in order to do so with the least expense, and so as to afford the necessary number of copies, it is advisable to have the work printed on paste board sheets, containing a page on each side of the sheet.

The President was requested to ascertain what the charge will be of printing the work in this form, and what would be the expense of 2,000 copies. It was also—

Resolved, that the expense be ascertained of printing, in the same form, such a small elementary treatise in Arithmetic, as the President shall think eligible for the use of the Common Schools.\*

February 5th, 1829. The General Board of Education for Upper Canada met this day. The Reverend Doctor Strachan, President of the Board, submitted the draft of a Report on the Schools of Upper Canada, for the year 1828, to the new Lieutenant Governor, Sir John Colborne, which was approved, and was ordered to be sent to the Lieutenant Governor.

(This Report is printed on pages 265-268, of the First Volume of this Documentary History).

April 4th, 1829. At a meeting of the General Board of Education for Upper Canada held this day, the Reverend Doctor Strachan, President of the Board, laid before it the copy of a Letter dated the 31st of March, 1829, and addressed by Sir John Colborne, the Lieutenant Governor, to the Reverend Doctor Jones, Vice Chancellor of the University of Oxford. He also laid before the Board the copy of a Communication from Sir John Colborne to the Executive Council, enclosing a copy of the letter to the Vice Chancellor, in which he had asked the Vice Chancellor to select Masters for the new College. In his communication to the Executive Council, the Lieutenant Governor said:—

The Seminary [Upper Canada College], which the General Board of Education is anxious to see established, will consist of four Classical Masters, one Mathematical Master, two Masters for Writing and Arithmetic, a French and a Drawing Master. The annual expense of this establishment of Masters will amount to Two Thousand, Five Hundred pounds, (£2,500,) videlicet: the Principal, Six Hundred pounds, (£600.); three Masters, at Three Hundred pounds, (£300.) each: two, at Two Hundred pounds, (£200.) each; one, at One Hundred and Fifty pounds, (£150,) and one, at One Hundred pounds, (£100.)

To defray this expenditure, it is estimated, that the School dues of one hundred Scholars, at Eight pounds, (£8,) each, will amount to Eight Hundred pounds, £800.0 0

The District Grammar School allowance, One Hundred pounds, £100.0 0

The Reverend Doctor Phillips, salary transferred, Two Hundred and Fifty pounds £250.0 0

£1,500.0 0

It is proposed by the General Board of Education, with the sanction of the Executive Council, that it should sell, or lease, the ground [Block D, North of] the [St James'] Church, which has been appropriated for the use of the (District) Grammar School. The revenue from that source will, perhaps, yield Four Thousand pounds, (£4,000,) per annum. The Township of Seymour may also be disposed of,—from the sale of which, Five Hundred pounds, (£500,) per annum may be expected.

\* The reference of this matter to the Reverend Doctor Strachan may have been suggested by the fact that in 1809 he had prepared a text book on Arithmetic—the Title Page of which was as follows: "A Concise Introduction to Practical Arithmetic for the use of Schools. By the Rev. John Strachan, Rector of Cornwall, Upper Canada. Montreal: Printed by Nahum Mower, 1809." 12mo; 214 Pages. This Book and Doctor Strachan mode of teaching Arithmetic are referred to on page 45 of the First Volume of this Documentary History.

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The Lieutenant Governor has requested His Majesty's Government to grant One Thousand pounds, (£1,000,) per annum from the Territorial Revenue for the support of the College.\* If these arrangements should be carried into effect, the revenue of the College will amount to Three Thousand and Fifty pounds, (£3,050,) per annum.

It is recommended that the buildings for the School and Masters may be erected on the part of the Military Reserve adjoining Peter Street, and parallel with it. The Homes may be completed for Five Thousand pounds, (£5,000.)

It is intended also to attach several Exhibitions to the College. With proper encouragement, the Lieutenant Governor is persuaded that it will flourish and prove in every respect advantageous to Upper Canada.

GOVERNMENT HOUSE,  
YORK, April 1829.

J. COLBORNE.

The Board authorized the Honourable Joseph Wells, the Treasurer, to transmit to England the sum of Fifteen Hundred pounds, (£1,500,) for the purpose of enabling the Vice Chancellor, to advance One Hundred pounds, (£100,) as an outfit, for the Principal and Masters, to be selected by him, for the Upper Canada College, in terms of Sir John Colborne's letter to him, dated the 31st of March, 1829.

April 24th, 1829. At a Meeting of the General Board of Education for Upper Canada, held this day, The President announced to the Board, that His Excellency Sir John Colborne, the Lieutenant Governor, had been pleased to signify to him, that he had thought fit to increase the number of this General Board of Education for Upper Canada; accordingly the following gentlemen were introduced and having produced their letters of appointment, took their places. The newly constituted Board then consisted of:—

The Honourable and Venerable Archdeacon Strachan, and the Honourable Messieurs Duncan Cameron, Joseph Wells, George Hérchmer Markland, John Henry Dunn and William Allan; also Messieurs John Beverley Robinson, Charles Coxwell Small, Grant Powell, James Fitzgibbon and Christopher Widmer, Esquires.

The Board took into consideration the following letter from the Secretary of His Excellency The Lieutenant Governor, dated the 21st of April, 1829:—

I have the honour, by the direction of the Lieutenant Governor, to acquaint you that he requests that your early attention may be given to the state of the [Church of England National] Central School; and trusts that the General Board of Education (as its Directors) will be able to make such arrangements as may insure its becoming a very useful Institution.

I am also to observe that Mr. Joseph Spragge, the Master, is at present suspended; but His Excellency will consent to his being restored to his office, if the Directors should think that the School can be again, with prudence, placed under his charge. His Excellency is, however, of opinion that an Assistant should be appointed, and that the School Room should be enlarged.

GOVERNMENT HOUSE,  
YORK, 21st April, 1829.

Z. MUDGE.

The Board having considered the letter from His Excellency's Secretary, it was

*Resolved*, That Mr. Joseph Spragge be continued in charge of the Central School, with the express understanding that he be punctual in his attendance, and assiduous in the discharge of his duty.

At a subsequent Meeting of the Board (held on the 28th of April, 1829,) certain Rules and Regulations for the government of the Central School were drawn up and prescribed; and, at a Meeting of the Board, held on the 30th of April, Sir John Colborne intimated it to be his desire that "the Central School should afford such an education as would suit those persons who might find it convenient to send their children afterwards to the College of Upper Canada."

*May 13th, 1829, to the 11th September, 1830.* The Meetings of the General Board of Education for Upper Canada, which took place at and between these two dates, (of May, 1829, and September, 1830.) were taken up in deciding upon the Sites of the College of Upper Canada and of the dwelling Houses for the Masters, and their four families. Tenders were received for the erection of these buildings,

\*The money grants made to the Upper Canada College are mentioned on page 289 of the First Volume of this Documentary History. See also page 294, of the same Volume.

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varying from Five thousand, Two Hundred and Sixty Eight pounds, (£5,268,) to Five Thousand, Eight Hundred pounds, (£5,800.) The tender of Mr. Mathew Priestman for the former sum was accepted, and, it was ordered,—on the 27th of June 1829,—

1. That the College Building and the Dwelling Houses for four families be placed [in Russell Square]\* on a line with King Street, one hundred and thirty-two feet from the road, provided that this arrangement should meet with the approbation of the Lieutenant Governor.

2. That the offer of Mr John Ewart, to take the superintendence of these erections, (as Clerk of Works,) at two and one half per cent, be accepted.

On the 14th of July, 1829, it was agreed to remove the Home District (Grammar) School, from its present site—which had been sold by auction in small lots,—to that of the reservation for the Central (Church of England) School. It was, therefore, removed to the corner of March, (Lombard,) and Newgate, (Adelaide,) Streets, at a cost of Sixty four pounds, (£64.) (See page 7.)

In September, 1829, it was ordered that this now "Royal Grammar School" House be fitted up for the reception of the Master and Boys of the proposed Upper Canada College. It was also agreed, in December, 1829, to employ Mr. John Ewart to erect a small frame House, 18 x 24 feet, and ten feet high, for a Preparatory School, at a cost of Forty pounds, (£40,) so that, as pointed out by the Reverend Doctor Strachan, "the Central (National) School, on an enlarged scale, should be opened at the same time with the College of Upper Canada, in order to shew that the advantage of all classes was attended to," and considered.

*November 26th, 1830.* At this Meeting, of the General Board of Education for Upper Canada, the Lieutenant Governor called the attention of the Board to the necessity of prescribing certain rules and regulations for the internal government of the Upper Canada College and its pupils. The Board, therefore, agreed to certain general principles which should govern in these matters, but did not prescribe any definite rules or regulations.

The following Communication from His Excellency the Lieutenant Governor, which he had addressed to the Executive Council, was laid before the Board for consideration :—

The Lieutenant Governor transmits for information of the Executive Council the accompanying Despatch from the Secretary of State for the Colonies, and, with reference to the approval of the Lieutenant Governor's second proposal, videlicet : "To Endow the Upper Canada College," he thinks it will be advantageous to the Province to direct that the Township of Seymour† shall be divided into lots of two hundred acres each, and the alternate lots of half the Township, be set apart for the use of the College, and the remaining lots be sold, as soon as possible, by the Commissioner of Crown Lands, and that the proceeds of the sales be carried to the account of the Territorial Revenue of the Crown.

2. The Lieutenant Governor proposes that a quantity of lands, equal to that given by transfer, may be given over to the charge of the General Board of Education, who are the Upper Canada College Trustees, in any Township at the disposal of His Majesty's Government.

3. The Reserve in Wilmot, which would have fallen to the University, had they not been promised conditionally to German Settlers, may, with propriety, be selected as a part of the land with which the Upper Canada College is to be endowed.

4. The Lieutenant Governor also recommends that all the Townships set apart for the maintenance of Schools may be divided and exchanged, as above proposed.

J. COLBORNE.

GOVERNMENT HOUSE,  
YORK, November, 1830.

\*The selection of this site for Upper Canada College was made on the 27th of May, 1829 ; see page 287 of the First Volume of this Documentary History.

†In regard to the grant of this Township to Upper Canada College, see page 289 of the First Volume of this Documentary History. See also pages 102, 104, 129, 130, 131, and 138 of the Second Volume of this History.



*Enclosure: Proceedings of the Executive Council on the foregoing Communication.*

At a Meeting of the Executive Council, held at York, Wednesday, 17th November, 1830. Present—The Honourable John Beverley Robinson, Chief Justice, Chairman; the Honourable Messieurs James Baby, Peter Robinson and George Herchmer Markland.

*To His Excellency, Sir John Colborne, Lieutenant Governor of Upper Canada, etc.*

MAY IT PLEASE YOUR EXCELLENCY.

The Council entirely concurs in the recommendations of your Excellency contained in this reference, assuming that an equivalent in lands may be so arranged in the proposed exchanges, as neither to prejudice the interests of the Crown, nor of the School Fund,—and, indeed, it appears to the Council that the measure suggested will be highly favourable to the public interests, affording to the Crown the means of dispensing more generally through the Country the many respectable Emigrants arriving from Europe. The Council, however, take the liberty of suggesting that, before any measure is adopted, a reference should be made to the Board of Education upon this subject generally, in order that their sentiments may be obtained upon it, and that some plan may be arranged for facilitating the proposed exchanges in a satisfactory manner.

All which is respectfully submitted.

JOHN B. ROBINSON,  
Chief Justice, Presiding Councillor.

EXECUTIVE COUNCIL CHAMBER,  
YORK, 17th of November, 1830.

Upon reading the Document, it was

*Resolved* :—That the General Board of Education entirely concur in the suggestion of His Excellency the Lieutenant Governor that the Township of Seymour shall be appropriated to the support of the Upper Canada College, and that it shall be disposed of in the manner pointed out by His Excellency. It was also

*Resolved* :—That the Board coincide perfectly in opinion with His Excellency, and with the Executive Council, as to the expediency of making the proposed commutation of part of the School Lands for other vacant lands of the Crown, in order that, by the settlement of alternate lots, through the agency of the Commissioner for Crown Lands, the remainder may become more valuable and more readily disposable; and that the Board will willingly enter into any arrangements that may tend to facilitate such exchanges.

THE REVEREND DOCTOR STRACHAN'S REPORT ON UPPER CANADA COLLEGE.

*February 23rd, 1831.* At the preceding meeting of the General Board of Education for Upper Canada held on the 11th of December, 1830, Sir John Colborne, the Lieutenant Governor, requested the Board, (as Trustees of the Upper Canada College,) to be present at the examination of the College. The Board, thereupon, appointed the Reverend Doctor Strachan, its President, to represent the Board on that occasion, (which he did). At this meeting of the Board, Doctor Strachan reported the result of his observations at the examination, in the form of a Report to the Lieutenant Governor,—chiefly historical,—which he submitted to the Board for its adoption, as follows :—

*To Sir John Colborne, Lieutenant Governor of Upper Canada, etc.*

MAY IT PLEASE YOUR EXCELLENCY.

The General Board for the Superintendence of Education throughout the Province, in reporting upon the present state of Upper Canada College, find little more for them to do than to introduce the Principal's able account of the Institution, by a very brief notice of its extent and progress.

2. Soon after your Excellency's arrival in the Colony, your attention was drawn to the subject of Education, in the improvement of which you had been eminently successful in your former government [of the Island of Guernsey]. Here a much wider sphere presented itself, and, being comparatively a new Country, much more remained to be done.

3. Under this impression, your Excellency was pleased to call the notice of the Legislature to this important subject in your first Address to both Branches of that Honourable Body [on the 8th of January, 1829]; for while, it was admitted, that the Schools were increasing in all parts of the Province, it was sufficiently evident that the general system might be very much amended; and that the Grammar Schools, in the several Districts, might be rendered far more efficient, and their course of instruction much more extensive.

4. In commencing with the Royal Grammar School (at York), it was understood that, after placing it in a state of efficiency, your Excellency would extend your aid to the other District (Grammar) Schools, as the means at your disposal, and the growing population of the Country, seemed to require.

5. In furtherance of these valuable objects, your Excellency, on the 4th of April, 1829, (page 7, *ante*) laid before this Board a plan for establishing a Seminary, to consist of four Classical Masters, one Mathematical Master, two for Writing and Arithmetic, one for French, and one for Drawing, that it might be open at once to the youth of the Province a liberal and extensive course of education, and, not only become a nursery for the University, and a model for other Grammar Schools, but also be the means of producing an uniform system of classical and mathematical instruction throughout the Province.

6. As it was determined to give liberal salaries to the Teachers, in order to induce men of ability to come out from England, it was proposed to solicit His Majesty's Government for such an endowment, as, with the School and the District allowance, might defray the annual expense of an Institution founded on a scale so extensive.

7. Such an application became the more expedient, as it was your Excellency's fixed purpose to assume nothing more in favour of Upper Canada College, than its due proportion of the produce of the School Lands.

8. The Board, justly appreciating your Excellency's anxiety to promote so desirable an establishment, which every motive of sound policy shows the expediency of putting on a permanent footing, expressed their readiness to share the responsibility which your Excellency had assumed, and to give all the assistance in their power to carry it into successful operation.

9. That no time might be lost, the Board, [on the 4th of April 1829 page 7, *ante*], made the necessary arrangements to enable the Masters to leave England with comfort and convenience, whom your Excellency had invited the Vice Chancellor of Oxford, in conjunction with two other respectable gentlemen, to select for the purpose of taking charge of the Seminary.

10. The preliminary steps having been taken, it became necessary to choose a site for the College of Upper Canada, as that on which the District (Grammar) School stood had become inconvenient from the rapid increase of buildings around it. Your Excellency, however, relieved the Board from all anxiety on that head, by granting Russell Square for the purpose, a situation healthy and commodious, and affording ample space for the College, the buildings necessary for the accommodation of the Teachers, and for the recreation of the pupils. (Page 8, *ante*).

11. This liberal measure had the further good effect, that it enabled the Board, by the sale of the former [Royal Grammar] School site, to raise a considerable fund towards erecting the necessary buildings.

12. In the month of June, 1829, contracts were entered into for building the College and the requisite appendages. In September of that year, the appointment of the Principal and Masters was announced in letters from Oxford. In the course of October and November, these Gentlemen all arrived; and, on the 4th of January, 1830, Upper Canada College was opened, and the business of instruction commenced.

13. What had only been projected, a few months before, was now happily accomplished; and, when the first annual examination took place in December last, the audience, and indeed the whole Province, might be justly congratulated on the establishment of a Seminary equal, if not superior, in its appointments, for classical and elementary instruction, to any in the Mother Country. The result of the examination was most satisfactory; and, when this Board declared, through its President, that the progress of the youth, in their various studies, had fully answered every reasonable expectation, and had left a deep impression on the minds of all the Members of the Board of the zeal, skill and ability manifested by the Gentlemen to whom their Education had been committed, the declaration was fully recorded in by every one present.

14. Judging it proper that the public should be made aware of the great advantages offered to the youth of the Country by Upper Canada College, and, that it might be seen that the pupils enjoy every facility that can be desired for their improvement, the Reverend Principal was requested to draw up a detailed Report of the Course of instruction, and to subjoin to it such other matters as parents and guardians might be supposed anxious to know.

15. Such a Report is herewith annexed; and, from the clearness and minuteness of its details, persons interested in the education of the rising generation can now decide for themselves on the benefits offered to the youth, who are sent to this Institution for instruction.

16. It only remains for the Board to announce the gratifying intelligence, that His Majesty's Government has been pleased to sanction such an endowment as will still further extend the usefulness, and ensure the stability, of The College of Upper Canada.

YORK, February, 1831.

JOHN STRACHAN,  
President.

This Report on the state of Upper Canada College during the first year of its establishment is both interesting and valuable. It is interesting, because it furnishes a correct idea of what was aimed at in creating Upper Canada College, apart from the historical resumé which details of the various steps which were taken by Sir John Colborne, and so heartily seconded by the General Board of Education, (which on its institution, was constituted its Trustees and Directors,) in bringing the College into practical operation. It is valuable, from the fact that it furnishes a standard by which to judge of the progress and efficiency of the College during subsequent years.

REPORT OF THE REVEREND DOCTOR HARRIS, PRINCIPAL OF UPPER CANADA COLLEGE, 1831.

The Report of the Reverend Doctor Harris, the first Principal of Upper Canada College, is also interesting and instructive, and for the same reasons; but it is chiefly so, from the fact that in those early days, (1829-1831,) so high a standard was set up,—to be practically reached, (as it was,) in the instruction of pupils in the ordinary branches of education; and also that a place was found in the curriculum for familiarizing the scholars with the sacred truths of the Bible, by means of reading portions of it, and memoriter recitations from it.\*

*To the General Board of Education, as Trustees and Directors of Upper Canada College:*

Gentlemen—

The first year of Upper Canada College having arrived at its termination, I beg to lay before you the following brief statement of our proceedings and progress during that period; and, although, the average advancement of the scholars be not anything extraordinary, I will yet venture to hope that, under all the attendant circumstances, the result of our first year's labours has not fallen short of what might have been reasonably anticipated. The circumstances to which I allude, as tending to retard our progress hitherto, are the difficulties which must necessarily accompany the putting into operation of an extensive Seminary in a new country, and, in some measure, on new principles, and more especially, the time, which is unavoidably lost, in bringing a number of boys, who have been hitherto instructed, some on one system, and some on another, to the same uniform plan of discipline and education.

2. On my arrival here in the latter end of November, 1829, I found myself associated with the Vice Principal, the Mathematical and the First and Second Classical Masters, assisted by the French and Writing Masters; and I was requested to prepare a plan of instruction which should embrace these several departments.

3. In the prosecution of this task, it seemed desirable, that a Preparatory School should be attached to the College, in which elementary scholars should be brought so far forward as to enable them, when removed into the lowest College forms, to proceed, without retarding the general system; and, on your approval of a suggestion to that effect, a Master of the Preparatory School was appointed; a measure, of which subsequent experience, has proved the necessity and advantage.

4. In addition to the Masters already enumerated, and whose several departments form indispensable parts of the course pursued in the College, a Drawing Master was also attached for the instruction in Drawing,—perspective and planning,—by such pupils as might be desirous of learning these branches, which, however, it is at the option of the friends of the scholars for them to learn, or not.

\*It will be seen from pages 82-96 of the Second Volume of this Documentary History that the House of Assembly instituted a rigid enquiry into the condition and practical working of Upper Canada College in December, 1832.

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5. According to the plan, on which I proposed to conduct the instruction of the scholars, the College, independently of the Preparatory School, is divided into six forms, or classes; during the past year, the number of forms actually in operation was only five; as it did not appear that there were any scholars who could advantageously be put upon the course designed for the Sixth Form; though I trust that, as we proceed, there will be no lack of candidates for the higher degree of instruction which we can impart in that form.

6. A detail of the occupation of the several forms will perhaps be the most satisfactory means of conveying a correct idea of the nature and extent of education which a youth may acquire, either in going through the entire course of six forms, or in proceeding only as far as any particular form short of the highest.

*First Form:* Rudiments of Latin, embracing some of the leading rules of Syntax,—Latin Vocabulary, construing Corderius' Colloquies, with the aid of a translation; English Reading;—and, on Monday Mornings, Memoriter Recitations from the New Testament; Writing and Arithmetic. This form attends the Classical Masters, nineteen hours, and the Writing Master, nine hours in each week.

*Second Form.* Latin Grammar continued, including the entire Syntax; "Propria quæ Maribus;" and "As in Præsentî"—construing Corderius and Lectiones Selectæ, without the aid of a translation;—and writing Latin exercises from the Eton Exempla Minora;—Miscellaneous English Reading and Scripture Recitation on Monday mornings;—Elements of French; Writing and Arithmetic. This form attends the Classical Masters, eighteen hours and a half; the French Master, two hours; and the Writing Master seven hours and a half, in each week.

*Third Form.* Latin Grammar completed, including Prosody; construing Cornelius Nepos and Phœdrus;—Exercises;—Clarke's Latin Elements of Greek—one lesson per week;—English History;—Recitation of Scripture on Monday mornings;—French; Writing and Arithmetic;—Geography. This form attends the Classical Masters sixteen hours and a half, the French Master six hours and the Writing Master five hours and a half, in each week.

*Fourth Form.* Greek Grammar, to the end of Regular Verbs;—Latin Grammar, entire;—Construing Valpy's Greek Delectus, Cæsar's Commentary, and Ovid's Epistles. Exercises;—(Valpy's Greek; Ellis' Latin; Nonsense Latin Verse;—English Themes.) Roman History;—Recitation of Scripture on Monday mornings;—Elements of Mathematics; Writing and Arithmetic;—Geography. This form attends the Classical Masters fifteen hours, the Mathematical Master five hours and a half, the French Master four hours, and the Writing Master three hours, in each week.

*Fifth Form.* Greek Grammar, continued; Latin Grammar entire. Construction—(Greek Testament—Analecta Græca Minora; Ovid's Metam; Virgil; Cicero.) Exercises—(Valpy's Greek; Ellis' Latin; Re-translations of Cicero;—Latin Verses; English Themes.) Grecian History; Mathematics; French; Geography. This form attends the Classical Masters sixteen hours and a half; the Mathematical Master five hours, and the French Master six hours and a half, in each week.

*Sixth Form.* Greek and Latin Grammar entire.—Construing: (Greek Testament; Dalzel's "Collection;"—Græca Majora; Horace; Cicero; Virgil.) Exercises—(Valpy's, or Neilson's, Greek; Valpy's Elegantiæ Latinæ; Re-translations and Memoriter Recitations of Greek and Latin Authors;—Latin Verse; Latin and English Themes.) Mathematics; French. This form attends the Classical Masters, seventeen hours; the Mathematical Master, eight hours; and the French Master, three hours, in each week.

7. It is proper to observe, that it is not contemplated always to confine the Classical reading of the Sixth Form to those books only, which are named in the above detail; but these will be varied, from time to time, as there may be occasion, and the higher classes introduced, whenever there is sufficient advancement to allow of their introduction. Possibly, too, in the course of time, it may become desirable to add other branches, which do not at present enter into any course of studies.

NOTE. By reference to pages 28-30 of the Second Volume of this Documentary History, it will be seen that in July of this year (1831,) exception was taken by a number of influential Gentlemen, to the prominence which was given in the foregoing curriculum of Upper Canada College to classical studies, to the exclusion of commercial subjects. The correspondence which took place on this subject, and which is there given, is interesting. In December, 1832, and again in March, 1835, the character of the course of instruction in Upper Canada College was again the subject of inquiry by the House of Assembly. See pages 82-86, and 171-173 of the same Volume of this History.

8. I would also remark of the occasional reading and committing to memory of the Scripture, that, as the Scholars consist of the children of parents of every Religious Denomination, particular care is taken, to adhere strictly to the simple text, without any comment, or explanation,—further than concerns its literal and grammatical sense; and, in the Preparatory School, in consequence of a representation made to me, some time since,—those Scholars, who are Roman Catholics, make use of the Douay version of the New Testament.\*

\*See the Editor's remarks on this mode of giving pupils a knowledge of the Bible, etc., on page 12, ante.

9. The following are the particulars of the Terms, attendance, etc., at the College :

(1) The dues for instruction are, for each Scholar in the College—Two pounds (£2), in the Preparatory School ; One pound, five shillings (£1.5-0) per quarter, with an additional Five Shillings per quarter for every Scholar for the contingent expenses of pens, ink, fuel, etc.

(2) These terms include every branch of instruction, except Drawing, for which there is an extra charge of Ten Shillings per quarter, exclusive of the expense of drawing materials.

(3) Books are provided by the College at the expense of the Scholars. For this purpose, a large stock of books, drawing and writing materials, has been provided, from which the Scholars are supplied more advantageously than they would purchase the same articles in the ordinary manner. The General Board of Education, as Trustees and Directors, have also concurred in an arrangement that any books may be supplied from the College stock to private individuals, not members of the College, on application to the Principal, whenever this can be done without inconvenience to the College.

(4) The College Quarters, or Terms, are ordered as follows :—

(a) First quarter, commencing immediately after the Christmas Vacation, and ends on the 20th of March.

(b) Second quarter, commencing on the 10th of June, and ends at the beginning of the Summer Vacation, between the 13th and 19th of August.

(c) Fourth quarter commences at the termination of the Summer Holidays, about 1st October, and ends at the commencement of the Christmas Vacation, between December the 18th and 24th.

(d) At whatever period of either of the quarters a scholar is admitted into the College, or Preparatory School, his dues are payable from the beginning of that quarter.

(5) The Vacations of the College are the following :—

(a) The Christmas Vacation, which commences on the Saturday preceding Christmas Day, and continuing for a fortnight.

(b) The Easter Vacation, which commences on the Thursday preceding Good Friday, and continues during the Easter week.

(c) The Summer Vacation, which commences on the Saturday nearest to the sixteenth of August, (either before, or after,) and terminates on the Thursday, six weeks following.

(d) The daily attendance of the Scholars, at the College and Preparatory School, is from a quarter before nine o'clock till twelve ; and from two o'clock till four, excepting on Saturdays, when there is no afternoon attendance.

(e) The pupils, who learn to draw, attend the Drawing Master six hours in the course of the week, during the intervals between the ordinary College attendance.

10. The number of Scholars admitted since the opening of the College, on the 4th June, 1830, to the twelfth of January, 1831, is one hundred and forty,—of that eighteen are known to have left the College ; and I am led to conclude from report that some others have also left since the Christmas Vacation, although I have received no information from their friends on the subject. The uncertainty and inconvenience which have arisen from the general neglect of parents to give any kind of notice on the removal of their sons, have been much felt throughout the past year. I can scarcely point out how unsatisfactory it is to proceed for several weeks after the commencement of every new quarter in a state of uncertainty, as to the number of scholars actually belonging to the several forms.

11. To obviate this inconvenience in future, I beg to suggest for your concurrence, that it be a standing Regulation of the College, that any Scholar not returning to College, or a sufficient reason for his absence, not being assigned to the Principal, within one week from the commencement of any College quarter, shall be considered as withdrawn ; and his name erased from the list accordingly. Notwithstanding which regulation, I trust a disposition to facilitate the conduct of the Institution, will influence the friends of Scholars to send notice, when it is their intention to discontinue the attendance of any boy at the College.

12. In adverting, in conclusion, to the late examination, I would notice that, as there were only five forms in operation during the previous year, the extent, to which that examination could be carried, was necessarily limited to the course prescribed for the fifth form. Future examinations we may expect to be carried to a higher point, as well as to include some subjects, such as History and Geography, which, though not neglected during the past year, were not introduced into the examination, because we were, for a great part of that period, unprovided with uniform books on these subjects.

13. With respect to the efficiency actually exhibited by the scholars at the late examination, I have much satisfaction in stating my opinion, that, considering it to have been the first public examination in a new Institution, and also considering that our object has been rather, to lay a sound foundation, than to make a display of rapid and apparently extensive acquirements, the examination was passed generally in such a manner as to encourage favourable anticipations of the future, both as regards the College and the Scholars ; and, whilst recording this opinion, I beg to be allowed to express my sense of the able and unremitting co-operation of my Colleagues, and the Masters of the Establishment in general, by which so satisfactory a result of our first year's labours has been effected.

14. To the above Report, Gentlemen, which I have the honour to submit to you, I have only to add my sincere desire, and, I trust, not unfounded hope, that the success of so nobly designed an institution as Upper Canada College, may be correspondent to the liberality with which you have provided for its establishment ; and that its beneficial effects may equal the wishes of the exalted individual, whose enlightened regard for the public good, projected and completed it.

JOSEPH H. HARRIS,  
Principal of Upper Canada College.

UPPER CANADA COLLEGE,  
YORK, January, 1831.

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*May 2nd, 1831.* The General Board at its meeting to day authorized the erection of a Boarding House at an expense, not exceeding Twelve Hundred pounds, (£1,200.) to be placed in charge of the Principal,—the other Masters to assist in rotation. The Board also directed that the District (Grammar) school be put into repair for the Central (National) School.

*July 29th, 1831.* At the Meeting of the General Board of Education, held this day, a Communication from His Excellency, the Lieutenant Governor, was read, enclosing an extract from a Report of the Executive Council, on the subject of forming District Boards of Education, to be united to the General Board of Education for the Province. (No action was taken on the subject.)

(NOTE. Meetings of the Board of no special importance were held on the 28th of June, 13th of August, 17th of September, and the 27th of October, 1831; also on the 28th of February, 1832.)

*July 28th 1832.* At a Meeting of the General Board, held on this day, a letter was read from the Right Reverend Bishop Macdonell, making application for the old School House for Roman Catholic children, until one, which is being built, is finished. The Board regretted that the request could not be complied with, as it had been represented, by Mr. Joseph Spragg, to be absolutely necessary for the children of the Central (National) School.

NOTE. The next Meeting of the General Board of Education for Upper Canada was held on the 18th of February, 1833, at which unimportant business was transacted. To such proceedings, therefore, no reference is made. The last Meeting of the Board, as recorded in its Minute Book, was held on the 11th day of March, 1833. The Confidential Despatch of Lord Goderich, the Colonial Secretary, dated the 5th of July, 1832, (See page 86 *post*) directs, that the Lieutenant Governor should:—

With the assistance of the Law Officers, take the necessary legal measures for dissolving the Board, and for re-investing in the Crown the Estate, of which they have had charge . . .

This the Lieutenant Governor evidently did, for the General Board of Education for Upper Canada ceased to exist during this year, (1833). Its functions were formally, but nevertheless practically transferred to, and discharged by, the Council of King's College, of which the Reverend Doctor Strachan was also President, as he had been of the General Board of Education for Upper Canada. The Members of this General Board were, with one or two exceptions, Members of the King's College Council.

## PART II. PROCEEDINGS OF KING'S COLLEGE COUNCIL, 1827-1837.

To the original Minutes of King's College are prefixed a copy of the Charter of the College,\* dated the 15th day of March, 1827, and a copy of the Thirty-nine Articles of the Church of England,—“Agreed upon by the Archbishops and Bishops of both Provinces, (Canterbury and York,) and the Whole Clergy, in the Convocation, holden at London, in the year of Our Lord, 1562, for avoiding of Diversities of Opinion, and for the Establishment of Consent, touching True Religion.” These Articles are signed by Robert Sympson Jameson, Vice-Chancellor of Upper Canada, William Campbell, Chief Justice of the same; Thomas Ridout, Surveyor-General; Thomas Phillips, Doctor of Divinity; John Beverley Robinson, Attorney-General; Henry John Boulton, Solicitor-General; Grant Powell, Official Principal of the Surrogate Court; Christopher Widmer, Doctor of Medicine, and Joseph Hemington Harris, Doctor of Divinity.

\*For copy of this Charter, see Volume One of this Documentary History, pages 222-225.

## FIRST MEETING OF KING'S COLLEGE COUNCIL, 1828.

*January 8th, 1828.*—The first meeting of the Council of King's College took place this day. The Commission of Sir Peregrine Maitland, Lieutenant-Governor of Upper Canada, dated the 13th of December, 1827, appointing the following to be Members of the Council was read, videlicet. The Honourable William Campbell, Chief Justice of Upper Canada; the Honourable Thomas Ridout, Surveyor-General; the Reverend Thomas Phillips, Doctor of Divinity, Head Master of the Royal Grammar School, York; John Beverley Robinson, Attorney-General; Henry John Boulton, Solicitor-General; the Venerable George Okill Stuart, Doctor of Divinity, Archdeacon of Kingston; and Grant Powell, Official Principal of the Surrogate Court. The *Ex-officio* Members were, Sir Peregrine Maitland, Lieutenant-Governor, Chancellor of the University, and the Honourable and Venerable John Strachan, Doctor of Divinity, Archdeacon of York, President of the University. The Lieutenant-Governor appointed Mr. James Givens, junior, to be Registrar, and the Honourable Joseph Wells, Bursar of the College.

At this Meeting, the Despatch of Earl Bathurst, Colonial Secretary, to Lieutenant-Governor, Sir Peregrine Maitland, the Chancellor, was read, dated the 31st day of March, 1827, stating that

His Majesty had been pleased to grant a Royal Charter, by Letters Patent, under the Great Seal, for establishing at, or near the Town of York, in the Province of Upper Canada, One College, with the style and privilege of an University for the education and instruction of Youth in Arts and Faculties, to continue forever to be called King's College.

Further, the Colonial Secretary informed the Lieutenant-Governor, that he—

Had great satisfaction, from your strong recommendation, in submitting Doctor Strachan's name to His Majesty, as the First President of King's College, and you will assign to him a salary of Two Hundred and Fifty pounds, (£250.) per annum, to be charged on the proceeds of the endowment as they become available.\*

The following Documents were also laid before the King's College Council at this its first meeting:

1.—Copy of a Despatch from Sir Peregrine Maitland to Earl Bathurst, dated York, Upper Canada, 19th of December, 1825, asking permission to exchange certain of the unproductive University Endowment Lands for an equal quantity of the more valuable Crown Reserves.†

2.—Report of the Reverend Doctor Strachan to Sir Peregrine Maitland, dated 10th of March, 1826, on the desirability of establishing the proposed University. (This Report will be found on pages 211-215 of the First Volume of this Documentary History.)

\* For remainder of this Despatch, See Volume One of this Documentary History, pages 225, 226.

† This Despatch from Sir Peregrine Maitland, (referred to on page 205 of the First Volume of this Documentary History,) was no doubt prompted not only by the elaborate statement and appeal made by the Reverend Doctor Strachan in favour of a University for Upper Canada, (given on pages 211-215 of the same Volume,) but also by a petition from the General Board of Education for Upper Canada, drawn up by Doctor Strachan and presented to the Lieutenant-Governor at the same time in 1826, as was the statement and appeal written by the same gentleman. The petition is dated on the 7th day of March, 1826, and will be found on page 6, *ante*.

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### 3. LETTERS ADDRESSED BY THE REVEREND DOCTOR STRACHAN TO SOCIETIES IN ENGLAND FOR A GRANT OF A LIBRARY FOR KING'S COLLEGE.

#### 1. *To the Society for the Propagation of the Gospel in Foreign Parts.*

This letter was dated London, 13th of June, 1826. The introductory portion of it is partly personal and partly historical, and is as follows:

I have the honour to enclose . . . an extract from a Report made to His Excellency, Sir Peregrine Maitland, the Lieutenant-Governor, briefly stating . . . the grounds which render it not merely expedient but an imperative duty to establish an University without delay in this rising Colony. (See Document number two, referred to on the preceding page.)

It will be seen that such an establishment is alone wanting to complete the System of Education in the Province; and having been instrumental, under His Excellency's sanction, in drawing up the laws establishing District (Grammar) and Common Schools, by which Education of the whole population is virtually under the guidance of the Church [of England,] I am naturally anxious to finish the Building. . . . His Majesty's Government thinks favourably of the proposition, and is disposed to grant a Charter similar to that establishing King's College, Windsor, Nova Scotia, and not only to admit the exchange of Lands suggested, but to furnish means for erecting the Buildings . . .

In regard to the College at Windsor, Nova Scotia, a bare inspection of the map will show that it can be of no manner of use to Upper Canada. The communication by sea and land is exceedingly difficult, and little or no intercourse exists between the Provinces. It would indeed be easier to send our young men at once to England, which few are able to do. Add to this, that no endowment can be given with propriety out of this Province . . . and the vast advantage to be derived from the privilege of sending a Member of our House of Assembly, which the University of Upper Canada will possess from its establishment becoming available.\*

Any kindly protection manifested towards us [by the Society] now will be ten times more valuable than it will be at any future period;—it becomes a powerful example,—produces a disposition to assist us in a similar way on the part of the other great Church [of England] Societies, and the Universities, and, above all, it will be felt in the Colony with the most grateful acknowledgments,—give new force and influence to the Church, and render the accomplishment of many other contemplated improvements easy and certain.

The response to this appeal to the Society was addressed to the Reverend Doctor Strachan while still at London, on the 5th of July, 1826. The material part of it was as follows:

Agreed, that, in consideration of the many advantages that would be derived from such an Institution, in securing to the youth of the Province the means of obtaining a theological and liberal education, the sum of Five Hundred pounds, (£500,) be granted towards the purchase of a College Library, provided the Statutes of the College be such as to meet with the approbation of the Board.

The following is a letter from the same Society, dated the 5th of June, 1827, enclosing a Resolution to the following effect:

That the Reverend Doctor Strachan . . . be requested to form a catalogue of such books in Divinity as he may deem most eligible and useful for the studies of the youth in King's College, York, Upper Canada, in amount not exceeding Five Hundred pounds, (£500,) . . . and that the armorial bearings of the Society be stamped on the cover of the books.

#### 2. *To the Society for Promoting Christian Knowledge.*

A letter from the Reverend Doctor Strachan to the Society in England, for Promoting Christian Knowledge, dated London, the 27th January, 1827, asking for "assistance towards forming a Divinity Library for the University,

\* In regard to this right of representation in the House of Assembly, see page 174 of the First Volume of this Documentary History. For objection to this right, see Report of the House of Assembly in 1828, page 241 of the same Volume.



about to be established in Upper Canada." In his letter, Doctor Strachan makes the following references to the history and objects of the Society itself :

The Society for Promoting Christian Knowledge was for many years the Nursing Mother of Schools, to which she granted pecuniary assistance; and the promotion of Education still forms a prominent part of her proceedings . . . Nor has her benevolence been so confined as to prevent her promoting any object which promised to extend the influence of Christian principles and feeling . . . Similar aid [£500] to that which I presume to solicit has been lately [1825] granted to the [King's] College of Windsor, Nova Scotia, and the munificent grants to the East in building and endowing Bishop's College [?Lennoxville, Quebec], and likewise in erecting Churches, are in the full recollection of every Member of the Society . . .

In the Canadas, there are about three hundred thousand, (300,000,) British Protestants without any seminary beyond a Grammar School. Of this number, only a portion are Churchmen, but all may become so under good management. The Church [of England here] in its present infant state has to contend with four hundred thousand, (400,000,) Roman Catholics under a regular Priesthood, headed by an Archbishop and four Suffragans, and assisted by three Colleges,—one at Quebec, one at Montreal, and one at Nicolet, where the different branches of Academical Education, as well as Theology, are taught . . .

The stream of amelioration must flow from Upper Canada, where astonishing exertions have already been made by the Local Authorities for the instruction of the people;—exertions which will merit the countenance and protection of [your] Society . . .

This Society is known by the title of the "Society for Promoting Christian Knowledge." And can such knowledge be so extensively and effectually promoted in a new country as by facilitating the education of such native young men within the Colony as may be inclined to the Sacred Profession? They must, if equally well qualified in a literary point of view, have many advantages from local knowledge, aid of friends and relatives, College companions and associates, over strangers from England.

In fine, the demand for Clergymen is at this moment so great in Upper Canada . . . that the College will have for a long period to furnish more candidates for the Church [ministry] than all other professions put together, and may, therefore, be called with propriety a Missionary College.\*

The response to this application was conveyed to the Reverend Doctor Strachan in the form of a Resolution of the Society, dated the 1st of May, 1827, as follows :

*Resolved*, That, agreeable to the application of the Reverend Archdeacon Strachan, this Society do give the sum of Five Hundred pounds, (£500), to the newly chartered University in Upper Canada, to be laid out exclusively in the purchase of Theological Works, to be approved by the Society; and that each volume be stamped with an inscription, denoting the Society's gift.

### 3. To the Church Missionary Society.

Under date of February 27th, 1827, Doctor Strachan, while still in London, addressed a letter to the Church Missionary Society in England, asking for aid towards the expense of providing education in King's College for the Indian Youth of Upper Canada. He said :

I am emboldened to solicit the aid of the Church Missionary Society in enabling the University [of King's College] to extend its benefits to the American Indians.† Those within the limits of Upper Canada may be arranged under two divisions: the Mohawks and the Mississaugas. The former are always under the care of the Society for Propagating the Gospel, and have a Missionary assigned to them.† The latter, who are more numerous, and whose language is supposed to be used nearly to the Pole, are scattered in small tribes, and have, till lately, resisted every effort to instruct and civilize them. Some impression has, however, just been made on one tribe of perhaps two hundred, (200); and His Excellency Sir Peregrine Maitland, the Lieutenant-Governor of the Province, anxious to follow it up, has taken measures for building them a Village, planting some artificers among them, establishing Schools, and providing for their religious instruction . . .

\* For objection to this purpose of the proposed College, see Report of the House of Assembly in 1828, page 240 of the First Volume of this Documentary History.

† Chapter xii of the First Volume, part of Chapter vi, and Chapter xviii of the Second Volume of this Documentary History, treat of the Education of the Indians in Upper Canada, 1796-1836.

It is intended to make this Tribe a sort of centre to draw around it other Tribes of the same nations, and to bring up some of its Members to be Missionaries, who ought to be prepared at the University.

Some English youths should also be instructed in the Indian language to act as Superintendents in the Villages which may be formed; but it is evident that the funds of the University cannot afford means for these important objects, which, nevertheless, seem in accordance with those of your Society.

The reply of this Society, dated the 16th of March, 1827, while assenting to Doctor Strachan's proposal to make a grant of Five Hundred pounds, (£500,) is a geographical curiosity in its way. It showed how little idea the Members of the Society then had of distances, or facilities of travel, in what is now the North West Provinces and Territories of the Dominion. The following are extracts from this Reply:

It will be highly desirable that the Indian Professorship and Scholarships should be established on such a basis that the College might be rendered available to impart Christian knowledge to the Indians throughout Prince Rupert's Land, as well as to those of the Province of Canada. You are aware that the District just mentioned extends from Hudson's Bay to the North Pacific Ocean, and comprehends many Tribes of Indians. Those Indians who are situated to the westward of the Rocky Mountains are represented to be numerous and in a more advanced state of civilization than the Tribes to the eastward of these Mountains.

As the Church Missionary Society has established a Mission at the Red River Settlement, and have it in contemplation, when circumstances will permit, to extend that Mission to the Tribes on the Western Coast, the Committee of the Society feel very anxious that the Indian Department of the Canada College should be placed on such a footing as to admit of those Tribes participating in its advantages.\*

*May the 5th, 1828.*—At a meeting of King's College Council held this day, Doctor Strachan, the President, submitted copies of letters which he had addressed to the Societies in England, which had generously granted Five Hundred pounds, (£500,) each, to found a Library, and, in the case of the Church Missionary Society, an Indian Professorship in the College as well. In his reply to the Society for Promoting Christian Knowledge, he said:

I desire to convey through you to the Society the grateful acknowledgments of the College Council, for such munificent assistance, as, with the Divine Blessing, may be of great benefit to many Tribes still in total darkness.

I shall in a very short time bring under the consideration of your Society the actual situation of the Indian Nations in North America, and the method which appears the most promising to bring them to the knowledge of Christ.

#### THE SELECTION OF KING'S COLLEGE SITE AND GROUNDS.

At this meeting of the College Council, (May 5th, 1828), the interesting question of a Site for the proposed University was considered, and the plan of a tract near the River Humber was laid before it. The following Minute was adopted in regard to it, and is here inserted as of historical interest:

The Council having before them the Ground Plan of the tract near the River Humber proposed as the site of King's College, find it so broken, as to afford no convenient place for a building, along the front of the tract; and there seems to be the strongest reason for apprehending that the situation would be found insalubrious. Upon this point, indeed, the Medical Gentlemen who have been referred to, express an opinion, decidedly unfavourable.

\* In his Message to the House of Assembly, dated the 29th of February, 1828, Sir Peregrine Maitland, the Lieutenant Governor, referred to this grant and said: "Several of the Religious Societies in England have contributed to this Institution (King's College,) by donations of money for the purchase of books, and by the foundation of Scholarships for Missionaries to the Indian Tribes." Page 238 of the First Volume of this Documentary History.

The Council have learned that the Honourable John Elmsley would dispose of his tract of one hundred and fifty acres, (150,) near the Town Line, halves of Park Lots numbers 9, 10 and 11, for Twenty-Five pounds, (25,) per acre, and in their opinion, the site which this tract would afford is in every respect most eligible.

The distance would be convenient, the prospect agreeable, the soil good, and the situation unquestionably healthy. It has also the advantage of lying contiguous to a Glebe which would be obtained on reasonable terms, and a Road might probably be obtained through the front of any of the lots, which would give a convenient access to them, independently of Yongo Street. The proximity of this tract to the Town would give the Students the opportunity of attending on the Courts of Law, and on Medical practice and lectures at the Hospital. The Council, therefore, unanimously

*Resolved*, That their views for a preference of this Site to any other shall be respectfully submitted to Sir Peregrine Maitland, the Chancellor, with an expression of their readiness, if His Excellency shall allow them, to retain the tract at the Humber, or relinquish it, as the Government may prefer.

*May 21st, 1828.*—At the next Meeting of the College Council, held on this day, Doctor Strachan, the President, reported that :

He had seen Mr. Elmsley respecting his land which had been considered by the Council at its last meeting, as eligible for the Site of the College, that Mr. Elmsley, upon reconsideration, declined disposing of the property required.

The President then laid before the Council the following proposals, from different proprietors :

1. The Honourable John McGill is ready to dispose of his farm, consisting of eighty-three acres, in the close vicinity of the Town, for Seven Thousand pounds (£7,000), Halifax Currency.

2. The Honourable John Dunn and Mr. Joseph Spragge own an eligible Site for the College at the "Dug Way," each possessing fifty acres. The Honourable Mr. Dunn offers his fifty acres at Four Hundred pounds (£400), and Mr. Spragge requires One Thousand pounds (£1,000) for his lot of fifty acres. General Shank has some lands adjoining this property, which may be procured. This Site is very beautiful ; the only drawback is the distance.

3. The Glebe Lot affords a good Site, which may be rendered more eligible by purchasing sixty acres from Mr. Elmsley—price Thirty dollars (\$30) per acre, or Four Hundred and Fifty pounds (£450), and as much from Captain Baldwin on the other side, price Thirty-Five dollars per acre, or Five Hundred and Twenty-Five pounds (£525) ; the Glebe itself may be purchased or exchanged, but the objection is distance from Town.

4. Mr. George Crookshank's Farm, consisting of two hundred and fifty acres, may be purchased for Five Thousand pounds (£5,000), deducting One Hundred and Twenty-five pounds (£125) for two acres purchased by Mr. Richard Wenham. This property possesses many advantages.

5. The rear half of the Park Lots belonging to D'Arcy Boulton, Esquire, and Chief Justice Powell, may be had for Twelve Hundred and Fifty pounds (£1,250) each. They are very eligible, as the Chief Justice's lot butts upon the Glebe.

6. Doctor William Warren Baldwin offers the rear half of three lots at Twelve Hundred and Fifty pounds (£1,250) each, or Three Thousand Seven Hundred and Fifty pounds (£3,750), but, should we take only one, he requires a higher price.

After some deliberation the Council determined to accept of Mr. D'Arcy Boulton's offer, and Mr. Samuel Peters Jarvis, (in the name of Chief Justice Powell), and as Doctor W. W. Baldwin demands a higher price, should only one of his lots be required, the Council decline purchasing from him ; but as Mr. Elmsley's Lot, Number Eleven, is advantageous, because it butts upon the Glebe, the Attorney-General Robinson was requested to inquire whether he is willing to dispose of that lot at the same price, which the Council agreed to give for the rear halves of Mr. D'Arcy Boulton's and Chief Justice Powell's lots.

*May 24th, 1828.*—At the next meeting of the College Council, held on this day, Attorney-General J. B. Robinson reported that :

He had seen Mr. Elmsley, who consented to part with the westernmost fifty acres of his tract, being the north half of Park Lot Number Eleven, for Twenty-Five pounds (£25) per acre.

Whereupon the Council resolved that it is expedient to conclude the purchase of the North halves of Lots Numbers Eleven, Twelve and Thirteen, as offered to the Council at the rate of Twenty-Five pounds (£25) per acre, and that the several proprietors be written to to that effect.†

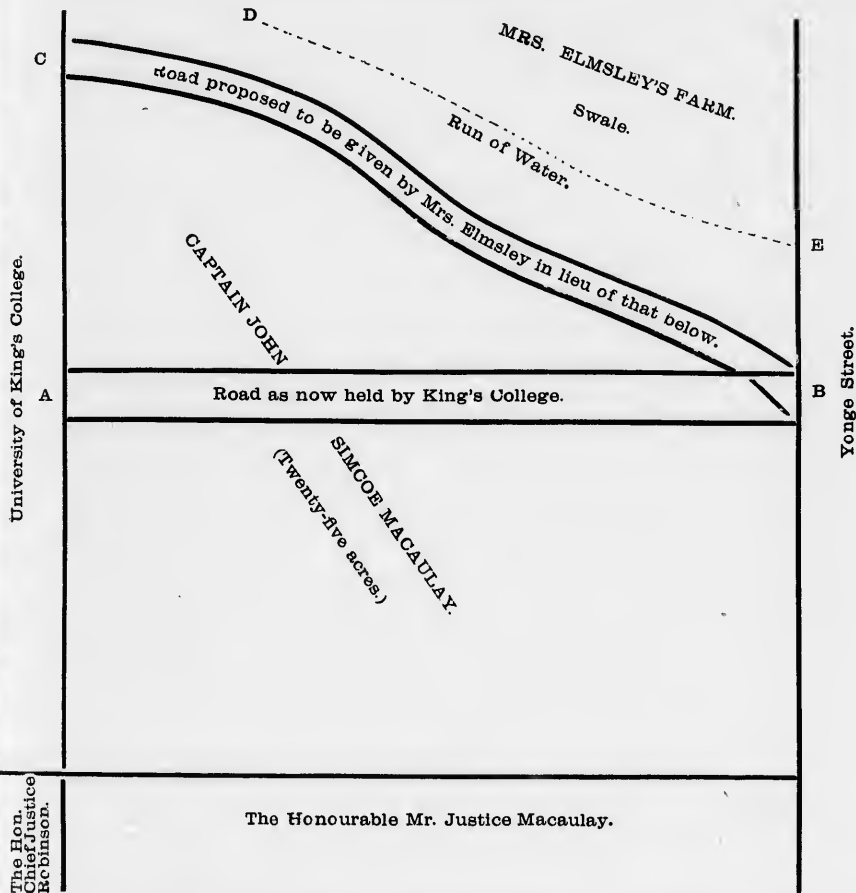
\* See page 350 of the Second Volume of this Documentary History.

† A Memorandum of the Conveyances of these Lots, Numbers Eleven, Twelve and Thirteen, will be found on page 222 of the Second Volume of this Documentary History.

EXCHANGE OF ROADS LEADING TO KING'S COLLEGE GROUNDS IN 1833.

The following is the description of a piece of land given by Mrs. Mary Elmsley of the Parish of Woolwich, in the County of Kent, in England, Widow of the late Honourable John Elmsley, Chief Justice of Lower Canada, deceased, to the corporation of King's College [as a road] in exchange for another piece of land, the description of which is in a deed of the same to the College, dated the 19th of May, 1829.\*

The plan of this exchange of roads is as follows :



EXPLANATION. — A-B represents the Land sold by the Honourable John Elmsley, Chief Justice of Lower Canada, 1828-29, to King's College for a Road from his lands to Yonge Street. C-B represents the Land proposed to be given in lieu of that shown in A-B by Mrs. Elmsley. It runs along the south bank of a small valley formed by a run of water marked by the dotted line D-E. It contains as much, if not more, than the old Road. It is on ground perfectly dry—all of it being several feet higher than the wet ground in the swale.

\* See page 222 of the Second Volume of this Documentary History.

This piece of land is composed of part of Lots Numbers Nine and Ten, in the First Concession of York from the Bay, containing two acres, be the same more or less, and which is butted and bounded, or may be otherwise known as follows, that is to say: Commencing at a post planted on the west side of Yonge Street, in the eastern limit of the said Lot, Number Nine, and distant from the south-east angle of the said lot on a course north sixteen degrees, west fifty-eight chains. . . .

These Courses and Distances being as near as possible the direction of the southern bank of a small run of water from Yonge Street to the eastern limit of Lot Number Eleven in the said Concession. Mrs. Elmsley, her heirs and assigns, reserving the use of the said piece of land to herself and themselves for agricultural purposes only, to enable them to convey their produce, or crops, from any one part of the lands owned by them adjoining the said piece of land to any other part of the same. But, on no account, to use, or permit it to be used, as a thoroughfare. Mrs. Elmsley, to give the Deed by her attorney, John Elmsley. But the other Deed is to be in the name of Captain John Simcoe Macaulay of the Royal Engineers.

On the 15th of May, 1833, the Council of King's College agreed to this exchange of Roads on condition "that the new Road be of the same width as the old one, and that it shall not in any part run over swampy or unsound land."

(NOTE.—Meetings of King's College Council continued to be held until the 12th of July, 1828. They were then suspended, probably from the fact that a change of Lieutenant-Governors,—Sir John Colborne, in place of Sir Peregrine Maitland,—took place in that year. Early in November, Sir John Colborne arrived; and on the 15th and 29th of that month, Council Meetings were held. At the latter Meeting a premium of Fifteen pounds was offered for the best specimen of building stone for the proposed College Building, Ten pounds for the second, and Five pounds for the third best specimen.\* Mr. William Chewett, Assistant Surveyor-General, was directed to stake out in the woods the line of the Avenue leading to the College Grounds.† The Reverend Doctor Phillips and Attorney-General Robinson were appointed a Committee to report upon that part of the Report of the Committee of the House of Commons on Canadian affairs, which relates to the establishment of the University of King's College. At the following Meeting of the Council, held on the 6th of December, 1828, the Attorney-General submitted a Report on the subject,—not entered on the Minutes.)

#### PARTING REPORT, OR ADDRESS, TO SIR PEREGRINE MAITLAND.

Although this last Report, (the original is endorsed "Address,") of the President of the General Board of Education for Upper Canada, presented to Sir Peregrine Maitland, before his leaving for England, scarcely bears out the adverse criticism of Sir John Colborne, on the District (Grammar) and Common Schools, (page 24), yet it throws a good deal of light, on the state of education in Upper Canada in 1827,—the year in which the Charter of King's College was granted. The subsequent Report for 1828, addressed to Sir John Colborne himself, is printed on pages 265-268 of the First Volume of this Documentary History.

\* The judges appointed to award these premiums reported that none of the specimens of Stone submitted was fit for building purposes.

† On the 4th of April, 1829, directions were given by the Council that the Avenue be cleared and fenced in, and that a roadway and a footpath be made. In September, 1829, the Avenue was planted, and in the spring of 1830 the roadway, etc., was made.

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To Sir Peregrine Maitland, Lieutenant-Governor of Upper Canada, &c.

MAY IT PLEASE YOUR EXCELLENCY :

The General Board for the Superintendence of Education in Upper Canada has much pleasure in being able to state to Your Excellency, that the Schools, both District (Grammar) and Common, throughout the Province, are, generally speaking, in a very flourishing condition.

It appears by the Reports from the several Districts, (although not complete, owing to vacancies,) that in the eleven classical Seminaries, (*i. e.* District Grammar Schools), upwards of three hundred and fifty young gentlemen are at present receiving their education, and that many of them are far advanced in their studies, and have made considerable progress in classical learning.

It likewise appears that in about three hundred and sixty-eight Common Schools upwards of eight thousand children of both sexes are constantly taught; and, as the laudable custom prevails of sending at certain periods of the year the elder children who cannot constantly attend, a much greater number benefit by these Schools in the course of the season.

The President of the Board has been able to inspect several of the District (Grammar) Schools since his return from England, and had the satisfaction of finding them proceeding effectively, possessing the confidence of the public, and offering great promise of still further advancement.

It is his intention next summer to pass through the whole Province to visit and examine these District Schools, and also to communicate with the District Boards, in order to ascertain from their suggestions, as well as from personal observation, what improvements, or new arrangements, may be practicable to facilitate the great object of educating the people.

By the first section of the Common School Act, 4 George iv, Chapter viii, (1824),\* the sum of One Hundred and Fifty pounds currency is annually appropriated to purchase books for the benefit of the Province generally, of which the second importation, consisting of a variety of excellent books of the most approved kind for education and information, are now in the course of distribution to the several Districts. They were purchased at the depot of the Society for Promoting Christian Knowledge, and having been granted at a very reduced price. The quantity procured is much greater than could have been purchased for the same sum in any other place. From this truly Christian liberality on the part of the Society, the Board has been able to extend the benefit of this small appropriation of the Legislature much further than had been anticipated from the smallness of the amount.

The Board has had under its consideration the propriety of recommending to the District Boards the use of the same books in all the Schools under their several directions, and has made some progress in selecting a series for this express purpose, but on a full examination of the case it appeared necessary to ascertain first what they might be printed for in the Province, for, unless they can be afforded cheaper than they could be imported from the neighboring States, it would be impossible to render any recommendation effectual. The Board has not been able to come to a satisfactory conclusion on this subject, but inclines rather to think that by introducing lessons on Board tickets for the younger children, a saving will be made which will enable parents the more easily to procure books for those who are further advanced and able to preserve them.

The Board is compelled to state that they have not been so successful in the sale of the Lands placed under their management as they were led to hope, but yet something considerable has been done and the prospects are brightening, and promise in a short time to enable Your Excellency to give material assistance to the Schools established by the Legislature throughout the Province.

It appears from a general view of the subject that nearly as many schools are in operation as the limited provision will admit, but nevertheless even the smallest allowance encourages the people and produces much greater exertions than would have been otherwise made. Though scattered over a vast wilderness the inhabitants are becoming more and more alive to the great advantage of educating their children, and are seconding with laudable zeal the exertions of the Legislature, in so much so, that the Schools supported by subscription are perhaps not fewer in number than those established by law.

The provision so wisely made by Statute for the translation of some of the more promising scholars from the Common to the District Schools, where the classics and practical mathematics are taught, becomes of increased importance, now that a University is about to be established at the seat of Government and begins to attract public attention. For henceforth the District Schools, will, in a more special manner, answer their original intention, which was to be nurseries

\* This Act is printed on pages 197, 8 of the First Volume of this Documentary History.

to the University, an establishment called for by the increased population and circumstances of the Colony, and long desired by the most respectable and best informed inhabitants.

That this measure has been accomplished adds one more to the numerous benefits conferred upon Upper Canada by Your Excellency, which cannot fail in future times to recall to bright remembrance your wise and paternal administration.

YORK, October, 1828.

JOHN STRACHAN,  
President of the General Board of Education for Upper Canada.

#### PROCEEDINGS OF SIR JOHN COLBORNE AS CHANCELLOR OF THE UNIVERSITY.

*December 13th, 1828.*—At a Meeting of the Council held this, day Sir John Colborne was present for the first time, as Chancellor of the University. The Minutes record that :

His Excellency was pleased to state that his reason for summoning the Council was for the purpose of making known the desire he felt of improving the state of the Royal Grammar School, and the District (Grammar) Schools in the Province, in order to render them more efficient preparatory Seminaries, as he considered a change from their present state absolutely necessary. . . . He deemed it of so much importance that he could not consent to the building of King's College being commenced before some mode was devised of attaining this object.\*

His Excellency also made known to the Council that he should be under the necessity of calling the attention of both Houses of the Legislature to the College Charter,† and, before doing so, would wish to have some well digested proposition in readiness to submit for their consideration. . . . He wished also to hear from any Member of the Council such suggestions as might occur to him, being of opinion that an open discussion was preferable to written reports, which are generally less satisfactory.

When Sir John Colborne retired, the Reverend Doctor Strachan was appointed to wait upon His Excellency and request a communication of his sentiments relative to any intended change in the Charter of King's College.

There is no record on the Minutes of the College Council that the following letter, dated the 6th of December, 1828, which was among the College Council papers, had been received by it ; nor is there any record on the Minutes of the General Board of Education—a body appointed in 1823 to superintend the Public (Grammar) and Common Schools of Upper Canada—that it was received by that Body either. There is no name or address on the original document. It is signed by Captain Zachary Mudge, Private Secretary to Sir John Colborne, the Lieutenant-Governor. No copy of the letter to the Head Master of the Royal Grammar School is attached to the original communication, which is as follows :

I have the honour, by the direction of the Lieutenant-Governor, to forward to you the enclosed communication, which has been transmitted to the Head Master of the Royal Grammar School, York, and to acquaint you that when the consequences in this Province of a bad or good Education are weighed, and, if you reflect that there may be in every family settled in this Country, some individuals whose respectability in life is closely connected with the efficiency of the Schools at York, established by command of His Majesty.

His Excellency trusts that no subject will appear to you of greater importance than the improvement of Public (Grammar) Schools, nor any that will demand your earlier consideration.

I am also to observe that it is the intention of His Excellency to endeavour to make such alterations in the Royal Grammar School, that it may become accessible to all, and an Institution where an education may be obtained by the sons of the inhabitants of this Province, that will render them fit for admission to the Royal King's College, or for any profession.

\* On page 258 of the First Volume of this Documentary History is given the Reverend Doctor Strachan's version of what Sir John Colborne said on this occasion.

† This Sir John Colborne did, in his Opening Address, (or Speech from the Throne,) to the Legislature of Upper Canada, on the 8th of January, 1829. See page 259 of the First Volume of this Documentary History.

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I am further to remark that His Excellency will receive from you with much satisfaction, your suggestions that may have in view the improvement of the Royal Grammar Schools or the District Grammar Schools.

Z. MUDGE.

GOVERNMENT HOUSE,  
YORK, December 6th, 1828.

*27th December, 1828.*—At a Meeting of the College Council, held on this day, the Reverend Doctor Strachan reported that he had seen the Chancellor, who stated to him "that he would signify his intentions at a future period." This he did at a meeting of the Council on the 17th of June, 1830. See below.)

*May 23rd, 1829.*—A letter was received from Mr. Charles Fowler, Architect, London, stating that the Model of King's College, was nearly ready, and asking for One Hundred and Fifty pounds, (£150,) on account, which was sent to him. The Model was submitted to, and approved by, Sir George Murray, the Colonial Secretary.\* Books to the value of Five Hundred pounds, (£500,) had been received from the Society for the Propagation of the Gospel.

#### REPRESSIVE ACTION OF SIR JOHN COLBORNE, CHANCELLOR OF THE UNIVERSITY.

*February 8th, 1830.*—At this meeting, the College Council adopted a Minute in regard to a request from the House of Assembly, to the Lieutenant-Governor, for information in regard to King's College. This Minute and the Address to His Excellency on the subject, will be found on pages 316, 317 of the First Volume of this Documentary History.

*June 17th, 1830.*—At a meeting of King's College Council, held this day, Sir John Colborne communicated to the Council his views on the College Charter, as promised at the meeting of the 13th December, 1829, (page 24). They were as follows :

#### NO UNIVERSITY BUILDING SHALL BE ERECTED AT PRESENT, 1830.

Under present circumstances, and while dissatisfaction prevails in the Province, on account of the exclusive character of the Charter which has been granted for King's College, the Chancellor has no intention of preparing for the consideration of the Council any Ordinance relative to the expediency of erecting Halls, or Buildings, for the accommodation of the Professors who may be required immediately to carry into effect part of the Charter.

#### WHAT THE CHIEF OBJECT OF A UNIVERSITY IN UPPER CANADA IS.

The chief object in opening a University in this Province is, not only to secure an easy access to the Institution, but to make it so attractive that no doubt may exist whether students can, in every respect, be better qualified in their native land to embrace a Professional life, than in other parts of North America.

#### HOW THE UNIVERSITY MIGHT BE ORGANIZED AT FIRST, 1830.

As a first step towards the accomplishment of this, it is proposed to appoint two or three eminent Professors, whose talents and reputations cannot fail of showing distinctly to the Province the great benefit that will result from their exertions.

It is not probable that more than ten students will be fit to take advantage of their tuition for some time, nor will any scholar from the College of Upper Canada be properly qualified to enter the University in less than three years. But lectures which have reference to the formation of a Medical School should, it is supposed, commence as soon as possible.

\* For reference to this Model, see pages 144, 222 and 345 of the Second Volume of this Documentary History.



If two Professors in Science, and one Professor in Classics should be appointed, the Council are required to consider how far the funds of the endowment will bear the salaries that may be required to ensure an election available to the University.

#### A COURSE OF MEDICAL INSTRUCTION RECOMMENDED, 1830.

The University would confer an important benefit on the Province by establishing, as soon as possible, a full course of Medical Instruction. To carry this into effect, it has been suggested that the duties of one of the Professors in Science should include, not only lectures on Anatomy and Physiology, but Practical Anatomy, and, of the other, Chemistry, Materia Medica and Natural History.

#### WHO MIGHT BE THE LEADING REPRESENTATIVE OF THE UNIVERSITY, 1830.

The Professor in Classics, if a sound classical scholar, that will do credit to British scholarship in the eye of the Canadians, and of the United States, if ho be a decided religious character, with temper, discretion and judgment, and qualified to be the prominent, indeed the representative Officer of the University for some years, the young men who are destined to be the guides of the scattered settlers of this Colony, might be placed entirely under his charge.

#### EXHIBITIONS FOR UPPER CANADA COLLEGE AND THE DISTRICT (GRAMMAR) SCHOOLS.

The Council will also consider whether two exhibitions, of Forty or Fifty pounds each, should not be formed for the encouragement of the Upper Canada College, and the District, (Grammar,) Schools. These probably should be held for four years, and the candidates who are examined for them, should be required to have been scholars of the Upper Canada College, or of the District, (Grammar,) Schools three years.

The first election might take place before the summer vacation of 1833.

GOVERNMENT HOUSE,  
YORK, June, 1830.

J. COLBORNE,  
Chancellor.

#### RESOLUTIONS OF THE KING'S COLLEGE COUNCIL, IN RESPONSE, 1830.

*June 26th, 1830.*—The King's College Council, having deliberated upon this Communication of the Chancellor, passed the following Resolutions :

1. *Resolved.* That the Council is exceedingly desirous of uniting with His Excellency, the Chancellor, in the necessary measures for enabling the University of King's College to answer the valuable ends of its institution, with the least possible delay.

2. That under the system which the Council has pursued for disposing of the lands of the Corporation, the sales have already produced such a fund as will yield a very considerable income ; and, by acting upon the same system, the fund will be increased certainly, and, it is hoped, rapidly, so that there is no doubt in the opinion of the Council that an adequate salary can be provided for two or three Professors, so soon as the necessary arrangements can be made for their accommodation.

3. That the Council fully concurs in deeming it important that every exertion should be made to procure Professors of exemplary character, and of the highest attainments in the several branches of Literature and Science, under the superintendence of the Venerable President of the University, whom His Majesty has selected, so that the University may commence auspiciously, and may acquire early that celebrity which the Province has a right to expect from the munificent endowment bestowed upon it, and from the liberal character of its Charter.

4. That, in order the better to accomplish this object, it is necessary that the salaries should be such as to afford inducement to men of eminence in the British Universities, and that, in the opinion of the Council, it will not be prudent to estimate the salaries necessary for three Professors at a less amount than Sixteen Hundred pounds, (£1,600,) sterling a year.

5. That, without encroaching upon the fund expressly granted by His Majesty's Government for defraying the charge of erecting a suitable Building, the Council conceive that they may safely anticipate an income, at the end of two years from this time, that will suffice to meet the expenditure of these salaries, but that it would not be prudent to make arrangements that would incur a greater charge at that period.

6. That, with respect to the time and manner of commencing, the Council do not feel it safe to assume that no material injury would be occasioned by deferring the opening of the University, for three years, or, indeed, for any period longer than must be consumed of necessity

in making preparation that a Classical School, having been taught in each of the eleven Districts of this Province for many years, some of which have been superintended, and are now superintended, by gentlemen who have had excellent opportunities of education in Great Britain, or elsewhere in the British Dominions; and, although, it is probable that there may have been that diversity in the system and mode of instruction that it would take some time to prepare any of the pupils taught in those Schools for entering an University with exactly those qualifications, which, for the sake of uniformity, it may be thought convenient hereafter to acquire, yet, judging from the reception at Oxford of several scholars from our District (Grammar) Schools, and from their progress there, it is not unlikely that there may be a considerable number of young men, who, before three years are over, ought, if it be possible to have those advantages, which the system of University Education, would open to them, and who have acquired sufficient knowledge to improve those advantages. The Council are also seriously impressed with the conviction, that, not a year passes, but to some young man so situated, the opportunity of thus perfecting his education is lost for ever; and that several are, in consequence, annually entering upon professional studies with just such imperfections as the lectures of able Professors would have best supplied. It seems, therefore, to the Council that the circumstances of the Province justify no delay beyond that which must be occasioned by making the necessary preparations. If two or three years must elapse before these preparations can be made, it cannot be helped; and the necessity seems only the more urgent for an immediate application to the object.

7. That, with respect to the Lectures which shall have reference to the formation of a Medical School, the Council deem it very desirable to embrace in the course of education at the University such instruction as would well qualify a student for entering elsewhere upon medical studies, properly so called; but, having discussed this subject much and deliberated maturely upon it, the Council do not think that they would be acting judiciously in devoting any large portion of their increase at present to the attempt to qualify persons at the University for the practice of the Medical Profession. So far as the views of young men intended for that profession can be advanced by instruction in Chemistry, in Botany as connected with Medicine, in the various branches of Natural Philosophy, which form part of a liberal education, and which have a general connection with Medical Science, those views may be promoted without injury to other objects, and if, at an expense not excessive, students can, besides this, have the opportunity afforded to them of a general course of instruction in Anatomy and Medicine, under men of ability, a valuable object will be gained; but the Council do not think it would be prudent to encourage the belief that students can be qualified for the practice of Physic or Surgery by the instruction they can receive here. They must resort to the opportunities of experience to be found in large cities, the present circumstances of this Province neither affording adequate means for illustrating the theory, or exemplifying the practice; and the Medical Profession is, therefore, that in which we can least hope to supersede the necessity of seeking instruction out of the Province.

8. That there is besides so little inducement to look to that profession as a provision, that with very competent means of instruction within the Province, as far as instruction merely can go, parents have scarcely in any instance shown a wish to bring up their sons as Physicians or Surgeons. Country practice is found to be a life of drudgery, very ill compensated, and our few large Towns are adequately supplied when they each contain one or two gentlemen of talent and experience. The profession, being open to those who have qualified themselves abroad, an ample number of candidates for employment present themselves from among retired Surgeons of the Army and Navy, and from experienced practitioners from older and more populous countries. This will probably continue to be the case; and, if it were not so, still a few young men educated among us would occupy the field for many years.\* These considerations lead the Council to the belief that it is not of such pressing importance to this profession, as to the others, that the benefits of King's College should be early felt, but they would only tend to deter the Council from diverting any large portion of their income at present to the express purpose of forming a Medical School. All that can be done at a moderate expense to meet to the utmost the views of the Medical Students, as well as others, the Council will gladly concur in; but they do not regard provision for this object so pressing, as the necessity of providing for the interests of literature and general science.

9. That instruction in Civil History, in Classical Learning, in Moral Philosophy and Divinity, seem to be more required. Natural Philosophy, Chemistry and the Mathematical Sciences must, of course, be provided for with as little delay as possible. Those who are to fill the professions of Law and Divinity, and to act in the various departments of the public service, and, indeed, all upon whom the interests of society are mainly dependent, require those qualifica-

\*This paragraph throws a strong side light upon the condition and prospects of the Medical Profession in Upper Canada in 1830.

tions to enable them to discharge their part with credit ; and the Council considers that, in the order in which these are most necessary, provision should at once be made for them.

10. That, in the opinion of the Council, Civil History and Classical Learning, including instruction in English Composition, may be made to form the department of one Professor. Moral Philosophy and Divinity, that of another ; and Chemistry and Natural Philosophy of a third. That such a course of instruction, under eminent Professors, would speedily establish the reputation of the University, and that a Professorship for the Mathematical Sciences, might, after a very short interval, be added, if it could not be made to form part of the first arrangement.

11. That the Council would have much satisfaction in uniting with His Excellency in the discussion and adoption of all such measures as are necessary for carrying into effect His Majesty's gracious intentions in forming King's College, among the first of which it seems to the Council indispensable, in this, as well as in all other similar cases, to make early provision for accommodating the Institution with suitable Buildings ; and the Council respectfully considers, according to the construction which the Charter has hitherto received, and agreeably to the system of proceeding in other corporations for similar purposes, is rather a matter to be resolved upon after open and general discussion in the Council, than one which requires to be introduced in the first instance in the shape of a Statute, Rule or Ordinance.

12. That the Council concurs in the expediency of erecting four Scholarships of Forty pounds each, upon the foundation of the University, which Scholarships should be open to the free competition of all young men educated within the Province, and that each election should be for a term of four years. In the general plan which must be adopted before the University can commence, the Council conceives that provision may be made for the first election to be held before the summer vacation of 1833.

COLLEGE COUNCIL CHAMBER,  
26th of June, 1830.

JOHN STRACHAN,  
President of King's College.

*September 28th, 1830.*—At the meeting of King's College Council, held this day, the Reverend Doctor Harris, Principal of Upper Canada College, took his seat at the Council as the successor of Sir William Campbell, deceased. A copy of a Despatch from Sir George Murray, Colonial Secretary, dated the 14th of June, 1830, was enclosed to the College Council by Captain Mudge, Private Secretary to Sir John Colborne, asking for an account to be laid before the House of Commons :

Of all grants of land made to Trustees, or other Officers, appointed by Charter for the Maintenance and Establishment of any College, or Seminary, for Education in Upper Canada, with any valuation or estimate that may have been made of the same.\*

No meeting of the King's College Council is reported in the Minute Book as having been held from the 28th of September, 1830, until the 22nd of January, 1831, or from that date until the 18th of June, 1831. In the meantime, the following documents were addressed by the Lieutenant-Governor's Private Secretary, Captain Mudge, or by Sir John Colborne himself, to the Reverend Doctor Strachan, President of King's College :

#### I. ENDOWMENT OF UPPER CANADA COLLEGE, ETC., AUTHORIZED, 1831.

His Majesty's Secretary of State, having authorized the Endowment of Upper Canada College and Royal Grammar School with one of the School Townships, the Lieutenant-Governor suggests the expediency of selecting for this purpose 25 000 acres in the Township of Seymour, 19,500 acres in Ekfrid and Mosa, and 15,000 acres in Wilmot, and of conveying this land to the Institution :—the King being declared Trustee, by an Instrument under the Great Seal.†

\*The Report, dated the 30th day of September, 1830, and containing the information here asked for, will be found on page 817 of the First Volume of this Documentary History.

† See page 129 of the Second Volume of this Documentary History.

The Lieutenant-Governor proposes also that the Council of King's College may be empowered to sell the land conveyed to the Institution, and to receive the proceeds of the sales which may be effected, and that the Council be solicited to defray all the current expenses of Upper Canada College and Royal Grammar School, till its Revenue shall enable the Board of Education to provide for the salaries of the Masters and the annual outlay of the College, and to discharge the debt incurred in erecting Buildings—the Council retaining [out of the proceeds of the Sales] the amount of the advances made on account of the expenses of Upper Canada College.

J. COLBORNE.

GOVERNMENT HOUSE,  
YORK, 6th April, 1831.

## II. MANAGEMENT OF THE ENDOWMENT OF UPPER CANADA COLLEGE, AND GRANT TO THE COLLEGE, 1831.

The Lieutenant-Governor transmits to the President and Council of King's College the annexed Proposals, which have been submitted for the consideration of the Executive Council, and he now requests that the President and Council will consent to take under their management the Land with which the Upper Canada College and Royal Grammar School has been endowed, and to receive the proceeds of all the sales that may be effected on account of the Upper Canada College until its Revenue can bear the current expenses of the Establishment.

The Lieutenant-Governor, with reference to the important advantages which the Province and King's College will derive from the prosperity of a Seminary which is raising in a great degree the standard of Education in this country, is persuaded that the Council will think it expedient to sanction the arrangement proposed.

His Majesty's Government allows the sum of Five Hundred Pounds (£500) per annum to the Upper Canada College from the Casual and Territorial Revenue; and the Lieutenant-Governor hopes that in a few years the Revenue of the Institution will be found sufficient to support its annual expenditure.

J. COLBORNE.

GOVERNMENT HOUSE,  
YORK, April, 1831.

## III. PROCEEDS OF SALE OF LANDS FOR THE ENDOWMENT OF UPPER CANADA COLLEGE TO BE PAID TO THE BURSAR OF KING'S COLLEGE, TO REPLACE ADVANCES, 1831.

I am directed by the Lieutenant-Governor to transmit to you the annexed copy of a letter to the Commissioner of Crown Lands, from which the College Council will perceive that all sums accruing from the sales of land set apart as an endowment for Upper Canada College and Royal Grammar School have been ordered by His Excellency to be paid into the hands of the Bursar of King's College until the Revenue of Upper Canada College is sufficiently increased to bear the expenses of the present Establishment.

Z. MUDGE.

GOVERNMENT HOUSE,  
YORK, 2nd June, 1831.

*Enclosure.—Copy of a Letter to the Honourable Peter Robinson, Commissioner of Crown Lands.*

His Majesty's Secretary of State for the Colonies having, in his Despatch of the . . . ; authorized a Township to be set apart as an endowment for Upper Canada College and Royal Grammar School, I am directed by the Lieutenant-Governor to acquaint you that His Excellency requests that you will take under your charge the block of land appropriated, in conformity to the annexed copy of an Order in Council for this purpose, and that they may be sold for the benefit of the Institution, and of certain expenses incurred by the [General Board of Education for Upper Canada as] Trustees of Upper Canada College, which have been defrayed from the funds of King's College, and as advanced from time to time with the sanction of the College Council, until the revenue of Upper Canada College is sufficiently increased to bear the current expenses of the present Establishment.

I am also to desire that you will pay into the hands of the Bursar of King's College the amount of the proceeds of the sales of land effected on account of Upper Canada College.\*

Z. MUDGE.

GOVERNMENT HOUSE,  
YORK, 2nd June, 1831.

\* These advances to Upper Canada College from the funds of King's College were a subject of enquiry by a Committee of the House of Assembly in 1832. See reply number two, on page 94 of the Second Volume of this Documentary History; also page 326.

*June 18th, 1831.*—The proceedings of the Council of King's College on this Letter, (No. III), and its enclosure, which took place at this date, were as follows :

The Council of King's College, having deliberated upon the above Letter, were of opinion that the more convenient arrangement would be, that the Government should transfer, by Patent to the Corporation of King's College, such portion of the sixty-six thousand, (66,000,) acres which His Excellency has proposed to direct the Crown Lands Commissioner to dispose of for the purpose of replacing the advance which the Corporation of King's College has made in aid of Upper Canada College, as may be estimated to be equal in value to the debt incurred. And that whatever advance may be necessary in future years, in aid of Upper Canada College, will be made by King's College, to be repaid in like manner by lands to be taken, upon a valuation in each case, unless the repayment can be otherwise secured.

In making this suggestion, however, the College Council think it proper to add that they have no objection to offer, on the part of King's College, to the arrangement first proposed by His Excellency of conveying the endowment of Upper Canada College to the Institution, the King having declared the General Board of Education for Upper Canada to be its Trustees, by an Instrument under the Great Seal, and empowering King's College Council to sell the land, until the endowment shall be sufficient to support the Institution, after paying the debt due by it to King's College.

It is in reference only to the proposition last made by His Excellency the Lieutenant-Governor, that the College Council would urge the course they have now suggested as more secure and satisfactory.

*July 28th, 1831.*—At this meeting of King's College Council the following Communication from Sir John Colborne was read :

KING'S COLLEGE COUNCIL TO HOLD PART OF THE UPPER CANADA COLLEGE ENDOWMENT  
IN TRUST TO REPAY ADVANCES TO IT, 1831.

The Lieutenant-Governor, with reference to a former Communication (of the 6th of April, 1831, (page 28,) on the subject of the lands set apart for the Upper Canada College and Royal Grammar School, and to the measures proposed by the College Council in their Minute of the 20th [18th] of June, 1831, suggests that the following arrangement should be adopted, videlicet : That King's College, in the first instance, shall hold, in trust, twenty thousand, (20,000,) acres of the lots ordered by His Majesty's Government to be set apart for the support of Upper Canada College, until all sums advanced by King's College shall have been repaid to that Corporation ; that King's College shall have full power to create a revenue for Upper Canada College ; to sell the lands set apart for the support of Upper Canada College ; to defray from the proceeds of the sale of these lands the current expenses of Upper Canada College, and to replace such sums as have been advanced by King's College, or shall be advanced on account of the Buildings, or expenses, of Upper Canada College.

By adopting this course King's College Council will become gradually the Trustees of the Endowment ; which is a very desirable arrangement, and the wild land tax cannot be demanded for any part of the sixty-six thousand (66,000) acres set apart for the College.

J. COLBORNE.

GOVERNMENT HOUSE,  
YORK, 25th July, 1831.

After considering this Communication, the following Resolution was passed :

*Resolved,* That the Council of King's College accedes to the arrangement suggested by His Excellency the Lieutenant-Governor, conceiving it to be the intention of His Excellency that the twenty thousand, (20,000,) acres spoken of are to be granted by Patent to the Corporation of King's College, upon the Trust mentioned in His Excellency's Letter ; and that, with respect to the residue of the sixty-six thousand, (66,000,) acres, the College Council should assume the agency of disposing of it for the purpose stated by His Excellency, the title to the land remaining, as at present, vested in the Crown, until Patents, from time to time shall issue to the Corporation for such tracts as will cover the contracts of sale which the College Council shall have entered into through the Bursar, in order to enable them to make Deeds to the respective purchasers. (See Report, on the next page, of the Executive Council in this matter.)

Another Communication, dated the 27th of July, was received from the Lieutenant Governor and read. It recommended that the—

Deeds of the Land which was set apart in this Town for the support of a Grammar School [i. e. Block D, north of St. James' Church] should be placed in possession of the Council of

King's College ; and that the Reverend Doctor Strachan, Archdeacon of York, and Lieutenant Colonel Joseph Wells should be relieved from the personal responsibility which they have incurred by borrowing, for the use of Upper Canada College, the sum for which the Land in question was sold.

J. COLBORNE.

GOVERNMENT HOUSE,  
YORK, 27th July, 1831.

The action of the College Council on this Communication was as follows :—

The Council accede to the proposition of His Excellency ; and upon receiving a Patent for Land which was set apart in this Town, [Block D,] for the support of a Grammar School will assume the responsibility now held by the Reverend Doctor Strachan, Archdeacon of York, and Lieutenant Colonel Wells, Bursar of the University, as suggested by His Excellency.

NOTE.—From the 28th of July, 1831, until the 10th of March, 1832, only one (unimportant) meeting—that of the 1st of October, 1831,—was held. In the meantime the following Report of the Executive Council, dated the 13th of January, 1832, was communicated to the Reverend Doctor Strachan, President of King's College :

Report of the Executive Council, respecting the repayment of certain moneys which have been or may be advanced by the University of King's College to Upper Canada College and Royal Grammar School.

*To His Excellency Sir John Colborne, K.C.B., Lieutenant-Governor of Upper Canada, etc.*

MAY IT PLEASE YOUR EXCELLENCY :

The Executive Council, having had under consideration the endowments of the College of Upper Canada and Royal Grammar School, respectfully recommend that out of the sixty-six thousand, (66,000,) acres authorized by His Majesty's Government to be set apart for the abovenamed Institution, as per schedule read in Council on the 30th of June, 1831, there be granted twenty thousand, (20,000,) acres by Patent to the Council of King's College, in trust towards the repayment of all sums which have been, or may be advanced, by that Corporation in aid of the said College of Upper Canada, which twenty thousand acres shall consist of three thousand and forty six, (3,046,) acres in the Township of Mosa, twelve thousand five hundred and one, (12,501,) acres in the Township of Ekfrid, in the District of London, and that the remainder of the quantity be made up of such parts of the Township of Seymour, in the District of Newcastle, as may be found free from difficulty, such Patent to be completed with as little delay as possible.

All which is respectfully submitted,

J. BABY,  
Presiding Councillor.

EXECUTIVE COUNCIL CHAMBER,  
13th January, 1832.

#### LORD GODERICH DESPATCH OF THE 2ND OF NOVEMBER, 1831.

*March 10th, 1832.*—At the meeting of King's College Council, held this day, Sir John Colborne, as Chancellor of the University of King's College, communicated a copy of a Despatch from the Colonial Secretary, Lord Goderich, dated the 2nd of November, 1831. A copy of this Despatch, and a statement of the circumstances under which it was written, will be found on pages 54-56 of the Second Volume of this Documentary History.

This noted Despatch occupied at the time a large share of public attention in Upper Canada, by reason of its clear and outspoken utterances on the policy of the Home Government, and of the Educational Rulers of the Province in 1827-1831, in regard to legislation on the question of University Education.

*March 21st, 1832.*—The King's College Council having deliberated upon the Despatch of the Right Honourable Lord Goderich, the Secretary of State for the

Colonies, dated the 2nd of November, 1831, which was referred to them by His Excellency the Lieutenant-Governor, and read to the Council on Saturday, the 10th instant, together with the opinions of the Members of the Council upon questions severally proposed to them, it was :

*Resolved*, That the following Report be addressed to His Excellency the Lieutenant-Governor, as containing the opinion of this Council upon the subject of the Colonial Secretary's Despatch, and that His Excellency be requested to transmit the same to His Majesty's Secretary of State for the Colonies :

*To His Excellency Sir John Colborne, Lieutenant-Governor of Upper Canada, etc.*

**MAY IT PLEASE YOUR EXCELLENCY :**

The Council of King's College have maturely deliberated upon the Despatch of the Right Honourable the Secretary of State for the Colonies respecting King's College, dated the 2nd of November, 1831, which Your Excellency was pleased to refer for their consideration and Report.

**KING'S COLLEGE COUNCIL ASKED TO SURRENDER THE COLLEGE CHARTER.**

2. Upon an attentive perusal of this Despatch, it appears to be the desire of His Majesty's Government that the Members of the Corporation of King's College shall surrender the Charter granted to them by His late Majesty, together with the Endowment which has been graciously conferred upon the Corporation. That they are requested to make this surrender upon the assurance of the Secretary of State that no part of the Endowment shall ever be diverted from the object of the education of youth. That it will be proposed to the Legislature of this Province to erect another College upon such principles as they may approve, with a recommendation from the Home Government that they establish permanently in the new College a Divinity Professorship of the Church of England.

3. The Council takes these to be in substance the propositions contained in the Despatch, and they beg leave to add, that the arguments used to induce a compliance ; and, in the view taken of the difficulties which are supposed to be in the way of proceeding under the present Charter, they cannot but perceive an anxiety upon the subject that claims their respectful acknowledgment, and requires from them a corresponding frankness in answering the reference of this Despatch, which His Excellency the Lieutenant-Governor has been pleased to make to them.

**OBJECTIONS—NON-CHARTER MEMBERS HAVE NO POWER TO ASSENT TO THE SURRENDER.**

4. The Council observes that the request to surrender the Charter is purposely addressed to "The Members of the Corporation," of whom there are at present only the Chancellor and President holding a legal interest in the Charter itself, as constituent members of the Corporation. The other gentlemen, (to whose consideration this Despatch has been submitted, having no other relation to the Corporation than, as they happen to be for the time, Members of the College Council), are doubtful whether it was intended by the Secretary of State to request their concurrence in the surrender of the Charter, or, whether it may not merely have been desired that they should express their opinion upon the expediency of the course proposed. If it has been contemplated that they should join in the surrender, the first difficulty which presents itself is a conviction on their part, that they have not the power to do so.

5. His late Majesty very graciously intending to establish an University in this Province, "for the Education of youth in the principles of Christian Religion, and for their instruction in "Science and Literature," erected, by Letters Patent, a Corporation, to consist of the Chancellor, President, Professors and Scholars of the proposed University, and gave to that Corporation, under the style of "The Chancellor, President and Scholars of King's College, at York, "in Upper Canada," a capacity to take, hold and possess lands, not as personal estate, for the use of the College.

6. The Members of the Council, who come under neither of the designations of Chancellor, President, Professors, or Scholars, are not made by the Charter constituent members of the Corporation ; and they, therefore, apprehend that they can concur in no act for surrendering the Charter,—in other words, that they cannot yield up a grant they have not received.

**THE LEGAL QUESTION AS TO THE POWERS OF NON-CHARTER MEMBERS OF THE CORPORATION.**

7. It is true that the Charter provides for the existence of a Council within the Corporation, who are to frame Statutes, Rules and Ordinances for the good government of the College, and

to manage its revenue, property and affairs; which Council is to consist of the Chancellor, President and seven of the Professors, whenever a sufficient number of the latter shall be appointed, being members of the Church of England. It is true, also, that, in order to provide for the filling up of the Council at the first institution of the College, and previous to the appointment by the Chancellor of seven discreet and proper persons resident within this Province, to constitute, in conjunction with the Chancellor and President, the first original Council of the College, a Council has been accordingly constituted by appointing seven persons under the authority of the Charter; but it seems to the Council to admit of no doubt that it is not within the power of the persons so appointed for managing *ad interim* the revenues and property of the College, to join in any act for divesting the College of all its "revenues and property, leaving thereby nothing to be managed;" and it seems to them equally clear that, under the general but temporary authority which the Charter gives them, "to do such matters and things as to them shall seem good and fit and useful for the well being and advancement of the College, and agreeable to the Chancellor," the persons so appointed could not join in annihilating the Corporation by the surrender of the Charter itself.

#### THE EXPEDIENCY OF SURRENDERING THE CHARTER QUESTIONED.

8. Such an act would not be agreeable to the Charter, but, on the contrary, directly and immediately destructive of it; and as it could not, therefore, come within the scope of the authority given to the Council by the general expression above referred to, so it seems to be at least equally evident, that it could not come within the range of any of those powers, or duties, of the Council, which are especially enumerated, because these all have relation to the promotion and advancement of the purposes of the Institution, and would be plainly infringed by any act tending to its destruction. On the whole, what is here intended to be stated cannot be more distinctly expressed than by saying that these Members of the College Council consider themselves to have certain powers under the Charter, but none over it.

9. Although the Council have thought it proper to explain their view of this matter, so as to obviate any possible misconception, they are not desirous of enlarging upon this legal difficulty, because they are not sure that the Secretary of State intended to address the request contained in the Despatch to any others than His Excellency the Chancellor and the President, although the general tenor of the Despatch allows that to be implied, and, however this may be, the Council would not be so uncandid as to intimate that the difficulty they have stated is their only difficulty; on the contrary, they wish it to be understood that, if their scruples on that point could be removed, they would still not feel it right to concur in surrendering either the Charter of King's College, or its Endowment.

#### UNCERTAINTY AS TO THE FUTURE APPLICATION OF THE COLLEGE ENDOWMENT.

10. As the Council do not feel, so they cannot profess to feel, a sufficient assurance that, after they should have thus consented to destroy a College founded by their Sovereign, under as unrestricted and open a Charter as had ever passed the Great Seal of England for a similar purpose, the different branches of the Legislature would be able to concur in establishing another that would equally secure to the inhabitants of this Colony, through successive generations, the possession of a seat of learning, in which sound religious instruction should be dispersed, and in which care would be taken to guard against those occasions of instability, dissension and confusion, the foresight of which has led in our Patent State to the making an uniformity of religion in each University, throughout the Empire, an indispensable feature in its constitution. If the objections entertained by the Council against the surrender of the Charter were not insurmountable, no stronger inducement could be offered than the request which His Lordship's Despatch conveys; for the Council cannot fail to be sensible that such a request can have been dictated only by a supposed necessity for departing from established principles, in order to promote the peace and contentment of the Colony.

#### THE QUESTION IS NOT A PASSING ONE, BUT ONE OF THE FUTURE ESPECIALLY.

11. With the opinions, however, which the Council entertain, and with the opportunity of forming those opinions, which their residence in the Colony affords them, they could never stand excused to themselves, or others, if they should surrender the Charter, supposing that to be within their power, so long as there is an utter uncertainty as to the measures that would follow. The moral and religious state of more than three hundred thousand, (300,000,) British subjects is at present involved in the proper disposal of these questions; and, before very many years will have elapsed, more than a million must be affected by them. The Council, therefore, whatever results may be obtained by other means, could not justify to themselves the assuming



the responsibility of endangering the very existence of this Institution. They would feel bound to look beyond the movements and discussions of the passing hour, and could not, even if they concurred in the view of present expediency, consent to pull down the only foundation which at present exists in Upper Canada for the advancement of religion and learning upon a system which has not been repudiated by the Government in any part of His Majesty's Dominions.

12. The College Council would entertain no objection against the surrendering of the Incorporation as a mere formal act, to be immediately followed by the granting of another Charter under the Great Seal, upon terms that shall have been fully settled and agreed upon previous to its surrender, so that the existence of a College in Upper Canada should not be dependent upon the chance of the Legislature, or the Government, devising a Charter which all religious sects, and all parties shall forbear to complain of.

#### THE CONTINGENCIES AS TO THE FUTURE OF THE QUESTION VERY UNCERTAIN AND DOUBTFUL.

13. If the power of surrendering clearly lay in their hands, they should feel this caution necessary, because they are strongly impressed with the conviction, that the proposition which must be made to the Legislature, to concur in framing a Charter for a new College, would either be attended with no effectual result, or, would lead to the establishment of such an Institution as would be without an example in the British Dominions; and they are apprehensive that the consequence would very probably be that, after the delay of some years, the small chance of an union of sentiments upon this subject might lead His Majesty's Government to give up the attempt, and appropriate the surrendered endowment, (which His Lordship declares shall never be diverted from the object of the education of youth,) to the advancement of Education in some other manner than by the foundation of an establishment, which the Council considers to be indispensable to the future welfare of the Colony.

#### SUGGESTED MODIFICATIONS IN KING COLLEGE CHARTER CONSIDERED.

14. 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. (1) 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.

15.—(2) 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, then, that no one contemplates anything else than that the present Archdeacon of York, who, being especially named in the Charter, is to continue President, so long as he may consent to do so.

16.—(3) 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.

17.—(4) 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 Act 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.”

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18. 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.

#### THE COUNCIL DISSENTS FROM THE VIEWS AND ARGUMENTS OF LORD GODERICH.

19. 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.

20. 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.

21. 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.†

22. 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."

23. 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 misapprehensions 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, Sir Peregrine Maitland, 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 have had a minute Survey and Report made of the value of all the lands which constitute the Endowment; and they have made such arrangements as were rapidly producing the necessary funds. They have procured a model and specifications of suitable buildings, and were on the very point of advertising for contracts to erect such parts of them as would suffice for the immediate purposes of the Institution.

#### REPRESSIVE PROCEEDINGS OF THE LIEUTENANT-GOVERNOR AS CHANCELLOR.

24. 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.

\* See references to these "grievances" on pages 112, 113, 116, 117 and 187 of the Second Volume of this Documentary History.

† The reference to this "suspension" of the Imperial Grant of one thousand pounds (£1,000) sterling, per annum, will be found on page 216 and 228 of the Second Volume of this Documentary History, and also further on. There is no evidence to show that the "operations of the College Council," *per se*, were suspended.

25. The Council could but submit, in the earnest hope that a more mature consideration of the subject would lead to the removal of a prohibition for which there was not, in the judgment of any Member of the Council at that time, any adequate cause.

EXAMPLE OF THE SUCCESS OF UPPER CANADA COLLEGE CITED IN FAVOUR OF KING'S COLLEGE.

26. Either at that time, or immediately after, Your Excellency urged the necessity of enlarging the foundation of the Royal Grammar School at York, in order to make it better serve the purpose of a Preparatory School to the proposed University.\* In their desire to promote Education by all possible means, the Members of the College Council have individually and collectively given every aid to this purpose of Your Excellency, and they have cheerfully given their concurrence, from time to time, in measures so far beyond the original design that they have incurred the responsibility of advancing out of the funds of King's College more than thirteen thousand pounds, (£13,000.) for the erection and support of this minor Institution, to which His Majesty's Secretary of State alludes in his Despatch.†

27. Under such encouragement, that Institution has had no difficulty in going into actual operation; and, while in consequence of the professed jealousy of the National Church, His Majesty's Secretary of State has, by an express direction to Your Excellency, communicated to the College Council, confirmed the injunction against any proceedings under the Royal Charter of King's College; notwithstanding, the Principal, Vice-Principal, the two Classical Masters, and the Mathematical Master, happen at present to be Clergymen in Holy Orders of the Church of England, is proceeding in the business of instruction; and children of parents of all persuasion are availing themselves of its advantages, as it was always evident to the College Council they would unquestionably have done, in respect to King's College, if it had been permitted to be opened.

28. There is, therefore, this striking difference, that, while the one Institution has been allowed and encouraged to proceed, and has been enabled to proceed from the funds thus temporarily advanced from King's College, the other, possessing a sufficient endowment and founded by a Royal Charter, has been restrained from proceeding by a peremptory interposition of the authority of Government. The fact has been the occasion of great regret and disappointment to the College Council, because its effect has been to withhold for some years from the youth of Upper Canada, to the irreparable loss of many, those benefits which no other Institution in the Colony is either calculated, or intended, to supply. But, it is more than ever painful to them now to find that the suspension thus occasioned, by the command of His Majesty's Government, is advanced as a proof that the Institution has been established on principles inherently defective, and is made use of as an argument for the surrender of their Charter and Endowment.

29. The College Council cannot but consider this as singularly unfortunate, because they entertain no doubt whatever, but, on the contrary, are convinced by past and present experience, that all that was wanting to show the unreasonableness of the objections that were urged, was to have suffered the College to proceed in carrying into effect the beneficent objects for which it was provided. They cannot, on any satisfactory ground, account to themselves why in a Colony of Great Britain, receiving annually vast accessions of inhabitants from the United Kingdom, those constitutional principles which are necessary to support a national religion should not be as decidedly maintained here as in other Colonies of the Crown.

THE MEMBERS OF THE COUNCIL UNANIMOUS, EXCEPT CHIEF JUSTICE ROBINSON.

30. The Council think it right to state that they are unanimous in the opinions respecting the alterations which may be made in the charter, except that the Chief Justice (John Beverley Robinson) desires it to be noted that it is not with his concurrence that the assent is expressed, dispensing with the provision that the Members of the Council shall be members of the Church of England, it being his conviction that a College for educating youth in the principles of the Christian religion, as well as in literature and the sciences, is less likely to be useful and to acquire a lasting and deserved popularity if its religious character is left to the discretion of individuals, and to the chance of events, and suffered to remain the subject of unchristian intrigues and dissensions, than if it is laid broadly and firmly on its foundation by an authority that cannot with any reason be questioned; he would think the necessity for any restriction with respect to the Members of the Council superseded, if the charter were to contain a declaration, such as the regulation adopted by the Council of King's College, New Brunswick, (the members of which are required to be of the Church of England) videlicet, that no Professor shall

\* See remarks on this subject, on page 285 of the First Volume of this Documentary History. See also page 11, *ante*.

† In regard to these advances from the funds of King's College, see pages 94 and 326 of the Second Volume of this Documentary History.

teach in the College any principles contrary to the doctrines and discipline of the United Church of England and Ireland, or to good morals, or to the British Constitution, as by law established.

31. He does not desire to see a subscription to the Thirty-nine Articles, or any other test exacted, but merely such a declaration of the religious character of the College as shall leave no part in doubt of the religious principles that are to be imbibed in the University.

All which is respectfully submitted.

COLLEGE COUNCIL CHAMBER,  
21st of March, 1832.

JOHN STRACHAN,  
President of King's College.

#### SUMMARY OF THE COUNCIL'S REASONS FOR NOT SURRENDERING THE CHARTER.

The Council of King's College was, at the time that this statement was written, and subsequently, very severely criticised for not assenting to the proposal of the Colonial Secretary to surrender the Charter of King's College. The nature of this adverse criticism may be understood by referring to page 216 of the Second Volume of this History. The reply of the College Council was, as will be seen, sent to the Colonial Secretary at the time it was written, in 1832; but it does not appear to have been communicated to the House of Assembly, or possibly to the public, except in a general way, until 1846, when it appears among a voluminous series of papers and documents, in the shape of a "Message" from the acting Governor-General, (Lord Cathcart,) on the subject of King's College University.\*

It was but just to the Council of King's College, that even at that late date, (1846,) the reasons for its refusal to surrender the Charter in 1832 should be given. The Council at that time gave what appeared to its members full and ample reasons why they then refused to accede to the request of the Colonial Secretary, Lord Goderich, conveyed to them, (by Sir John Colborne, the Lieutenant-Governor, and Chancellor of the University,) in the then noted Despatch of the Secretary, dated the 2nd of November, 1831.† The reasons which the College Council assigned for its refusal to surrender the Charter may be briefly summarized as follows:

1. It was held by the Council that only the persons named in the Charter, (and to whom the request of the Colonial Secretary was addressed—the Chancellor, and President,—there being no Professors and Scholars—) as the chief officials and representatives of the University, could surrender the trust which the Charter imposed upon them.
2. That the seven persons named by the chief of these officers, (the Chancellor,) being appointed merely to execute the trust imposed by the Charter, had no legal power to take part in its surrender.
3. That although the Colonial Secretary, Lord Goderich, in his Despatch, assured the Council that "no part of the endowment shall ever be diverted from

\* Appendix D D to the Journals of the House of Assembly of Upper Canada for 1846.

† This Despatch is given on pages 55 and 56 of the Second Volume of this Documentary History.

the object of the education of youth"; yet the Council felt that, if the Charter were surrendered the uncertainty of the destination of the endowment would, and did, make the Members hesitate to imperil the whole question of University Education in Upper Canada for the future; or, as the Council expressed it:

They [felt] bound to look beyond the movements of, and discussions of the passing hour; and they could not, even if they concurred in the view of present expediency, consent to pull down the only foundation which at present exists in Upper Canada for the advancement of religion and learning upon a system which has not been repudiated by the [Imperial] Government in any part of His Majesty's Dominions.

In transmitting a copy of this refusal of the Council of King's College to surrender the Charter of the University, Sir John Colborne wrote the Despatch to Lord Goderich, the Colonial Secretary, on the next page, dated the 2nd of April, 1832. In it, he suggested the expediency of the issue of a new Charter by the Imperial Government, and the subsequent cancellation of the former Charter of 1827 by the Provincial Legislature, or its formal surrender by the College Council, as then no longer operative.

It is evident from the Despatch of Lord Goderich to Sir John Colborne, dated the 8th of November, 1832, (page 112 of the Second Volume of this Documentary History,) that the Colonial Secretary declined to act upon this suggestion of Sir John Colborne; for, in the Despatch of the date mentioned, (8th November, 1832), he said: "Every possible measure has been taken to refer to their [the Canadian people's] Representatives the decision of the question, in what form, and upon what principles the College should be founded."

In 1835, upon the failure of the Legislative Council to concur in the Charter of King's College, as amended by the House of Assembly, Sir John Colborne practically made the same suggestion to the successor of Lord Goderich in the Colonial Office, (Lord Glenelg,) and said

I am persuaded that no law for the amendment of the College Charter will be enacted by the Provincial Legislature . . . and I entertain no doubt that the existing Charter may be so modified by the interposition of His Majesty's Government, as to leave, in essential points, no just grounds for dissatisfaction on the part of either House.

The reply of Lord Glenelg on these points was equally conclusive with that of Lord Goderich, his predecessor, for, in his Despatch of the 17th of June, 1835 he said:—

As I find it impossible to act upon the recommendation which you have thus tendered to His Majesty's Ministers, I think I shall best discharge my duty by announcing to you that decision without delay or hesitation.

I am not aware what may be the grounds on which you anticipate the acquiescence of the House of Assembly in such an amended Charter as you have proposed; on the other hand, the reasons for apprehending their strenuous resistance are obvious, and to me, at least, appear conclusive.

*First:* Your plan departs in every one essential particular from that which the House of Assembly, in their last session, sanctioned by their votes. It is not likely they would be satisfied to have their judgment overruled by the direct interposition of the Royal authority.

*Secondly:* The Earl of Ripon, (lately Lord Goderich,) referred the matter to the discretion of the Provincial Legislature. They would scarcely otherwise than be displeased with the retraction of His Lordship's order.\*

\* Pages 65 and 112 of the Second Volume of this Documentary History.

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*Thirdly:* The decision of such a question by His Majesty's advisers in this Kingdom, would be condemned with plausibility, and not indeed without justice, as a needless interference in the internal affairs of the Province.\*

The Despatch which Sir John Colborne addressed to Lord Goderich, the Colonial Minister, on the 2nd of April, 1832, was as follows:—

I have the honour to state that, on receipt of Your Lordship's Despatch of the 2nd of November, (1831) respecting the constitution of King's College at York, I assembled the President and Council, explained to them the wishes of His Majesty's Government in regard to the surrender of the Charter, with the Lands granted as an Endowment; and requested that they would consult on the expediency of following the course recommended in Your Lordship's Despatch.

I now beg leave to forward the accompanying Report, which they have transmitted to me, after having duly deliberated on the several topics to which their attention was directed; and to observe that, at the time I drew the attention of the Legislative Council and the House of Assembly to the Charter of King's College, with reference to the Instructions communicated to me by His Majesty's Government, and to an Address, which had been laid before the King; it was generally supposed that both Houses would coincide in opinion, that certain clauses of the Charter ought to be repealed, and that they would pass resolutions to that effect. But, there appeared no probability that they would concur in framing a new Charter; and, indeed, I still am persuaded that, whenever this perplexing subject is brought before the Provincial Legislature, the discussion of the terms of the new Charter, and of the Regulations to be established for the University, will lead to no satisfactory result.

Although it is obvious, from the tenor of the several Addresses to the King from the House of Assembly, during the last four years,†—that so long as King's College can be justly charged with retaining an exclusive character, it will be considered in the Province as a grievance. I am, however, convinced that it would be more satisfactory to most individuals interested in the welfare of the Province, to receive a new Charter from the King, framed under the direction of His Majesty's Government, than to see any other course adopted. The present Charter might be conditionally cancelled by the Provincial Legislature; or, its surrender procured from the College Council.

J. COLBORNE.

YORK, Upper Canada, 2nd of April, 1832.

#### FURTHER PROCEEDINGS OF THE KING'S COLLEGE COUNCIL, 1832-1836.

*March 16th, 1833.*—NOTE.—There is no record in the Minute Book of King's College Council of any meeting of that Council from the 18th of June, 1832, until the 16th of March, 1833. The reason may have been the suspension by the Colonial Minister, in July, 1832, of the grant of One Thousand pounds, (£1,000,) per annum, towards the building fund of King's College. See pages 216 and 228 of the Second Volume of this Documentary History.

On this day, (16th March, 1833,) two communications from Lieutenant-Colonel William Rowan, Private Secretary to Sir John Colborne, dated respectively the 9th and the 16th of March, 1833, relating to the endowment and government of the Upper Canada College, were laid before the Council. Copies of these letters and of the resolutions of the Council in regard to them, are printed on pages 128 and 129 of the Second Volume of this Documentary History.

*July 20th, 1833.*—A reply was laid before the King's College Council this day from the Lieutenant-Governor, (through his Private Secretary,) in which the

\* See pages 212-214 of the Second Volume of this Documentary History.

† The following are the dates of the Educational Addresses to the King during the four years mentioned by Sir John Colborne: 20th March, 1828 (page 242 of the First Volume of this Documentary History); 23rd December, 1831; 28th December, 1831; and the 28th of January, 1832; (pages 40, 52 and 63 of the Second Volume.

Secretary conveyed His Excellency's thanks to the Council for having assented to his proposal that the Council should take practical charge of the Upper Canada College. He said:

The Lieutenant-Governor learns with great satisfaction the result of the deliberations of the College Council on the suggestions of His Excellency conveyed to you in my letter of the 16th of March, (1833,) and directs me to state, with reference to the observations of the Council and the Report of the House of Assembly last session,\* that whatever alteration in the Government of Upper Canada College the College Council may adopt, (with the consent of the Lieutenant-Governor,) it will be considered a provisional arrangement only, and, therefore cannot in any respect interfere with the Rights, or Charter, of King's College, or to frustrate the intentions of the Council in regard to the time of opening the University.

WM. ROWAN,  
Private Secretary.

GOVERNMENT HOUSE,  
YORK, 25th May, 1833.

From the date of this last meeting of King's College Council, (July 20th, 1833,) until its meeting in March, 1837,—after the passing of the amended Charter of King's College by the Upper Canada Legislature in that year,—nothing of special public interest was done at the intervening meetings of the Council. The chief business transacted was dealing with the endowment of the University, the sale of lands, the appointment of Masters of Upper Canada College, regulating the internal affairs of that Institution, the erection of minor buildings (lodges, etc.) and improvement of the University grounds, etc. In June, 1834, Vice-Chancellor R. S. Jameson replaced Attorney-General Henry John Boulton on the College Council. On the death of the Reverend William Boulton, and the retirement of Vice-Principal Phillips from his position as Classical Master of Upper Canada College, two Classical Masters were appointed in their places, videlicet, the Reverend Charles Matthews, M.A., First, and Mr. Frederick William Barron, M.A., Third Classical Master—the distinction of Vice-Principal, having been abolished on the retirement of the Reverend Doctor Thomas Phillips. Among the applicants for these positions were the Reverends Henry Burgess, of Three Rivers, and Mr. Amos Ansley, Berthier, Quebec; Mr. Daniel Wilkie, Quebec; Mr. Walter C. Crofton, Cobourg; Mr. Marcus Crombie, Montreal; Mr. Hugh N. Gwynne, and Mr. John Kent, Toronto.

#### UPPER CANADA ACADEMY PETITION FOR INCORPORATION, 1835.

On the 14th of March, 1835, a Petition was presented to the House of Assembly on behalf of the Upper Canada Academy, praying for an Act of Incorporation. The Petition was referred to a Select Committee, which, on the 25th of that month, brought in a Report and Bill, giving effect to the prayer of the Petition. The Bill was read, *pro forma*, a first time, and ordered to be read a second time on the day following, but it never was so read. The following is a copy of the Petition, written by the Reverend Egerton Ryerson, but signed by the Reverend William Lord, President, and the Reverend James Richardson, Secretary of the Wesleyan Methodist Conference.

\* See this Report and the Appendix thereto, printed on pages 78-96 of the Second Volume of this Documentary History.

*To the Honourable the Commons House of Assembly of the Province of Upper Canada.*

The Petition of the undersigned Humbly Sheweth :

That the Conference of the Wesleyan Methodist Church in Canada have, at a very heavy expense, and by the aid of the voluntary liberal subscriptions of friends of Education in this Province, and elsewhere, erected and nearly completed, in the vicinity of Cobourg, Newcastle District, the Buildings for a Seminary of Learning, to be called the "Upper Canada Academy,"—the object of which is the education of the youth of the Methodist Connexion, and other youth of the Province, with special care of their religious and moral principles and habits,—as the union of education and Christian morality is essential to the well-being of every civilized country.

Nine Trustees have been appointed by the Conference, (the three first on the list to go out annually, and the vacancies to be filled up by the Conference), who shall hold in trust, all the property belonging to the Institution.

A Board of Visitors is provided for, consisting of five, to be annually chosen by the Conference, who shall be associated with the Trustees, in appointing the Principal and Teachers, in forming all the Regulations and By-laws which relate to the government and instruction of the students, and in managing all the affairs of the Institution. To this Joint Board the Principal and Teachers are to be amenable for their conduct.

The Board of Trustees and Visitors are to furnish annually to the Conference a full and explicit statement of the literary state of the Institution, and a full detailed account of its finances.

That in order to further the objects of said Academy, so much needed and so well adapted to promote the educational interests of this Province, an Act of Incorporation is necessary.

The undersigned, therefore, by order and on behalf of the Conference of the Wesleyan Methodist Church in Canada, humbly pray that Your Honourable House will take the premises into your gracious consideration, and pass an Act to authorize and provide for the succession of Trustees to hold property of and for the said Academy.

And, as in duty bound, your petitioners will ever pray.\*

WILLIAM LORD,  
President.

JAMES RICHARDSON,  
Secretary.

COBOURG, March 14th, 1835.

\* It will be seen, on reference to pages 174 and 238 of the Second Volume of this Documentary History, that the House of Assembly failed to pass the Bill of Incorporation prepared by a Select Committee to which the foregoing Petition had been referred. The consequence was, that the Reverend Egerton Ryerson was sent by the Conference to England to obtain a Royal Charter for the Upper Canada Academy, which he did after a great deal of correspondence with Colonial Minister and with the then Law Officers of the Crown,—afterwards, Lord Campbell, Chief Justice of England, and Baron Rolfe of the Exchequer Court. See pages 238-272 of the Second Volume of this Documentary History.



## CHAPTER II.

## EDUCATIONAL PROCEEDINGS OF THE UPPER CANADA LEGISLATURE, 1836-1837.

During the summer of 1836, a new election of Members to the House of Assembly was held, and, on the 8th of November, 1836, fifty-eight of the sixty Members of the House were sworn in, and took their seats in that Branch of the Legislature. On that day the Honourable Archibald McLean, Member for the County of Stormont, was chosen Speaker.

On the following day, 9th of November, 1836, Sir John Colborne, the Lieutenant-Governor, opened the First Session of the Thirteenth Parliament of Upper Canada with the usual Speech from the Throne. In it, he made the following reference to Education :

The beneficent intentions of His Majesty in granting a Charter of Incorporation to the University of King's College, have hitherto been productive of no useful result.

In calling your attention to the fact, I trust that the Province will shortly be indebted to your deliberations for possessing within itself, the means of bestowing upon youth the inestimable blessings of a refined and liberal education.

The disposal of the School Lands, and the promotion of General Education, are so intimately connected with the future destinies of the Colony, that I feel confident they will suggest themselves to your early consideration.

Of the sixty new members, elected to the House of Assembly, in 1836, about one-half were new men.

Of the new men elected to this House, the most noted were: Messieurs William Henry Draper, Malcolm Cameron, Henry Ruttan, Henry Sherwood, John Solomon Cartwright, John Prince, James Morris, Edmund Murney, and John William Gamble. Messieurs Mahlon Burwell and Jonas Jones were former Members.

The other new members were Messieurs George S. Jarvis, John Kearns, Richard P. Hotham, John A. H. Powell, John Marks, James Mathewson, George H. Detlor, Anthony Manahan, Charles Bockus, George Elliott, Edward W. Thomson, William Chisholm, Absolom Shade, Colin C. Ferrie, Richard Woodruff, Francis Caldwell, Robert G. Dunlop, Michael Aikman, James Rogers Armstrong, Roger R. Hunter, and W. C. Salmon.

## EDUCATIONAL PROCEEDINGS OF THE HOUSE OF ASSEMBLY, 1836-1837.

*November 9th, 1836.*—Mr. Hiram Norton gives notice, that he will, on to-morrow, move for leave to bring in a Bill for the sale of the Clergy Reserves, and to apply the proceeds thereof to purposes of Education.

Mr. Mahlon Burwell gives notice, that he will, on to-morrow, move for leave to bring in a Bill for the Establishment, Maintenance and Support of Common Schools throughout this Province.

Mr. Mahlon Burwell gives notice, that he will, on to-morrow, move that a Conference be requested with the Honourable the Legislative Council, on the subject of a joint Address of both Houses to His Majesty, for a Grant of the Waste Lands of the Crown, for the Establishment, Maintenance and Support of Common Schools throughout this Province.\*

Mr. George Rykert gives notice, that he will, on to-morrow, move for leave to bring in a Bill for the Erection and Endowment of Provincial Seminaries in the several Districts of the Province.†

Mr. Thomas Parke gives notice, that he will, on Wednesday the 16th instant, move that the House do go into Committee of Supply, for the purpose of granting pecuniary aid towards the establishment of Mechanics' Institutes in the several Towns and Villages in this Province.

November 10th, 1836.—Mr. Malcolm Cameron gives notice, that he will, on to-morrow, move that this House resolve itself into a Committee of Supply, for the purpose of granting a sum of money for the relief of Common Schools during the past year (1836).

November 11th, 1836.—Mr. Henry Ruttan brought up the Petition of Mr. Walter C. Crofton, Teacher of the Newcastle District (Grammar) School, which was laid on the Table.

Mr. John Solomon Cartwright gives notice that he will, on Monday next, move that that part of the Journals of last Session relating to the Petition of Mr. Thomas Markland and others, respecting the Midland District School Society of Kingston, be read.

Pursuant to notice, Mr. Malcolm Cameron, seconded by Mr. Jonas Jones, moves that this House do now resolve itself into a Committee of Supply, for the purpose of granting a sum of money for the support of Common Schools in this Province for the year 1836, which was ordered; and in Committee of Supply it was Resolved,—That there be granted to His Majesty the sum of Five Thousand Six Hundred and Fifty pounds, (£5,650,) for the support of Common Schools for the present year, 1836;—to be distributed among the several Districts in the Province, in the same manner as the same sum was distributed in 1835.

On motion of Mr. Malcolm Cameron, seconded by Mr. Jonas Jones, it was ordered that Messieurs Henry Sherwood and Edward Malloch, be a Committee to draft a Bill pursuant to the Resolution of the House, granting to His Majesty a sum of money in aid of Common Schools in this Province for 1836.

November 14th, 1836.—Mr. George Rykert brought up the Petition of the Trustees of the Grantham Academy; which was laid on the Table.

Pursuant to the Order of the Day, the Petition of Mr. Walter C. Crofton, Teacher of the Newcastle District (Grammar) School, praying assistance to place said School upon such a footing, so that the pupils may receive proper instruction, was read.

Pursuant to the Order of the Day, the House was put into Committee of the Whole, on the Speech of His Excellency the Lieutenant-Governor at the opening of the present Session. Mr. William Hamilton Merritt was called to the chair. The House having resumed, the Chairman reported that the Committee had agreed to a Resolution which he was directed to submit for the adoption of the House. The Report was received.

(The Resolution which was passed was an echo of His Excellency's Speech.)

On Motion of Mr. Solicitor-General Hagerman, seconded by Mr. Edmund Murney, it was ordered that that part of the Speech of His Excellency the Lieutenant-Governor, at the opening of this Session, which relates to King's College, be referred to a Select Committee, composed of Messieurs Mahlon Burwell, William H. Draper, Michael Aikman, Malcolm Cameron, and Henry Sherwood, with power to send for persons and to Report by Bill, or otherwise.

On Motion of Mr. Henry Ruttan, seconded by Mr. H. R. Gowan, it was ordered that the Petition of Mr. Walter S. Crofton be referred to a Select Committee, to be composed of Messieurs George S. Boulton, Alexander McDonell and George Elliott, and that they have leave to Report thereon by Bill, or otherwise.

Mr. Solicitor-General Hagerman gives notice that he will, on Thursday next, move for leave to bring in a Bill for the disposal and management of School Lands within this Province.

\*In the two Reports on Education, which Mr. Burwell, as Chairman of the Committee, submitted to the House of Assembly in 1833, the desirability of making this Grant of Lands for Common Schools was strongly urged. See pages 106, 111 and 142 of the same Volume. It was not made until 1849.

†This Bill was originally introduced into the House of Assembly on the 18th of the preceding January. (Page 278 of the Second Volume of this Documentary History.) A similar Bill was introduced by Mr. Alexander Chisholm from the Committee on Education; (page 328 of the same Volume. Neither Bill was passed, however, nor was this Bill.

Mr. Henry Sherwood, from the Committee to draft and report a Bill founded on the Resolution of this House, granting a sum of money for the support of Common Schools in the Province, for the current year, presented a draft which was received, and read a first time. It was ordered that the Bill be read a second time to-morrow.

*November 15th, 1836.*—Mr. David Thorburn gives notice that he will, on to-morrow, move that an humble Address be presented to His Excellency the Lieutenant-Governor, requesting His Excellency to inform this House what answers, if any, may have been received from His Majesty's Government, in relation to the Bills passed at the last Session of the Provincial Parliament, and reserved for the signification of His Majesty's pleasure.\*

Pursuant to notice, Mr. John S. Cartwright, seconded by Mr. George S. Boulton, moves, that that portion of the Journals of last Session, relative to the Petition of Mr. Thomas Markland, and others, relative to the Midland District School Society, may be now read. Which was carried, and the Journal was read accordingly. (For these portions of the Journal, see pages 280 and 283 of the Second Volume of this Documentary History.)

*November 16th, 1836.*—On motion of Mr. George Rykert, seconded by Mr. William Chisholm, it was ordered that the Petition of the Trustees of the Grantham Academy, presented to the House on the 14th instant, be referred to the Committee of Supply.

*November 17th, 1836.*—Pursuant to notices given on the 9th and 11th of November, 1836, Mr. Robert Dunlop, seconded by Mr. John Bruce, moves that the House do now go into a Committee of Supply for the purpose of taking into consideration the propriety of granting a sum of money to enable a correct survey of the geological wealth of the Province to be taken. Which was carried, and the House was put into a Committee of the Whole on the same. Mr. Charles Richardson in the chair. The House having resumed the Chairman reported that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House. The report was received, and the Resolution was adopted as follows:

*Resolved,* That an humble Address be presented to His Excellency the Lieutenant-Governor, praying that he will inform this House whether there are means in his power to effect a Geological Survey of this Province. It was ordered that Messieurs John Prince and Colin C. Ferrie be a Committee to draft and report an Address to His Excellency the Lieutenant-Governor, pursuant to the Resolution of this House.

NOTE.—This Address was never prepared, nor presented; neither was the one to the King, proposed by the same person on the 14th of December, 1836. In this latter Address it was proposed to ask His Majesty to grant a sufficient quantity of Crown Lands to enable the Lieutenant-Governor "to lay before the Legislature a correct Geological Survey of this Province."†

Mr. George Rykert gives notice that he will, on Monday next, move that this House do resolve itself into a Committee of the Whole, for the purpose of taking into consideration the propriety of granting a sum of money for the endowment of Provincial Seminaries, in the several Districts of this Province. (See page 43, *ante*.)

Mr. Richard P. Hotham gives notice that he will, on to-morrow, move that the House do go into Committee of the Whole, to grant a sum of money for the Common Schools in the Ottawa District.

Pursuant to the Order of the Day the Common Schools Appropriation Bill for 1836 was read the second time. The House was put into Committee of the Whole on the Bill, Mr. Henry Sherwood in the chair. The House having resumed, the Chairman reported that the Committee had gone through the provisions of the Bill and made some amendments thereto, which he was directed to submit for the adoption of the House. The Report was received, and it was ordered: That the Bill be engrossed and read a third time to-morrow.

*November 18th, 1836.*—Pursuant to the Order of the Day, the Bill appropriating a certain sum of money for the further support of Common Schools in Upper Canada, was read a third time and passed. On motion of Mr. Henry Sherwood, seconded by Mr. Malcolm Cameron, it was ordered—That the Bill be intitled: "An Act granting a sum of money for the support of Common Schools" in Upper Canada for 1836. Messieurs Henry Sherwood and Malcolm Cameron were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

\*This information was given to the House of Assembly on the 29th instant, page 45.

†For reference to this subject in previous Sessions of the Legislature, see pages 148 and 322 of the Second Volume of this Documentary History.

Pursuant to this House do pecuniary aid of the Province. Mr. David Th the Committee the House.

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On motion ordered—That be printed for

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Pursuant to notice, Mr. Thomas Parke, seconded by Mr. Thoms D. Morrison, moves that this House do now resolve itself into a Committee of Supply, for the purpose of granting pecuniary aid towards the establishing of Mechanics' Institutes in the several Towns and Villages of the Province. Which was carried and the House was put into a Committee of the Whole, Mr. David Thorburn in the chair. The House having resumed, the Chairman reported that the Committee had agreed to a Resolution which he was directed to submit for the adoption of the House. The Resolution was put and carried as follows :

*Resolved*, That it be referred to a Select Committee to consider and report the best means of encouraging the establishing of Mechanics' Institutes within the Province, by grant from the Public Funds.

On motion of Mr. Thomas Parke, seconded by Mr. Thomas D. Morrison, it was ordered—That the foregoing resolution be referred to a Select Committee, consisting of Messieurs Robert G. Dunlop and William H. Draper, to report thereon by Bill, or otherwise.

*November 21st, 1836.*—Mr. Richard P. Hotham gives notice that he will, on to-morrow, move for leave to bring in a Bill, authorising the payment of certain school monies to the Treasurer of the Ottawa District, which have been withheld from that District, in consequence of the neglect, or refusal, of a former Treasurer to account for monies advanced to him, for similar purposes, for a period long past.

Mr. Mahlon Burwell, from the Select Committee to which was referred that part of His Excellency's Speech, at the opening of the present Session which relates to the Charter of King's College, informed the House that the Committee had agreed to a Report, and the draft of a Bill, which he was ready to submit whenever the House would be pleased to receive the same. It was ordered—That the Report be received. The Report was read, and the Bill was also read the first time. It was then ordered—That the King's College Charter Amendment Bill be read a second time to-morrow.

Pursuant to notice given on the 14th instant, Mr. Solicitor-General Hagerman, seconded by Mr. George S. Jarvis, moves for leave to bring in a Bill for the disposal and management of School Lands within this Province. Which was granted, and the Bill was read the first time. It was then ordered—That the Bill be read a second time to-morrow.

On motion of Mr. Solicitor-General Hagerman, seconded by Mr. George S. Jarvis, it was ordered—That two hundred copies of the Bill for the disposal and management of School Lands, be printed for the use of Members.

*November 24th, 1836.*—Mr. William H. Draper brought up the Petition of the Reverend Matthew Richey and four other members of the Committee of Management of the Upper Canada Academy, situate at Cobourg, which was laid on the Table.

*November 25th, 1836.*—Mr. John S. Cartwright brought up the Petition of the President, Secretary and Trustees of the Bath School Society ; which was laid on the Table.

*November 28th, 1836.*—Pursuant to the Order of the Day, the following Petitions were read :

Of the Reverend Matthew Richey and four others, members of the Committee of Management of the Upper Canada Academy, situated at Cobourg, praying the House to secure an endowment to the said Institution ; and

Of the President, Secretary and Trustees, of the Bath School Society, praying for pecuniary assistance, and also for such an alteration of their Charter, as will give the Government a control over their affairs.

Mr. Mahlon Burwell gives notice that he will, on to-morrow, move that this House do Address His Excellency the Lieutenant-Governor ; praying that His Excellency will be pleased to direct the proper Officer, to make out a statement of the amount of monies that have accrued from the sales of School Lands in this Province : shewing in detail, the prices per acre, at which the same has been sold, and the sums opposite the name of each Township respectively, from which the same may have been derived—and to lay the said statement before this House.

*November 29th, 1836.*—Several messages were received by Mr. Speaker from the Lieutenant-Governor by the hands of Mr. Secretary Joseph. Among them was a Despatch from Lord Glenelg, Colonial Secretary, dated the 6th of September, 1836, stating that His Majesty in Council had assented to certain reserved Money Bills, among which were the following. The extract from the Despatch was as follows :

At the Court at St. James's, 19th day August, 1836.

His Majesty was this day pleased, by and with the advice of His Privy Council, to declare His Special Confirmation of the following, among other reserved Bills, videlicet :

*Number 905.*—An Act to authorise the payment to the Treasurer of the District of Ottawa of the appropriation towards the support of Common Schools in said District for the years 1835 and 1836.

*Number 906.*—An Act to provide additional aid in support of Common Schools in the several Districts of the Province.

A true copy.

C. GRENVILLE.

J. JOSEPH.

*December 1st, 1836.*—On motion of Mr. William H. Draper, seconded by Mr. George H. Deltor; it was ordered—That the Petition of the Reverend Matthew Richey, and four others, of Cobourg, be referred to the Committee of Supply.

*December 2nd, 1836.*—Mr. Thomas Parke gives notice that he will, on Tuesday next, move for leave to bring in a Bill for the Regulation and Support of Common Schools in this Province.

*December 7th, 1836.*—Pursuant to notice Mr. Mahlon Burwell, seconded by Mr. Absolom Shade, moves that an Address be presented to His Excellency, the Lieutenant-Governor, praying that he will be pleased to direct the proper Officer to prepare a statement, of the amount of monies that have accrued from the sales of School Lands in this Province; shewing, in detail, the prices per acre at which the same have been sold, and placing the sum opposite the name of each Township, respectively, from which the same may have been derived; and that His Excellency will be pleased to lay the same before this House. Which was carried. On motion of Mr. Mahlon Burwell, seconded by Mr. Absolom Shade, it was ordered—That Messieurs George S. Boulton and Allan N. Macnab be a Committee to draft and report an Address to His Excellency the Lieutenant-Governor, respecting the monies arising from the sales of School Lands in this Province.

Mr. George S. Boulton, from the Committee to draft and report this Address to His Excellency, reported a draft, which was received, read twice, and ordered to be engrossed and read a third time this day.

Pursuant to the Order of the Day, the Address to His Excellency the Lieutenant-Governor, on the subject of the sale of School Lands, was read the third time, and passed, as follows:

*To His Excellency, Sir Francis Bond Head, Lieutenant-Governor of Upper Canada, etc.*

MAY IT PLEASE YOUR EXCELLENCY:

We, His Majesty's dutiful and lawful subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly pray that Your Excellency will be pleased to direct the proper Officer to prepare a statement of the amount of monies that have accrued from the sales of School Lands in this Province, shewing, in detail, the prices per acre at which the same have been sold, and setting the sum opposite the name of each Township, respectively, from which the same may have been derived; and that Your Excellency will be pleased to cause the same to be laid before this House.

ARCHIBALD McLEAN,  
Speaker.

COMMONS HOUSE OF ASSEMBLY,  
7th December, 1836.

*December 12th, 1836.*—Pursuant to the Order of the day, the following Petition was read:

Of Messieurs William Johnson, Thomas Massington, and Simon Lee, Common School Trustees, and five others, of Thorah, Simcoe, praying for aid to complete a School House.

Mr. Mahlon Burwell, from the Committee to wait upon His Excellency the Lieutenant-Governor, to know when he would be pleased to receive the Address of this House on the Subject of the Sale of School Lands, and present the same,—reported having done so, and that His Excellency had been pleased to make the following answer thereto:

GENTLEMEN:

I shall direct the proper Officer to prepare, without loss of time, the Statement required by this Address, in order that it may be laid before the House of Assembly.

F. B. HEAD.

GOVERNMENT HOUSE,  
TORONTO, 12th December, 1836.

*December 13th, 1836.*—The following Petition was brought up and laid on the Table.

By Mr. John S. Cartwright, The Petition of Mr. Robert D. Cartwright and fourteen others, President, Trustees, and Shareholders, and others, interested in the Midland District School Society of Kingston.

*December 16th, 1836.*—Pursuant to the Order of the Day, the House was again in Committee of the Whole on the Bill for the Sale of the Clergy Reserves. Mr. Michael Aikman in the chair. The House having resumed the Chairman reported the following Resolution:

*Resolved*—That it is desirable that the Lands commonly called the Clergy Reserves, and the proceeds arising from the Sales thereof, be appropriated for the promotion of the Religious and Moral Instruction of the People throughout this Province.

In amendment Mr. John Rolph, seconded by Mr. Hiram Norton, moves that all be struck out after the word 'Resolved,' and that the following inserted, 'that it is expedient to provide for the sale of the Clergy Reserves, and the application of the proceeds to the purposes of General Education, as one of the most legitimate ways of giving free scope to the progress of Religious Truth in the community.' On which the yeas and nays were taken, as follows: NAYS, 34; YEAS, 22; majority against the amendment, 12. The original motion was carried.

NOTE.—By order of the House of Assembly, the original Resolution proposing that the proceeds of the sales of the Clergy Reserves, "be appropriated for the promotion of Religious and Moral Instruction of the People throughout this Province," was sent up to the Legislative Council, asking its concurrence therewith. The Legislative Council, on receiving it, desired a Conference with Representatives of the House of Assembly on the subject. The House appointed Messieurs C. A. Hagerman, (Solicitor-General,) W. H. Draper, William Chisholm and Ogle R. Gowan as its Representatives, and the Legislative Council appointed the Honourable Messieurs James Crooks and John S. Macaulay as its Representatives. At a Conference held on the subject, the Conferees of the Legislative Council handed to those of the House of Assembly a paper, in which the question of the "Moral and Religious Instruction of the People," was discussed from the Legislative Council point of view. The whole matter was then referred by the House of Assembly to an enlarged Committee. This Committee brought in a Report, proposing a division of the proceeds among the various Churches.

*December 17th, 1836.*—Mr. Ogle R. Gowan gives notice that he will, on next Thursday, move for the appointment of a Select Committee, to take into consideration the propriety of procuring an Asylum for the protection and education of Deaf and Dumb persons within this Province.

Pursuant to the Order of the Day, the following Petition was read: Of Mr. Robert D. Cartwright and fourteen Others: President, Trustees, Shareholders and others, interested in the Midland District School Society, praying for an amendment of their Act of Incorporation.

On motion of Mr. John S. Cartwright, seconded by Mr. George H. Detlor, it was ordered, That the Petition of the President and Trustees of the Midland District School Society be referred to a Committee composed of Messieurs Solicitor-General Hagerman, Edmund Murney and the Mover, to report by Bill, or otherwise.

Mr. John S. Cartwright, from the Select Committee to whom was referred the Petition of Robert D. Cartwright and fourteen others of the Midland District School Society, informed the House that the Committee had agreed to report by Bill, a draft of which he was ready to submit, whenever the House would be pleased to receive the same. The Report was received and the Bill was read the first time. It was ordered, That the Midland District School Society Bill be read a second time on Monday next.

*December 19th, 1836.*—Mr. Speaker reported, that Mr. Secretary Joseph had brought down from His Excellency the following Message:

F. B. HEAD:

The Lieutenant-Governor transmits to the House of Assembly, in compliance with its Address of the 7th instant, the accompanying statement of School Lands, sold under the direction of the General Board of Education for Upper Canada.

F. B. H.

GOVERNMENT HOUSE,

TORONTO, 19th December, 1836.

NOTE—This "Statement" is voluminous and may be found in Appendix to the Journals of the House of Assembly of this Session, (1836-37,) number 20.

In a letter from the Honourable George H. Markland, Inspector-General, prefixed to the Statement, he reports that the moneys which have accrued from the sale of School Lands in this Province since 1832 to date, (13th December, 1836,) amounted to fifteen thousand three hundred and forty-two pounds nineteen shillings and eight pence, (£15,342 19s. 8d.)

*December 20th, 1836.*—A Petition was read from Mr. H. W. Peterson, and thirty-six others, of the Township of Waterloo, County of Halton, praying for a sum of money to provide for the education of two Deaf and Dumb children.

Mr. Mahlon Burwell gives notice that he will, on to-morrow, move for the appointment of a Committee on Education, to consist of five members, with power to send for persons and papers, and to report thereon.

*December 21st, 1836.*—Pursuant to the Order of the day, the following petitions were read :

Of the Reverend Benjamin Cronyn, and one hundred and thirty-four others, of the Town of London and its vicinity, praying for aid to erect a Grammar School in said Town.

Of Mr. John Rae and eighteen others of the Literary Society of Hamilton, District of Gore, praying that pecuniary aid may be extended to said Society.

Pursuant to the Order of the Day, the Bill providing for the sale and appropriation of the School Lands, was read the second time. The House was put into Committee of the Whole on the Bill, Mr. Edward Malloch in the chair. The House having resumed, the Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for adoption of the House. The Report was received, and it was ordered, That the Bill be engrossed, and read a third time to-morrow.

*December 22nd, 1836.*—Pursuant to the Order of the Day, the School Lands Trustees' Bill was read the third time. On the question for passing the Bill, Mr. Alexander Chisholm, seconded by Mr. Thomas D. Morrison, moves in amendment, that the Bill do not now pass, but that it be recommitted for the purpose of expunging the whole after the word "whereas" and inserting the following in lieu thereof :

1. "His late Majesty King George the Third, in the year 1797, was most graciously pleased to direct his Government in this Province to appropriate a certain portion of the Waste Lands of the Crown as a Fund for the establishment and support of a respectable Grammar School in each District thereof, and also of a College, or University, for the Instruction of Youth in the different Branches of Liberal Knowledge.

2. "And whereas, in obedience to His Majesty's directions aforesaid, the following quantity of Lands were set apart for the support of Education in the [Province, videlicet:]

	Acres.
" Township of Alfred, in the District of Ottawa .....	25,140
" Plantagenet, " " .....	40,000
" Bedford, in the Midland District .....	61,220
" Hinchinbroke, " " .....	51,100
" Sheffield, " " .....	58,668
" Seymour, Newcastle District .....	48,484
" Blandford, London District .....	20,400
" Houghton, " " .....	19,000
" Middleton, " " .....	35,000
" Southwold, " " .....	40,500
" Westminster, " " .....	51,143
" Yarmouth, " " .....	20,000

Total ..... 468,655 Acres.

3. "Whereas, there is reason to believe that a great part of the original School Lands, herein before enumerated, has been alienated from the intention of His said late Majesty ;

4. "And Whereas, it is probable that if the said 468,655 Acres had remained unalienated, they would produce a School Fund of three hundred thousand pounds, (£300,000,)

5. "And Whereas, it is necessary that other lands should be allotted to Education, in place of the School Lands alienated.

6. "Be it therefore Enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament

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of Great Britain, intituled 'An Act to Repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign intituled : " An Act for Making more Effectual Provision for the Government of the Province of Quebec, in North America," and to make Further Provision for the Government of the said Province,' and by the authority of the same, That Messieurs \_\_\_\_\_ are hereby declared to be Commissioners, whose duty it shall be to obtain from the Surveyor-General of the Province a return of the original School Lands hitherto alienated, and the Surveyor-General is hereby required to furnish the same ;

7. " *And be it further enacted* by the authority aforesaid, That the Surveyor-General of the Province shall furnish the said Commissioners with a return of all Crown Lands situated in the settled Townships of this Province, designating the same by numbers, lots, concessions, etc., that it shall be the duty of the said Commissioners, after actual examination, to appraise so much of the most marketable lands of the, contained in the Return furnished them by the Surveyor-General, as may, to the best of their opinion and belief, be of equal value with the School Lands alienated, estimating the School Lands alienated at twelve shillings and sixpence. (\$2.50,) per acre ;

8. " *And be it enacted* by the authority aforesaid, That the said Commissioners shall, on or before the first day of December, 1837, make a return to the Governor, Lieutenant-Governor, or person Administering the Government of this Province, of the lands appraised by them, placing opposite to each lot the value thereof ; that the Commissioners hereby, appointed shall receive twenty shillings per diem (\$4) for every day, necessarily employed in the discharge of the duties imposed by this Act, provided the number of days do not exceed one hundred and twenty each.

9. " *And be it enacted* by the authority aforesaid, That it shall be lawful for the Governor, Lieutenant-Governor, or person Administering the Government of this Province, to declare the lands contained in the return aforesaid to be School Lands, and may order the Commissioner of Crown Lands to offer the same for sale at public auction, in such quantities, and at such times and places, as the Governor may think fit, and at the upset price of the appraisers, and sold to the highest bidder, on condition of paying down one-tenth of the purchase money, and the remainder in nine equal annual instalments, with interest, at the rate of six per centum per annum, from the day of sale to the day of actual payment ;

10. " *And be it enacted* by the authority aforesaid, That the Governor, Lieutenant-Governor, or Person administering the Government of this Province, may order the Commissioners of Crown Lands of Upper Canada to dispose of at public auction the remaining part of the original School Lands at the upset price of twelve shillings and sixpence (\$2 50,) per acre, and sold to the highest bidder, on condition of paying down one-tenth of the purchase money, and the remainder in nine equal annual instalments, with interest ;

11. " *And be it enacted* by the authority aforesaid, That the Commissioner of Crown Lands is hereby required once in every three months to pay to the Receiver-General of this Province all the monies that may come into his hands by virtue of this Act, except the expense of printing notices of sale, and two per centum, as a compensation for the duties required of him by this Act ; that all monies placed in the hands of the Receiver-General, by virtue of this Act, shall be appropriated to Education in such a manner as the Legislature may think fit."

The question being put on this amendment, the yeas and nays were taken, as follows :

YEAS 7, Messieurs Alway, Chisholm, (Glengarry,) Gibson, McDonell, (Stormont,) Moore, Morrison and Rogers. NAYS 22. The question of amendment was, therefore, decided in the negative by a majority of fifteen.

In amendment to the original question, Mr. John Rolph, seconded by Mr. Alexander Chisholm, moves, that the Bill do not now pass, but that it be re-committed, in order to amend it by giving to the School Lands Trustees in every Township, to be elected at the annual town meetings thereof, and their successors in office, power to hold such lands, as shall from time to time be appropriated to such Township, and sell, lease or dispose of the same at a minimum price for the benefit of Education in such Townships, the proceeds thereof to be applied within such Townships, as the freeholders at their annual town meeting shall direct.

On which second amendment the yeas and nays were taken, as follows : YEAS 8, (same as before, with the addition of Mr. McIntosh). NAYS, 23 ; majority against the amendment, 15. The Bill was then passed on the same vote, and Mr. Solicitor-General Hagerman, seconded by Mr. Mahlon Burwell, moves, that the Bill be intituled : " An Act to provide for the appointment of Trustees of School Lands in the several Districts of the Province and for other purposes therein mentioned." Which was carried, and Messieurs C. A. Hagerman, Solicitor-General, and Mahlon Burwell were ordered by the Speaker to carry the same up to the Honourable the Legislative Council, and request their concurrence thereto.



## EDUCATIONAL PROCEEDINGS OF THE HOUSE OF ASSEMBLY IN 1837.

*January 3rd, 1837.*—On motion of Mr. William H. Draper, seconded by Mr. John Prince, it was ordered—That the Order of the House, referring the Petition of the Reverend Mathew Richey, and four others, to a Committee of Supply be discharged; and that the said Petition be referred to a Select Committee, to consist of Messieurs James R. Armstrong, Henry Ruttan and the Mover, with power to send for persons and papers, and to report thereon.

Pursuant to notice, Mr. Mahlon Burwell, seconded by Mr. William Chisholm, moves that a Committee on Education be appointed, consisting of Messieurs George S. Bouiton, Allan N. Macnab, Christopher A. Hagerman, (Solicitor-General,) and William H. Draper, with power to send for persons and papers, and to report thereon. Which was ordered.

On motion of Mr. Mahlon Burwell, seconded by Mr. William Chisholm, it was ordered—That the Message of His Excellency the Lieutenant-Governor, of the 19th of December last, (1836, page 47, *ante*) in reference to the monies derived from the sale of School Lands, be referred to the Committee on Education.

Pursuant to the Order of the Day, the Bill to amend the Charter of King's College was read the second time. The House was put into a Committee of the Whole on the Bill, Mr. Henry Ruttan in the chair. The House having resumed, the Chairman reported, that the Committee had gone through the provisions of the Bill, made some amendments to the same, and recommended it to the concurrence of the House. The Report was received, and it was ordered—That the Bill to amend the Charter of King's College, be engrossed and read a third time to-morrow.

*January 4th, 1837.*—Pursuant to the Order of the Day, the Bill to amend the Charter of the University of King's College, was read the third time.

On the question for passing the Bill, Mr. Thomas Parke, seconded by Mr. David Gibson, moves in amendment, that the Bill do not now pass, but that its further consideration be postponed until Wednesday, the 18th instant, and that it be the first item on the Order of the Day; and that two hundred copies of it be printed for the use of Members. On which the yeas and nays were taken as follows: YEAS 8; NAYS 23; majority against the amendment, 15. The original motion was then passed.

Mr. Mahlon Burwell, seconded by Mr. Henry Sherwood, moves, that the Bill be intitled: "An Act to amend the Charter of the University of King's College." Which was carried; and Messieurs Mahlon Burwell and Henry Sherwood were ordered by the Speaker to carry the same up to the Honourable the Legislative Council, and to request their concurrence thereto.

On motion of Mr. Mahlon Burwell, seconded by Mr. William Chisholm, it was ordered—That the Petition of the Reverend Benjamin Cronyn, and others, praying for the establishment of a Grammar School at the Town of London, in the London District, be referred to the Committee on Education.

The Petition of Mr. John Smith, Teacher of the District [Grammar] School at Brockville was brought up and laid on the table, by Mr. Jonas Jones.

*January 9th, 1837.*—The Petition of Mr. William Johnson, Georgina, in the Home District, was read, praying to be authorized by law, to convey a piece of land, for the purpose of a School House, to the Trustees of the Central Common School of that Township. On motion of Mr. McIntosh, seconded by Mr. Moore, it was ordered—That the Petition of Mr. William Johnson, be referred to a Select Committee, to consist of Messieurs John Rolph and David Gibson, with leave to report by Bill, or otherwise.

*Tuesday, January 10th, 1837.*—Mr. McIntosh, from the Select Committee, to which was referred the Petition of Mr. William Johnson, informed the House, that the Committee had agreed to report by Bill, a draft of which he was ready to submit, whenever the House would be pleased to receive the same. The Report was received, and the Bill was read the first time. It was then ordered—That the Georgina School Bill, be read a second time to-morrow.

Mr. George Rykert, seconded by Mr. William H. Merritt, moves that the Committee of Supply, so far as it relates to the Petition of the Trustees of the Grantham Academy, be discharged from the consideration thereof, and that the said Petition be referred to a Committee of the Whole House, on Thursday next, the 12th instant, and that it be the first item on the Order of the Day, for that day. Which was ordered.

*January 11th, 1837.*—Pursuant to the Order of the Day, the Petition of Mr. John Smith, Teacher of the District [Grammar] School at Brockville, which was laid before the House on the 9th instant, was read, praying for pecuniary aid to purchase certain Philosophical Apparatus for the use of the School.

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*January 12th, 1837.*—On motion of Mr. Henry Ruttan, seconded by Mr. George S. Boulton, it was ordered—That the Petition of Mr. Walter C. Crofton, Grammar School Master, Cobourg, which was laid before the House on the 10th instant, praying for the erection of a new Grammar School House, be referred to the Committee on Education.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole, on the Petition of the Trustees of the Grantham Academy, Mr. Henry Sherwood in the chair. The House having resumed, the Chairman reported, that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House. The Report was received. The Resolution was then put as follows :

*Resolved*—That the sum of Two Hundred and Fifty pounds, (£250,) be granted to the Trustees of the Grantham Academy, to enable them to discharge the debts of that Institution. On which the yeas and nays were taken as follows : YEAS 32 ; NAYS 2 ; The question was carried in the affirmative by a majority of 30.

Mr. George Rykert, seconded by Mr. William H. Merritt, moves that Messieurs Francis Caldwell and Michael Aikman, be a Committee to draft and report a Bill, pursuant to the foregoing Resolution, granting Two Hundred and Fifty pounds, (£250,) to the Trustees of the Grantham Academy.

In amendment, Mr. John Rolph, seconded by Mr. John McIntosh, moves that the following words be added : “and that the Committee be instructed to provide the grant for that object, out of the proceeds from the sales of School Lands.” On which the yeas and nays were taken as follows : YEAS 6 ; NAYS 28 ; the question of amendment was, therefore, decided in the negative by a majority of 22. The original question was then put and carried.

*January 13th, 1837.*—Mr. Michael Aikman, from the Committee to draft and report a Bill, founded on the Resolution of this House, granting the sum of Two Hundred and Fifty pounds, (£250,) for the support of the Grantham Academy, reported a draft of Bill, which was received and read the first time. It was then ordered—That this Bill for the support of the Grantham Academy, be read a second time to-morrow.

*January 16th, 1837.*—Mr. Mahlon Burwell, from the Select Committee on Education, presented a First Report, which was received, and read as follows :

*To the Honourable the Commons House of Assembly of Upper Canada :*

Your Committee on Education, in making their First Report, beg leave to state, that they have agreed to two Resolutions, which they submit herewith, and earnestly recommend to the adoption of your Honourable House. Respectfully submitted,

COMMITTEE ROOM, COMMONS HOUSE OF ASSEMBLY,  
10th day January, 1837.

MAHLON BURWELL,  
Chairman.

*1st Resolved*—That there be granted annually to His Majesty, the sum of Ten Thousand pounds, (£10 000,) from the Public Revenues of this Province, for the maintenance and support of Common Schools, and that the same be designated “the Common School Fund.”

*2nd Resolved*—That the sum of Ten Thousand pounds, (£10,000,) be raised annually by assessment, by order of the Quarter Sessions, in the several Districts, on the ratable property of the inhabitants, in aid of the Provincial Grant, for the Common School Fund, in the same manner as other assessments are now raised.

Mr. Mahlon Burwell, seconded by Mr. George Boulton, moves that the House do, on to-morrow, go into a Committee of the Whole, on the First Report of the Committee on Education, which was ordered.

Pursuant to the Order of the Day, the Grantham Academy Bill was read the second time. The House was put into a Committee of the Whole on the Bill, Mr. Malcolm Cameron in the chair. The House having resumed, the Chairman reported that the Committee had agreed to the Bill, without amendment, and submitted the same for the adoption of the House. The Report was then received, and it was ordered—That the Bill be engrossed, and read a third time to-morrow.

*January 17th, 1837.*—Pursuant to the Order of the Day, the Bill granting a sum of money to the Grantham Academy, was read the third time, and passed.

Mr. George Rykert seconded by Mr. Michael Aikman, moves that the Bill, be intitled : “An Act Granting a certain sum of Money to the Trustees of the Grantham Academy, for the purpose of liquidating the Debts of that Institution, and for other purposes therein mentioned.” Which was carried, and Messieurs George Rykert and Michael Aikman were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council and to request their concurrence thereto.

*January 18th, 1837.*—On motion of Mr. Edward W. Thomson, seconded by Mr. George H. Detlor, it was ordered—That the name of Mr. George Rykert, be added to the Committee on Education.

*January 19th, 1837.*—Mr. Jonas Jones, Chairman of the Committee on Finance, presented a first Report, which was received and read.

“According to the Estimates, and the information obtained by your Committee the probable Expenditure for the year 1837, will be, . . . In this Report was the following :

For Common Schools : Three Thousand one Hundred and Fifty pounds, (£3,150.)

For District (Grammar) School Masters, One Thousand Two Hundred pounds (£1,200.)

*January 25th, 1837.*—Pursuant to the Order of the Day, the House was put into a Committee of the Whole, on the Report of the Select Committee on Education, Mr. John Marks in the chair. The House having resumed, the Chairman reported, that the Committee had made some progress, and asked leave to sit again to-morrow. The Report was received, and leave was granted accordingly.

#### CARTHEW'S SURVEY OF LAND LYING BETWEEN LAKES SIMCOE AND NIPISSING.

*January 26th, 1837.*—Mr. William B. Robinson, seconded by Mr. Anthony Manahan, inove, that an humble Address be presented to His Excellency the Lieutenant-Governor, requesting that he will, be pleased to lay before this House the Report and Plans of the Survey made under the direction of Lieutenant Carthew of the Royal Navy, of that part of the Province lying between Lake Simcoe and Lake Nipissing, and the head waters of the Ottawa River,—which Survey was made in compliance with an Address of this House in 1835 ; and that Messieurs John Marks and Charles Wickens be a Committee to draft the Address and present the same. . . . Which was carried and ordered.

This Address was presented to the Lieutenant-Governor, and the Plans of Survey, etc. were laid before the House by His Excellency. They are given *in extenso* in Appendix, Number Thirty-seven, to the Journals of the House of Assembly for 1836, 37. This, and kindred subjects, were brought before the House of Assembly in 1833 and 1835. See pages vii, viii, 147, 148 and 322 of the Second Volume of this Documentary History.

*January 30th, 1837.*—Mr. Speaker reported that the Master in Chancery had brought down from the Honourable the Legislative Council the following Message which was read.

MR. SPEAKER,

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, intituled : “An Act to amend the Charter of the University of King's College,” without any amendment.

JOHN B. ROBINSON,  
Speaker.

LEGISLATIVE COUNCIL CHAMBER,  
Thirtieth day of January, 1837.

*February 9th, 1837.*—Mr. Henry Ruttan from the Select Committee, to which was referred the Petition of the Reverend Matthew Richey, presented a Report, which was received and read as follows :

Report of the Select Committee, on the Petition of the Reverend Matthew Richey and four others of the Town of Cobourg.

*To the Honourable the Commons House of Assembly of Upper Canada :*

The Select Committee, to which, on the 1st of December last, was referred the Petition of the Reverend Matthew Richey, and four others, upon the subject of the Upper Canada Academy at Cobourg, beg leave to Report :

That, from the testimony of the Reverend Matthew Richey, Principal of that Institution, and the Reverend Ephraim Evans, as also from Documents laid before them, your Committee learn the following facts, videlicet :

1. That the Building consists of a centre and two wings ; the former four stories in height, and the latter each three stories—all of brick, excepting the basement, which is stone throughout.

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2. The centre building is one hundred and forty feet in length by forty feet in width ; and the wings are each fifty feet by twenty-five ; the whole is roofed with tin.

3. About Seven Thousand pounds (£7,000) have now been expended in its erection, and seven hundred pounds (£700) for furniture.

4. That the Trustees have raised by voluntary contribution about Four Thousand Seven hundred pounds (£4,700) leaving a debt upon them of about Three Thousand pounds, (£3,000).

The furnishing of the building still requires an expenditure of about Three Hundred and Fifty pounds (£350).

The Furniture, Three Hundred pounds, (£300).

The necessary Apparatus, Five Hundred pounds, (£500).

Making a total of Four Thousand, One Hundred and Fifty pounds, (£4,150).

5. There is no provision for the expenses of the Institution, except that to be derived from boarding and tuition fees.

6. The annual expenditure, including salaries to Principal, Professors, Teachers, Servants, boarding, repairs, etc., is estimated at a sum not less than Four Thousand pounds, (£4,000).

7. The present charge for board is Twenty-Two pounds (£22) per annum for every pupil ; tuition fees will average about four pounds (£4) each.

8. In this is included the regular Mathematical and Classical course of preparation for the University, as in the Mother Country.

9. This Building will accommodate one hundred and fifty boarders. It was opened in July last, (1836,) and has now eighty boarders, besides a number of day scholars, and there is a certainty, as it is stated, of its receiving a large accession of pupils immediately.

10. To conduct this Establishment efficiently will require the services of a Principal, two Classical, one Mathematical, one French, and three Female Teachers, with salaries in the aggregate amounting to Fifteen Hundred pounds (£1,500) per annum.

11. His Majesty has been pleased to grant to this Seminary a Charter, of the principles of which your Committee think it right to put your Honourable House in possession.

(NOTE.—Here follows a full synopsis of the Royal Charter granted by the King-in-Council (William IV.) to the Upper Canada Academy on the 6th of July, 1836. A copy of the Charter will be found on pages 268-270 of the Second Volume of this History, and the letter of Sir James Stephen of the 12th of that month, on page 267, conveying to the Reverend Egerton Ryerson this intelligence.)

12. And, in order that your Honourable House, may be fully informed of the nature and extent of instruction imparted in this Academy, as well as of its internal arrangement and economy, your Committee lays before you its prospectus and by-laws.\*

#### COURSE OF INSTRUCTION IN THE UPPER CANADA ACADEMY, COBOURG, 1837.

**MATHEMATICS.**—In addition to the ordinary Branches of an English Education, there will be taught Geometry, (Euclid and Legendre,) Trigonometry, (Plane and Spherical,) Algebra, Mensuration, Surveying, Navigation and Fluxions, by Mr. James O'Loane, who is the Mathematical Master.

**LATIN:** Adam's Grammar, Jacob's Reader, Ovid, Virgil, Horace, Justin, Sallust, Casar, Cicero's Orations and Tacitus.

**GREEK:** Moor's Grammar, Jacob's Reader, Greek Exercises, New Testament, Xenophon and Homer, by Mr. R. Hudspeth, Classical Teacher, from the University of Edinburgh.

**MISCELLANEOUS:** Rhetoric, Logic, Intellectual and Moral Philosophy, by the Reverend Mathew Richey, Principal.

In the Female Department, which is perfectly distinct in the Building, instruction will be given in all the constituent parts of a superior English Education, and in French, Music, Drawing and Embroidery.

Besides the ordinary routine of Tuition, Lectures on the Sciences, and other subjects of general utility, will be delivered to all of the Students susceptible of benefit from them.

The Academic year will be divided into two Sessions of twenty-two weeks each, etc.

Situated on an eminence above the Village of Cobourg, and commanding an extensive view of Lake Ontario, the Academy enjoys the advantage of a most salubrious air, and the Building is sufficiently spacious to accommodate one hundred and fifty boarders.

\*The By-laws and Regulations for the Students are not inserted herewith, as they are not material to the completeness of the Report of the Committee

13. The erection of this Seminary is, your Committee believes the greatest undertaking hitherto successfully prosecuted in Upper Canada, upon the plan of voluntary contribution alone; and, when it is considered, that the religious instruction disseminated by the Methodist Society in this Province, as well as the support of Foreign and Home Missions, and the various expenses of an establishment, so widely extended as is that of this Body of Christians, has had little other support than that derived from private subscriptions and donations; it can be no otherwise regarded than as highly creditable to those, by whose efforts, this extensive Establishment has been begun, and so nearly completed.

14. And your Committee is persuaded that, even, if public aid in support of private enterprise, having for its objects the instruction of youth, had no precedent in Upper Canada, your Honourable House would deem this an occasion worthy of the adoption of such a principle.

15. Your Committee, however, are of the opinion, that this is the true principle, especially in a new country, upon which alone the instruction of youth should be predicated, this is, a combination of public and private aid.

16. And, in this view of the subject, every opportunity should be embraced by the Legislature, by grants of money, to encourage and cherish a disposition on the part of the community, to promote the Education of the People.

17. Considering the object in view, and approving the means used to attain it, your Committee would deeply regret, that this undertaking should now be suffered to languish for the want of proper and timely aid.

18. To leave this praiseworthy effort of private exertions unassisted may not only deprive the Country of the good it is calculated to effect, but will discourage future endeavours of a similar character, and will tend to chill any zealous exertions for Public Education on the part of voluntary associations of private individuals.

19. Your Committee, therefore, recommend the matter to the favourable consideration of your Honourable House, and respectfully suggest the propriety of affording a grant of money to meet the present necessities of the Institution, by relieving it from the debt now due, as well as by aiding in providing for the necessary expenditure, to keep up that usefulness which, in its infant state, its own resources are unequal to.

All which is respectfully submitted.

COMMITTEE ROOM, HOUSE OF ASSEMBLY,  
9th February, 1837.

WILLIAM H. DRAPER,  
Chairman.

On motion of Mr. Henry Rutton, seconded by Mr. William H. Draper, it was ordered that the Report of the Select Committee upon the Petition of the Reverend Matthew Richey, Principal of the Upper Canada Academy at Cobourg, be referred to a Committee of the Whole, on Supply, on to-morrow; and that two hundred copies be printed for the use of the Members.

This Report does full justice to the zeal, enterprise and generous self-sacrifice which had enabled the promoters of the Upper Canada Academy to expend Twenty Eight Thousand dollars in the erection and maintenance of that Institution, before it petitioned the Legislature to make a grant in aid of its then-crippled condition. Mr. Draper, who acted as Chairman of the Committee and prepared this Report, did not fail to accentuate the fact that "the erection of this Seminary is the greatest undertaking hitherto successfully prosecuted in Upper Canada upon the plan of voluntary contribution alone . . . and it can be no otherwise regarded than as highly creditable to those, by whose efforts this extensive Establishment has been begun, and so nearly completed."

The Committee, as will be seen, very strongly recommended the prayer of the Petitioners to the most favourable and generous support of the House of Assembly.

Mr. Draper's efforts in this matter were considered so important to the Academy, that the Wesleyan Conference, in the following July, passed a very

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cordial vote of thanks to him. This vote was conveyed to him by the Reverend Egerton Ryerson, Secretary of the Conference, and elicited from Mr. Draper the following reply :

I feel deeply indebted to the Conference of the Wesleyan Methodist Church for the honour conferred upon me in deeming my humble exertions in the cause of Christian Education worthy of their approbation, and I trust I shall never forget their good opinion. I cannot, at the same time, pass by the opportunity of thanking you for the terms in which you have communicated that Resolution to me, and of expressing my satisfaction that I have in any degree contributed to the success of your unwearied exertions in behalf of the Upper Canada Academy in England. I sincerely rejoice that you were enabled to obtain that aid for its completion, which was so necessary and so well deserved.

*February 10th, 1837.*—Mr. Speaker reported that the Master-in-Chancery had brought down from the Honourable the Legislative Council a Bill intituled : "An Act Granting a certain Sum of Money to the Trustees of the Grantham Academy, for the purpose of liquidating the Debts of that Institution, and for other purposes therein mentioned," to which the Council had made an amendment, to both of which the concurrence of this House was requested. The amendment was then read a first time. (*Note.* It provided that the proposed grant be a "loan." See page 74, *post.*)

Mr. George Rykert, seconded by Mr. Mahlon Burwell, moves for leave to bring in a new Bill, pursuant to a Resolution of this House, passed on the 12th day of January, 1837, granting a sum of money by way of loan to the Trustees of the Grantham Academy, which was granted and the Bill was read a first time. On motion it was read a second time, and the House went into Committee of the Whole on the Bill, Mr. Mahlon Burwell in the chair. The House having resumed, the Chairman reported had agreed to the Bill without amendment. The Report was received, and it was ordered that the Bill be engrossed and read a third time to-morrow.

*February 11th, 1837.*—Pursuant to the Order of the Day, the Grantham Academy Bill was read the third time and passed.

Mr. George Rykert, seconded by Mr. Mahlon Burwell, moves, that the Bill be intituled : "An Act granting pecuniary aid to the Grantham Academy by way of loan." Which was carried, and Messieurs George Rykert and Mahlon Burwell were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Mr. Mahlon Burwell, Chairman of the Standing Committee on Education, presented a Second Report, and the draft of a Bill, which were received. The Report was read as follows :

*To the Honourable the Commons House of Assembly of Upper Canada :*

The Committee on Education, in reference to the Petition of the Reverend Benjamin Cronyn, and others of London, ordered to be referred to for the consideration of the Committee, beg leave to make a Second Report :

Your Committee find, that, before a law was passed fixing London as the District Town of the London District, the Public Grammar School for that District had been kept in the neighbourhood of Vittoria,\* which is a place containing a very small population, in consequence of which very little benefit is derived to the District from the said School.

The Town of London is a very rising place, and, if the Public (Grammar) School for that District were required to be kept there, it would be productive of great advantage to the Youth of the District ; Your Committee have, therefore, felt it their duty to report herewith a Bill, amending the law, and requiring that the said School shall in future be opened and kept in the Town of London, which they recommend to the adoption of Your Honourable House.

All which is respectfully submitted.

M. BURWELL,  
Chairman.

COMMITTEE ROOM, COMMONS HOUSE OF ASSEMBLY,  
11th February, 1837.

The London District (Grammar) School Bill was then read the first time, and it was ordered —That the Bill to alter the site of the London District (Grammar) School from Vittoria to London be read a second time on Monday next.

\*See pages 27, 38, 65 and 66 of the Second Volume of this Documentary History.

*February 14th, 1837.*—Mr. Speaker reported that Mr. Secretary Joseph had brought down from His Excellency the Lieutenant-Governor a Message. He then read an extract from the Message as follows :

F. B. HEAD :

The Lieutenant-Governor herewith transmits to the House of Assembly a list of sums heretofore appropriated by His Majesty's Government for the Upper Canada College, the Central [Church of England] School, and the Peterborough School :

	£	s.	d.	Date of Despatch containing the authority.
Upper Canada College,	1,000	0	0	{ 3rd November, 1831. 21st November, 1831.
Central School, Toronto,	365	0	0	Governor-in-Council.
Peterborough School,	67	10	0	Governor-in-Council.
Total,	£1,432	10	0	

GOVERNMENT HOUSE,

TORONTO, 11th February, 1837.

F. B. H.

NOTE.—The remainder of the Message contained statements of other payment of moneys from the Casual and Territorial Revenue, on account of the Civil List and Pensions; also payments to the Indian Tribes, and to the Churches of England, Scotland and Rome, the United (Presbyterian) Synod, and to the Wesleyan Methodists.

The Message also included copies to two Documents from the Colonial Office; one, a letter, dated 29th February, 1836, and addressed to the Reverend Egerton Ryerson, (printed on pages 251-52 of the Second Volume of this History,) and the other a Despatch, to Sir F. B. Head, dated the 15th of April, 1836, on the subject of payments to Wesleyan Methodist Missions, and enclosing one to Lord Glenelg, from Lord Ripon, (formerly Lord Goderich and Colonial Secretary,) dated the 4th of April, 1836, and relating to these payments for "the erection of churches and School Houses."

*February 16th, 1837.*—The House having gone into a Committee of Supply, passed several Resolutions. The sixth Resolution having been put, was as follows :

*Resolved*—That the sum of Four Thousand One Hundred and Fifty pounds, (£4,150) be granted to His Majesty, to enable him to loan that sum to the Trustees of the Upper Canada Academy, upon the security of the Building and Premises, for the repayment of the same in ten years.

On which the yeas and nays were taken as follows : YEAS 16. NAYS 8. (Messieurs Jones, Macnab, McIntosh, Norton, Robinson, Shade, Sherwood and Thorburn). The question was carried in the affirmative by a majority of Eight, and the Resolution was adopted.

*February 17th, 1837.*—Pursuant to the Order of the Day, the Georgina School Land Bill was read a second time. The House was put in a Committee of the Whole on the Bill, Mr. W. H. Draper in the Chair. The House having resumed, the Chairman reported, that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow. The Report was received, and leave was granted accordingly.

*February 18th, 1837.*—Mr. John S. Cartwright, from the Committee on Supply, reported a Bill for loaning a sum of money for the completion of the Upper Canada Academy, which was received and read the first time, and ordered for a second reading on Monday next.

Pursuant to the Order of the Day, the Midland District School Society Bill was read the second time. The House was then put into a Committee of the Whole on the Bill, Mr. David Duncumbe in the chair. The House having resumed, the Chairman reported that the Committee had agreed to the Bill, without amendment. The Report was received, and the Bill was ordered to be engrossed and read a third time on Monday next.

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February 20th, 1837.—Pursuant to the Order of the Day, the Midland District School Society Bill was read a third time and passed.

Mr. John S. Cartwright, seconded by Mr. Solicitor-General Hagerman moves, that the Bill be intituled: "An Act to amend an Act passed in the fifty-fifth year of the reign of His late Majesty George the Third, (1815) intituled: An Act to Incorporate the Midland District School Society."\* Which was carried, and Messieurs John S. Cartwright and Solicitor-General Hagerman were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

February 22nd, 1837.—The Petition of the Right Reverend Alexander McDonell praying for authority to convey certain lands which, on the 23rd of January, 1837, was referred to a Select Committee, consisting of Messieurs Anthony Manahan and Alexander McDonell, reported that they had prepared a Bill which they submitted to the House. It was ordered that this Bill to incorporate the Trustees of the Roman Catholic Seminary at Kingston, (Regiopolis College,) be read a first time, and that it be read a second time to-morrow.

February 23rd, 1837.—Pursuant to the Order of the Day, the Bill granting a loan of Four Thousand One Hundred and Fifty pounds (£4,150), to the Upper Canada Academy was read a second time.

The Master in Chancery, brought down from the Honourable the Legislative Council a Message, which was read by the Speaker, as follows :

MR. SPEAKER :

The Legislative Council has passed the Bill sent up from the Commons intituled : "An Act to amend an Act passed in the 55th year of the reign of His late Majesty George III., (1815,) intituled : "An Act to incorporate the Midland District School Society."

LEGISLATIVE COUNCIL CHAMBER,  
23rd February, 1837.

JOHN B. ROBINSON,  
Speaker.

The House was put into a Committee of the Whole on this Bill, Mr. Absolom Shad : in the chair. The House having resumed, the Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

February 24th, 1837.—Pursuant to the Order of the Day, the Upper Canada Academy Loan Bill was read the third time. On the question for passing the Bill, Mr. Thomas Parke, seconded by Mr. Thomas D. Morrison, moves. That the Bill do not now pass, but that the following be added as a rider : "And be it further enacted by the authority aforesaid, That no part of this loan shall be paid until the Wesleyan Methodist Conference in this Province, shall first disclaim, in behalf of themselves and their Connexion, all pretensions to any future donations from the Casual and Territorial Revenue, in such a way that it do not form an obstacle to the settlement of that long agitated and difficult question between His Majesty and his faithful subjects in this Province." On which the Yeas and Nays were taken as follows : YEAS : 10. NAYS : 31. The question of the amendment was decided in the negative by a majority of 21.

In amendment to the original question, Mr. Jonas Jones seconded by Mr. David Gibson, moves that the Bill do not now pass ; but that the following clause be added as a rider : "That no part of the money herein authorized to be loaned, shall be advanced by the Receiver-General, until satisfactory and sufficient personal security shall be given for the payment of the principal, at the time provided, and the annual payment of the interest, together with a sufficient sum to defray the charge for insurance, as hereinbefore provided." On which the yeas and nays were taken as follows : YEAS : 16. NAYS : 24. The question of the amendment was decided in the negative by a majority of 8. On the question for passing the Bill, the yeas and nays were taken as follows : YEAS : 31. NAYS : 10. The question was, therefore, carried in the affirmative by majority of 21, and the Bill was passed.

Mr. William H. Draper, seconded by Mr. Henry Ruttan, moves that the Bill be intituled : "An Act granting a sum of Money, by way of loan, to the Upper Canada Academy, at Cobourg," which was carried.

February 27th, 1837.—Mr. John A. H. Powell, seconded by Mr. Jonas Jones, moves that this House do now go into Committee of Supply, for the purpose of making a grant for the support of Common Schools in this Province, for the year 1837 ; and that the 39th rule of the House be dispensed with for that purpose. Which was carried, and the House was put

\*The Act is printed on pages 92, 93 of the First Volume of this Documentary History.



into a Committee of the whole, Mr. George H. Detlor in the Chair. The House having resumed, the Chairman reported that the Committee had agreed to a Resolution which he was directed to submit for the adoption of the House. The Report was received, and the Resolution was adopted, as follows :

*Resolved*—That the sum of Five Thousand Six Hundred pounds, (£5,600,) be granted to His Majesty, for the support of Common Schools in the several Districts of this Province, for the year 1837.

Mr. John A. H. Powell, seconded by Mr. Jonas Jones, moves, that Messieurs William H. Draper and Ogle R. Gowan be a Committee to draft a Bill, pursuant to a Resolution of this House granting the sum of Five Thousand Six Hundred pounds (£5,600,) to His Majesty, for the support of Common Schools in the several Districts in this Province for 1837, which was ordered.

*February 28th, 1837.*—Mr. Ogle R. Gowan, from the Committee to draft a Bill in pursuance to the Resolution of this House, granting a sum of money in aid of Common Schools, reported the same, which was received and read the first time. He moved, seconded by Mr. John A. H. Powell, that the Bill be read a second time this day, and that the 40th rule of the House be dispensed with for the purpose, which was carried.

Mr. Speaker reported that the Master in Chancery had brought down from the Honourable the Legislative Council, a Message, and the Bill, with amendments, intituled : "An Act granting a sum of Money, by way of a Loan, to the Upper Canada Academy."

The amendments made by the Honourable the Legislative Council, in and to the Bill, intituled "An Act granting a sum of Money, by way of Loan, to the Upper Canada Academy, at Cobourg," were read the first time, as follows:—In the title after "granting," insert "under certain restrictions."

*Added to the Bill*—Provided always nevertheless, that the monies granted by this Act, shall not be paid by the Receiver-General, unless there shall remain in his hands unappropriated monies, after the payment of the Charges imposed upon the Provincial Revenue, under any Act, or Acts, heretofore passed, and also of any monies granted during the present Session, for the support of the Civil Government, or to defray any charges attending the Public Service."

Pursuant to the Order of the Day, the House was again put into Committee of the Whole on the Bill to authorise William Johnson of Georgina to convey a piece of land to the Trustees of the Central School of that Township, Mr. David Thorburn in the chair. The House having resumed, the Chairman reported the Bill without amendment, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

Pursuant to the Order of the Day, the Bill to incorporate the Trustees of the Roman Catholic Seminary [Regiopolis College] at Kingston, was read the second time. The House was put into a Committee of the whole on the Bill, Mr. Ogle R. Gowan in the chair. The House having resumed, the Chairman reported the Bill without amendment, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

*March 1st, 1837.*—Pursuant to the Order of the Day, the Georgina School Site Bill, was read the third time and passed.

Mr. John McIntosh, seconded by Mr. David Gibson, moves that the Georgina School Site Bill, be intituled : "An Act to authorise William Johnson, of Georgina to convey to Trustees a lot of Land, for purposes therein mentioned," which was carried, and Messieurs John McIntosh and David Gibson were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council and request their concurrence thereto.

Pursuant to the Order of the Day, the Kingston Roman Catholic Seminary Bill, [Regiopolis College] was read the third time and passed.

Mr. Donald McDonell, seconded by Mr. Anthony Manahan, moves, that the Bill, be intituled : "An Act to incorporate certain persons therein named, as a Board of Trustees for the erection superintending, and management of a Roman Catholic College at Kingston to be known by the name of the College of Regiopolis, and for other purposes therein mentioned."

Pursuant to the Order of the Day, the Common School Appropriation Bill for 1837 was read the second time. The House was put into a Committee of the Whole on the Bill, Mr. Alexander McDonell in the chair. The House having resumed, the Chairman reported that the Committee had agreed to the Bill, without amendment, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

Pursuant to the Order of the Day, the House was again put into Committee of the Whole on the Bill to authorise William Johnson of Georgina to convey a piece of land to the Trustees of the Central School of that Township, Mr. David Thorburn in the chair. The House having resumed, the Chairman reported the Bill without amendment, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

Mr. Speaker reported that the Master in Chancery had brought down from the Honourable the Legislative Council, a Message, and the Bill, with amendments, intituled : "An Act granting a sum of Money, by way of a Loan, to the Upper Canada Academy."

The amendments made by the Honourable the Legislative Council, in and to the Bill, intituled "An Act granting a sum of Money, by way of Loan, to the Upper Canada Academy, at Cobourg," were read the first time, as follows:—In the title after "granting," insert "under certain restrictions."

*Added to the Bill*—Provided always nevertheless, that the monies granted by this Act, shall not be paid by the Receiver-General, unless there shall remain in his hands unappropriated monies, after the payment of the Charges imposed upon the Provincial Revenue, under any Act, or Acts, heretofore passed, and also of any monies granted during the present Session, for the support of the Civil Government, or to defray any charges attending the Public Service."

Pursuant to the Order of the Day, the House was again put into Committee of the Whole on the Bill to authorise William Johnson of Georgina to convey a piece of land to the Trustees of the Central School of that Township, Mr. David Thorburn in the chair. The House having resumed, the Chairman reported the Bill without amendment, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

Pursuant to the Order of the Day, the Bill to incorporate the Trustees of the Roman Catholic Seminary [Regiopolis College] at Kingston, was read the second time. The House was put into a Committee of the whole on the Bill, Mr. Ogle R. Gowan in the chair. The House having resumed, the Chairman reported the Bill without amendment, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

*March 1st, 1837.*—Pursuant to the Order of the Day, the Georgina School Site Bill, was read the third time and passed.

Mr. John McIntosh, seconded by Mr. David Gibson, moves that the Georgina School Site Bill, be intituled : "An Act to authorise William Johnson, of Georgina to convey to Trustees a lot of Land, for purposes therein mentioned," which was carried, and Messieurs John McIntosh and David Gibson were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council and request their concurrence thereto.

Pursuant to the Order of the Day, the Kingston Roman Catholic Seminary Bill, [Regiopolis College] was read the third time and passed.

Mr. Donald McDonell, seconded by Mr. Anthony Manahan, moves, that the Bill, be intituled : "An Act to incorporate certain persons therein named, as a Board of Trustees for the erection superintending, and management of a Roman Catholic College at Kingston to be known by the name of the College of Regiopolis, and for other purposes therein mentioned."

Pursuant to the Order of the Day, the Common School Appropriation Bill for 1837 was read the second time. The House was put into a Committee of the Whole on the Bill, Mr. Alexander McDonell in the chair. The House having resumed, the Chairman reported that the Committee had agreed to the Bill, without amendment, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

Pursuant to the Order of the Day, the House was again put into Committee of the Whole on the Bill to authorise William Johnson of Georgina to convey a piece of land to the Trustees of the Central School of that Township, Mr. David Thorburn in the chair. The House having resumed, the Chairman reported the Bill without amendment, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

Mr. Speaker reported that the Master in Chancery had brought down from the Honourable the Legislative Council, a Message, and the Bill, with amendments, intituled : "An Act granting a sum of Money, by way of a Loan, to the Upper Canada Academy."

The amendments made by the Honourable the Legislative Council, in and to the Bill, intituled "An Act granting a sum of Money, by way of Loan, to the Upper Canada Academy, at Cobourg," were read the first time, as follows:—In the title after "granting," insert "under certain restrictions."

*Added to the Bill*—Provided always nevertheless, that the monies granted by this Act, shall not be paid by the Receiver-General, unless there shall remain in his hands unappropriated monies, after the payment of the Charges imposed upon the Provincial Revenue, under any Act, or Acts, heretofore passed, and also of any monies granted during the present Session, for the support of the Civil Government, or to defray any charges attending the Public Service."

Pursuant to the Order of the Day, the House was again put into Committee of the Whole on the Bill to authorise William Johnson of Georgina to convey a piece of land to the Trustees of the Central School of that Township, Mr. David Thorburn in the chair. The House having resumed, the Chairman reported the Bill without amendment, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

Pursuant to the Order of the Day, the Bill to incorporate the Trustees of the Roman Catholic Seminary [Regiopolis College] at Kingston, was read the second time. The House was put into a Committee of the whole on the Bill, Mr. Ogle R. Gowan in the chair. The House having resumed, the Chairman reported the Bill without amendment, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

Pursuant to the Order of the Day, the Bill to alter the site of the London District School, from Vittoria to London was read the second time. The House was put into a Committee of the Whole on the Bill, Mr. John Kearns in the chair. The House having resumed, the Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed, and read a third time to-morrow.

*March 2nd, 1837.*—Pursuant to the Order of the Day, the Common School Appropriation Bill, for 1837 was read the third time and passed.

Mr. John A. H. Powell, seconded by Mr. Ogle R. Gowan, moves that the Bill, be intitled: "An Act granting a sum of money for the support of Common Schools in Upper Canada for the year 1837," which was carried, and Messieurs John A. H. Powell and Ogle R. Gowan were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and request their concurrence thereto.

Pursuant to the Order of the Day, the Bill to alter the site of the London District School from Vittoria to London was read the third time and passed.

Mr. Mahlon Burwell, seconded by Mr. George Rykert, moves, that the Bill, be intitled: "An Act to Repeal part of an Act passed in the Fifty-Ninth Year of the Reign of His late Majesty King George the Third. (1819), intitled: "An Act to Repeal part of, and to amend, the Laws now in force for establishing Public (Grammar) Schools in the several Districts of this Province," and to establish the Public (Grammar) School for the London District in the Town of London, which was carried, and Messieurs Mahlon Burwell and George Rykert were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and request their concurrence thereto.

*March 3rd, 1837.*—The Master in Chancery, brought down from the Honourable the Legislative Council a Message which was read by the Speaker, as follows

MR. SPEAKER :

The Legislative Council has passed the Bill sent up from the Commons House of Assembly, entitled, "An Act to authorise William Johnson, of Georgina, to convey to Trustees a Lot of Land for purposes therein mentioned,"

Also the Bill entitled "An Act to repeal part of an Act passed in the 59th year of the reign of His late Majesty, King George the Third, (1819) intitled "An Act to repeal part of and amend the laws now in force for establishing Public (Grammar) Schools in the several Districts in this Province and to establish the Public (Grammar) School for the London District in the Town of London," also the Bill intitled: "An Act granting a sum of money for the support of Common Schools in the several Districts of this Province, for the year 1837."

LEGISLATIVE COUNCIL CHAMBER  
3rd of March, 1835.

JOHN B. ROBINSON,  
Speaker.

#### EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL, 1836, 1837.

The Legislative Council met on the 5th of November, 1836; and, on the 9th, His Excellency Sir John Colbourne, the Lieutenant-Governor, delivered the usual Speech from the Throne. The only reference which he made to Education was that which is given on page 42 of this Volume, *ante*.

Of the twenty-nine Members of the Council, nine had been formerly Members of the House of Assembly, videlicet: Messieurs Duncan Cameron, Alexander McDonell, Peter Robinson, Charles Jones, James Gordon, Zaccheus Burnham, James Crooks, William Morris and Philip Vankoughnet.

*November 18th, 1836.*—A Deputation from the Commons House of Assembly brought up a Bill, intitled: "An Act granting a sum of Money for the Support of Common Schools;" etc., which they requested the concurrence of this House, and then withdrew. The said Bill was then read a first time; and it was ordered—That the same be read a second time on Monday next.

*November 23rd, 1836.*—Pursuant to the Order of the Day, the Bill intitled: "An Act granting a sum of Money for the Support of Common Schools," was read a second time; and it was ordered—That the House be put into a Committee of the Whole to-morrow, to take the same into consideration.

*November 24th, 1836.*—Pursuant to the Order of the Day, the House was put into a Committee of the Whole, upon the Bill intituled: "An Act granting a sum of Money for the Support of Common Schools." etc. The Honourable Augustus Baldwin took the chair. After some time the House resumed, and the Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Wednesday next. It was ordered—That the report be received, and leave granted accordingly.

*November 28th, 1836.*—Pursuant to the Order of the Day, the Petition of the President, and others, connected with the Bath School Society, praying for aid, and that their Act of Incorporation\* may be so far amended as to render the Society accountable to the Legislature, was read.

*November 30th, 1836.*—The Order of the Day being read for the House to be put into a Committee of the Whole upon the Bill intituled: "An Act Granting a sum of money for the Support of Common Schools;" etc., it was ordered—That the said Bill be struck off the Order of the Day.

**NOTE.**—The effect of this Order was a refusal at the time to pass the Bill.

*December 12th, 1836.*—The Honourable John S. Macaulay brought up the Petition of the President, and others, interested in the Midland District School Society of Kingston, which was laid on the Table.

*December 22nd, 1836.*—A Deputation from the Commons House of Assembly brought up a Bill, intituled: "An Act to Provide for the Appointment of Trustees of School Lands in the several Districts of the Province, and for other purposes therein mentioned," to which they requested the concurrence of this House, and then withdrew. The said Bill was then read a first time; and it was ordered—That the same be read a second time next Monday se'nnight.

#### EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL IN 1837.

*January 3rd, 1837.*—Pursuant to the Order of the Day, the Bill intituled: "An Act to provide for the Appointment of Trustees of School Lands in the several Districts of the Province, and for other purposes therein mentioned," was read a second time; and it was ordered—That the House be put into a Committee of the Whole to-morrow, to take the same into consideration.

*January 4th, 1837.*—Pursuant to the Order of the Day, the House was put into a Committee of the Whole, upon the Bill intituled: "An Act to Provide for the Appointment of Trustees of School Lands in the several Districts of the Province, and for other purposes therein mentioned." The Honourable George Markland took the chair. After some time the House resumed, and the Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment, or otherwise. It was ordered—That the Report be received; and that the said Bill be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise; and it was further ordered—That the Honourable Messieurs George H. Markland, James Kerby and John S. Macaulay do compose the Committee for that purpose.

*January 5th, 1837.*—The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a Bill intituled: "An Act to Amend the Charter of the University of King's College," which was then read a first time, and ordered to be read a second time to-morrow.

*January 6th, 1837.*—Pursuant to the Order of the Day, the Bill intituled: "An Act to Amend the Charter of the University of King's College," was read a second time; and it was ordered—That the same be referred to a Select Committee, to report thereon by amendment, or otherwise; and that the Honourable and Venerable the Archdeacon Strachan of York, and the Honourable Messieurs George Crookshank, William Morris and John S. Macaulay, do compose the same for that purpose. It was further ordered—That the said Bill be printed for the use of Members.

*January 17th, 1837.*—The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a Bill intituled: "An Act Granting a certain sum of money to the Trustees of the Grantham Academy, for the purpose of Liquidating the Debts of that Institution, and for other purposes therein mentioned," which was read a first time, and ordered to be read a second time to-morrow.

\*This Act was passed in 1834, and will be found on pages 156, 157 of the Second Volume of this Documentary History.

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†Ibid,

‡Ibid,

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¶Ibid,

\*\*Ibid,

*January 18th, 1837.*—Pursuant to the Order of the Day, the Bill intituled: "An Act Granting a certain sum of money to the Trustees of the Grantham Academy, for the purpose of Liquidating the Debts of that Institution," was read a second time; and it was ordered—That the House be put into a Committee of the Whole to-morrow, and to take the same into consideration.

*January 19th, 1837.*—Pursuant to the Order of the Day, the House was put into a Committee of the Whole, upon the Bill intituled: "An Act Granting a certain sum of money to the Trustees of the Grantham Academy, for the purpose of Liquidating the Debts of that Institution," the Honourable James Crooks in the chair. After some time spent thereon, the House resumed, and the Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon by amendment, or otherwise. It was ordered—That the Report be received, and that the said Bill be referred to a Select Committee, to report thereon by amendment, or otherwise. It was further ordered—That the Honourable Messieurs James Kirby and James Crooks, do compose the same for that purpose.

*January 20th, 1837.*—The Honourable George Crookshank, from the Select Committee, to whom was referred the Bill intituled: "An Act to Amend the Charter of the University of King's College," presented their Report. It was ordered, that it be received; and the same was then read by the Clerk, as follows:

*To the Honourable the Legislative Council of Upper Canada:*

The Select Committee to whom was referred the Bill sent up from the House of Assembly intituled: "An Act to Amend the Charter of the University of King's College," have agreed to the following Report, which they hope will bring the subject matter of the proposed enactment, in all its bearings, before your Honourable House.

Your Committee, on entering on the subject of their enquiry, were much gratified to find, that the Legislature and Provincial Authorities had, during the last forty years, expressed an earnest anxiety for the establishment of an University. It was part of the prayer of both Branches of the Legislature, in their Address to the King, in 1797, and strongly recommended by the Executive Government, the Judges, and Law Officers of the Crown, in 1798. It 1820, it was honourably noticed by the Legislature, and had the privilege conferred upon it in prospect, of sending a Member to represent it in the House of Assembly, when it would be established.

2. In 1825, the Lieutenant-Governor in Council, fully convinced that the establishment of such a Seminary could be no longer postponed, without the greatest detriment to the Province, applied to the King for a Royal Charter for its erection, and a sufficient endowment for its support.\* Accordingly, His late Majesty King George the Fourth, was graciously pleased to issue His Letters Patent, bearing date at Westminster, the fifteenth day of March, in the eighth year of His reign, (1827,) establishing in this Province a College, with the style and privileges of an University, "to continue forever, to be called King's College," to which was annexed a munificent endowment.†

3. In his Speech from the Throne, on the 15th [18th] of January, 1828,‡ Sir Peregrine Maitland, informed the Legislature of this happy event, and stated, that the establishment of an University in the Province, was an object which he regarded as among those most to be desired for the welfare of the Colony. In acknowledging this Communication, the Legislative Council expressed their grateful feelings for so valuable a boon;§ but the House of Assembly returned thanks in this very measured language—"if the principles upon which it has been founded shall, upon enquiry, prove to be conducive to the advancement of true learning and piety, and friendly to the Civil and Religious liberty of the people."

4. On the 15th February, 1828, the House of Assembly passed an Address to the Lieutenant-Governor, Sir Peregrine Maitland, requesting a copy of the Charter establishing the University; information respecting the endowment; and any other matters connected with the Institution.|| A copy of the Charter, and an account of the endowment were transmitted, as requested, on the 29th February;¶ and on the 20th March, an Address to His Majesty was agreed upon by the House of Assembly, in which, among other matters, objections were vehemently urged against the Charter of the University, as being of a nature far too exclusive.\*\*

\*See pages 205, 207 and 211 of the First Volume of this Documentary History.

†*Ibid*, pages 221-225; also pages 16, 17, 20, 23, 238, 264 and 317 of the same Volume.

‡*Ibid*, page 233.

§The Journals of the Legislative Council for 1828 are not available.

||Page 235 of the First Volume of this Documentary History.

¶*Ibid*, pages 237, 238.

\*\**Ibid*, page 242.

5. This Address attracted the notice of the Select Committee of the House of Commons; and, in their Report on the Civil Government of Canada, on the 22nd July, 1823,\* they advise a change in the constitution of the College Council, so that no religious test may be required, and that a Theological Professor of the Church of Scotland should be established, in addition to that for the Church of England, whose Lectures, the candidates for Holy Orders in the respective Churches, should be required to attend.

6. Sir John Colborne, in his Speech from the Throne on the 8th January, 1829, slightly notices the University, in connection with the Minor College.† But the House of Assembly on the 20th March, 1829, passed various Resolutions, for the purpose of modifying the Charter, and presented the same, with an Address, to the Lieutenant-Governor, to which His Excellency promised his ready attention.‡

7. No proceedings appear to have been had regarding the University during the Session of 1830;§ but in that of 1831 and 32, an Address to the King was adopted, bearing date the 28th of December, 1831, praying that, the Charter of King's College might be cancelled, on account of its exclusiveness, and another granted more open in its provisions.|| To this Address His Excellency replied on the 4th of January, 1832 :

"That he has reason to believe that either the exclusive provisions considered exceptionable in the Charter of King's College, have been cancelled, or that such arrangements have been decided upon by His Majesty's Government, as will render further applications on this subject unnecessary, but that a Charter solemnly granted cannot be revoked, or its surrender obtained, without much delay."¶

8. It was generally expected, from the tenor of his [the Lieutenant-Governor's] answer, that His Majesty's Government had determined to modify the Charter, according to the wishes of the House of Assembly; but nothing of the kind appears to have been attempted.

9. During the Session of 1832 and 1833, several Reports were presented to the House of Assembly, by their Select Committee on the subject of Education; \*\* in one of which, bearing date the 21st of November, 1832, a Bill is proposed similar to that now under consideration, and embracing almost all the practical alterations recommended in the Resolutions of the House of Assembly in 1829.†† This Bill was not proceeded with; and the Session passed over without maturing any measure respecting the University. On the 19th November, 1833, Sir John Colborne, in his opening Speech from the Throne, invites the Legislature to alter the Charter of King's College, and informs them, that His Majesty will give effect to any measure proposed by the two Branches, regarding the future government of the University.‡‡ This invitation was thankfully acknowledged, but yet nothing was done to modify the Charter.

10. In the Session of 1835, a Bill was sent up to your Honourable House by the House of Assembly, intituled: "An Act to amend the Charter of King's College," which, after having been twice read, committed, and maturely considered, was unanimously rejected.§§

11. The same Bill was a second time sent up to your Honourable House, from the other Branch of the Legislature, during the last Session. After much consideration, it was referred to a Select Committee, who presented an able Report on its provisions, and a luminous view of the extraordinary tendency of the proposed amendments, from which it appears that they were far better calculated to produce a nursery for political excitement, than a tranquil Seminary of Learning.¶¶

12. In fact, this Bill totally subverted the Royal Charter, and, instead of establishing an University, carefully separated from the bustle and business of the world, and more especially from the strife and agitation which so frequently attend discussions on the public affairs of the Province, would have rendered King's College an arena of political warfare. That this language is more than borne out, will appear from a very brief notice of some of the details of the Bill.

\* Pages 253-258, and 317 of the First Volume of this Documentary History.

† *Ibid*, page 259.

‡ *Ibid*, pages 274-276.

§ This is a mistake: See pages 292, 293, 303, 305 and 311 of the First Volume of this Documentary History.

|| Page 52 of the Second Volume of this Documentary History.

¶ *Ibid*, pages 53, 54. See also the elaborate reply of the King's College Council to the Despatch of Lord Goderich, of the 2nd of November, 1831, which accompanied this Reply of the Lieutenant-Governor. It will be found on page 32 of this Volume, *ante*, dated the 21st of March, 1832.

\*\* See pages 76, 78, 106 and 141 of the Second Volume of this Documentary History.

†† *Ibid*, pages 76, 77.

‡‡ *Ibid*, page 132.

§§ *Ibid*, pages 197, 209 and 338.

¶¶ *Ibid*, page 341.

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THE BILL GIVES A PROVINCIAL, INSTEAD OF AN IMPERIAL, CHARACTER TO THE COLLEGE.

13. Although His Majesty has been most graciously pleased to become the Founder and Patron of the University of King's College,—has granted a munificent endowment, and conferred upon it the most valuable privileges, some of which extend their benefits through the whole of the British Empire,—yet the Bill went to deprive the King of all power and authority in his own University, and to reduce it to a Provincial Institution, which could impart neither advantage or influence beyond the Colony; and what is still more pernicious, and unprecedented, placed it under the sole direction and authority of the Legislature, by which it became liable to be wholly changed, or subverted, at the expiration of every four years.

THE BILL PROPOSES AN UNCONSTITUTIONAL MODE OF APPOINTING THE COLLEGE COUNCIL.

14. By the sixth clause, it was provided—“That there shall be within the said College, in the place and stead of the Council in the said Charter mentioned, a Council, to be called and known by the name of ‘The Council of King's College,’ which Council shall consist of twelve persons, one-half of the number of which persons shall be nominated by the Legislative Council, and the other half by the House of Assembly, which persons, so nominated, shall be certified by the respective Houses to the Governor, Lieutenant Governor, or Person administering the Government for the time being, and shall hold their offices for four years, from the day of such nomination, and thence until the then next Session of the Provincial Parliament, and no longer.”

15. Now it is respectfully submitted, that such a mode of nomination is not only unconstitutional, but it is altogether subversive of the principles upon which Seminaries for the instruction of youth ought to rest. By this clause, everything is changeable, and nothing permanent. The Council, being removable every four years, one-half by the Commons House of Assembly, and one-half by the Legislative Council, it would partake of all the changes and agitations of the Legislature, and these, through the Council, would be infused into the University itself.

NO PRECEDENT FOR LEGISLATIVE INTERFERENCE IN THE GOVERNMENT OF THE COLLEGE.

16. There is no precedent in any Country where the Legislature virtually directs the internal government of Colleges, or interferes in their economy:—they are left to the guidance of their own Faculties, acting under the charters and privileges conferred upon them, subject to correction, should they err, from occasional visitations appointed by their founders, or the force of public opinion. But, by the enactments proposed in this Bill, such an intimate connection is created between the University of King's College and the Legislature, as to form nearly a complete incorporation.

NINE OUT OF TWELVE MEMBERS OF THE COUNCIL IS AN UNREASONABLY LARGE QUORUM.

17. By clause eight, it was provided, that no meeting of the Council shall be taken or held to be a lawful meeting thereof, nor any question be taken, except to adjourn, unless nine members at the least be present; and that all questions and resolutions proposed for the decision of such College Council shall be determined by the majority of the Members of the Council present, including the vote of the Presiding Member; and that, in the event of an equal division of such votes, the Member presiding at any such meeting shall give an additional, or casting vote.

18. Nothing can be more evident than that the enactment in this clause would greatly impede the business of the University; for it can scarcely be expected that nine members out of twelve could be readily assembled at all times when required, or that the wants and contingencies of an extensive Seminary, which are continually multiplying, can be adequately provided for by a Council which is to sit, as ordained in the twentieth clause, only two weeks in the year.

A DIOCESIAN EXCLUSION OF CHRISTIANITY FROM THE COLLEGE PROVIDED FOR.

19. By clause twenty-six, Christianity appears proscribed with a virulence not unworthy of a Dioclesian. There is only one attempt on record in a Christian country, and that a very recent one, of establishing an University on the principle that everything connected with the Christian faith shall be excluded.

20. This consequence is said to result from the circumstance that the London University was established by subscription. The Directors are indeed forced to confess that religious

instruction, or the formation of Christian principles, is the great and primary object of Education, and that it is an object far too important to compromise; but they shelter themselves under the pretence that the London University is intended for the education of youth in the Metropolis, and, as it is presumed, living with their parents, who are expected to attend to this most important part of their education.

#### THE CASE OF LONDON UNIVERSITY NOT APPLICABLE TO KING'S COLLEGE.

21. Without admitting the force of this reason, it is sufficient to remark, that it totally fails in its application to King's College; because, it is obvious that instruction is there to be dispensed to youth collected from all parts of a very extensive country, and of whom the great majority will be wholly removed from the authority and superintendence of their parents; and it may be confidently affirmed, that the inhabitants of this Province are not prepared to approve of an Institution for the education of their children, from which religion is altogether excluded.

#### "WAGES" PAYABLE TO MEMBERS OF THE COUNCIL LOWER ITS CHARACTER.

22. As if the framers of this Bill had intended to lower the character of the College Council to the utmost, it is provided in the twenty-seventh clause, that the members shall be allowed wages for every day of their attendance.

#### OTHER OBJECTIONABLE FEATURES OF THE KING'S COLLEGE BILL.

23. Your Committee might refer to several other provisions equally objectionable, but these are more than sufficient to prove that such a Bill could never have been entertained, except by those who desired to hold up the first literary institution of the Country, to obloquy and scorn.

24. Your Committee deem it expedient, before adverting to the alterations contemplated in the Bill, to remark upon two points, not a little embarrassing, which met them, as it were, *in limine*.

#### HAS A COLONIAL LEGISLATURE THE POWER TO ALTER A ROYAL CHARTER?

*First.*—Your Committee did not at first feel satisfied that the Colonial Legislature had the power of altering a Royal Charter, not only on account of the great delicacy of meddling with an acknowledged prerogative of the Crown, which had not, in the present instance, overstepped its limits; but because they are acquainted with no precedent in other Colonies to sanction such a proceeding. They were, therefore, inclined to think, that the more decorous mode of seeking an amendment of the Charter would be by the Joint Address of the two Houses of the Legislature to the King, embodying the alterations desired, and not to proceed by enactment. So great delay had, however, taken place, and the course by Address, giving no assurance of speedy relief your Committee were induced to reconsider their first impression, and, after a careful examination of the various steps taken by His Majesty's Government, and that of the Province, have arrived at the conclusion that it is more expedient, in the present instance, to proceed in this matter by Bill.

25. To this course they were encouraged by the invitation to alter the Charter of King's College, given to the Legislature by Sir John Colborne, in his Speech from the Throne in 1833,\* as it seemed to concede the necessary authority, and by what Lord Goderich says in his Despatch, dated the eighth of November, 1832,† that, so far from any anxiety having been felt by the King's Government 'to maintain that Charter against the wishes of the great majority of the people, every possible measure has been taken to refer to their Representatives the decision of the question in what form, and on what principles, the College should be founded.'

#### CONSULTATION WITH THE CORPORATION OF KING'S COLLEGE ON THE MODIFICATION OF THE CHARTER.

*Second.*—On another point, both delicate and important, your Committee experienced some hesitation.

26. The Charter of King's College establishes a Corporation. This Corporation has existed for several years, and in many respects exercised the powers conferred upon it by the King. It, therefore, appeared reasonable to communicate with this Body, before adopting any measure in which its interests were involved. From this difficulty, however, your Committee were relieved

\*See page 132 of the Second Volume of this Documentary History.

†*Ibid.*, pages 112, 113.

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by the presence in this Council of the President of King's College, as one of the Members, and yet further from the information which he communicated respecting the proceedings of the College Council. It appears that that Body, anxious that the great benefits which the University is calculated to yield to the youth of the Province might be no longer delayed, had agreed, so far back as the twenty-first day of March, 1832,\* to certain alterations in the Charter, which embraced everything really useful and appropriate which were contained in the Resolutions of the Commons House of Assembly, already alluded to, and a printed copy of the Charter, so amended, was presented to your Committee for inspection.†

THE PROPOSED ALTERATIONS MADE BY KING'S COLLEGE COUNCIL IN 1832, WERE NOT VERY DIFFERENT FROM THOSE IN THIS BILL OF 1837.

27. On comparing the provisions of the Charter, thus amended by the College Council, with those contemplated by the Bill before your Honourable House, your Committee was pleased to find that the difference was by no means so great as might have been expected. This may be clearly seen by arranging them in a table by way of contrast, and with the original Charter of 1827.

COMPARISON OF THE ORIGINAL CHARTER OF THE UNIVERSITY OF KING'S COLLEGE WITH THE PROPOSED AMENDMENTS OF 1832 AND 1837.

Provisions of the Original Charter of 1827.	Charter as amended by the College Council in 1832.	Charter as amended by the Bill under consideration, 1836-37.
1.—The Bishop of Quebec, to be Visitor.	1.—The Court of King's Bench substituted for the Bishop as Visitor.	1.—The same—the Court of King's Bench to be Visitor.
2.—The President,—a Clergyman, and Archdeacon of York.	2.—The President to be a Clergyman of the Church of England, but not necessarily the Archdeacon of York.	2.—The President shall not be required to be the Incumbent of any Ecclesiastical office.
3.—The Members of the Council to be Members of the Church of England, and to sign the Thirty-nine Articles of that Church.	3.—Relieves Members of the Council from signing the Thirty-nine Articles, but requires them to be Members of the Church of England.	3.—Relieves Members of the Council from signing the Thirty-nine Articles. They need not be Members of the Church of England.
4.—Ordains no tests or qualifications, except for Divinity Degrees.	4.—Removes tests even from Divinity Degrees, but allows Regulation, without which these degrees could not be conferred.	4.—Removes all tests and qualifications, even from Divinity Degrees. Under this Bill, no Degrees in Divinity can be conferred, if literally interpreted. There must be By-laws and Regulations to do so.

28. From this contrast, it appears manifest that the Council of King's College are disposed in a great degree to meet the requirements of the Legislature. Their only anxiety seems to be to give a more decided religious character to the Institution; and in this your Committee would most willingly concur, were there any reasonable prospect of its full accomplishment.

\* See pages 32-37, of this Volume, *ante*.

† This proposed amended Charter of King's College will be found on pages 77 and 78 of the Second Volume of this Documentary History. The addition made to this amended form of the Charter will be found on page 97 of the same Volume. Reference might also be made to the original Charter of King's College, as amended by the Reverend Doctor Strachan, and printed on pages 221-225 of the First Volume of this History; also to the copy of "The Charter of King's College, Upper Canada, as amended," (1835) printed on pages 216-220 of the Second Volume of this History.



THE LIBERAL PROVISIONS OF THE CHARTER OF KING'S COLLEGE OF 1827 MISREPRESENTED.

29. Your Committee need scarcely remind your Honourable House, that, under its present Charter, the University of King's College is open to all denominations of Christians, and that the Professors, excepting such as are appointed Members of the College Council, may be of any Christian Denomination, that it excludes no one from what may be considered the essential benefits of the University, and is placed on a more liberal footing than any similar institution either in Great Britain or America. So much obloquy has been thrown upon King's College by those who never took the trouble to read the provisions of its Charter, or who wilfully disseminated deceptive accounts of its narrowness and bigotry, that the public mind has been totally poisoned respecting its requirements; and even now men of education and respectable attainments are found adopting, as truths, calumnies against it, and without enquiry, describing it in their speeches and public proceedings, in terms totally foreign to its real character. This being the case, your Committee consider it part of their duty to show that no College exists in any part of the world so little exclusive as King's College, were its Charter to continue without alteration.

CHRISTIAN NATIONS GIVE A RELIGIOUS CHARACTER TO THEIR LITERARY INSTITUTIONS.

30. The uniform practice of Christian Nations has been to give a religious character to their literary Institutions; nor is there a College, or University, either in Europe or America, without such a character. Of the English Universities, it is unnecessary to speak, as they are internally connected, and may indeed be considered part of the National Church; the system of exclusion is, therefore, carried much further there, than is required, or wished for, in King's College. In Scotland, it is ordained by the laws of the Church, as well as by Act of Parliament, that Presbyteries shall take special notice of what is taught in Colleges and Universities, and that nothing be taught therein contrary to, or inconsistent with, the Confession of Faith of the Church, or to the worship, discipline or government, of the same. The Presbyteries are also required to observe the morals and conversation both of Masters and Scholars. In fine, the superintending power of the Scottish Church over all Colleges, Universities and Schools, and of all Professors, Teachers and School-Masters employed in the same, is paramount, and without appeal. It is further ordained that nothing shall be taught but what is in accordance with the Church, and all these powers are established by the most solemn Acts of the Legislature, and even by the treaty of Union. "In fact," says an eloquent defender of the Kirk, "our religious establishment and true learning must stand or fall together. Ignorance, which is the mother of superstition, has been one of the principal sources of all the corruptions of Christianity, and, therefore, the Church hath ever exercised complete control over all Schools and Universities, identifying them with herself."

RESULTS OF THIS SYSTEM OF RELIGIOUS SUPERVISION IN SCOTLAND AND ENGLAND.

31. And has this complete exclusion of all but her own principles from the Parochial School to the Universities, impeded the moral and literary progress of the Scottish population? Far from it. To what but to education is Scotland indebted for her moral and religious improvement? The whole system of instruction in that country has religion for its basis, and is placed under the immediate and active superintendence of the Parochial Clergy, and, to this wise arrangement, must be attributed the proved superiority of her people over that of most other countries.

32. It thus appears that both in England and Scotland, the Colleges and Universities are founded upon exclusively religious principles, and that they are not so open, or, in modern phrase, so liberal, as King's College, against which so great a clamour has been raised; and yet they have been eminently useful, and have nobly remunerated the public for the peculiar privileges which they enjoy.

THE EXAMPLE OF THIS SYSTEM IN THE UNITED STATES QUOTED—HARVARD UNIVERSITY.

33. But this system of exclusion, if it can be so called, has never prevailed to a greater degree in Great Britain than in the United States of America. Unhappily for the cause of religious truth, Harvard University, the best endowed literary Institution in that Country, is wholly Unitarian. It was founded in 1638, by the Reverend Mr. John Harvard, Minister of Charleston, Massachusetts. It is governed by a Board, composed of the Governor, Lieutenant-Governor, the Council, the Senate, the President, and the Congregational Ministers of Boston, Charleston, Cambridge, Watertown, Roxburg and Dorchester, in the State of Massachusetts. The President, five Fellows and the Treasurer, constitute the Corporation, and by them the immediate government is exercised. Yet, to this College, pupils of all denominations are sent. It is in possession of funds to the amount of more than half a million of Crowns, principally the accumulated donations of Individuals, and enjoys, moreover, a large annual stipend from the

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Treasury of the State. It has a Library of thirty thousand volumes, and extensive apparatus for illustrating Science, and twenty Professors, aided by a number of Tutors, to carry on the business of Instruction.

34. With means so ample, and at unity with its religious belief, and without any pledge against its propagation, it must operate a material change in the religious views of the community, and particularly so, as its Professors occupy the first rank among the learned in America.

35. Such is the present state, resources and influence, of Harvard University; and has it excited any uneasiness or heart-burning in the community? Has it been made the beacon of faction? Has it been slandered and calumniated by other Denominations? Have the Episcopalians, the Baptists, Methodists, and Presbyterians, cried out against it? Or, has the House of Representatives been petitioned to change its constitution, and make its government open to all parties? Or, have the Professors been called upon not to inculcate their own opinions? Far from it. The Legislature would never have entertained such a petition; they are too well aware of the sacred right of property and of conscience, to attempt to expunge them at the request of malice and envy; on the contrary, they are proud of their splendid University, and have actually cherished it, and munificently supplied its necessities.

#### THE EXAMPLE OF YALE COLLEGE UNIVERSITY, CONNECTICUT, ALSO QUOTED.

36. The second place among American Universities, is occupied by Yale College, which is exclusively directed by Congregationalists,—yet we have never heard that the Legislature of Connecticut has taken offence at this exclusion, or, in any degree, interfered, except to confer honours and emoluments on the Institution. And so far have Episcopalians been from railing against it, that to their munificence it is greatly indebted for its prosperity. The Right Reverend Doctor Berkeley, the famous Bishop of Cloyne, (in the County of Cork, Ireland,) conferred upon it a magnificent donation of books, and a landed estate in Rhode Island; and Mr. Dummer, another Episcopalian, Agent for the State, then a Colony, was likewise a liberal contributor to its resources.

37. So far have the Legislatures of the United States been from interfering with these institutions, or meddling with their principles, that they have only noticed them to grant them favours.

#### KING'S COLLEGE IN WINDSOR, NOVA SCOTIA, MORE EXCLUSIVE THAN OUR KING'S COLLEGE.

38. In Nova Scotia, the College which is established at Windsor is much more exclusive than King's College, "for it was established," says the learned and amiable Bishop of the Diocese, (Right Reverend Doctor Binney) in his eloquent address to the British public in 1825, "to preserve the doctrines, liturgy and discipline of the Church of England in their unabated purity. It seemed necessary that the means of a right religious education should be provided for those who were to teach, and those who were to be taught the holy principles of our church, that so they might live and die in the faith and hope of their forefathers."

For this purpose the University of Windsor was established, and called King's College, as a testimony of gratitude to the kindness and piety of His late Majesty King George the Third, under whose sanction, and by whose Charter, it was principally formed.

#### CHARTER OF KING'S COLLEGE, FREDERICTON, NEW BRUNSWICK, A TRANSCRIPT OF THAT OF KING'S COLLEGE, UPPER CANADA.

40. As the King's College Charter [of 15th December, 1827] recently received with much gratitude in New Brunswick, and now in full operation, is an exact transcript of that of King's College in this Province, your Committee need not dwell on its various provisions.\*

#### EXAMPLES FROM THE COLLEGES OF LOWER CANADA.

41. Nearer home, we find the same exclusive principles prevailing in the different Colleges in Lower Canada.

\* The Charters of King's College at York, Upper Canada, and that of King's College, Fredericton, New Brunswick, were both granted in the same year;—the one on the 15th of March, and the other on the 15th of December, 1827. The Charter of the New Brunswick King's College was "an exact transcript" of that of the Upper Canada King's College, and was granted eight months after that of the latter. The Charter of the King's College, New Brunswick, was, however, modified by the Legislature of that Province in 1845, and also in 1860. For further reference to this matter, see remarks on page 71, *post*.

After the conquest of Canada, His late Majesty not only conceded to His Roman Catholic Subjects the free exercise of their Religion, and an ample provision for the temporal support of their Ministers, but likewise the farther advantage, which in every country has appeared necessary for the maintenance of religion, namely, the endowment of Colleges and Seminaries; in which, while the various branches of human learning are taught the rising generations are at the same time instructed in the doctrines of Christianity, and familiarized to that mode of worship which the Government has consented to recognize and protect.

42. The provision which the French Government had made for this latter object was respected, and has been suffered to continue; and though it has unquestionably tended to preserve and perpetuate a form of religion to which but a small proportion of the British population adhere, it has not been looked upon by them with jealousy or dislike, and Quebec now maintains four Colleges, two of which may be styled Universities.

#### THESE PRECEDENTS AND EXAMPLES SUPPORT THE CHARTER OF KING'S COLLEGE.

43. Such are the precedents to support the Charter of King's College, in its present form, from the attacks of the ignorant and the malice of the unprincipled. It is a fact that it is more open than any other College Charter in the British Dominions, and is more liberal than any similar Institution of the United States. It ought also to be remembered, that there has been recently established by Royal Charter, a College in this Province, under the superintendance and authority of the British Wesleyan Methodists; and is it to be supposed that it will be left by that respectable body without a decided religious character, or that they will admit any other Denomination to interfere in its management and regulations? On the whole, your Committee feel justified in submitting that the Charter of King's College cannot, with truth, be called exclusive and restrictive, by comparison with any other College, of which they have any knowledge, either in Europe or America.

#### PROPOSED ALTERATIONS IN THE ROYAL CHARTER OF 1827, CONCURRED IN BY THE COMMITTEE.

44. Your Committee having thus stated to your Honourable House, the considerations and views which appeared to them necessary to bring the subject of King's College, its history and treatment, in all their bearings, before you, proceeded to compare the alterations proposed in the present Bill with the original Charter, and are happy to find that they do not interfere in the slightest degree with the character of the University as a Royal Institution, or with the power and dignity which it possesses as emanating from the King, and which can be obtained in no other way, and for the loss of which, no benefits in the power of the Legislature of this Province to bestow, could in any manner compensate.

45. The alterations are confined to re-modelling the College Council, or governing power, and removing tests and qualifications of every description, except a declaration of belief in the authenticity and Divine inspiration of the Old and New Testaments, and in the doctrine of the Trinity; but His Majesty still continues Founder and Patron of the University; its munificent endowment remains untouched, as well as those valuable privileges which will forever distinguish King's College from a Provincial Institution, because the benefits they confer extend through the British Empire and all its Dependencies. The Bill enacts, "that for and notwithstanding anything in the said Charter, the Judges of His Majesty's Court of King's Bench shall, for, and on behalf, of the King, be Visitors of the said College, in the place and stead of the Lord Bishop of the Diocese of Quebec for the time being."

46. Although your Committee see no cogent cause for this alteration, yet as the Bishop is frequently absent from this portion of the Diocese, they feel disposed to recommend it to the adoption of your Honourable House.

47. The Bill further ordains, "that the President of the said University, on any future vacancy, shall be appointed by His Majesty, His Heirs and Successors, without requiring that he should be the incumbent of any ecclesiastical office."

Your Committee are inclined to recommend this clause, but on the understanding that the President should be a Clergyman in Holy Orders of the Church of England.

48. The Bill proceeds to provide—"3. That the Members of the College Council, including the Chancellor and President, shall be twelve in number, of whom the Speakers of the two Houses of the Legislature of the Province, and His Majesty's Attorney and Solicitor Generals, for the time being, shall be four, and the remainder shall consist of the five senior Professors of Arts and Faculties of the said College, and of the Principal of the Minor, or Upper Canada,

\*For a copy of the Royal Charter of this Institution, as Upper Canada Academy, see pages 268-272 of the Second Volume of this Documentary History.

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College\* ; and, in case there shall not at any time be five Professors, as aforesaid in the said College, and until Professors shall be appointed therein, the Council shall be filled with Members to be appointed, as in the said Charter is provided, except that it shall not be necessary that any Member of the College Council to be so appointed, or that any Member of the said College Council, or any Professor to be appointed, shall be a Member of the Church of England, or to subscribe to any Articles of Religion, other than a declaration that they believe in the authenticity and Divine inspiration of the Old and New Testament, and in the doctrine of the Trinity."

DISSENT OF THE COMMITTEE FROM THE PROPOSAL TO APPOINT SO MANY POSSIBLE NON-MEMBERS OF THE CHURCH OF THE FOUNDER.

49. On this amendment your Committee respectfully submit that, if it be thought expedient that the Speakers of the two Houses of the Legislature, and Crown Officers, should be Members ex-officio of the College Council, the Council will be so far opened, as concerns them, since they may not belong to the Church of England ; and if it is to be also provided that the remaining five Members of the Council, even though Professors, shall not of necessity belong to the Church of the Founder, the governing power of the University is thus deprived of a distinctly religious character. To this extent your Committee cannot recommend the concurrence of your Honourable House : it being their conviction that a College for educating youth in the principles of the Christian religion, as well as in literature and the sciences, is less likely to be useful, and to acquire a lasting and deserved popularity, if its religious character is left to the discretion of individuals, and to the chance of events, and suffered to remain the subject of unchristian intrigues and dissensions, than if it is laid broadly and firmly in its foundation by an authority that cannot by any reason be questioned. Your Committee would recommend that no Professor should be eligible to the College Council, who was not a member of the Church of England, or of the Church of Scotland.

50. The Bill provides further—"4. That no religious test or qualification be required or appointed for any person admitted or matriculated as scholars within the said College, or of persons admitted to any degree or faculty therein."

On this provision your Committee respectfully remark, that it is altogether redundant, for the Charter, as it now stands, requires no religious tests or qualifications from any one, except in Degrees of Divinity, which require of necessity some regulating standard.

PROPOSES THEOLOGICAL PROFESSORS OF THE CHURCHES OF ENGLAND AND SCOTLAND.

51. Your Committee, in order to reconcile all interests, felt inclined to propose that a Theological Professor of the Church of Scotland should be placed on the foundation, as suggested by the Select Committee of the House of Commons in 1828† ; but on farther examination it was found, that the College Council has full power to do this without special enactment. Your Committee therefore deemed it sufficient to recommend it to be done, so soon after the College is put in operation as may be convenient.

UPPER CANADA COLLEGE AS AN APPENDAGE TO KING'S COLLEGE UNIVERSITY.

52. The Bill proceeds to make provision for annexing Upper Canada College as an appendage to the University ; and this your Committee consider both wise and necessary, submitting at the same time, the propriety of providing that the Principal of Minor College be appointed by the Chancellor, and that there shall be hereafter no Vice-Principal of Upper Canada College.

CONCLUSIONS OF THE COMMITTEE AS TO THE KING'S COLLEGE CHARTER AMENDMENT BILL.

53. Your Committee have considered it their duty to suggest these several amendments, but desire not, in this Report, to express any opinion as to the wisdom of persisting in them, should such a course risk the fate of the Bill. Other alterations of a beneficial tendency might have been offered, did the Committee not feel inclined to believe that the Charter, in its original form, had it been allowed to go into operation, would have been far more efficient for all the purposes intended, than the present measure. So much evil and inconvenience has, however,

\*This was provided for in the addition to the proposed Bill of 1832. See page 97 of the Second Volume of this Documentary History. This proposal was a reversal of the scheme of 1830, embodied in the Upper Canada College Bill of that year, in which it was proposed practically to absorb the University into that College. See pages 301, 305 and 312 of the First Volume of this Documentary History.

†See page 254 of the First Volume of this Documentary History.

‡See reference to this subject on page 41 of this volume, ante.

taken place, from the differences of opinion concerning the Charter, that your Committee deprecate further delay, and feel assured that the benefits which the University will soon diffuse over the Province will make it easy to overcome and correct any difficulties, or supply any deficiencies that may be discovered in the working of the present measure, imperfect as it certainly is, if passed into a law.

All of which is respectfully submitted,

LEGISLATIVE COUNCIL COMMITTEE ROOM,  
18th day of January, 1837.

GEORGE CROOKSHANK,  
Chairman.

#### CHARACTER AND SCOPE OF THIS REPORT ON THE KING'S COLLEGE BILL OF 1837.

It is clear from the elaborate and somewhat exhaustive character of this Report of the Legislative Council Committee on the proposed "King's College Charter Amendment Bill," that the Committee had fully considered the whole question, as it then presented itself to the Members of that Committee.

The Report bears internal evidence of having been drafted by the Reverend Doctor Strachan—the Educational Nestor of these early days. The only other Member of the Committee who was at all conversant with the subject was the Honourable William Morris, who, as a former Member of the House of Assembly, had taken a prominent part in the discussions on proposals in that House to modify the original Charter of King's College. He was by no means in accord with the Reverend Doctor Strachan, as will be seen further on. The other Members of the Committee were the Honourable Messieurs George Crookshank, who was appointed its Chairman, and John Simcoe Macaulay.

The Report consists of two parts,—the purely historical portion, and the practical part, dealing only, (as the latter part does), with that aspect of the question which was then of pressing importance—the removal of the denominational, and, therefore, exclusive element from the original Charter, which had been its bane from the beginning, in 1827.

The historical portion of the Report is valuable, from the fact that it briefly summarizes the various stages, (with the conclusions from time to time arrived at,) through which this then vexed question of University Charter amendment had passed during the preceding ten years.

The latter, or more practical, part of the Report deals with the modification in the original Charter proposed by the originator of the Bill in the House of Assembly. In spirit and in tone, the argumentative portion of this part of the Report is very much in harmony with that of the Reply of King's College Council in March, 1832, to the demand of Lord Goderich, Colonial Secretary, in December, 1831, to surrender the Charter of King's College. (See page 32, *ante*.) It is unjust, however, in its criticism of those who had advocated a modification in the terms of the Charter, so as to render more acceptable to a mixed population like that of Upper Canada, whose objection to the domination of any one Church, and whose demand for equal rights among the churches, had been unceasing since

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the time that Governor Simcoe, and later, when Governor Maitland sought, in 1820, practically to establish the Church of England in this Province. The comparisons and references in the Report are not always correct, nor are they just.

The reference, especially to King's College in New Brunswick, is not pertinent to the case; nor is it of any practical importance at the present day. As a matter of fact, the objection to the Charter granted to that College, (in the same year as that in which a Charter was granted to King's College, Upper Canada,) was as rife in New Brunswick as it was in this Province. Its modification, by the Legislature of that Province in 1845, did not seem to have removed the cause of discontent, for, in May, 1854, the Legislature of New Brunswick passed an Act empowering the Lieutenant-Governor to appoint a Royal Commission:—

"To enquire into the present state of King's College, its management and utility, with a view of improving the same, and rendering that Institution more generally useful, and of suggesting the best mode of effecting that desirable object," etc.

In accordance with this Act, Sir Edmund Head, the Lieutenant-Governor of New Brunswick, appointed as commissioners, in August, 1854: The Honourable John Hamilton Gray, (late Judge of the High Court of British Columbia), the Reverend Doctor Egerton Ryerson, Doctor John William (now Sir William) Dawson, the Honourable John Simcoe Saunders, and the Honourable James Brown, to make this enquiry.\* The Charter of the College was, in consequence of the Report of these Commissioners, largely modified in 1860.

\*The following particulars in regard to the proceedings of the Commissions appointed to modify the original Charter of King's College, New Brunswick,—which was "the exact transcript of that of King's College Upper Canada,—may be interesting:

In accepting the position of Commissioner, to enquire into King's College New Brunswick, the Reverend Doctor Ryerson, at the close of his letter to Provincial Secretary Partelow, said:—

"When I mentioned to the Head of the Canadian Administration the request which had been made to me from New Brunswick, and the probability that a compliance with it would cause my absence for two or three weeks from the duties of my Department, he thought I ought, by all means, to go—that it was part of my appropriate work, and that we should regard each Province of British North America as a part of our own country."

The Commission met first at Fredricton, and afterwards at Toronto. To Doctor Ryerson was entrusted the principal duty of drawing up the elaborate Report; and, in Honourable John H. Gray's letter, as Chairman, accompanying the Report in December, 1854, he said:

"I beg to express, with the full concurrence of my fellow Commissioners, our acknowledgements of the very valuable assistance afforded us by Doctor Ryerson. His great experience and unquestioned proficiency on all subjects connected with education, justly entitle his opinion to great weight."

Sir William Dawson, in a letter to Mr. Gray, thus summarizes the contents of the Report:—

"1st. The improvement of the College course of instruction, and its extension by the introduction of special courses. 2ndly, The definition of the true place of the Provincial College in its relations to the other educational institutions of the Province, and to the religious beliefs of the people; and 3rdly, The union of all the educational institutions in a Provincial university system, under official supervision."

A change in the Government of New Brunswick in 1854, prevented the Report from being considered in the Legislature at that time. In a letter from Mr. Gray to the Reverend Doctor Ryerson, dated May 15, 1855, he said:

"The change of Government prevented our Report being adopted and acted upon, but it met with universal approbation, and from every portion of the Province the voice of praise has gone up. I give you credit for it all; and in my remarks in the House, I made my acknowledgements publicly to you and Mr. Dawson."

In a confidential letter to me, from Doctor Ryerson, dated Quebec, January 30th, 1858, he said:—

"Sir Edmund Head, (now Governor-General), highly approved of my Report, etc., on the New Brunswick College question, and has sent it to the authorities of McGill College, to see if they cannot adopt something of the same kind."

Mr. Gray had hoped that the comprehensive Bill proposed by the Commission in 1854, to give effect to their recommendations relating to King's College, Normal and Model Schools, and a Chief Superintendent of Education, would be passed in the following year, 1855. In this he was disappointed, for the

\*Thus we see, that, as early as in 1854, the idea of the Confederation of the Provinces was being revolved in the minds of some of its leading men.

The conclusion at which the Committee of the Legislative Council arrived in their Report, was to accept, but with reluctance, the changes in the Charter, as proposed by the House of Assembly.

In Appendix Number Four to "A Brief History of King's College in Upper Canada, from Its First Germ in 1797, to its Suppression in 1850," prepared by the Reverend Doctor Strachan, and "Printed at the Diocesan Press in 1850," the following was the heading prefixed to the Act in that "History":

"Alterations made in the Charter of King's College, by 7th William the Fourth, Chapter Sixteen, intituled: An Act to Amend the Charter of the University of King's College, in consequence of Lord Goderich's Despatch of the Second of December, 1831, and by which it was believed that all the requirements of the said Despatch were fully satisfied."<sup>†</sup>

Then follows the enacting clauses of the Act relating to King's College as they were finally passed and assented to in Her Majesty's name, by Sir Francis Bond Head, the then Lieutenant-Governor of Upper Canada.

EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL (1837), CONTINUED.

After the King's College Charter Amendment Bill and the elaborate Report of the Select Committee of the Legislative Council in regard to it, had been laid before the Council, the following proceedings took place on the subject:

*January 20th, 1837.*—On motion made and seconded; it was ordered—That the Bill to amend the Charter of King's College and the Report of the Select Committee thereon be referred to a Committee of the Whole House, on Wednesday next; and that in the meantime the Report be printed for the use of Members.

*January 24th, 1837.*—The Honourable James Kerby, from the Select Committee to whom was referred the Bill intituled: "An Act Granting a certain sum of Money to the Trustees of the Grantham Academy, for the purpose of liquidating the debts of that Institution, and for other purposes," presented their Report. Ordered, that it be received; and, the same was then read by the Clerk, as follows:—

*To the Honourable the Legislative Council of Upper Canada:*

The Select Committee of the Honourable the Legislative Council, to whom was referred the Bill sent up from the House of Assembly, intituled: "An Act Granting a certain sum of Money to the Trustees of the Grantham Academy, for the purpose of liquidating the debts of that Institution, and for other purposes therein mentioned," beg leave to Report that:

1. The whole object of the Bill seems to your Committee to be, to obtain a grant from the Public Funds of the Province of the sum of Two Hundred and Fifty Pounds, (£250,) for the purpose of paying off a debt against the Academy, contracted, as appears by information received from William H. Merritt, Esquire, a Member of the House of Assembly for the County of Haldimand, but whose place of residence is in the Village where the Academy is situated, and who appears to have been a large donor towards its endowment, in its erection, and to repair the Building. This information, as well as another paper mentioning the number of scholars

Bill did not pass until 1860. In a letter to Doctor Ryerson from the Honourable Charles Fisher, dated Fredricton, 14th May, 1860, he said:—

"After years of controversy and difficulty we have passed an Act to remodel King's College on the plan proposed by your Commission, under the title of the University of New Brunswick. We have not connected the College, or the head of it, with the other educational interests in the Province, but confined his duties to the University, and he must be a layman. This provision was inserted to prevent difficulty."

In 1838 Mr. Henry Fisher, (Brother of the Honourable Charles Fisher,) was appointed Superintendent of Education for New Brunswick. He visited the Reverend Doctor Ryerson in that year, to confer with him before undertaking the duties of his new office. His death occurred in 1860, and in communicating the sad news to Doctor Ryerson, the Honourable Charles Fisher, referring to his Brother, said:—

"He wished particularly (just before his death) to be remembered to you, and desired that I should thank you for your kindness to him on all occasions. He was succeeding in his efforts to improve the educational interests of the Province, and had been enabled to secure the support of all parties."

\*This "Brief History" is identical with, and is practically a reprint of, a Speech delivered by the Reverend Doctor Strachan, at the opening of the University of King's College on the 8th of June, 1843. See pages 32-55 of his speech.

†See pages 55 and 56 of the Second Volume of this Documentary History, and pages 67 and 71 of this Volume, *ante*.

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taught therein in the past year, your Committee beg leave to append to this Report. By the former, it appears also that a Judgment has been obtained for the said debt, and an execution has been actually placed in the Sheriff's hands, but forborne to be acted upon, in the expectation that the Legislature, by granting the sum asked for, would obviate the necessity of proceeding to the sale of the Building. (*Note.* The Appendix is not given.)

A SIMILAR BILL FAILED TO PASS THE LEGISLATURE IN 1835.

2. In investigating the matter submitted to them, your Committee have come to the knowledge that a Bill was sent up from the Assembly in the First Session of the last Parliament, authorising the sale by the Trustees of said Academy of part of its estate, in order to meet debts then existing, which, although referred to a Select Committee of your Honourable House, it does not appear that any Report was made thereon, which is to be regretted, as had said Bill received the sanction of all the branches of the Legislature, it would in all probability have obviated the necessity of the present application; for your Committee think they are only reiterating the sense of your Honourable House, in expressing their own opinion in favour of encouraging the endeavours of individuals to promote by their own means the extension of education throughout the Province.\*

DOUBTFUL PRECEDENT OF AIDING INSTITUTIONS NOT UNDER THE CONTROL OF THE LEGISLATURE.

3. Whether the enactment of such a Law at this time would relieve the Academy from its present embarrassments, your Committee submit for the consideration of your Honourable House; The property belonging to it appears to be considerable, and a proposal might be disposed of without serious injury to the Establishment; and this course your Committee are the more inclined to recommend, than to grant a sum of money to any Institution not under the control of any Legislative enactment, and over whose proceedings and course of education it has no superintendence or authority; as, were a precedent once established, in the manner proposed by the present Bill, it would be difficult, and might seem unjust hereafter, to withhold similar aid from other institutions situated as the Grantham Academy is; thus creating a large drain upon the Public Funds of the Province, and materially interfering with the system instituted by law for the regulation of Education in it.

4. Your Committee beg leave further to report, that should the above suggestion not meet with the concurrence of Your Honourable House, and that the grant provided for in the Bill submitted to them is approved of, Your Committee would recommend that the said grant be made by way of loan, redeemable in a reasonable number of years, and to be secured, as well as the annual interest thereon, either upon the freehold of the said Academy, or that of individuals.

All of which is respectfully submitted,

LEGISLATIVE COUNCIL, COMMITTEE ROOM,  
24th of January, 1837.

JAMES KERBY,  
Chairman.

On motion, made and seconded, it was ordered, that the last mentioned Bill, (*i. e.* the Grantham Academy Loan Bill) and the Report of the Select Committee thereon, be referred to a Committee of the Whole House, to-morrow.

*January 25th, 1837.*—Pursuant to the Order of the Day, the House was put into a Committee of the Whole, upon the Bill intituled: "An Act to Amend the Charter of the University of King's College," and the Report of the Select Committee thereon. (Pages 61-70, *ante.*) The Honourable John Hamilton took the chair. After some time the House resumed, and the Chairman reported that the Committee had taken the said Bill into consideration,—had made some progress therein, and asked leave to sit again on Friday next. It was ordered—That the Report be received, and leave be granted accordingly.

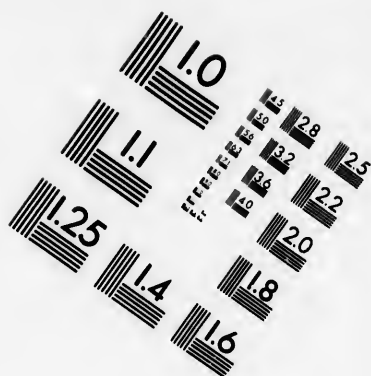
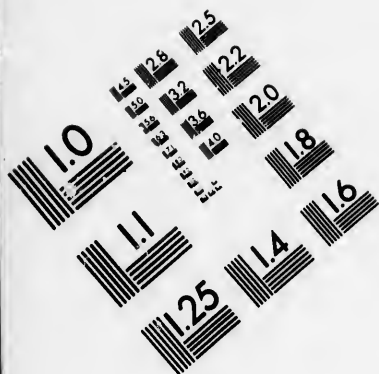
*January 26th, 1837.*—Pursuant to the Order of the Day, the House was again put into a Committee of the Whole, upon the Bill intituled: "An Act Granting a certain sum of Money to the Trustees of the Grantham Academy, for the purpose of liquidating the debts of that Institution." The Honourable James Kerby took the chair. After some time, the House resumed, [but without reporting on the Bill. See Proceedings of the Legislative Council on 3rd, and the 7th of February, 1837, page 74, *post*.]

*January 27th, 1837.*—Pursuant to the Order of the Day, the House was again put into a Committee of the Whole, upon the Bill intituled: "An Act to Amend the Charter of the University of King's College," and the Report of the Select Committee thereon. (Page 60, *ante*,

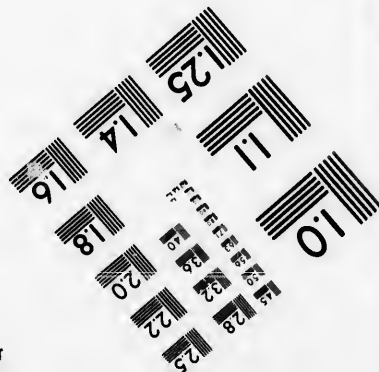
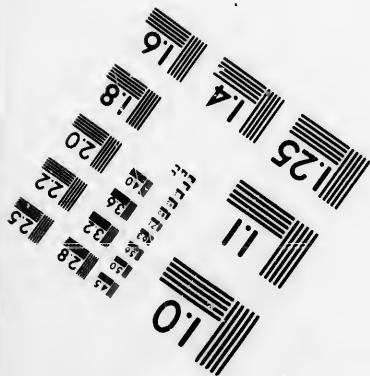
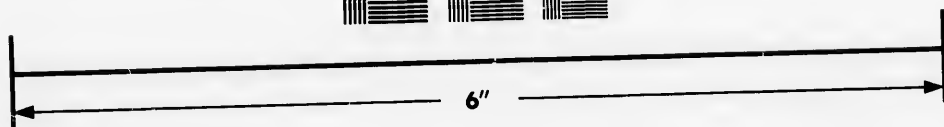
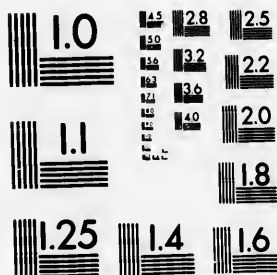
\*See page 196 of the Second Volume of this Documentary History, under the sub-heading of "February the 11th, 1835," also page 200, under the sub-heading of "14th April, 1835."







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*ante.*) The Honourable John Hamilton took the chair. After some time, the House resumed, and the Chairman reported that the Committee had gone through the said Bill, and recommended the same, without any amendment, to the adoption of the House. It was ordered—That the Report be received, and, that the said Bill be read a third time on Monday next.

*January 30th, 1837.*—Pursuant to the Order of the Day, the Bill intituled: "An Act to Amend the Charter of the University of King's College," was read a third time, and passed; Whereupon the Speaker signed the same; and it was ordered—That Mr. D'Arcy Boulton, the Mastery in Chancery, do go down to the Assembly, and acquaint that House, that the Legislative Council has passed the Bill without any amendment.

*January 31st, 1837.*—NOTE. To the Minutes of the preceding day, (30th January, 1837,) were added two "Dissentients, to the Bill intituled: An Act to Amend the Charter of the University of King's College." one by the Honourable William Morris, and the other by the Honourable James Crooks. For convenience, they are both given in the next Chapter.

*February 3rd, 1837.*—On motion to that effect, it was ordered—That the Bill, intituled: "An Act Granting a certain sum of Money to the Trustees of the Grantham Academy, for the purpose of Liquidating the Debts of that Institution," and the Report of the Select Committee thereon, be restored to the Order of the Day; and that the same be again referred to a Committee of the Whole House to-morrow.

*February 7th, 1837.*—Pursuant to the Order of the Day, the House was again put into a Committee of the Whole, upon the Bill, intituled: "An Act Granting a certain sum of Money to the Trustees of the Grantham Academy, for the purpose of Liquidating the Debts of that Institution," and the Report of the Select Committee thereon. The Honourable James Crooks took the chair. After some time, the House resumed, and the Chairman reported that the Committee had gone through the said Bill, and had made an amendment thereto, which they recommended to the adoption of the House. Ordered—That the Report be received; and, the said amendment was then read by the Clerk, as follows:—

*Press 1. Line 23*—After the word "whatever," insert "2. And be it further enacted by the authority aforesaid, That, before the money granted by this Act shall be paid, security shall be given by the Trustees by Mortgage to the Receiver-General of this Province, upon the said Academy and the lands attached thereto, for the repayment of the said sum of money and interest, at the expiration of five years, and that such Mortgage, if found to be valid and sufficient, shall be certified to be so by the Attorney-General of this Province, and shall be deposited in the Office of the Receiver-General."

The said amendment being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was ordered—That the said Amendment be engrossed, and the said Bill, as there amended, be read a third time to-morrow.

*February 9th, 1837.*—Pursuant to the Order of the Day, the Bill intituled: "An Act Granting a certain sum of Money to the Trustees of the Grantham Academy, for the purpose of Liquidating the Debts of that Institution." was, as amended, read a third time; and, the question being put, whether this Bill, as amended, should pass, it was carried in the affirmative; whereupon, the Speaker signed the amendment; and it was ordered—That Mr. D'Arcy Boulton, the Master in Chancery, do go down to the Assembly, and acquaint that House, that the Legislative Council had passed this Bill, with an amendment, to which they desire the concurrence of the Commons House of Assembly.

*February 11th, 1837.*—A Deputation from the Commons House of Assembly brought up a Bill intituled: "An Act Granting Pecuniary Aid to the Grantham Academy, by way of Loan." to which they requested the concurrence of this House, and then withdrew. The said Bill was then read a first time, and it was ordered—That the same be read a second time on Monday next.

*February 17th, 1837.*—Pursuant to the Order of the Day, the House was put into a Committee of the Whole, upon the Bill intituled: "An Act Granting Pecuniary Aid to the Grantham Academy, by way of Loan." The Honourable William Allan took the chair. After some time, the House resumed, and the Chairman reported that the Committee had gone through the said Bill, and recommended the same, without any amendment, to the adoption of the House. It was ordered—That the Report be received, and, that the said Bill be read a third time to-morrow.

*February 20th, 1837.*—Pursuant to the Order of the Day, the Bill intituled: "An Act Granting Pecuniary Aid to the Grantham Academy, by way of Loan," was read a third time, and passed.

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*February 22nd, 1837*—Pursuant to the Order of the Day, the House was put into a Committee of the Whole, upon the Bill intituled: "An Act to Amend an Act passed in the fifty-fifth year of the reign of His late Majesty, King George the Third, (1815) intituled: 'An Act to Incorporate the Midland District School Society.'" The Honourable T. A. Stewart took the chair. After some time, the House resumed, and the Chairman reported that the Committee had gone through the said Bill, and recommended the same, without any amendment, to the adoption of the House. It was ordered—That the Report be received; and—That the said Bill be read a third time to-morrow.

*February 23rd, 1837*—Pursuant to the Order of the Day, the Bill intituled: "An Act to Amend an Act passed in the fifty-fifth year of the reign of His late Majesty, George the Third, (1815,) intituled: 'An Act to Incorporate the Midland District School Society,'" was read a third time, and passed.

*February 24th, 1837*—A Deputation from the Commons House of Assembly brought up a Bill, intituled: "An Act Granting a sum of Money, by way of Loan, to the Upper Canada Academy at Cobourg"; to which they requested the concurrence of this House, and then withdrew, the said Bill was then read a first time; and it was ordered—That it be read a second time to-morrow.

*February 25th, 1837*—Pursuant to the Order of the Day, the House was again put into a Committee of the Whole, upon the Bill intituled: "An Act to Provide for the Appointment of Trustees of School Lands, and for the several Districts of the Province, and for other purposes therein mentioned," and the Report of the Select Committee thereon. The Honourable T. A. Stewart took the chair. After some time the House resumed, and the Chairman reported that the Committee had taken the said Bill, and the Report thereon, into consideration,—had made some progress therein, and asked leave to sit again on Monday next. Ordered—That the Report be received, and leave be granted accordingly.

The Honourable James Crooks brought up the Petition of the Members of the Committee of Management of the Upper Canada Academy, situate at Cobourg, in the Newcastle District; which was laid on the table.

*February 27th, 1837*—Pursuant to the Order of the Day, the Petition of the Members of the Committee of Management of the Upper Canada Academy, situate at Cobourg, in the Newcastle District, praying for Relief, was read. Pursuant to the Order of the Day, the House was put into a Committee of the Whole, upon the Bill, intituled: "An Act Granting a sum of Money, by way of loan, to the Upper Canada Academy at Cobourg." The Honourable Joseph Wells took the chair. After some time, the House resumed, and the Chairman reported that the Committee had gone through the said Bill, and had made some amendments thereto, which they recommended to the adoption of the House. It was ordered—That the Report be received; and the said amendments were then read by the Clerk, as follows:—

*In the title*—After "granting," insert "under certain restrictions."

*Add to the Bill*—"Provided, always, nevertheless, that the monies granted by this Act, shall not be paid by the Receiver General, unless there shall remain in his hands unappropriated monies after the payment of the charges imposed upon the Provincial revenue, under any Act, or Acts, heretofore passed, and also of any moneys granted during the present Session for the support of the Civil Government, or to defray any charges attending the public service."

The said amendments being read a second time, and the question of concurrence put on each, they were severally agree to by the House; and it was ordered—That they be engrossed, and the said Bill, as amended, read a third time to-morrow.

*February 28th, 1837*—Pursuant to the Order of the Day, the Bill, intituled:—"An Act Granting a sum of Money, by way of Loan, to the Upper Canada Academy, at Cobourg": was, as amended, read a third time; and, the question being put, whether this Bill, as amended, should pass, it was carried in the affirmative.

*March 1st, 1837*—A Deputation from the Commons House of Assembly brought up a Bill intituled:—"An Act to Incorporate certain persons therein named as a Board of Trustees for the Erection, Superintending and Management, of a Roman Catholic College at Kingston, to be known by the name of the College of Regiopolis, and for other purposes therein mentioned."

<sup>\*†</sup>This Act is printed on pages 92 and 93 of the First Volume of this Documentary History.

QUERY, AS TO THE RIGHT OF A PROVINCIAL LEGISLATURE TO AMEND A ROYAL CHARTER.

The Honourable the Speaker moved, that an Address be presented to His Excellency the Lieutenant Governor, on the subject of the Charter of the University of King's College, which being seconded was adopted, and the Address was read by the Clerk as follows;—

To His Excellency Sir Francis Bond Head Lieutenant-Governor of Upper Canada, etc.

MAY IT PLEASE YOUR EXCELLENCY :

We, His Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, respectfully beg leave to represent to your Excellency, that we have united with the House of Assembly during the present Session, in passing a Bill for making certain alterations in the Charter of King's College in this Province, which Bill will, of course, be presented for your Excellency's assent; and we desire it to be understood by your Excellency, that we had some hesitation in concurring in this measure, not on account of the provisions of the Bill, which it is scarcely necessary to say, were supported by us upon a full conviction of their expediency under existing circumstances, but, on account of the doubt entertained by us with respect to the propriety of interfering, by a Legislative enactment, with the provisions of a Royal Charter, under the Great Seal of the United Kingdom.

2. It seems to us, however, that several Communications from His Majesty's Secretary of State, which have, from time to time, been received in this Colony, were intended to invite the Legislature to pass some law upon the subject; and, under the impression that His Majesty's Government had given at least an implied sanction to such an interposition of the Legislature, we felt less hesitation upon this point than we might otherwise have done.

3. We beg leave, however, to request that your Excellency will convey our assurance to His Majesty, that it has been, by no means, our desire to interfere irregularly with the Royal Prerogative on this occasion, or to infringe upon any constitutional principle; and that, if we have misapprehended the intention of His Majesty's Secretary of State, in imagining that any thing more was contemplated than an expression of opinion on the part of the Legislature, we trust that this opinion will not less effectually serve the purposes of His Majesty's Government, from its being expressed in the definite form of an enactment.

4. If it should appear objectionable to His Majesty, that the Charter should be amended by an Act of this Legislature, the Bill will, at least, afford precise information to His Majesty, of the alterations which the Legislative Council and Assembly consider to be desirable, and the Legislative Council will cheerfully acquiesce in whatever course His Majesty may think fit to pursue for giving effect to their intentions.

JOHN B. ROBINSON,  
Speaker.

LEGISLATIVE COUNCIL CHAMBER,  
1st March, 1837.

On motion made and seconded; it was ordered, that the foregoing Address be referred to a Committee of the whole House, to-morrow.

QUÆRE, AS TO THE RIGHT OF PROVINCIAL LEGISLATURES TO AMEND ROYAL CHARTERS.

1. *The case as raised in New Brunswick, 1845.*

The question here raised, as to the power of Provincial Legislatures to alter a Royal Charter, was subsequently raised by the Legislature of New Brunswick in 1845. Lord Stanley, who was the Secretary of State for the Colonies, thus discussed the question in a Despatch to Sir William G. Colebrooke, who was then the Lieutenant-Governor of that Province. He said :

On the authority of the Solicitor General of the Province of New Brunswick, and of the great American Jurist, Mr. Justice Story, you suggest a preliminary doubt, which, if well founded, must supersede all further discussion of this Act, [i.e., one relating to King's College, Fredericton.] It is the doubt whether the local Legislature possesses any constitutional right to alter the Royal Charter [of the College,] without the express consent of the Corporate Body, and whether such an Act, if passed, would have the authority of law.

In applying the decision of Mr. Story, (whatever that decision may be,) to the case of a British Colony, there must, obviously, be great room for error, unless the most exact attention

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be given to the inherent distinction between the constitutions of various States united together in one Federal Government, and those of our own Provinces united together as Members of one extended Empire.

That Colonial laws, repugnant to the law of England, are null and void, has indeed been repeatedly, and very recently enacted by Parliament. But, with that exception, it has not occurred to me to hear of any cases in which the Courts of any British Colony could lawfully refuse to enforce obedience to the Acts of the Local Legislature.

The question, to which this enquiry refers, does not really arise in the present case. It is not a fact, that the Charter of King's College is a Royal Charter in the proper sense of that term; it was not granted by the Crown in the unaided exercise of the Royal Prerogative, but on the authority of the Provincial Act of 1823, (Fourth George iv., Chapter iii.), which enabled the Trustees of the College to surrender their Charter to His Majesty, King George the Fourth, on condition that His Majesty would grant another Charter for the re-incorporation of the College, the terms of which new Charter were partly left by the Act of 1823, to the discretion of the Crown.

The question in debate is, therefore, not whether the local Legislatures have power to alter a Royal Charter proceeding from the Royal grace and favour, but whether they have power to alter a Charter, the promulgation of which was expressly authorized by themselves, and which, without their authority, could not be promulgated.\*

2. The case, as raised in Upper Canada in 1837.

On pages 64 and 76 of this Volume of the Documentary History of Education in Upper Canada, the question of the right of a Colonial Legislature to alter the terms of a Royal Charter, is raised by a Committee of the Legislative Council. It was subsequently made the subject of an Address by the Council to Sir John Colborne, the Lieutenant Governor. This Address, dated the 1st of March, 1837, having been transmitted to the then Colonial Secretary, Lord Glenelg, he replied to it, under date of the 20th of April, 1837, (page 100 post) as follows:—

The Act, amending the Charter of King's College in 1837, originated in the express suggestion and recommendation of the King, conveyed through His Majesty's Secretary of State. It has not appeared to His Majesty to involve the departure from the constitutional principle, to which the Legislative Council advert in their Address, and which His Majesty is well persuaded will, at all times, be maintained inviolate by the Legislative Council of Upper Canada.

EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL CONTINUED, 1837.

March 2nd, 1837—A Deputation from the Commons House of Assembly brought up a Bill intituled:—"An Act Granting a sum of Money for the support of Common Schools in Upper Canada for the year 1837," also a Bill intituled:—"An Act to repeal part of an Act passed in the fifty-ninth year of the Reign of His Majesty King George the Third, (1819,) etc; and to Establish a Public (Grammar) School for the London District in the Town of London, to which they requested the concurrence of this House and then withdrew. The said Bills was then read a first time; and it was ordered—That the 44th rule of this House be dispensed with, as regards these Bills, and that they be read a second time this day.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole, upon an Address of this House to His Excellency the Lieutenant-Governor, on the subject of the Charter of the University of King's College. The Honourable James Crooks took the chair. After some time, the House resumed, and the Chairman reported that the Committee had gone through the said Address, and recommended the same to the adoption of this House. It was ordered—That the Report be received; and, that the said Address be engrossed, and read a third time this day. The Address was then read a third time accordingly, and passed; Whereupon the Speaker signed the same; and it was ordered—That the Honourable Messieurs William Dickson and Philip Vankoughnet, be a Committee to wait upon His Excellency to know when he would be pleased to receive the said Address, and to present the same.

Pursuant to the Order of the Day, the Bill intituled: "An Act Granting a sum of Money for the support of Common Schools in Upper Canada, for the year 1837"; also the Bill intituled:

\* Appendix D. D. of the Journals of the House of Assembly of the Province of Canada for 1846, Document Number Seven, 1st Enclosure.

"An Act to Repeal part of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, (1819,) intituled: 'An Act to Repeal part of, and to Amend, the Laws now in force for establishing Public (Grammar) Schools in the several Districts of this Province; and to Establish the Public (Grammar) School for the London District in the Town of London;' and a Bill intituled: "An Act to Incorporate certain Persons therein named as a Board of Trustees for the Erection, Superintending and Management, of a Roman Catholic College at Kingston, to be known by the name of the College of Regiopolis, and for other purposes therein mentioned"; also a Bill intituled: "An Act to authorise Mr. William Johnson of Georgina to convey to School Trustees in that Township a lot of Land for purposes therein mentioned"; were severally read a second time; and it was ordered—That the House be put into Committees of the Whole to-morrow, to take the said Bills into consideration.

*March 3rd, 1837*—Pursuant to the Order of the Day, the House was put into a Committee of the Whole upon the Bill intituled: "An Act to Incorporate certain persons therein named as a Board of Trustees, for the Erection, Superintending and Management, of a Roman Catholic College at Kingston, to be known by the name of the College of Regiopolis, and for other purposes therein mentioned." The Honourable John Macaulay took the chair. After some time the House resumed, and the Chairman reported that the Committee had gone through the said Bill, and recommended the same, without any amendment, to the adoption of the House. It was ordered—That the Report be received; and that the said Bill be read a third time presently. The same was then read a third time accordingly, and passed; Whereupon, the Speaker signed the Bill, and it was, ordered—That Mr. D'Arcy Boulton, the Master in Chancery, do go down to the Assembly, and acquaint that House, that the Legislative Council has passed this Bill, without any amendment.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole, upon the Bill intituled: "An Act Granting a sum of Money for the support of Common Schools in Upper Canada, for the year 1837." The Honourable Zaccheus Burnham took the chair. After some time, the House resumed, and the Chairman reported that the Committee had gone through the Bill and recommended the same without amendment, to the adoption of the House. It was ordered—That the Report be received; and, that the said Bill be read a third time presently. The same was then read a third time accordingly, and passed; whereupon, the Speaker signed the Bill; and it was ordered—That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed this Bill without any amendment.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole, upon the Bill intituled: "An Act to Repeal part of an Act passed in the Fifty-Ninth year of the Reign of His late Majesty King George the Third, (1819,) intituled: 'An Act to Repeal part of, and to Amend, the Laws now in force for establishing Public (Grammar) Schools in the several Districts of this Province; and to establish the Public (Grammar) School for the London District in the Town of London.'" The Honourable James Crooks took the chair. After some time, the House resumed; and the Chairman reported that the Committee had gone through the said Bill, and recommended the same, without any amendment, to the adoption of the House. It was ordered—That the Report be received; and, that the said Bill be read a third time presently. The same was then read a third time accordingly, and passed. Whereupon the Speaker signed the Bill; and it was ordered—That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed this Bill, without any amendment.

*March 4th, 1837*—At two o'Clock, the time appointed, the Legislative Council proceeded to the Government House with their Address to His Excellency the Lieutenant Governor, on the subject of the Charter of the University of King's College; and, having returned, the Honourable the Speaker reported, that His Excellency had been pleased to receive the same, and to reply thereto as follows:—

*Honourable Gentlemen of the Legislative Council of Upper Canada:*

I shall have great pleasure in transmitting, to His Majesty's Secretary of State for the Colonies, a copy of your Address to me, (in regard to the Kings College Bill) for His Majesty's information.

F. B. HEAD.

GOVERNMENT HOUSE,  
TORONTO, 4th of March, 1837.

At three o'Clock the Members of the Legislative Council and House of Assembly being present, the Lieutenant Governor, in Her Majesty's name, assented to the following Bills:—

An Act to Amend the Charter of King's College.

An Act Granting Pecuniary Aid to the Grantham Academy by way of Loan.

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An Act to Amend an Act passed in the Fifty-Fifth Year of the Reign of His late Majesty King George the Third (1815,) intituled : " An Act to Incorporate the Midland District School Society."

An Act to Incorporate certain Persons therein named as a Board of Trustees for the Erection, Superintending and Management of a Roman Catholic College at Kingston, to be known by the name of the College of Regiopolis, and for other Purposes therein mentioned.

An Act to authorize William Johnson (of Georgina) to convey to School Trustees (in that Township) a lot of Land for (school) Purposes therein mentioned.

An Act Granting a Sum of Money for the Support of Common Schools (in Upper Canada) for the year 1837.

An Act to Repeal part of an Act passed in the Fifty-Ninth Year of the Reign of His late Majesty King George the Third, (1819,) intituled : " An Act to Repeal part of, and to Amend, the Laws now in force for establishing Public (Grammar) Schools in the Several Districts of this Province, and to Establish the Public (Grammar) School for the London District, in the Town of London.

After which His Excellency the Lieutenant Governor was pleased to close the Session of the Legislature with a Speech from the Throne, in which he said :

Second only in importance to securing in Upper Canada a prompt and perfect administration of justice, are those amendments in the Charter of King's College, by which, on very liberal principles, you have established this Capital as the principal Seat of Learning in British North America.

This long disputed subject being finally settled, the munificent endowment of our Sovereign will, in addition to other important advantages, now provide a constant supply of Teachers, qualified to diffuse over the remote parts of the Province the inestimable blessings of Education.

### CHAPTER III.

## EDUCATIONAL BILLS PASSED DURING THE LEGISLATIVE SESSION OF 1836, 37.

### 7. WILLIAM IV, CHAPTER XXXVI.

AN ACT TO AUTHORISE WILLIAM JOHNSON TO CONVEY TO TRUSTEES A LOT OF LAND FOR SCHOOL PURPOSES IN GEORGINA.

*Sir Francis Bond Head, Lieutenant Governor.*

Passed 4th March, 1837.

Whereas William Johnson, of the Township of Georgina, in the Home District, Preamble. Esquire, hath by petition requested Legislative authority to convey a certain piece of land or parcel of land on the front of lot number six, in the seventh concession of said township of Georgina, containing two acres, upon which a school house has been erected, to trustees, for the purpose of having a school taught in the said building : Peticion cited. Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, ' An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the said William Johnson to convey the said parcel of land by metes and bounds, for the purpose of having a school taught in such building, to such person or persons as he may think proper ; which person or persons, and their successors, to be appointed in such manner as may be provided in any such deed, shall have power and capacity to hold the said estate, for the purpose aforesaid, any law or statute to the contrary notwithstanding : Provided nevertheless, that such person or persons, and their successors aforesaid, as well as the Master and Teachers employed in such school, as aforesaid, shall be British subjects.

William Johnson may convey a certain lot of land to trustees, for a school in Georgina. Trustees, master and teachers, to be British subjects.

## 7. WILLIAM IV, CHAPTER LVI.

AN ACT TO INCORPORATE CERTAIN PERSONS THEREIN-NAMED AS A BOARD OF TRUSTEES, FOR THE ERECTION, SUPERINTENDING AND MANAGEMENT, OF A ROMAN CATHOLIC COLLEGE AT KINGSTON, TO BE KNOWN BY THE NAME OF "THE COLLEGE OF REGIOPOLIS," AND FOR OTHER PURPOSES THEREIN-MENTIONED.

*Sir Francis Bond Head, Lieutenant Governor.*

Passed 4th March, 1837.

## Preamble.

Recites conveyance of land by the Hon. and Right-Rev. the Roman Catholic Bishop of Kingston, for the use and support of Roman Catholic Seminary at Kingston to the Trustees.

Petition cited.

Trustees incorporated.

Manner of filling up vacancies among Trustees.

Omission to appoint Trustees not to operate as a forfeiture of land.

Roman Catholic Bishop of Kingston, ex-officio Trustee.

Whereas by the petition of the Reverend Angus McDonell, one of the Trustees hereinafter mentioned, it appears that the Honourable and Right Reverend Alexander McDonell, Roman Catholic Bishop of Kingston, hath, by deed bearing date the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and thirty-five, conveyed and transferred to, and vested in, the Right Reverend Remigius Gaulin, Bishop of Trabacca; the Very Reverend Angus McDonell of Sandwich, in the Western District; the Reverend John Cullen, late of Bytown, in the Bathurst District; the Honourable John Elmsley, of the City of Toronto, in the Home District; and Walter M'Cuniffe, of the Town of Kingston, Esquire, and their successors, a certain piece of ground, containing three acres and three-fifths, known as part of Park lot number one, adjoining the Town of Kingston, (and now included therein, and now called the Park of Selma, and in the said deed more particularly described,) in trust for the erection, use and support of a Roman Catholic Seminary, in the said Town of Kingston; And whereas, by the said petition, Legislative authority is requested to enable the Trustees above-named, and their successors, to be elected and appointed in the manner described in the said deed, to take and hold the said land, as a corporate body, in perpetuity, for the purposes aforesaid: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the said Remigius Gaulin, Angus McDonell, John Cullen, John Elmsley, and Walter M'Cuniffe, to hold, receive, and take the said piece or parcel, conveyed to or vested in them, or intended so to be by the said deed, as Trustees for the erection, support and maintenance of a Roman Catholic Seminary, under such prudential rules and regulations as may, from time to time, be made and ordained by them and their successors, as such Trustees, as aforesaid, for the good order, direction and government of the same.

2. And in order to prevent the failure of such estate in succession,—Be it further enacted by the authority aforesaid,—That whenever it shall happen that any one or more of the Trustees herein-named, shall die, or become resident abroad, or shall resign his trust, or become incapable of acting therein, it shall and may be lawful for the remaining Trustees, and they are hereby authorised and required, within three calendar months after the happening of such vacancy or vacancies, to elect and appoint others, being Clergymen of the Roman Catholic Religion, resident in the Province of Upper Canada, to complete the number of five Trustees, for the purposes aforesaid, in accordance with the terms and provisions of the said deed of conveyance, and that all vacancies that shall from time to time happen in and among the said Trustees shall be filled up in like manner: Provided always, that the omission to elect and appoint new Trustees, upon vacancies happening as aforesaid, shall not operate as a forfeiture of the said land.

3. And be it further enacted by the authority aforesaid, That the present Roman Catholic Bishop of Kingston, during his natural life, and the Roman Catholic Bishop of Kingston, for the time being, shall be ex-officio Trustees under this Act, and invested with such power and authority in relation to the management of the said land, and of the Seminary to be erected thereon, as is in the said deed declared and set forth.

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4. And be it further enacted by the authority aforesaid, That they, the said Trustees in this Act mentioned, and their Successors to be appointed in manner aforesaid, shall be, and are hereby declared to be, one body corporate and politic, in deed and in law, by the name of "the College of Regiopolis;" and shall have perpetual succession, and a common seal, with power to change, alter, break or make new the same; and they and their successors, by the name aforesaid, may have and hold the said piece and parcel of land, in the said deed mentioned, in perpetuity, for ever; and that they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer or be answered unto, in all or any Court or Courts of record and places of jurisdiction within this Province; and that they and their Successors, by the name aforesaid, shall be able and capable in law to have, hold, receive, enjoy, possess and retain, for the end and purposes of this Act, and in trust and for the benefit of the said Seminary, all such Sum and sums of money as shall, at any time or times hereafter, be paid, given, devised or bequeathed, by any person, or persons, to and for the ends and purposes in this Act mentioned.

Trustees declared to be a body corporate.

General powers.

5. And be it further enacted by the authority aforesaid, That the Trustees for the time being, for the purposes of this Act, shall have power at all times hereafter to make such rules and regulations, not repugnant to the laws of the Province, as may be necessary for the due management of the said land, and also of the Roman Catholic Seminary to be erected thereon.

Trustees to have power to make rules and regulations.

7. WILLIAM IV, CHAPTER LXXXIV.

AN ACT GRANTING PECUNIARY AID TO THE GRANTHAM ACADEMY, BY WAY OF LOAN.

*Sir Francis Bond Head, Lieutenant Governor.*

Passed 4th March, 1837.

Whereas the Trustees of the Grantham Academy have by their petition set forth that a judgment was obtained during the last Niagara Assizes against the said Institution for the sum of one hundred and seventy-nine pounds, and, that an execution is now pending for the same against the said institution: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and out of the rates and dues already raised, levied and collected, or hereafter to be raised, levied and collected to and for the public uses of this Province, there be granted to His Majesty, His Heirs and Successors, the sum of two hundred and fifty pounds; which said sum of two hundred and fifty pounds shall be appropriated and applied in liquidation of the debt, aforesaid, now pending against the said institution, and the balance, (if any should remain after the payment of the said debt,) to be applied to repair the building, and for no other use whatever.

Preamble.

£250 granted to liquidate a debt due by the Academy.

And to repair the building.

2. And be it further enacted by the authority aforesaid, That before the money granted by this Act shall be paid, security shall be given by the Trustees, by mortgage, to the Receiver-General of this Province, upon the said Academy and lands attached thereto, for the re-payment of the said sum of money and interest, at the expiration of five years; and that such mortgage, if found to be valid and sufficient, shall be certified to be so, by the Attorney-General of this Province, and shall be deposited in the office of the Receiver-General.

Security to be given before money is paid, for its repayment, with interest in five years.

3. And be it further enacted by the authority aforesaid, That the said sum of two hundred and fifty pounds shall be paid to the Trustees of the Grantham Academy, for the time being, in discharge of any warrant or warrants issued by the Governor, Lieutenant-Governor, or Person Administering the Government of this Province; and shall be accounted for to His Majesty, through the Lords Commissioners of His Treasury, for the time being, in such manner and form, as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Accounting clause.

## 7 WILLIAM IV, CHAPTER CV.

AN ACT GRANTING A SUM OF MONEY FOR THE SUPPORT OF THE COMMON SCHOOLS IN UPPER CANADA FOR THE YEAR 1837.

*Sir Francis Bond Head, Lieutenant Governor.*

Passed 4th March, 1837.

MOST GRACIOUS SOVEREIGN :

Preamble.

Whereas it is expedient to grant a sum of money for the support of Common Schools in the several Districts of this Province, may it, therefore, please your Majesty, that it may be enacted. And be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That from and out of the Rates and Duties now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, in the hands of the Receiver-General, unappropriated, there be granted to His Majesty, for the use of the Common Schools in this Province, for the year of Our Lord, One thousand Eight hundred and thirty-seven, the sum of Five thousand Six hundred and fifty Pounds, in addition to sums now appropriated by Law, to be applied in the same way and manner, and in conjunction with the present sums for Common Schools, granted by Act of Parliament, which said sum of Five thousand Six Hundred and Fifty Pounds, shall be apportioned among the several Districts of this Province, as follows, that is to say,—To the Ottawa District the sum of One Hundred Pounds; to the Eastern District, the sum of Five Hundred Pounds; to the Johnstown District, the sum of Five Hundred Pounds; to the Bathurst District the sum of Two Hundred Pounds; to the Midland District the sum of Five Hundred and Fifty Pounds; to the Prince Edward District, the sum of Two Hundred Pounds; to the Newcastle District, the sum of Five Hundred Pounds; to the Home District the sum of Seven Hundred and Fifty Pounds; to the Gore District, the sum of Six Hundred Pounds; to the Niagara District, the sum of Five Hundred Pounds; to the London District the sum of Six Hundred Pounds; to the Western District the sum of Three Hundred and Fifty Pounds.

Year 1837.

Total grant  
£5,650, apportioned to the Districts as follows:  
Ottawa £100.  
Eastern £500.  
Johnstown £500.  
Bathurst £500.  
Midland £550.  
Prince Edward £200.  
Newcastle £500.  
Home £750.  
Gore £600.  
Niagara £500.  
London £600.  
Western £350.

Paid by Receiver General.

II. And be it further enacted by the authority aforesaid, That the said sum of Five Thousand Six Hundred and Fifty Pounds, shall be paid by the Receiver-General of this Province, in discharge of such Warrants as may for that purpose be issued by the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, and shall be accounted for to His Majesty, through the Lords Commissioners of His Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Condition in regard to the support of the Teacher.

III. And be it further enacted by the authority aforesaid, That during the year aforesaid it shall not be lawful for the Board of Education in each District of this Province, to pay to any Teachers of a Common School the annual allowance, unless the Trustees of the said School shall make it appear to the satisfaction of the Board of Education, that they have made provision for his support, so as to secure him for his services, in a sum at least equal to double the amount which may be allotted by the Board of Education, from the Public money, anything to the contrary notwithstanding.

District Clerks allowed.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the Board of Education in each and every District, to allow the Clerks of their respective Boards, in addition to the sum they are now by Law authorized to receive, the further sum of Five Pounds annually, during the continuance of this Act.

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7. WILLIAM IV, CHAPTER CVI.

AN ACT TO REPEAL PART OF AN ACT PASSED IN THE FIFTY-NINTH YEAR OF THE REIGN OF HIS LATE MAJESTY KING GEORGE THE THIRD, (1819,) INTITULED : " AN ACT TO REPEAL PART OF AND TO AMEND THE LAWS NOW IN FORCE FOR ESTABLISHING PUBLIC (GRAMMAR) SCHOOLS IN THE SEVERAL DISTRICTS OF THIS PROVINCE," AND TO ESTABLISH THE PUBLIC (GRAMMAR) SCHOOL FOR THE LONDON DISTRICT IN THE TOWN OF LONDON.

*Sir Francis Bond Head, Lieutenant Governor.*

Passed 4th March, 1837.

Whereas the District (Grammar) School of the London District has been heretofore kept at Vittoria, and it is expedient that the said School should in future be kept in the Town of London, in the District aforesaid : Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, ' An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That so much of the tenth clause of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, (1819) intituled, " An Act to repeal part of and to amend the laws now in force for establishing Public (Grammar) Schools in the several Districts of this Province, and to extend the provisions of the same," as relates to the opening and keeping the Public (Grammar) School for the District of London at Vittoria, in the Township of Charlotteville, be and the same is hereby repealed.

2. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the Public (Grammar) School for the District of London shall be opened and kept in the Town of London, in the Township of London, in the said London District.

Preamble.  
 (Sec. 59, Geo. III, Chap. iv.  
 Tenth clause of Act 59, Geo. III, Chap. iv, repealed, so far as relates to opening District (Grammar) School at Vittoria.  
 District (Grammar) School for District of London to be henceforth held in the Town of London.

7 WILLIAM IV, CHAPTER CXIII.

AN ACT TO AMEND AN ACT PASSED IN THE FIFTY-FIFTH YEAR OF THE REIGN OF HIS LATE MAJESTY GEORGE THE THIRD (1815), INTITULED : " AN ACT TO INCORPORATE THE MIDLAND DISTRICT SCHOOL."

*Sir Francis Bond Head, Lieutenant Governor.*

Passed 4th March, 1837.

Whereas several Shareholders in the Midland District School Society, as well as other persons interested in the prosperity of that institution, have petitioned that amendments should be made in the Act of 1815, of this Province incorporating the said Society : And

Whereas, it is expedient to comply with the prayer of the said petition : Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, ' An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That each and every share subscribed for and held in the said Midland District School Society shall be, and the same are hereby declared to be, personal property, and as such shall descend, and be subject to devise, or may be transferred and assigned ; Provided always,

Preamble.  
 Sec. 55 George III, ch. 18.

Shares declared personal property and as such transferable.

that such transfer or assignment shall be by an instrument in writing, executed by the party transferring the same, and entered into a book to be kept by the said Society for that purpose.

Provision made for filling vacancies among trustees.

2 And be it further enacted by the authority aforesaid, That whenever it shall happen that any vacancy shall occur by death or resignation of any trustee or other officer of the said Society, between the time of the election or appointment of such trustee or other officer, and the period appointed for the general election of such trustees and officers, it shall and may be lawful for the remaining trustees, by public notice to be given in one or more of the newspapers published in the Midland District, to call a general meeting of the shareholders in the said Society, for the purpose of electing a fit and proper person or persons to supply such vacancy or vacancies, as aforesaid: Provided always, that not less than twenty-one days' notice of such meeting shall, at all times be given.

Treasurer of society to render account, etc.

3. And be it further enacted by the authority aforesaid, That the Treasurer for the time being of the said Society, shall, whenever required so to do, by the trustees of the said Society, or a majority of them, make out and deliver to them, a true and faithful account of the moneys which may have come into his hands as such Treasurer, as also of the expenditure of the same, or any part thereof, as well as of all such other matters and things as may have been intrusted to him in his said office; and that a full and particular account of the moneys so received as aforesaid, and the expenditure thereof, shall be submitted to the Stockholders of the said Society annually, at the general election of trustees and officers of the institution.

Trustees authorized to make by-laws and rules, etc.

4. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the trustees of the said society, from time to time, to make and ordain by-laws and rules for the management of the affairs of the said Society, such by-laws and rules not being in contravention of or inconsistent with the Act incorporating the said Society.

## CHAPTER IV.

### THE FIRST AMENDMENT OF KING'S COLLEGE CHARTER IN 1837.

Both before, and at the time, that the first amendment was made to the Charter of King's College, in 1837, a good deal of discussion took place in regard to it. A modification of its exclusive terms was inevitable, and was the result of these discussions.

The request made to the King's College Council, in 1831, 32, by the then Colonial Secretary, Lord Goderich, (afterwards Lord Ripon,) to surrender the Charter, led that Council to weigh well the practical alternative before them, of either surrendering the Charter, or agreeing, as well as assenting, even reluctantly, to such a modification in it, as would be acceptable to the people of Upper Canada.

Prompted by their sagacious Leader, and the Chief Officer of the College Council,—the Reverend Doctor Strachan,—the Council wisely, yet unwillingly, suggested such modifications in the Charter, as would take away its alleged objectionable character of denominational exclusiveness.\*

\*The modifications in the Charter agreed, to by the King's College Council, in March, 1832, are contained in paragraphs numbers 14 to 17 inclusive, on page 34 of this Volume, *ante*; but the Honourable Chief Justice J. B. Robinson declined to concur in these proposed modifications of the Charter. The other Members of the Council, who were present at the meeting of the Council on the 21st of March, 1832, assented to them, videlicet, the Reverend Doctors Strachan and Harris, and Messieurs Henry John Boulton, Attorney General, Grant Powell and Christopher Widmer, M.D. These modifications in the Charter were, however hesitatingly concurred in by the Legislative Council. See page 68, *ante*.

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These modifications were not willingly assented to by Legislative Council. Nor were they less acceptable to the Council of King's College, as will be seen from the statement on the subject made by the Reverend Doctor Strachan himself, in his Address at the opening of King's College in June, 1843. He said :—

The College Council . . . for the sake of peace . . . were disposed to concur in some such modifications, as have been since forced on the Institution ; not that they considered them improvements, but because the Government seemed to give them countenance ; it being the conviction [of the College Council] that a College for the education of youth in the principles of the Christian Religion, as well as in Literature and the Sciences, is less likely to be useful, and to acquire a lasting and deserved popularity, if its religious character is left to the discretion of individuals, and to the chance of events, and suffered to remain the subject of unchristian intrigues and dissensions, than if it is laid broadly and firmly in its foundations, by an authority that cannot, with any reason, be questioned. *Page 46.*

In his letter to Earl Cathcart, (acting Governor General), written on the 24th of March, 1846, on behalf of King's College Council, and on the subject of the amended Charter of 1837, the Reverend Doctor Strachan reiterated the views which he had expressed to Sir John Colborne, fourteen years previously, in reply to the Despatch of Lord Goderich, Colonial Secretary, of the 2nd of November, 1831, asking for a surrender of the Charter of King's College. In that letter he called the attention of Lord Cathcart to the opinions which he, and the King's College Council, then held in regard to the doubtful future of that Institution. These opinions, he said, influenced them at the time not to surrender the Charter.

The Council [of King's College], he said, would solicit your Excellency's notice to their Report of the 21st of March, 1832, on a Despatch of Lord Goderich, then Secretary of State for the Colonies. (See page 32, *ante.*)

In this Report, the various objections made against the Charter were examined and fully answered. Nevertheless the then Council, anxious that the University should go into operation, felt compelled, though with much reluctance, to consent to some modification in its provisions ; but the concessions, which they agreed to, came to nothing, and produced no satisfactory result : the discussions continued, with more or less acrimony, until 1837, when the Provincial Statute, (7th William iv, Chapter xvi,) was passed, embodying certain changes, which were deemed amendments, and, in a great measure, following, though not altogether, the Report of the Council of King's College, (of 1832,) just referred to.\*

On reference to pages 216 and 228 of the Second Volume of this Documentary History, it will be seen that the only response which, it is there stated, the Colonial Minister made to this Report, or reply, of King's College Council, dated the 21st of March, 1832, was a direction, said to have been contained in a " Confidential Despatch " from Lord Goderich of even date with his Despatch of the 5th of July, 1832, printed on page 72 of the same Volume. Not having been able to obtain a copy of this Despatch, I applied to my Brother, (Mr. Thomas Hodgins, Q.C.,) Chairman of Committees of the Senate of the University of Toronto, (which are investigating certain financial questions in regard to the University), for such information as that Committee had obtained, in regard to the missing Despatch. He has kindly furnished me with the following extract from their Second Report : " On the Grant of £1,000 sterling for Sixteen Years " :—

Your Committee have caused searches to be made for the Despatch, stated to have been the authority for the suspension of this grant of £1,000, among the Archives of the Colonial

\*From Appendix D.D. to the Fifth Volume of the Journals of the House of Assembly of the Province of Canada ; Session of 1846, Document Number Seven.

Office, and the Public Record Office in London, England; and in the Offices of the Governor-General, the Secretary of State and the Archivist in Ottawa, but no such Despatch—confidential, or official—is on file in any of the Offices mentioned; nor can any trace of such a Despatch be discovered after most careful searches.\*

The following, however, is a copy of this "Confidential Despatch," from the Colonial Secretary, Lord Goderich, to Sir John Colborne, the Lieutenant Governor of Upper Canada, dated the 5th July, 1832. [and obtained from the Office of the Governor General's Secretary, Ottawa.]

With reference to my Despatch of this date,† I think it necessary that you should be apprised of the reasons which have induced me to advise His Majesty to accede to the request of the House of Assembly of Upper Canada, with respect to the appropriation of the sums arising from the School Lands within the Province, and that the course, which I am desirous that you should pursue, should be somewhat more fully explained, than it has been in that communication.

2. The management of the Lands set apart for the purposes of Education, as I collect from your Despatch of October 25th, 1831, and from the correspondence which took place between Sir Peregrine Maitland and Lord Bathurst, in the year 1823, [1822; see page 2, *ante*.] is entrusted to a General Board of Education composed of the following Gentlemen, viz.: The Reverend Doctor Strachan, Joseph Wells, Esquire, George H. Markland, Esquire, The Reverend Robert Addison, [The Honourable Thomas Ridout and John B. Robinson, Esquire.] (See page 196 of the First Volume of this Documentary History.)

3. And, as it is proposed that the funds in question should hereafter be at the disposal of the Legislature, it is right that the Gentleman, whose functions as Members of the Board are to cease, should be aware that I have thought it expedient to consent to this alteration, not under the impression that they have imperfectly, or improperly, performed the task assigned to them, but upon grounds quite independent of the consideration of the manner in which they have acted.

4. The success of every plan for promoting education generally amongst the people of any country, by the application of public funds, depends not more upon it's being good in itself, than upon its meeting with the approbation, and conciliating the affections, of those for whose benefit it is intended. When, therefore, I find that a change in the system, under which the education of the inhabitants of the Province of Upper Canada is now provided for, is desired by themselves, and is called for by an Address to the Crown from their Representatives, I am of opinion that if there were nothing else to be considered than the accomplishment of the immediate object, it would be advisable to comply with wishes which have been so expressed.

5. Another, and a powerful motive, however, for the deference upon this subject to the wish expressed by the Assembly, is to be found in the circumstance that, so far from going beyond the generality of the Inhabitants of the Province, in their anxiety to withdraw from the Executive Government the exclusive control over the funds destined to the promotion of education, the Assembly has, in this Address, only expressed the sentiments entertained even by moderate and cautious men, while it is quite clear, on the other hand, that there is a considerable party prepared to carry the same kind of policy to much greater lengths. Mr. W. L. Mackenzie, and his adherents, reproach the present House of Assembly with a want of vigour in resisting what they consider as antiquated prejudices, and are constantly urging a nearer approach to the republican principles of their neighbours. The dissent of the Assembly from the views of this party, and the general moderation of their language and proceedings, give to their opinion a weight, which it would not otherwise possess; and the policy is obvious, of carefully abstaining from any course which would have a tendency, either to diminish their influence with their constituents, or to drive them into a union with persons, of whose sentiments towards this country there is every reason to be jealous. (Page 187 of the Second Volume of this Documentary History.)

6. Such are the views which I entertain upon this subject, and such are the reasons which have induced me to advise His Majesty to accede to the request which has been addressed to him by the House of Assembly. It remains that I should desire that you will take the necessary steps in order to carry this decision into effect.

\*In a Pamphlet published in 1844, on the *Origin, History and Management of King's College*, [by Mr. John Macara] it was stated that the Grant was suspended by direction of the Colonial Secretary, Lord Goderich, in a Confidential Despatch dated the 5th July, 1832. A copy of this Despatch has been obtained from the Governor-General's Secretary; but it deals exclusively with the Address of the Legislature praying that the administration of the Grammar School moneys, theretofore under the control of the General Board of Education, be placed under the control of the House of Assembly. Neither the Confidential or Official Despatches of the 5th July, 1832 make any reference either to this grant of £1,000, or to King's College. (*Committee of the Toronto University Senate, Second Report, 1896, page 22.*)

† A copy of which will be found on page 72 of the Second Volume of this Documentary History.



7. I do not find in the records of this Office any account of the manner in which the General Board of Education was constituted. I am also uncertain, whether the Land set apart for the support of Schools has been formally granted to that Body, or is managed by the same Officers as the remainder of the Crown Estate,—the income derived from them being paid over to the Board. However this may be, you will, with the assistance of the Law Officers, take the necessary legal measures for dissolving the Board, and for re-investing in the Crown the Estate of which they have had the charge,—to be managed in the same manner, and upon the same principles, as the rest of the waste lands, except in the circumstance, that the proceeds of sales and rent arising from portions already leased, will be paid into the hands of the Receiver General, to be distributed for the support of Schools in such manner as the Legislature may direct.

8. It will, of course, be for the Legislature to decide upon the practical mode of applying those funds to the intended object; but I cannot help thinking that there might be much inconvenience found in leaving the distribution of them to annual votes; and that the establishment of a Commission, to be named by the Legislature, and to be armed with the necessary authority, by the provision of an Act of the Provincial Parliament, would be a far preferable plan. The proceedings of this body of Commissioners might be annually reported by them to the Lieutenant Governor, who would annually lay the Reports before the two Branches of the Legislature. This course of proceeding would be analagous to a very common practice in this country, and would, I think, give every security against an improper appropriation of the funds, whilst it would possess the advantage of more unity of design and conformity of practice, than would result from a succession of annual votes. I do not, however, do more than throw out this as a suggestion, which you may consider and adopt, if you think it likely to be useful and palatable to the Legislature. It being determined to place the funds at their disposal, it would be worse than useless to destroy the grace of the concession, by attempting to clog it with objectionable conditions.

GODERICH.

DOWNING STREET,  
London, 5th of July, 1832.

There is internal evidence that this was the "Confidential Despatch," to which Mr. John Macara refers, in his *Origin, History and Management of King's College*. The quotations which he makes from it are identical with the latter part of its fourth paragraph of the Despatch, and the closing sentence of the eighth and last paragraph.\*

There is nothing in this "Confidential Despatch" of Lord Goderich to justify the statement that, in it, the Colonial Minister either authorized, or directed, Sir John Colborne to suspend the payment of the Imperial Grant of one thousand pounds, (£1,000,) per annum, from the proceeds of the land sales to the Canada Company, to the building fund of King's College.

That the Charter itself may have been suspended in 1831, appears probable, from the fact, that Sir George Murray, the immediate predecessor of Lord Goderich, stated, in the extract of a Speech of his, in 1831, (given on page 216 of the Second Volume of this Documentary History,) that he had done so.

For convenience of reference, the following papers relating to the University of King's College and its amended Charter are grouped together in this Chapter:—

1. The Amended Charter of the University of King's College, 1837.
2. The "Dissentient" to that amended Charter, (by the Honourable William Morris, a Member of the Legislative Council,) on the ground that Free Grammar Schools were not established in the several Districts of the Province.

\* See page 43 of the Pamphlet by Mr. John Macara.

3. The Honourable William Morris' Appeal to the Colonial Minister against the composition of King's College Council.
4. Strictures of the Reverend Doctor Strachan on this Appeal of the Honourable William Morris.
5. Reply to these Strictures by the Honourable William Morris.
6. "Dissentient" of the Honourable James Crooks to the Amended Charter of King's College, on the ground that Free Grammar Schools were not established.
7. Letter of the Reverend Doctor Strachan to the Lieutenant-Governor, Sir Francis B. Head, on the expediency of putting King's College into immediate operation.
8. Reply of the Secretary of His Excellency to this letter, assenting to the proposal.
9. Statement of Reasons, by the Reverend Doctor Strachan, why it was expedient to put King's College at once into operation.
10. Action delayed, on account of the Rebellion of 1837, 38.
11. Commission to the New Council of King's College, 1837.
12. Declaration of assent to the doctrine of the Trinity, etc., made by the Members of the New King's College Council, 1837.

#### 7 WILLIAM IV., CHAPTER XVI.

##### 1. AN ACT TO AMEND THE CHARTER OF THE UNIVERSITY OF KING'S COLLEGE.

*Sir Francis Bond Head, Lieutenant Governor.*

Passed 4th March, 1837.

Preamble.  
(See also 2nd  
Vict., ch. 10;  
also 3rd and  
4th Vict., ch.  
19, sects. 3 and  
8.)

Charter of  
1827 Recited.  
Alterations  
necessary.

Judges of  
King's Bench  
shall be Visi-  
tors of the said  
College.  
President, on  
any future  
vacancy, need  
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Incumbent of  
any Ecclesiastical  
office;  
College  
Council to  
consist of  
twelve mem-  
bers.

Whereas His late Majesty King George the Fourth, was graciously pleased to issue His Letters Patent, bearing date at Westminster the fifteenth day of March, in the eighth year of His Reign, (1827,) in the words following, that is to say: (Here follows the Charter.)

(See Pages 221-225 of the First Volume of this Documentary History.)

And whereas certain alterations appear necessary to be made in the same, in order to meet the desire and circumstances of the Colony, and that the said Charter may produce the benefits intended: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled: "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled: 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That for and notwithstanding any thing in the said Charter contained, the Judges of His Majesty's Court of King's Bench shall, for and on behalf of the King, be Visitors of the said College in the place and stead of the Lord Bishop of the Diocese of Quebec, for the time being; and that the President of the said University, on any future vacancy, shall be appointed by His Majesty, His Heirs and Successors, without requiring that he should be the incumbent of any Ecclesiastical office; and that the members of the College Council, including the Chancellor and President, shall be twelve in number, of whom the Speakers of the two Houses of the Legislature of the Province, and His Majesty's Attorney and

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Solicitor General, for the time being, shall be four, and the remainder shall consist of the five senior Professors of arts and faculties of the said College, and of the Principal of the Minor, or Upper Canada; College, and in case there shall not at any time be five Professors, as aforesaid, in the said College, and until Professors shall be appointed therein, the Council shall be filled with Members to be appointed as in the said Charter is provided, except that it shall not be necessary that any Member of the College College Council, to be so appointed, or that any member of the said College Council, or any Professor, to be at any time appointed, shall be a Member of the Church of England, or subscribe to any articles of religion other than a declaration that they believe in the authenticity and Divine Inspiration of the Old and New Testament, and in the doctrine of the Trinity; and further, that no religious test or qualification be required or appointed for any person admitted or matriculated as Scholars within the said College, or of persons admitted to any degree or faculty therein.

2. And whereas it is expedient that the Minor, or Upper Canada, College, lately erected in the City of Toronto, should be incorporated with, and form an appendage of the University of King's College; Be it, therefore, enacted by the authority aforesaid, That the said Minor, or Upper Canada, College shall be incorporated with and form an appendage of the University of King's College, and be subject to its jurisdiction and control.

3. And be it further enacted by the authority aforesaid, That the Principal of the said Minor, or Upper Canada, College shall be appointed by the King during His Majesty's pleasure.

4. And be it further enacted by the authority aforesaid, That the Vice-Principal and Tutors of the said Minor, or Upper Canada, College shall be nominated by the Chancellor of the University of King's College, subject to the approval, or disapproval, of the Council thereof.

5. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Chancellor of the said University, for the time being, to suspend, or remove, either the Vice-Principal, or Tutors of the said of the said Minor, or Upper Canada, College: Provided, that such suspension, or removal, be recommended by the Council of the said University, and the grounds of such suspension or removal, recorded at length in the Books of the said Council.

DISSENTIENT TO THE PASSING OF THIS ACT, BY THE HONOURABLE WILLIAM MORRIS, ON THE GROUND THAT THE CLAIMS OF FREE GRAMMAR SCHOOLS, PROVIDED FOR IN THE ORIGINAL GRANT OF LANDS IN 1797, HAVE BEEN OVERLOOKED.

1. *Because*, the University of King's College is endowed with 225,000 acres of the School Lands, which were originally set apart by His Majesty's Government, at the request of the Legislative Council and House of Assembly—"first, for the establishment of Free Grammar Schools in those Districts in which they are called for, and in due process of time, for establishing Seminaries of a larger and more comprehensive nature."\*

2. *Because*, the original intention of His Majesty, "first, to establish Free Grammar Schools," has not yet been complied with, although the Report of the Executive Council of 1st December, 1798, recommended the endowment of one School, in the first instance, at the Towns of Cornwall, Kingston, Newark and Sandwich, with an appropriation of Three Thousand pounds (£3,000.) for the erection of the necessary buildings of each, with an allowance of One Hundred and Eighty pounds, (£180,) per annum for, the payment of the master and under-master, and Thirty pounds, (£30,) a year for repairs.†

3. *Because*, by the Ninth Resolution of the Executive Council, in 1798, it was determined that after the Free Grammar Schools were built and endowed as above, that the residue of the lands should be kept for the future maintenance of a Seminary of a larger and more comprehensive nature.‡ Therefore, it is evident that the endowment of King's College, before even one Grammar School is erected, is a misapplication of the School Lands.

\* See pages 16-25 of the First Volume of this Documentary History.

† The question here raised a second time by the Honourable William Morris, in regard to the endowment of these "Free Grammar Schools", was discussed and reported upon by the Executive Council in 1831. See pages 42-46 of the Second Volume of this Documentary History. See also the Report on this subject, signed by Mr. Morris, on pages 21-23 of the same Volume.

‡ See page 17 of the First Volume of this Documentary History.

No member of the College Council, or Professor of the University need be a member of the Church of England. No religious test required of Students. Upper Canada, College incorporated with the University of King's College. Principal of U. C. College to be appointed by the King. Vice-Principal and Tutors to be nominated by the Chancellor, subject to approval by King College Council. Chancellor may remove Vice-Principal and Tutors on recommendation of King's College Council.

4. *Because*, the District (Grammar) Schools which were established in the year 1807, with a salary of One Hundred pounds per annum, paid out of the Provincial Revenue to the Master, were not, and ought not now to be considered, as being synonymous with and superceding the necessity of the Free Grammar Schools, inasmuch as the Statute is wholly silent as to any School Land reservation, and makes no reference whatever thereto, and may at any time be repealed by the concurrent voice of the Legislature.\*

5. *Because*, the residue of the School Lands unappropriated, is in general of a bad quality, and will not, in my opinion, when sold be sufficient for the purposes intended. This depreciation of the value being in part attributable to exchanges which have taken place of good lands for bad, as shewn in the Surveyor General's Statement, dated the 10th day of December, 1832, wherein it will be seen that 77,688 acres in the Townships of Merlin and Proton, have been substituted for a like quantity of the original School Lands in Southwold, Westminster and Yarmouth, granted to individuals.†

6. *Because*, the value of the endowment to the University of King's College is much too great, when compared with the wants of the Country, and will exceed the sum recommended by the Executive Council on the 7th January, 1819, as necessary for that object by Eight Thousand Pounds (£8,000,) per annum.‡

7. *Because*, it would have been just to apply a portion of the funds arising from the sale of the School Lands granted for the endowment of King's College and Upper Canada College, to the support of Free Grammar Schools in the several Districts, especially, as it was His Majesty's intention in 1797, that a University should not be instituted till the Grammar Schools were first provided for; and, if afterwards, it was found by the Legislature that King's College required further aid, a portion of the lands now remaining might have been applied to the benefit of that Institution, in lieu of the funds which I thus proposed to aid the Free Grammar Schools with.

8. *Because*, although it would appear to be the intention of the framers of the Bill to appoint the Judges of the Court of King's Bench Visitors of the Said College, in the room and stead of Visitors named in the Charter, yet I am of opinion, that in the event of the Diocese in which the City of Toronto may be situate, that the said Judges will no longer be Visitors, as was evidently intended by the House of Assembly, but that the Bishop last mentioned will have a legal right to hold the situation under the provisions of the Charter.

W. MORRIS.

LEGISLATIVE COUNCIL,  
TORONTO, 31st January, 1837.

#### THE HONOURABLE WILLIAM MORRIS' PROTEST TO THE COLONIAL MINISTER AGAINST THE COMPOSITION OF KING'S COLLEGE COUNCIL.

In addition to this formal dissent of the Honourable William Morris, as a Member of the Legislative Council, to the Bill to amend the Charter of King's College as it passed both Houses of the Legislature, he addressed several letters on the Clergy Reserve question to the Secretary of the Colonies, Lord Glenelg, in May, 1837. In one of them he referred to the exclusion of Presbyterians from the King's College Council. Lord Glenelg, in a Despatch to Sir F. B. Head, the then Lieutenant Governor of Upper Canada, calls his attention to this matter and says:—

The design which Mr. Morris conceives to be entertained of excluding Ministers and Members of the Scots' Church from a voice in the Council of King's College, will, I am convinced, not be adopted by you. On the contrary, you will, I am persuaded, exercise the patronage which the law has vested in you in that respect, in such a measure as effectually to remove any misgivings with which the petitioners of the Presbyterian congregations, (as represented by Mr. Morris,) may have been affected on that head.

\*See the original District (Grammar) School Act of 1807, (47th George iii, chapter vi,) on pages 60 and 61 of the First Volume of this Documentary History.

†This Return will be found on pages 102, 103 in the Second Volume of this Documentary History.

‡This Report of the Executive Council will be found on pages 151 and 152 of the First Volume of this Documentary History.

STRICTURES OF THE REVEREND DOCTOR STRACHAN ON THIS APPEAL OF THE HONOURABLE WILLIAM MORRIS TO THE COLONIAL MINISTER.

The correspondence of the Honourable William Morris with the Colonial Office, having been published in a pamphlet, the Reverend Doctor Strachan, took exception to his remarks in it on the composition of King's College Council. In a letter to Mr. Morris, dated December the 4th, 1837, Doctor Strachan said :—

Your 5th and last subject of complaint, the University of King's College, only requires very brief notice. You are displeased with the composition of the College Council, but certainly with little reason. By the original Charter, that Body consisted of nine Members, including the Chancellor and President, all of whom, the Chancellor excepted were to be Members of the Church of England. The Charter, as amended, increases the Council to twelve, and makes it no longer necessary that they should belong to the Established Church. The remaining five are merely temporary appointments, which must be vacated the moment that the Professors are named, and, consequently, are not very desirable except by friends of the Institution. It ought also to be borne in mind that it would not be easy to find in this vicinity gentlemen belonging to the Scotch Church of sufficient standing and leisure to allow them to become efficient Members of the Council of the University of King's College. Under these circumstances His Excellency induced four gentlemen of great respectability and talents to accept of seats at the Board, with the knowledge that they would be superseded in a very short time by the appointment of Professors, the five Senior of whom are entitled by the Charter to be members of the Council.

With regard to your assertion that that Bill amending the Charter of King's College passed the Assembly, without being sufficiently understood, and that you do not consider it as expressive of the voice of more than a small minority of the inhabitants, they are so extraordinary that I presume not to make any other reply than that the Assembly is quite able, without my assistance, to vindicate its own character against such aspersions, and that the amended Charter was carried on the first division, by a majority of fifteen, and on the second, by twenty-one.

The feelings of the Members of the Legislative Council were so far from being hostile to the Church of Scotland, that they unanimously adopted the Report of the Select Committee, of which you were a Member—recommending that a Theological Professor of the Church of Scotland, should be appointed as soon after the College went into operation, as might be convenient."

TORONTO, 4th December, 1837.

JOHN STRACHAN.

REPLY TO THESE STRICTURES BY THE HONOURABLE WILLIAM MORRIS.

To this letter, and others, from the Reverend Doctor Strachan, (published as a pamphlet,) the Honourable William Morris replied in January, 1838, as follows:—

You say that I am "displeased with the composition of the College Council; but certainly with little reason." And in proof of this you inform me, that, by the original Charter, that Body consisted of nine Members, all of whom, the Chancellor excepted, were to be Members of the Church of England—that the amended Charter increases the number to twelve, and that they need not belong to the Church of England.

I have not the smallest doubt but that you consider my reason for being displeased at the composition of the Council, as groundless as you state; for, in all your schemes to promote your favourite objects, it never enters into your mind that Members of the Church of Scotland are entitled to consideration, or ought to express an opinion. The fault I find is, not that the Members need not be of the Church of England, but that in practice, it is proclaimed, that a Member of the Church of Scotland shall not sit at that Board.

You say that the feelings of the Members of the Legislative Council were "so far from being hostile to the Church of Scotland that they unanimously recommended that a Theological Professor of the Church of Scotland should be appointed as soon after the College went into operation as might be convenient."

I thank the Members of the Council for their liberality. But you know how that recommendation originated in the Select Committee; and to convince you how little value I attach to

it, I need only say that I fear the fatal words "after" and "convenient" will exclude, during your lifetime, at least, the old-fashioned Geneva gown from the precincts of the College Avenue. . . \*

W. MORRIS.

PERTH, January, 1838.

"DISSENTIENT" IN THE MATTER OF FREE GRAMMAR SCHOOLS—BY THE HONOURABLE JAMES CROOKS,—TO A BILL PASSED BY THE LEGISLATIVE COUNCIL TO AMEND THE CHARTER OF KING'S COLLEGE, 1837.

1st.—*Because*, the present Bill continues to King's College the possession of upwards of 200,000 acres, one-half of the lands appropriated by His late Majesty King George the Third, for the purpose of erecting and endowing Free Grammar Schools in the several Districts of this Province, as well as for the erection and endowment of King's College, which added to a subsequent grant of upwards of 60,000 acres of land to Minor College, incorporated by the present Bill with King's College, is, in my opinion, out of all proportion to the benefits which may be anticipated from the establishment of that Seminary, even if the situation and quality of that portion of the lands reserved for Free Grammar Schools were in every respect equal, (of which I have strong doubts,) compared with the benefits which Free Grammar Schools would confer upon the inhabitants of the Province at large, were they established in the different Districts thereof.

2nd.—*Because* I consider the provision made by the Legislature of this Province for the support of District (Grammar) Schools, as an insufficient substitute for Free Grammar Schools, as contemplated by the munificent grant made by His late Majesty; inasmuch as Scholars are not admitted to them unless upon the payment of quarterly fees to the Teachers, (except in the instance of a limited number from the Common Schools,) and the said provision for the support of District (Grammar) Schools may be repealed, whenever the Legislature may think proper to do so.†

JAMES CROOKS.

LEGISLATIVE COUNCIL,  
TORONTO, 31st January, 1837.

EFFORTS MADE TO PUT KING'S COLLEGE UNIVERSITY INTO OPERATION, 1837.

At a meeting of the King's College Council held on the 12th of April, 1837, the Reverend Doctor Strachan laid before it a letter which he had addressed to Mr. J. Joseph, Secretary to Sir F. B. Head, the Lieutenant Governor, urging reasons why steps should be taken to put the University of King's College into operation. His letter was dated about two weeks after the passing of the King's College Amendment Bill of 1837. He also submitted the reply of His Excellency made to Doctor Strachan, through Captain Mudge, his Secretary.

Permit me to draw the attention of His Excellency the Lieutenant Governor to the law recently passed, intitled: "An Act to amend the Charter of the University of King's College."

So many years have intervened since the original Charter was granted, and the best interest of the Province have suffered so much by the delay, that it seems exceedingly desirable that steps should be immediately adopted towards putting the University in operation.

Should His Excellency be of the same opinion I must respectfully submit that his pleasure be communicated to me to summon the College Council for the purpose of devising the measures which may be deemed most judicious to carry the Charter, as amended, into effect, and that the same be laid before the Chancellor for his approbation with as little delay as possible.

JOHN STRACHAN,  
President of King's College.

TORONTO, 20th March, 1837.

\*This proposal to have Theological Professors of the Churches of England and Scotland was suggested in a Report of the British House of Commons, dated the 22nd of July, 1828. See page 254 of the First Volume of this Documentary History. It is also referred to on page 69 of this Volume, *ante*.

†For Reports and a discussion on this subject of Free Grammar Schools, see pages 21-23, and pages 42-46, of the Second Volume of this Documentary History.

The following is the Reply of the Lieutenant Governor made to the Council through his Secretary :—

Having laid before the Lieutenant Governor your Letter of the 20th instant, I am directed by His Excellency to acquaint you, that he entirely concurs with you, that steps should be immediately adopted towards putting the University of King's College in operation, and, with that view, I am to signify His Excellency's desire, that you will be pleased to summon the College Council to assemble, at such time as you shall judge most convenient, for the purpose of devising the most judicious measures for carrying the Charter of that Institution, as amended, into effect.

GOVERNMENT HOUSE,  
TORONTO, 30th March, 1837.

JOHN JOSEPH.

On the 26th of April, 1837, the Reverend Doctor Strachan laid before the College Council the draft of a Report to His Excellency the Lieutenant Governor, containing his views and opinions on the expediency of putting King's College into operation. The Report was ordered to be printed. On the 3rd of May, 1837, the Report was again considered and amended. On the 10th of June, 1837, it was finally adopted, and ordered to be sent to Sir F. B. Head, the Chancellor of the University, for his consideration and approval. The Report is as follows :

REPORT OF THE PRESIDENT OF KING'S COLLEGE COUNCIL ON THE EXPEDIENCY OF PUTTING THE UNIVERSITY INTO OPERATION.

In obedience to the desire expressed by the Council, I have the honour to submit, for consideration, a general outline of the steps necessary to be taken for the purpose of putting the University of King's College into operation, with as little farther delay as possible.

1. *First*, as regards Instruction.—The scheme, which I submit, is predicated on the most extensive basis, and embraces in its wide range all the Sciences, and the more important Arts. In the distribution of the different Departments, it is hoped that each has a dependence on that which immediately precedes it, and that individual Sciences naturally arrange themselves under some one of the more general divisions. The Council is aware, that for some years the number of Students will be very limited, and that during such period. Professors for each particular Science will not be necessary. In accordance with this view, the scheme is divided into Departments, to be placed under one or more Professors. The Professors and Lecturers to be multiplied, as the improving resources and increase of Pupils may warrant and require.

*The General Plan of Instruction in the University.*

2. It is presumed that the whole plan of instruction may be conveniently distributed under six divisions as follows :—

- |  |   |   |
|--|---|---|
| 1. <i>Classical and Modern Literature.</i> | { | This embraces the Greek and Latin languages; Ancient History; Ancient and Modern Geography; Chronology and Antiquities; Modern Literature, English and Foreign; Modern History; Rhetoric; Grammar; Composition; Style; and Modern History.—Two Professors.                      |
| 2. <i>Physics.</i> . . . . .               | { | Application of Science to the Arts; Astronomy; Modern Geography, etc.—Two Professors.   |
| 3. <i>Mental Philosophy.</i> . . . . .     | { | Moral and Intellectual Philosophy; Christian Ethics, and Political Economy.—The President.  |
| 4. <i>Theology.</i> . . . . .              | { | Hebrew and Oriental Languages; Natural and Revealed Religion, etc., etc.—(This Department may remain at present in abeyance.)   |
| 5. <i>Jurisprudence.</i> . . . . .         | { | Law of Nature, and of Nations; Civil, English and Constitutional Law; History and Principles of the British Constitution.—One Lecturer.   |
| 6. <i>Medicine.</i> . . . . .              | { | Chemistry, with Geology and Mineralogy; Anatomy and Physiology; the Theory and Practice of Physic; and the Principles and Practice of Surgery; Materia Medica, Therapeutics and Botany, with Midwifery, and Diseases of Women and Children.—One Professor, and Three Lecturers. |

3. In drawing up this plan of instruction, I have availed myself of a statement of the arrangements for conducting the various Departments of King's College, London, as they appear to agree much better with the requirements of this Country, than those of the more ancient Universities of England. I have, at the same time, examined the methods adopted in the Scotch and American Universities, and introduced such useful hints as they appeared to suggest, so that

when the flourishing state of the funds shall permit, and the increasing youth of the Province require the whole scheme to be carried out in its full vigour, the University of King's College will equal, in the means of instruction, the most favoured Institutions in the Mother Country.

4. The Regular Course of Education is properly comprised in the three first Departments including Chemistry, Geology and Mineralogy, (from the sixth Department.) Those of Jurisprudence and Medicine, being rather of a Professional character, will be conducted by Professional Men not residing within the University, (the Professor of Chemistry excepted,) and at fixed hours, and without any great interruption to their Practice in this City.

5. Besides general superintendance, it is proposed to make the services of the President available for the Professorship of Moral and Intellectual Philosophy, with Christian Ethics and Political Economy; it will likewise be his duty to instruct such students as belong to the Established Church (of England,) in Christian Theology.

6. The Five Professors, as well as the President, will have to give three or four, courses of Lectures each; but, as their pupils will not be numerous for some time, the labour will not be so great as, on a slight view, might be anticipated.

*Estimated Receipts and Expenditure of the University of King's College.*

7. *First: The annual expense of the University may be estimated as follows:—*

(1) The President, till enabled, by an adequate remuneration, to resign his parish, to receive only the small remuneration allowed him in April, 1827 by Lord Bathurst for superintendance of the University—Two Hundred and Fifty pounds (£250,) sterling a year.

(2) The five Professors residing within the college, and devoting themselves entirely to the duties of their Departments, each Four Hundred and Fifty pounds (£450) } £2,250

(8) Add to the Salary of the Senior Professor ..... 50

(4) The Lecturer on Jurisprudence ..... { As only a portion

(5) The Lecturer on Anatomy ..... { of their time will

(6) The Lecturer on Theory and Practice of Physic and the ..... { be required Two

Principles and Practice of Surgery, etc ..... { Hundred pounds

(7) The Lecturer on Materia Medica, etc ..... { (£200) each. } 800

(8) Librarian and Gardener, One Hundred pounds (£100) each ..... 200

(9) Library annually ..... 200

(10) Philosophical and Chemical Apparatus, and formation of a Museum, per } 250

annum ..... }

(11) Servants and Contingencies ..... 600

£4,600

(12) To this expenditure must be added, the aid annually necessary to support } 800

Minor, or Upper Canada College ..... }

(13) The Bursar's and Registrar's office ..... 600

Total Annual Expense, Sterling ..... £6,000

8. *Second.—Ways and Means:*

Interest accruing directly or indirectly on the sum of Seventy Thousand pounds } £4,200

(£70,000) due upon Land sold ..... }

Average rents ..... 1,200

Interest on Thirty Thousand pounds, (£30,000,) due by the Minor, or Upper Canada, } 1,800

College, ..... }

Halifax currency £7,200

or, Sterling 6,400

Surplus, (exclusive of fees from Students), ..... £ 400

9. Before the University can go satisfactorily into operation a considerable Library should be formed, containing especially books on the various branches to be taught, that both Professors and Students may have ready and effectual means of reference.

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10. An extensive Apparatus for experiments in Natural and Chemical Philosophy, and instruction in the Arts is absolutely necessary; likewise Instruments and preparations for the Medical department. An appropriation of Seven or Eight Thousand pounds (£7,000 or £8,000,) will scarcely meet, in a decent manner, these several purposes.

11. *Third—Erection of Buildings.* I would respectfully recommend the immediate erection of part of the College Buildings, after adopting a proper Plan, to be gradually completed; for, without such an accommodation, it would be impossible to enforce good discipline and regularity among the Students. Besides, the hiring of Class Rooms and Houses for the Professors will not only be found exceedingly inconvenient, if they can be procured, but the expense will amount to more than the interest of the money laid out in erecting the necessary Buildings, so that there can be no saving by delay. Indeed, the more we reflect, the more it seems to me we shall be convinced that to begin in a creditable and efficient manner, we ought not to be satisfied with temporary apartments. Any such arrangements will be considered a sort of shift, and in some manner countenance the idea that we are patching up a nondescript Institution, instead of assuming that imposing attitude to which we are entitled, and which befits a University which, from its Royal Charter, and splendid endowment, may reasonably look forward to the time when it will be the first seat of learning in North America.

*Fourth.—Library and apparatus.*

12. So soon as matters are in a proper train, it is submitted that the President be authorised to proceed to England, to select the Library, Apparatus, etc., likewise to assist in choosing such efficient Professors as are calculated to live in this climate. They ought to be Gentlemen of superior talents and attainments, and of untiring energy and diligence. No person ought to be appointed who has not evinced a decided predilection for the branches of Knowledge and Science which he will have to teach. As many different things are to be taught by the same person, it will be expedient to combine the Scotch and English systems—that is, make the Professors both Lecturers and Tutors; this has been practised with great success in Germany, and has, of late years, been pursued with similar advantage in the Universities of St. Andrews, and Glasgow. In King's College, London, it appears likewise to be the practice.

*Fifth, Funds must be Borrowed at First.*

13. It appears from inspecting the Funds, (and considering the Ways and Means,) that it would be necessary to borrow Twenty Thousand pounds, (£20,000) in addition to nearly Six Thousand pounds (£6,000) available, in order to enable the Council to meet all the requirements deemed essential to commence the business of instruction in a proper manner. At the same time, it must be obvious that the requisite portion of the Buildings could not be erected, nor the contemplated arrangement affected, sooner than next October twelvemonths, 1839.) The money required may be borrowed by the President and Bursar, in the name of the University; and, as the Institution has upwards of Ten Thousand pounds (£10,000) bearing interest, though not immediately available, the actual debt contracted would amount to only Ten Thousand pounds (£10,000).

*Sixth. Statutes Rules and Regulations.*

14. Although the period has not yet arrived for submitting to the consideration of the Council; a body of Statutes, Rules, and Regulations for the government of the Institution, yet there are a few general matters to which it may be convenient at present to give some attention.

*First*—It is material to fix, as soon as possible, upon the month, or day, for opening the Institution; even should it be the more distant than we desire, it is, nevertheless, more satisfactory than absolute silence.

*Second.*—The Academical year of the London University may be adopted with a slight alteration, so as to shorten by a fortnight the long vacation. It consists of three terms: (1) The first term to extend from the beginning of October, to the week before Christmas. (2) The second, from the beginning of the second week in January to the week before Easter. (3) And the third, from Easter to the third Friday in July. By this distribution there will be a short vacation of about two weeks at Christmas, and nine weeks in the heat of Summer.

15. In order to render the benefits of the Institution completely open to all the Youth of the Province, the plan of admitting Students by King's College, London, may be conveniently adopted. According to this regulation, the Students to be received will be of three descriptions.

(1.) King's College Classical Students. These are admitted to a regular and prescribed course of general study; but allowed to attend any particular Lectures not comprised in that course.

(2.) King's College Medical Students, who enter upon a course of Medical study, but are allowed to attend any particular Lectures not comprised in the course.

(3.) Occasional Students. This class to comprehend persons who are desirous of attending any separate course or courses of Lectures, or private instruction given in the College.

*Seventh—Scholarships in the University.*

16. It might be judicious, even if attended with some degree of pecuniary difficulty for a time, to appropriate a sum of money for Scholarships, of Thirty, or Forty pounds (£30, or £40.) per annum, to continue three years, the length of the Academical Course. If six were to be given every year to the six best Greek and Latin Scholars taught within the Province, in three years eighteen would be created, and the number, if found expedient, might be increased when the funds admitted. The expence incurred would be spread over three years before it reached the maximum; if the Scholarships be fixed at Thirty Pounds (£30,) the whole sum required annually, after the second year, would be Five Hundred and Forty pounds, (£540); if the Scholarships be fixed at, Forty pounds (£40,) it would be Seven Hundred and twenty pounds £720.

JOHN STRACHAN,

President.

TORONTO, 26th April, 1837.

The following is an Extract from the Minutes of the proceedings of the Council of King's College on this Report at their meeting held on the 10th June, 1837.

The President submitted to the Council a Report embracing the amendments suggested at the meeting of the Council on the 3rd of last month (May, 1837). The whole Report was taken into consideration, and fully discussed, when the following Resolutions were adopted:—

1st—That the Report submitted by the President, as amended, be adopted, it having already been submitted to His Excellency the Chancellor.

2nd—That it is expedient to commence the business of instruction under the President and eight Professors, or seven Professors, with the medical Lecturers.

3rd—That it shall be the duty of the President and Professors to submit to the College Council such an arrangement of the various branches of knowledge to be taught as may seem best calculated to insure, from the first, the full efficiency of each of the six departments mentioned in the general Report, now adopted.

4th—That the Professors, under whose care any department is placed, being responsible for its management, constitute a subsidiary Board, at which the senior Professor shall reside in order to consult, from time to time, how they may distribute their respective labours to the best advantage, so as to give unity and system to the studies embraced by their respective departments, and what improvements might be conveniently introduced, subject nevertheless to the consideration and confirmation in all respects of the College Council.

5th—That the reports from each department, with such observations and recommendations respecting studies and discipline, as may appear useful, be made to the President at the end of each term, to be laid before the College Council.

6th—That the Professors employed be wholly devoted to their duties as Members of the University.

7th—That measures be taken for procuring such a Library and Apparatus as may be necessary, in order that the business of instruction may be efficiently commenced.

8th—That preparations be made for erecting the buildings composing the front of the University, as presented in the Model,\* with as little delay as possible, and, that for this purpose the President and Bursar be authorized to borrow Twenty Thousand Pounds, (£20,000,) on the credit of the University."

## FURTHER ACTION DELAYED ON ACCOUNT OF THE REBELLION OF 1837.

Before any further steps could be taken to give effect to these Resolutions, the political horizon of 1837 became dark, and events, touching the very existence of Upper Canada as a British Colony, took place. This put an effectual stop to all movements in connection with the University of King's College, and other practical matters, affecting the welfare of the Province for the time. The Reverend Doctor Strachan tells the story of this delay in his own words, as follows:—

Sir Francis B. Head . . . saw the vast advantage of establishing the University soon after he came to the Government: and, although he could not prevent the Legislature from

\* In regard to this Model of the proposed University Building, see pages 222 and 345 of the Second Volume of this Documentary History.

making some changes in the Charter, to which the Council most reluctantly assented, he deserves the greatest praise for preventing farther innovations. The Charter, having been thus settled, Sir Francis Head readily concurred, as Chancellor, with the College Council in adopting the measures necessary for bringing it into operation. But, just as the preliminary steps were arranged,—contracts for the Buildings signed, and Professors and Teachers about to be appointed,—the Rebellion of 1837 broke out, and, for a time, suspended this and many other excellent measures projected . . .

After the suppression of the Rebellion, Sir Francis Head resigned the Government ; . . . and, during the two following short Administrations, no proceedings were had respecting the University, worthy of notice, or commendation. *Speech at the Opening of the University, 1843, page 46.*

#### APPOINTMENT OF THE NEW COUNCIL OF KING'S COLLEGE UNIVERSITY, 1837.

*May 13th, 1837.* On this day, Sir Francis Bond Head reconstituted the Council of King's College on the basis laid down in the Act, amending the original Royal Charter. The Commission of this date having been found to be defective a new one was issued, dated the 30th of *May, 1837.* After the usual preliminary formalities in the Commission, it proceeded as follows:—

WHEREAS His late Majesty George the Fourth was pleased, by Letters Patent, under the Great Seal of Great Britain and Ireland, bearing date at Westminster on the fifteenth day of March in the Eighth year of His said late Majesty's Reign, (1827,) to Ordain and Grant that there shall be Established at, or near, the Town of York, now Toronto, in the Province of Upper Canada, from the time of making the said Letters Patent, One College with the style and privileges of an University, as, in the said Letters Patent, is directed, for the Education of youth and students in Arts and Faculties, to continue for ever to be called King's College.

And Whereas, among other things, provision is made in the said Letters Patent for constituting, within the said College, a Corporation, or Council, to be called, or known, by the name of The College Council, and to consist of the Chancellor and President, for the time being; and of Seven Professors in Arts and Faculties of the said College, under certain conditions, and with certain exceptions, in the cases therein mentioned.

And Whereas, by an Act, passed in the last Session of the Provincial Parliament, intituled: "An Act to Amend the Charter of the University of Kings' College," it was, among other things, enacted:—

"That the Members of the College Council, including the Chancellor and the President, shall be twelve in number, of whom the Speakers of the two Houses of the Legislature of the Province, and His Majesty's Attorney General and Solicitor General, for the time being,\* shall be four; and that the remainder shall consist of the five Senior Professors of Arts and Faculties of the said College, and of the Principal of the Minor, or Upper Canada, College, and, in case there shall not, at any time, be five Professors, as aforesaid, in the said College, and, until Professors are appointed therein, the Council shall be filled with Members to be appointed, as, in the said Charter, is provided."

And Whereas, it is, in the said Charter, declared, that it is necessary to make provision for the completion and filling up of the said Council, at the first institution of the College, and previously to the appointment of any Professor, or conferring any Degrees therein, Wherefore it is hereby further ordained and declared, that the Chancellor of the said College, for the time being, shall upon, or immediately after the first institution thereof, by Warrant under his hand, nominate and appoint seven discreet and proper persons, resident within the said Province of Upper Canada, to constitute jointly with him the said Chancellor, and the President of the said College, for the time being,—the first, or original, Council of the said College.

And Whereas, doubts have arisen as to whether the Members of the College Council, other than those appointed by virtue of the Act aforesaid, can continue to serve, unless re-appointed.

Now Know YE, that, to remove such doubts, and to complete the said College Council to the number of Twelve, as required by the said Act, intituled: "An Act to Amend the Charter of King's College," I do hereby, by virtue of the said authority so given to me, as Chancellor of the said College, nominate and appoint you, the said Honourable Robert Symptom Jameson,

\*These two officers, when this Commission was issued were the Honourable Christopher Alexander Hagerman, Attorney General, appointed on the 23rd of March, 1837, and the Honourable William Henry Draper, appointed Solicitor General on the same day. The preceding Law Officers were Messieurs R. S. Jameson, Attorney General and C. A. Hagerman, Solicitor General. The Speakers of the two Houses of the Legislature at this time were the Honourable John Beverley Robinson, Speaker of the Legislative Council, and the Honourable Sir Allan Napier Macnab, Speaker of the House of Assembly. While absent on military duty, Mr. Henry Ruttan, Sheriff of the Newcastle District, was elected Speaker, *pro tempore.*

Vice-Chancellor of Upper Canada; the Honourable Robert Baldwin Sullivan, the Honourable William Allan, the Honourable John Macaulay and John Simcoe Macaulay Esquire, to be Members, and each of you to be a Member of the College Council of King's College, as aforesaid, and to constitute, jointly with the Chancellor and President, the Speakers of the Two Houses of the Legislature of the Province of His Majesty's Attorney General and Solicitor General, for the time being, and the Principal of the Minor, or Upper Canada, College, the Council of the said College; subject to such conditions and restrictions, and with such limitations as to your continuance in the said Council, and with authority to do and execute all and singular such things, as in the said Letters Patent are provided and set forth.\*

Given under my Hand and Office Seal at Toronto, this Thirtieth day of May, in the year our Lord One thousand Eight Hundred and Thirty Seven, and of His Majesty's reign the Seventh

By Command of His Excellency,  
J. Joseph, Secretary.

F. B. HEAD.

DECLARATION MADE BY THE MEMBERS OF THE NEW KING'S COLLEGE COUNCIL, 1837, 39.

The first section of the Act to amend the Charter of Kings College required each newly appointed Member to declare his belief "in the authenticity and Divine Inspiration of the Old and New Testament, and in the doctrine of the Trinity"—The following is a copy of this Declaration, as signed by the persons whose names are subscribed thereto:—

DECLARATION required from the Members of the Council of King's College, under the provisions of the Act passed in the last Session of the Provincial Parliament, intituled: "An Act to Amend the Charter of the University of King's College :

I do solemnly and sincerely declare that I believe in the authenticity and Divine Inspiration of the Old and New Testament, and in the Doctrine of the Holy Trinity.

<i>Members of the Council Ex-Officio by Statute.</i>	<i>Signatures.</i>	<i>Date of Signature.</i>
The Chancellor .....	John Strachan .....	June 10th, 1837.
The President .....	Jno. B. Robinson .....	July 22nd 1837.
The Speaker of the Legislative Council .....	Jonas Jones .....	April 20th 1839.
The Speaker of the House of Assembly .....	Allan N. MacNab .....	January 27th 1839.
The Attorney General .....	Chr. A. Hagerman .....	July 26th 1837.
The Solicitor General .....	Wm. H. Draper .....	February 2nd 1839.
The First Principal of Upper Canada College...	Jos. H. Harris .....	July 22nd 1837.
The Second Principal of Upper Canada College.	John McCaul .....	January 27th 1839.

<i>Members of the old Council, appointed under Warrant from His Excellency the Chancellor.</i>	<i>Signatures.</i>	<i>Date of Signature.</i>
The Honourable Robert Sympson Jameson, Vice Chancellor of Upper Canada .....	Robert S. Jameson ..	June 10th 1837.
The Honourable Robert Baldwin Sullivan .....	R. B. Sullivan .....	June 10th, 1837.
The Honourable William Allan .....	W. Allan .....	June 10th, 1837.
The Honourable John Macaulay .....	Jno. Macaulay .....	June 10th, 1837.
Captain John Simcoe Macaulay, Royal Engineer	J. S. Macaulay .....	June 10th 1837.

\* Two former Members of the College Council declined re-nomination to it, videlicet, Mr. (or, as he is frequently named, Doctor) Grant Powell and Doctor Christopher Widmer.

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CHAPTER V.

EDUCATIONAL PROCEEDINGS OF THE UPPER CANADA LEGISLATURE, 1837.

A Special Meeting of the Upper Canada Legislature was convened to meet on the 19th of June, 1837, and was opened with a Speech from the Throne by Sir Francis B. Head, the Lieutenant Governor, in which he stated that "the commercial difficulties which had assailed the Province" were chiefly caused by the suspension of specie payments by the Banks in the United States, and that Parliament was called, in consequence, to consider the monetary condition of the country.

In the House of Assembly Sir Allan N. Macnab was elected Speaker, in place of the Honourable Archibald McLean, who had been elevated to the Court of King's Bench. The only proceedings which partook of an educational character were the following:—

*June 30th 1837.* Pursuant to the Order of the Day, the Address to His Majesty to transfer funds to be invested in Debentures in this Province, as amended, was read the third time.

On the question for passing this Address, Mr. John Rolph, seconded by Mr. Gibson, moves in amendment, that the Address be not now passed, but that the following be added: "And that so much of the above sums as are the Proceeds of the Sales of Clergy Reserves, when transferred to this Province, may be applied to the purposes of General Education." On which the Yeas and Nays were taken as follows: YEAS, 12; NAYS, 20. The question of amendment was decided in the negative by a majority of 8, and the Address was passed.

*July 8th 1837.* Pursuant to the Order of the Day, the Bill, introduced on the preceding day, to authorize the licentiates of Colleges in Edinburgh, Dublin and Glasgow to practise Physic and Surgery in this Province, as those of the Universities in His Majesty's Dominions, and of the Royal College of Physicians, or Surgeons, in London, are now permitted to do, was read a second time, but failed to pass the third reading, and so was lost.

The only educational proceedings in the Legislative Council during this Session was the receipt of a Message from the Lieutenant Governor, transmitting a Despatch from Lord Glenelg, the Colonial Secretary, dated the 20th of April, 1837, on the subject of the right of a Colonial Legislature to alter a Royal Charter, such as that granted in 1827 to the University of King's College. The proceedings were as follows:—

*June 27th, 1837.*—A Message from His Excellency the Lieutenant Governor, was delivered by Mr. Secretary Joseph, who, having retired, the Speaker read the same, and it was again read by the Clerk, as follows:

F. B. HEAD:

The Lieutenant Governor transmits, for the information of the Legislative Council, [a] Despatch received by him yesterday, from the Secretary of State for the Colonies, containing His Majesty's answer . . . to an Address of the Legislative Council passed during the last Session of the Provincial Parliament. . . .

GOVERNMENT HOUSE,

Toronto, 26th of June, 1837.

F. B. H.

NOTE. This Despatch related to the question of the right of the Canadian Legislature to alter a Royal Charter, which is discussed on pages 64, 76 and 77.

I have had the honour to lay at the foot of the Throne, the Address from the Legislative Council to yourself, transmitted in your Despatch of the 4th ultimo, explanatory of their conduct in having concurred in a Bill sent up from the House of Assembly, for altering the Charter granted by His Majesty (in 1827) to King's College. See page 76, *ante*.

I have received the King's Command to express the high satisfaction with which His Majesty regards the laudable solicitude, manifested by the Legislative Council, to avoid any encroachments on the prerogatives of the Crown, in the form of the proceedings, in which they concurred, for the amendment of the Charter of Incorporation of King's College.

Considering, however, that the Act originated in the express suggestion and recommendation of the King, conveyed through His Majesty's Secretary of State, it has not appeared to His Majesty to involve the departure from the constitutional principle, to which the Legislative Council advert in their Address, and which His Majesty is well persuaded will, at all times, be maintained inviolate by the Legislature of Upper Canada. See page 76, *ante*.

DOWNING STREET,  
LONDON, 20th April, 1837.

GLENELG.

NOTE.—The question raised by the Legislative Council, and to which this Despatch is a reply, was settled by that reply so far as to the action in the matter of the Council. The question itself was not settled by the Despatch, and will, therefore be discussed separately in another Chapter, further on. The question raised was in itself a novel and interesting one, and worthy of being fully considered and answered.

\*Especially the Despatch, (which was evidently prompted by the efforts of Mr. William L. MacKenzie), of Lord Goderich, Colonial Secretary, dated the 8th of November, 1832; (pages 112, 115 and 117 of the Second Volume of this Documentary History.) The authority for modifying the terms of the Charter of King's College by the Legislature of Upper Canada is referred to on page 188. Its authority for doing so is emphasized by Lord Glenelg, the successor of Lord Goderich, as Colonial Minister, in his Despatch to Sir John Colborne, dated the 6th of May, 1835, given on page 213 of the same Volume, and referred to again on page 245. The reference to the action of the Colonial Minister in this matter, on page 276, caused by his refusing to act upon Sir John Colborne's suggestion, that the Imperial Government, and not the Upper Canada Legislature, should modify the Charter, is made to show how irreconcilable was the difference in policy and procedure, (in regard to the King's College Charter), which existed between the then Colonial Minister, Lord Glenelg, and Sir John Colborne. Incidentally, this difference of opinion contributed to Sir John Colborne's retirement from the Lieutenant Governorship of Upper Canada. This fact is noted on the page quoted, 276.

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## CHAPTER VI.

### EDUCATIONAL PROCEEDINGS OF THE UPPER CANADA LEGISLATURE, 1837-38.

The third session of the Thirteenth Parliament of Upper Canada was opened by Sir Francis Bond Head, the Lieutenant Governor, with the usual Speech from the Throne, on the 28th of December, 1837.

In the opening part of his Speech, Sir Francis Head referred to the death of His Majesty King William the Fourth, and then spoke in the following terms of the advent of Her present Most Gracious Majesty to the Throne of Her Ancestors:—

The Throne of the British Empire is now adorned by Her Majesty Queen Victoria, whose youth, education, virtue and sex, endearing her to her subjects, claim their loyal protection and support.

The Lieutenant Governor then referred at length to the origin, progress and suppression of the Rebellion of 1837, 38, but did not refer to any educational subject.

#### EDUCATIONAL PROCEEDINGS OF THE UPPER CANADA HOUSE OF ASSEMBLY, 1837, 38.

During the Session of the Legislature, several of the Members were absent on military duty, in the suppression of the Rebellion, videlicet: Messieurs Michael Aikman, Allan N. Macnab, Alexander Chisholm, William Chisholm, George Elliott, Alexander McDonell, John Prince and Charles Wickens. Three Members were expelled during the Session, for alleged participation in the Rebellion, videlicet: Messieurs Charles Duncombe, David Gibson and John Rolph. A motion to expel Mr. W. B. Wells was defeated by a vote of 21 to 13.

The most noted of the new Members in the House of Assembly during this Session, were, Messieurs James Morris and Henry Sherwood. Mr. James Morris, Brother of the Honourable William Morris, formerly a Member of the House of Assembly, but now of the Legislative Council. Mr. James Morris was a Member of the Government of Canada in 1851, as the first Canadian Post Master General. In 1853 and 1858, he was appointed Speaker of the Legislative Council. Mr. Henry Sherwood was a notable figure in his day. He filled the office of Mayor of Toronto in 1843, and was appointed Attorney General of Canada in 1842.

*December 28th, 1837.*—Mr. Ogle R. Gowan gives notice, that he will, on to-morrow, move that the House be placed in Committee of the Whole, for the purpose of granting a sum of money for the maintenance and support of Common Schools in Upper Canada, for the year 1838.

*December 30th, 1837.*—Mr. Edward W. Thomson gives notice, that he will, on Wednesday next, move for leave to bring in a Bill for the Better Regulation of Common Schools throughout this Province.

*January 1st, 1838.*—Mr. Ogle R. Gowan gives notice that he will, on to-morrow, move that the House be placed in a Committee of Supply, for the purpose of voting a sum of money for the support of Common Schools in Upper Canada, for the year 1838. [Quære 1837?]

EDUCATIONAL PROCEEDINGS OF THE HOUSE OF ASSEMBLY IN 1838.

*January 5th, 1838.*—Pursuant to notice, Mr. Ogle R. Gowan, seconded by Mr. George Elliott, moves, that the House do now resolve itself into a Committee of Supply for the purpose of granting a sum of Money for the support of Common Schools in this Province for the year 1837, which was carried, and the House was put into a Committee of the Whole, Mr. Alexander McLean in the chair. The House having resumed, the Chairman reported, that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House. The Report was received, and the Resolution was adopted as follows :

*Resolved.*—That there be granted to Her Majesty the sum of Five Thousand Six Hundred and Fifty pounds, (£5,650,) for the support of Common Schools in Upper Canada, for the year 1837, to be distributed among the several Districts in the Province, in the same manner as was the same sum distributed in the year 1836.

On motion of Mr. Ogle R. Gowan, seconded by Mr. George Elliott, it was ordered—That Messieurs James Morris and Robert G. Dunlop be a Committee to draft and report a Bill, pursuant to the foregoing Resolution of this House, granting to Her Majesty a sum of money for the support of Common Schools in Upper Canada, for the year 1837.

*January 9th, 1838.*—Mr. Ogle R. Gowan gives notice that he will, on to-morrow, move for the appointment of a Select Committee, to take into Consideration, and to report to the House, upon the practicability and propriety of establishing a Provincial Asylum for the care and instruction of the Deaf and Dumb.

*January 10th, 1838.*—Pursuant to notice, Mr. Ogle R. Gowan, seconded by Mr. James Morris, moves that a Select Committee be appointed to take into consideration the propriety of establishing an Asylum within this Province for the care and instruction of Deaf and Dumb. That the said Committee consist of Messieurs Alexander McLean, Abosolom Shade and David Thorburn, with liberty to send for person and papers, and report to this House, which was carried.

*January 11th, 1838.*—Pursuant to notice, Mr. Edward W. Thomson, seconded by Mr. William B. Robinson, moves for leave to bring in a Bill for the regulation of Common Schools in this Province, which was granted, and the Bill was read a first time. On the question for the second reading of the Bill to-morrow, in amendment, Mr. E. W. Thomson, seconded by Mr. W. B. Robinson, moves that the Bill be not read a second time to-morrow, but that it be referred to a Select Committee ; and that Messieurs John Marks, Thomas McKay, George Hill Detlor, James Morris, Charles Bockus, Thomas Parke and the Mover, do compose the same, with power to report by Bill, which was carried.

A Petition of Binley and thirty others, Pupils of Upper Canada College, was brought up by Mr. Henry Sherwood, and laid on the Table.

*January 17th, 1838.*—A Petition of Mr. Walter C. Crofton, Teacher of the District (Grammar) School at Cobourg, was brought up by Mr. Henry Sherwood, and laid on the Table.

*January 19th, 1838.*—Pursuant to the Order of the Day, the Petition of Mr. Walter C. Crofton, Teacher of the District (Grammar) School at Cobourg, praying for assistance to repair his School House, was read.

Mr. Edward W. Thomson, from the Select Committee, to which was referred the Common Schools Regulation Bill, reported the Bill. The Report was received, and the Bill was read the first time. It was ordered—That the Bill be read a second time to-morrow.

On motion of Mr. Henry Sherwood, seconded by Mr. George Rykert, it was ordered—That one hundred copies of the Common Schools Regulation Bill be printed for the use of the Members.

*January 24th, 1838.*—Pursuant to the Order of the Day, the Bill to regulate Common Schools was read the second time. The House was put into a Committee of the Whole, Mr. Malcolm Cameron in the chair. The House having resumed, the Chairman reported that the Committee had made some progress in the Bill, and asked leave to sit again to-morrow. On the question of receiving the Report, the Yeas and Nays were as follows : YEAS, 22 ; NAYS, 6. The question was carried in the affirmative by a majority of 16, and the Report was received and leave to sit again was granted accordingly.



*January 29th, 1838.*—Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Bill to regulate Common Schools, Mr. Malcolm Cameron in the chair. The House having resumed, the Chairman reported that the Committee had made some further progress in the Bill, and asked leave to sit again to-morrow. The Report was received, and leave granted accordingly.

APPLICATION ON BEHALF OF UPPER CANADA ACADEMY FOR A GRANT.

Mr. Secretary, Joseph brought down from His Excellency the Lieutenant, several Messages and Documents. These Messages were read by the Speaker. Among them was the following, relating to the Upper Canada Academy :—

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly the copy of a Despatch from the Right Honourable Lord Glenelg, the Secretary of State for the Colonies, bearing date the 26th April, 1837, directing an advance to the Trustees of the Upper Canada Academy of Four Thousand One Hundred pounds (£4,100.) from the Crown Revenue, being the "amount of the loan intended to have been granted" by a certain Bill passed by the House of Assembly in the first Session of the present Provincial Parliament. (See pages 57 and 75, *ante*).

2. The payment of Twenty Thousand Pounds, (£20,000,) towards the War Losses, out of the Crown Revenues, puts it out of the power of the Lieutenant Governor to make the required advance immediately, as there was not a sufficient sum of that fund remaining in the hands of Her Majesty's Receiver General, and unappropriated.

3. The last Session of the Provincial Parliament being called for a special purpose (See page 99, *ante*), the Lieutenant Governor did not think it necessary to call the attention of the House of Assembly to this subject.

4. The Lieutenant Governor, with the desire of carrying into effect the instructions of His Lordship, the Colonial Secretary, took the earliest opportunity of directing the advance to be made, so far as the state of the Crown Fund would allow; and, accordingly, on the 11th day of November, 1837, issued his Warrant on the Receiver General for the sum of Two Thousand and Fifty Pounds, (£2,050,) being the one half of the whole sum intended to be advanced.

5. As the order of His Lordship is founded on the anticipated sense of the two Houses of the Legislature, the Lieutenant Governor now deems it advisable, (notwithstanding his desire to relieve the Members from their attendance,) to call the attention of the House of Assembly to this matter.

6. This becomes the more necessary from a Letter of the Reverend Egerton Ryerson, herewith transmitted, in which the House will perceive that, in the behalf of the Trustees of the Upper Canada Academy, Mr. Ryerson insists on the payment of the remaining sum, construing His Lordship's directions as ordering a grant, and not a loan, as the Lieutenant Governor understands it.

7. That the House of Assembly may fully understand the intentions of Her Majesty's Government, the Lieutenant Governor herewith transmits copies of the Correspondence in his possession between the claimants of this money and the Colonial Office, and also of a Despatch on the same subject, (dated on the 20th of July, 1837,) transmitted by the Lieutenant Governor to the Right Honourable the Secretary of State for the Colonies, with his Lordship's reply, (dated the 23rd of August, 1837.)

F. B. H.

GOVERNMENT HOUSE,  
TORONTO, 27th January, 1838.

*Enclosure Number One: A Despatch from the Colonial Minister, dated the 26th of April, 1837, relating to a grant to the Upper Canada Academy at Cobourg.*

This Despatch, from the Colonial Secretary, to Sir Francis Bond Head is dated "Downing Street, 26th April, 1837," and is as follows :—

I have the honour to transmit to you, herewith, the copy of a Letter addressed to me by Mr. Ryerson, dated the 18th April, 1837, relative to a loan to the Upper Canada Academy during the last Session [of the Legislature of Upper Canada], but which was subsequently lost, in consequence of a proviso added by the Legislative Council, prohibiting the Receiver General

from advancing the sum therein granted, unless he should have in his hands money for which he had no other use. [See page 75, *ante*.]

2. I trust that there is no ground to anticipate the serious inconvenience, which Mr. Ryerson apprehends, from the loss of this Bill; nor can I allow myself to assume, as he has done, that the object of the amendment, introduced by the Legislative Council, was indirectly to defeat the liberal intentions of the House of Assembly towards the Upper Canada Academy.

3. But, in order to obviate all risk of embarrassment to that Institution, I have to desire that, unless some objection which I do not anticipate, should suggest itself to you, you will advance the amount of the loan intended to have been granted by the Bill in question to the Trustees of the Upper Canada Academy, out of any unappropriated portion of the Casual and Territorial Revenue of the Province, and, on the first meeting of the Legislature, you will report the circumstances to them.

4. I have no doubt that the Legislative Council and House of Assembly of Upper Canada will, at once, recognize the propriety of this proceeding, the object of which is to carry out the spirit of the measure which has already met their concurrence.

DOWNING STREET,  
LONDON, 28th of April, 1837.

GLENELG.

*Enclosure Number Two: Letter from the Reverend Egerton Ryerson to Lord Glenelg, the Colonial Minister, dated London, the 18th of April, 1837.*

I humbly implore your Lordship's early and gracious attention to the following statement, occasioned by recent intelligence from Upper Canada, and the entreaties of benevolent and suffering individuals.

2. Having just returned to Town from the North, in order to prepare to embark by the Liverpool and New York Packet of the 1st of May, I have received advices respecting the proceedings of the Upper Canadian Legislature, relative to the "Upper Canada Academy."

3. It appears that, in accordance with Your Lordship's gracious recommendation, on application of the Principal and Trustees of the Institution,—the House of Assembly appointed a Select Committee to investigate the subject. (See page 50, *ante*.)

4. The Committee reported in favour of aiding the Institution; and the House of Assembly, by a majority of 31 to 10, passed a Bill, authorising a loan of Four Thousand One Hundred pounds, (£4,100,) to the Trustees of the Institution for ten years. (See page 57, *ante*.)

5. The Legislative Council, however, at the eleventh hour of the Session, sent the Bill back to the Assembly, so amended as completely to defeat the object of it, by providing that the Receiver General should not advance any of the money granted by the Act, unless he had money in his hands, for which he had no other use. (See page 58, *ante*.)

6, 7. Thus, my Lord, the matter stands; and your Lordship's recommendation, and the recommendation of three fourths of the Representatives of the people [of Upper Canada], and an object of so much expense and labour and importance, are set aside and defeated by a majority of the Legislative Council, consisting of twelve [or fourteen] persons present, and a majority of whom, whenever the questions of Religion and Education have come before them, have really shown a disposition to leave the inhabitants in total ignorance, rather than that they should be instructed by any other than a high-church agency. . . \*

8. I had hoped that the successive liberal and parental Despatches of His Majesty's Government on Educational and Religious questions, and past experience, would have prevented a repetition of such ultraism on the part of the ruling party in the Legislative Council. I did not even anticipate any opposition whatever from that quarter. But I confess myself most egregiously and painfully disappointed.

9. I herewith enclose two Canadian Newspapers, to which I beg to draw your Lordship's attention. The one, dated 22nd February, 1837, contains the Report of the Select Committee of the Assembly on the subject of the Upper Canada Academy. (See page 52, *ante*.) The other, dated the 1st of March, 1837, contains a report of the debate in the House of Assembly on the passing of the Bill in aid of the said Academy. (See page 107, *post*.)

\* The Members present on the 27th and 28th of February, 1837, when the amendment to the Upper Canada Academy Loan Bill was passed, and assenting thereto were: The Honourable John Beverly Robinson, Speaker, William Dickson, George H. Markland, Alexander McDonell, Zaccheus Burnham, John Elmsley, Augustus Baldwin, James Kerby, James Crooks, T. A. Stewart, J. Macaulay, Philip Van-koughnet, William Allan and Joseph Wells.—14. On the final passage of the Bill, next day, 28th February, 1837, these gentlemen were present and also the Honourable and Reverend Doctor Strachan, 15. It was the Honourable John Elmsley who moved the restrictive proviso to the Bill. See page 108, *post*.

10. Mr. William H. Draper, Chairman of the Select Committee, (on the U. C. Academy Petition), is Member for the City of Toronto, a strict Churchman, and an Executive Councillor. (See page 54, *ante*.) Mr. Henry Rutlan, who brought the Bill into the House of Assembly, is also a Churchman, and is, and has been for many years, Sheriff of the Newcastle District. So likewise are Solicitor General Hagerman, Mr. John Prince and Mr. Ogle R. Gowan, Members of the Church of England. Mr. Malcolm Cameron is a Member of the Church of Scotland—and Mr. Anthony Manahan is a Roman Catholic.

11. To the testimony of these Gentlemen,—to the vote of the House of Assembly, and to the strong language of the Report of the Select Committee, (see page 54, *ante*.) I beg to refer you, in corroboration and confirmation of all that I have stated to your Lordship on this subject; and, in support of our humble applications for relief and assistance.

12. The whole case, which I presume once more to submit to your Lordship's favourable consideration, stands at the present moment as follows:—

*First*.—The demands against the Trustees of the Upper Canada Academy are such as must cause the discontinuance of these its operations, if not the sacrifice of the whole Establishment itself, at the close of the term, ending June next, unless assistance can be obtained. This is positively and affectingly stated in Letters to me from the individuals concerned. They say there is no other alternative before them.

*Second*.—The Upper Canada House of Assembly have, by a very large majority of 31 to 10, expressed a cordial desire to aid the Institution out of the Public Funds of the Province; and the evidence taken before the Select Committee of the House, and put into the hands of each Member before the Bill was passed, together with the Report itself, and the testimony of the various Members who spoke on the subject in the House of Assembly, amply justify your Lordship's former estimate of the value and utility of the Institution;—and to those unbiassed and unquestionable authorities, I refer you for all that I can desire to urge in its behalf.

*Third*.—As the question, [between the Imperial and Colonial Governments,] relating to the Casual and Territorial Revenue, has not yet been disposed of, or even taken into consideration during the recent Session of the Upper Canadian Legislature, that Revenue remains, of course, at the disposal of your Lordship;—and, to apply a portion of it in aid of the Upper Canada Academy, cannot possibly give the slightest offence to the Representatives of the Canadian people, since they have done all in their power to afford the Academy relief and assistance, out of funds which have been placed at their disposal.

#### THE MORE FAVOURED CASE OF UPPER CANADA COLLEGE CITED.

*Fourth*.—The Buildings of the Upper Canada College have been erected from funds at the disposal of the Crown, at an expense of Seventeen Thousand pounds, (£17,000). It is supported each year from the same sources, at an expense of nearly Two Thousand pounds, (£2,000,) and is also endowed with Twenty five thousand acres of land, [afterwards increased to Sixty-six thousand acres]. The Students, including boarders and day-scholars, number one hundred and ten, for which see the Letter of the Reverend Doctor Harris, the highly-esteemed Principal of the College, in the accompanying paper of the 22nd of February, 1837,—also the high recommendation of that excellent Establishment by the Editor of the *Christian Guardian*.

#### THE UPPER CANADA COLLEGE AND THE UPPER CANADA ACADEMY.

The Upper Canada Academy has been thus far promoted by the voluntary contributions of individuals; the course of study for the Students, as appears from the Report of the Select Committee of Assembly, (see page 53, *ante*.) is as extensive as that of the Upper Canada College, with the addition of Lectures.

The Upper Canada Academy is in no respect a rival, but a coadjutor of the Upper Canada College,—educating quite a different class of Students, and contains already, even in the infancy of its operations, eighty Boarders and forty day scholars,—making a total of one hundred and twenty pupils.

The one Institution is under the superintendence of Clergymen of the Church of England;—the other Institution is under the direction of Wesleyan Ministers. The one Institution is equally appreciated with the other by the Upper Canadian House of Assembly, though not so by a majority in the Legislative Council. Surely the one ought not to be left to languish, whilst the other is so abundantly provided for. . . .

#### PERSONAL AND PRESSING APPEAL TO THE COLONIAL SECRETARY.

If your Lordship will reach out the hand of relief in this crisis and extremity of what, I think, I may fairly term Christian and patriotic exertion, the announcement in Canada will

be hailed by tens of thousands, with feelings of inexpressible gratitude and animated encouragement,—whilst the aid afforded will secure the final accomplishment, (to use the language of the Select Committee of the House of Assembly,) of “the greatest undertaking hitherto successfully prosecuted in Upper Canada upon the plan of voluntary contributions alone.” (Page 54, *ante*.)

20 GUILFORD STREET, RUSSELL SQUARE,  
LONDON, 18th of April, 1837.

EGERTON RYERSON.

*Enclosure Number Three: Reply to this Letter by Sir George Grey, Under Colonial Secretary, dated the 25th April, 1837.*

I am directed by Lord Glenelg to acknowledge the receipt of your Letter of the 18th instant, and, in reply, I am to inform you that, in order to prevent the embarrassment to the Upper Canada Academy, which you apprehend, from the proviso introduced by the Legislative Council into the Bill, granting a loan to that Institution, instructions will immediately be sent to Sir Francis B. Head, directing him to advance to the Trustees of the Upper Canada Academy, from the Casual and Territorial Revenue of the Province, the sum intended to have been granted by the Bill in question.

DOWNING STREET,  
LONDON, 25th of April, 1837.

GEORGE GREY.

*Enclosure Number Four: Letter from the Reverend Egerton Ryerson to Sir George Grey, dated the 28th of April, 1837.*

I have the honour to acknowledge the receipt of your letter of the 25th instant, conveying Lord Glenelg's gracious answer to my renewed application in behalf of the Upper Canada Academy.

2. In behalf of the Trustees of that Institution,—of the Wesleyan Conference, and of a large portion of the Inhabitants of Upper Canada, of different classes, and in behalf of myself individually, I thank His Lordship with all my heart for this timely and liberal extension of Royal patronage and support to the Upper Canada Academy.

3. I leave this evening for Upper Canada,\* and doubt not but that the present decision of His Lordship will contribute not a little to strengthen the conviction, cherished by the enterprising inhabitants of that noble Province, in regard to the deep interest taken by His Majesty's Government in their social welfare and happiness.

20 GUILFORD STREET, RUSSELL SQUARE,  
LONDON, 28th of April, 1837.

EGERTON RYERSON.

*Enclosure Number Five: Letter from Sir Francis Bond Head to Lord Glenelg, Colonial Secretary, in reply to his Despatch of the 28th of April, 1837, and dated the 20th of July, 1837.*

I have the honour to acknowledge the receipt of Your Lordship's Despatch, dated the 28th of April, 1837, in which is transmitted to me a copy of a Letter addressed to Your Lordship by Mr. Egerton Ryerson, complaining of the conduct of the Legislative Council, in having,

“At the eleventh hour of the Session, sent a Bill, authorizing a loan of Four Thousand, One Hundred pounds, (£4,100,) to the Trustees of the Upper Canada Academy, back to the House of Assembly, so amended as completely to defeat the object of it, by providing that the Receiver General should not advance any of the money granted by the Act, unless he had money in his hands, for which he had no other use.”

2. Having, as Your Lordship is aware, advanced from the Casual and Territorial Revenue fund the balance necessary for the payment of the War Losses, I had no means of immediately paying to Mr. Ryerson the sum of Four Thousand, One Hundred pounds (£4,100).

3. Nevertheless, being desirous that Your Lordship's wishes should be carried into effect, I have given to Mr. Ryerson such a statement of my intention to advance the money in question, so soon as it can be procured, as will, I am happy to understand from him, enable him easily to obtain the amount from one of the Provincial Banks.

\*On his return to Upper Canada, the Conference, which met at Toronto in June, 1837, passed the following resolution: “That, on the return to this Country of our esteemed Brother—The Reverend Egerton Ryerson,—who has, with so much laborious zeal and untiring perseverance and satisfactory success, accomplished the highly important objects of the Mission, on which he proceeded to England, according to our appointment.—We cannot but request him to accept of the very cordial and affectionate thanks of this Conference; and, at the same time, to record upon our Journals our unanimous conviction that he has thereby, not only simply earned such a tribute of our brotherly gratitude, but has also justly entitled himself to the grateful regards of every genuine friend of Upper Canada.”

4. Having, I trust, thus fulfilled the spirit, although it has not been in my power to obey the letter, of Your Lordship's Instructions, I feel it due to the Legislative Council to explain to Your Lordship that Mr. Ryerson's declarations against that Branch of the Legislature are unmerited and incorrect.\*

5. The impression which Mr. Ryerson's letter to Your Lordship seems designed to produce is, that the House of Assembly, being eager to encourage the Upper Canada Academy, had readily passed a Bill to that effect through their House, and had, in good time, sent it up to the Legislative Council;—that an amendment was there made to the Bill, which was calculated and contrived to defeat it; that the Bill and amendment were purposely kept back, "till the eleventh hour," and then sent down to the House of Assembly, when it was too late to remove any difficulty.

6. The facts are as follows: the Session of the Legislature commenced on the 8th of November, 1836, and ended on the 4th of March, 1837. On the 24th of February, 1837, the Bill for granting aid to the Academy came up to the Legislative Council from the House of Assembly, that is, within the last eight or nine days of a Session of one hundred and sixteen days, and, when the Legislative Council had probably forty, or fifty, other Bills before them.

7. It was read a second time on the 25th of February, 1837,—was discussed in Committee on the 27th, (the 26th being Sunday,) and was amended and returned to the Assembly on the 28th;—On the same day that this Bill was sent up, many other Bills were sent up from the House of Assembly, and, after the 28th of February, 1837, when it was returned, amended by the Legislative Council, I understand that the Assembly sent no less than twenty six Bills, which, with very few exceptions, were passed through the Legislative Council and became law.

8. From the foregoing statement, it is clear—*First*, That the Legislative Council could not have returned the Bill in question early, because it came to them late;—*second*, That the Bill, when it did come up, was passed through all its stages, without delay.†

9. Now, with respect to the merits of the amendment, on adverting to the Acts passed in the last Session, your Lordship will perceive that about a million and a half of money was granted by the Legislature; and, the Province being already in debt, the Acts, generally speaking, provided for raising by loan the moneys required to meet these new grants.

10. The Bill, to which Mr. Ryerson refers, simply granted Four Thousand pounds, (£4,000,) out of the unappropriated monies in the hands of the Receiver General, and made no provision for borrowing the Four Thousand pounds, (£4,000,) on debenture.

11. The Legislative Council knew that, after the grants which the House of Assembly had made, there would not be Four Thousand pounds, (£4,000,) in the Receiver General's hands unappropriated, and, consequently, that if the Bill passed into a Law, either it would be a delusion, or the Receiver-General would be embarrassed by the conflicting demands of persons claiming money granted by several Acts passed on the same day.

\*In his Petition to the House of Assembly, dated the 2nd of February, 1838, the Reverend Egerton Ryerson said, referring to this and other statements of Sir Francis Bond Head, in this Despatch: "Your Petitioner disowns the charges preferred against him, as being unfounded in fact, and unjust in their application." In regard to the Legislative Council he said: "Throughout his Excellency's Despatch to Lord Glenelg, Your Petitioner is represented as hostile to the Legislative Council Branch of the Government, than which nothing can be more incorrect in itself, or unjust to Your Petitioner. Your Petitioner did complain of the proceedings of the Legislative Council, in respect to the Upper Canada Academy Bill; he did complain of the too exclusive character of the views and proceedings of a majority of the Council, on 'subjects of religion and education'; but, in respect to the constitution and general character of that Branch of the Government, Your Petitioner had, to His Excellency's knowledge, defended it with great zeal and earnestness."

†The Reverend Egerton Ryerson's reply, (in his Petition to the House of Assembly of the 2nd of February, 1838, to this part of Sir Francis Bond Head's Despatch,) is as follows:—"In reference to the proceedings of the Honourable the Legislative Council on the Bill in question, Your Petitioner's statement of which has been impeached by His Excellency, Your Petitioner begs to state that the only sources of information in his possession were frankly acknowledged by him, in his Communication to Lord Glenelg, and placed by him in his Lordship's hands. They were the *Christian Guardian* of the 22nd of February, and of the 1st of March, 1837. (See page 104, ante). In regard to the Bill being returned by the Legislative Council, at the 'eleventh hour' of the Session, and the amendments being fatal to the object of it, the Editor of the *Christian Guardian*, [the Reverend Ephraim Evans,] of the 1st of March, 1837, after inserting the amendments, states: These amendments, of course, prove fatal to the Bill. At the present late period of the Session, it can hardly be expected that a new Bill, (which is necessary,) can be originated in the House of Assembly. . . . It is obvious that the 'restrictions' are tantamount to a refusal." And such, Your Petitioner has been given to understand, was the understanding of the amendments by those Members of your Honourable House who took a deep interest in the passing of the Bill. . . . Your Petitioner, from the best sources of information, fully believes that no unnecessary delay attended the passing of all parties concerned, that the effect of the amendments was to defeat the object of the original Bill, whatever may have been the intentions of their framers." (See reference to the Honourable John Elmsley on next page).

12. Under these circumstances the Legislative Council added the following proviso to the Bill :—

" Provided always, nevertheless, that the monies granted by this Act shall not be paid by the Receiver General unless their shall remain in his hands unappropriated monies after the payment of the charges imposed upon the Provincial Revenue, under any Act, or Acts, heretofore passed, and also of any monies granted during the present Session for the support of the civil government, or to defray any charges attending the public Revenue."

13. This precautionary limitation, that, in case there should not be unappropriated money for all the claimants, the charges for the Public Service, voted during the same Session, should be first defrayed, is what Mr. Ryerson, in his Letter to your Lordship of the 18th April, 1837, terms a proviso that the Receiver General should not advance any money granted by the Act, unless he had money in his hands for which he had no other use.

14. I understand that the Archdeacon of York, . . . was not even present when the amendment was framed, discussed, and passed.\*

15. I am informed that he took no part in the Bill, except voting for it, as he did for an Act of Incorporation of a Roman Catholic College, passed in the same Session; that the amendment was framed by the Speaker of the Council, who is a private contributor to the building of the Academy, and who, I understand, strongly advocated in the Council, the expediency of giving to the Institution the public support that had been prayed for.†

16. I feel confident that your Lordship will read with interest, and with satisfaction, the vindication of a Branch of a Legislature which, I respectfully assure your Lordship, requires the firmest possible support, in order to encourage it to continue uncompromising hostility and opposition to the House of Assembly, whenever it may constitutionally be necessary to do so.

GOVERNMENT HOUSE,  
TORONTO, July 20th, 1837.

F. B. HEAD.

*Enclosure Number Six: Despatch from Lord Glenelg, the Colonial Minister, dated the 23rd of August, 1837, in reply to the Letter of Sir Francis Bond Head, dated the 20th of July, 1837.*

I have received your Despatch, of the 20th of July, 1837, reporting the steps which you have taken for advancing the sum of Four Thousand, One Hundred pounds, (£4,100,) to the Upper Canada Academy, and replying to the representations of Mr. Ryerson, relative to the conduct and disposition of the Legislative Council towards that Establishment.

2. I entirely approve of your proceedings on this occasion. You have actually anticipated the feelings, with which I have read the defence of the conduct of the Legislative Council, which your Despatch contains.

3. I cannot suppose it possible that Mr. Ryerson's misstatement of the fact could have been intentional; but, as he was not in the Province when the discussion in question occurred, I have no doubt that he was misled by erroneous information.

4. It is at all times my anxious endeavour to exercise the utmost vigilance against the admission of any statement injurious to any of the authorities of the Province, without subjecting it to the most rigid scrutiny; and I feel that such a suspension of my judgment can never

\* The Archdeacon of York was not present when the amendment was first proposed; but he is reported in the Minutes of the Legislative Council as present on the 28th of February, 1837—the day on which the Bill, as amended, was "passed."

† In his Petition to the House of Assembly of the 2nd of February, 1838, the Reverend Egerton Ryerson thus refers to the Honourable John Beverley Robinson, Speaker of the Legislative Council:—"The name of the Honourable, the Speaker of the Legislative Council has been introduced by His Excellency in a manner calculated to implicate the integrity of your Petitioner. What passed between Lord Glenelg and your Petitioner relative to the part which that Honourable Individual took in the affair is as follows:—Your Petitioner directed his Lordship's attention to the following editorial paragraph in the *Christian Guardian* of the 8th of March, 1837: 'As we were not present when the Bill was under discussion, we are unable to say anything from personal knowledge on the part taken in it by honourable Members respectively. We understand, however, that the amendments were moved by the Honourable John Elmsley, who spoke at considerable length, in a strain as disrespectful towards the Methodists, as it was discredit to himself. The Honourable the Chief Justice, (the Speaker,) replied in opposition to the amendment, and in favour of the Bill, but the amendment was carried, and the Bill, of course, destroyed' . . . On the morning of the day I received the *Christian Guardian* of the 8th of March, —as I stated in my letter, published in that paper of the 5th of July, 1837, . . . I availed myself of the opportunity to direct his Lordship's attention to the editorial paragraph in the *Christian Guardian*, in which it was stated that the Honourable Chief Justice Robinson—the Speaker—advocated the Bill. I observed, at the time, that the opinion of the Chief Justice was of more importance on such a subject, and would have more influence in the country than that of any majority which could be arrayed against him. . . ."

be more imperatively required than when charges are made, tending, in any degree, to detract from the respect and confidence so justly due to that Branch of the Canadian Legislature.

DOWNING STREET,  
LONDON, 23rd of August, 1837.

GLENELG.

CORRESPONDENCE BETWEEN THE REVEREND EGERTON RYERSON AND SIR F. B. HEAD, RELATIVE TO THE GRANT TO UPPER CANADA ACADEMY.

1. *Letter from the Reverend Egerton Ryerson, to the Lieutenant Governor's Secretary, dated the 30th of June, 1837.*

Having been informed by His Excellency, the Lieutenant Governor, that, on account of recent extraordinary appropriations out of the Casual and Territorial Revenue, there are, at present, no available funds from that source to enable His Excellency to give effect to the Instructions of Lord Glenelg, His Majesty's Principal Secretary of State for the Colonial Department, relative to the Royal Grant of Four Thousand, One Hundred pounds, (£4,100,) for relief and assistance to the Trustees of the Upper Canada Academy, I have conferred with the Bank Directors, as to the probability of obtaining accommodation from the Bank, by payment of interest, upon the assurance of His Excellency's willingness to promote the wishes of His Majesty's Government, as soon as practicable, without doing injustice to the permanent charges on the said Revenue. I have been given to understand by the Bank Directors, that they are quite willing to accede to our wishes upon that ground.

I beg, therefore, most respectfully, to solicit from His Excellency the favour of being informed of His Excellency's intentions, on the subject of the Royal Grant in question.

CITY OF TORONTO,  
30th of June, 1837.

EGERTON RYERSON.

2. *Reply to the foregoing letter, by Sir Francis Bond Head, to the Reverend Egerton Ryerson, through Mr. Secretary Joseph, dated the 3rd of July, 1837.*

Having laid before His Excellency, the Lieutenant Governor, your Letter of the 30th ultimo, desiring to be informed of His Excellency's intentions on the subject of the Royal Grant of Four Thousand, One Hundred pounds, (£4,100,) for the relief and assistance of the Upper Canada Academy, I am commanded by His Excellency to inform you, that, owing to recent extraordinary appropriations out of the Casual and Territorial Revenue, there are at present no available funds from that source to enable His Excellency to give effect to the Instructions which he has received on the subject, from Lord Glenelg, His Majesty's Principal Secretary of State for the Colonies; but, that it is his desire and intention to carry into effect the wishes of His Majesty's Government, as soon as it may be practicable, without doing injustice to prior claims on those funds.

GOVERNMENT HOUSE,  
TORONTO, 3rd of July, 1837.

J. JOSEPH.

NOTE. One half of the Imperial Grant was paid under Sir F. B. Head's Warrant in November, 1837—page 103. Subsequently correspondence took place between the Lieutenant Governor's Secretary and the Receiver General's Department, which is not necessary to be inserted here. (See next page.)

3. *Letter from the Reverend Egerton Ryerson to Mr. Secretary Joseph, dated January the 21st, 1838.*

In pursuance of your kind suggestion in this morning's conversation, on the subject of the moiety of Two Thousand and Fifty pounds, (£2,050,) due of the Royal Grant to the Upper Canada Academy, I waited upon the Receiver General, (The Honourable John Henry Dunn)\* and was given to understand by him, that there are funds in his hands upon which he knows of no claim prior to that of the Upper Canada Academy.

\* The following Note was addressed by the Honourable John Henry Dunn, Receiver General, to Mr. Secretary Joseph, on the 23rd of January, 1838—"Mr. Ryerson wishes to know for your information if a Warrant can issue on the Territorial Fund. I beg to say that I have sufficient in my hands to meet Mr. Ryerson's claims, and all other demands that I am aware of." For reference to the Honourable John Henry Dunn, see page 276 of the First Volume of this Documentary History.

2. The Reverend Anson Green, Treasurer of that Institution, has just come to the City, in order to obtain some relief and assistance to pay debts, which have been long due, and the payment of which cannot be longer delayed, without serious injury to all parties concerned.

3. The Managers of the Institution are really distressed, from not being able to meet just and pressing demands against them, on account of the unexpected and protracted delay which has, from occurrences which they could not foresee, attended the payment of the grant so graciously made by His late Majesty in April last, (1837).—See Despatch of Lord Glenelg on page 103.

4. I, therefore, most humbly and earnestly pray, that His Excellency would have the goodness to issue the necessary Warrant for the remaining moiety of the grant, and thereby confer a lasting benefit upon the Upper Canada Academy, and a great favour upon its Managers and friends.

TORONTO, 21st of January, 1838.

EGERTON RYERSON.

NOTE. No reply is on record as having been received to the foregoing Communication.

4. Letter of the Reverend Egerton Ryerson, to Mr. Secretary Joseph, dated the 25th of January, 1838.

According to your suggestion, made yesterday morning, the Reverend Anson Green and myself called upon Mr. C. A. Hagerman, the Attorney General, and were alarmed and grieved to learn that the ground of objection and delay, in respect to the payment of the remaining moiety of Two Thousand and Fifty pounds, (£2,050,) of the grant of His late Majesty King William the Fourth, to Upper Canada Academy, has been entirely changed, and is now such as has never before been hinted at to us, although I delivered to His Excellency the instructions of Her Majesty's Secretary of State on the subject in June last, (1837).

2. I beg to recapitulate the facts of this painful affair for His Excellency's consideration: In the winter of 1836-7, a Select Committee of the House of Assembly recommended a grant in aid of the Upper Canada Academy.—Debates took place in that House, principally in reference to a Grant, though the Bill, which was passed by the House of Assembly, was only for a Loan. The Legislative Council amended the Bill, so that it was never taken up again by the House of Assembly, consequently there was no Bill agreed to by both Houses on the subject.

3. On the arrival of the intelligence of these proceedings in England, I laid them before Lord Glenelg, Her Majesty's Secretary of State for the Colonies. A copy of my communication on the subject, dated the 18th of April 1837, was enclosed by Lord Glenelg to His Excellency Sir Francis Bond Head, (see page 103, *ante*). Upon the strength of my representation, and the Report of the Select Committee, and the debates of the House of Assembly, His Lordship instructed His Excellency, the Lieutenant Governor, to advance the sum of Four Thousand, One Hundred pounds, (£4,100,) out of the Crown (Casual and Territorial) Revenue, to the Trustees of the Upper Canada Academy. Whether Lord Glenelg intended it as a loan, or a free grant is a matter between the Trustees of that Institution and Her Majesty's Secretary of State for the Colonies.

4. In Sir George Grey's answer to myself, (dated the 25th of April, 1837. See page 106, *ante*) which I showed to His Excellency, and in Lord Glenelg's instructions to His Excellency, (dated the 28th of April, 1837. See page 103, *ante*) with the perusal of that which relates to the payment of the grant, His Excellency favoured me, it is simply stated that His Excellency is instructed to advance the amount of the grant, without the least mention, from beginning to end, that he is to exact security of the Trustees, for the repayment of it, at the end of four years, or ten years.

5. That this was the understanding of His Excellency, is clear, not only from what passed at various interviews, but from your Letter addressed, by His Excellency's direct on, to the Receiver General, dated, the 16th of August last, (1837,) and the Receiver General's answer of the 17th of that month, (with the perusal of both of which you favoured the Reverend Mr. Green and myself.)\*

6. From your Letter it is clear:—

*First*, That His Excellency had received Royal Instructions to pay Four Thousand, One Hundred pounds, (£4,100,) to the Trustees of the Upper Canada Academy.

\*The letter to the Receiver General was to enquire whether he was "able to meet the demand for Four Thousand, One Hundred pounds, (£4,100,) or any part of it." The reply of the Receiver General was in the negative; but he stated that his Office would "not fail to report to the Lieutenant Governor, the moment it may be enabled to meet His Excellency's wishes."



*Second*, That the only obstacle to His Excellency's immediate fulfilment of the benevolent intentions of Her Majesty's Government, was the want of funds at the disposal of the Crown.

*Third*, That, as soon as the Receiver General should report funds sufficient, the Warrant would be forthwith issued for the payment of the amount.

7. Accordingly, when the Receiver General afterwards reported that there were funds sufficient to pay part of the amount, His Excellency issued his Warrant for the payment of Two Thousand and Fifty pounds (£2,050) (page 103, *ante*). During all this time not a word was said to any of the parties concerned about security for re-payment.

8. It will also be in his Excellency's recollection, that, after the payment of the first Two Thousand and Fifty pounds, (£2,050,) when subsequently applied to for a Warrant upon the Receiver General for the remaining Two Thousand and Fifty pounds, (£2,050,) of the grant, His Excellency, at different times, informed the Reverend Joseph Stinson, the Reverend Ephraim Evans and myself, that he had given the Receiver General all the directions and authority which were necessary to pay the sum the very moment that Officer might have Crown Funds in his hands to do so; and, on the Receiver General's repeatedly declining to advance it without a Warrant from His Excellency, you stated, on Monday morning of the 22nd of January, instant, to the Reverend Anson Green and myself, that the Receiver General must report that there were funds in his hands sufficient to pay it, before the Warrant could be issued.

9. We immediately waited upon the Receiver General, and were authorised to inform you in reply, that there were funds. You then informed us that the Receiver General must report that there were no claims upon the fund prior to that of the Upper Canada Academy. We again waited upon the Receiver General, and were authorized to inform you that he was prepared to report, should His Excellency desire it,—that he knew of no claims upon the fund prior to that of the Upper Canada Academy. You then directed me to commit what we had stated to writing, and you would inclose it to the Receiver General for his report. I sent you the statement in writing on the same afternoon, and the Reverend Mr. Green and myself called upon you again on Tuesday afternoon to inquire if the Warrant could now be issued, when you showed us, in reply, the Letter addressed by you to the Receiver General, on the 16th of August last, (1837) together with his reply, of the 17th of that month, and informed us that His Excellency was waiting for the report of the Receiver General there referred to; and that at the moment of receiving that report, His Excellency would issue the Warrant for the amount. We forthwith waited upon the Receiver General, when he addressed a note to you, on the 23rd of January instant, (see note on page 109, *ante*,) informing His Excellency that he had funds in his hands to meet the claim of the Upper Canada Academy and all other demands that he knew of. His Excellency then informed Mr. Green,\* who delivered the note, and who waited His Excellency's commands at your request, that he must lay the subject before His Executive Councillors, who, it seems, have referred it to Mr. C. A. Hagerman, the Attorney General, for his opinion,—as to the expediency of requiring security from the Trustees of the Upper Canada Academy for the repayment of the Grant; and as to the expediency of bringing the question under the consideration of the House of Assembly.

10. Now, I must most respectfully submit, and solemnly protest, against any one, or more, Executive Councillors interposing between Her Majesty's Government and the accomplishment of this benevolent object.

11. The grant has been made, and is payable, out of funds at the disposal of the Crown, independently of the Executive Council. The instructions of Her Majesty's Secretary of State for the Colonies were not given to the Council.

12. It is, I submit, with Her Majesty's Government, and with Her Majesty's Government alone, to demand at any time, or not, the repayment of a part or the whole of the grant to the Upper Canada Academy,—although I am prepared to state, in any form, that I inquired particularly of Lord Glenelg and Mr. [afterward Sir James] Stephen, three days before the official answer of Sir George Grey was dated, whether this gracious compliance with my application was to be a loan, or a grant, and was informed in reply that it was a grant; that, though the House of Assembly had passed a Bill for a loan only, the case was so clear and strong, that they thought the Trustees of the Upper Canada Academy really ought to have a grant.

13. The rough draft of Lord Glenelg's official answer, by Sir George Grey, was shown to me, before its final adoption, in which it was stated that His Lordship would direct the Lieutenant Governor to advance, if necessary, the amount intended to have been loaned by the Assembly's Bill. At my request, the words "if necessary" were struck out, and the answer was made positive.

\*See the Reverend Anson Green's remarks on this interview with His Excellency on page 114, *post*.

14. I mention these circumstances, to show, as far as my information and testimony may have weight, what must have been the intentions of the Home Government in the matter.

15. If I had thought that a more full, satisfactory, and simple answer could have been given by Lord Glenelg, I have not the slightest doubt but that I could have had it.

16. The entire silence of the Home Government on the subject of security for the repayment of the grant,—the actual issue of a Warrant of His Excellency in November, 1837, for Two Thousand and Fifty pounds, (£2,050,) without the intimation of such security,—and the facts of the whole case, in support of every one of which ample evidence can be adduced, show, I submit, beyond a doubt, what were the intentions of Her Majesty's Government, and what has been His Excellency's own understanding of them from the beginning.

17. I do, therefore, protest against the interference of Executive Councillors in the matter. I do not wish, on the one hand, to see the Upper Canada Academy crippled, if not ruined, by such a proceeding,—nor, on the other hand, to be involved in collision with Members of the local Executive before Her Majesty's Government.

18. I, therefore, entreat once more, that His Excellency will again take the whole case into his consideration, and issue the requisite Warrant for the payment of the remainder of the grant.

TORONTO, 25th of January, 1838.

EGERTON RYERSON.

5. *Reply to the foregoing Letter by Sir Francis B. Head, through Mr. Secretary Joseph, dated the 26th of January, 1838.*

Having laid before His Excellency the Lieutenant Governor your Letter of yesterday, soliciting His Excellency to issue his Warrant on the Receiver General for the advance of the remaining moiety of the sum of Four Thousand, One Hundred pounds, (£4,100,) in aid of the Upper Canada Academy, I am directed by His Excellency, in reply, to acquaint you, that it is his intention, in compliance with the instructions of Lord Glenelg, to lay before the Legislature copies of the Communications which have taken place between the Secretary of State and himself, on the subject of the Upper Canada Academy.

2. These Communications will be accompanied with the information requisite for placing the Legislature in possession of the transactions which have taken place in carrying into effect Lord Glenelg's intentions in favour of that Institution.

3. When His Excellency, in November last, (1837) issued his Warrant on the Crown Revenue, for such a portion of the Four Thousand, One Hundred pounds, (£4,100,) as the fund was able to meet, consistently with prior claims, it was in the erroneous supposition that Lord Glenelg had directed the advance to be made as a grant,—an error into which His Excellency had been led by your having, both in your personal interviews and your written Communications, invariably spoke of the aid granted to the Upper Canada Academy, not as a loan, but as a grant; and His Excellency, having no reason to doubt your accuracy, acted on that supposition; and, it was not till his attention was yesterday more particularly directed to the terms of Lord Glenelg's Despatch (of the 26th of April, 1837. See page 103, *ante*), that he perceived that, by misconstruing the intention of the Secretary of State, you had unconsciously misled him.

4. It appears, therefore, to His Excellency, that, as the money he was directed to advance was, in fact, a loan from the Crown Revenue, made with a view to carry out the spirit of the measure which had met with the concurrence of the House of Assembly, it becomes his duty to lay the subject forthwith before the Legislature.

5. His Excellency, therefore, directs me to inform you that he must decline to make any further advance from the Crown Reserves, until the subject shall be under the consideration of the Provincial Parliament.

GOVERNMENT HOUSE,  
TORONTO, 26th of January, 1838.

J. JOSEPH.

7. *The Reverend Egerton Ryerson's Reply to the foregoing Letter, dated the 27th of January, 1838.\**

I have the honour to acknowledge the receipt of your Letter of the 26th instant, conveying His Excellency's answer to my application respecting the issuing of his Warrant for the re-

\*This Letter and the reply to it, were communicated to the House of Assembly by Message from the Lieutenant Governor, on the 6th of February, 1838, in connection with his previous Message of the 27th of January, 1838.

remainder of the grant to the Upper Canada Academy, and beg to say in reply, that I delivered to His Excellency Lord Glenelg's Instructions on the subject within an hour after my arrival from England; that His Excellency read them, and then desired a day to consider them.

2. I waited upon His Excellency the following day, when he expressed his ardent wish to give immediate effect to Lord Glenelg's Instructions, but stated the reasons of His inability to do so,—want of funds. Then, and not till then, did any conversation, to the best of my recollection, take place on the subject of the grant; but that conversation had reference to the proceedings of the Local Legislature, His Excellency, endeavouring to convince me that I had an erroneous view of the intentions of the Legislative Council in relation to the Upper Canada Academy Bill.

2. On my immediately referring to Sir George Grey's answer to my application, (dated the 25th of April, 1837; page 106, *ante*.) His Excellency expressed a desire to see it. A day or two afterwards, I shewed it to His Excellency; upon which he remarked that it left him no discretion, but to advance the amount, as soon as he had it at command, which it was his wish to do. Then reading a part of Lord Glenelg's Instructions, (dated the 26th of April, 1837; page 106, *ante*.) His Excellency observed that they did leave him "a loop hole," (to use His Excellency's own phrase,) if he chose to avail himself of it; but that it was quite clear from Sir George Grey's letter that he had no discretion in the business. His Excellency has, at various times, repeated this statement, in almost every form of speech, to the Reverend Messieurs Joseph Stinson and Ephraim Evans, as well as to myself.

3. At the same interview, in which I showed His Excellency Sir George Grey's letter, His Excellency assured me that, though he thought Lord Glenelg had not treated the Legislative Council well in the business, yet he would not delay the fulfilment of His Lordship's instructions on that account, but would give effect to them as early as possible. I must, therefore, disclaim all responsibility in either leading, or "misleading," His Excellency, in his understanding of Lord Glenelg's instructions.

4. I submit that His Excellency's reading, and re-reading, of Lord Glenelg's instructions, and twenty-four hour's consideration of them, with his acknowledged acuteness of understanding, and his subsequent perusal of Sir George Grey's Letter, was ample to an unbiassed interpretation of His Lordship's benevolent intentions. How any casual observations of mine with a view to "mislead" His Excellency,—a thought which never entered my breast,—could have let him into so egregious an error, in connexion with such Documents and facts, is, I confess, beyond my comprehension, even upon assumption that I had made observations of that character.

5. I think it just also to observe, that, when I published in the *Christian Guardian* of the 5th of July, 1837, four weeks after the delivery of Lord Glenelg's instructions to His Excellency,—the Communications between Her Majesty's Government and myself on the subject, I made not one word of comment upon them. I made some observations on the proceedings of the Legislative Council; but simply observed, in reference to the Documents—"I transmit for insertion in the *Christian Guardian* the conclusion of my correspondence with His Majesty's Government on the subject of the Upper Canada Academy."

The impression, therefore, of the public, in relation to this affair, was derived from reading the official Documents themselves.

6. I have, indeed, always spoken of the aid given by Her Majesty's Government as a grant, because I so understood it in my interviews with Lord Glenelg and Mr. (afterwards Sir James) Stephen, as stated in my Letter to you of the 25th instant, (page 110, *ante*), because Sir George Grey's Letter made no allusion whatever to that aid being suspended upon the compliance of the Trustees with certain conditions, and because that Letter itself was worded in accordance with my own wishes,—I, not suspecting, for one moment, that legal skill was hereafter to be employed in the matter, to the disadvantage of the Institution, and to the disparagement of that liberality which best comports with the dignity of the British Crown. I most respectfully repeat, that it is a circumstance, I believe, without precedent in the annals of British Colonial History, for a Governor to derive his views of the instructions of the Secretary of State for the Colonies from a private Individual, instead of from the Royal written instructions before him:—views, too, essentially at variance with his instructions,—and especially when, in the very nature of things, he must have read those instructions before he had any conversation with that Individual, and, without the perusal of which instructions, he could not possibly have known the special object for which that Individual had waited upon him,—had waited upon him also within an hour after his arrival in the country, and had arrived two days before the mail, so that information of his object could have been derived from no other source than the very Despatches which he then delivered, and which were read and considered twenty-four hours before there was any expression of opinion respecting them.

7. I must, therefore, decline the honour and responsibility of directing His Excellency's understanding of Lord Glenelg's instructions from the 9th of June last (1837), until the day be-

fore yesterday morning, when, by the note addressed from the Government House to the Attorney General, it appears that, "one or two (Executive) Councillors" thought that Lord Glenelg's instructions might be interpreted as a "loan," as well as a "grant," although it is known that the people of Upper Canada have been appealed to, and (Executive) Councillors have been dismissed by His Excellency, because they insisted upon giving their advice in other than land matters.

8. Nor do I think it foreign to the present subject to remark, that, during my stay of eighteen months in England. I did, to the best of my humble ability and judgment, and at the expense of much personal inconvenience, bestow diligent attention on matters of importance to the interests of the Province, as has been acknowledged by many competent judges.

9. The spontaneous exertions of the general Methodist Body, under whose auspices the Upper Canada Academy has been established, during a most eventful crisis of our Provincial history, have been such as to render the present attitude of His Excellency and certain Executive Councillors as unexpected, as it is undeserved,—an attitude, it will be remembered, assumed since the announcement of His Excellency's retirement from the Government of this Province, and since the publication by Ministers of the Wesleyan Methodist Church of a feasible, but, in some quarters, not popular plan for settling the Clergy Reserve Question,—an attitude, the object of which cannot be mistaken, whatever may be the reasons assigned for it, and under whatever professions of regard for the interests of that Institution, it may be assured.

10. And the present course adopted by His Excellency will appear still more extraordinary, when it is recollected, that his capital error in the interpretation of Lord Glenelg's Instructions was not discovered, nor the advice of Executive Councillors called for, until after I had succeeded in removing every variety of previous objection which had been urged against issuing the requisite Warrant upon the Receiver General, and even after His Excellency had, some weeks since, assured two respectable gentlemen,\* beside myself, that he had, even at that time, given the Receiver General every necessary authority to pay the amount, without any further instructions, or the issue of a Warrant.

11. Having thus vindicated myself from the unexpected, and very extraordinary, imputations involved in your Letter, I have only further to observe, that I shall, as in duty bound, appeal to Lord Glenelg himself for the interpretation of his benevolent intentions, although, in the mean time, at the close of the present term, the operations of the Upper Canada Academy must be suspended, until his Lordship's pleasure shall have been obtained. (See next page.)

TORONTO, 27th of January, 1838.

EGERTON RYERSON.

8. Reply of Sir F. B. Head through Mr. Secretary Joseph, to the foregoing Letter, dated the 30th January 1838.

I have the honour to acknowledge the receipt of letter of the 27th instant, which I have laid before His Excellency, the Lieutenant Governor.

1. His Excellency, in reply, desires me to inform you that all you state as having transpired at your first interview with him, on your return from England, is correctly detailed; and His Excellency, having no other desire than to carry into effect Lord Glenelg's instructions, would, without hesitation, have then paid to the Trustees of the Upper Canada Academy the whole of the sum directed to be advanced, had the fund, on which the Warrant was to issue, admitted of that disbursement,—conceiving, as he did, that the advance was to have been made as a grant.

2. His Excellency, up to the date of your application of 21st instant, and, indeed, up to the present moment, had, and has every disposition, to comply with the request of the Trustees for the advance of the remaining moiety of the sum in question; but, on his attention having been particularly directed to the terms of Lord Glenelg's Despatch, (as I mentioned to you in my letter of the 26th instant), he perceived that he had hitherto been in error.

3. It, therefore, became imperative on His Excellency to lay the subject before the Legislature; and, it is, with regret, that he perceives that his having so done is regarded by you as a

\*The Reverend Messieurs Joseph Stinson and Ephraim Evans. The Reverend Anson Green also in his *Life and Times*, (published in 1877, under date of January 1838 said "When I, as Treasurer (of the Upper Canada Academy,) applied (to Sir F. B. Head) for a Warrant for the balance (due the Academy), he assured me that he would give it as soon as there were funds. When the Receiver General authorized me to say, he had plenty of funds, the Lieutenant Governor said that he must have it in writing. When I handed him the Receiver General's written assurance that he had funds to pay us and all other demands upon him, he told me that he must consult his Attorney General, and, if he said all was right, he would pay it over; but, when that Officer assured him that all was right, he then informed me that he would have to consult his Parliament, before he could give me the Warrant. I then went to the Parliament House, and found the Members on both sides prepared to say that it should be paid at the earliest possible moment, and they immediately passed a Resolution to that effect." Page 216.

proceeding adopted with a view to embarrass the benevolent intentions of Lord Glenelg, or to cripple the exertions of the Trustees of the Upper Canada Academy.

4. The feelings which His Excellency entertains towards the great Body of the Wesleyan Methodists throughout the Province, would, at all times, induce him to give his support to their praiseworthy endeavours for promoting the religious and moral education of the youth of Upper Canada.

GOVERNMENT HOUSE,  
TORONTO, 30th January, 1838.

J. JOSEPH.

NOTE. This ended the Correspondence with Sir F. B. Head, who left Canada in March, 1838. Sir George Arthur succeeded him on the 28th of that month.

9. Letter from the Reverend Egerton Ryerson to Lord Glenelg, the Colonial Minister, dated Kingston, the 8th of March, 1838.

It becomes my duty to enclose for your Lordship's perusal and consideration, the accompanying Documents, relative to the Upper Canada Academy, printed by order of the House of Assembly.\* To these officially printed Documents, is added, unofficially, an Appendix, which contains the proceedings of the Legislative Council, and of the House of Assembly, relative to those Documents. . . . It will be a source of regret to your Lordship, that your benevolent intentions, (in regard to the Upper Canada Academy,) have been so greatly retarded, and partially defeated; and that we have had to contend, publicly and privately, to prevent the whole matter from being wrestled out of your Lordship's hands.

The object of the appeal, which I, at present, have the honour, and am required, to make to your Lordship, is explained at large in my Petition to the House of Assembly,—especially in the first and last paragraphs. It is, in brief, to obtain your decision as to whether the aid, graciously granted by your Lordship to the Trustees of the Upper Canada Academy, is to be regarded as a free grant, or a loan. His Excellency, Sir Francis Bond Head, has lately adopted the latter view. . . . On the contrary, I have held and advocated the former view . . . and the opinion of the Select Committee of the House of Assembly on the subject [is, that it is a matter entirely between the Home Government and the Managers of the Upper Canada Academy]. . . . (See pages 121 and 123, post.)

I have (in my Petition) referred to what I understood from your Lordship it was to be, and from Mr. (afterwards Sir James) Stephen, I beg leave, if perchance it has escaped your Lordship's recollection, to refer to Mr. Stephen, whose remembrance will probably be refreshed by the following circumstance; that when I manifested some solicitude as to whether the aid to the Upper Canada Academy was to be a loan, or a grant, he pleasantly remarked, that for two pence, he would be my security on that point.

Submitting this subject to your Lordship's favourable consideration, without any further remark, I beg respectfully to solicit your kind attention to several other topics connected with this matter.

*First.* (Wesleyan Methodist Loyalty.—Not material to the Upper Canada Academy question.)

*Second.* The second topic, to which I would beg your attention is the enlightened and parental instructions which have been issued by your Lordship, and by your Lordship's predecessors, in regard to the promotion of the religious and educational interests of the inhabitants of this Province. . . .

*Third.* The third topic to which I humbly pray your Lordship's most gracious consideration, . . . is, the propriety, and expediency, of authorizing an annual appropriation in aid of the Upper Canada Academy, as the Casual and Territorial Revenue is still at your Lordship's disposal. The reasons for this are as follows:—

*First Reason,* (Large Grants to other Churches.—Not material to the Upper Canada Academy question).

*Second.* The peculiar and unparalleled exertions of the Wesleyan Methodist Church in the establishment of the Upper Canada Academy, and the real and prospective usefulness of that Institution to the Province. On these points I have heretofore dwelt in my Communications to your Lordship. In confirmation of what I had stated, I referred your Lordship last year to the Report of a Select Committee of the House of Assembly (in regard to the Academy). At the end of another year, I am happy to be able to refer your Lordship to a Second Report and Address adopted, *nemine contradicente* by that House on the same subject. I believe the character and claims of no Institution ever underwent a more rigid scrutiny than did those of the Upper Canada Academy; and, yet, I can now appeal to you, whether every word that I have uttered to

\*Petition of the Reverend Egerton Ryerson to the House of Assembly and accompanying Documents, etc., pages 78, Toronto, 1838. Printed by Order of the House of Assembly.

your Lordship, even under the influence of the most deeply interested feelings, is not more than borne out (by these Reports,) and by the repeated investigations and testimony of the House of Assembly on the subject.

*Third.* A third reason is, that Her Majesty's Government has granted, and continues to grant unconditionally, One Thousand pounds, (£1,000,) a year to Upper Canada College, besides a landed endowment of 66,000 acres, and other public aid. Five Hundred pounds (£500,) a year to the Upper Canada Academy, with what we can raise by private subscription, will enable us to procure Philosophical Apparatus, and employ Lecturers on the several branches of Science taught in the Institution,—make up the present deficiencies in its receipts, and, in all respects, make it worthy of its name, and the patronage it has received.

*Fourth.* The cordial concurrence of the House of Assembly in the "often repeated determination of Her Majesty's Government, (as expressed by your Predecessor,) to make a very liberal appropriation for the important object of maintaining suitable establishments for the education of the youth of this Province." The whole of the accompanying papers relative to the Upper Canada Academy, will serve to show that patronage and support to such objects,—granted by Her Majesty's Government,—gives it vastly more moral influence over the public mind here, than even if the very same support originated in any local quarter. I think that, as a mere matter of state policy, it is worthy of serious attention, that such sources of legitimate and popular power in the Province should be held and employed by Her Majesty's Government itself. This subject has been more deeply impressed upon my own mind, by the occurrences of the last few weeks; by the Message of Sir F. B. Head to the Legislature, announcing his removal from the Government and the Province. . . . A disposition has been strongly manifested to erect a local Executive influence, in contradistinction to that of Her Majesty's Government. I know that the object contemplated is to establish certain persons here in the more exclusive and absolute possession, and exercise of executive power, and to extort a recognition of it from Her Majesty's Government. But the simple circumstance of the Members of any Provincial Executive assuming such an attitude . . . evinces, I think, the importance of what is here suggested, and what I took the liberty to suggest to your Lordship in private Letters, which I addressed to you about a year since, when I was in London.\*

*Fifth.* I beg, in the next place, your Lordship's attention to the fact that no Institution, such as the Upper Canada Academy, can be efficiently supported from the mere fees for board and tuition, without annual aid, either by voluntary subscriptions, or from public appropriations. The Upper Canada College, and every District (Grammar) and Common School in the Province, affords an illustration of the truth of this remark. I stated this at length in my Correspondence with your Lordship on the subject of the Academy, while in England; and to secure such assistance was doubtless one object of your Lordship's gracious Despatch of the 26th July, 1837,† of the benefit of which His Excellency, Sir F. B. Head, had deprived us until the other day, and, to which Despatch, I have reason to believe, we are greatly indebted for the unanimity of the House of Assembly in behalf of the Academy.

*Sixth.* The last reason which I will mention is, the difficulty, if not impossibility, of getting any thing of the kind through the Legislative Council. This, my Lord, is the fact, after all that has been said by Sir F. B. Head to prove that my "declarations" of complaint, on this point, were "incorrect." The facts given in my Petition and the accompanying papers, will amply satisfy your Lordship that I was perfectly correct as to the only important point,—namely, the effect of the proviso introduced into the Bill to aid the Upper Canada Academy, (while under the consideration of the Legislative Council). Indeed, the Honourable Chief Justice Robinson, (Speaker of the Council,) told me the other day that the Bill would have been rejected by the Council had it not been for the proviso,—that the proviso was introduced, in order to avoid the offence which a total rejection of the Bill might give; but, at the same time, with a perfect knowledge, (as he stated, when the Bill was under discussion,) that it would afford no relief to the Academy, as there was a deficiency in the Revenue to meet the ordinary claims upon it. When the object was referred to a Select Committee of the Council this year, I addressed the Chairman of the Committee in the most frank and courteous manner.‡ Every opportunity was thus afforded the Council to express an opinion in favour of aiding the Upper Canada Academy, if it were not hostile to such a measure. But, although by writing, and, afterwards, by personal interview, I succeeded in inducing the Committee not to take up the differences between the

\*In this part of his Communication to Lord Glenelg, the Reverend Doctor Ryerson went on to say:—

"I will, however, here remark, that it can be proved beyond successful contradiction, that so far from the liberal Despatches and concessions of the Imperial Government of late years having encouraged insurrection and democracy in this Province, that, had it not been for those Despatches and concessions, Upper Canada would not have been at this hour a possession of Great Britain."

†See page 103, ante.

‡i. e. the Honourable James Godon. See pages 66-70 of the Petition of the Reverend Egerton Ryerson and other papers in this case, printed by order of the House of Assembly, 1838.

Lieutenant Governor, the Council and myself, yet, not the slightest opinion in favour of aiding the Academy, was expressed by the Committee, or by the Council. On the other hand, I was informed by Mr. Henry Ruttan, the Chairman of the Committee of the House of Assembly on the subject of the Academy, that the loan proposed last year would have been a grant, had it not been for the strong opposition of Mr., (now Mr. Justice Jonas,) Jones;—but it was the unanimous intention of that Committee to get it converted into a grant at another Session; and your Lordship will perceive, (from the Report of the Committee of the Assembly,) that there will be no difficulty, by formal petition, to obtain the vote of that Branch of the Legislature in favour of an annual appropriation to the Academy; but I really see no prospect of succeeding in the Council.

To avoid then these local collisions and embarrassments, and for the other more weighty reasons assigned, I am induced to submit the whole matter to your Lordship. It was proposed that the Trustees of the Academy, as a body, should petition your Lordship, and that I again should proceed to London on the subject; but, to that proposal, I could not consent; nor did I think your Lordship would require it. Therefore, in accordance with my suggestion, they left the matter with me to address your Lordship in this manner, for the following, as well as for the reason just assigned.

1st That the answer of your Lordship would obviously be based upon, or arise from the examination of the Report and Address of the House of Assembly itself, the Royal liberality would, therefore, appear in the Country as a spontaneous exercise, and a great additional moral influence—and could give no offence to the Legislative Council, or be construed into a slight upon that Branch of the Local Legislature, as the Upper Canada College has been endowed by Royal authority in the same manner.

Before concluding this Communication, I beg to say a word or two in respect to myself. . . Your Lordship in your Despatch of the 23rd August 1837, (Page 108, *ante*), did me an act of justice, for which I feel truly grateful, in stating that you conceived it possible to make an "intentional" "misstatement," in respect to the proceedings of that Council. The accompanying papers, contain ample evidence that my statement was substantially and morally correct, as well as in accordance with the information I had received.

In conclusion, I beg to repeat, that the two points respectfully submitted by the Trustees of the Upper Canada Academy and myself to your Lordship's favourable consideration are:—1. The right in which the grant to the Upper Canada Academy of Four Thousand, One Hundred pounds, (£4,100,) is to be viewed, either as a free grant, or as a loan? 2. An annual appropriation in support of the Upper Canada Academy\*.

EGERTON RYERSON.

KINGSTON, 8th of March, 1838.

NOTE. There is no record, or other evidence, among Doctor Ryerson's papers, which he left with me, that an answer was received by him to this Communication. There is evidence, however, that it was received by Lord Glenelg: Sir George Arthur, who succeeded Sir F. B. Head, as Lieutenant Governor, in a Letter from his Secretary, the Honourable John Macaulay, dated the 14th of July, 1838, called Doctor Ryerson's attention to the circumstance of his having written the foregoing Letter to Lord Glenelg, without having furnished him with a copy of it. Doctor Ryerson's reply, was to the effect that the Letter which he had written was one which referred entirely to what had transpired previously to Sir George Arthur's arrival in the Province. Doctor Ryerson also stated, in his reply to Sir George Arthur, that, in his last interview with Sir James Stephen, on Lord Glenelg's behalf—he being ill—he referred to the propriety of his making Communications to him on Canadian affairs, after his return to Canada, as he had done while in England. Sir James Stephen said that there would be no impropriety in his doing so, and that Lord Glenelg would be glad to hear from him. He added that I "must address any Letter to Lord Glenelg himself, and not him," (Sir James Stephen).

*Extract from a Letter to the Honourable John Macaulay, Dated, Toronto August 3rd, 1838.*

\*A Communication on this subject was also addressed by the Reverend Egerton Ryerson to Sir James Stephen, recalling his recollection of the circumstances of the grant and its terms. No reply to it is recorded.

## CONTINUATION OF THE EDUCATIONAL PROCEEDINGS OF THE HOUSE OF ASSEMBLY, 1838.

*February 1st 1838.* On motion of Mr. Henry Ruttan, seconded by Mr. James R. Armstrong, it was ordered,—That the Message of His Excellency the Lieutenant Governor, (dated the 27th of January, 1838,) together with the accompanying Documents, upon the subject of the Upper Canada Academy, be referred to a Select Committee, to be composed of Messieurs William H. Draper, Solicitor General, James R. Armstrong, George H. Detlor and George S. Boulton, with power to send for persons and papers, and to report thereon.

*February 3rd 1838.* The Petition of the Reverend Egerton Ryerson dated the 2nd of February, 1838, was brought up by Mr. James R. Armstrong, and laid on the Table.

Mr. Henry Ruttan, seconded by Mr. George H. Detlor, moves that the Petition of the Reverend Egerton Ryerson be read forthwith, and that the 41st rule of this House be dispensed with so far as relates to the same, which was carried, and the Petition of the Reverend Egerton Ryerson, of the Wesleyan Methodist Conference, praying the House to recommend to His Excellency the Lieutenant Governor the payment of Two Thousand and Fifty pounds, (£2,050), according to Lord Glenelg's Instructions, being the remaining moiety of a sum authorized to be advanced in aid of the Upper Canada Academy, was read.

Mr. Henry Ruttan, seconded by Mr. Ogle R. Gowan, moves that Two Hundred copies of the Petition of the Reverend Egerton Ryerson, together with the Lieutenant Governor's Message of the 27th ultimo referred to, and the accompanying Documents, be printed for the use of members. On which the Yeas and Nays were taken as follows:—YEAS 27 NAYS 4: Messieurs Mahlon Burwell, John S. Cartwright, Alexander McLean and William H. Draper, Solicitor General; majority in favour of the motion, 23.\*

On motion of Mr. Henry Ruttan, seconded by Mr. George H. Detlor it was ordered— That the Petition of the Reverend Egerton Ryerson be referred to the Select Committee, to whom was referred His Excellency the Lieutenant Governor's Message of the 27th ultimo, relating to the Upper Canada Academy.

Mr. John S. Cartwright, seconded by Mr. William H. Draper Solicitor General, moves, that an humble Address be presented to His Excellency, praying that His Excellency will be pleased to transmit to this House any other Document in his possession, relative to the aid to the Upper Canada Academy;—and that Messieurs Henry Sherwood and Edmund Murney be a Committee to draft, report, and present the same. Which was carried and ordered.

*February 5th 1838.* Mr. Edmund Murney, from the Committee to draft and report an Address to His Excellency the Lieutenant Governor, praying for further information respecting the aid to the Upper Canada Academy, reported a draft, which was received and read twice, and ordered to be engrossed and read a third time this day.

*February 7th 1838.* Pursuant to the Order of the Day, the Address to His Excellency the Lieutenant Governor, for further information, respecting the aid to the Upper Canada Academy, was read the third time and passed, and is as follows:

*To His Excellency Sir Francis Bond Head, Lieutenant Governor of Upper Canada, etc.*

MAY IT PLEASE YOUR EXCELLENCY:

We Her Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request your Excellency will be pleased to transmit to this House any Documents in your Excellency's possession, relative to the aid to the Upper Canada Academy, other than those sent down by your Excellency's Message of the 27th ultimo.

COMMONS HOUSE OF ASSEMBLY,  
7th February, 1838.

ALLAN N. MACNAB,  
Speaker.

Pursuant to the Order of the Day, the Bill to provide for the Regulation and Support of Common Schools, was read a third time. On the question for passing the Bill, in amendment, Mr. Mahlon Burwell, seconded by Mr. Edward W. Thomson, moves that the Bill do not now pass, but that it be amended by striking out the words "Fourteen Thousand, Four Hundred," and inserting the words "Eight Thousand, Five Hundred and Fifty, in the sixth clause, which was carried.

\*This Petition and accompanying Documents were printed in pamphlet form. The Title Page is as follows: "Petition of the Rev. E. Ryerson to the House of Assembly; together with a Message from His Excellency the Lieut. Governor, and Correspondence between the Right Hon. Lord Glenelg, His Excellency, and Mr. Ryerson, relative to the Upper Canada Academy. Printed by Order of the House of Assembly, Toronto, U.C. Guardian Office—Jos. H. Lawrence, Printer MDCCCXXXVIII." Seventy-eight pages.



*February 8th, 1838.* Pursuant to the Order of the Day, the Bill to provide for the Regulation and Support of Common Schools, as amended, was read the third time. On the question for passing the Bill,

In amendment, Mr. George H. Detlor, seconded by Mr. Edward W. Thomson, moves that the Bill do not now pass, but that it be recommitted forthwith, for the purpose of amending the same. On which the Yeas and Nays were taken as follows :—YEAS, 13 ; NAYS, 13. The question was decided in the negative by the casting vote of the Speaker.

In amendment, Mr. George H. Detlor, seconded by Mr. Edward W. Thomson, moves that the Bill do not now pass, but that the following clause be added as a rider :

“And be it further enacted by the authority aforesaid, That this Act shall be, and continue, in force for and during the term of four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.”

On which the Yeas and Nays were taken, as follows :—YEAS, 17 ; NAYS, 12 ; so the amendment passed in the affirmative.

Mr. John S. Cartwright, from the Committee to wait on His Excellency the Lieutenant Governor with the Address for further information respecting the aid to the Upper Canada Academy, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer :—

GENTLEMEN,

In compliance with this Address, I will transmit to the House of Assembly, as soon as they can be prepared, copies of such Documents in my possession, not already forwarded to the House, as relate to the aid of the Upper Canada Academy.

F. B. HEAD.

GOVERNMENT HOUSE,  
TORONTO, 8th February, 1838.

Pursuant to the Order of the Day, the rider to the Bill to provide for the Regulation and Support of Common Schools, was read the third time. On the question for passing the Bill, in amendment, Mr. Alexander Chisholm seconded by Mr. Peter Shaver, moves, that the Bill do not now pass, but that the following be added as a rider.

“And be it further enacted by the authority aforesaid, That, for the year 1838, the Treasurers of each District shall pay to the Teachers of the Common Schools their Salaries in the usual manner, anything herein before contained notwithstanding,” which was carried.

*February 12th 1838.* Pursuant to the Order of the Day, the rider to the Bill to provide for the Regulation and Support of Common Schools, was read the third time. On the question for passing the Bill, the Yeas and Nays were taken, as follows : YEAS, 18 ; NAYS, 5. The question was decided in the affirmative by a majority of 13, and the Bill was passed accordingly.

Mr. Mahlon Burwell, seconded by Mr. Edward W. Thomson, moves that the Bill be intituled : “An Act to Repeal the several Laws heretofore existing relative to Common Schools, and to provide for the Establishment, Maintenance and Support of Common Schools throughout this Province.” Which was carried, and Messieurs Mahlon Burwell and Edward W. Thomson were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

*February 14th 1838.* The following Petition was brought up and laid on the Table : By Mr. Michael Aikman the Petition of the Trustees and Shareholders of the Ancaster Literary Institution.

*February 16th 1838.* Pursuant to the Order of the Day, the following Petition was read Of the Trustees and Shareholders of the Ancaster Literary Institution, praying for pecuniary aid for the same. On the motion of Mr. Michael Aikman, seconded by Mr. Colin C. Ferrie, it was ordered—That the Petition of the Trustees and Shareholders of the Ancaster Literary Institution be referred to a Select Committee, consisting of Messieurs Mahlon Burwell and William H. Merritt, to examine and report thereon.

Mr. Speaker reported that Mr. Secretary Joseph had brought down from His Excellency, the Lieutenant Governor, several Messages. The following one of which was read by him ;—

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly, in compliance with the Address of the House of the 5th instant, copies of such further Correspondence on the subject of aid to the Upper Canada Academy, as have not already been communicated to the House.

GOVERNMENT HOUSE,  
TORONTO, 16th February, 1838.

F. B. H.

NOTE. The Correspondence thus sent down to the House of Assembly by Sir Francis Bond Head were the Letter to the Reverend Egerton Ryerson, dated the 29th of February, 1836, and printed on pages 251 and 252 of the Second Volume of this Documentary History; the two Despatches, dated respectively the 2nd of March, and the 26th of July, 1836, addressed to himself, and printed on page 240 of that Volume.

On motion of Mr. Henry Ruttan, seconded by Mr. George H. Detlor, it was ordered—That the further Correspondence transmitted by the Lieutenant Governor, upon the subject of the Upper Canada Academy, be referred to the Select Committee, to whom was referred His Excellency's Message, with accompanying Documents, on the same subject.

*February 19th 1838.* Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on that part of the Journals of last Winter Session which relates to the Report of the Select Committee on the Clergy Reserves, Mr. Charles Richardson in the chair. The House having resumed. . . . (An amendment to the Resolution which had been submitted having been negatived, a second amendment was proposed, as follows)

Moved in amendment, by Mr. William H. Merritt, seconded by Mr. John McIntosh, that the whole be expunged and the following inserted :—

"Whereas His Majesty's Government was pleased, in the year 1797-8, to grant twelve Townships of land, (about 643,000 acres,) for the purpose of endowing Free Grammar Schools within the different Districts of this Province, and, in due course of time, to the endowment of an University ;—and

Whereas 225,000 acres of these lands were appropriated to the endowment of a University, (King's College,) also 66,000 Acres of land for Minor College, as an appendage to that Institution, of the choicest and most valuable of those Lands, leaving only 228,000 acres of indifferent lands, remotely situated, for the support of Grammar Schools and general Education, contrary to the interests and feelings of the great body of the inhabitants of this Province ;—and

Whereas His Majesty's Government has been pleased to call upon this House to distribute the fund arising from the [sale of the] Clergy Reserves, for the Spiritual and temporal interests of His Majesty's faithful subjects in this Province,—be it

*Resolved* That this object would be best effected by appropriating the proceeds of 250,000 acres for the support of Grammar Schools within the several Districts in this Province, out of the first proceeds of the 2,354,000 acres of land, which it is contemplated by this Legislature to be reinvested in the Crown."

On which the Yeas and Nays were taken, as follows : YEAS, 18 ; NAYS, 19. The question of amendment was decided in the negative by a majority of one.

*February 21st 1838.* Mr. Henry Ruttan, from the Select Committee to which was referred the Messages of His Excellency the Lieutenant Governor, dated the 27th of January, 1838, and the 5th and 16th of February, 1838, with the Documents respecting the Upper Canada Academy, and also the Petition of the Reverend Egerton Ryerson, dated the 2nd of February, 1838, presented a Report, and the draft of an Address to His Excellency the Lieutenant Governor on the subject. The Report was received and was read, as follows :—

*To the Honourable the Commons House of Assembly of Upper Canada.*

The Select Committee, to which was referred the Message of His Excellency the Lieutenant Governor, of the 27th ultimo, with the accompanying Despatch and Documents, upon the subject of the Upper Canada Academy, beg leave to report :—

2. That, it appears the prosperity of this Institution has been a matter of solicitude with his late Majesty's Government, so long ago as in July 1836, for, in a Despatch to Sir F. B. Head, dated 26th of that month, the Secretary of State for the Colonies expresses his high sense of the—

"Exertions which have been made by the Wesleyan Methodist Church for the promotion of Education in Upper Canada, and his lively interest in the success of the Upper Canada Academy, and also, his sincere desire that it may not be left without such pecuniary aid, as may be necessary for its support." (Page 240 of the Second Volume of this Documentary History.)

3. And in these sentiments and desires, so strongly expressed, his Lordship was only carrying out the declared policy of His Majesty's Government upon the subject of Education in the year 1832, when, by a Royal Despatch, dated the 8th of November of that year, he declared that :

"There is no one object which should be had more at heart than the diffusion of sound knowledge, in the legitimate and most enlarged sense of the term." "This is not merely," his Lordship proceeds, "the first and legitimate interest of society, but is essential to the right use, and peaceable enjoyment, of every civil and social privilege." (*Ibid*, page 112)

"That all possible encouragement should be given to every 'scheme for the extension of Education amongst the youth of the Province, and, especially, amongst the poorest and most destitute of their number; which may be suggested from any quarter, with a reasonable prospect of promoting that great design; all minor distinctions should be merged in a general union for this important end; and, at the head of that union, the Local Government should be found, encouraging and guiding, and, to the utmost of its power, assisting, all the efforts which may be made to create, or to foster, intellectual enjoyments and pursuits.'"

4. In accordance with these views, and in pursuance of a subsequent Despatch from Lord Glenelg, dated the 28th April last, (1837; See page 103, *ante*), requesting His Excellency to

"Advance to the Trustees of the Upper Canada Academy the amount of the loan intended to have been granted by the Bill," (which passed Your Honourable House, during the first Session of this Parliament,) "out of any unappropriated portion of the Casual and Territorial Revenue of this Province."

His Excellency did, in November last, (1837; See page 112, *ante*), issue his Warrant in favour of the Trustees for the sum of Two Thousand and Fifty pounds; (£2,050,) being one-half of the sum which His Excellency was required to advance;—the fund not being sufficient, at that time, to meet the whole demand.

5. It appears that, upon a Vication being made some time afterwards for a Warrant for the residue, His Excellency declined complying with the request, upon the ground that it had been suggested to him, that this aid was intended as a loan only, and not as a grant, as had been presumed.

6. It is in consequence of this misunderstanding, as Your Committee suppose, that His Excellency the Lieutenant-Governor has brought the matter under the consideration of the House of Assembly.

7. Whether this aid was intended to be a loan, or a grant, the Committee do not offer an opinion; but they cannot help remarking, that although grants are constantly being made from this fund, there is no precedent as your Committee believe, for a loan.†

8. It is perfectly clear, however, that the Colonial Secretary of State intended that the sum should be advanced as soon as the fund should admit of it, in order, (to use his own words,) "to prevent embarrassment to the Institution;" and, it is in this view, and the embarrassment likely to ensue, should the time of its payment be longer protracted, that the Committee recommend an Address to be passed by your Honourable House, requesting that His Excellency will issue the necessary Warrant for the remaining moiety of the money.

9. The Committee thought it right, in order to place the perilous situation of the Academy, and the Trustees individually, before your Honourable House, to call before them the Reverend Mr. John Beatty, who is Agent for the Institution, and who states, that, with a very trifling exception, the only means by which the Institution can be kept open, even during the current quarter, is the credit which the Trustees, as individuals, can obtain with the Banks and individuals; and to whom they are at this moment defaulters to the amount of, Two Thousand Five Hundred and Forty Two pounds, Two Shillings and Four pence, (£2,542.2.4.) as follows:—

*Liabilities of the Trustees of the Upper Canada Academy, 1838.*

10. These liabilities have been incurred, in addition to those which were discharged by the amount received, under the Lieutenant Governor's Warrant of November, 1837, videlicet, Two Thousand and Fifty pounds, (£2,050.)

Due to the Bank of British North America .....	£100
Due to the Commercial Bank of the Midland District .....	175
Due to the Farmer's Joint Stock Banking Company .....	175
Due to the Commercial Bank Agency at Cobourg .....	160
Due to Private individuals for loan, for which the Reverend Ephraim Evans and the Reverend John Ryerson are personally responsible .....	500
To Private individuals, for loan, for which the Reverend Egerton Ryerson is personally responsible .....	850
Due to Individuals for sundry small Sums .....	582.2.4

Total indebtedness of the Trustees £2,542.2.4

JOHN RYERSON, Treasurer.  
JOHN BEATTY, Agent.

TORONTO, 6th February, 1838.

11. Your Committee have thus given a brief view of the matter submitted to them; and they consider it quite unnecessary, at this time, to enter at large upon the benefits likely to

\*For extracts from this Despatch, of Lord Goderich, See page 113 of the Second Volume of this Documentary History.

†Query, as to the Loan made to the Grantham Academy, See pages 55, 74 and 81, *ante*.

result to the Province from this Seminary of Learning, as the experience of the past year has more than justified the anticipations of the Select Committee of your Honourable House, who reported upon this subject during the last winter's Session, and to which Report Your Honourable House is respectfully referred.\*

12. Your Committee need not point out the disadvantages under which this Institution labours at the commencement of its operations: They are those which are common to all Institutions of a similar kind,—and the principal of which is, the outlay of a large capital to meet accruing outstanding debts, and without which it cannot succeed.

13. Upwards of Nine Thousand pounds, (£9,000,) has been laid out upon the Building at Cobourg, and its Furniture.

14. The exertions of the Wesleyan Methodist Church in the accomplishment, so far, of this object, are unparalleled; and in the words of the Report before alluded to, "it is the greatest undertaking hitherto successfully prosecuted in this Province by means of voluntary contributions alone."

15. Having thus expressed their opinion on the general subject of those Documents, Your Committee have only to make a brief remark on the Petition of the Reverend Egerton Ryerson, which has also been referred to them.†

16. Your Committee treat that Petition as merely coming from an Individual, and not from the Methodists as a Body, or from the Trustees of the Upper Canada Academy; and Your Committee have not, therefore felt it of sufficient importance to demand an investigation into its merits, which could not lead to any beneficial results, and which might tend to embarrass the interests which Mr. Ryerson, no doubt desires to advocate and promote.

17. At the same time, Your Committee cannot but express their regret that Mr. Ryerson should have thought it necessary to make observations such as the Petition contains.‡

All which is respectfully submitted.

COMMITTEE ROOM HOUSE OF ASSEMBLY  
21st February, 1838.

H. RUTTAN,  
Chairman.

The Address to His Excellency, (founded on the foregoing Report), was read twice. It was then ordered to be engrossed and read a third this day. *Note.* The Address, was not, however, read a third time on this day, as the House adjourned for want of a quorum.

\*This Report will be found on page 52 of this Volume, *ante*.

†This Petition is not Printed as an Appendix to the Journals of the House of Assembly of 1837, 38. but it was printed separately, with Sir Francis Bond Head's Message, on the Academy claims, by order of the House. The Petition after detailing the result of interviews and Correspondence with the Colonial Secretary in regard to a grant to the Upper Canada Academy, arrains Sir Francis Head for his apparent desire to evade the duty imposed upon him by the Colonial Secretary, of paying over the promised grant to the Trustees of the Academy.

‡In a Letter, dated the 8th of March 1838, which the Reverend Egerton Ryerson addressed to Lord Glenelg, the Colonial Minister,—as he had, in a Letter, dated the 27th of January, 1838 (page 112, *ante*), intimated to Sir Francis Bond Head, through Mr. Secretary Joseph, that he would do. In that Letter to the Colonial Minister, the Reverend Egerton Ryerson said: "The concluding paragraph of the Report of the Committee of the House of Assembly on the Upper Canada Academy, was agreed to in the first instance without that paragraph; I having consented, in deference to the feelings of the Committee, to forego the investigation of the personal affair between His Excellency and myself, if they thought proper to consider the case of the Academy without any reference to it—leaving every man to judge from the Correspondence itself. Two weeks passed with that understanding—the Report was drawn up accordingly; but the day before the intended presentation of the Report, and within a week of the expected close of the Session, the Attorney and Solicitor General, (Messieurs C. A. Hagerman and W. H. Draper,) informed the Chairman of the Committee, that, if he recommended the interest of the Academy according to the prayer of the Petition, without some exoneration of His Excellency from the odium in which the Petition and Correspondence involved him, they, as Officers of the Government, must oppose it. They then drew up a paragraph, such as they would require, in order to induce the Law Officers of the Crown to support the other parts of the Report. The Committee kindly invited me in to examine it. On perceiving that it reflected upon my "discretion," my "feelings," and indirectly upon my statements, I objected to its introduction of anything of the kind, unless they investigated the facts of the Petition, and would let the evidence go along with the opinions they might think proper to express . . . . The Chairman of the Committee at length proposed a compromise. I then erased about one half of the paragraph, and modified the rest, as it appears in the Report, and I said I would not object to that, as it assigned my petitioning as a private individual, as the reason for not proceeding with the investigation, and did not justify the Governor, but left the reader to judge as he pleased of the merits of the Petition. After a lengthened discussion. . . . The Committee separated; next morning the Crown Officers consented to the paragraph as I had modified it. . . . The Crown Officers had a duty to discharge, and which seemed to have been pressed upon them. I blame them not for doing what they did as the official advocates of His Excellency. . . ."

*February 22nd 1838.* Pursuant to the Order of the Day, the Address to His Excellency, the Lieutenant Governor, respecting the Upper Canada Academy was read the third time and passed, and is as follows:—

*To His Excellency Sir Francis Bond Head Lieutenant Governor of Upper Canada, etc.*

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, respectfully beg leave to state, that, in accordance with Your Excellency's desire, that the attention of the House of Assembly should be directed to the matter regarding the aid to be afforded to the Upper Canada Academy, as contained in the Despatch of Her Majesty's Secretary of State for the Colonies, of the 28th April last, (1837) and transmitted by Your Excellency to this House on the 27th ultimo, requesting Your Excellency to advance to the Trustees of that Institution, "The amount of the Loan intended to have been granted by the Bill," which passed this House of Assembly and Legislative Council, during the first Session of this Parliament, from any unappropriated portion of the Casual and Territorial Revenue of the Province; the House of Assembly, after giving the matter due consideration, expresses its hope that Your Excellency will feel justified in issuing Your Warrant in favour of the Trustees, for the remaining moiety of the sum of Four Thousand, One Hundred pounds, (£4,100,) which Your Excellency has been directed by Lord Glenelg to advance, in order to obviate all risk of embarrassment to the Academy.

2. The House of Assembly duly appreciates the anxious desire which is manifested by His Lordship, and so fully concurred in by Your Excellency, to extend assistance to the Upper Canada Academy in this pressing emergency of its affairs, and, more especially so, for the reason that it is an Institution solely for the Education of youth, and, in the words of the Report of the Select Committee of this House of last year:—"It is the greatest undertaking hitherto successfully prosecuted in the Province by means of voluntary contribution alone." (See page 54, *ante*.)

3. The House of Assembly, moreover, is aware of the fact that spirited individuals are deeply involved in the pecuniary embarrassment which the withholding of this money will occasion, and it feels assured that Your Excellency, under these circumstances, and, keeping in view the declared reason for the immediate advance of this money, expressed by the noble Secretary of State for the Colonies, and in the often-repeated determination of Her Majesty's Government, "to make a very liberal appropriation for the important object of maintaining suitable establishments for the education of youth of the Province" will order the remaining sum of Two Thousand and Fifty pounds, (£2,050), to be advanced, leaving it to be decided by His Lordship whether it was the intention of the Home Government that such advance should be a loan, or a grant, a matter upon which the House abstains from offering an opinion.

COMMONS HOUSE OF ASSEMBLY,  
22nd February 1838.

ALLAN N. MACNAB,  
Speaker.

On motion of Mr. Henry Ruttan, seconded by Mr. John W. Gamble, it was ordered—That Messieurs John S. Cartwright and Robert G. Dunlop be a Committee to inquire when His Excellency the Lieutenant-Governor will be pleased to receive the Address of this House upon the subject of the Upper Canada Academy, and to present the same.

*February 23rd 1838.* Pursuant to the Order of the Day, the House went again into a Committee of the Whole, on the Third Report of the Committee of Finance, presented to the House on the 20th instant, Mr. Edward W. Thomson in the chair. The House having resumed, the Chairman reported that the Committee had agreed to several Resolutions, which he was directed to submit for the adoption of the House. The Report was received, and the first Resolution was put as follows:

*Resolved*—That in the opinion of this House the Casual and Territorial Revenue should not continue to be burthened with the following charges—to Upper Canada College One Thousand pounds sterling (£1,000), (Church of England National) Three Hundred and Sixty Five pounds, (£365,) Central School and Peterborough School sixty Seven pounds, Ten Shillings (£67. 10. 0.) On which the Yeas and Nays were taken as follows: YEAS, 14; NAYS, 16. The question was, therefore, decided in the negative by a majority of two. (See page 56, *ante*.)

*February 24th 1838.* Mr. John S. Cartwright, from the Committee appointed to wait upon Sir Francis Bond Head, the Lieutenant Governor, with the Address of this House, requesting His Excellency to advance the remaining moiety of the aid to the Upper Canada Academy, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

GENTLEMEN,

It will afford me great pleasure to give immediate effect to the wish expressed by the House of Assembly in this Address, by authorising the issue of the remaining moiety of the sum appropriated by Her Majesty's Government in aid of the Cobourg Academy.

GOVERNMENT HOUSE,  
TORONTO, 24th February, 1838.

F. B. HEAD.

*February 26th, 1838.* The Speaker reported that the Master-in-Chancery had brought down from the Honourable the Legislative Council two Messages; one of which was read by him as follows:—

MR. SPEAKER:

The Legislative Council request a Conference with the Commons House of Assembly on the subject of the Bill sent up from the Commons House of Assembly, intituled: "An Act to Repeal the several Laws heretofore existing relative to Common Schools, and to provide for the Establishment, Maintenance and Support of Common Schools throughout this Province," and have appointed the Honourable Messieurs William Allan and John Hamilton to be Conferrees on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly this day, at Four of the clock, in the Committee Room of the Legislative Council, for that purpose.

JOHN B. ROBINSON  
Speaker.

LEGISLATIVE COUNCIL CHAMBER,  
Twenty sixth day of February, 1838.

On motion of Mr. Mahlon Burwell, seconded by Mr. Alexander McLean, it was ordered That Messieurs George S. Boulton, John S. Cartwright, Edward W. Thomson and George Rykert, be a Committee, on the part of this House, to meet the Conferrees of the Honourable the Legislative Council, on the subject of the Common School Bill, this day at Four of the clock

Mr. George S. Boulton, from the Committee of Conference with the Honourable the Legislative Council, on the Bill sent up from this House, intituled: "An Act to Repeal the several Laws heretofore existing relative to Common Schools, and to provide for the Establishment, Maintenance and Support of Common Schools throughout this Province," reported as follows:

The Legislative Council desire the Conference for the purpose of explaining to the House of Assembly that they agree with them that the people of every country should be made to contribute, in proportion to their means, for the support of General Education, and thus enable the poorer class of society to receive instruction, which, without some well established system endowed by law, they can never obtain.

2. With this declaration of its opinion the Legislative Council have to acquaint the House of Assembly that they cannot pass the bill intituled: 'An Act to Repeal the several Laws heretofore existing relative to Common Schools, and to provide for the Establishment, Maintenance and Support of Common Schools throughout this Province,' because it proposes to levy an assessment, at the discretion of the Justices of the Peace, to the extent of a penny half-penny in the pound, to support Common Schools; and, as Acts have lately passed imposing additional rates on the inhabitants of several of the Districts for the purpose of defraying the expense of building Gaols and Court Houses, and for the construction of Macadamized Roads, the Legislative Council fear that the proposed assessment for Common School Education might be found burthensome in the present disturbed state of our public affairs, and, therefore, it may be thought inexpedient to add immediately to the District assessments for this purpose, important as the object may be."

*March 1st, 1838.*—Mr. Mahlon Burwell, seconded by Mr. William Salmon, moves that he have leave to bring in a Bill to provide for Common Schools, for the year 1838, and that the 31st Rule of this House be dispensed with in so far as it relates to the same. Which was granted, and the Bill was read the first time.

Mr. Mahlon Burwell, seconded by Mr. Edward W. Thomson, moves that this Common School Bill be now read a second time, and that the 40th Rule of this House be dispensed with so far as relates to the same. Which was carried, and the Bill was read the second time. The House was put into a Committee of the Whole on the Bill, Mr. Edward W. Thomson in the

\*"Thus, because jails, court-houses and roads, were considered more necessary and important than Schools, the last Act for the 'Promotion of Education' in Upper Canada which was passed by the House of Assembly of that Province, was rejected by the Legislative Council. *Ryerson Memorial Volume, 1889; page 55.*

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chair. The House having resumed, the Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

*March 2nd 1838.*—Pursuant to the Order of the Day, the Bill to provide for the support of Common Schools for the year 1838, was read the third time and passed. Mr. Mahlon Burwell, seconded by Mr. Edward W. Thomson moves that the Bill be intituled: "An Act granting a sum of Money for the Support of Common Schools in Upper Canada for the year 1838." Which was carried, and Messieurs Mahlon Burwell and Edward W. Thomson were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

*March 6th 1838.*—The Master-in-Chancery brought down from the Honourable the Legislative Council a Message which was read by the Speaker as follows:—

MR. SPEAKER,

The Legislative Council have passed the Bill intituled: . . . "An Act granting a sum of Money for the Support of Common Schools in Upper Canada for the year 1838,"—without any amendment.

LEGISLATIVE COUNCIL CHAMBER,  
Sixth day of March, 1838.

JOHN B. ROBINSON,  
Speaker.

### EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL, 1837, 38.

The Legislature of Upper Canada was opened by the usual Speech from the Throne by Sir Francis Bond Head on the 28th of December, 1837. In it he made no reference to matters of Education. No Educational matter engaged the attention of the Legislative Council until

*January 27th, 1838.*—When several Messages from His Excellency the Lieutenant Governor, were delivered to the Speaker by Mr. Secretary Joseph, who having retired, the Speaker read the same.

NOTE.—The copy of a similar Message and accompanying Documents, sent to the Legislative Council were also sent to the House of Assembly by the Lieutenant Governor are the same as those printed on pages 103-109, *ante*.

*January 29th, 1838.*—Several Messages from His Excellency the Lieutenant Governor, were delivered by Mr. Secretary Joseph, who having retired, the Speaker read the following one:—

F. B. HEAD.

The Lieutenant Governor transmits to the Legislative Council, a copy of a Despatch which he has received from Her Majesty's Secretary of State for the Colonies, having reference to their Address to Him, passed during the first Session of the present Provincial Parliament, explanatory of their conduct in having concurred in a Bill sent up from the House of Assembly, for altering the Charter of King's College.\*

GOVERNMENT HOUSE,  
29th January, 1838.

F. B. H.

The following is a copy of the Despatch from the Colonial Secretary, to which the Lieutenant Governor refers:

I have had the honour to lay at the foot of the Throne the Address from the Legislative Council to yourself, transmitted in your Despatch of the 4th ultimo, explanatory of their conduct in having concurred in a Bill sent up from the House of Assembly, for altering the Charter granted by His Majesty to King's College.

\*This Address will be found on page 76, *ante*, and on page 84, *ante*, the remarks of a Committee of the Legislative Council on the question, also raised in that Address, as to the right of Colonial Legislatures to alter the terms of a Royal Charter.

2. I have received the King's commands, to express the high satisfaction with which His Majesty regards the laudable solicitude, manifested by the Legislative Council, to avoid any encroachment on the prerogatives of the Crown, in the form of the proceeding in which they concurred for the amendment of the Charter of incorporation of King's College.

3. Considering, however, that the Act originated in the express suggestion and recommendation of the King, conveyed through His Majesty's Secretary of State for the Colonies, (see page 77, *ante*), it has not appeared to His Majesty to involve the departure from the constitutional principal, to which the Legislative Council advert in their Address, and which His Majesty is well persuaded will at all times be maintained inviolate by the Legislature of Upper Canada.

DOWNING STREET,  
LONDON, 20th April, 1837.

GLENELG.

*February 5th 1838.*—The Speaker reported that he had received a Message from Sir Francis Bond Head, the Lieutenant Governor, transmitting a copy of a Letter from the Reverend Egerton Ryerson, on the subject of the Upper Canada Academy, dated the 27th of January, 1838, and his reply thereto, dated on the 30th of the same month. (NOTE.—These Letters are inserted on pages 112-115; see also page 120, *ante*.)

*February 7th, 1838.*—On motion made and seconded, it was ordered, that the several Messages of His Excellency the Lieutenant Governor, transmitting the copy of a Despatch from Her Majesty's Government, and other Documents on the subject of the Upper Canada Academy, received by this House on the twenty-seventh ultimo, and on the fifth instant, respectively, be referred to a Select Committee to report thereon. It was further ordered, that the Honourable Messieurs James Gordon, William Morris and John S. Macaulay, do compose the said Committee for that purpose.

NOTE.—A Letter was addressed by the Reverend Egerton Ryerson to the Honourable John Beverley Robinson, Speaker of the Legislative Council, on the 15th of February, 1838, in regard to the grant to the Upper Canada Academy. It was as follows:—

As His Excellency Sir Francis Head has, I understand, sent down to the Honourable the Legislative Council, several Documents calculated to excite unfriendly feelings in the minds of the Members of the House against me, (in regard to the case of the Upper Canada Academy grant), I take the liberty to enclose a copy of yesterday's *Christian Guardian*. You will find in it several letters which His Excellency has not as yet thought proper to transmit to the Legislature, although the House of Assembly addressed him for them several days since; and, although I enclosed copies of two or three of them to the Government House (for that purpose), I have a letter from Mr. Secretary Joseph, dated last week, saying they should be immediately sent down.

My hope is, that if the Legislative Council take up the subject of the Upper Canada Academy, and if the majority, who voted for the amendment in the Bill of last Session, were not unfriendly to the Institution, they will state their real intentions, and recommend such relief, as well as such annual assistance for the Upper Canada Academy, as is obviously necessary to secure the efficient operations of any such Institution, especially in its infancy, and in a new country.

If it be a fact, that a majority of the Legislative Council are not unfriendly to the Upper Canada Academy, but, on the contrary, are disposed to aid it, no one will rejoice more than myself to recall, in the most public and strongest manner, the intimations I have made to the reverse. And it would afford myself and my friends peculiar satisfaction to have the opportunity to extend directly and publicly to the Legislative Council that cordial support that we have done to the Institutions of the Province generally.

TORONTO, 15th February, 1838.

EGERTON RYERSON.

On the following day, (16th of February, 1838,) the Speaker of the Legislative Council replied to the foregoing letter as follows:—

The question whether the sum of Four Thousand, One Hundred pounds, (£4,100), shall be advanced from the Crown Revenues, as a grant, or a loan, is one with which the Legislative Council has nothing to do.



Whether it is intended by the Legislative Council, to take any, and what notice of the Correspondence you refer to, is wholly unknown to me, and, if it does become a matter of discussion, I have but one rule of proceeding on such occasions, which is, to do what appears to me to be right upon the facts and statements before me at the time.

LEGISLATIVE COUNCIL CHAMBER,  
16th of February, 1838.

JOHN B. ROBINSON,  
Speaker.

February 14th, 1838.—A Deputation from the Commons House of Assembly brought up a Bill, intituled: "An Act to Repeal the several Laws heretofore existing relative to Common Schools, and to provide for the Establishment, Maintenance and Support of Common Schools throughout this Province"; the said Bill was then read a first time; and it was ordered—That it be read a second time to-morrow.

February 15th 1838.—Pursuant to the Order of the Day, the Bill intituled; "An Act to Repeal the several Laws heretofore existing relative to Common Schools, and to provide for the Establishment, Maintenance and Support of Common Schools throughout this Province"; was read a second time; and it was ordered—That the House be put into Committee of the Whole to-morrow, to take the same into consideration.

February 16th, 1838.—Pursuant to the Order of the Day, the House was put into a Committee of the Whole, upon the Bill intituled: "An Act to Repeal the several Laws heretofore existing relative to Common Schools, and to provide for the Establishment, Maintenance and Support of Common Schools throughout this Province." The Honourable William Dickson took the chair. After some time the House resumed, and the Chairman reported, that the Committee had taken the said Bill into consideration,—had made some progress therein, and recommended that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment, or otherwise. It was ordered—That the Report be received, and, that the said Bill be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment, or otherwise; and, ordered—That the Honourable Messieurs Charles Jones, William Morris and John S. Macaulay, do compose the same, for that purpose.

February 20th, 1838.—The Honourable William Morris, from the Select Committee, to whom was referred the several Messages of His Excellency, the Lieutenant Governor, transmitting the copy of a Despatch from Her Majesty's Government, and other Documents on the subject of the Upper Canada Academy, presented their Report, and it was ordered, that it be received; and, the same was then read as follows:—

To the Honourable the Legislative Council of Upper Canada:

The Select Committee appointed to consider the Documents sent down by His Excellency the Lieutenant Governor, relating to the Upper Canada Academy at Cobourg, most respectfully beg leave to report: That they have perused the Correspondence which has taken place on the subject. The proceedings of the Legislative Council on the Bill sent up from the House of Assembly, last year, to grant a loan to the Institution under consideration, are correctly detailed by His Excellency's Despatch to the Colonial Secretary of the 20th July last. (See page 106, ante).

All of which is respectfully submitted.

COMMITTEE ROOM, LEGISLATIVE COUNCIL,  
20th day of February, 1838.

W. MORRIS,  
Chairman.

February 21st, 1838.—The Honourable William Morris, from the Select Committee, to whom was referred the Bill intituled: "An Act to Repeal the several Laws heretofore existing relative to Common Schools, and to provide for the Establishment, Maintenance and Support, of Common Schools throughout this Province," presented their Report. It was ordered—That it be received; and the same was then read, as follows:—

To the Honourable the Legislative Council of Upper Canada:

The Select Committee appointed to examine the Bill sent up from the House of Assembly, intituled: "An Act to Repeal the several Laws heretofore existing relative to Common Schools, and to provide for the Establishment, Maintenance and Support of Common Schools throughout this Province," beg leave to report:

2. That this Bill introduces an entirely new system for the Organization, Management and Support, of Common Schools, which your Committee would most willingly have undertaken to investigate more minutely, had they not discovered that the whole scheme depends very

materially on funds, which it is proposed to raise by assessment, to the extent of one penny-halfpenny in the pound.

3. And, as your Committee are averse to any additional taxation, in the present distressed state of the Province, they have deemed it advisable to submit to your Honourable House, in the first place, whether it is expedient to proceed with the Bill, upon the principles which it embraces.

All of which is respectfully submitted.

COMMITTEE ROOM, LEGISLATIVE COUNCIL,  
21st day of February, 1838.

W. MORRIS,  
Chairman.

On motion made and seconded, it was, ordered—That the last mentioned Bill, and the Report of the Select Committee thereon, be referred to a Committee of the whole House to-morrow.

*February 22nd, 1838.*—Pursuant to the Order of the Day, the House was again put into a Committee of the Whole, upon the Bill intitled: "An Act to Repeal the several Laws heretofore existing, relative to Common Schools, and to provide for the Establishment, Maintenance and Support of Common Schools throughout this Province," together with the Report of the Select Committee thereon. The Honourable James Crooks took the chair. After some time the House resumed, without reporting any action on the Bill.

NOTE.—By this Act of the Committee, in not reporting on the Bill, it was dropped for the time. It was, however, brought up again, at the next sitting of the Council, and a Committee of Conference with the House of Assembly was appointed by the Council. This Conference was instructed to inform that House of the reasons why the Bill could not be concurred in by the Legislative Council. (See reference to this matter on page 124, *ante*).

*February 26th, 1838.*—It was moved and seconded, that a Conference be requested with the Commons House of Assembly, on the subject matter of the Bill intitled: "An Act to Repeal the several Laws heretofore existing, relative to Common Schools, and to provide for the Establishment, Maintenance and Support of Common Schools throughout this Province." In amendment thereto, it was moved and seconded, that the said Bill be restored to the Orders of the Day.

The question of concurrence being put on the amendment, it was carried in the negative; whereupon the main question was put, and the same was carried in the affirmative. It was then, ordered—That a Conference be requested with the Commons House of Assembly, on the subject matter of the said Bill; and, ordered—That the Honourable Messieurs William Allan and John Hamilton, be appointed the Conferrees on the part of this House for that purpose. It was further ordered—That the Master-in-Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council request a Conference with the Commons House of Assembly, on the subject matter of the last mentioned Common School Bill; and have appointed the Honourable Messieurs William Allan and John Hamilton, to be the Conferrees on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly, this day at Four of the clock, p. m., in the Committee Room of the Legislative Council, for that purpose.

On motion, made and seconded, it was, ordered—That the Committee of Conference last named be instructed to represent that—

The Legislative Council desire this Conference, for the purpose of explaining to the House of Assembly, that they agree with them that the people of every country should be made to contribute, in proportion to their means, for the support of general education, and thus enable the poorer classes of society to receive instruction, which, without some well-established system endowed by law, they can never obtain.

With this declaration of its opinion, the Legislative Council have to acquaint the House of Assembly, that they cannot pass the Bill intitled: "An Act to repeal the several Laws heretofore existing relative to Common Schools throughout this Province," because it proposes to levy an assessment, at the discretion of the Justices of the Peace, to the extent of a penny, half-penny in the pound, to support the Common Schools; and as Acts have lately been passed, imposing additional rates on the inhabitants of several of the Districts, for the purpose of defray-

ing the expense of building Goals and Court Houses, and for the construction of Macadamized Roads, the Legislative Council fear, that the proposed assessment for Common School Education might be found burthensome, in the present disturbed state of our public affairs ; and, therefore, it may be thought inexpedient to add immediately to the District assessments for this purpose, important as the object may be.

A Deputation from the Commons House of Assembly brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew.

MR. SPEAKER,

The Commons House of Assembly accedes to the request of the Honourable the Legislative Council, for a Conference on the Bill sent up from this House, intituled : "An Act to Repeal the several Laws heretofore existing relative to Common Schools, and to provide for the Establishment, Maintenance and Support of Common Schools, throughout this Province," and have appointed a Committee of four of its Members, who will be ready to meet the Conferrees of your Honourable House, at the time and place appointed.

ALLAN N. MACNAB,  
Speaker.

COMMONS HOUSE OF ASSEMBLY,  
26th day of February, 1838.

February 28th, 1838.—On motion made and seconded, it was, ordered—That the Bill intituled : "An Act to Repeal the several Laws heretofore existing relative to Common Schools and to provide for the Establishment, Maintenance and Support of Common Schools throughout this Province," be printed for the use of Members.

March 2nd, 1838.—The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a Bill intituled : "An Act granting a sum of money for the support of Common Schools in Upper Canada for the year 1838" ; The said Bill was then read a first time.

Pursuant to Order, the Bill intituled : "An Act granting a sum of money for the support of Common Schools in Upper Canada for the year 1838," was read a second time ; and, it was, ordered—That the same be referred to the Select Committee upon the Bill intituled : "An Act to Regulate the future Appropriation of the Casual and Territorial Revenue," etc.

March 6th, 1838.—The Honourable George H. Markland, from the Select Committee to whom was referred the Bill intituled : "An Act granting a sum of money for the support of Common Schools in Upper Canada for the year 1838," presented their Report, and was ordered—That it be received, and the same was then read, as follows :

To the Honourable the Legislative Council of Upper Canada :

Your Committee, appointed to report upon a Bill intituled : "An Act granting a sum of money for the support of Common Schools in Upper Canada, for the year 1838," beg leave to state :—That the Bill is in conformity with the usual annual grants in aid of Common Schools, and therefore, recommend it to the adoption of your Honourable House.

All of which is respectfully submitted.

GEORGE H. MARKLAND,  
Chairman.

COMMITTEE ROOM, LEGISLATIVE COUNCIL,  
5th day of March, 1838.

On motion, made and seconded, it was, ordered—That the last mentioned Bill, and the Report of the Select Committee thereon, be referred to a Committee of the Whole House presently. The House was then put into a Committee of the Whole, accordingly. The Honourable George H. Markland took the chair. After some time, the House resumed, and the Chairman reported, that the Committee had gone through the said Bill, and recommended the same, without any amendment, to the adoption of the House. It was ordered—That the Report be received ; and, that the said Bill be read a third time presently. The same was then read a third time, accordingly, and passed ; whereupon the Speaker signed the Bill, and it was, ordered—That the Master-in-Chancery do go down to the Assembly, and acquaint that Honourable House, that the Legislative Council have passed this Bill, without any amendment.

At Four of the clock, p.m., the Lieutenant Governor desired the attendance of Members of the Commons House of Assembly in the Legislative Council Chamber. On the two Houses being present, His Excellency assented to a number of Bills in the Queen's name, among them to the "Act granting a sum of money for the support of Common Schools in Upper Canada, for the year 1838" ; after which he closed the Session of the Legislature with a farewell Speech, in which he made no reference to Educational matters.

NOTE.—During the same month, in which Sir Francis Bond Head, prorogued the Legislature, his Successor, Sir George Arthur, arrived and assumed the Lieutenant Governorship of the Province on the 28th of March 1838.

The following is a copy of the Common School Appropriation Act of 1838:—

I. VICTORIA, CHAPTER LX.

AN ACT GRANTING A SUM OF MONEY FOR THE SUPPORT OF COMMON SCHOOLS IN UPPER CANADA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-EIGHT.

*Sir Francis Bond Head, Lieutenant Governor.*

Passed 6th March, 1838.

MOST GRACIOUS SOVEREIGN:

Preamble.

Whereas it is expedient to grant a sum of money for the support of Common Schools in the several Districts of this Province: may it therefore please Your Majesty that it may be enacted,

Imperial Act,  
1791.

*And be it enacted*, by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled: "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same,

£5,650, in addition to sums now appropriated by law.

I. That from and out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and in the hands of the Receiver General unappropriated there be granted to Her Majesty, for the use of the Common Schools of this Province, for the year of our Lord one thousand eight hundred and thirty-eight, the sum of Five Thousand, Six Hundred and Fifty Pounds, in addition to the sums now appropriated by law, to be applied in the same way and manner, and in conjunction with the present sums granted by Act of Parliament; which said sum of Five Thousand, Six Hundred and Fifty Pounds, shall be apportioned among the several Districts of this Province as follows, that is to say:—

Distribution of grant to the thirteen Districts.

- To the Ottawa District the sum of One Hundred Pounds.
- To the Eastern District, the sum of Five Hundred Pounds.
- To the Johnstown District the sum of Five Hundred Pounds.
- To the Bathurst District the sum of Five Hundred Pounds
- To the Midland District the sum of Five Hundred and Fifty Pounds.
- To the Prince Edward District the sum of Two Hundred Pounds.
- To the Newcastle District, the sum of Five Hundred Pounds.
- To the Home District, the sum of Seven Hundred and Fifty Pounds.
- To the Gore District, the sum of Six Hundred Pounds.
- To the Niagara District, the sum of Five Hundred Pounds.
- To the London District, the sum of Four Hundred and Fifty Pounds.
- To the Talbot District, the sum of One Hundred and Fifty Pounds.
- To the Western District, the Sum of Three Hundred and Fifty Pounds.

To be paid by Receiver General.

II. *And be it further enacted by the authority aforesaid*, That the said sum of Five Thousand, Six Hundred and Fifty Pounds shall be paid by the Receiver General of this Province in discharge of such warrants as may for that purpose be issued by the Lieutenant Governor.

III. *And be it further enacted by the authority aforesaid,* That, during the year aforesaid, it shall not be lawful for the Board of Education, in any of the Districts of this Province to pay to any Teacher of a Common School in this Province the annual allowance, unless the Trustees of the said School shall make it appear to the satisfaction of the said Board of Education that they have made provision for his support, so as to secure him for his services in a sum equal at least to double the amount which may be allotted by the Board of Education from the public money, anything to the contrary notwithstanding.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Board of Education in each District to allow their Clerks of their respective Boards, in addition to the sums they now by law authorized to receive, the further sum of Five Pounds for the present year.

## CHAPTER VII.

### MISCELLANEOUS PAPERS RELATING TO EDUCATION IN UPPER CANADA, 1831-1838.

AYLMER, (*County of Elgin*). Mr. Thomas Hammond writes: From an Agreement made in 1838, between Mr. Alexander Weldon, Teacher, and Messieurs Charles Tozer, John Van Patter and John Hodgkinson, School Trustees, Mr. Weldon was to teach School for six months, at the rate of Fifteen dollars per month, board and washing included.

ALDBOROUGH, (*County of Elgin*). In a Letter to the *St. Thomas Journal*, (Ontario), Mr. John Thomson, an old Teacher, aged 83, under date of July, 28th, 1895, thus writes: In December, 1829, I walked from Aldborough to the Mansion House Hotel in St. Thomas, arriving about Four o'clock in the afternoon. I left home just after daylight that morning. I got a Certificate to teach School from the Reverend Mr. McIntosh, the English Church Minister, who examined me. I taught School four and a half years on this Certificate. The first year I taught School about a mile east of New Glasgow, on Talbot Street. The next year I taught at the place where the Eagle School House is now, and the other two years in the old School House at New Glasgow, where I went to School in 1819, when I was seven years old—having been born in Argyleshire in 1812. My Teacher at New Glasgow was Mr. Thomas McColl, afterwards known as Elder McColl. The School was little more than half a mile west of Eagle, on the Talbot Road. The Schools were then open for six months of the year. I went to School for five half years. It was a log School House with a big fireplace in it, and seats all round the wall. The first time I went to School, it was in a square room. Some one called the Master out one day, and he shut the door after him. As soon as he was out, one of the Scholars raised a dancing tune, and then all of the Scholars got up and commenced going through a Highland dance. In the midst of this, the door opened, and in rushed the School Master with a big gad and lashed them all round, myself included. . . . Everyone in the neighborhood spoke Gaelic, and most of them could speak nothing else but that. I taught the children to read both Gaelic and English.

NOTE. Mr. Archibald McColl, in his narrative of the Schools of Aldborough, does not mention Mr. Thomson, but he speaks of the New Glasgow School. (See page 163, of the First Volume.)

ALDBOROUGH, EKFRID, ETC.—Mr. Malcolm Campbell, an old Teacher, writes to me from Middlemiss, (*County of Middlesex*), as follows:—

In reply to your Note, asking for information regarding Schools in the early days, I beg to say that my first connection with Schools was in the year 1835, when I was engaged to teach a Common School in Aldborough, where the Village of Eagle now stands, (*County of Elgin*). I afterwards taught for fifteen years in two school sections in Ekfrid, (*County of Middlesex*). During these fifteen years, the Common Schools were under the direction of three different classes of authorities, exclusive of Trustees,—first by a District board of Education, which granted Certificates to Teachers, and received quarterly reports from the Trustees and Teachers, and apportioned the Government grant, more on account of the qualification of the Teachers than of the school attendance. Afterwards, the Common Schools were governed by School Commissioners, whose duty it was to grant Certificates to Teachers, and to pay quarterly visits to the Schools; next, Judge Eliot was appointed County Superintendent of Schools for Middlesex, and, after him, came Township Superintendents.

The School Houses, during the time I taught, were built of round logs, about 14x16 feet, with clapboard roofs, and with open fire places. A window sash on three sides for light; a board being placed beneath them, on which to keep copies and slates. There were long hewn benches without backs, for seats. There were no blackboards, or maps, on the chinked walls. There was a miscellaneous assortment of books, which made it very difficult to form classes. Cobbs and Webster's Spelling books, afterward gave place to Mavor's. The Testament was used as a text book, a supply of which was furnished by Reverend Benjamin Cronyn, afterwards Bishop of Huron. The English Reader, and Hume and Smollett's History of England were used by the more advanced classes. Lennie's Grammar and Dilworth and Hutton's Arithmetic, and the History of Cortez' Conquest of Mexico were used, also a Geography and Atlas, and a variety of books. Goose quills were used for pens, which the Teacher made and mended at least twice a day. The hours of teaching were somewhat longer than at present, and there was no recess. The number of Scholars varied from fifteen to thirty, and school was kept open from eight to ten months in the year, with a Saturday vacation every two weeks. Teachers, after having taught school for some months, underwent a pretty thorough oral examination by the District Board of Education, and were granted certificates—either First, Second, or Third Class, according to their merits, real or supposed. They had the Government grant apportioned to them according to their standing. Mr. Donald Currie, in the section west of me, drew annually about One Hundred and Twenty dollars, (\$120), on the ground of his high qualification, as well as his teaching Latin. In his school, the Reverend Archibald Currie and the late Sheriff McKellar had their early training. My share in the grant was Eighty dollars (\$80). Seven Teachers and one school Superintendent sprung from my School. Mr. Benson in the section east of me drew about Fifty dollars (\$50). He was a very efficient Teacher. In 1837, the Upper Canada Parliament stopped the supplies, and the Government paid the Teachers with promissory notes, payable a year after date, with 6 per cent. interest. The note was paid by Mr. John Harris, Treasurer, London, on walking 20 to 40 miles for it. The Government grant was what the Teacher mainly depended on for cash. The rest of his pay, which varied from \$10 to \$16 a month, Government grant included, was mostly paid in "kind," and very hard to collect at that.

The Trustees in these early days assumed duties beyond what they now possess. In engaging a Teacher, they examined him as to his qualifications in the three R's, and as much farther as any of themselves knew. They fixed the rate bill which each Scholar should pay, usually at a dollar and fifty cents a quarter; and any family sending more than three Scholars should go free, as well as the children of Widows. They sometimes hired a Teacher by the month,—ten dollars being offered me in the year 1834. Another applicant offered to take less, and he got the situation. The teacher was expected to "board round," at that rate of pay. He usually boarded in one or two houses near the School, doing chores morning and evening. The Trustees assessed each scholar with half a cord of wood during winter, which was scantily supplied; sometimes the Teacher and bigger boys went with an axe to the woods to make up the deficiency. The Trustees were to examine the school quarterly, and sign the Quarterly Reports, so that the Teacher might draw the Government grant.

*VIENNA, (County of Elgin).* Mr. J. Thomas Gamble, Secretary of the Vienna Board of Education, has sent to me the following particulars, relating to the educational history of Vienna, in the County of Elgin. He says:—

The history of education in Vienna covers a period of over sixty years. In 1831, in a Log House on Front Street, a Mr. Brooks conducted the first School. In 1832, Miss De Long took up the work in a little building which was situated not far from the eastern end of the White Bridge. In 1838, we find the School on Main Street, and, later still, on King Street.

(NOTE. The next item in this narrative begins with 1843. It will be given chronologically).

*LONDON, (Ontario).* Mr. Nicholas Wilson has contributed to the London, *Free Press* of May the 5th, 1894, an account of the early London Schools, at the request of the Public School Board, and in response to my Circular on the subject. I only select that part of the narrative which speaks of the earliest schools of the then Village of London. Mr. Wilson says:—

The best school in London in those early days was established about the year 1838 by Mr. William Taylor. Mr. Taylor was a man of fine physique, good education and considerable experience as a teacher. He came to Canada from Queen's county, Ireland, where he had kept an Academy for some years. He opened his School in a house on Talbot street, just south of York, but subsequently erected a more suitable building on Horton street, near Talbot, in which

he taught for several years. The young Londoners, who attended school before the establishment of the Public Schools, received their education principally from Mr. Taylor.

To this, Mr. John Dearness, Public School Inspector, adds the following :

The first School opened in London was by a Mr. Taylor. Meagre details of six other private Schools, established in the District, before the passage of the School Bills of 1841 and of 1843. The fees at these Schools was about sixpence, (ten cents) per week, and the Teachers usually added some other remunerative labour to that of teaching.

INNISFIL. (*County of Simcoe*). Mr. A. F. Hunter, M.A., (of the *Barrie Examiner*), in a series of papers on the "History of Simcoe County," gives the following particulars in regard to Schools in Innisfil :

The first School in Innisfil, and the one to which the "Dalhousie" settlers sent their children, was erected at Gimby's Corners (Churchill), in 1837 or 1838. One Mr. Harrison was the first Teacher there, and was employed directly by the people, who clubbed together for the purpose. To this School came children from Croxen's Corners, Gilford, and indeed from every place west and east, north and south, within a radius of ten miles. This was the first and only School in Innisfil for some years. We have been enabled to obtain the family names of those who attended it ; the list is made up of almost all those families who were resident in the southern part of Innisfil at the time : Kettle, O'Donnell (Gilford), Clement, Wilson, Ross, Scott, Rogerson, McLean, Cripps, Lennox, Hindle, Ritchie, Gimby, Patterson, Todd, Fisher, Garbutt, (from the Hollows of West Gwillimbury), Garley, Wallace and Moore.

PICTON. Mr. G. E. Vandusen, Chairman of the Public School Board writes :

I have not been able to find anything of certainty in regard to the Public School at Pictou, as the Books in which a record was kept were burned in a fire which occurred in Pictou some years ago. The enclosed paper was handed to me, and I now send it to you :—In 1837, Joseph John Gurney, of Norwich, in the County of Norfolk England, a Minister of the Society of Friends, after visiting, quite extensively, the Friends Meetings in the various New England States, and in the State of New York, he and his faithful companion, Henry Hinsdale, of New York City came to Upper Canada. The Rebellion, which had recently taken place, left the population in a very unsettled state. While in Toronto, John Joseph Gurney visited the Lieutenant Governor, Sir George Arthur, and had a very satisfactory conversation with him. He corrected some misapprehensions, which Sir George Arthur had respecting Friends.

He and his companion attended the Half Year's Meeting, held up Yonge Street, twenty-five miles north of Toronto. This meeting was held in the eighth month, (August). At this meeting, the attention of Friends was directed to the subject of Education ; and it was decided to take immediate steps towards the establishment of a Friend's Boarding School. The subscriptions made for this purpose, throughout the Province, were aided by funds from New York and England, largely supplemented by Joseph John Gurney himself, and a number of the Friends at this Half Year's Meeting, as well as by several Friends in this County of Prince Edward, which Mr. Gurney visited before he and his companion left that County ; the site of a Boarding School had been selected, and soon afterwards, it was purchased from Mr. Alexander Armstrong. Some few years previous to this, a suitable House had been built by Mr. Armstrong on the old homestead of Israel Bowerman. It was the desire of Joseph John Gurney that this should be a Manual Labour School, but this was never carried into effect ; this School was not opened until 1841.

(NOTE. The remainder of this narrative will be given in its chronological order).

COBOURG : Mr. George Mitchell, Secretary of the Collegiate Institute Board, Cobourg, writes as follows, under date of February 21st, 1894 :

The only information which I can obtain with regard to the Grammar School at Cobourg is as follows :

Some time previous to the year 1836 a Grammar School for the District of Newcastle, called the Cobourg Grammar School, was built on the spot where the present Collegiate Institute Building now stands. The first Principal, so far as I can learn, was a Mr. Walter C. Crofton, of Trinity College, Dublin. The next was a Mr. Robert Hudspeth (formerly Classical Master in the Upper Canada Academy, Cobourg,) of the University of Edinburgh, and after him, Mr. F. W. Barron, who was once Principal of Upper Canada College.

(Note. Reference is made to Mr. Crofton on page 283 of the Second Volume of this Documentary History, and to Mr. Hudspeth elsewhere.)

PORT HOPE. Mr. George M. Healy writes as follows: I went to Mr. Rattray's School in 1830, and later in that year I went to Mr. Hardy's. The same pupils who were with me at Mr. Rattray's School were also at Mr. Hardy's, after Mr. Rattray was dismissed. . . . My only surviving school companion of that period was Mr. John Riordan. Quite a number of Mr. Rattray's pupils went to Mr. Hardy,—who taught a private school in a house opposite, where Mr. F. W. Wilson's dwelling House now stands. A Mr. Friend taught a private school about the year 1839, in a house directly opposite the present *Port Hope Guide Office*. In 1840 he opened an evening class in Book-Keeping. It may be satisfactory if I mention that what I have written now and previously, has been from personal observation, having been a pupil under Messieurs Lee, Beng, Rattray, Hardy, Hughes, Maxwell, McDonell and Friend. (See page 319 of the First Volume, and pages 126, 127 of the Second Volume, of this Documentary History.)

BRAMPTON, (*County of Peel*). Mr. Henry Roberts, Secretary-Treasurer of the School Board, states that a Private School was kept in Brampton by Doctor Johnson for boys and girls in 1837.

WELLAND. Mr. J. McCaw, Secretary of the Public School Board, in a letter dated 15th of May, 1894 says:—

The establishment of the first Common School in Welland dates back to 1836. No records appear to have been preserved as to the manner in which it was supported, or conducted, . . . but it must have been supported largely by the pupils' tuition fees. Among its first teachers were Messieurs Gilbert Cook and Henry Brown. Mr. E. R. Helms the present Police Magistrate was a later Teacher.

KINGSTON—*Midland District School Society*. In the First and Second Volumes of this Documentary History, there is frequent references to the Midland District School Society, and to the efforts made by its promoters to supply a grievous want felt at the time in the old Town of Cataraqui—Kingston—then second in rank to the Town of York.

While the Executive Government of the day more or less actively fostered the cause of education at the Capital, it practically left other places to take care of themselves in this matter. With the exception, therefore, of the District Grammar Schools for the well-to-do inhabitants in the chief centres of population, nothing was done until 1816 to provide Elementary Schools for the less wealthy portions of the community.

It was to meet this pressing want that the Midland District School Society of Kingston was organized. Just at that time, too, the new and very popular system of Monitorial teaching, originated by Mr. Joseph Lancaster, which was introduced into England and afterwards into Montreal, was adopted by the Kingston Society. Subsequently the Madras Monitorial system, practised by the Reverend Doctor Bell, was adopted in the Central (Church of England National) School, established at York, in 1820. (See page 89 of the First Volume of this Documentary History). The *Kingston Daily News* of November 16th, 1831, thus refers to the operations of the Midland District School Society:—

In 1818 there were no means of obtaining education for the children of the poor in Kingston. The fees of the few schools then existing, were higher than working people could afford, so that few of the children of that period were taught to read. A few gentlemen in Kingston, feeling for the want of education, subscribed among themselves to support a School taught according to the Lancastrian system, which was in vogue at that time. They formed themselves into an



association and were incorporated, under the designation of the "Midland District School Society," and a President and Trustees were chosen, to manage the affairs of the Society. From various causes, many attempts to establish a School failed, and the Society remained for many years dormant, until, in 1837, their efforts were again renewed. Their Act of Incorporation was then amended by Act of Parliament, by which they were not now committed to any mode of teaching, and also the shares were not only made transferable, but the heirs and representatives of deceased shareholders were rendered capable of inheriting the shares held by the deceased, and were entitled to vote at all their Meetings, and hold office.

In 1833, four years before the Midland District Grammar School was again opened, a number of ladies, feeling for the destitution of education, united in subscribing to support a Female Teacher, and they found a most suitable one in Miss Morrison, who had been a Teacher in Glasgow of such a School. They immediately engaged her, procured a School room, and commenced with between twenty and thirty scholars, a number which gradually increased. She was a faithful plain Teacher and did much good. She was particularly useful in teaching her pupils to read the Bible, and instructing them from it. The girls she taught to sew very well, and was very careful of their moral training.

In May, 1837, the Trustees of the Midland District School found themselves in a condition to commence their School anew, and it was advertised in the city papers that the Midland District School would be opened on Monday, the 22nd of May, 1837. They continued Miss Morrison as Female Teacher, who had already proved her efficiency, and a gentleman just arriving from Scotland who had been an excellent Teacher. The Venerable Archdeacon Stuart, the President, the Reverend R. D. Cartwright and the Reverend J. Machar were appointed to confer with Mr. John Hamilton and to engage him as Teacher of the boys' School, if they saw meet. They immediately engaged him, and he proved an excellent Teacher and a most respectable, worthy man. The School was then commenced under auspicious circumstances. It was not to be altogether gratis, a small fee was charged—three pence, or five cents, a week for each pupil. We here quote some extracts from the Report of the Reverend R. D. Cartwright, who was then Secretary :

As it will be desirable to secure a Male Teacher to instruct the boys, and also a Female Teacher of the female department, it is not necessary, nor indeed desirable, that the Institution should be wholly gratuitous, and a small sum paid weekly for each pupil, which would not press heavily upon the parents, would amount to a considerable aggregate in the year to aid the funds, and so far from diminishing the interest of the parents in the success of the School and the progress of their children, would be found considerably to increase it.

There is perhaps no Town of the same extent and population, in which such a School conducted on Christian principles is more needed, and it should be a cause of thankfulness to God that we are in possession of so valuable an endowment for the instruction of the young, while our streets present such numbers of children growing up, it is to be feared, in ignorance of the true God, whom to know is life eternal.

The Midland District School was opened on the 22nd of May, 1837, according to announcement. The Reverend R. D. Cartwright and the Reverend J. Machar, Trustees, were present. The Reverend R. D. Cartwright, Secretary, offered up prayer for the children of the School, and for the Teachers. Mr. Cartwright was justified in the soundness of his views, the parents cheerfully paid the small fees, thankful for the privilege of their children being educated; and for those who were too poor to pay even these small fees, benevolent friends were always found ready to pay for them. This method conduced greatly to the regular attendance of the children. The small sum paid by the parents for their children, or by others for them, enhanced the value of their education, so that they were careful that their school-time should not be lost. The Trustees were much gratified with the success of their School, which was regularly attended and increased in numbers every week. In 1841, Miss Morrison resigned from failing health, and Miss Masson, who had assisted her, was appointed Teacher of the female department. So much had the Schools increased, that there were now nearly 300 children attending, who had no school to go to before. The Teachers, with their Assistants, were earnest Christians, deeply interested in the moral and spiritual welfare of the children, faithful and diligent in their work. The Bible reading was carefully attended to, and also the committing of a weekly portion to memory. On account of small fees being paid, the Schools were never considered as poor schools, and many persons who now occupy respectable positions in society were, when children, taught at these Schools. Respectable members of the Legal and Medical Professions and Ministers of the Gospel received their elementary education there, while the poorest were not neglected.

BOWMANVILLE AND WEST DURHAM. At the West Durham Centennial Celebration, held at Bowmanville in September, 1894, Mr. James B. Fairbairn,

Post Master, thus referred to the early Schools in that part of the Province. He said :—

“The old School House was a pretentious building, with its unpainted clap boards on the outside, and its old battered and whittled benches within. There was no vexed question of ventilation in those days. Every snow storm in winter brought in, through crack and crevice, an abundance of “the beautiful.” The School equipment consisted of Kirkham’s Grammar, Mavor’s Spelling Book, Walkingame’s Arithmetic, and the old English Reader by Enfield. The first Teacher of this School was Mr. John Dyer Bone—the Grandfather of J. D. and W. H. Hoar. He was a good scholar, wrote an excellent hand, was kindly and conscientious, and a good Teacher. The next Teacher, Mr. David Fairweather, from Scotland, taught for some years. His old Scholars will recall with kindly interest a good man and a good Teacher. The next Teacher was Mr. Jeremiah O’Leary, Father of the O’Learys of Lindsay,—a capital scholar, thorough in his work. He ruled “with a rod of iron.” Some of the boys who went to that school,—among whom I see Mr. McTavish present,—will have a lively recollection of that old oak ruler, so unmercifully applied.”

Mr. D. Burke Simpson, in his address on this occasion, speaking of the progress made in the past, said that “Education, however, has been the prime mover in our great advances, as it is every where; and as it becomes more disseminated, and the people as a whole have drunk deeper into its mysteries, then may this country make more progress. . . . We owe to education most, and to our sturdiness the next.”

HALDIMAND, (*Northumberland County*). In a letter to the *Cobourg World* of the 15th of May, 1895, Mr. P. Hinman says:

In 1812 there were not more than two or three Schools in Haldimand and they were kept in small Log Houses; now there are more than twenty Sections with good houses and premises where school is kept all the year. In 1812 there was no house or chapel for Public Worship in Haldimand; now there are more than twenty churches where public worship is regularly held. In 1812 there were no Sabbath Schools in Haldimand; now there are twenty, where hundreds of scholars are taught a knowledge of the Sacred Scriptures each Sabbath.

PUBLIC OPINION BEING STIMULATED ON THE SUBJECT OF EDUCATION IN 1838.

The movements which took place in 1836-1838, in favour of a better class of Schools and properly qualified Teachers, found expression in many of the local Newspapers of those days. The following well written article on the subject, although severe on the teaching of these days, appeared in *The Courier* of Montreal in July, 1838: It is interesting, as indicating the tendency of public opinion in favour of an improved system of Schools and of good teachers, which resulted in the practical attempt made to solve the question, by the passing of a Bill on the subject in 1839, and by the enactment of the first educational measure which was passed by the Parliament of the newly united Provinces of Upper and Lower Canada in 1841.

Much stress is laid, in the present crisis, on the necessity there is of government intervention, of the most efficient character, in order to the creation of a System of Education throughout the Country; and, in this, public opinion is right. Without such intervention there is no chance of such a System being introduced now, or for very many years to come. One of the merits of the present Government is that it has already entered upon the labour of effecting this desired object; there is every reason to hope the object may be gained. Public opinion itself has something to do in this matter, so as to aid the Government; and private efforts are necessary to render success certain.

How are teachers and teaching looked upon? Are the former, as a class, considered “professional men,” or the latter honoured, or even decently respected, as a “profession”? We know well, that there have not been wanting temporary and local reasons to account for the fact that they are not. The recognized modes of teaching have too often been shamefully inefficient and empirical; and the Teachers here, and in the lower departments of education, more especially, are disgracefully incompetent even to the empirical drudgery which they professed to undertake. But what then? Has not the same thing been the case, though to a less degree, with the clerical, legal and medical professions? Yet, is not a member of any one of

these professions regarded in that character, and, as a matter of course, with respect, unless, by his own personal demerits, he has forfeited his professional respectability. With the Teacher, (the grade of College Professor hardly excepted,) the case is reversed. His calling subjects him to suspicion and neglect. Lord Brougham's saying has passed into a by-word, "the Schoolmaster is abroad," and this has been called "the Schoolmaster age." In this inference there is a little error.—The Schoolmaster is not yet "at home" among us, in the "Schoolmaster age," but he will be.

#### THE PARSIMONY OF THE UPPER CANADA LEGISLATURE IN REGARD TO EDUCATION.

One reason why the state of the Schools in Upper Canada was at such a low ebb in the early period of their history was the extremely small sum voted by the Legislature for the support of Schools. There was besides, an utter absence of any attempt to provide for the education and training of persons as Teachers. The result was disastrous to the cause of education in Upper Canada, as was pointed out by Doctor Charles Duncombe, Mr. Mahlon Burwell and other enlightened Members of the House of Assembly, during the years 1820-1836.

When the first movement was made in favour of Common Schools in Upper Canada, in 1816, a sum then munificent was voted to sustain the newly established schools. It was soon, however, reduced to less than one-half of the sum granted in 1816. This parsimony to the Common Schools was no less so, in practice, to the Grammar Schools, as time went on. In 1832—this penuriousness in the support of both kinds of schools had reached such a stage that, in a Report of a Select Committee to the House of Assembly, the Committee felt it to be their duty—

Most earnestly and anxiously to draw the attention of Your Honourable House to the astounding fact, that less is granted by the Provincial Legislature for educating the Youth of three hundred thousand people, than is required to defray the contingent expenses of one Session of Parliament.

At that time, the Legislative grant to the Grammar and Common Schools together was only about Four Thousand pounds (£4,000,) in all.

Steps were taken in 1820 to establish some system, both in regard to teaching and the management of the schools. The desire was to introduce into this Province the Bell, or Madras, method of teaching, then in such favour in England, as the Lancaster was in Lower Canada, and in Kingston about that time. The details of these two systems are given in Chapter XXXVI. of the Second Volume of this Documentary History. In that Chapter it will be seen, that the Reverend Doctor Strachan greatly favoured this movement—involving as it did some sort of supervision over the desultory and uncertain management of the Schools, and the wretched mode of teaching then in daily practice in them.\*

\* Dr. Charles Duncombe, a noted Educationist of those days, thus refers to the kind of teachers employed in Upper Canada in 1831. He said, in a Report to the House of Assembly: "The insufficiency of the Common School Fund to support competent, respectable and well educated Teachers, has degraded Common School teaching from a regular business to a mere matter of convenience to transient persons or common idlers, who often stay for but one season, and leave the Schools vacant until they accommodate some other like person; whereby the minds of the youth of this Province are left without due cultivation, or what is still worse, frequently, with vulgar, low-bred, vicious and intemperate examples before them in the persons of their monitors."

"A Quondam School Master" writing on this subject in 1831 urged that it was time that "the ignominy and the drone should be driven from the field, and none but competent Teachers employed." (See page 347 of the Second Volume of this Documentary History). Subsequent Reports of the Local Boards of Education confirm these statements.

By reference to the Legislation of 1839, it will be seen that a noble effort was then made to remove the reproach of parsimony and neglect.

ANNUAL EXPENDITURE on behalf of Education in Upper Canada FROM the YEAR 1832 to the year 1836, inclusive; from document H. of the Appendix to the Third Report of the Committee of the House of Assembly on Finance; February 20th, 1838, videlicet:

				£	s.	d.
District Grammar Schools in the year			1832.....	1,000	0	0
Ditto	"	Ditto	" 1833.....	965	4	1
Ditto	"	Ditto	" 1834.....	995	5	8
Ditto	"	Ditto	" 1855.....	1,136	5	7
Ditto	"	Ditto	" 1836.....	1,126	7	1
Common Schools						
Do	Do	"	1832.....	2,400	0	0
Do	Do	"	1833.....	8,800	0	0
Do	Do	"	1834.....	7,860	0	0
Do	Do	"	1835.....	8,460	0	0
Do	Do	"	1836.....	8,950	0	0

SCHOOLS IN THE COUNTIES OF PRINCE EDWARD AND DUNDAS, IN THE YEARS 1786-1790.

*Matilda and Fredricksburgh.* Mr. James Croil, in his *History of the County of Dundas*, (1861,) states, that the Mr. Jonathan Clarke, (or Clark,)—mentioned on page 30 of the First Volume of this Documentary History—taught School at the Bay of Quinte. (Fredricksburgh,) in 1786. In 1788, he came to Matilda, and taught a Common School there for several years. A few of the neighbors assisted in the erection of a School House for him. Before the close of 1792, Mr. Croil states, the settlers in the County of Dundas had established several schools. (Croil's *County of Dundas*, pages 141, 144.)

SIR OLIVER MOWAT'S PERSONAL REMINISCENCES IN REGARD TO EDUCATION IN KINGSTON AND NIAGARA ABOUT SIXTY YEARS AGO.

The following are Extracts from the Address of Sir Oliver Mowat, delivered on the occasion of a Centenary Celebration of St. Andrew's Church, in Niagara, in August 1894:—

The Reverend John Burns was for some years Master of the Grammar School, while he performed clerical duty for the Presbyterian congregation. Another of the early teachers in Niagara I personally knew in my early boyhood. I mean Dr. John Whitelaw. He was appointed Master of the Niagara District Grammar School in 1880, and held that post until 1861. He was a very able and very learned man. He had previously practised medicine in Kingston, and I knew him from his being the Physician who was employed in my Father's family, and also from his having given in Kingston a course of popular lectures on Chemistry, which were attended by a considerable number of the educated men and women in the town, and by a few boys, of whom I happened to be one. Chemistry was a favorite study with him. I believe he afterwards delivered lectures on Chemistry in Niagara.\*

The Reverend John Cruickshank was another eminent Minister of the St. Andrew's congregation whom I personally knew. After having been engaged there for a time, at one of the Scottish Universities, as an assistant professor, . . . He died on the 12th June, 1892, at the good old age of ninety. He was a cultured and a good man. . . . My acquaintance with him arose from his having been one of my early Teachers in Kingston. He came there from Scotland in 1828 to take charge of a School, which the principal Scotch residents of the Town, with some others, wished to establish, in consequence of being dissatisfied with the government Grammar School, or its Managers. . . . Mr. Cruickshank, (he obtained his doctorate subsequently,) was a good Teacher, according to the methods then in use, although Adam's Latin Grammar, somebody's "Select Latin Sentences," Stewart's Geography, as then

\* Reference to Dr. John Whitelaw will be found on page 83 of the First Volume of this Documentary History, and to his earlier Lectures on Chemistry in Kingston, on page 130 of the same Volume.

used, and Walsingham's Arithmetic were rather hard fare for a boy eight or nine years old. Adam's Grammar was a relief, however, after the Eton Grammar which I had been made to struggle with under a previous Master.

Mr. Cruickshank was much respected and liked by his pupils. They were mostly boys; but some of the Scotch subscribers, or shareholders of the School, who had daughters, and no sons, sent their daughters to the new St. Andrew's Grammar School. This was the first Grammar School in the Province at which co-education was tried. One of my classmates, and my greatest friend amongst them, was neither Scotch, nor Presbyterian,—Walter Stennet, who afterwards became Principal of Upper Canada College, and finally Rector of Cobourg. Two other of the boys attained great distinction in after life—John A. Macdonald and John Hilliard Cameron. They were amongst the big boys. Dr. Cruickshank, in after-life, used to speak of both of them with pride, as having been pupils of his. In a speech elsewhere, I gave some reminiscences of Sir John Macdonald. What I chiefly recollect of John Hilliard Cameron at school is that he was a kind, genial fellow, and a special favourite with us junior boys. He was a most interesting narrator of stories,—knew a great many, and was always willing to tell us one. I recollect that, on one occasion, in order to punish or correct him for the offence of talking in school, he was made to sit for a few days with the boys of the junior Latin class. He managed to tell us many a good story there, notwithstanding the keen eye of the Master upon him. I never ceased to have a very warm feeling toward the always kind and genial Cameron. . . . "Centennial St. Andrew's Niagara, 1784. . . 1894 By Janet Carnochan; pages 46-49."

#### SCHOOLS IN THE TOWN OF NIAGARA IN THE EARLY DAYS, 1802-1820.

From the History of St. Andrew's Church, Niagara, 1794-1894 by Miss Janet Carnochan, I have made the following extracts:

"On September the 2nd, 1802, when the Reverend John Young of Montreal, was engaged, he was to have the privilege of teaching a School. . . .

In 1805 the clergyman of St. Andrew's, Niagara, also had the privilege of teaching thirteen scholars—if he wished—Latin Greek and Mathematics, for the additional sum of Fifty pounds, (£50) per annum. In the same year, (1805)—the Reverend John Burns came from New York State, to Niagara as Minister. . . . He was one of the first Teachers in the Niagara District Grammar School founded in 1808, and was taken prisoner and preached to his captors, it is said, in the war of 1812-14."

The Honourable Archibald McKellar told me that he was a student for two years at the Niagara District Grammar School, when taught by Doctor John Whitelaw. (Page 18\*.)

#### BIBLE DISTRIBUTION BY THE TEACHERS OF THE NIAGARA DISTRICT, 1817.

In connection with the foregoing Reminiscences of Education, in the early days of this Province, in the Niagara District, the following Circular of directions to the Common School Teachers in that District, in regard to Bible distribution, will be read with interest. It denotes a primitive state of affairs, as well as a paternal interest (in the first settlers of the District) by the District Board of Education. It was addressed "To the Common School Teachers in the Niagara District"

You are required by the Board of Education, of this District to inquire into the state of the inhabitants in your respective neighbourhoods, as to their possessing, or their want of, the Holy Scriptures, and your Trustees are requested to aid you, in this benevolent inquiry

*Firstly.* You will inquire, by going from house to house, if the Settlers possess any copy of the Scriptures, and in what condition.

*Secondly.* If they are without this invaluable treasure, inquire whether they are desirous of possessing it, and are willing to form associations to purchase it, by instalments of a quarter dollar per month.

\*Reference is made to Mr. McKellar's School days on pages 162, 163 of the First Volume, and on page 320 of the Second Volume of this Documentary History.

*Thirdly.* How many of the family can read ; and if any person of honest worth, finds it difficult to spare this small sum, he may subscribe a less one, or have his Bible gratis, if he appears to deserve it—Let this information be entered in separate columns, and sent to Samuel Street, Esquire, at the Fall Mills, Secretary to the Niagara Bible Society.

This inquiry is preparatory to the formation of Associations in this District, for the high purpose of spreading the knowledge of Divine Truth, and it is evident that the act of periodically contributing to a religious object by any set of men, and especially to procure Bibles for themselves and children, where they are wanted, or to aid their distribution among their poorer neighbours, and their fellow-creatures in general, leads to the formation of economical and pious habits, and tends to generate and cherish those feelings in the mass of the community, which conduce in a great degree to private virtue and public happiness.

Resolutions recommended for adoption at meetings, assembled for the formation of Bible Associations, will be published in some future *Niagara Spectator*, as soon as the Niagara Bible Society receives information of Bibles being sent out, to be disposed of by their Committee.

NIAGARA, June, 1817.

R. CLENCH,

*A Member of and Secretary to the Niagara District Board of Education.*

FORMS OF SCHOOL TRUSTEES' REPORT AND TEACHER'S CERTIFICATE, PRESCRIBED BY THE NIAGARA DISTRICT BOARD OF EDUCATION, 1817.

The following forms of Report and Certificate have been prepared for the Trustees and Teachers of the Common Schools, within the District of Niagara.

The District Board of Education beg leave to recommend that the following Rules be adopted in the different Schools.

The books mentioned in the Rules will be provided by the Board of Education, with as little delay as possible.

*Form of Report of the Trustees of a District Common School*

Established in the Township of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord, one thousand eight hundred and \_\_\_\_\_ under the tuition of Mr. A. B. a British subject, and kept until the \_\_\_\_\_ day of \_\_\_\_\_ 181 \_\_\_\_\_

Names of Children.	State of Learning.					
	Age.	What Primers.	What Spe'ling.	What Reading.	What Writing.	What Arithmetic.

*Form of a Teacher's Certificate, in the District of Niagara, 1817.*

We, the Trustees of a District Common School, established in the Township of \_\_\_\_\_ in the District of Niagara, Province of Upper Canada, do certify that Mr. A. B. a British subject, has taught the said District Common School, as aforesaid, for the space of six months, commencing on the \_\_\_\_\_ day of \_\_\_\_\_ and ending on the \_\_\_\_\_ day of \_\_\_\_\_ 181 \_\_\_\_\_ ; having not had less than twenty scholars, and has well demeaned himself as Teacher of the said School, and much to our satisfaction. Given under our hands, in the Township of \_\_\_\_\_ aforesaid, this \_\_\_\_\_ day of \_\_\_\_\_ 181 \_\_\_\_\_

*(This Certificate is to be signed by the three Common School Trustees.)*

*To the Treasurer, of the District of Niagara.*

## RULES FOR THE GOVERNMENT OF COMMON SCHOOLS IN THE DISTRICT OF NIAGARA.

(Prescribed by the Board of Education for the Niagara District, August the 5th, 1817.)

It is interesting to be able to compare the concise Rules for the Government of Elementary Schools, as prescribed in the Niagara District, nearly eighty years ago, with the comprehensive and elaborate ones of to-day. What they lacked in this respect, they made up in clearness and brevity.

Rules Three and Four are excellent, and deserve to be incorporated in the modern regulations for Schools of all kinds. Rule Five, on the contrary, is a reprehensible one, and should find no place in any School Regulations. It conflicts with regulation number Four, and is in singular contrast to it.

Rule Seven embodies the system pursued in these early days in regard to Religious Instruction in the Schools, and is an interesting attempt to solve that vexed question in all systems of public elementary schools.

Rules One and Eight are excellent, and are highly commendable.

1. The Master to commence the labours of the day by a short prayer.
  2. School to commence each day at Nine o'clock of the forenoon, and five hours at least to be given to teaching during the day, except on Saturdays.
  3. Diligence and Emulation to be cherished and encouraged among the pupils, by rewards judiciously distributed, to consist of little pictures and books, according to the age of the scholar.
  4. Cleanliness and Good Order to be indispensable; and Corporal Punishment seldom necessary, except for bad habits learned at home,—lying, disobedience, obstinacy, and perverseness,—these sometimes require chastisement; but gentleness, even in these cases would do better with most children.
  5. All other offences in children, arising chiefly from liveliness and inattention, are better corrected by shame, such as gaudy caps, placing the culprits by themselves, not admitting anyone to play with them for a day, or days, detaining them after school hours, or during a play afternoon, and by ridicule.
  6. The Master must keep a regular Catalogue of his scholars, and mark every day they are absent.
  7. The forenoon of Wednesday and of Saturday, to be set apart for Religious Instruction; to render it agreeable, the school should be furnished with at least ten copies of Barrow's "Questions on the New Testament," and the Teacher to have one copy of the Key to these Questions for his own use; the Teacher should likewise have a copy of Murray's "Power of Religion on the Mind," Watkins' "Scripture Biography," and Blair's "Class Book,"—the Saturday Lessons of which are well calculated to impress religious feeling.
- NOTE. These books are confined to no religious denomination, and do not prevent the Master from teaching such Catechism as the parents of the children may adopt.
8. Every day to close with reading publicly a few verses from the New Testament, proceeding regularly through the Gospels.
  9. The afternoon of Wednesday and of Saturday, to be allowed for play.
  10. A copy of the Rules to be affixed up in a conspicuous place in the School-room, and to be read publicly to the scholars, every Monday morning by the Teacher. (*Gourley's Statistical Account of Upper Canada, 1817-1822, Volume ii; Appendix, (Page cxvi-cxix).*)

NIAGARA, August 5th, 1817.

MR. ROBERT GOURLEY'S REVIEW OF EDUCATIONAL MATTERS IN UPPER CANADA, 1821.

In connection with the foregoing interesting Reminiscences of Education in the oldest parts of Upper Canada, during the early days named, the following extracts from the *Statistical Account of Upper Canada*, contained in Mr. Robert Gourley's Second Volume, published in London, England, in the year 1822, will strikingly illustrate, by way of contrast, what was then the state of education in this Province, as viewed by the Writer at that time. I have already given, in the First Volume of this Documentary History, pages 123-128, the Statistics of Education in Upper Canada, as compiled by Mr. Gourley in 1817-1821.

After having inserted in his First and Second Volumes a large amount of statistical and other matter, Mr. Gourley proceeds to "review" and criticise the state of the Province, in the light of the materials which he had collected. In regard to educational matters, he says:

In the year 1809, Mr. John Mills Jackson, an Englishman, who had been sometime settled in Upper Canada, came home, and published in London a Pamphlet, entitled, "*A view of the Political Situation of the Province.*" This Pamphlet had . . . been voted libellous by the Provincial Assembly.\* . . . Some extracts from this Pamphlet, are given by Mr. Gourley as follows:—

A laudable attempt was lately made to encourage the propagation of the Gospel, and to diffuse some Education amongst the rising generation. The House of Assembly voted Eight Hundred pounds (£800) a year for eight [District Grammar] Schools, as an inducement for Protestant Clergymen to settle in Canada, but even this was soon turned into a reward for convenient persons; the nomination of Masters became the Lieutenant-Governor's patronage; the Schools were given to half-pay Officers, or to men equally unfit for the superintendence of classical Instruction. . . . Pages 317, 319.

Mr. Gourley, in continuing his "review" and criticism on educational affairs in Upper Canada, said, that, among the other Acts passed by the Legislature of Upper Canada in 1799, was one, which:—

Provides for the education and support of Orphan Children.‡ It allows the Town Wardens of any Township with the consent of two Justices of the Peace to bind and apprentice children deserted by Parents; males till twenty-one, and female; till eighteen years of age. It also allows Mothers to do the same, where the Father abandons his child; but, in case relations of any child, or children, are able and willing to bring them up, then no power rests with Town-Wardens; and none having attained the age of fourteen years are liable to be apprenticed, unless he, she, or they consent thereto.

This Act seems humane; but it is just one of those meddling laws which have done so much mischief in England, in the poor-law system, and would better be expunged.

The person who originated "The Committee for promoting the Education of the Poor, in Upper and Lower Canada," does not possess a particle of knowledge as to the state of these Provinces. He had known nothing of the cause of poverty in Canada, if poverty there is; he knows nothing of the condition of the people there; and he has been wholly ignorant as to the impossibility of his efforts doing any thing like general good. In the Town of Kingston, where a subscription was entered into, to forward the views of the English Committee, and from whence proceeded the application for an Act of Parliament, there was no want of Schools of all sorts, [See the Kingston Reports, in Volume One, page 127] . . . \* In Kingston,

\* For particulars in regard to Mr. Jackson and his Pamphlet, see page 121 of the First Volume of this Documentary History.

‡ For proceedings of the Legislative Council in regard to a similar allegation by the "United Presbytery of Upper Canada," see pages 307-310 of the same Volume of this History.

‡ A copy of this Act is given on pages 29, 30 of the First Volume of this Documentary History.



there was scope for a few individuals doing benevolent acts, but their holding correspondence with England for such purpose was not necessary; . . . Out of the few Towns, or rather Villages, videlicet, Kingston, Niagara, Little York, etc., the population of Upper Canada was scattered about at the rate of seven souls, or less, to the square mile.

In that country it was not poverty which prevented the children from being educated, but the situation in which the people were placed by the state of property; and here too, as I have before mentioned, we have the cause of the paucity of religious institutions, and the abundance of full grown pagans . . . Having said thus much as to the lesser acts of Upper Canada, which regard Education, it is with infinite delight I call attention to the great one which [was passed in 1816. It was the first Act passed in Upper Canada, establishing Common Schools. See pages 102-104 of the First Volume of this Documentary History.] This Act was worth Fifty Thousand Pounds (£50,000) to the people of Upper Canada, as before said; and it would be worth ten times that sum to England, if adopted there . . . Will any sensible class of people in England object to public schools on the plan of the Canadian Act? I cannot think it

The Canadian plan could be adopted and acted upon . . . It requires no immediate vote of money. It needs but a guarantee that the money will be payable when called for under the declared stipulations, and this would come on gradually. It requires neither money nor consideration for providing School Houses. The people would take care of all this, and suit themselves, as taste, convenience, and situation required. The whole business would regulate itself, and go on smoothly; it would proceed just so far as the public feeling was inclined to carry it; a fair opportunity would be given to all; and the Act might be amended, or repealed, without occasioning either extraordinary bustle, or unnecessary expense.

The Upper Canada School Act was, I believe, borrowed, in substance, from the State of New York; but, is no worse for that, and we need not be ashamed to borrow at second hand from one of our own Colonies, knowing that "out of the mouths of babes and sucklings proceeds knowledge." The Reverend Doctor Bell brought his (monitorial) system of education from Madras, in the East Indies. . . . Let us now draw refreshment from the West. With a few modifications, the Canadian Act would suit England delightfully. The objections spoken of by Mr. Crooks, would have no place here. We should have no difficulty in procuring respectable Schoolmasters; and Noah Webster would not interfere with Lindley Murray. (The extract from Mr. William Crooks of Grimsby, in 1817, here spoken of, will be found on pages 126, 127 of the First Volume of this Documentary History.)

At an early period of British dominion in America, blocks of wild land were set apart, to make provision, by a future day, for public institutions, judged essential to the well being and perfection of society. Since the Revolution, the United States have followed out, in part, this practice, by allotting land for Schools, and, in Canada, whole Townships have been appropriated for the same purpose, to say nothing of the Crown and Clergy Reserves. . . . It is indeed truly surprising that the fallacy of such a measure has not been perceived by Americans. People on this side the Atlantic may be excused. Here we see land set aside for all sorts of purposes,—for maintaining schools, hospitals, churches, and what not?

We see land thus appropriated, answering the end; and without considering the difference of circumstances, fly off with a conclusion that appropriations of land in the wilderness of America, will prove equally effective as at home. The *Edinburgh Review* has given in to this error. Not long ago, I read in that oracle of wisdom, an approval of the American plan of setting out land, to secure the benefit of education to future generations. The plan is wrong in every way . . .

It is not necessary for this generation to prescribe for the good of the next, so far as property is concerned. Let that go free from father to son; and it will be put to better and wiser use, as society advances in knowledge and refinement. The School Act of Upper Canada, passed in 1816, is a glorious proof of the natural disposition of mankind to promote education—of what may be expected from voluntary effort.

Considering that the Canadians are the poorest people of North America, the vote of money for that purpose [£6,000], is liberal in the extreme; and pity it is that the state of property should render the effort in any respect abortive. It has greatly done so. In many parts, population is so thin, that the required number of children cannot be got together, to give those willing to take advantage of the Act, an opportunity of benefiting by it. It has hence been complained of; and it was thought might even be allowed to expire, [which it did in 1820].

I hope it is revived; and that it will be maintained till property is well arranged, and society strong. In conjunction with the Common Schools of Upper Canada, the District (Grammar) Schools, if well appointed, might be productive of much good; and I should propose measures, by which the maintenance of these, out of public funds, would be fair and politic, which is not the case at present, while only the wealthier classes, and a few others residing near those Schools, can have benefit from them. . . .

\*The particulars in regard to this movement in Canada, in 1814, 15 are given on pages 89-93 of the same Volume.

It has been proposed to have a College in Upper Canada; and no doubt Colleges will in time grow up there. At present, and for a considerable period to come, any effort to found a College would prove abortive. There could neither be got Masters nor scholars to ensure tolerable commencement for ten years to come; and a feeble beginning might beget a feeble race of Teachers and pupils. In the United States, Academies and Colleges, though fast improving, are yet but raw; and greatly inferior to those in Britain, generally speaking. Twenty-five lads sent annually at public charge from Upper Canada to British Universities, would draw after them many more. The youths themselves, generally, would become desirous of making a voyage in quest of learning. Crossing the ocean on such an errand, would elevate their ideas, and stir them up to extraordinary exertions. They would become finished preachers, lawyers, physicians, merchants; and returning to their native country, would repay in wisdom what was expended in goodness and liberality.

The Indians can now, happily, be no longer looked to by Canada, as allies in war. . . .

On the Grand River, (and other places,) Churches have been erected for the reform of these people; but no change has been effected for good. Their children grow up wild, irregular in their habits, and altogether useless members of the community. . . . [This is denied.]

Well ordered and efficient establishments should be erected for training up the youth. They should be taught not only to read and write, but be bred up to industry and regular business. There are ample funds for this. . . .

The speedy civilization of those within the surveyed bounds should be the sole object; and, in ten or twelve years, it could be completely effected. The Indians of the Grand River have monied means of their own to accomplish this, under proper management; and the rising generation could be portioned off with land as they grew up, qualified to improve and enjoy their inheritance. (*Volume ii. London, 1817-1822, Pages 375-393.*)

## CHAPTER VIII.

### EDUCATIONAL PROCEEDINGS OF THE UPPER CANADA LEGISLATURE, 1839.

On the 27th of February, 1839, His Excellency, Sir George Arthur, opened the fourth session of the Thirteenth Parliament of Upper Canada, with a Speech from the Throne. Referring to educational matters, he said:—

Second only in importance to the subject of the Clergy Reserves, is that of General Education. A system of sound and Religious Instruction for the rising generation ought to be established under every Government; and it is most particularly requisite in a young country in the situation of this Province. I, therefore, strongly recommend to you a careful revision of the enactments relating to the Common Schools; and the early adoption of some plan, calculated to secure the assistance of properly qualified Teachers.

### EDUCATIONAL PROCEEDINGS OF THE UPPER CANADA HOUSE OF ASSEMBLY, 1839.

*February 28th, 1839.* Mr. Mahlon Burwell gives notice that he will on Wednesday next, move that this House do resolve itself into a Committee of the Whole on the subject of addressing Her Majesty for an extensive grant of the waste Lands of the Crown, for the establishment, maintenance and support of Common Schools throughout this Province.\*

Mr. Mahlon Burwell gives notice that he will on tomorrow, move that this House do go into a Committee of the Whole on Supply, to enable him to move certain Resolutions for granting, per annum, from the Provincial Revenue, a sum of money; and to provide that an equal sum be raised annually by assessment upon the people in the several Districts, for the Establishment, Maintenance and Support of Common Schools throughout this Province.†

*March 2nd, 1839.* Pursuant to notice Mr. Mahlon Burwell, seconded by Mr. Edmund Murney, moves that the House do now resolve itself into a Committee of Supply, for the pur-

\*A similar notice of motion was made by Mr. Burwell on the 9th of November, 1836, see page 43, ante.

†A similar notice of motion was made by Mr. Burwell on the 9th of November, 1836, see page 43, ante.

pose of granting a sum of money in aid of Common Schools, which was carried; and the House was put into a Committee of the Whole on Supply accordingly, Mr. Thomas Parke in the chair. The House having resumed, the Chairman reported, that the Committee had made some progress, and asked leave to sit again on Wednesday next. The Report was received, and leave was granted accordingly.

*March 6th, 1839.* Pursuant to the Order of the Day, the Address, in answer to His Excellency's Speech from the Throne, was read a third time and passed. That part of it relating to education was as follows:—

We cordially agree with your Excellency in thinking that a system of sound and Religious Instruction for the rising generation ought to be established under every Government, and is most particularly requisite in a young country in the situation of this Province, and that we will give this subject our best consideration.

Pursuant to the Order of the Day the House was again put into Committee of the Whole on the subject of Common Schools, Mr. Henry Sherwood in the chair. The House having resumed, the Chairman reported, that the Committee had made some further progress, and asked leave to sit again on Monday next. The Report was received, and leave was granted accordingly.

*March 7th, 1839.* A Petition from a Committee on the part of the Common School Teachers in the District of Bathurst, presented to the House on the 5th instant, praying for an increase of the Government allowance to School Masters, was read.

Mr. Henry Sherwood gives notice that he will, on to-morrow, move that a Committee of five Members be appointed to take into consideration that part of His Excellency's Speech which refers to the subject of General Education.

*March 8th, 1839.* Mr. James Morris gives notice that he will, on to-morrow, move that an Address be presented to His Excellency, the Lieutenant Governor, requesting that His Excellency may be pleased to lay before this House an account of the lands of the University of King's College and of Upper Canada College, which have been sold up to the first of January last, (1839), and also other information connected with these Institutions.

Pursuant to notice, Mr. Henry Sherwood, seconded by Mr. Michael Aikman, moves that that part of His Excellency's Speech which refers to general Education, be referred to a Select Committee, consisting of Messieurs George S. Boulton, Mahlon Burwell, Malcolm Cameron and George Rykert, with power to send for persons and papers, and to report thereon by Bill, or otherwise, which was carried, and so ordered.

*March 9th, 1839.* On motion of Mr. James Morris, seconded by Mr. William Hamilton Merritt, it was ordered—That an humble Address be presented to His Excellency the Lieutenant Governor, requesting that His Excellency will be pleased to lay before this House an aggregate statement of the number of acres of the Lands of the University of King's College, and of Upper Canada College, and of the Free Grammar Schools, respectively, which have been sold up to the first of January last, (1839,) and showing the average price per acre, the gross amount actually received on such sales, together with a statement of the expenditure up to the same period, specifying the outlay, (1) for the purchase of grounds, and the annual disbursements for (2) labour, (3) agency, (4) salaries, (5) office rent, (6) etcetra; also shewing the balance at the credit of each of these Institutions, and the rate of interest accruing thereon, whether from Banking Companies, or private individuals; and that Messieurs Malcolm Cameron and Roger Rollo Hunter be a Committee to draft, report and present the said Address.

*March 11th, 1839.* On the Order of the Day for a Committee of Supply on certain Resolutions for granting aid to Common Schools being called, it was moved, in amendment by Mr. Mahlon Burwell, seconded by Mr. Henry Sherwood, that the Order of the House for going into Committee of Supply, for the support of Common Schools, be discharged, which was carried.

*March 12th, 1839.* Pursuant to the Order of the Day, the Address to His Excellency the Lieutenant Governor, praying for a Return of the sale of College Lands up to the end of 1838, was read the second time; and was ordered to be engrossed and read a third time to-morrow.

*March 13th, 1839.* Pursuant to the Order of the Day, the Address to His Excellency the Lieutenant Governor, praying for a Return of the Sales of College Lands up to the end of 1838, was read a third time and passed, as follows:—

To His Excellency Sir George Arthur, Lieutenant Governor of the Province of Upper Canada, etc.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to lay before this House an aggregate statement of the number of acres of lands of the University of King's

College, and of Upper Canada College, and of the Free Grammar Schools, respectively, which have been sold up to the 1st January last, (1839,) and shewing the average price per acre :— the gross amount actually received on such sales—together with a statement of the expenditure up to the same period, specifying the outlay for the purchase of (1) grounds, and the annual disbursements for (2) labour, (3) agency, (4) salaries, (5) office-rent, (6) etcetra ; also shewing the balance at the credit of each of the Institutions, and the rate of interest accruing thereon, whether from Banking Companies, or private individuals.

COMMONS HOUSE OF ASSEMBLY,  
13th March, 1839.

ALLAN N. MACNAB,  
Speaker.

*March 14th, 1839.* A Petition from the Right Reverend Alexander Macdonell, Bishop of Regiopolis, laid before the House on the 12th instant, was read, praying that the same pecuniary aid (£4,100,) may be extended to (Regiopolis College), the Roman Catholic Seminary at Kingston, which was granted to the (Upper Canada Academy, or) Methodist Seminary at Cobourg.\*

*March 15th, 1839.* Mr. Malcolm Cameron, from the Committee, appointed to wait upon His Excellency the Lieutenant Governor, with the Address of the House, praying for a Return of the Sales of College Lands, up to the 1st of January, 1839 reported delivering the same, and that His Excellency had been pleased to make thereto the following answer :

GENTLEMEN,—

I will lose no time in calling upon the proper Officers to prepare the Statements required by this Address, which I will transmit for the information of the House of Assembly.

GOVERNMENT HOUSE,  
Toronto, 15th March, 1839.

GEORGE ARTHUR.

*March 19th, 1839.* On motion of Mr. John Prince, seconded by Mr. Absolom Shade, it was ordered—That the Petition of the Right Reverend Alexander Macdonell, Bishop of Regiopolis, be referred to a Select Committee, to be composed of Messieurs Anthony Manahan, Francis Caldwell, George Rykert and Mahlon Burwell, with power to send for persons and papers.

On motion of Mr. Michael Aikman, seconded by Mr. Colin C. Ferrie, it was ordered—That the Petition of the Chairman of the Board of Trustees of the Ancaster Literary Institute, presented to the House on the 15th instant, be referred to the Committee, to whom was referred that part of His Excellency's Speech which relates to the subject of General Education, with power to send for persons and papers and report thereon.

*March 20th, 1839.* On motion of Mr. James Morris, seconded by Mr. Malcolm Cameron, it was ordered—That three hundred copies of the entries and Documents in the Journals of the First, Second and Third Sessions of the Eleventh Parliament of this Province, on the subject of School Lands, be printed for the use of the Members.

*March 21st, 1839.* Mr. Speaker reported, that the Honourable R. A. Tucker, a Member of the Executive Council, had brought down from His Excellency the Lieutenant Governor, several Messages and Documents. The following Message was read by Mr. Speaker :—

GEORGE ARTHUR.

The Lieutenant Governor transmits, for the information of the House of Assembly, the Annual Report of the Trustees of the Public District Schools, and of the Boards of Education of the several Districts for the past year.

GOVERNMENT HOUSE,  
TORONTO, 18th March, 1839.

G. A.

NOTE.—Extracts from these Reports will be given in a subsequent Chapter.

\* On the 22nd of June, 1838, Bishop Macdonell addressed a letter to the Earl of Durham, Lord High Commissioner to Canada, appealing for educational aid. In his appeal, he made the same reference as he does here to the grant to the Upper Canada Academy. He said :—

"The Irish Emigrants, unable to build places of Worship for themselves, or educate their children, as well as the Scots Highlanders, feel greatly disappointed . . . at not receiving any assistance from Government for the Education of their children, although the Methodists obtained this very year a grant of Four Thousand, One Hundred pounds, (£4,100) towards their Seminary at Cobourg. There are abundant funds for education in the Province, if the School Lands were disposed of, and the proceeds applied to the support of District (Grammar) and Common Schools." *Extract from Lord Durham's Report.*

*April 3rd, 1839.* The Petition of the Reverend Thomas Creen and the Reverend Robert McGill, Members of the Board of Education of the District of Niagara, presented to the House on the 1st instant, was read: praying that the sum of Five Hundred pounds, (£500,) appropriated in aid of Common Schools in said District, may be made good by the Legislature,—that sum having been lost to the District, through the bankruptcy of the Treasurer.

The Speaker reported that the Master-in-Chancery had brought down the following Message from the Legislative Council, which he read:—

Mr. SPEAKER,

The Legislative Council have adopted the accompanying Resolutions on the subject of General Education, and request the concurrence of the Commons House of Assembly in and to the same.

LEGISLATIVE COUNCIL CHAMBER,  
2nd April, 1839.

JONAS JONES,  
Speaker.

The Resolutions thus sent down were read as follows:—

1. *Resolved*, That it is most important to the best interests of this Province, that speedy and effectual measures be adopted for carrying into operation the benevolent intentions of His late Most Gracious Majesty King George the Third, in 1797, on the subject of a general system of Education, and also for the encouragement of Common Schools.

2. *Resolved*, That in order to promote that highly desirable object, it is proper to request that the House of Assembly unite with this House in such measures as may be found requisite for securing to the inhabitants of Upper Canada the advantages of the provision made in 1797, for the support and diffusion of "sound learning and a religious Education among all classes."

3. *Resolved*, That the foregoing Resolutions be communicated to the House of Assembly for their concurrence.

On motion, it was ordered—That these Resolutions be read a second time to-morrow.

*April 8th, 1839.* Mr. David Thorburn, from the Select Committee, to which was referred the Petition of the Reverend Thomas Creen and the Reverend Robert McGill of the Niagara District Board of Education, presented a Report, and a draft of a Bill, which was read the first time. It was ordered—That the Bill to make good the money granted for the support of Common Schools in the District of Niagara, but which was lost by the bankruptcy of the Treasurer thereof, be read a second time to-morrow.

*April 17th, 1839.* Pursuant to the Order of the Day, the Resolutions sent down, on the 2nd instant, by the Honourable the Legislative Council, on the subject of General Education, were read the second time, and referred to a Committee of the Whole House. The Resolutions were committed and reported. The Report was received, and the Resolutions were adopted and sent back to the Legislative Council, without amendment.

Pursuant to the Order of the Day, the Bill to make good the lost School grant to the District of Niagara, was read a third time and passed. The Bill was intituled: "An Act for the Relief of the Teachers of Common Schools in the District of Niagara." Messieurs David Thorburn and William Woodruff, were ordered to carry the Bill up to the Honourable the Legislative Council, and requests their concurrence thereto.

*April 18th, 1839.* Mr. Mahlon Burwell gives notice that he will, on to-morrow, move for leave to bring in a Bill for granting One million of Acres of Waste Lands of the Crown, to assist in providing a permanent Fund for the Establishment, Maintenance and Support of Common Schools throughout this Province.

Mr. Speaker reported that the Master in Chancery had brought down the following Message from the Legislative Council, which he read:—

Mr. SPEAKER,

The Legislative Council have appointed the Honourable and Venerable the Archdeacon of York and the Honourable Messieurs William Allan, William Morris and Adam Ferguson, to be a Committee, on the part of this House, who will be ready to meet a Committee, on the part of this Commons House of Assembly, to-morrow at the hour of Two of the clock, p.m., in the Committee Room of the Legislative Council, in relation to certain Resolutions adopted by the two Houses on the subject of General Education, and also for the encouragement of Common Schools.

LEGISLATIVE COUNCIL CHAMBER,  
April 18th, 1839.

JONAS JONES,  
Speaker.

On motion of Mr. James Morris, seconded by Mr. William B. Robinson, it was ordered—That Messieurs Mahlon Burwell, George S. Boulton, George Rykert, William H. Merritt, Ed-

ward W. Thomson, Henry Sherwood, Malcolm Cameron and Thomas Mackay, be a Committee, on the part of this House, to meet a Committee of the Honourable the Legislative Council, at the time and place appointed,—on the subject of General Education.

On motion of Mr. James Morris, seconded by Mr. Edward Malloch, it was ordered—That a Message be sent to the Honourable the Legislative Council, informing them that this House have appointed certain Conferees to meet the Conferees on the part of that Honourable House, on the subject of their Resolutions on General Education.

April 19th, 1839. Mr. Mahlon Burwell, from the Committee of Conference with the Honourable the Legislative Council, on the subject of General Education, presented a Report and a Draft of a Bill, which were received. The Report was read as follows:—

*To the Honourable the Commons House of Assembly of Upper Canada :*

Your Committee, appointed to meet a Committee of the Honourable the Legislative Council, on the subject of General Education, beg leave to Report:—

That the Joint Committee have agreed unanimously to the annexed Resolution; and your Committee report herewith the Bill, to which that Resolution relates, granting One Million of Acres of the Waste lands of the Crown, for the support of Common Schools in Upper Canada.

Respectfully submitted,

COMMONS HOUSE OF ASSEMBLY,  
April 19th, 1839.

M. BURWELL,  
Chairman.

*The Resolution agreed to by the Joint Committee of both Houses is as follows:—*

*Resolved,* That it is the opinion of the Joint Committee of the two House of the Legislature of this Province on the subject of General Education, that an Act to appropriate One Million of Acres of the Waste Lands of the Crown, for the support of Common Schools, be passed by the Legislature during the present Session; and that the Bill submitted to the Committee be recommended to both Houses for adoption for that purpose.

JOINT COMMITTEE ROOM.

JOHN STRACHAN,  
Chairman of the Joint Committee.

DRAFT OF BILL TO APPROPRIATE ONE MILLION OF ACRES OF WASTE LANDS FOR THE SUPPORT OF COMMON SCHOOLS IN UPPER CANADA.

MOST GRACIOUS SOVEREIGN:

*Whereas* it is expedient to provide means for the permanent Establishment, Maintenance and Support of Common Schools throughout this Province: And

*Whereas*, from the smallness of the Provincial Revenue, and the inability of the inhabitants of the several Districts to pay large assessments for that purpose, it is expedient and necessary that a portion of the Waste Lands of the Crown within this Province, should be set apart for the purpose of assisting to provide permanently, in all time to come, for a "Common School Fund."

*Be it therefore enacted* by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled: "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled: "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same.

2. That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, for the time being, to set apart One Million of Acres of the Waste Lands of the Crown in this Province, from and out of any lands that may remain ungranted after the passing of this Act, to be disposed of for the purposes hereby provided, by a General Board of Education, hereinafter appointed, part of whose duties shall be the selling, or leasing, of such lands, or any part thereof, for the raising and establishing a "Common School Fund."

3. *And be it further enacted* by the authority aforesaid, That the monies arising from the selling, or leasing, of the said Lands, or any part thereof, shall be permanently invested in some Public Securities in this Province, and the Interest thereof only applied annually for the purposes of such "Common School Fund."

4. *And be it further enacted* by the authority aforesaid, That there shall continue to be a General Board of Education, to consist of not more than seven fit and discreet persons, appointed by the Governor, Lieutenant Governor, or Person administering the Government, of whom four shall be a quorum; whose duty it shall be to submit an Annual Report to the Governor, Lieutenant Governor, or Person administering the Government, on the actual state and condition of the Common Schools throughout the Province, the monies expended thereon, and from what sources derived, with plans for their improvement, and such other matters respecting Schools and Education generally, as to the said Board may seem useful and expedient, that the same may be laid before the Legislature at its annual Meetings.

The Bill was read the first time, and it was ordered—That the foregoing Bill to provide a Fund for the support of Common Schools, be read a second time to-morrow.

*April 22nd, 1839.* Mr. Speaker reported, that the Honourable R. A. Tucker, a Member of the Executive Council, had brought down the following Message which he read:—

GEORGE ARTHUR.

The Lieutenant Governor, in compliance with the Address of the House of Assembly, dated the 13th of the last month, (page 145, *ante*,) now transmits for the information of the House, the statements thereby required respecting the endowments and pecuniary affairs of King's College, and of Upper Canada College, for each of the years 1836, 1837, and 1838, respectively, prepared by the Registrar and Bursar of the first named Institution.

The Lieutenant Governor also informs the House of Assembly that a Committee of the College Council is now engaged drawing up a Report upon the general state of the Affairs and Finances of the two Colleges, which shall be forwarded to the House as soon as possible after it shall have been received by him.\*

GOVERNMENT HOUSE,  
TORONTO, 22nd April, 1839.

G. A.

NOTE. An abstract of these accounts, and various other papers, relating to King's College, and to Upper Canada College, etc., will be inserted subsequently.

Mr. Henry Sherwood, from the Select Committee of Conference with the Honourable the Legislative Council, on the subject of General Education, presented a further Report, which was received and read as follows:—

*To the Honourable the Commons House of Assembly of Upper Canada:*

The Committee appointed by your Honourable House to meet the Committee appointed by the Honourable the Legislative Council, upon the subject of certain Resolutions passed by both Houses on the subject of a grant of waste Lands for the promotion of Common School Education, beg leave to make their second Report.

According to adjournment, the joint Committee met in a Committee Room of the Honourable the Legislative Council, at halfpast 2 o'clock this day: certain Resolutions which had been proposed at a previous meeting by a member of the Committee, on the part of the Legislative Council, were brought up for adoption, when a Member of the Committee on the part of Your Honourable House, contended that they were not in order, inasmuch as they contained a proposition to interfere with the University of King's College, which was not referred to them, and he moved that the Chairman should leave the chair.

The Chairman left the chair, declaring that he would put no question which had for its object any interference with the said University. Almost every honourable Member present protested against this proceeding on the part of the Chairman, but without effect.

All which is respectfully submitted,

JOINT COMMITTEE ROOM,  
April 19th, 1839.

HENRY SHERWOOD,  
Chairman.

\*When these papers were submitted to, and examined by, Sir George Arthur he informed the King's College Council personally, at a meeting of the Council held on the 20th of April, 1839, that "upon looking over the Abstracts of the Receipts and Expenditures of Kings College, and Upper Canada College, . . . he was much surprised by the outlay, and, therefore, deemed it expedient previously to sending these papers down to the House of Assembly to call the attention of the Council to the subject. "The consequence was that a Committee was appointed to look into these accounts, and, as the Minutes of the Council of that day, (20th of April, 1839), records: "the general opinion was that the annual expenses (of the two Institutions) should be reduced, and that it was not advisable to commence the Building of the University."

*April 23rd, 1839.* On motion of Mr. James Morris, seconded by Mr. Edward W. Thomson, it was ordered—That the Documents relative to King's College and Upper Canada College sent down by His Excellency the Lieutenant Governor be referred to the joint Committee on Education. It was also ordered—That two hundred Copies of the Documents relating to the Expenditure on King's College and Upper Canada College, be printed for the use of the Members.

Mr. Malcolm Cameron, seconded by Mr. George Rykert, moves that Mahlon Burwell Esquire, a Member of this House, be relieved from the Joint Committee of Conference on the subject of Education, and that William B. Robinson Esquire be nominated in his stead. On this the Yeas and Nays were taken with this result: YEAS, 23; NAYS, 6. The question was, therefore, carried in the affirmative by 17.

Mr. Malcolm Cameron, seconded by Mr. George Rykert, moved that a Message be sent to the Honourable the Legislative Council, informing that Honourable House that this House has relieved Mahlon Burwell Esquire, from the Joint Committee of Conference on Education, and have appointed William B. Robinson, Esquire, to act in his stead, which was carried and Messieurs Malcolm Cameron and Edward W. Thomson were ordered by the Speaker to carry up the Message to the Honourable the Legislative Council.

*April 24th, 1839.* Mr. Speaker reported that a Message had been received from the Honourable the Speaker of the Legislative Council, informing this House that The Honourable and Venerable Doctor Strachan, the Archdeacon of York, was relieved by the Council from serving on the joint Committee on Education, and that the Honourable John Simcoe Macaulay, was appointed to act in his stead.

*April 25th, 1839.* Mr. James Morris gives notice that will on to-morrow, move [which he did, and it was agreed to on the 27th of April] that an humble Address be presented to His Excellency the Lieutenant Governor, requesting that His Excellency will be pleased to send down to this House during the first fifteen days of every subsequent Session, statements in detail of the yearly expenditure on King's College and Upper Canada College. Also an Address passed on the 27th instant, requesting His Excellency to lay before this House the authority under which the several salaries and allowances are paid to the President, Architect, and other Officers of King's College.

*April 29th, 1839.* Mr. John B. Lewis, from the Committee appointed on the 27th instant, to draft an Address to His Excellency the Lieutenant Governor praying him for information relative to the salaries of the Officers of King's College and Upper Canada College, reported a draft which was received and read three times and passed, and is as follows:

*To His Excellency Sir George Arthur, Lieutenant Governor of the Province of Upper Canada etc.*

MAY IT PLEASE YOUR EXCELLENCY,

We Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to cause to be laid before this House the authority under which the several salaries and allowances are paid to the President and other Officers of King's College.

COMMONS HOUSE OF ASSEMBLY,  
29th day of April, 1839.

ALLAN N. MACNAB,  
Speaker.

Mr. Charles Bockus, from a Committee appointed on the same day, (27 April,) reported a similar draft of an Address to His Excellency, requesting him to annually lay before the House statements in detail of the annual expenditure of King's College and Upper Canada College.

*April 30th, 1839.* Mr. Speaker reported that he had received two Messsages from the Speaker of the Honourable the Legislative Council; which together he read, as follows:

MR. SPEAKER,

The Legislative Council have substituted the Honourable James Crooks for the Honourable William Morris, upon the Joint Committee on the subject of General Education, and communicate the same to the Commons House of Assembly, for their information; also the Legislative Council have passed the Bill sent up from the Commons House of Assembly on the 17th instant, intituled: "An Act for the relief of Teachers of Common Schools in the District of Niagara" . . . . without any amendment.

LEGISLATIVE COUNCIL CHAMBER,  
April 29th, 1839.

JONAS JONES,  
Speaker.



*May 2nd 1839.* Mr. Archibald McLean, from the Committee to wait on His Excellency the Lieutenant Governor with the Address of this House, praying for an annual Report on the affairs of King's College and Upper Canada College, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

GENTLEMEN,

I desire to apprise the House of Assembly of my intention to cause a full Report upon the affairs of the University of King's College and of Upper Canada College, to be annually prepared and published, for the general information of the people of this Province; and, in addition to such Reports, I shall, at all times, be willing to communicate to the House such further statements respecting those important Institutions, as may be applied for.

GOVERNMENT HOUSE,  
May 2nd, 1839.

GEORGE ARTHUR.

*May 3rd, 1839.* Mr. George S. Boulton, from the Committee of Conference with the Honourable the Legislative Council, on the subject of General Education, reported the draft of a Grammar School Bill. The Report was received, and the Bill was read the first time. It was ordered—That the Bill for the support of Grammar Schools be read a second time to morrow.

*May 4th, 1839.* Mr. George S. Boulton, from the Select Committee, to which was referred that part of His Excellency's Speech, at the opening of the present Session, which relates to General Education, presented a Report, which was received and read as follows:—

*To the Honourable the Commons House of Assembly of Upper Canada:*

The Committee, to whom was referred that part of the Speech of His Excellency the Lieutenant Governor, at the opening of the present Session, which relates to Education, beg leave to report, that they have agreed to two Resolutions to provide means for the Maintenance and Support of Common Schools, which they report herewith, and earnestly recommend the same to the adoption of your Honourable House. The Resolutions are as follows:—

1st. *Resolved:* That there be granted annually to Her Majesty, the sum of Ten Thousand pounds (£10,000) from the Provincial Funds, to enable Her Majesty to provide for the Establishment, Maintenance and permanent Support of Common Schools throughout the Province.

2nd. *Resolved:* That there be granted annually to Her Majesty, the sum of Ten Thousand pounds, (£10,000,) to be raised annually by assessments upon the people of the several Districts—each District furnishing its proper quota of that sum, in proportion to its population,—to provide for the Establishment, Maintenance and Support of Common Schools throughout the Province.

Respectfully submitted,

GEORGE S. BOULTON,  
Chairman.

COMMITTEE ROOM, HOUSE OF ASSEMBLY,  
3rd of May, 1839.

NOTE. Although this is not the first time that the principle of assessment for Common Schools had been embodied in legislation by the House of Assembly of Upper Canada, yet it was the first time that the power of assessment was proposed to be exercised under the authority of the House itself. The mode of doing so was not specified in the Resolution, nor was it embodied in the draft of Bill on the subject. The former legislation of the House of Assembly in 1838, provided that the Magistrates in Quarter Sessions should assess the Districts for School purposes. In that instance, the Legislative Council refused to concur in the proposal, but only because the Court House and Roads had the first claim to an assessment. See page 124, *ante*.

On motion of Mr. George S. Boulton, seconded by Mr. Mahlon Burwell, it was ordered—That the Report of the Select Committee on General Education be referred to a Committee of Supply on Monday next.

Mr. Speaker reported that the Honourable R. A. Tucker, a Member of the Executive Council, had brought down from His Excellency the following Message, which was read by him.

GEORGE ARTHUR.

The Lieutenant Governor transmits to the House of Assembly, in compliance with the Address of the House, dated the 29th ultimo, (page 150, *ante*,) a Letter and Statement from the Registrar and Bursar of King's College, shewing the authority under which the several salaries and allowances are paid to the President and other Officers of that Institution.\*

GOVERNMENT HOUSE  
4th May, 1839.

G. A.

May 9th, 1839. Pursuant to the Order of the Day, the Bill to provide for the permanent support of Common Schools was read the second time. The House was then put into Committee of the Whole on the Bill, Mr. William H. Merritt in the chair. The House having resumed, the Chairman reported the Bill without amendment. The Report was received, and it was ordered—That the Bill be engrossed and read the third time to-morrow.

BILL FOR THE ESTABLISHMENT OF THE "FREE GRAMMAR SCHOOLS" OF 1797.

Pursuant to the Order of the Day, the Bill to provide for the support of Grammar Schools was read the second time, and the House was put into Committee of the Whole on the Bill, Mr. Charles C. Small in the chair. The House having resumed, the Chairman reported the Bill, with amendments. On the question for receiving the Report Mr. Mahlon Burwell, in amendment, seconded by Mr. Michael Aikman, moves that the Report be not received, but that the following be adopted:†

*Whereas* the quantity of two hundred and twenty-five thousand, two hundred and seventy-three, (225,273,) acres of Land, granted by Patent, as an Endowment to the University of King's College, and the additional quantity of sixty six thousand\* (66,000,) acres, granted in trust to that Institution for the benefit of Upper Canada College, as an appendage thereof, amounting together to two hundred and ninety-one thousand, two hundred and seventy three, (291,273) acres of land, has rendered the quantity remaining of the Royal Grant of 1797, insufficient for the effectual endowment of Grammar Schools, in the several Districts; and

*Whereas*, it is expedient to make good, for the purposes of Grammar Schools, the deficiency occasioned by the grant of sixty six thousand (66,000,) acres in trust for the benefit of Upper Canada College: and

*Whereas* there are ample quantities of the unconceded Waste Lands of the Crown, in this Province, to make good that deficiency: and

*Whereas*, it is expedient and necessary to secure an effectual and permanent foundation for the Education of the people of this extensive and growing Colony, in all times to come: And

*Whereas*, to effect these objects, it is expedient to make the School Lands that remain of the Royal Grant of 1797, and the monies which have accrued from the sale of School Lands, applicable to the use of District Grammar Schools.

*Be it therefore enacted*, etc., That it shall and may be lawful for the Lieutenant Governor of this Province; for the time being, in addition to what remains of the Royal Grant of Lands in 1797, for the purposes of Grammar Schools, to set apart sixty six thousand (66,000,) acres of the Waste Lands of the Crown in this Province, from and out of any Lands that may remain ungranted, after the passing of this Act, to be disposed of for the purposes hereby provided, by a General Board of Education, hereinafter appointed, part of whose duties shall be the selling, or leasing of such lands, or any part thereof, for the raising of moneys for the maintenance and support of Grammar Schools in the several Districts of this Province.

2. *And be it further enacted*, etc., That the moneys arising, or hereinafter arising, from the selling or leasing of the said Lands, or any part thereof, shall be permanently invested in some Public Securities in this Province, and the interest thereof only applied annually for the benefit and support of such District Grammar Schools.

3. *And be it further enacted*, etc., That there shall continue to be a General Board of Education for Upper Canada, to consist of not more than seven fit and discreet persons, appointed

\* For a copy of this Statement, see a subsequent Chapter.

† It will be seen by reference to page 148, *ante*, that this amendment by Mr. Burwell is in substance the same as the proposed "Draft of Bill" agreed to by the Joint Committee of the two Houses of the Legislature, and appended to the Report of that Committee.

by the Lieutenant Governor of this Province; of whom four shall be a quorum, whose duty it shall be to submit an Annual Report to the Lieutenant Governor, aforesaid, on the actual state and condition of all the Grammar Schools throughout the several Districts of the Province, the monies expended on each of them respectively, and from what sources derived, with plans for their improvement, and such other matters respecting Grammar Schools and Education generally, as to the said Board may seem useful and expedient, that the same may be laid before the Legislature at its annual meeting.

4. *And be it further enacted, etc.*, That it shall and may be lawful for the Lieutenant Governor, for the time being, to appoint, in each and every District of this Province, a Board of Education to consist of not more than seven fit and discreet persons, in each and every District, of whom four shall be a quorum, whose duty it shall be to transmit an annual Report to the General Board of Education for Upper Canada, Toronto, on or before the thirty first day of December, in each and every year, on the actual state and condition of the several Grammar Schools in their respective Districts, the monies expended on each of them respectively, and from what sources derived, with plans for their improvement; and such other matters respecting Grammar Schools and Education generally, as the said District Boards of Education may deem necessary, and, in like manner, such detailed statements of the actual condition of all the Common Schools within their respective Districts, as to the said District Boards of Education may seem useful and expedient, that the same may be laid before the Legislature in manner aforesaid.

5. *And be it further enacted, etc.*, That the Trustees of all the Common Schools in the several Districts throughout this Province shall, and they are hereby required, on or before the first day of November, in each and every year, to make out and transmit to the Trustees of the Boards of Education, for their respective Districts, reports on the actual state and condition of all the Common Schools in the several Townships throughout this Province, and the moneys expended on each of them respectively, and from what sources derived, with such other information respecting the Common Schools, as may be required by the General Board of Education for Upper Canada, in order that the said District Boards may transmit the same to the said General Board of Education, to be laid before the Legislature in each and every year.\*

On this amendment, the Yeas and Nays were taken as follows: YEAS, 4; (Messieurs Michael Aikman, Mahlon Burwell, John S. Cartwright and Charles Wickens); NAYS, 23; So the question of amendment was decided in the negative, by a majority of 19, and the Report was received. It was ordered—That the Bill be engrossed and read a third time tomorrow.

May 10th, 1839. Pursuant to the Order of the Day, the Bill to provide for the Permanent Support of Common Schools was read the third time and passed. Mr. Mahlon Burwell, seconded by Mr. Edward W. Thomson moves, that the Bill be intitled: "An Act Appropriating One Million of acres of the Waste Lands of the Crown to provide a Fund for the Establishment, Maintenance and Permanent Support of Common Schools throughout this Province," which was carried, and Messieurs Mahlon Burwell and Edward W. Thomson were ordered by the Speaker to carry the Bill to the Honourable the Legislative Council, and request their concurrence thereto.

#### MR. MAHLON BURWELL'S HISTORICAL RESOLUTION IN FAVOUR OF FREE GRAMMAR SCHOOLS.

Pursuant to the Order of the Day, the Bill to provide for the support of Grammar Schools was read the third time. On the question for the passing of the Bill. In amendment—Mr. Mahlon Burwell, seconded by Mr. John S. Cartwright moves, that the Bill do not now pass, but that it is

*Resolved*: That this House having agreed to a Bill granting a Million of acres of the Waste Lands of the Crown for the Support of Common Schools, its next and most important duty is, to provide for the establishment and maintenance of Grammar Schools within the Several Districts of the Province, by passing, during the present Session, a Bill disposing, for their immediate benefit, of all that remains of the original Grant of School Lands under the Duke of Portland's Despatch of 1797,† and also of the moneys derived from the Sales of School Lands.

2. *Resolved*: That a decision of the Lieutenant Governor in Council, dated the 29th of April, 1831,‡ was made in accordance with the prayer of a Petition from the General Quarter

\*The main features of this Bill are similar to the School Bill introduced by Mr. Burwell into the House of Assembly in 1832 and 1833, 34. See pages 98 and 148 of the Second Volume of this Documentary History. Mr. Burwell's explanation of these Bills will be found on pages 175-177 of the same Volume.

† Page 17 of the First Volume of this Documentary History.

‡ See Reports of the House of Assembly on School Lands on page 21, and Resolutions on the same subject, on page 24, of the Second Volume of this Documentary History. The Report of the Executive Council, to which reference is here made, will be found on pages 44-46 of the same Volume.

Sessions of the Peace, for the District of London, dated on the 15th of the same month of April, in that year, (1831.)\* which prevented the further application of moneys derived from the sales of School Lands for the benefit of the Institution of Minor, or Upper Canada, College, which decision is just and satisfactory, as far as the Executive had the power; and, under the authority of that decision, a large sum has accumulated from the sales of School Lands, now lying dormant in the hands of the Receiver General, which is applicable only to District Grammar Schools.

3. *Resolved*: That the youth of this Province have suffered incalculable injury since that decision was made by the neglect of the Legislature, in not passing a Law to give it immediate application and effect; And, that, therefore, a Bill be passed during the present Session, which will involve no principle that can be fairly disputed by any one, and the way is now clear for the passage of such a law.

4. *Resolved*: That, in the opinion of this House, the first appropriation of two hundred and twenty-five thousand, two hundred and seventy-three, (225,273) acres of Land, granted by Patent in 1827 to the University of King's College, was sufficiently large as an endowment for that Institution, in the first instance, at all events, without making [to Upper Canada College] an additional appropriation of sixty six thousand, (66,000,) acres in October, 1832,† of which eighteen thousand, three hundred and seventy-eight, (18,378,) acres are of the most valuable lands in the Province, along the banks of the River Thames, between the Long Wood Road and that River, in the Townships of Carradoc, Ekfrid and Mosa. ‡

5. *Resolved*: That, therefore, an Act be passed during the present Session, making an additional Grant of sixty six thousand, (66,000,) acres of the Waste Land of the Crown, for the maintenance and support of Grammar Schools in the several Districts, to make good the deficiency occasioned by the grant of sixty six thousand, (66,000) acres, for the Minor, or Upper Canada, College in 1832, and to make the quantities of land apportioned for the Grammar Schools and King's College respectively, more in accordance with the obvious intention of the Royal Grant of 1797.

6. *Resolved*: That, although this House is decidedly of opinion that it would have been more judicious on the part of the Executive, to have proceeded to the establishment of Grammar Schools in the several Districts, before granting, by Patent in 1827, so large a quantity of land for the University, and, subsequently, adding to that amount so large a quantity of land, as sixty six thousand, (66,000,) acres, and so long, too, after the first grant was made,—to wit, in 1832; yet this House deems it inexpedient and unwise to interfere with rights thus solemnly vested by the respective Patents that have issued under the Great Seal: This House does not deem the vested rights here mentioned as of concernment to any individual, or to a few, or to any particular number of individuals, but as rights graciously and solemnly vested by the Royal Authority, having proceeded from the Crown, and now resting in the whole body of the people, of a most important and interesting country, whose true interests are not yet thoroughly understood, and whose vast resources and capabilities for the powers of production and consumption, and for sustaining an immense population, are yet undeveloped and unexplored: And the certainty that, in the lapse of half a century, the present endowments will be found insufficient for the increased and increasing wants of numerous individuals, youths of a vast community, from various parts of our immense territory, for the higher branches of Education. On these grounds, this House deems an interference with the present endowments unwise, and, if permitted to be made, should be entirely separate and distinct from the present labours (*sic*) of this House; And, furthermore, this House is fully aware that such an interference, on the present occasion at all events, may produce further delay in the establishment of Grammar Schools for the several Districts:

This House, therefore, deeply impressed with the importance of affecting the public good by speedy legislation on the subject of Grammar Schools, will confine its deliberations to matters in which its members can cordially agree, and keep separate and distinct from subjects; on which there is great difference of opinion, and which must, by their intermixture with matters of a plain and obvious character, produce further delay, and, consequently, unavoidable and irreparable injury to the growing youth of this Province.

On this amendment, the Yeas and Nays were taken as follows: YEAS, 2: Messieurs Mahlon Burwell and John S. Cartwright; NAYS, 31; so that the amendment was lost by a majority of 29.

\* Page 43 of the Second Volume of this Documentary History.

† See pages 41, 79, 91, 101-103, 105, 129-131, 133 and 138 of the same Volume. See also pages 4 and 6 of this Volume, *ante*.

‡ See page 289 of the First Volume, and page 129 of the Second Volume, of this Documentary History.

BUILDINGS FOR LECTURES IN KING'S COLLEGE, IN PLACE OF ENLARGING UPPER CANADA COLLEGE.

*In amendment* Mr. John S. Cartwright, seconded by Mr. George S. Boulton, moves that the Bill do not now pass, but that it be amended by adding the following Proviso after the sixth clause :

*Provided always*, That it shall be in the discretion of the Council of King's College, to erect a suitable building for Lecture Rooms and other purposes, on the grounds belonging to King's College, should such Council deem it expedient to do so, instead of enlarging Upper Canada College. On which, the Yeas and Nays were taken as follows : YEAS, 12 ; NAYS, 24 ; so that this amendment was lost by a majority of 12.

*In amendment*. Mr. John S. Cartwright, seconded by Mr. Solicitor General Draper, moves, that the Bill do not now pass, but that it be amended by adding the following Proviso to the sixth clause :

*Provided always*, That the money to be expended in extending, or enlarging Upper Canada College, shall not exceed the sum of Three Thousand pounds, (£3,000). On which the Yeas and Nays were taken as follows : YEAS, 17 ; NAYS, 20 ; so that this amendment was lost by a majority of 3.

*In amendment*, Mr. George Rykort, seconded by Mr. William H. Merritt, moves that the Bill do not now pass, but that it be amended by expunging the words : " in their discretion," in the fifth clause. On which, the Yeas and Nays were taken as follows : YEAS, 13 ; NAYS, 21 ; so that the question of amendment was decided in the negative by a majority of 8, and the Bill was passed. Mr. George S. Boulton, seconded by Mr. Henry Sherwood, moves that the Bill be intitled : " An Act to provide for the Advancement of Education in this Province," which was carried, and Messieurs George S. Boulton and Henry Sherwood were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

BILL SUPPLEMENTAL TO THE COMMON SCHOOL WASTE-LANDS ENDOWMENT BILL.

Pursuant to notice, Mr. George S. Boulton, seconded by Mr. Richard P. Hotham, moves that this House resolve itself into a Committee of Supply on the subject of the Report of the Select Committee on Common Schools, which was carried, and the House was put into a Committee on Supply on the same, Mr. John McIntosh in the chair. The House having resumed, the Chairman reported that the Committee had agreed to two Resolutions which he was directed to submit for the adoption of the House. The Report was received, and the first Resolution was put and carried as follows :—

1. *Resolved*, That there be granted annually to Her Majesty the sum of Ten Thousand Pounds, (£10,000,) from the Provincial Funds, to enable Her Majesty to provide for the Establishment, Maintenance and Support of Common Schools throughout this Province.

The second Resolution was put as follows :

2. *Resolved*, That there be granted annually to Her Majesty, the sum of Ten Thousand Pounds, (£10,000,) to be raised annually by assessments upon the people of the several Districts,—each District furnishing its proper quota of that sum, in proportion to its population,—to provide for the Establishment, Maintenance and Support of Common Schools throughout this Province. On which the Yeas and Nays were taken as follows : YEAS, 24 ; NAYS, 9 ; so that the Resolution was carried in the affirmative by a majority of 15, and was adopted.

On motion of Mr. Richard P. Hotham, seconded by Mr. Mahlon Burwell, it was ordered—That the Resolutions of this House, on the subject of making provision, by a grant of Waste Lands, for Common Schools, be referred to a Committee, consisting of Messieurs George S. Boulton and Malcolm Cameron, to report thereon by Bill.

Mr. George S. Boulton, from the Committee appointed to draft a Bill, pursuant to the foregoing Resolutions, reported a draft of Bill, which was received and read a first time. On the question for the second reading of the Bill to morrow :

*In amendment*, Mr. Mahlon Burwell, seconded by Mr. Malcolm Cameron, moves that the Common School Bill be now read a second time, and that the 40th rule of this House be dispensed with, so far as relates to the same, which was carried, and the Bill was read a second time. The House was then put into a Committee of the Whole on the Bill, Mr. Donald A. E. McDonell in the chair. . . The House having resumed, the Chairman reported that the

Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House. The Report was received. On the question for the third reading of the Bill to morrow,

*In amendment.* Mr. Charles Bockus, seconded by Mr. Richard P. Hotham, moves that the Bill be not read a third time to morrow, but that it be read a third time this day; and that the 40th rule of this House be dispensed with, so far as it relates to the same; which was carried, and the Bill was ordered to be engrossed and read a third time this day.

NOTE.—There is no record in the proceedings of the House of Assembly of this session, that this Bill was read the third time on the day named, or on any other subsequent day, so that it was not sent to the Legislative Council for its concurrence. See remarks on these several School Bills below.

Pursuant to the Order of the Day, the Bill to provide for the Support of Common Schools for the year 1839, was read a third time and passed. Mr. Mahlon Burwell, seconded by Mr. Richard P. Hotham, moves that the Bill be intituled: "An Act granting a sum of money for the Support of Common Schools for the year 1839," which was carried, and Messieurs Mahlon Burwell and Richard P. Hotham were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

The Master-in-Chancery brought down from the Honourable the Legislative Council two Messages. The following one was read by the Speaker:

Mr. SPEAKER,

The Legislative Council have passed the Bill sent up from the Commons House of Assembly, intituled: "An Act to provide for the Advancement of Education in this Province;" and also the Bill intituled: "An Act Granting a Sum of Money for the Support of Common Schools in Upper Canada for the year 1839."

LEGISLATIVE COUNCIL CHAMBER,  
11th of May, 1839.

JONAS JONES,  
Speaker.

#### COMPREHENSIVE SCHOOL MEASURES BEFORE THE UPPER CANADA LEGISLATURE IN 1839.

In addition to the annual Supply Bill, providing for the Support of Common Schools in Upper Canada for the year, (1839,) three measures of unusual importance were brought before the Legislature in 1839. These measures chiefly originated in the House of Assembly. Two of them passed that House, and were sent up to the Legislative Council for its concurrence. These two had the support of a Committee of that Body, in conjunction with a similar Committee of the House of Assembly, yet only one of them received the formal assent of the Legislative Council.

The three important measures to which reference is here made were:—

1. A Bill providing "for the Advancement of Education in this Province."
2. A Bill providing for "the appropriation of One Million of acres of the Waste Lands of the Province for the Support of Common Schools."
3. A Bill providing for an annual appropriation of Eighty Thousand dollars, (\$80,000.)—Forty Thousand dollars, (\$40,000.) to be annually appropriated from the public revenue, and Forty Thousand dollars (\$40,000.) to be raised by yearly assessment upon the various Districts.

The title of the first Bill mentioned is misleading and obscure. For, although, its object was truly "the advancement of Education in this Province," yet the title gives no idea as to what kind of education was to be advanced by it—whether Common School, Grammar School, or University, Education.

By reference, however, to the elaborate amendment to this Bill, proposed by Mr. Mahlon Burwell, and the somewhat argumentative Report on the subject, (of the Legislative Council, pages 152, *ante*, and 164, *post*) it will be seen that the intention of the framers of the Bill was to revive, and to embody in statutory form the desire, long expressed, chiefly of Members of the Legislative Council, to establish Grammar Schools, in various parts of the Province, as suggested in the noted Despatch of the Duke of Portland in 1797, by which about half a million of acres of the Crown Lands were then set apart, for the establishment of "Free Grammar Schools, and other Seminaries of a larger and more comprehensive nature." As the Bill was finally passed, it simply provided for the support of Grammar Schools, without defining their character.

The other comprehensive measure, mentioned was also fully discussed; and to it, Mr. Mahlon Burwell proposed an elaborate historical amendment, in the shape of a series of Resolutions, chiefly relating to the proceedings of the House of Assembly in regard to School Lands. (See page 153, *ante*). This amendment was rejected by the House, as was his amendment to the other Bill "for the advancement of Education."

This second Bill, appropriating "One Million of acres of the Waste Lands of the Province for the Support of Common Schools," was recommended to the adoption of the two Houses by a joint Committee of both Branches of the Legislature, on the 19th of April, 1839. (See page 148, *ante*). It passed the House of Assembly on the 10th of May, and was sent up to the Legislative Council, where it failed to receive the concurrence of that Body, evidently owing to the fact, that the Session was then too far advanced to enable the Council to give the subject the attention which it deserved. The Bill was referred to a Committee of the Whole Council, but that Body having "resumed," the Committee rose without reporting the Bill, so that it was thus "dropped."

So convinced, however, had the older Members of the House of Assembly been of the necessity of making a substantial and permanent provision for the support of Common Schools, that at almost every previous Session of the Legislature, the subject was brought up by the Resolution of some Member. The proposal, however, never took a really practical shape, until the matter was formally brought before a joint Committee of the both Houses, and by that Committee, discussed on its merits. The result was a joint Resolution of the Committee, strongly recommending the subject to the consideration of the two Branches of the Legislature—page 148, *ante*. The House of Assembly acted upon this recommendation, and passed a Bill to give it effect, but concurrence in the Bill by the Legislative Council failed, for the reasons already given.

After this failure to pass the Waste Lands Grant Bill, no further practical effort was made to provide an endowment for Common Schools until 1849—ten years afterwards,—when the Honourable William Hamilton Merritt, then a Member of the Government of United Canada, and who was a Member of the Legislature of Upper Canada in 1839, revived the Bill of that year, and had it passed, appropriating One Million of acres of the Waste Lands of Canada for the Support of Common, now Public, Schools in the United Province. The other Members of the Upper Canada Legislature of 1839 who were Members of the Parliament of Canada, when this Waste Land Grant Bill of 1849 was passed, were: Messieurs Malcolm Cameron, Edward Malloch, Allan N. Macnab, John Prince, William B. Robinson and Henry Sherwood.

The third notable measure which was brought before the House of Assembly in 1839, was a proposal founded upon the Report and Resolution of a Select Committee of the House, to which had been referred that part of the Lieutenant Governor's opening Speech, in which he said:—

A system of sound and religious instruction, for the rising generation, ought to be established under every Government, and it is most particularly requisite in a young country in the situation of this Province. I, therefore, strongly recommend to you a careful revision of the enactments relating to the Common Schools; and the early adoption of some plan calculated to secure the assistance of properly qualified Teachers.

The Report and Resolutions of the Select Committee on this extract from the Lieutenant Governor's Speech, will be found on page 151, *ante*. The Resolutions there given were embodied in the form of a Bill, which was read the first and second times, and reported from a Committee of Supply. The Bill, however, was not read a third time. No reason for not proceeding to the final reading of the Bill is reported in the Journals of the House, but it may have been due to the fact that the Bill for granting the One Million of acres of Waste Lands had failed to receive the concurrence by the Legislative Council. This Bill for granting Eighty Thousand dollars, (\$80,000,) a year was, no doubt, intended as a supplementary measure, by which a monetary endowment for the Common Schools, would be at once provided, until such times as the sales of the Waste Lands appropriation would become available.

The initiation of three such comprehensive measures in one year, for the promotion of primary and secondary Education in Upper Canada, speaks well for the intelligent zeal of the public men of these times. These "men (indeed) laboured," and we, of a later day, "entered into their labours," and have reaped the full benefit of their seed sowing.

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#### EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL, 1839.

Sir George Arthur, the new Lieutenant Governor, opened the fourth session of the Thirteenth Parliament of Upper Canada, on the 27th of February, 1839,



with the usual Speech from the Throne. His educational utterances on that occasion will be found on pages 144, *ante*. On the 5th of March, 1839, the Legislative Council responded to this Speech, including its educational paragraphs,—which was, as usual—almost in the words of the Speech itself.

*March 6th, 1839*—The Honourable William Morris brought up the Petition of Mr. Robert Mason, and others, Teachers of Common Schools, in the District of Bathurst; and also the Petition of the Magistrates of the District of Bathurst, in General Quarters assembled; which were laid on the table. On the following day, these Petitions, praying for an increased annual allowance to the Common Schools, was read.

*March 13th, 1839*—Two Petitions: one of the Right Reverend Alexander Macdonell Bishop of Regiopolis, and others; and, on the day following, the Petition of the Trustees of the Ancaster Literary Institution praying for aid, were brought up and laid on the table. On the 18th instant, the Ancaster Petition was read.

*March 15th, 1839*—Pursuant to the Order of the Day, the Petition of the Right Reverend Alexander Macdonell, Bishop of Regiopolis and others, praying for an appropriation of money for the erection of a Roman Catholic Seminary at Kingston; was read.

*March 18th, 1839*—Pursuant to the Order of the Day, the Petition of the Trustees of the Ancaster Literary Institution, praying for aid; was read.\*

*March 22nd, 1839*—Messages from His Excellency the Lieutenant Governor were delivered by the Honourable Mr. Secretary Tucker to the Speaker, who read the following:—

GEORGE ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, the Annual Reports of the Trustees of the Public District (Grammar) Schools, and of the Boards of Education of the several Districts, for the past year, as stated in the annexed Schedule.

G. A.

GOVERNMENT HOUSE,  
18th March, 1839.

*Schedule, of Reports of District (Grammar) and Common Schools, transmitted, with the Lieutenant Governor's Message to the Legislative Council, dated the 18th March, 1839.†*

Name of District.	Report of the District (Grammar) School.	District Board of Education's Reports of Common Schools.
Eastern,	Transmitted to the Legislative Council	Transmitted to the Legislative Council
Ottawa,	ditto	ditto
Bathurst,	ditto	ditto
Johnstown,	ditto	ditto
Midland,	ditto	not received
Prince Edward,	not received	transmitted
Newcastle,	transmitted	ditto
Home,	ditto	ditto
Gore,	ditto	not received
London,	ditto	transmitted
Niagara,	ditto	ditto
Talbot,	explanatory letter	not received
Western,	transmitted	transmitted

*March 27th, 1839.*—The Honourable William Morris gave notice that he would, on to-morrow, move certain Resolutions on the subject of Education.

\*On the 27th of May, 1839, the Ancaster Literary Institute also petitioned the Council of King's College for aid. This Institute seems to have had for its object the "erecting of good school rooms and accommodation for a Teacher; the obtaining of a good Teacher and rendering his situation respectable and permanent; of regulating the school fees, so that the Elementary Branches of Education might be brought within the reach of all classes." The proceedings in this case will be given in Chapter relating to King's College Council.

†Extracts from these Reports will be given in subsequent Chapter.

March 28th, 1839.—Pursuant to notice, the Honourable William Morris moved certain Resolutions, on the subject of General Education, which being seconded, the same were then read by the Clerk, as follows :—

1. *Resolved.*—That it is most important to the best interests of this Province, that speedy and effectual measures be adopted for carrying into operation the benevolent intentions of His late Most Gracious Majesty, King George the Third, (in 1797), on the subject of a general system of Education.

2. *Resolved.*—That in order to promote that highly desirable object, it is proper to request that the House of Assembly unite with this House in such measures as may be found requisite for securing to the inhabitants of Upper Canada the advantages of the provision made in 1797, for the support and diffusion of “sound learning and a religious education,” among all classes of the people. (See note † in regard to the Honourable William Morris, on page 89, *ante*.)

3. *Resolved.*—That the foregoing Resolutions be communicated to the House of Assembly, for their concurrence.

On motion made and seconded, it was, ordered—That the foregoing Resolutions be referred to a Committee of the Whole House, on Monday next.

April 1st, 1839.—Pursuant to the Order of the Day, the House was put into a Committee of the Whole, upon the Resolutions, on the subject of Education. The Honourable Robert Charles Wilkins took the chair. After some time, the House resumed, and the Chairman reported that the Committee had gone through the said Resolutions, and had made an amendment thereto, and recommended the Resolutions, as amended, to the adoption of the House. Ordered—That the Report be received; and the said Resolutions, as amended, were then read, as follows :—

1. *Resolved.*—That it is most important to the best interests of this Province, that speedy and effectual measures be adopted for carrying into operation the benevolent intentions of His late Most Gracious Majesty, King George the Third, (in 1797,) on the subject of a General System of Education, and also for the encouragement of Common Schools. (Amendment in italics.

2. *Resolved.*—That in order to promote that highly desirable object, it is proper to request that the House of Assembly unite with this House in such measures as may be found requisite, for securing to the inhabitants of Upper Canada the advantages of the provision made for the support and diffusion, [as embodied in the Duke of Portland's Despatch of the 4th of November, 1797,] of “sound learning and a religious education,” among all classes of the people.

3. *Resolved.*—That the foregoing Resolutions be communicated to the House of Assembly for their concurrence.

On motion made and seconded, it was ordered,—That the foregoing Resolutions be read a third time to-morrow

April 3rd, 1839.—Pursuant to the Order of the Day, the Resolutions, on the subject of General Education, were read a third time, and adopted by the House; and it was ordered—That the same be sent to the Commons House of Assembly, by the Master-in-Chancery, for the concurrence of that House.

Pursuant to the Order of the Day, the Petition of the Board of Education for the District of Niagara, presented on the 1st instant, praying for a grant of money for the support of Common Schools in the said District, was read.

April 17th, 1839.—A Deputation from the Commons House of Assembly brought up a Bill intituled: “An Act for the Relief of Teachers of Common Schools in the District of Niagara,” to which they requested the concurrence of this House, and then withdrew. The said Bill was read a first time; and it was ordered—That the same be read a second time to-morrow.

April 18th, 1839.—Pursuant to the Order of the Day, the Bill, intituled: “An Act for the Relief of Teachers of Common Schools in the District of Niagara,” was read a second time; and it was ordered—That the House be put into a Committee of the Whole, to-morrow, to take the same into consideration.

A Deputation from the Commons House of Assembly brought up and delivered at the Bar of this House a Message, in the following words, and then withdrew :—

MR. SPEAKER :

The Commons House of Assembly have concurred in the Resolutions sent down on the 3rd instant, page 147, *ante*, by the Honourable the Legislative Council, on the subject of General Education.

COMMONS HOUSE OF ASSEMBLY,  
17th day of April, 1839.

ALLAN N. MACNAB,  
Speaker.

On motion, made and seconded, it was ordered—That a Committee be appointed, on the part of this House, for the purpose of meeting a Committee on the part of the Commons House of Assembly, in relation to certain Resolutions adopted by the two Houses, on the subject of General Education, and also for the encouragement of Common Schools; and ordered—That the Honourable and Venerable the Archdeacon of York, and the Honourable Messieurs William Allan, William Morris and Adam Fergusson, do compose the same on the part of this House, for that purpose; and ordered—That the Master-in-Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have appointed the Honourable and Venerable the Archdeacon of York, and the Honourable Messieurs William Allan, William Morris and Adam Fergusson, to be a Committee on the part of this House, who will be ready to meet a Committee, on the part of the Commons House of Assembly, to-morrow; at the hour of Two of the clock p.m. in the Committee Room of the Legislative Council, in relation to certain Resolutions adopted by the two Houses on the subject of General Education, and also for the encouragement of Common Schools.

April 19th 1839. A Deputation from the Commons House of Assembly brought up and delivered at the Bar of this House a Message, in the following words, and then withdrew.

Mr. SPEAKER :

The Commons House of Assembly has appointed a Committee of eight of its Members who will be ready to meet the Committee appointed by the Honourable the Legislative Council, on the subject of General Education, at the time and place appointed.

COMMONS HOUSE OF ASSEMBLY,  
18th day of April, 1832.

ALLAN N. MACNAB,  
Speaker.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole upon the Bill intitled: "An Act for the Relief of Teachers of Common Schools in the District of Niagara." The Honourable Adam Fergusson took the chair. After some time, the House resumed, and the Chairman reported, that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon. Ordered—That the Report be received; and also ordered—That the said Bill be referred to a Select Committee, to report thereon; and further ordered—That the Honourable Messieurs James Crooks and Robert C. Wilkins, do compose the same, for that purpose.

The Honourable William Morris moved, that the 19th rule of this House be dispensed with, and that he may have leave presently to bring in a Bill for the establishment of a College [Queen's] within this Province, in connexion with the Church of Scotland; which, being seconded, the question of concurrence was put, and the same was carried in the affirmative; and a Bill was then brought in accordingly, and read a first time; and it was Ordered—That the same be read a second time on Monday next, and that, in the meantime, one hundred copies thereof be printed for the use of Members.

The Honourable William Morris gave notice that, on Monday next, he would move that an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct to be laid before this House, within the first fifteen days of each Session, a detailed account of the income and expenditure, for the preceding year, of King's College and Upper Canada College, respectively.

The Honourable and Venerable the Archdeacon of York, Chairman of the Joint Committee on the subject of General Education, presented the first Report of that Committee. Ordered—That it be received; and the same was then read by the Clerk, as follows:

*To the Honourable the Legislative Council of Upper Canada :*

The Joint Committee of the Two Houses of the Legislature of Upper Canada beg leave to report the following Resolution for the consideration of this Council:—

*Resolved*—That it is the opinion of the Joint Committee [of the Legislative Council and House of Assembly] on the subject of General Education, that an Act to appropriate One Million of acres of the Waste Lands of the Crown, [in this Province] for the support of Common Schools, be passed by the Legislature during the present Session, and that the Bill submitted to the Committee be recommended to both Houses for adoption, for that purpose.

JOINT COMMITTEE ROOM,  
19th day of April, 1839.

JOHN STRACHAN,  
Chairman of the Joint Committee.

*April 22nd, 1839*—Pursuant to the Order of the Day, the Bill for the establishment of a College [Queen's] within this Province, in connexion with the Church of Scotland, was read a second time; and it was ordered—That the House be put into a Committee of the Whole, on Thursday next, to take the same into consideration.

Pursuant to notice, the Honourable William Morris moved that it be :

*Resolved*, that an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct to be laid before this House, within the first thirty days of each Session, a detailed account of the Income and Expenditure, for the preceding year, of King's College and Upper Canada College, respectively; which, being seconded, the question of concurrence was put, and the same was carried in the affirmative; and it was ordered—That a Select Committee be appointed to draft an Address to His Excellency the Lieutenant Governor, founded upon the last mentioned Resolution; and ordered—That the Honourable Messieurs John Kirby and William Morris, do compose the same, for that purpose.

*April 23rd, 1839*.—The Honourable William Morris, from the Select Committee, appointed to draft an Address to His Excellency the Lieutenant Governor, praying for certain annual returns from King's and Upper Canada Colleges, reported a draft thereof; and the same was then read by the Clerk; and it was ordered—That the said Address be read a second time presently. The same was then read a second time, accordingly, and adopted; and it was ordered—That the last-mentioned Address be engrossed, and read a third time this day.

A Deputation from the Commons House of Assembly brought up, and delivered at the Bar of this House, a Message, in the following words, and then withdrew.

MR. SPEAKER :

The Commons House of Assembly inform the Honourable the Legislative Council, that they have relieved Mahlon Burwell, Esquire, from the Joint Committee of Conference, on the subject of General Education, and have appointed William B. Robinson, Esquire, to act in his stead.

ALLAN N. MACNAB,  
Speaker.

COMMONS HOUSE OF ASSEMBLY.  
23rd day of April, 1829.

It was then moved and seconded, that it be

*Resolved*—That, in requesting a Joint Committee on General Education, this House had no intention to interfere with the endowments and privileges of the University of King's College, or its appendage, Upper Canada College, but simply for the purpose of devising the best means of improving the Common and District Grammar Schools, and thus establishing a complete and beneficial system of Education throughout the Province.

In amendment thereto, it was moved and seconded, that the Resolutions of this House of the twenty-eighth of March last, (page 160, *ante*), on the subject of General Education, concurred in by the House of Assembly, and now under the consideration of a Joint Committee of both Houses, enable that Committee to consider and report generally on the provision made by His most Gracious Majesty King George the Third, in 1797, by an appropriation of land for the endowment of Free Grammar Schools, and of other Seminaries, "of a larger and more comprehensive nature;" to enquire into, and report to both Houses how that appropriation has been applied, and whether the intentions of the Royal Donor, to confer on the inhabitants of Upper Canada the advantages of "religious and moral learning," have been carried into effect, in the way best calculated to promote the general good; and to suggest such alterations, if any, as appear to the Committee necessary and important.

Whereupon the question of concurrence was put on the amendment, and the same was carried in the negative. The original motion was then put and also carried in the negative.

It was moved and seconded, that the Honourable and Venerable the Archdeacon of York be relieved from serving on the Joint Committee on General Education, and that the Honourable James Crooks be appointed in his stead.

In amendment thereto, it was moved and seconded, that the name "James Crooks" be expunged, and that the name "John Simcoe Macaulay" be inserted in lieu thereof. Whereupon the question of concurrence was put on the amendment, and the same was carried in the affirmative; and it was ordered—That the same be communicated by Message to the Commons House of Assembly, for their information.

Pursuant to Order, the Address to His Excellency the Lieutenant Governor, praying for certain Annual Returns from King's and Upper Canada Colleges, was read a third time and passed. Whereupon, the Speaker signed the same, and it is as follows :

*To His Excellency Sir George Arthur, Lieutenant Governor of the Province of Upper Canada,*  
MAY IT PLEASE YOUR EXCELLENCY :

We, Her Majesty's most dutiful and loyal Subjects—the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly request that your Excellency may be pleased to direct, that an account in detail of the Receipts and Expenditure, for the preceding year of King's College, and of Upper Canada College, be laid before this House annually, within the first thirty days of each Session.

LEGISLATIVE COUNCIL CHAMBER,  
23rd of April, 1839.

JONAS JONES,  
Speaker.

On motion made and seconded, it was ordered—That a Select Committee be appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the last mentioned Address, and to present the same; and it was ordered—That the Honourable Messieurs William Morris and Adam Fergusson, do compose the Committee, for that purpose.

*April 25th, 1839*—The Honourable William Morris, from the Select Committee appointed to wait upon the Lieutenant Governor, to know when His Excellency would receive the Address of the House praying for certain Annual Returns from King's and Upper Canada Colleges, and to present the same, reported that His Excellency had been pleased to receive the said Address forthwith, and to return thereto the following reply :

HONOURABLE GENTLEMEN :—

I desire to apprise the Legislative Council of my intention to cause a full Report upon the affairs of the University of King's College, and of Upper Canada College, to be annually prepared and published for the general information of the people of this Province; and, in addition to such reports, I shall, at all times, be willing to communicate to the House such further statements respecting those important Institutions, as may be applied for.

GOVERNMENT HOUSE,  
25th of April, 1839.

GEORGE ARTHUR.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole, upon the Bill for the establishment of a College (Queen's) within this Province, in connection with the Church of Scotland. The Honourable James Crooks took the chair. After some time, the House resumed, and the Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow. Ordered—That the Report be received, and leave granted accordingly.

The Honourable James Crooks, from the Select Committee, to whom was referred the Bill, intitled : "An Act for the Relief of Teachers of Common Schools in the District of Niagara" presented their Report. Ordered—That it be received; and the same was then read by the Clerk as follows :—

*To the Honourable the Legislative Council of Upper Canada,*

The Select Committee to whom was referred the Bill sent up from the Commons House of Assembly, intitled : "An Act for the Relief of Teachers of Common Schools in the District of Niagara," have gone through the said Bill, and beg leave to report to your Honourable House :

That the Bill is intended solely to authorize the Lieutenant Governor to issue His Warrants upon the Receiver General, for such sum, or sums, of money, for the use of Common Schools in the said District, as are appropriated by law, and remaining in his hands, as well as such sums as may hereafter come into his hands for the like purpose, which the Lieutenant Governor is prevented by law from doing, in consequence of the late Treasurer of said District having omitted to make the returns required by law; in the absence of which no Warrant can issue.

Your Committee beg further to report, that it has come to their knowledge, that the Treasurer, whose duty it was to have made such returns, has become bankrupt, and another has been appointed in his place and stead; and that a considerable sum of money remains in his hands, unpaid to the Teachers of Common Schools in the District of Niagara, as well as other public monies of the District. Your Committee, therefore, recommend the adoption of the Bill by your Honourable House, without amendment.

All which is respectfully submitted,

COMMITTEE ROOMS, LEGISLATIVE COUNCIL,  
25th April, 1839.

JAMES CROOKS,  
Chairman.

*April 27th, 1839.*—Pursuant to the Order of the Day, the House was again put into a Committee of the Whole, upon the Bill intituled: "An Act for the Relief of Teachers of Common Schools in the District of Niagara," together with the Report of the Select Committee thereon. The Honourable Adam Fergusson took the chair, After some time, the House resumed, and the Chairman reported that the Committee had gone through the said Bill, and recommended the same, without any amendment, to the adoption of the House. Ordered,—That the Report be received; and also ordered,—That the said Bill be read a third time on Monday next.

On motion, made and seconded, it was ordered—That the Honourable James Crooks be substituted for the Honourable William Morris, upon the Joint Committee on the subject of General Education; and further ordered,—That the same be communicated by Message to the Commons House of Assembly, for their information.

*April 29th, 1839.*—Pursuant to the Order of the Day, the Bill intituled: "An Act for the Relief of Teachers of Common Schools in the District of Niagara;" was read a third time and passed. Ordered—That the Master-in-Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council has passed this Bill, without any amendment.

The Order of the Day being read, for the House to be again put into a Committee of the Whole, upon the Bill for the establishment of a College (Queen's) within this Province, in connexion with the Church of Scotland, it was ordered—That the same be discharged.

(NOTE. Thus the Bill was dropped for the Session).

*May 1st, 1839*—On motion made and seconded, it was ordered—That the several Petitions presented to this House, during the present Session, on the subject of the Clergy Reserves, be entered at full length upon the Journal of this Day; and the said Petitions are accordingly entered as follows:—

(NOTE The following Petition, praying that the proceeds of the sales of the Clergy Reserves be devoted to Education, is inserted here The other petitions, which are less specific, are printed in Appendix X. to the Journals of the Session, page 67, 68):

*The Petition of the undersigned inhabitants of the Township of Dumfries, and vicinity, in the District of Gore, Province of Upper Canada, humbly sheweth:—*

That your Petitioners, with many others of Her Majesty's subjects . . . have frequently prayed that the proceeds of the Clergy Reserves may be applied to purposes of General Education, and internal improvement.

That your Petitioners are decidedly of opinion, that the Education of Youth, properly directed in the acquisition of knowledge, morality, religion, literature and science, must be regarded by every enlightened and virtuous man, as a matter of the highest, and most vital importance. But, at present, the condition of most of the Common Schools is so inefficient, as to endanger the best interests of the country, and urgently demands immediate amelioration; nor can they conceal their opinion, that it is the duty of their Legislators to originate, foster and patronize a General and improved System of Education.

*May 3rd, 1839.*—The Honourable William Allan, from the Joint Committee in relation to certain Resolutions adopted by the two Houses on the subject of General Education, and also for the support of Common Schools, presented their further Report. Ordered—That it be received, and the same was then read by the clerk as follows:—

*To the Honourable the Legislative Council of Upper Canada:*

The Joint Committee of the Honourable the Legislative Council, and Commons House of Assembly, appointed to examine and Report upon such measures as may be found requisite for securing to the inhabitants of Upper Canada, the advantages of the provision made (in 1797) for the support and diffusion of sound learning, and a religious education among all classes, have agreed to the following Resolutions, which they recommend for the consideration of your Honourable House:

1. *Resolved*—That much inconvenience has long been felt in the remote Districts of this Province, for want of Schools of a higher description than the (ordinary) District (Grammar) Schools, where young men destined for the learned professions, and others, might receive the advantages of a liberal education.

2. *Resolved*—That the expense of sending the Youth of the Province to the seat of Government for Education, is only one of the many objections which are suggested to the mind, and which force parents into the reluctant necessity of depriving their children of an inestimable blessing, which can never be acquired in after life.

3. *Resolved*—That, as Upper Canada College is now incorporated with, and forms a part of, King's College, it is important to consider how far it may be practicable so to enlarge the accommodations of the former, that with a suitable endowment for the support of the necessary Professors, the intention of erecting, at great cost, other buildings for the latter, may be postponed.

4. *Resolved*—That, in order to carry into operation the benevolent design of His Most Gracious Majesty, King George the Third, in 1797, to establish and endow "Free Grammar Schools in the several Districts," it is just that a portion of the revenues of King's College be appropriated to that object, for such limited period as may be necessary for realizing a revenue from the School Lands for that purpose.

5. *Resolved*—That, by thus extending the foundation of Upper Canada College, the most pressing objects, for which King's College was contemplated, will immediately be attained, and the means of bestowing a liberal education in other parts of the Province thereby speedily secured.

6. *Resolved*—That, to give efficiency to the Free Grammar Schools, it is necessary that they should be placed under such control as may ensure a uniformity of system in the education therein.

7. *Resolved*—That the present District Schools be considered Grammar Schools, and be further endowed from the Free Grammar School Fund, and from the funds heretofore mentioned, in order that an additional Master may be employed, and other means of instruction provided therein.\*

8. *Resolved*—That the inconvenient accommodation and dilapidated state of many of the Houses used for District (Grammar) Schools in the Province, call for the immediate attention of the Legislature; and suggest the necessity of the application of a part of the available School funds, to aid in the erection of a suitable Building for that purpose in such of the Districts as require it; and also that the Teacher of each District (Grammar) School shall receive the sum of One Hundred pounds, (£100), in addition to the sum already appropriated by law for the several District (Grammar) Schools in this Province, to enable him to employ an Assistant; provided, nevertheless, that it shall not be lawful to apply a sum exceeding Two Hundred pounds (£200), for each District, and upon the express condition that the inhabitants shall provide at least an equal amount, and insure the Building, so to be erected, for at least that amount.

9. *Resolved*—That, whenever the inhabitants of any Town, or Village, other than District Towns, shall make it appear to the satisfaction of the General Board of Education of Upper Canada, that they have erected, at their own cost, a suitable building for a School House, and have the School in operation, with at least sixty Scholars,† it shall be lawful to pay to the Trustees of every such School, from the School Land Funds an amount equal to the sum paid from such funds for the endowment of the District Grammar Schools; and that not more than two such additional Schools shall be entitled to endowment in any one District, unless the funds admit of an additional number.

10. *Resolved*—That detailed accounts, of all monies received and expended under the provisions of this Act, shall be rendered to the Lieutenant Governor, annually, to be by him laid before the Legislature, within thirty days after the commencement of each Session.

11. *Resolved*—That an Act of the Legislature be passed to carry into effect the objects of the foregoing Resolutions and that Messieurs William Morris, George Rykert and George S. Boulton, be a Committee to prepare the same.

All which is respectfully submitted,

JOINT COMMITTEE ROOM,  
3rd May, 1839.

W. ALLAN,  
Chairman of the Joint Committee.

May 10th, 1839—A Deputation from the Commons House of Assembly, brought up a Bill intituled: "An Act to appropriate One Million of Acres of the Waste Lands of the Crown, in Upper Canada, to provide a Fund, for the Establishment, Maintenance and permanent Support, of Common Schools throughout this Province;" and also a Bill, intituled: "An Act to provide for the Advancement of Education in this Province,"—to which they requested the concurrence of this House and then withdrew.

\*Thus the necessity of the modern Collegiate Institutes was foreshadowed in Resolutions five and seven, although the form of expression of the fact here is not quite definite.

†That was practically one of the conditions of the recognition of High Schools as Collegiate Institutes in 1871.

These Bills were then read a first time ; and it was ordered—That the 44th Rule of this House be dispensed with, as far as it regards these Bills, and that they be read a second time this day.

The Bill, intituled : “ An Act to provide for the Advancement of Education in this Province.” was then read a second time, accordingly ; and it was ordered—That the House be put into a Committee of the Whole, presently, to take the same into consideration. The House was then put into a Committee of the Whole, accordingly. The Honourable William Allan took the chair. After some time, the House resumed, and the Chairman reported that the Committee had taken the said Bill into consideration, and had agreed to a certain Resolution, which they recommended to the adoption of the House. Ordered—That the Report be received ; and the said Resolution was then read by the Clerk, as follows :—

*Resolved*—That this Bill is one of great importance, and is one on which this Committee looks most favourably ; but, at this advanced period of the Session, (the day before the one appointed for prorogation of the Legislature,) the Bill having been only this day brought up from the House of Assembly, this Committee cannot give the subject that consideration and investigation which its great importance demand, and, therefore, recommend to the House, that the Bill be not further proceeded with in this Session, and that the same be printed.

The said Resolution being read a second time, and the question of concurrence put thereon, it was agreed to by the House ; and it was ordered—That five hundred copies of the last-mentioned Bill be printed, for the use of Members.

Pursuant to Order, the Bill, intituled : “ An Act appropriating One Million of Acres of the Waste Lands of the Crown, in Upper Canada, to provide a Fund for the Establishment, Maintenance and permanent Support of Common Schools throughout this Province,” was read a second time ; and it was ordered—That the House be put into a Committee of the Whole presently, to take the same into consideration. The House was then put into a Committee of the Whole accordingly. The Honourable Adam Fergusson took the chair. After some time the House resumed, (without reporting).

NOTE. As the Legislative Council thus “ resumed,” without reporting the Bill before the Committee it was thereby dropped.

*May 11th, 1839.*—A Deputation from the Commons House of Assembly brought up a Bill, intituled : “ An Act granting a sum of money for the support of Common Schools in Upper Canada, for the year 1839,” to which they requested the concurrence of this House, and then withdrew. The Bill was then read a first time ; and it was ordered—That the 44th Rule of this House be dispensed with, as far as it regards this Bill, and that the same be read a second time presently. The said Bill was then read a second time accordingly ; and it was ordered—That the House be put into a Committee of the Whole presently, to take the same into consideration. The House was then put into a Committee of the Whole accordingly. The Honourable George Crookshank took the chair. After some time, the House resumed, and the Chairman reported that the Committee had gone through the said Bill, and recommended the same, without any amendment, to the adoption of the House. Ordered—That the Report be received ; and ordered—That the last-mentioned Bill be read a third time presently. The same was then read a third time, accordingly, and passed : Whereupon, the Speaker signed the Bill, and it was ordered—That the Master-in-Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill without any amendment.

It was then moved and seconded, that it be,

*Resolved*—That the Resolution of this House of yesterday, in regard to the Bill for the Advancement of Education, and upon which this House looked most favourably, be rescinded, as it is found that from the Prorogation being delayed to a late hour this day, thereby sufficient time is given for considering the same.

This Resolution being read a second time, and the question of concurrence put thereon, it was agreed to by the House, and it was ordered accordingly.

On motion made and seconded, it was ordered—That the 19th Rule of this House be dispensed with, so far as it regards the Bill, intituled : “ An Act to Provide for the Advancement of Education in this Province,” and that the House be again put into a Committee of the Whole, this day, to take the said Bill into further consideration.

The Honourable John Simcoe Macaulay submitted the following dissent to the Resolution adopted this day, for rescinding the Resolution adopted yesterday, on the subject matter of the Bill, intituled : “ An Act to provide for the Advancement of Education in this Province ”—



*Dissentient:*

Because it is not in accordance with Parliamentary practice to expunge Resolutions formally adopted by the House, for the purpose of restoring postponed Bills to the Order of the Day, and establishes a precedent most dangerous to the privileges of Parliament: for, should such practice prevail, there can be no security against that surprise which Parliamentary Rules are especially designed to prevent.

JOHN S. MACAULAY.

LEGISLATIVE COUNCIL CHAMBER,  
May the 11th, 1839.

Pursuant to Order, the House was again put into a Committee of the Whole upon the Bill, intituled: "An Act to Provide for the Advancement of Education in this Province." The Honourable William Allan took the chair. After some time, the House resumed, and the Chairman reported, that the Committee had gone through the said Bill, and recommended the same, without any amendment, to the adoption of the House. Ordered—That the report be received, and ordered—That the Bill be read a third time presently. The same was then read a third time, accordingly, and passed; Whereupon, the Speaker signed the Bill; and it was ordered—That the Master-in-Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this Bill, without any amendment.

At Six of the Clock, p.m., the Members of both Houses of the Legislature being present, His Excellency Sir George Arthur, Lieutenant Governor, presented to a number of Bills in Her Majesty's name. Among them were the following:—

An Act for the relief of Teachers of Common Schools in the District of Niagara.

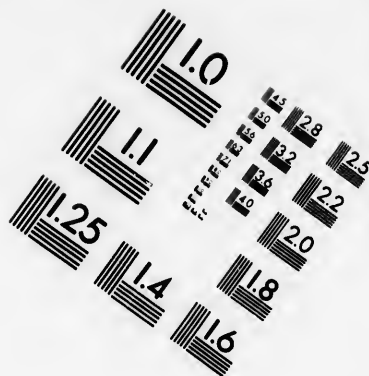
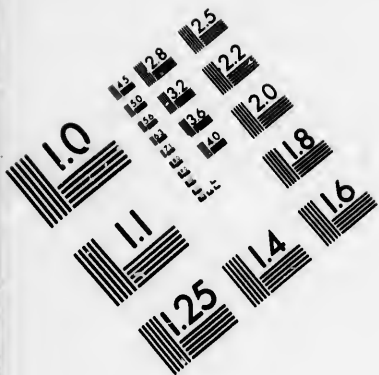
An Act granting a sum of money for the support of Common Schools in Upper Canada for the year 1839.

An Act to provide for the Advancement of Education in this Province.

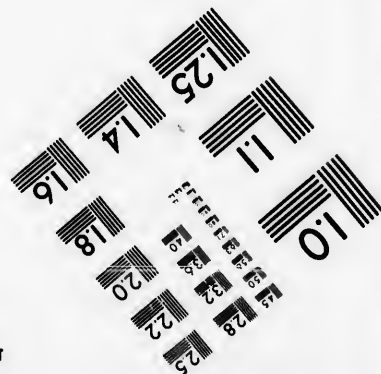
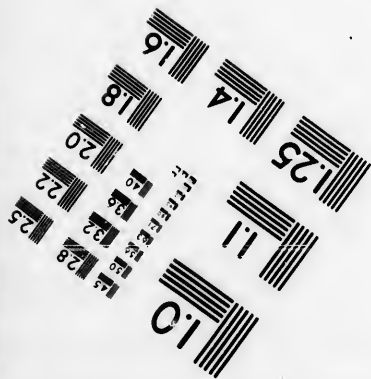
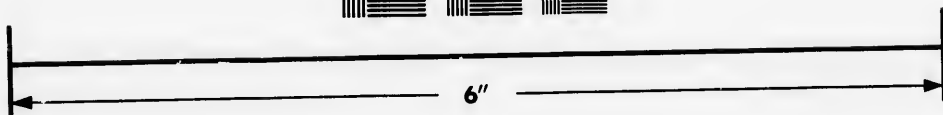
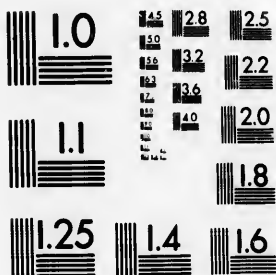
After which, His Excellency closed the Session of the Legislature with a Speech from the Throne, in which he said:

I have derived great satisfaction from the Bill, which you have passed for the promotion of liberal Education, and for the extension of Schools, of a highly useful character, to every District in the Province; and I most sincerely hope, that another Session of the Legislature will not be allowed to pass over, without your making a similar wise and liberal provision for Common Schools.





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CHAPTER IX.

EDUCATIONAL BILLS PASSED DURING THE SESSION OF 1838, 39.

2 VICTORIA, CHAPTER LXI.

AN ACT FOR THE RELIEF OF TEACHERS OF COMMON SCHOOLS IN THE DISTRICT OF NIAGARA.

*Sir George Arthur, Lieutenant Governor.*

Passed 11th May, 1839.

Preamble. WHEREAS, by the fifth clause of An Act passed in the Sixtieth year of the reign of His late Majesty, King George the Third, (or rather in the First Year of His Majesty King George the Fourth,) (1820) intituled: "An Act to amend and continue, under certain modifications, an Act passed in the Fifth Sixth Year of His Majesty's reign (1816), intituled: "An Act granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province and to provide for the Regulation of the said Common Schools,"† it is enacted that it shall not be lawful for the Governor, Lieutenant Governor, or Person administering the Government, to issue any further warrant on the Receiver General, under the provisions of the said Act, to any District Treasurer until a faithful account shall be rendered, authenticated by proper vouchers and attested by the oath of the Respective Treasurers of the expenditure of the sums already advanced or which may hereafter be advanced on account of their respective Districts: And

Act of 1820. of monies received by him for the support of Common Schools in said District, and having become insolvent there is no hope or expectation that he will soon, if ever, be in a condition so to do, and it is expedient to relieve the District from the prohibition contained in the said fifth clause of the before recited Act, and to authorise payment to be made to the present District Treasurer of all monies which may remain in the hands of the Receiver General, due to said District for support of Common Schools, as well as any which, in future, may become due or be granted for that purpose.

Act of 1816. Restrictive provisions quoted. Defalcation of Niagara District Treasurer. Whereas the late Treasurer of the Niagara District has failed to account for monies received by him for the support of Common Schools in said District, and having become insolvent there is no hope or expectation that he will soon, if ever, be in a condition so to do, and it is expedient to relieve the District from the prohibition contained in the said fifth clause of the before recited Act, and to authorise payment to be made to the present District Treasurer of all monies which may remain in the hands of the Receiver General, due to said District for support of Common Schools, as well as any which, in future, may become due or be granted for that purpose.

Imperial Act, 1791. Governor may nevertheless issue warrants. Proviso. Be it, therefore, enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of an Act passed in the Parliament of Great Britain, intituled: "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled: 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America. and to make further provision for the Government of the said Province,'" and by the Authority of the same, That, from and after the passing of this Act, it shall And may be lawful for the Lieutenant Governor of this Province to issue his warrant, or warrants, on the Receiver General, in favour of the Treasurer of the District of Niagara, for all such sum, or sums, of money as may appear to be in arrears for the support of Common Schools therein, and also such sum, or sums, of money as may become due, from time to time, for the support of Common Schools in the aforesaid District of Niagara, either by virtue of the said recited Act, or of any other Act, authorising the payment of monies which the Teachers in Common Schools, in the said District of Niagara, may be entitled to receive, without any abatement, or deduction, whatever on account of the defalcation of the late Treasurer of the said District, save and except the deficiency arising from such defalcation previous to the passing of this Act, anything in the fifth clause of the said first recited Act in any law, usage or custom, to the contrary in anywise notwithstanding.

\*This Act is printed on pages 172, 173 of the First Volume of this Documentary History.  
 †*Ibid.*, pages 102-104.

## 2 VICTORIA, CHAPTER LXII.

AN ACT GRANTING A SUM OF MONEY FOR THE SUPPORT OF COMMON SCHOOLS IN UPPER CANADA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-NINE.

*Sir George Arthur, Lieutenant Governor.*

Passed 11th May, 1839.

MOST GRACIOUS SOVEREIGN :

Whereas it is expedient to grant a sum of money for the support of Common Preamble. Schools in the several Districts of this Province : may it therefore please Your Majesty, that it may be enacted.

*And be it enacted*, by the Queen's most Excellent Majesty, by and with the Imperial Act, advice and consent of the Legislative Council and Assembly of the Province of 1791. Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled : "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled : 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same.

1. That from and out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, £5,650, in addition to sums now appropriated by law. and in the hands of the Receiver General unappropriated there be granted to Her Majesty, for the use of the Common Schools of this Province, for the year of our Lord one thousand eight hundred and thirty-nine the sum of Five Thousand, Six Hundred and Fifty Pounds, (£5,650) in addition to the sums now appropriated by law, to be applied in the same way and manner, and in conjunction with the present sums granted by Act of Parliament ; which said sum of Five Thousand, Six Hundred and Fifty Pounds, (£5,650) shall be apportioned among the several Districts of this Province as follows, that is to say :—

- To the O tawa District the sum of One Hundred Pounds.
- To the Eastern District, the sum of Five Hundred Pounds.
- To the Johnstown District the sum of Five Hundred Pounds.
- To the Bathurst District the sum of Five Hundred Pounds.
- To the Midland District the sum of Five Hundred and Fifty Pounds.
- To the Prince Edward District the sum of Two Hundred Pounds.
- To the Newcastle District, the sum of Five Hundred Pounds.
- To the Home District, the sum of Seven Hundred and Fifty Pounds.
- To the Gore District, the sum of Six Hundred Pounds.
- To the Niagara District, the sum of Five Hundred Pounds.
- To the London District, the sum of Four Hundred and Fifty Pounds.
- To the Talbot District, the sum of One Hundred and Fifty Pounds.
- To the Western District, the Sum of Three Hundred and Fifty Pounds.

Distribution of grant to the thirteen Districts.

2. *And be it further enacted* by the authority aforesaid, That the said sum of Five Thousand, Six Hundred and Fifty Pounds shall be paid by the Receiver General of this Province in discharge of such warrants as may for that purpose be issued by the Lieutenant Governor. To be paid by Receiver General.

3. *And be it further enacted* by the authority aforesaid, That the third and fourth clauses (*i. e.* First and Second enacting sections) of an Act passed in the first year of Her Majesty's Reign, (1833), intituled : "An Act granting a sum of Money for the support of Common Schools, for the year eighteen hundred and thirty-eight," be and the same are hereby revived and continued.\*

\*This Act is printed on page 130, *ante*.

## 2 VICTORIA, CHAPTER X.

## AN ACT TO PROVIDE FOR THE ADVANCEMENT OF EDUCATION IN THIS PROVINCE.

*Sir George Arthur, Lieutenant Governor.*

Passed 11th May, 1839.

- Preamble.** WHEREAS, it is very desirable to afford every encouragement to the advancement of Education in the Province : and
- (See 7 William IV., chapter 16. See 4 and 5 Victoria, chapter 19, section 8, which repeals this Act.) WHEREAS, His late Majesty George the Third was pleased, in 1797, to direct that a quantity of the Waste Lands of the Crown should be set apart for the endowment of Free Grammar Schools and also of a University : and
- WHEREAS, a Royal Charter has been granted, in 1827, incorporating the University of King's College, which has been endowed by a grant of lands from the Crown : and
- WHEREAS, Upper Canada College has, by an Act of the Legislature, been incorporated with, and now forms an appendage to, such University : and
- WHEREAS, the advancement of Education will be better promoted by devoting a portion of the annual revenues of King's College to the support of Upper Canada College and Grammar Schools for several years to come, than by the erection of a University in the present state of Education in the Province : and
- WHEREAS, Upper Canada College, with some changes easily effected, would afford sufficient accommodation to the public as a Provincial seat of learning, until it shall be deemed necessary to erect the University : and
- WHEREAS it is expedient to appoint trustees for each Grammar-School in the several Districts to superintend the schools to be established under the provisions of this Act, and to see to the application of the monies appropriated to their support :
- Be it, therefore, enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of An Act passed in the Parliament of Great Britain, intituled : "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled : (An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province," and by the authority of the same, That the several District Schools in this Province shall be, and are hereby declared to be Grammar Schools, as contemplated in 1797 by His late most Gracious Majesty, King George the Third, at the time the said reservation of land was directed to be made as aforesaid.*
- Imperial Act, 1791.** 2. And be it further enacted by the authority aforesaid, That there shall be constituted and appointed by the Lieutenant Governor a Board of Trustees to each and every Grammar School in the several Districts of this Province, consisting of not less than five members, three of whom shall be a quorum, who shall have the superintendence of the Grammar Schools established in the several Districts of this Province, and receive the money authorized to be paid under this Act.
- District Grammar School Trustees.** 3. And be it further enacted by the authority aforesaid, That the money now remaining in the Receiver General's hands unexpended, arising from the sale of school lands, or which may come into his hands applicable to the purposes of this Act, shall be invested in the Debentures of this Province at six per cent. interest, and the proceeds placed under the control of the Council of King's College, for the purposes of this Act, to be by the said Council distributed among such Districts as, in their opinion, more immediately require assistance, owing to the state of the School-House, or other circumstances.
- Proceeds of sales of School Land to be invested.** 4. And be it further enacted by the authority aforesaid ; That it shall be the duty, and may be lawful, for the Lieutenant Governor, by and with the advice of the Executive Council, to set apart two hundred and fifty thousand (250,000) acres of the Waste Lands of the Crown in this Province, to be sold in like manner as other Crown Lands, at a price not less than ten shillings per acre, and the proceeds thereof paid into the hands of the Receiver General from time to time, to be appropriated in such manner and for the (District) Grammar Schools, as hereinbefore provided.
- King's College Council to distribute. 250,000 acres of Waste Lands appropriated.**

5. And be it further enacted by the authority aforesaid : That a sum not exceeding one hundred pounds (£100) per annum, may be advanced to each of the said Board of Trustees, from time to time, out of any monies in the hands of the Receiver-General, applicable to the purposes of this Act ; and, should such monies be insufficient, it shall and may be lawful for the Council of King's College, in their discretion, to appropriate a sufficient sum from the annual revenues thereof to make up the deficiency to be applied in providing an Additional Master, and other means of instruction, for the Grammar Schools in each District respectively : *Provided always*, that no portion of the principal money arising from the sale of lands granted to King's College shall be so appropriated, but merely the rents, or interest, thereof.

6. Provided also, and be it further enacted by the authority aforesaid : That it shall and may be lawful for the said Council of King's College, first to appropriate a proportion of the revenues thereof, not exceeding one half, to the support, extension and maintenance of Upper Canada College, until it shall be deemed necessary to erect the University. Reservation to U. C. College.

7. And be it further enacted by the authority aforesaid : That it shall and may be lawful for the Board of Trustees in any District now constituted, or hereafter to be constituted, to receive out of any monies in the hands of the Receiver-General, applicable to the purposes of this Act, a sum not exceeding Two Hundred pounds, (£200,) to aid in the erection of a suitable building for a school-house in each District : Provided an equal sum shall be raised by subscription among the inhabitants for the like object, and provided they shall ensure the permanent insurance of such building. £200 for School House. Proviso.

8. And be it further enacted by the authority aforesaid : That it shall and may be lawful for the Lieutenant Governor to authorise a sum not exceeding One Hundred Pounds (£100) per annum for each school, to be paid to any Board of Trustees, for the use and support of two other schools than the one in the Town, where the Court House is situated, in any Town or Village, in which the inhabitants shall provide a suitable School-House, at which not less than Sixty, (60), scholars shall be educated : *Provided* any such additional School shall not be within six miles of the District Town ; and *Provided always*, that nothing herein contained shall prevent the Council of King's College from extending aid to four Grammar Schools (including the said two) other than the one established in the District Town, should the said Council deem it expedient. Grant to two other schools. Or to four other schools.

9. And be it further enacted by the Authority aforesaid : That it shall and may be lawful for the Council of King's College to make such rules regulations, and bye-laws for the conduct and good government of the several Schools established under this Act, as to such Council shall seem proper. Rules and Regulations.

10. And be it further enacted by the authority aforesaid : That an account in detail of the sums received and expended under the provisions of this Act, shall be rendered to the Lieutenant Governor annually, in order that the same may be laid before the Legislature within thirty days after the commencement of each session. Accounts to be made.



## CHAPTER X.

SIR GEORGE ARTHUR'S DESPATCHES ON THE BILL "FOR THE  
ADVANCEMENT OF EDUCATION IN THIS PROVINCE."

Within three days after he had given the Royal Assent to the Bill: "For the Advancement of Education" in Upper Canada, Sir George Arthur wrote a short Despatch to Lord Normanby, the then Secretary of State for the Colonies, apprizing him of the fact. The following is a copy of this Despatch, dated the 14th of May, 1839:

Among the Bills passed during the recent Session of the Provincial Legislature, to which the Royal Assent has been given, is one, providing for the appropriation of the Funds, intended for the use of the University of King's College to the support of District Grammar Schools.\*

This measure is very popular; and the desire for it has been occasioned, partly by the delay which has taken place in carrying the plan of the University into practical operation, and partly, by the prevalent opinion that, in the present state of Education in the Province, a general diffusion of the means of instruction would be more beneficial than the application of the whole available means to the establishment of a Metropolitan Seat of Learning. The Grammar Schools are certainly much required in the country; and I readily gave my concurrence to the very laudable wish of the members of the Legislature to have opportunities of bestowing liberal education upon the youth of the Province, placed more generally within the reach of its inhabitants.

GEORGE ARTHUR.

GOVERNMENT HOUSE,  
TORONTO, 14th of May, 1839.

In sending this Despatch Sir George Arthur had evidently mixed feelings. He said in it, and admitted, that the measure was "very popular," as he described it to the Colonial Secretary. He knew that one cause of that popularity was the comprehensiveness of its scope and terms.

The Bill embodied in its provisions the ideal of educational legislation so long cherished by many Members of the Legislature, under the able guidance of the Honourable William Morris in the Legislative Council, and Mr. Mahlon Burwell in the House of Assembly. These and other Members of both Houses had long contended that the "Free Grammar Schools," contemplated and provided for in the King's munificent land grant of 1797, was the only solution of the educational problem, which had confronted them for years.

The opposing, or University, party, chiefly led by the Reverend Doctor Strachan, the Educational Nestor of those days, (warmly aided by the Honourable Chief Justice Robinson,)—while judiciously and sincerely admitting a good deal of the popular contention for the multiplication of good Grammar Schools, was yet so committed to his pet University project, that he had held, on the other

\* See preceding pages, 170 and 171.

hand, that the truer solution of the educational problem was the establishment of a University, founded by its Royal Patron, as an Imperial, rather than as a "Provincial, Institution," whose most valuable privileges, he said, would "extend their benefits through the whole of the British Empire." (Page 63, *ante*.)

Sir George Arthur apparently, did not take either side, although, for various reasons, he rather favoured the popular view of the case. Recent revelations of slipshod mismanagement of the University Funds, however, had awakened his misapprehension that all was not right, and had quickened his sense of the necessity for some radical change in the administration of these Funds. He evidently felt that the legislation embodied in the Bill, under consideration, while it did not touch the sore spot, which he had accidentally discovered in the management of the University finances, was still very sweeping, if not revolutionary in its character, according to the traditions held by large numbers in and out of the Legislature. Hence his anxiety to have the new measure thoroughly understood by the Imperial Authorities. All of these influences combined induced him to prepare the full, comprehensive and able historical *resumé* of the whole case. This he embodied in his second Despatch of the 8th of June, 1839, and which he had prepared for the information of the Colonial Secretary in regard to scope and object of the Bill.

Before doing so Sir George Arthur, set himself vigorously to work to stop the financial leak in the University and Upper Canada College Funds. He at once instituted a searching investigation, (by means of the King's College Council itself,) into the mismanagement of these Funds by the then Bursar and others. The particulars of these facts, and of the action of Sir George Arthur in regard to them, will be given in a subsequent Chapter. In the mean time, the following elaborate Despatch in regard to the Bill "For the advancement of Education in this Province," was prepared by the Lieutenant Governor and sent to the then Colonial Secretary, Lord Normanby :

In my Despatch of the 14th ultimo, I did myself the honour to inform Your Lordship that among the Bills passed during the recent Session of the Provincial Legislature, to which the Royal Assent had been given, was one, providing for the appropriation of the Funds, intended for the use of the University of King's College, to the support of District Grammar Schools.

2. I should have more correctly stated that the Bill provided for the appropriation of a portion of the funds ; and, in now transmitting a copy of the Bill, I beg to submit a few remarks respecting it ; but, to enable your Lordship the more distinctly to review the whole subject, it is first necessary that I should take a brief retrospect of previous circumstances having a reference thereto.

#### ORIGIN OF THE GRANT OF LANDS IN 1797, FOR FREE GRAMMAR SCHOOLS AND A UNIVERSITY.

3. In compliance with the prayer of a joint Address from the Provincial Legislature, presented in 1797,\* the King was pleased to direct, that a portion of the waste lands of the Crown in Upper Canada should be set apart for the endowment of Free Grammar Schools, and in process of time, also of a University, under which authority the local Government assigned for these purposes, in the year following, twelve townships, comprising, after the necessary deductions, for Crown and Clergy Reserves, about five hundred and forty nine thousand, two hundred and seventeen (549,217) acres.

\*Page 16 of the First Volume of this Documentary History.

4. In consequence of these lands not having proved immediately available, a temporary Act was passed by the Provincial Legislature in 1807,\* and made permanent in 1808,† and amended in 1820,‡ providing for the establishment of a School, answering to a Grammar School, in each District, and for the annual payment of One Hundred pounds, (£100,) from Provincial funds to the Master appointed to conduct it.

5. These Grammar Schools, termed: "District Schools," in no wise interfered with the object of the general endowment, being irrespective of it, and meant to provide for the pressing wants of the community, in the absence of greater means of affording instruction; they were subject to certain regulations, and were placed under the direction of Trustees nominated by the Lieutenant-Governor.

6. Twelve of such schools are now in operation, and a thirteenth is about to be commenced in the Talbot District.

PROVISION FOR THE SUPPORT OF COMMON SCHOOLS, 1816.—GENERAL BOARD OF EDUCATION.

7. With the exception of an annual sum of Two Hundred and Fifty pounds, (£250,) being granted by the Provincial Statute to every District, for the support of Common Schools, things appear to have remained in much the same state in regard to the provision for Education, until 1823, (i. e. 1822)§ about which period the Secretary of State authorised the formation of a General Board of Education for the management of the lands set apart for the purposes of Education.

8. This Board continued to exist until 1832 (i. e. 1833).|| When its functions ceased, and the School Lands under its management were re-invested in the Crown, in consequence of the King having been pleased to accede to the request contained in an Address from the House of Assembly, that the sums arising from the sale of that portion of the School Lands which had not already been alienated, might be paid into the hands of the Receiver-General, to be applied in the promotion of Education, in such manner as the Legislature should direct.¶ The rents accruing from any school land already leased, were also to be similarly disposed of.

ROYAL CHARTER FOR THE UNIVERSITY OF KING'S COLLEGE, [1827,] AND ITS ENDOWMENT.

9. Under the auspices of this (General) Board [of Education for Upper Canada] the question of establishing the proposed University had been brought forward; and it being determined to effect, if possible, that object, as a preliminary step, a Royal Charter was applied for and granted in 1827.\*\*

10. In addition to this mark of favour, as the remote situation of the School Townships rendered the lands thereof of comparatively little value, the King munificently resumed about 225, 944 acres out of them, alienating as an equivalent, to the Corporation of the University, the like quantity of Crown Reserves, mostly under lease, in old settled Townships, where the land bore a great value.††

OBJECTIONS TO THE EXCLUSIVENESS OF THE CHARTER OF KING'S COLLEGE STATED.

11. But the proceedings thus favourably commenced, for the establishment of the University, were here arrested. The Royal Charter, which had been granted to it, was found to be too exclusive in its character to be generally acceptable to the community; so much so, that the King was petitioned by the Legislature to replace it by another, which should be more suited to the existing want.‡‡

12. Though declining to recommend this course, which they considered open to objection, yet influenced by an earnest desire to meet the wishes of the Canadian people, Her Majesty's Government empowered the Provincial Legislature to amend the Charter according to their own discretion;§§ but it was not before the lapse of several Sessions of the Legislature, or before much discussion in both Houses, that they could come to any understanding on the subject.

13. Finally, however, they passed a Bill on 4th March, 1837,¶¶ which received Her present Majesty's assent, soon after Her accession.

\*Pages 60, 61 of the First Volume of this Documentary History.

†*Ibid*, page 66.

‡*Ibid*, pages 172, 173.

§*Ibid*, page 179.

|| Page 86 of this Volume, *ante*.

¶See pages 71 and 72 of the Second Volume of this Documentary History.

\*\*Pages 211-225 of the First Volume of this History.

††*Ibid*, pages 204, 205, 238, 264 and 317.

‡‡Pages 52 of the Second Volume of this Documentary History.

§§Pages 112, 214 and 275 of the Second Volume of this Documentary History.

¶¶Pages 88, 89 of this Volume, *ante*.

14. The clauses in the Royal Charter chiefly objected to, appear to have been those relating to the religious tests required of the College Council and Professors, and the nomination of the Archdeacon of York as President, *ex officio*.

#### MOVEMENTS FOR THE EXTENSION OF EDUCATION IN THE PROVINCE—UPPER CANADA COLLEGE.

15. In the above interval of time, other plans for the more effectual advancement of Education had been suggested and carried into effect; the practical operation of which, combined with other circumstances, has still further retarded the erection of the University, and has left, indeed, the whole project in a state of complete abeyance.

16. Soon after Sir John Colborne assumed this Government, his attention became directed to the state of Education in this Province, and, as the theme had long been a favourite one with him, he applied himself with vigour to the task of effecting such ameliorations in a defective system, as were in his power.

17. After encountering much difficulty, his zeal and perseverance were rewarded by the establishment of the Institution known as "Upper Canada College" and which, as a Seminary, answering in its model to superior Grammar Schools in England, has conferred, and continues to confer, inestimable benefits upon the country; although its establishment in the Capital has given rise to local jealousies; and opinions are entertained that the benefits of the Seminary ought, in justice, to have been distributed by the improvement of the county Schools at its expense.\*

18. This Institution superseded the endowed Royal Grammar School—which was also a District (Grammar) School—that had previously existed at Toronto; and the proceeds arising from the sale of the land, whereon the one had stood, partly contributed to defray the expense of erecting the Buildings requisite for the other.†

#### PROVISION FOR THE ENDOWMENT AND SUPPORT OF UPPER CANADA COLLEGE.

19. Sir John Colborne assigned, with the after approbation of His Majesty's Government, a very eligible location at the west end of Toronto, as the site of this new College, and endowed it with some Town lots.‡ About sixty-six thousand (66,000,) acres in all were granted to it, as a further endowment, from the residue of the general school lands; and by means of the aggregate funds that were expected to accrue from these sources, and from the Fees payable by the Students, it was hoped that a sufficient income would be derived for the proper maintenance of the Establishment.‡

20. This expectation, however, has not been realized; for, owing to the difficulty of disposing advantageously of the bulk of the assigned lands, the whole revenue has fallen far short of the expenditure, and the College has, in consequence, become largely indebted to the Endowment of the University, from whose funds the deficiency has, from time to time, been supplied. It is, indeed, evident that but for this resource, the College must have succumbed beneath the pressure of its pecuniary difficulties.§

21. This part of the case, will be best explained to Your Lordship by an inspection of the accompanying Statement containing an abstract of the fiscal transactions, both of the College and the University, which I caused to be prepared up to the 31st of December last, (1838), for the information of the House of Assembly, on an application to that effect.||

22. Your Lordship will remark, that Upper Canada College, by being first in operation, has insensibly reaped the benefits that were reserved for the University, whose advances towards its erection, and maintenance have no chance of being reimbursed, until the lands forming the College Endowment shall become more valuable. Such reimbursement, however, would, after all, be merely nominal. Since, by a clause of the Provincial Act of 1837, amending the University Charter, Upper Canada College has been incorporated with, and forms an appendage to the University;¶ so that, practically, the benefits accruing from the respective endowments assigned to each, would, in a manner, be common to both.

\* See pages 82-90 of the Second Volume of this Documentary History.

† Page 7 of this Volume, *ante*.

‡ *Ibid*, p. 9. *ante*; see also page 287 of the First Volume of this Documentary History.

§ *Ibid*, page 29, *ante*.

|| *Ibid*, page 180, *post*.

¶ *Ibid*, page 89, *ante*.

23. As regards the origin and progress of Upper Canada College, which was opened for the purposes of tuition on the 4th of January, 1830, Your Lordship will derive the fullest information, on reference to the enclosures of Sir John Colborne's Despatch of the 30th March, 1831, addressed to Viscount Goderich, [then Secretary of State for the Colonies.]\*

STATEMENTS AND REMARKS ON THE LAND GRANTS AND THEIR DISPOSITION.

24. From what has proceeded, it will be seen that, of the original grant of five hundred and forty nine thousand, two hundred and seventeen (549,217,) acres, set apart for the advancement of Education, there have been,—

Resumed by the Crown, in lieu of scattered Crown Reserves assigned to the University.....	Acres	225,944
Resumed by the Crown, in lieu of assignment to Upper Canada College .....		66,000
Apparently left disposab <sup>l</sup> e for the purposes of Schools.....		257,273
<b>Total acres, original endowment .....</b>		<b>549,217</b>

25. From the Statement herewith, it will be further seen, that, of the lands constituting the University and the College endowments, there have been sold the respective quantities of ninety three thousand, seven hundred and thirty seven and three quarter ; (93,737  $\frac{3}{4}$ ) acres and seventeen thousand three hundred and eighty eight, (17,388) acres leaving in the one case a residue of one hundred and thirty two thousand two hundred and six and a half (132,206  $\frac{1}{2}$ ), and in the other of forty-eight thousand, six hundred and twelve (48,612,) acres.

26. I have no present means of judging how the School Lands have been dealt with, beyond the evidence afforded by Sir John Colborne's Correspondence with the Secretary of State, that about seventeen thousand, two hundred and seventy-three (17,273,) acres of them were appropriated to surveyors for surveying, (that is, in lieu of a money payment for their labour, and for disbursements for provisions and wages of chain bearers, etc.); and about twelve thousand (12,000,) acres were sold by the General Board of Education, which aggregate would reduce the actual quantity available to two hundred and twenty eight thousand, (228,000,) acres.

27. Their can be no doubt that the proceeds of the quantity sold by the Board were applied to their legitimate object; but I have no particulars of the appropriation.

FINANCIAL STATEMENTS OF KING'S COLLEGE UNIVERSITY AND UPPER CANADA COLLEGE.

28. The accompanying abstract of accounts would show the state of the University Endowment Fund, to be as follows:—

Aggregate amount from the actual sales of land .....	£100,809.18.6
Gross amount received on account thereof.....	53,224.14.7
<b>Amount remaining to be realized.....</b>	<b>£47,585.3.11</b>
Amount of debt due by Upper Canada College.....	33,944.9.0
Value of Debentures, stock, etcetra .....	15,237.10.0
Cash Balance on the 31st of December, 1838.....	8,368.2.4
Outstanding Balance.....	£57,550.1.4
	47,585.3.11
<b>Aggregate Fund, 31st December, 1838 .....</b>	<b>£105,135.5.3</b>

29. Assuming all the assets to be available, this Statement would exhibit an increase of a fraction more than eight *per centum* upon the original amount of Capital employed; but, as before mentioned, the amount borrowed for the use of Upper Canada College cannot be considered, under the existing circumstances, other than as a positive alienation, though the College lands are, in fact, liable.

ANALYSIS OF THE ACT "FOR THE ADVANCEMENT OF EDUCATION IN UPPER CANADA.

30. Having laid this summary before Your Lordship, I proceed to consider the Act of the recent Session, intituled: "An Act to provide for the Advancement of Education in this Province."

\* See remarks in regard to Sir John Colborne's reticence in regard to this communications to and from, the Imperial Government, on page 54 of the Second Volume of this History.

31. The Preamble states "that the advancement of Education will be better promoted by devoting a portion of the annual revenues of the University of King's College to the support of Upper Canada College, and of the Grammar Schools, for several years to come, than by the erection of a University, in the present state of Education in the Province." "That Upper Canada College, with some changes, easily effected, would afford sufficient accommodation to the public, as a Provincial Seat of Learning, until it shall be deemed requisite to erect the University."

32. By the first clause, the District Schools, of which I have already spoken, are declared to be Grammar Schools, coming within the scope of the Act.

33. By the second clause, the Lieutenant-Governor is empowered to appoint a Board of Trustees to each Grammar School, to be entrusted with the general superintendence of its affairs.

34. By the third clause, the monies arising from the sale of School lands are to be invested in Provincial Debentures, bearing interest, and the proceeds are to be paid into the hands of the Receiver-General, subject to the control of the Council of the University of King's College.

35. By the fourth clause, the Lieutenant-Governor is empowered to set apart two hundred and fifty thousand (250,000,) acres of Waste Land, to be sold, and the proceeds thereof applied to the use of Grammar Schools, in the manner before stated.

36. By the fifth clause, a sum, not exceeding One Hundred pounds, (£100,) per annum, may be advanced to the (local) Board of Trustees for the support of each Grammar School; and, should this prove inadequate, the Council of King's College, (i.e. the University,) is authorized to supply the deficiency. A proviso restricts the operation of this clause to the appropriation of the interest, or rents, of the property of the University.

37. By the sixth clause, the College Council may appropriate to Upper Canada Council one moiety of the revenues of the University, until the University be erected.

38. By the seventh clause, the sum of Two Hundred pounds, (£200,) may be applied to the erection of a School House in each District, provided that a like sum shall be contributed thereto by the inhabitants.

39. By the eighth clause, the Lieutenant Governor is empowered to apply annually a sum of One Hundred pounds, (£100,) for the use and support of two Schools, other than the one in the Town where the Court House is situated; a proviso being added, authorizing the extension of this aid to four such extra Schools, (including the two in question), if deemed expedient by the College Council.

40. By the ninth clause, the College Council is empowered to frame all Rules and Regulations for the government of all the Schools contemplated by the Act.

41. By the tenth and last clause, it is enjoined that an account of all receipts and expenditure, under the Act, shall be rendered annually to the Lieutenant Governor, to be laid before the Legislature.

#### SIR GEORGE ARTHUR'S REASONS FOR ASSENTING TO THIS ACT.

42. The laudable objects which this Act was intended to promote, and its popularity, both within and without the walls of the Legislature, determined me not to withhold my assent to it, as I should have been fully justified in doing, considering that it contravened, to an extent, the design of a special endowment made by the Crown, in 1797, and effected important changes, which, in strict propriety, should have originated in Her Majesty's Government, instead of in the Provincial Parliament.\*

43. I was, besides, the more induced to acquiesce in the views of the Legislature, as expressed and understood, from a belief that it was the desire of Her Majesty's Government to defer as much as possible to their wishes on all questions affecting the appropriation of funds arising from endowments, for the purposes of Education.

44. I gather, indeed, from the general tenor of the Despatches on this subject, addressed to Sir John Colborne by your Lordship's official predecessors, an intimation of the policy which he was expected to pursue in such matters; and I have thought that, by adopting that line of policy, I could not greatly err.†

\*Here, incidentally, Sir George Arthur raises the question of the right of the Colonial Legislature to deal with specific Imperial Grants. This question, in connection with the one referring to the right of the Legislature to alter a Royal Charter, is discussed in Chapter xii., page 201.

†In this connection, see page 213 of the Second Volume of this Documentary History.

"CONFIDENTIAL DESPATCH" OF LORD GODERICH, DATED THE 5TH OF JULY, 1832.

45. In a Despatch from Lord Goderich, marked "Confidential," of the 5th of July, 1832, I discover a distinct recognition of the claim of the Provincial Legislature to exercise the management of the territorial grants assigned for the purposes of Education, it being assumed, from their having, in questions of this nature, the deepest share of interest, that they are, therefore, the most competent to judge of what is best adapted to the progressive wants and wishes of the community which they represent.\*

46. In stating the reasons which had induced him to recommend to His Majesty the transfer of the control of the School Funds from the General Board of Education to the Provincial Legislature, Lord Goderich observes: "that when a change of this nature is desired by the inhabitants themselves, and is called for by an Address from their Representatives," he is of opinion that, if there were nothing else to be considered than the accomplishment of the immediate object, "it would be desirable to comply with wishes which have been so expressed."

47. Beyond enjoining, therefore, that the funds of the endowment, thus placed at the control of the Provincial Legislature, should not be directed from their governing object—the promotion of Education—Lord Goderich did not think it expedient to prescribe any set regulations for the practical application of those funds; his Lordship observing, that "it would be worse than useless to destroy the grace of the concession which had been made by attempting to clog it with objectionable conditions."

APPLICATION OF THE DOCTRINE LAID DOWN IN LORD GODERICH'S "CONFIDENTIAL DESPATCH."

48. Believing that these arguments apply with equal, if not, indeed, with greater force, in the present instance, although the respective cases be not quite analogous, I have not hesitated to adduce them in implied support of the Act which has been passed, and which is now brought under your Lordship's notice.

POPULAR OBJECTION TO A UNIVERSITY, WHILE ELEMENTARY SCHOOLS ARE UNPROVIDED FOR.

49. So long as means were wanting to confer elementary instruction commensurable with the increasing demands of the community, it is scarcely surprising that the prior formation of a metropolitan seat of learning, of necessity exclusive to the many, should have been viewed with disfavour, not to say jealousy, by those even who, under more propitious circumstances, would have been well satisfied to see it in active operation.

50. It has certainly appeared to me that the concentration of means accruing from a productive endowment, on a Seminary beneficial to only a few, when the elementary Schools, owing to the present unproductiveness of their endowment, from causes beyond control, were in a state of comparative destitution, was a proceeding, not only inverting the order of the entire scheme, but eminently calculated to create a very invidious and dissatisfied feeling on the part of a large portion of the community.

51. Still, such feeling might be carried to too great a length, as appears, indeed to have been the case on various occasions, when public attention has been directed to a consideration of the means of promoting Education.

PAMPHLET ON THE LANDED PROVISION FOR EDUCATION IN UPPER CANADA.

52. I have the honour to enclose a pamphlet lately published by order of the House of Assembly, containing an abstract of the proceedings of the Provincial Legislature during the years 1831, 1832, and 1833, on the subjects of the lands set apart for the purposes, of Education. †

\*A copy of this "Confidential Despatch," will be found on pages 85, 86 of this Volume, *ante*.

†The Title of this pamphlet, as published in 1839 by order of the House of Assembly, was: "Proceedings had in the Legislature of Upper Canada, during the years 1831-2 and 3, on the subject of the Lands set apart by His late Most Gracious Majesty, King George the Third, for the purpose of Schools, together with Sundry Despatches, and Documents relating to the same subject. Printed by Order of the House of Assembly. Toronto, U.C. Guardian Office—Joseph H. Lawrence, Printer, 1839" (Pages 41). In 1845, this Pamphlet was reprinted in "Montreal, by Desbarats and Derbyshire, Printers to the Queen's Most Excellent Majesty, 1845." The type was larger in this reprinted pamphlet than in the original; and it extends to 48 pages. All the material information which is contained in this pamphlet is printed in this Documentary History, in its proper chronological order and sequence.

## ADDRESS TO THE KING IN 1833 IN REGARD TO THE APPROPRIATION OF SCHOOL LANDS.

53. In April, 1833, Sir John Colborne transmitted to the Secretary of State an Address from the House of Assembly, [dated the 4th of December, 1833,] praying that either all the lands set apart in Upper Canada for the advancement of Education, might be restored; or, if that were impracticable, with respect to lands granted to individuals, that an equivalent appropriation might be made, in lieu of the portion thus subtracted.\*

54. I gather from Lord Aberdeen's despatch of the 7th of January 1835, written in reply to Sir John Colborne's communication, that this Address raised three questions:—first, whether the estates reserved for the purposes of Education had been improperly diminished; secondly, whether the part allotted to the University at Toronto was disproportionate to the whole; and thirdly, whether such exchanges of lots, as had been from time to time effected, of the original lands, had proved disadvantageous to the interests of the endowment.†

55. The first and last points Lord Aberdeen disposed of very satisfactorily, by showing that the Assembly laboured under a misconception in regard to the original grant, and adducing various circumstances in proof that such exchanges of lots, as had been effected, were, upon the whole, beneficial to the endowment, and that few, or no, absolute and uncompensated deductions had been made.

56. On the second point, his Lordship deferred expressing any definite opinion, because the amendments to the University Charter being then under consideration of the Provincial Legislature, he thought it would be premature to form a judgment on the suitable endowment of an Institution, whereof the nature and probable extent could not be deemed finally determined.

57. Under these circumstances, His Lordship contented himself with remarking, that, whatever difference of opinion might exist as to the appropriate share to be devoted to the purpose, there could be no doubt that the allotment of some of the Reserves for Education to a University was strictly conformable with the objects of the endowment, and that to exhaust the entire amount of the estate, in the enrichment of District (Grammar) Schools, would contravene the designs of those, by whom the property was first set apart (in 1797).

58. I do not doubt that your Lordship will concur in the inference which I draw from these observations, that the Earl of Aberdeen would not have denied to the Provincial Legislature the exercise of the power which they have now assumed in passing the present Act, since it contemplates, not the exhaustion of the estate appertaining to the University, but merely the provisional appropriation of a portion of the revenues arising from it.

## REMARKS ON THE POLICY OF THE LEGISLATURE IN PASSING THIS BILL.

59. I think, therefore, that the Legislature have judged wisely, and have studied the real interests of the community which they represent, in preferring, as they could not, at present, combine all the objects of the educational endowment, to concentrate the limited means immediately available, on one fundamental object, rather than to neutralize them by an untimely division among many; in resolving, in short, to divert temporarily those means from their legitimate channel, until, when so required, they could again flow into it, through another source, in lieu of allowing them to remain stagnant, when their circulation might be productive of great moral benefit to the mass of the community.

60. Nevertheless, my Lord, I would not wish Your Lordship so to interpret the foregoing observations as to conclude that, viewed in itself, I am in any way opposed to the establishment of the intended University, since, on the contrary, I consider that such an Institution would be productive of very great benefit, more particularly as regards the Faculties of Medicine and Law, if it could once be fairly put into operation. My arguments, deduced mainly, as they are, from the various Documents bearing on the questions, that I have had occasion to inspect, must be considered as essentially applying to the expediency of the case which has been under examination; and I, especially, desire to state that, while, on the one hand, I am deeply impressed with the importance of placing the elementary Schools of the Province on an efficient footing, on the other hand, I am no less sensible of the serious inconvenience which is occasioned to many of the provincial youth, from the non-existence of a superior Seminary, wherein professional instruction and degrees may be obtained.

\*A copy of this Address from the House of Assembly will be found on pages 138, 139 of the Second Volume of this Documentary History.

†This Despatch was not laid before the House of Assembly by Sir John Colborne, (as it was not his usual custom to do so—See remarks on his reticence, on page 258 of the First Volume of this Documentary History; see also page 54 of the Second Volume); but he laid the substance of the Despatch before the House, in a Message, dated: March the 18th, 1835; pages 168, 169 of the Second Volume of this History.



61. I fear, indeed that the imperfect Institution, for which this Bill provides,\* will but ill supply—notwithstanding what is stated in its preamble—the place of the University, as at first contemplated; and I can only, therefore, hope that the present measure, urged, as it is, by so many high and important considerations, may not have the effect of deferring to a late and indefinite period, the establishment of a respectable University.

THE COLONIAL MINISTER REFERRED TO THE CORRESPONDENCE FROM 1823 TO 1837.

62. For any further information than that which I have furnished on the subject generally, of the state of education in Upper Canada, and the means taken to promote it on a systematic plan, I have the honour to refer Your Lordship to the Correspondence in relation to those topics which has passed between the Colonial Office and this Government in the interval, from 1823 to 1837. From the latter year until the present Session, the circumstances of the country have diverted the attention of the Legislature from a further consideration of the matter, which was at length, revived by the absolute necessity that existed for their intervention.

UNSATISFACTORY CONDITION OF THE COMMON SCHOOLS OF UPPER CANADA.

63. I could have well wished, my Lord, that, coeval with the arrangements which have been made, it has been possible to effect some amelioration, both as to means and ends, in regard to the Common Schools, which, as I had the honour to inform Lord Glenelg in my Despatch of the 18th December last, enclosing a Communication on the same subject from the Bishop of Montreal, were in a lamentably inefficient state.

64. The Despatch regarding Common Schools, referred to in the Despatch just quoted, as having been addressed by me to your Lordship's predecessor, and respecting which inquiry was made in Lord Glenelg's Despatch of the 7th of February, was never forwarded; and, as I am at present unable to say that my own mind is definitely made up on the subject to which it refers, I must beg that your Lordship will consider it as withdrawn.

65. At an early period, I shall take occasion to address your Lordship again respecting the Schools, and I have now entered into so much detail, because I intend to follow up my inquiries into Education generally, which is in a lamentable state, and to propose such measures as I anxiously hope may tend to the improvement and welfare of the lower classes throughout the Province. (Sir George Arthur issued a Commission on the subject in October.)

66. With this view, I have, as Chancellor of the University, caused a most searching inquiry to be made into all its affairs.

(Note. See proceedings of King's College Council of the 20th of April, 1839, page 187.)

GEORGE ARTHUR.

GOVERNMENT HOUSE,  
TORONTO, 8th of June, 1839.

ENCLOSURE: *Accounts of King's College and of Upper Canada College for the years 1836-1838.*

Appended to the foregoing Despatch of Sir George Arthur to the Colonial Secretary, dated the 8th of June, 1839, was a detailed Statement of the Accounts of King's College, and of the Upper Canada College, for the years 1836-1838 inclusive. They are too voluminous to be inserted here; but they will be found in detail in the Appendix to the Journals of the House of Assembly for the Session of 1839, Volume two, pages 408-426. I have made an abstract of these accounts, and append it, as follows:

*Abstract of Finances of King's College, 1836-1838, inclusive:*

Receipts of King's College for the year 1836:—

Balance from 1835 . . . . . £3,629.10.0

Sundry Receipts in 1836 . . . . . 9,202.14.2

£12,832.4.2

\* i.e., Upper Canada College as a "Temporary University."

Payments in 1836 .....	£5,538.16.8	
Balance carried to 1837 .....	7,293.07.6	
		£12,832.4.2
Receipts of King's College for the year 1837 :		
Balance from 1836 .....	£7,293.07.6	
Sundry Receipts in 1837 .....	9,340.12.6	
		£16,634.0.0
Payments in 1837 .....	£12,091.3.9	
Balance carried to 1838 .....	4,542.16.3	
		£16,634.0.0
Receipts of King's College for the year 1838 :		
Balance from 1837 .....	£4,542.16.3	
Sundry Receipts in 1838 .....	7,117.14.8	
		£11,660.10.11
Payments in 1838 .....	£3,291.18.7	
Balance carried to 1839 .....	8,368.12.4	
		£11,660.10.11

*Memorandum* appended to the foregoing, by the Honourable Joseph Wells,  
Bursar of King's College.

Former debt due from Upper Canada College to King's College on 31st December, 1837 .....	£32,559.4.8
Additional Debt in 1838 .....	1,385.4.4
Total amount of this debt of Upper Canada College to 31st December, 1838 .....	£33,944.9.0

*Abstract of Finances of Upper Canada College 1836-1838, inclusive :*

Former debts due from Upper Canada College to King's College on the 31st December, 1835, .....	£29,215.10.6
Expenditure up to 31st December, 1836, £4,398.11.03	
Less receipts of Upper Canada College, 2,989.16.10	
	1,408.14.5
Total indebtedness of Upper Canada College to King's College, 31st December, 1836 .....	£30,624.4.11
Debt due by Upper Canada College to King's College on the 31st of December, 1836 .....	£30,624.4.11
Expenditure up to the end of 1837....	£5,124.4.10
Less receipts of Upper Canada College in 1837 .....	3,189.5.01
	1,934.19.9

Total indebtedness of Upper Canada College to King's College up to 31st December, 1837. ....	£32,559.4.8
Debt due by Upper Canada College to King's College, on the 31st of December, 1837 .....	£32,559.4.8
Expenditure in 1838.....	£4,190.9.10
Less receipts of Upper Canada College in 1838 .....	£,805.5.06
	1,385.4.4
<hr/>	
Total indebtedness of Upper Canada College to King's College up to the 31st of December, 1838.....	£33,944.9.0

*Aggregate Statement of Lands sold for the benefit of King's College and Upper Canada College, up to the 31st of December, 1838 :*

To the foregoing account of the finances of King's College and Upper Canada College, was appended the following Statement of the number of acres of the lands of the University of King's College, and of Upper Canada College, which have been sold, up to the first of January, 1839, showing the average price per acre, and the gross amount actually received on such sales, as required in the Address of the House of Assembly, on the 13th of March, 1839; page 145 of this Volume, *ante* :—

	Total number of acres sold.	Aggregate amount of such sales.	Gross amount actually received on such sales.	Average price per acre.
		£ s. d.	£ s. d.	£ s. d.
On behalf of King's College .....	93,737 $\frac{1}{2}$	100,809 18 6	53,224 14 7	21 6 and a fraction.
On behalf of Upper Canada College.....	17,388	13,010 10 0	6,693 14 8	15 0 $\frac{1}{2}$ and a fraction.
On behalf of Upper Canada College.....	Town lots in Toronto Block D.	5,223 10 0	917 9 5	
		£18,325 0 0	£7,611 3 8	

JOSEPH WELLS,  
Registrar and Bursar of King's College.

KING'S COLLEGE OFFICE,  
April, 18th, 1839.

REPLY TO THIS DESPATCH BY LORD JOHN RUSSELL, COLONIAL MINISTER.

On the 6th of November, 1839, Lord John Russell, who had succeeded Lord Normandy, as Colonial Minister, replied to the foregoing elaborate Despatch of Sir George Arthur and its enclosures. In effect he repeated in it, and emphasised the fact, that in all such Colonial matters as the education of the people, Her Majesty's Government placed the utmost confidence in the judgment, zeal, and discretion of the Canadian Legislature in accomplishing so desirable an object.

The Despatch of the Colonial Secretary was to the following effect:—

Lord John Russell informs Lieutenant Governor, Sir George Arthur that Her Majesty had been pleased to confirm Act making provision "For the advancement of Education in the Province of Upper Canada."

Lord John Russell then adds:

In acquainting you that Her Majesty has been pleased to confirm that Act, I take this opportunity of acknowledging the very able and elaborate manner in which you discussed this important subject in your Despatch of the 8th of June, 1839.

In matters of this kind Her Majesty's Government defer to the opinion of the Provincial Legislature, and without hesitation, on the receipt of the transcript, advised Her Majesty to sanction this measure, which, I trust, will be found effectual for the laudable object the Legislature contemplated in passing it.

DOWNING STREET,  
LONDON, 6th of November, 1839.

J. RUSSELL.

NOTE. By reference to the proceedings of the King's College Council, of the 28th of August, and of the 28th of December, 1839, (page 198 and 200, *post*.) it will be seen that application was made to that Council to appropriate moneys, under the authority of the "Act for the Advancement of Education in this Province," to the Grantham Academy, to the Ancaster Literary Institution and to the Alexandria School; but, as the Act itself had not been confirmed by the Imperial Government until in the latter month, (December,) neither the Government of Upper Canada, nor the College Council could proceed to distribute moneys under its authority.

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## CHAPTER XI.

## PROCEEDINGS OF THE COUNCIL OF KING'S COLLEGE, 1837-1839.\*

On page 96 of this Volume, the records of the proceedings of King's College Council, after the passing of the amended Charter of the College Council, on the 4th of March, 1837, will be found: The proceedings of the previous meetings of the Council, from the 15 of March, 1827, to the 20th of July, 1833, as recorded in the Minutes, are printed on pages 15-40 of the same Volume. The proceedings of the next meeting of the Council, after the passing of the amended Charter Act,—that of the 10th of June, 1837,—are recorded on page 96, *ante*. The following are extracts from the manuscript Minutes of subsequent meetings of the Council of King's College:—

*July 22nd, 1837.* At this meeting, the salary of the Reverend Doctor Strachan, President of the University of King's College, which had been suspended, "in consequence of the obstacles which had arisen to the execution of the Charter," was restored, at the rate of Two Hundred and Fifty Pounds, (£250,) per annum, from the 1st of January, 1837.\*

*July 26th, 1837.* The Reverend Doctor Joseph Hemmington Harris, as First Principal of Upper Canada College, was laid before the Council this day,—to take effect from the 1st of April, 1838. A plan of the proposed University Buildings, prepared by Mr. Thomas Young, Architect, and altered by him, under the direction of Captain John Simcoe Macaulay, C. E., was adopted, subject to the approval of Sir Francis Bond Head, as Chancellor of the University.

*August 5th, 1837.* The Reverend Doctor Strachan, President, conveyed to the Council the approval of the Chancellor of the plan of the University Buildings, who had expressed himself as "highly satisfied with the same, and also his anxiety that no time should be lost in commencing the Buildings." Mr. Young was appointed University Architect, at a salary of Two Hundred pounds, (£200,) Halifax currency, per annum, from the 1st of May last, and as Ornamental Drawing Master at Upper Canada College, at a salary of Fifty pounds, (£50,) sterling per annum, from the 1st of April last.

*August 12th, 1837.* It was directed at this Meeting, that the site of the University Buildings in the Queen's Park be cleared of trees and leveled by Mr. Overseer John Wedd, under the direction of Architect Young, and that they complete the road from Yonge Street to the College Grounds, with a macadamized road-way of twelve feet in width.

*August 26th 1837.* The Estimates for the erection of the University Buildings were discussed, and the matter deferred.

*September 2nd, 1837.* The settlement of errors in leases of the Crown Land Reserves, made by mistake, either by the Council, or the Government, was agreed to, as desired by the Executive Government.

\*The Commissioners, appointed in 1848 by Lord Elgin, Governor General and Chancellor, to inquire "into the Affairs of King's College University," etc., in their Report, "Printed by Order of the Legislative Assembly" in 1852, thus refer to this payment to the Reverend Doctor Strachan: "The duties of this Officer, if adequately discharged, certainly deserved compensation, and when it is considered that during the first period,—from January, 1828, to July, 1839,—say twelve years and a half, the Council sold no less than ninety-seven thousand, six hundred and ninety-nine and a half, (97,699½) acres of their Lands, every Deed, for which required to be examined and signed by the President, prior to the affixing of the University Seal, this salary of Two Hundred and Fifty pounds, (£250) sterling per annum was ordered to be paid by a Despatch from the Colonial Secretary, as soon as the available funds of the University would warrant the appropriation: it was not charged until 1st January, 1837. The whole period during which it was received by the Reverend Doctor Strachan, as President, was two years and a half. . . . Six Hundred and Ninety four pounds eight shillings and ninepence, Halifax currency (£694-8s-9d,) being the aggregate of that Officer's salary, which was allowed by the (King's College) Council.

NOTE.—This Report of the Commissioners is signed by Messieurs Joseph Workman, M. D., and Robert Easton Burns, afterwards a Judge of the High Court of Justice.

*December 2nd 1837.* The Reverend Doctor Strachan, President, informed the Council that Chancellor Head ' had written to John L. Anderson, Esquire, in England, a Gentleman highly competent, requesting him to select a Gentleman well qualified to discharge the duties of Principal of Upper Canada College, and that full instructions had been given to Mr. Anderson to guide him in his choice."

NOTE.—No Meeting of the Council of King's College took place between the 2nd day of December, 1837, and the 17th of March, 1838. The Rebellion of 1837 took place between these dates.

*March 17th, 1838.* A letter was received from Mr. John L. Anderson, who stated that he associated with himself the Reverend Doctor Rose, Principal of King's College, London, in the choice of a Principal of Upper Canada College. The resignation of the Reverend Charles Dade, Mathematical Master, and Mrs. Fenwick, Mistress of the Boarding House, Upper Canada College, were accepted; and applications from the Reverend George Maynard, Mr. John Kent and Mr. Charles N. B. Cosens and Mrs. Cosens, to succeed to vacancies in Upper Canada College, were received. Three of these applications were concurred in, subject to the approval of the Chancellor, Sir F. B. Head. Thus, Mr. Frederick W. Barron became Second Classical Master, the Reverend George Maynard, Mathematical Master, and Mr. John Kent, Third Classical Master.

NOTE.—During the interval, which took place from this Meeting, (of the 17th of March, 1838,) until the next, which was held on the 9th of April, 1838, the Bursar, in the following Letter, dated the 19th of March, 1838, called the attention of the Reverend Doctor Strachan, President of King's College, to the non-receipt from the Imperial Government of the annual payment of One Thousand pounds, (£1,000,) sterling, as promised in a Despatch of the 31st of March, 1827. (Pages 225, 226 of the First Volume of this Documentary History.) This Letter is as follows:

I have the honour, as Bursar to the University of King's College, to address you, as the President of that Institution, on the subject of great arrears due to the University from the Royal Grant of One Thousand pounds (£1,000,) sterling per annum, for a definite number of years, payable half-yearly out of the funds derived from [the sale of lands to] the Canada Company.

The last half-yearly payment, which I received from the Receiver General, was on the first day of July, 1822. Upon my applying, at the end of the ensuing half year, for the usual Warrant, I was informed, by the direction of the late Lieutenant Governor, Sir John Colborne, that His Excellency had received a Despatch from the Home Government, that this Royal boon was to be suspended until the Legislature should pass such an Act for amending the original Charter of the University, as should be approved of by the Sovereign. As such an Act has since been passed, and the Royal assent given thereto, there would seem to be no obstacle to an issue of the five and a half years' arrears to the 1st of January last, amounting to Five Thousand Five Hundred pounds. (£5,500,) sterling. I, therefore, feel it my duty, in behalf of the University, respectfully to call your attention to the great loss which the Institution has long been suffering by the suspension of the half-yearly issues of this grant, which, otherwise, would have been invested in Government Debentures, from which latter a serious amount of interest would have been derived.

I feel assured that you will make such a representation to His Excellency the Lieutenant Governor as will cause a continuance of that injury to cease.\*

JOSEPH WELLS,

Bursar and Registrar of King's College.

KING'S COLLEGE OFFICE,  
TORONTO, 19th of March, 1838.

NOTE.—In a subsequent Statement, or, as he called it, "Data," in support of the claim of King's College to the Imperial grant of One Thousand pounds, (£1,000,) sterling per annum, dated the 5th of September, 1838, the Bursar thus

\*This Letter does not seem to have been laid before the King's College Council. The matter may, however, have been brought under the notice of Sir George Arthur, the Chancellor, but there is no record of any action having been taken by him, or the Council, on the subject. The balance of the grant has never been paid.

referred to a similar Imperial yearly grant of One Thousand pounds, (£1,000,) sterling to Upper Canada College, and pointed out the difference in the terms, or conditions, of the two grants. He said:—

In the first week of January, 1830, Upper Canada College was opened in the Home District School House, which it occupied for the whole of that year, during which the new Building of the College was erected; and, in the first week of January following, (1831,) the studies commenced in the latter.

The allowance to Upper Canada College, from Government for 1830 was only Two Hundred pounds, (£200) sterling; from the 1st January, 1831, it was raised to Five Hundred pounds, (£500); this allowance continued to the 1st January, 1834, from which it was raised to One Thousand pounds, (£1,000); and it has continued to be paid accordingly to the 1st July last, 1838. (Page 289 of the First Volume of this Documentary History.)

It seems, therefore, self-evident that the proper authority must have been given by the Home Government for this increase of grant for the last four years and a half or it would, long ere this, have been disallowed. In support of this natural inference, it will be found, by referring to the proceedings of the Provincial Legislature, during the first session of the present Parliament, that a Message from His Excellency the Lieutenant Governor, Sir Francis B. Head, was, on the 14th February, 1837, sent to both Houses, with an accompanying "Estimate of the expenses of the Civil Government, for which it is desirable that provision should be made, and upon the granting of which to His Majesty, together with such sum as will enable His Majesty to meet the actual charges upon the fund, for which His Majesty may graciously consider the faith of his Government pledged, the Lieutenant Governor would feel himself authorized to assent to a measure for the placing of the (Casual and Territorial) Revenues at the disposal of the Provincial Parliament."

In this "Estimate," the first item in Schedule D, is Upper Canada College, One Thousand pounds, (£1,000,) sterling; this, it is presumed, most fully justifies the inference before drawn, as to the amount in question having been fully authorized.

It may here be not irrelevant to remark, that the boon of One Thousand pounds, (£1,000) sterling per annum, for sixteen years, to the University of King's College, is a distinct grant altogether, expressly given in aid of the cost of the buildings to be erected; and it is specially directed that this grant should be payable out of the proceeds of the sales of lands to the Canada Company.\*

This grant has been temporarily suspended, from the 1st July, 1832, under orders from the Home Government, until the Provincial Legislature should pass an Act to amend the Charter of the University, which should be approved of by His Majesty. Such an Act was passed in the first Session of the present Parliament, and on the 4th March, 1837, His Excellency, the then Lieutenant Governor, Sir F. B. Head, was pleased to assent to the same in His Majesty's name.

The cause for suspension being thereby removed, it is respectfully hoped that the Receiver General will be authorized, by Warrant, to pay to the Bursar of King's College, the amount of the arrears due on this last named grant, and which, on the 1st July last, amounted to Six Thousand pounds, (£6,000) sterling.†

*May 9th, 1838.* At this meeting, the Council directed that the Colonial Secretary be requested to have the Archbishop of Canterbury, (who is so well acquainted with the qualifications necessary,) associated with the two Representatives of this Council, already appointed, in the selection of a Principal of Upper Canada College. [videlicet, Mr. John L. Anderson and the Reverend Doctor Rose.] A suitable Resolution was passed on the retirement of the Reverend Doctor Joseph H. Harris from that post.

*May 12th, 1838.* The plans of the proposed University Buildings were again discussed.

*May 23rd, 1838.* On the recommendation of Mr. Principal Harris, young Peter Galligos, a coloured pupil of Upper Canada College, was allowed to "receive his education at the College free of all charges, except for Books."

*May 30th, 1838.* Mr. Architect Young was directed to prepare estimates and specifications, in conformity with the altered plans of the University Buildings, now approved.

*July 4th, 1838.* Mr. John Kent's resignation of the position assigned to him by the Council in Upper Canada College—that of Third Classical Master, was accepted.

\*See page 227 of the Second Volume of this Documentary History.

†There is no record of any action having been taken by the King's College Council, or by Sir George Arthur, the Chancellor, in regard to this Statement, or "Data."

*September 1st, 1838.* Four applications were received for the position of Third Classical Master, declined by Mr. John Kent, videlicet: the Reverend A. D. Sewell, and Mr. (afterwards the Reverend Doctor Francis J. Lundy of McGill College,) of Quebec; the Reverend Henry Scadding and Mr. Hugh N. Gwynne of Toronto. After discussion, the Reverend Henry Scadding was chosen to fill the post. (See page 5 of the First Volume of this Documentary History.)

*September 5th, 1838.* It was agreed at this meeting, to ask for tenders for the erection of the proposed University Buildings.

*October 13th, 1838.* The time for receiving tenders for the erection of the University Buildings was extended until the 1st of February, 1839. (NOTE.—No further meeting took place in 1838).

*January, 27th 1839.* Notification was received from Sir George Arthur, Chancellor of the University, that the Reverend John McCaul, LL.D., who arrived in Toronto, on the 25th instant, had been appointed Principal of Upper Canada College, and a Member of the King's College Council. At this meeting, Dr. McCaul took his seat as a Member, as did the Honourable Sir Allan N. Macnab, Speaker of the Legislative Assembly, both having signed the usual Declaration recorded on page 98, *ante*.

*February 2nd, 1839.* The Reverend Doctor Strachan, President, laid before the Council Letters of strong recommendation, enclosed to him by the Honourable John Macaulay, Secretary to the Lieutenant Governor, in favour of the Reverend John McCaul, LL.D., the newly appointed Principal of Upper Canada College. The Council placed on record its high appreciation of the "unwearied pains taken by the Archbishop of Canterbury" in securing the services of the new Principal.

*February 16th, 1839.* Financial statements of the Colleges were submitted by the Bursar; and it was agreed that the sons of the Masters of Upper Canada College should be educated at that Institution, free of charge.

#### IMPORTANT MEETING OF KING'S COLLEGE COUNCIL ON THE 20TH OF APRIL, 1839.

*April 20th, 1839.* At this meeting, summoned by order of Sir George Arthur, the Chancellor, a Letter from the Honourable John Macaulay, Secretary of Sir George Arthur, the Lieutenant Governor, was laid before the Council, enclosing the copy of an Address from the House of Assembly, to the Lieutenant Governor, dated the 13th of March, 1839, (page 145, *ante*.) asking for certain information in regard to the receipts from the University land sales, etcetera, and a statement of the expenditure, under various heads, of King's College and the Upper Canada College. The Minutes of this Meeting state that—

Before His Excellency's arrival, the Honourable Joseph Wells, Bursar and Registrar of King's College, laid upon the Table, for the information of the Council, the following Letter and its Enclosure, from the Honourable John Macaulay, the Lieutenant Governor's Secretary, dated the 19th instant:—

*Letter:* I am commanded by the Lieutenant Governor to transmit to you the accompanying copy of a Minute in (Executive) Council, and to request that you will assemble King's College Council, at One of the Clock of the afternoon of to-morrow.

*Enclosure:* In Council, 19th of April, 1839, His Excellency was pleased to lay before the Council Documents and Returns relating to the University of King's College, and to request the report and opinion of the Council of King's College upon the several matters therein disclosed.

The Council, on a careful examination of these papers, respectfully recommend that His Excellency, as Chancellor, should immediately call a meeting of the College Council for the purpose of examining into the particulars of these accounts, and the conduct of the affairs of the University generally; preparatory to laying a statement of the same before the House of Assembly in reply to its Address of the 13th ultimo.

W. H. LEE.

The Bursar, also laid before the College Council various returns from himself, respecting King's College and Upper Canada College, which he had been directed to prepare and forward to His Excellency, in compliance with the Address to him of the House of Assembly of the 13th ultimo; also a separate Return for the information of King's College Council of the Resources of the University, etcetera.

Upon His Excellency taking the Chair, he explained to the Council the reasons which had induced him to assemble the present Meeting, videlicet: That, upon looking over the Abstracts of the Receipts and Expenditure of King's College, and Upper Canada College, furnished to him by the Bursar, that they might be laid before the House of Assembly, in compliance with their Address of the 13th ultimo, he was much surprised by the outlay; and, therefore, deemed it expedient, previously to sending those Returns down to the House of Assembly, to call the attention of the Council of King's College to the subject.



After much discussion on the whole subject, it was

*Resolved*: That a Committee be appointed to inquire into, and report, upon the Bursar's accounts,—the several items of expenditure, and the authority under which they were incurred;—the amount, and particulars, of all Salaries, the authority and the propriety of continuing them, or any of them;—the debts due to King's College by Upper Canada College; the prospect of their repayment, and the general expenses of that Institution;—the present resources of King's College, distinguishing those that are available from those which are not so;—the probable income to maintain the University, after the estimated expenses of Buildings are allowed for, and the general state of the affairs of the University; with power to make such particular, or general, observations and recommendations as may suggest themselves in the course of the enquiry; and that the Honourable Messieurs John Macaulay and John Simcoe Macaulay; the Honourable Mr. Justice Jonas Jones, and the Reverend Doctor McCaul do compose such Committee.

Subsequently to passing the foregoing Resolution, a discussion arose regarding the items of the expenditure [of the Colleges]; and the general opinion was, that the annual expenses should be reduced, and that it was not advisable to commence the Buildings of the University.

The statement of Mr. George Anthony Barber of the property which he proposes to assign, in security for the deficiency appearing in his accounts, as Collector of the Upper Canada College, being read, it was

*Resolved*, That the Attorney and Solicitor General be requested to enquire into the titles and value of the property proposed to be assigned, and to take measures for procuring the assignment of such part thereof as shall appear to be valuable and to report hereon for the information of the Council.\*

NOTE.—This important Meeting of the 20th of April, 1839, formed a crisis in the history of the management of King's College. It led to a change, (but, unfortunately, only for a time,) in the faulty financial system of the two Colleges—King's, and the Upper Canada College.

The Commissioners, who were appointed in 1848, by Lord Elgin, Chancellor of the University, to enquire into the affairs of the University, thus refer to this Meeting, and to the proceedings of Sir George Arthur, the then Chancellor, in regard to the financial arrangements, to which his attention had then been called. The Commissioners, in their Report, said:—

The Returns made by the Council, in conformity with an Address of the House of Assembly, of the 13th of March, 1839, excited the surprise of His Excellency Sir George Arthur, who, at a Meeting of the Council, held on 20th of April, 1839, took occasion to say, among other things,

"That, on looking over the abstracts of the receipts and expenditure of King's College and Upper Canada College, furnished to him, that they might be laid before the House of Assembly, in compliance with their Address of the 13th ultimo, he was much surprised by the outlay."

Four members of the Council were appointed a Committee to investigate the affairs of the University. The result of this investigation was the discovery, that, out of £82,729 17s. 5d. of Cash received by the Bursar, £54,925 19s. 8d. had been expended; the only available funds of the Trusts being then, £10,000 in Government Debentures, and £250 in Bank stock, the remaining part being in the hands of two Officers of the Institution.

In the preceding year, 1838, the Council had advertized, "in twenty-nine newspapers of the two Provinces," for tenders for the erection of the University Buildings, according to certain plans and specifications decided upon. They had, in May, 1837, engaged Mr. Thomas Young, as Architect, at a salary of £200 per annum.

The Tenders were opened in February, 1839, the lowest for the entire Buildings, by Mr. John Richey, being £49,294. The project, however, of proceeding with the Buildings was suddenly and quite unexpectedly upset by the proceedings of the Council, at the meeting held on 20th April, already referred to, at which His Excellency the Chancellor presided; the

\* The following note is inserted on page 51 of the Minute Book of the Council in which this Resolution appears: "Mr. Barber afterwards surrendered the whole of his property, and by Minute, Number 7, of Meeting of Council, held on the 2nd of October, 1841, was discharged from this claim and liability. (See Second Volume of the manuscript Minute Book, page 269)."

decision of the Meeting being, "that the annual expenses should be reduced, and that it was not advisable to commence the Buildings of the University"; and further, "that notice be given to Mr. Young, that his services, as Architect, will not be required, and that his salary will be discontinued after the 1st of July next." *Commissioners' Report, 1848-1852, page 24.*

*June 14th, 1839.* Several orders were passed at this Meeting in regard to the sale of lands, the collecting the fees due to Upper Canada College and the use of the Corporate Seal, etcetera.

*June 26th, 1839.* At this Meeting, Reports of the Bursar of King's College, and of the Collector for Upper Canada College, were submitted; also a proposal of Mr. Benjamin Thorne, offering Stock in the Gore Bank, Hamilton in payment of his notes of hand, now overdue and unpaid, and which had been lodged with the Bursar of King's College as part security for the loan advanced, by authority of the Council, to the Honourable and Venerable Doctor Strachan; whereupon it was

*Resolved:* That the proposal made by Mr. Benjamin Thorne, to give Bank Stock in discharge of his notes, now overdue and unpaid, be declined.

*NOTE.*—The Minutes of this Meeting were submitted, as usual, for the approval of the Chancellor. He returned them with the following note written on the margin:—

In assenting to this Minute, I feel myself called on to notice the allusions it contains to "Notes of Hand" and "Bank Stock," in connection with the funds of the University, and to express, in my character of Chancellor, my decided disapprobation of every transaction involving a recourse to such securities.

GOVERNMENT HOUSE, July 1st, 1839.

GEORGE ARTHUR.

FIRST REPORT OF THE COLLEGE COMMITTEE ON THE ACCOUNTS OF THE BURSAR.

*July 11th, 1839.* The Committee, to whom was referred the investigation of the Bursar's Accounts, made a first Report on the matter to the Council, as follows:—

TO THE COUNCIL OF KING'S COLLEGE:

The Committee appointed by a Resolution of the King's College Council, dated 20th April, 1839, to inquire into, and report upon, the Bursar's accounts, etcetera, beg leave to report that,

The amount realized for sale of Lands, Rents and Interest, from 1828, is,	£82,729	17	5
The Disbursements of every description, including purchase of Securities, and Bank Stock, during 1828, 1838, 9.....	69,578	9	8
Leaving a Balance to be accounted for, of.....	£13,151	7	9

Your Committee, anxious to exhibit, at the earliest possible period, the condition of King's College University accounts, have prepared this first Report, to which they have annexed the Report of the Accountant employed in the investigation of those accounts, and a Statement prepared by the Bursar, shewing the Securities, in which the balance due by him to the University is at present invested. From that Statement, it appears that the Bursar has deposited in the Bank of Upper Canada, and in the Office of the Commercial Bank of this city, two several sums amounting to £6,844 8s.; and that he has, from time to time, lent the remainder of the Balance due to the University, that is £6,206 19s. 9d., to divers individuals, from some of whom real estate has been taken in payment. These transactions, on the part of the Bursar, appear to have been solely on his own account and responsibility, wholly unauthorized by, and without the knowledge of, the Council of King's College.

Your Committee have prepared an Estimate of the income, and present charge on the University funds, shewing a probable surplus, for the year 1839-40, of £634 17s. 2d.

In submitting this Estimate, your Committee take occasion to observe, that the Government Debentures therein mentioned are at present lodged in the Bank of Upper Canada, in the name of the Bursar.

The charge of £1,300, on account of Upper Canada College is estimated for, under the supposition that the Government grant of £1,000 sterling per annum (to that College), will be discontinued.

All which is respectfully submitted.

KING'S COLLEGE OFFICE, 11th July, 1839.

JOHN SIMCOE MACAULAY,  
Chairman of the Committee.

## APPENDICES TO THE REPORT OF THE COMMITTEE OF INVESTIGATION OF THE BURSAR'S ACCOUNTS.

*Appendix Number 1: "Estimate of Income and Expenditure of King's College, 1839-1840," prepared by the Committee, and appended to their Report:—*

*Probable Income of King's College University, 1839-1840.*

	£	s.	d.
Interest on £10,000 in Government Debentures, at 6 per centum, per annum, .....	600	0	0
Dividend on £250 Upper Canada Bank Stock, at 8 per centum, per annum, .....	20	0	0
Interest on Loan of £4,312. 10. to the Reverend Doctor Strachan, the President, at 6 per centum, per annum, .....	258	15	0
Interest on balance of £6,374. 14. 1, due by the Honourable Joseph Wells, Bursar and Registrar, at 6 per centum, per annum, .....	789	1	7
Interest on Purchase Monies secured, at 6 per centum, per annum, ..	1,067	9	2
Average amount of Rents from lands leased, for the last five years, ..	1,068	6	11
<b>Total estimated annual Income of the University, .....</b>	<b>£3,803</b>	<b>12</b>	<b>8</b>

*Charges on the Estimated Income, as at Present Authorized.*

	£	s.	d.
Salary of the Reverend Doctor Strachan, President (£250 sterling), ..	277	15	6
Salary of the Bursar and Registrar, .....	300	0	0
Salaries of Clerks in King's College Office, .....	250	0	0
Salary of Overseer of the College Grounds, .....	91	5	0
Average yearly Contingencies, .....	130	0	0
Estimated cost in keeping the Plantations in order, .....	220	0	0
Probable charge on account of Upper Canada College, .....	1,900	0	0
	<b>£3,169</b>	<b>0</b>	<b>6</b>

*Summary of the foregoing Estimate of Income and Expenditure.*

Probable Income for the year 1839-1840 .....	£3,803	12	8
Probable charges, as at present authorized .....	3,169	0	6
<b>Estimated and probable surplus .....</b>	<b>£ 634</b>	<b>12</b>	<b>2</b>

*Appendix Number 2. Report of Mr. Thomas C. Patrick, Accountant appointed to examine and report on the accounts of the Bursar of the University.*

In regard to this Report, the Commissioners, appointed by Lord Elgin, as Chancellor of the University in 1848, to investigate its affairs, remark:—

The serious embarrassments under which the Council proceeded in their administration at the commencement of the second period of management, (1839,) must be apparent. The Report of Mr. Patrick, of July 8th, 1839, showed that £56 047 6s. 10d of the Cash received by the University had been "from sales of Lands;" and that only 128,816 acres of the endowment remained unsold, (in reality only 125,839½ acres). The Council had expended £34,409 15s. 2d. of the University funds in supporting Upper Canada College; a debt then considered very doubtful, subsequently much increased, and now, (30th May, 1849,) by an Act of Parliament, cancelled.\* Of purchase moneys not yet due, there appeared to be £33,495 2s. 3d. and interest (to accrue) thereon, £7,764 6s. 3d. Of purchase moneys overdue, £14,955 14s. 8d., and interest thereon, £6,018 17s. 6d. These prospective assets, added to the items before mentioned, videlicet, Government Debentures, Bank Stock, balance of loan due by the President, and

\*The 68th Section of the Act 12 Victoria, Chapter 72, (30th of M. y. 1849,) declares that "nothing herein contained shall extend, or be construed to extend, to the debt now claimed to be due by the said [Upper Canada] College and Royal Grammar School to the said University [of Toronto], which debt shall be, and the same is hereby, absolutely cancelled and discharged."

ACCOUNTS.

King's Col-  
Report:—

s.	d.
0	0
0	0
15	0
1	7
9	2
8	11
12	8

s.	d.
15	6
0	0
0	0
5	0
0	0
0	0
0	0
0	0
0	6

12	8
0	6
12	2

Accountant  
University.  
Elgin, as  
:—

Administration at  
The Report  
given by the  
endowment  
£409 15s. 2d.  
considered very  
Parliament,  
and interest  
£s. 8d., and  
mentioned,  
resident, and

that "nothing  
e by the said  
ch debt shall

Balance appearing due by the Bursar, say, £27,803 17s. 9d., make a Capital of £90,077 18s. 5d., exclusive of the value of the University grounds, on which had been expended, in purchase and improvements up to this time, £11,096 12s. 9d.

Prior to July, 1839, the sales of the University lands had been pushed forward with vigor and persistency,—the annual average being about 8,000 acres. The confusion in the University affairs, and the proceedings of the Council consequent upon the inquiry, in 1839, into the state of the Bursar's accounts, together with the active participation now, for the first time, taken by (Sir George Arthur), the Head of the Government, in the proceedings of the Council, appear to have led to the suspension of sales. Between July, 1839, and January, 1840, only 100 acres were sold.

NOTE.—I have not given the Report of Mr. T. C. Patrick, the Accountant, in full, as it deals with a good deal of detail and suggestions, and is somewhat rambling. I have, however, given such salient points of that Report, as best illustrate the faulty system pursued by the Bursar, while, at the same time, the figures given in it exhibit a satisfactory statement of the actual state of the funds of King's College, as ascertained by the Accountant. The Report, as thus condensed, is as follows:\*

TO THE COMMITTEE OF KING'S COLLEGE COUNCIL.

Pursuant to an order of your Minutes, directing an examination of the Receipts and Disbursements, on account of King's College, and requiring a statement of the affairs of that Institution, the Books, Accounts, and Vouchers, in the Bursar's office, from the Endowment of the College in 1828, to the 30th of June last, (1839,) I have to report that I have carefully and rigidly examined and compared them, and I have now the honour to lay before you the results of my investigation:—

The Receipts of the College from 1828, have been.....	£82,729	17	5
The Expenditure has been.....	54,525	19	8
leaving in investments, and in the Bursar's hands.....	27,803	17	9

The particulars of these sums are annexed, in an Appendix, where will also be found a Statement of Assets of the College, a Balance Sheet at 30th June, 1839, and a Memorandum, showing the inaccuracies discovered in the Bursar's account.†

The Endowment consisted almost wholly of Lands, producing little income until sold, and the realizing of sums so large as £56,000, from the proceeds of sales, and £11,500 from Rents from numerous tenants paying small annual amounts, occasioned a bulk of business in the Bursar's office, while it required knowledge, experience, and labour to methodize, arrange, and conduct. Of diligence and application, and a desire to preserve regularity, there is ample proof in the Correspondence,—in the Minutes of the verbal communications with the Purchasers and Tenantry, and in the entry by the Bursar himself of every payment received: But, in the absence of a better system, there has been much superfluous labour, without the attainment of the object desired.

Another important deficiency is a Rent Roll, or Register, of the Tenants of Leasehold Lands: showing the name of the occupier,—the Land occupied,—the Annual Rent,—and the arrears due. The Rental is a Material Item of the Annual Income, and, under a better arrangement, it would have been made more certain, and more productive.

The connection of one Book with another, and the advantage of comparing them, as a test of accuracy, appears to have been overlooked, or many mistakes would have been discovered, without my aid.

In order to arrive at the information required by the Committee, and contained in the annexed Appendix, it was absolutely necessary to revise accounts from the beginning, (1828,) under distinct Heads,—their correctness proves itself by the Balance Sheet appended.

TORONTO, 9th July, 1839.

T. C. PATRICK,  
Accountant to the Committee of Investigation.

\*The Report itself is given in full in the Second Volume of the manuscript Minutes of the Council of King's College, pages 68-73.

†These "inaccuracies" included between seventy and eighty items, extending from the year 1828 to that of July, 1839, and amounting in the aggregate to £392. 5. 10, as against £325. 14. 6,—showing a balance against the Bursar of £66. 11. 4. This was reduced on account of an error in the list of omissions by £20, leaving the actual deficiency of £46. 11. 4. due by the Bursar, on account of these inaccuracies."

*Financial Statement appended to Mr. Patrick's Report :*

The following is a Statement of the Receipts and Disbursements by the Bursar of King's College from 1828 to the 30th of June, 1839.

*Receipts on behalf of the College from 1828 to June 30th, 1839.*

Grants from the Crown, £1,000 sterling a year, for four and a half years, (in Halifax currency).....	£ 4,999	19	9
From sales of land during the same period .....	50,047	6	10
From Interest on Purchase Monies and Instalments .....	10,105	16	7
From Rents from Lands on Lease .....	11,676	14	8
<b>Grand Total Receipts, 1828-1839.....</b>	<b>£82,729</b>	<b>17</b>	<b>5</b>

*Disbursements on behalf of King's College, etcetera, 1828-1839.*

Payments on behalf of Upper Canada College, 1830-1838-9 .....	£34,409	15	2
Purchase of Grounds for King's College.....	4,391	2	1
Adapting and Improving these Grounds .....	6,705	10	9
Expenses in preparing to build the University.....	1,008	16	10
Purchase of Furniture .....	142	4	11
Charges of Management and other Incidentals.....	8,268	9	11
<b>Gross Total Expenditure, 1828-1839 .....</b>	<b>£54,925</b>	<b>19</b>	<b>8</b>

Leaving a Balance disposable at the present time of £27,803. 17. 9.—the difference between the Receipts and Expenditures as set forth above. This Balance is accounted for as follows:—

Government Debentures in the Bank of Upper Canada.....	£10,090	0	0
In Upper Canada Bank Stock .....	250	0	0
Balance of Loan to the Reverend Doctor Strachan, President ....	4,312	10	0
Balance in the hands of the Honourable Joseph Wells, Bursar and Registrar .....	13,151	7	9
	<b>£27,803</b>	<b>17</b>	<b>9</b>

*ESTIMATED ASSETS OF THE UNIVERSITY OF KING'S COLLEGE, 1839-1840.*

The assets of the University may be estimated as follows :

Balance over Expenditure, as above.....	£27,803	17	9
Purchase Monies on Land, overdue .....	14,995	14	8
Interest on these overdue Monies .....	6,018	17	6
Purchase Monies not yet due.....	33,495	2	3
Interest on these Purchase Monies.....	7,764	6	3
	<b>£90,077</b>	<b>18</b>	<b>5</b>
Add to the foregoing, the value of Lands yet unsold, which, taken at the average rate of the previous sales, would produce.....	£137,849	7	6
<b>Grand total estimated available Assets 1839, 40 .....</b>	<b>£227,927</b>	<b>5</b>	<b>11</b>

TORONTO, 8th of July, 1839.

T. C. PATRICK,  
Accountant to Committee of Investigation.

*Appendix Number 3. Letter of Explanation of his Accounts by the Honourable Joseph Wells, Bursar.*

TO THE COUNCIL OF THE UNIVERSITY OF KING'S COLLEGE:

As Bursar of the University, I have the honour to address you upon the state of my affairs, as laid before the Committee of Investigation, into my accounts. It is with feelings of compunction and deep regret, that I have now painfully to announce that the balance of £6,374. 14. 1, due from me, is not immediately forthcoming, owing to my self-acknowledged censurable conduct in affording aid to various individuals out of the funds in my possession, without any sanction for so doing. It is impossible for me to justify such an act of misappropriation, nor can I hardly expect to be credited when I assert, that from my unaccountable neglect of keeping any regular account of private expenditure, (until lately,) I had really imagined that, (inasmuch as many of those advances positively made out of the sale of my commission of Lieutenant Colonel, from which £4,000 sterling was remitted to me from England,) a greater portion of these advances had been made from my own private funds than now appears to have been the case. But the winding up of my affairs now unhappily proves, that the great outlays in purchasing and improving my estate at Davenport, and other serious expenditures upon the Mill and Farm at the Oak Ridges, which I had taken as a security for a debt, and which required those expenditures to render them saleable, had absorbed the produce of the sale of my commission before I was aware of it. At the same time I must frankly acknowledge, that I well knew that I was intruding upon the College funds more or less, but I then little dreamt to what extent. Having already acknowledged that nothing can justify such an act of misappropriation, I have only to plead in extenuation that feelings of compassion for the situation of the applicants for assistance, was the sole cause of these reprehensible advances, in order to save their properties from a sheriff's sale, or their persons from confinement; and but for the distressing state of the times for the last two or three years, most of these advances would have since been repaid.

Having thus, without reserve, declared facts as they actually occurred, I have now to implore, from the liberality of the Council, their assent to the following proposition, viz:—

That I shall assign over all right to the property described in the statement to the Committee, to whoever may be named by the Council, in Trust, for the payment of the balance I am indebted to the University; and that from the first of this month I be held responsible for the due payment, half-yearly, of legal interest on the said balance; and further, that so much of my salary be stopped, as, with the monies collected from the debts owing to me, (as per Statement laid before the Committee,) may ensure the regular payment of the half-yearly interest; and, also, that all sums to be recovered from the different individuals and properties (as described in said Statement,) be applied to the gradual extinction of my present debt aforesaid.

In anticipation of being called upon to state what amounts of interest I may have received from any of the parties to whom I have advanced monies, from time to time, from the College funds, I can, upon my solemn oath, declare, that I have kept no memorandum of the transactions. In almost all the instances, the interest was never charged until the final settlement, when the security was given, and it was then not paid, but added to the sums that had been advanced, and thus included in the settlement; but even if I had once kept such memorandums they would not now be forthcoming, for when the rebel Mackenzie, with his party, had possession of the adjoining lot to Davenport, during the outbreak in 1837, and threatened to take possession of that also, and make me prisoner, I hastily destroyed a mass of papers, many of which I now deeply regret the loss of. I must beg to remark, that I shall be severely punished for my indiscreet loans, as the securities given in three instances will never realize the sums advanced upon them, and I have reason to fear I shall sustain an ultimate loss of several hundred pounds.

Before closing this explanation of the state of my affairs to the College Council, which I now offer most respectfully, I beg leave to represent, for their favourable consideration, that I have never been allowed any salary whatever for the additional duties imposed upon me as Treasurer of Upper Canada College; and even, as Bursar of King's College, with its many irksome duties, and great responsibilities, my salary was only £150 a year for the last five years, during the latter part of which time the then Clerk received the same salary. I now throw myself upon your indulgence, to put the most liberal construction upon what has passed.

BURSAR'S OFFICE,  
TORONTO, 8th July, 1839.

JOSEPH WELLS,  
Bursar and Registrar of King's College.

*Memorandum by the Bursar, attached to his Letter:—*

Balance due by the Bursar to King's College on the 1st of July, 1839..	£13,151	7	9
Less Deposits on behalf of the College, 1st July, 1839.			
In the Bank of Upper Canada, .....	£6,529	13	9
In the Commercial Bank, .....	314	14	3
			6,844 8 0
			<hr/>
Balance due to King's College, .....		£6,306	19 9
Balance due to the Upper Canada College ..			67 14 4
			<hr/>
Total indebtedness of the Honourable Joseph Wells, Bursar and Registrar, to King's College,.....		£6,374	14 1
			<hr/>
Exhibit of various assets of the Honourable Joseph Wells, to meet this deficiency in his accounts, as set forth in the Second Volumes of the King's College manuscript Minute Book, pages 86-90,...	£7,497	12	6
Bursar's Debt, as above .....	6,374	14	1
			£1,122 18 5
			<hr/>
Leaving a Surplus of Assets of.....	£1,122	18	5

In regard to these various Reports, Statements and Letters, the following Resolutions were proposed and adopted by King's College Council on the 11th of July, 1839 :—

*Resolved, 1 :* That the interests of the Institution require that prompt measures be taken for the recovery of the sum due by the Bursar.

*Resolved, 2 :* That the Debentures belonging to the Corporation be assigned by him to the Corporation of King's College, and lodged in the Bank, in the name of the Corporation.

*Resolved, 3 :* That the Monies, appearing at the credit of the Bursar, in the Banks, be placed at the credit of the Corporation of King's College, in the Bank of Upper Canada.

*Resolved, 4 :* That the Securities offered by the Bursar be assigned to the Corporation, by way of Mortgage.

*Resolved, 5 :* Also, the House and land at Davenport, and other real estate.

*Resolved, 6 :* That the Mortgages be taken in security for all amounts of principal and interest, which the Bursar now is, or shall be found, indebted to the Corporation of King's College.

*Resolved, 7 :* That the Attorney and Solicitor General be requested to investigate and report upon the Titles to the property offered in security, and that they be authorized to employ, if necessary, a Solicitor to assist in the inquiry.

*Resolved, 8 :* That the Attorney and Solicitor General be requested to extend their inquiries into the value, which the property offered in security would realize, if sold ; and as to the time when the monies secured by Mortgage to the Bursar can legally be realized ; and that they report upon these, and other matters connected therewith, without delay.

*Resolved, 9 :* That the Council, upon a mature consideration of the Report of the Committee, appointed to investigate the Bursar's accounts, together with the statements made by that Officer, in his Letter of the 8th of July instant, feel that the painful necessity is now imposed upon them of dispensing with his further services as Bursar and Registrar.

These Resolutions having been adopted, His Excellency, the Chancellor, was pleased to communicate to the Council that the Venerable Archdeacon Strachan President of the Council, had expressed his willingness to relinquish his salary as President ; and the Council, considering that the University has not gone into active operation, as was confidently expected at the time the salary commenced, and that the services of the President, in attending to the preparation for the commencement of the Institution, will not be longer necessary. It was

*Resolved,* that the salary of the President shall be considered as having ceased from the thirtieth of June last.

His Excellency also intimated that he had been pleased to appoint John Kent, Esquire, to be Registrar and Bursar of King's College, whereupon it was

*Resolved.* That the Registrar and Bursar be required to become bound himself in the sum of One Thousand pounds, (£1,000,) and Securities in the sum of Two Thousand pounds, (£2,000,) for the faithful discharge of the duties of his Office, and for the accounting for and payment of all Monies which shall be received by him.\* (*Note.*—Various other items of unimportant business was transacted by the Council.)

CHURCH OF SCOTLAND PROFESSORSHIP OF DIVINITY IN KING'S COLLEGE.

*July 19th, 1839.* A copy of a Despatch from Lord Glenelg, (July 21st, 1837,) when Secretary of State for the Colonies, to Sir Francis Bond Head, late Lieutenant Governor of Upper Canada, was laid before the Council, transmitting sundry Letters respecting the application of the Honourable William Morris, as the authorized Agent of the Scotch Church in Upper Canada, that the Royal assent to "the Act amending the Charter of King's College" should be withheld until a Professorship of Divinity should be appointed, for the Students of that Church.

Communications from the Secretary of Sir George Arthur, Lieutenant Governor, was laid before the Council, transmitting (1) a Letter from the Commission of the Synod of the Presbyterian Church of Canada, dated the 9th of March, 1839, respecting a Professorship of Divinity for the Church of Scotland, and (2) a Letter to the Reverend William Rintoul, dated the 14th of March, 1839, in answer to an application to His Excellency from the Synod of the Presbyterian Church, in connection with the Church of Scotland, respecting a Professorship of Divinity for Students belonging to that Church.

*NOTE.*—Reference to this matter, (of a Professorship of Divinity for the Church of Scotland in the University of King's College), will be found on page 254 of the First Volume of this Documentary History, and on pages 69 and 92: of this Volume, *ante*. By reference also to Section 15 of the "Act to establish a College, by the name and style of the University of Kingston," 3 Victoria, Chapter 35, (Chapter XIII of this volume *post*.) it will be seen that provision was therein made:—

"That so soon as the University of King's College, and the College hereby instituted shall be in actual operation, it shall and may be lawful for the . . . Government of this Province, to authorize and direct the payment from the funds of the University of King's College, in aid of the funds of the College hereby instituted of such yearly sum as to [the Government] may seem just, for sustaining a Theological Professorship therein, and in satisfaction of all claim on the part of the Church of Scotland, for the institution of a Professorship of Divinity in the University of King's College, according to the Faith and discipline of the Church of Scotland.

*NOTE.* Reference to these matters will be made as a subsequent Chapter relating to the founding of Queen's College, Kingston.

APPLICATION FOR PECUNIARY AID FROM THE ANCASTER LITERARY INSTITUTE.

The following Letter and Petition, from the Trustees of the Ancaster Literary Institution, were laid before the King's College Council at this Meeting, (19th of July, 1839,) but action thereon was deferred until the 28th of August, 1839.

This application to the Council, for aid in maintaining the Ancaster Literary Institution, shows what efforts were made in these early days to provide cheap and efficient Schools for children in the various localities. The promoters of this Institution mentioned this fact as their reason for establishing the Ancaster School. They state distinctly, in their Petition, that the inhabitants of Ancaster find "it impossible to obtain for their families anything like a good education under the existing Common School system of Upper Canada." They proposed, therefore, to supply the deficiency, as stated in their Petition.

\* Mr Kent, not having accepted the position of Bursar and Registrar, Sir George Arthur appointed Doctor Henry Boys to that position. The Council, however, raised the question as to the right of the Chancellor to make such an appointment, without reference to it. The legal question involved, having such nomination, subject however, to the approval of the Council under these circumstances, and on this condition, the appointment was approved by the Council.



This private effort to provide good schools in this, and in various other parts of the Province, shows how incomplete was the legal provision in those days for elementary and superior Schools. There is abundant testimony to this effect in these Volumes. It was under such circumstances that the Midland District School Society was established in 1818, as well as the Bath and Grantham Academies subsequently. The Secretary of the Ancaster Literary Institution said :

I am directed to transmit to you the accompanying Petition of the Trustees of the Ancaster Literary Institution. . . . These Trustees and Shareholders are : Doctor John Rolph, and Messieurs William Craigie, (Secretary) ; Job Loder, (Treasurer) ; and William Wiard. (holders of ten shares each) ; Mr. Mathew Crooks, President, (six shares) ; and Messieurs William Notman and Jacob Gabel, (five shares each).

It would be well if the Council would regulate the school fees of the Institution, or, at least, fix a maximum for the different branches. And it is most important that they should not only determine on the Books to be used in the Schools, but devise some plan of procuring an ample supply of such books from Britain. The few elementary books printed in the Province are not very correctly printed, and on such bad paper, and are so ill bound, that they will not last for more than a few weeks, or months, at furthest. And the books from the United States, commonly used, are so very objectionable in every respect, as not to be thought of for a moment.

A regulation which we adopted, and have found to answer particularly well is, that scholars are admitted only by a ticket from the Treasurer, stating the branches to be taught, thus ensuring the payment of the school fees, and preventing any collision between the Teacher and Parents of the pupils.

Great difficulty will be found in obtaining well qualified Teachers for our Schools, which will, it is hoped, come immediately into operation.

It would be extremely desirable that a Normal School should be instituted for the education of Teachers. This will be absolutely necessary, if, in the contemplated enactment regarding Common Schools, efficient Teachers are to be appointed to them—and if the Council, or Governor, have the power, such a School should be organized without delay.

ANCASTER, 27th of May, 1839.

WILLIAM CRAIGIE, Secretary.

NOTE. See Mr. Craigie's letter to the Commission on Education, in a subsequent Chapter.

*The Petition of the Trustees of the Ancaster Literary Institution to the Council of King's College,*

Humbly Sheweth : That the inhabitants of the Village of Ancaster, finding it impossible to obtain for their families anything like a good education under the existing Common School system of Upper Canada, determined, about four years ago, (1835,) on forming themselves into a Joint-Stock Company, for the purpose of erecting good School rooms, and accommodation for a Teacher,—of obtaining a good Teacher, and rendering his situation respectable and permanent, and of regulating the School Fees, so that the elementary branches might be brought within the reach of all classes.

2. A donation of a Building site, and three hundred volumes of books to commence a Library, induced the addition of a room for a Library, and a title was assumed,—as the situation is equal, perhaps superior, to any other in the Province for a Seminary of learning. A Boarding House, in connection with the Institution, was also contemplated.

3. According to the Constitution adopted and acted on, the management was vested in seven Trustees, elected from the Shareholders. The Clergyman of the two churches were appointed Trustees, *ex officio*—The qualification of a Trustee is that he shall hold not less than five shares of the capital stock, (each share being two pounds,) (£2), and be resident within such a reasonable distance that he could attend to the interests of the School. . . . The Trustees were empowered to make rules and regulations, subject to the approbation of a general meeting, and were required to make an annual Report and statement of accounts to a general meeting.

4. Subscriptions for stock were soon obtained to the amount of upwards of Three Hundred pounds, (£300.) and, after various delays, principally waiting for confidently expected assistance from the Legislature, a substantial brick Building was erected, containing two school rooms,—one, thirty feet by twenty ; the other twenty feet by fifteen, and twelve feet high ; also a room for a Library, two rooms, two bed rooms, kitchen, cellar, etcetra, for a Teacher, at a cost, (including desks, benches, stoves, etcetra, for the schoolrooms,) of upwards of four hundred pounds, (£400)

\* In reference to the character and objects of the Ancaster Literary Institution, see page 159, *ante*.

5. The Trustees would not, perhaps, have gone to this expense had they not calculated, (erroneously, as it turned out,) not only on the punctual payment of the subscribed capital, but also on the sale of many additional shares when the building was actually commenced. . . . The Building is now burdened with a debt of upwards of two hundred pounds, (£200).

6. The School was opened in November, 1837, by a well qualified Teacher, which the Trustees had much difficulty in obtaining. Number of scholars: thirty seven, gradually and rapidly increasing to seventy, giving an average number for the first year of fifty two. The average number for the present year will exceed sixty; present number: sixty-seven. For the efficiency of the School, the Trustees refer to a report of the last examination on the 30th ultimo, by the Reverend Inspectors Geddes and Gale of Hamilton, and the Reverend Messieurs William McMurray and Mark Y. Stark of Ancaster.

7. The Trustees confidently hope, that, on considering the exertions of the shareholders of this Institution for the cause of Education, and that the situation of the School, the extent of the Building, and number of scholars, will bring the Institution within the scope of the recent Act of Parliament,\* and that the King's College Council will be pleased to extend to it the benefits of that Act, so that the debt affecting the building may be all but liquidated, and a salary granted to a Teacher, or Teachers.

8. The Trustees do not presume to ask this from personal motives. They will most cheerfully resign in favour of Trustees appointed, (under that Act,) by His Excellency the Lieutenant Governor, and, should he think proper to appoint any one having a pecuniary interest in the Building, a list of the shareholders shall be forwarded to him, and any further information that may be deemed necessary, will be readily and cheerfully given, either to the Lieutenant Governor, or to the Council.

May it therefore please your Honourable Council to extend to this Institution the provisions of the "Act to provide for the Advancement of Education in this Province," and your petitioners, as in duty bound, shall ever pray.

MATHEW CROOKS, President.  
WILLIAM CRAIGIE, Secretary.

ANCASTER, 27th May, 1839.

*Report of the Inspectors and Visitors of the Ancaster Literary Institution.*

We have this day minutely and carefully examined the classes in the Ancaster Literary Institution, and are happy to report our gratification with the result, and our full approval of the manner in which the School is conducted, the order, regularity and discipline, which appears to be maintained, and the progress, not only in actual attainments, but in intelligence and exercise of the mental powers, which is exhibited by the scholars. The attention of the Pupils seems to be kept fully alive to the business of the School; and their knowledge appears accurate and very considerable for the period of their attendance. Those of us who have attended the previous examinations can mark an advancement equally creditable to the talents and assiduity of the Teacher, and the attention and diligence of the Pupils.

ANCASTER, 30th April, 1839.

J. GAMBLE GEDDES.      WILLIAM McMURRAY.  
ALEXANDER GALE.      MARK Y. STARK.

An application, dated the 10th of July, 1839, was received from Carleton Place, for aid to maintain a School there. A reply was sent, to the effect that the Council could not entertain the application, as it did not come within the terms of the recent Statute "for the Advancement of Education in this Province."

A letter was received from Mr. E. J. Ridout, a Clerk in the Bursar's Office, regretting that he had appropriated certain monies to his own use, was read; also one from his Brothers, Messieurs George Percival and Joseph D. Ridout, who had placed Five Hundred pounds, (£500,) in the hands of the Bursar, to meet their Brother's deficiency. The Council, therefore,

*Resolved*, That it is the unanimous opinion of the Council, that they should record their sense of the highly honourable conduct of the Messieurs George P. and Joseph D. Ridout, in so promptly coming forward to make good the sums, to which it appears, from the acknowledgement of Mr. E. J. Ridout, had been withdrawn from the funds of King's College. . . .

The Bursar was directed to invest in Provincial Debentures Seven Thousand, (£7,000,) of the Eight Thousand and Sixty four pounds, eleven shillings and eight pence (£8,064 11. 8.) now at the credit of the Council in the Bank.

\* *i.e.*, "For the Advancement of Education in this Province", page 170, *ante*.

*July 31st, 1839.* The appointment by the Chancellor of Doctor Henry Boys, as Registrar and Bursar was considered, and the matter was referred to Attorney General Hagerman for his advice and direction. The Reverend Doctor McCaul was authorised to procure certain books for the Library of Upper Canada College.

The College of Physicians and Surgeons for Upper Canada, having applied for aid to establish a Medical School, their application was referred to Vice Chancellor Jameson and the Reverend Doctor McCaul, as a Committee, who reported thereon as follows—

**TO THE COUNCIL OF KING'S COLLEGE :**

The Committee appointed to report on the application of the College of Physicians and Surgeons for assistance to carry into effect their design of establishing a School of Medicine, have the honour to submit the following recommendation :

That the Registrar be instructed to communicate to the President of the College of Physicians and Surgeons, that the Council of King's College, although fully impressed with the importance of the object which the College of Physicians and Surgeons propose, yet feel that they would not be justified in extending assistance to any other Corporation, until they shall first have endeavoured to attain the objects for which they have themselves been incorporated, and on which they are at present engaged in making plans, which they trust will be the means of ultimately affording efficient instruction in all the branches of an University education.

KING'S COLLEGE COUNCIL ROOM, July 31, 1839.

JOHN McCAUL,  
Chairman.

*August 14th and 17th, 1839.* No meetings were held on these days, for want of a quorum.

*August 28th, 1839.* An application to Lieutenant Governor for aid, from the Trustees of the Grantham Academy (St. Catharines), under the recent Act for the "Advancement of Education in this Province," was referred to King's College Council by the Chancellor, Sir George Arthur. The Council then took the application into consideration, when the following Report was adopted.—

**MAY IT PLEASE YOUR EXCELLENCY.**

The Council of King's College have, according to your Excellency's command, considered the application of George Rykert, Esquire, on behalf of the Grantham Academy, St. Catharines.

The recent Act of the Provincial Parliament, intituled: "An Act to provide for the Advancement of Education in this Province," directs that certain monies, arising from the sale of School lands, shall be invested in Provincial Debentures, and the proceeds placed at the disposal of the Council of King's College for the purpose of aiding the District Schools, which are declared Grammar Schools for the purposes of the Act.

The Statute also permits the aid of other Schools out of the same fund, but this aid seems to be postponed to that of the regular Grammar Schools.

The Council are not in possession of sufficient information to enable them to advise Your Excellency with regard to the distribution of the proceeds of the School investment; and they pray Your Excellency will cause to be laid before them a Statement of the whole School funds available for these purposes.

In the meantime, the Council, finding that the Grammar Schools are first to be provided for, see no probability of any assistance being presently afforded to the Grantham Academy. They believe it to be a very meritorious Institution, and they will be most happy to consider its claims, as soon as sufficient funds for that purpose shall be forthcoming.

KING'S COLLEGE COUNCIL, August 28th, 1839 :

JOHN STRACHAN, President.

**NOTE.**—The Act "for the Advancement of Education in this Province" was not confirmed by the Imperial Government until the 6th of December, 1839. See page 183, *ante*.

The application from the Ancaster Literary Institution for assistance as a school, which was laid before the Council on the 19th ultimo, was then considered, and the Registrar was desired to send to the Secretary of that Institution a copy of the foregoing Report to His Excellency on the Grantham Academy.

**SECOND REPORT OF THE SPECIAL COMMITTEE ON THE BURSAR'S ACCOUNTS.**

**TO THE COUNCIL OF KING'S COLLEGE :**

The Committee, appointed by a Resolution of the King's College Council, dated the 20th April, 1839, to inquire into, and report upon the Bursar's accounts, etcetra, beg leave to present a Second Report :—

The accounts of the Bursar with Upper Canada College, having been carefully investigated, it appears that the entire receipts on account of Upper Canada College have been, £28,007 13 1  
The expenditure has been, 62,417 8 3

Excess of expenditure over receipts, up to the 30th of June, 1839. £34,409 16 2

Your Committee find that a large arrear of business has accumulated in the Office of the Bursar; they recommend, therefore, that additional assistance should be procured for the following purposes:—

- 1st. To open accounts with all the purchasers of lands appropriated to Upper Canada College, as well those sold by agents as those sold by the Bursar.
- 2nd. To open accounts with the renters of land and prepare a Rent-roll.
- 3rd. To prepare a Registry of the University and College lands, according to the form herewith submitted, or such other as the Council may deem more convenient.
- 4th. To make out statements of all open accounts, and to transmit the same to the parties concerned, urging an immediate payment of arrears.

Your Committee, convinced that the most efficient check upon public accountants, will be found in a careful audit of their accounts at short periods, recommend that the Bursar should be required to exhibit, at each monthly meeting of Council, his books of accounts; and that the accounts of each quarter should be audited by a Committee appointed at the monthly meetings in March, June, September, and December, respectively; such Committee to report their proceedings to the Council at the next monthly meeting.

the Report of the Accountant, with other documents, shows the general account between the Bursar and Upper Canada College, from which, it appears, that the following balances are due to Upper Canada College, viz:—

By the late Bursar of King's College.....	£215 16 8
By Mr. DelaHaye, Collector of Upper Canada College.....	400 0 0
By Mr. Barber, the late Collector of Upper Canada College.....	1,539 3 11
Arrears on account of Land sold, say,.....	6,000 0 0
Arrears of College dues.....	4,000 0 0
	£12,154 10 7

Total of the sums due to Upper Canada College.....

It is, in the opinion of your Committee, necessary that one or more competent persons should, forthwith, be employed to report upon all the unsold lands belonging to the University; such report to be accessible to the Bursar and the Members of the King's College Council; and also, that a survey should be made, to determine the quantities of the University lands taken for the Rideau Canal, in order that the necessary steps may be taken to procure an equivalent for such lands.

The mode of leasing the College lands, requires also the consideration of the Council. Your Committee are of opinion that the rent should be, in some degree, proportioned to the value of the land, and beg leave to suggest, therefore, that the Bursar be instructed to propose a scale of rents on that principle.

Your Committee recommend, that the practice of selling lands belonging to the University, and Upper Canada College, through agents, as heretofore practised, should be discontinued.

To reduce, as far as practicable, the expenditure on account of the University Grounds, your Committee recommend that an agreement should be made with some responsible person, allowing a certain sum per annum, together with the use of the Cottages, the pastures, and the liberty to cultivate such portions of the lands, as he may see fit, excepting the lawns, on condition that the plantations and roads are kept in good order.

Your Committee, having ascertained, that the Bank of Upper Canada are willing to receive all sums which may be paid on account of the University, and give receipts for the same, recommend that an agreement should be made with that Institution to receive such sums, under such regulations as may be approved of by the Council, on the recommendation of the Bursar of the University, and the Cashier of the Bank of Upper Canada.

TORONTO, 19th of August, 1839.

JOHN S. MACAULAY,  
Chairman of Special Committee.

NOTE.—Various other matters of minor importance were disposed of by the Council.

*September 25th, 1839.* Letters from the Honourable William Morris and Mr. Robert Bell, in regard to the Bathurst District Grammar School, were read, but, as decided, on the 19th of July last, the Council is not able to entertain the application for aid under the recent "Act for the Advancement of Education in the Province," for the reasons given to His Excellency on the 28th ultimo (page 198, *ante*). (Other matters of minor importance were also disposed of.

*November 8th, 1839.* The Honourable John Simcoe Macaulay, Chairman of the Committee, appointed to examine into, and report on, the account of the Bursar, submitted the following letter to the Council :—

In consequence of the appointment of a Committee [of the House of Assembly, at its instance], under the Commission recently issued by His Excellency the Lieutenant Governor, to report generally on the subject of Education, [and on the various Departments of the Government], the Committee of King's College Council have no further report to make, touching the affairs of the University.

TORONTO, 8th of November, 1839.

JOHN S. MACAULAY,  
Chairman of the Special Committee.

(Various financial and land questions were disposed of at this Meeting).

NOTE.—Meetings were called for the 27th and 30th of November, and the 7th of December but were not held, as there was no quorum present on any of these days.

*December 28th, 1839.* At this Meeting, the Bursar stated that he had, by direction of the President, prepared and sent to His Excellency the Governor General, the following Returns to be laid before the Legislature, videlicet :—

1. Statement of the Receipts and Disbursements of King's College, from the 18th of January to the 30th of November, 1839.
2. Statement of the Receipts and Disbursements of the Upper Canada College, ditto.
3. Estimate of the annual Income of the University of King's College.
4. Statement of the Assets of the University on the 30th of November, 1839.
5. Memorandum on the present state of the Endowment of King's College.
6. Report of the Principal of Upper Canada College, showing the state of that Institution during the last eight years.

A letter from Mr. Civil Secretary Harrison, dated the 23rd instant, transmitting, by command of His Excellency the Right Honourable Charles Poulett Thomson, Governor General of Canada, application for aid from the Ancaster Literary Institution, the Grantham Academy, (St. Catharines), and the Alexandria School, with the request of His Excellency that these applications might receive the consideration of the Council of King's College, under the authority of the Statute, 2 Victoria, Chapter 10, "for the Advancement of Education in this Province." The Council directed that the following Minute on the subject be sent to the Governor General:—

The Act of last Session, 2 Victoria, Chapter 10, does not appear to have been acted upon by the Government, so far as the Council of King's College is concerned, and there are no funds at the disposal of the Council to enable it to accede to the prayer of the Petitioners of these Institutions. (See copy of this Act on page 170 of this Volume, *ante*; see also page 183, *ante*.)

The Council can add nothing to the Report on this subject, which was sent to His Excellency, Sir George Arthur, on the 28th day of August last. (See page 198, *ante*.)

\*This Commission was issued at the request, by Resolution and Address, of the House of Assembly, to enquire into the various Departments of the Government. A sub Committee on Education was also appointed. See a subsequent Chapter.

## CHAPTER XII.

## MISCELLANEOUS PAPERS RELATING TO EDUCATION IN UPPER CANADA, 1837-1839.

## ALTERATION OF THE ROYAL CHARTER OF KING'S COLLEGE BY THE LEGISLATURE OF UPPER CANADA, 1837.

After a good deal of correspondence with the Imperial Government, in regard to the alteration of the Royal Charter of King's College, granted in 1827, the matter came up finally for adjustment in the first session of the Thirteenth, and last, Parliament of Upper Canada, on the suggestion of the Lieutenant Governor, Sir Francis Bond Head, in his opening Speech from the Throne.\*

The desire of the Imperial Government, in regard to this unpopular Charter, was expressed by Lord Goderich, (afterwards the Earl of Ripon), in his Despatch to Sir John Colborne, of the 20th of November, 1831, in which he stated that it was "the earnest recommendation and advice of His Majesty's Government, that" the Council of King's College, (which was constituted by the Royal Charter itself,) should surrender the Charter to His Majesty, with a view, no doubt, to its modification, so as to render it acceptable to the people of Upper Canada.†

The King's College Council having, in an elaborate Report on the subject, refused to surrender the Charter,‡ Lord Goderich, in his Despatch of the following year, (8th of November, 1832,)¶ authorized the Upper Canada Legislature to modify the Charter at its discretion. He said:—

So far from any anxiety having been felt by the King's Government to maintain that Charter against the wishes of the great majority of the people, every possible measure has been taken to refer to their Representatives the decision of the question, [as to] what form, and upon what principles the College should be founded.

It can scarcely be expected, that, in deference to any Individual, or to the small, though respectable, minority for whom [Mr. William Mackenzie, who had appealed to him on the subject of "grievances"] acts, the King's Government should entertain the slightest distrust of the wisdom, or fairness, of the resolutions which it may take at the pleasure of the [House of] Assembly to adopt on this, or any other subject.

When Sir John Colborne, in 1835, despairing of any agreement being come to by the House of Assembly and the Legislative Council, on the subject of the modification of the Charter, suggested to Lord Glenelg, the Colonial Minister, that the Charter might be—

So modified by the interposition of His Majesty's Government, as to leave, in essential points, no just grounds for dissatisfaction on the part of either House.

\*Page 42 of this Volume, *ante*. (The name there should be Sir F. B. Head, not "Sir John Colborne.")

†Page 55 of the Second Volume of this Documentary History.

‡Pages 32-37 of this Volume, *ante*.

¶Page 112 of the Second Volume of this Documentary History.

Lord Glenelg's dissent from this proposal was clear and decisive. He said, in a Despatch, dated the 17th of June, 1835:—

*First:* Your plan departs, in every one essential particular, from that which the House of Assembly, in their last Session, sanctioned by their votes. It is not likely that they would be satisfied to have their judgment overruled by the direct interposition of the Royal authority.

*Secondly:* The Earl of Ripon, (lately Lord Goderich, ), referred the matter to the discretion of the Provincial Legislature. They would scarcely otherwise than be displeased with the retraction of His Lordship's order.

*Thirdly:* The decision of such a question by His Majesty's advisers in this Kingdom, would be condemned with plausibility, and not indeed without justice, as a needless interference in the internal affairs of the Province.\*

Thus, by these clear and emphatic utterances of the respective Colonial Ministers, the whole duty and responsibility of modifying the objectionable Charter was distinctly and wholly transferred from the Imperial Government to the Legislature of Upper Canada. In consequence of this unfettered permission to deal with the Charter, a successful effort was made during the second session of the Twelfth Parliament of Upper Canada, (1836,) to pass a Bill, which embodied a view of the majority of that Body, in regard to the Charter. The Legislative Council, however, objected to concur in this Bill, and stated their reasons for not doing so in an elaborate Report, dated the 19th of April, 1836.†

Nothing further was done in this matter until the first session of the Thirteenth Parliament of Upper Canada, 1836, 37, when, in his opening Speech from the Throne, Sir Francis B. Head, invited the attention of the Legislature to the subject.‡ As the result, Mr. Solicitor General Hagerman moved, that a Select Committee of the House of Assembly be appointed, to consider and report upon that portion of His Excellency's Speech, which referred to the subject of the King's College Charter. Messieurs Mahlon Burwell, William H. Draper, Michael Aikman, Malcolm Cameron and Henry Sherwood, were chosen as the Committee, on the 14th of November, 1836.§ On the 21st day of that month, this Committee brought in its Report, accompanied by a draft of Bill "to amend the Charter of King's College."

As this Report, (and the accompanying draft of Bill,) were the foundation of the successful legislation of 1837, for the settlement of this vexed question, I give the Report itself, together with the Minutes of the Committee, on which the draft of Bill, introduced into the House of Assembly, was founded:

The following is a Copy of this Report, to which is appended the Minutes of the Select Committee on the Charter:—

TO THE HONOURABLE THE COMMONS HOUSE OF ASSEMBLY OF UPPER CANADA

The Select Committee, to whom was referred that part of the Speech of His Excellency the Lieutenant Governor, at the commencement of the Session, which relates to the University of King's College, beg leave to inform your Honourable House, that, in the discharge of the duties

\* Pages 213, 214 of the Second Volume of this Documentary History.

† *Ibid*, pages 341 and 342.

‡ Page 42 of this Volume, *ante*.

§ *Ibid*, page 43, *ante*.

entrusted to their care, they have necessarily had reference to the proceedings of the Committee on Education of a former Session, and have agreed to report herewith the bill for the amendment of the Charter of King's College, which was reported to your Honourable House by that Committee on the 21st of November, 1832,\* with some amendments, which are here detailed in the Appendix hereto annexed.

All which is most respectfully submitted,

COMMITTEE ROOM, COMMONS HOUSE OF ASSEMBLY,  
November 18th, 1836.

M. BURWELL,  
Chairman.

*Appendix, containing the Minutes of the Select Committee on King's College Charter.*

Committee Room, November 14th, 1836.

The Select Committee on Charter of King's College met, Mr. Mahlon Burwell in the Chair Present, Messieurs Henry Sherwood, Michael Aikman, Malcolm Cameron and William H. Draper.

The original Charter of Incorporation, and Bill to amend it, formerly submitted to the House of Assembly, in 1832,\* read; It was then moved, seconded, and—

*Resolved:* That certain alterations appear necessary to be made in the said Charter, in order to meet the desire and circumstances of the Colony, and that the said Charter may produce the benefits intended.

The Committee adjourned till Thursday evening the 16th instant, at seven o'clock.

Committee Room, November 16th, 1836.

The Select Committee on the King's College Charter met.

Present: The Chairman (Mr. Mahlon Burwell) Messieurs Henry Sherwood, Michael Aikman and William H. Draper,

It was moved and seconded, and—

*Resolved,* That this Bill, as read a first time on the 6th of February, 1834,† be reported by the Committee, to the House, with the amendments following:—that is, as regards the appointment of the President of the said University, that the words, "on any future vacancy," be expunged, and that the word "five," be inserted instead of "six," before the words, "Professors of Arts," in the second line of the last page, and after the word "College," in the third line of the last page, be inserted "and of the Principal of the Minor, or Upper Canada, College;" and that after the words, "subscribe to any articles of religion," in the latter part of the Bill, the following be inserted:—"other than a declaration, that they believe in the authenticity and Divine inspiration of the Old and New Testament, and in the doctrine of the Trinity."

It was moved, seconded, and—

*Resolved,* That to the said Bill be added the following clauses:—

(1) And whereas it is expedient that the Minor, or Upper Canada, College, lately erected in the City of Toronto should be incorporated with, and form an appendage of, the University of King's College: Be it further enacted, by the authority aforesaid, That the said Minor, or Upper Canada, College, should be incorporated with, and form an appendage of, the University of King's College, and be subject to its jurisdiction and control.

(2) And be it further enacted by the authority aforesaid, That the Principal of the said Minor, or Upper Canada, College, shall be appointed by the King, during His Majesty's pleasure.

(3) And be it further enacted by the authority aforesaid, That the Vice-Principal and Tutors of the said Minor, or Upper Canada, College, shall be nominated by the Chancellor of the said University of King's College, subject to the approval, or disapproval, of the Council thereof.

(4) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Chancellor of the said University, for the time being, to suspend, or remove, either the Vice-Principal, or Tutors, of the said Minor, or Upper Canada, College, provided that such suspension, or removal, be recommended by the Council of the said University, and the grounds of such suspension, or removal, be recorded at length in the Books of the said Council.†

\*This Bill will be found on pages 77 and 78 of the Second Volume of this Documentary History. *Ibid*, page 152.

†By comparing the Bill, as passed, pages 88, 89 of this Volume, it will be seen how far the draft of Bill, as submitted to the House of Assembly by this Select Committee, was adopted by the Legislature.



The history of the educational legislation of 1837, which culminated in the passing of the Act to amend the Charter of King's College, is particularly interesting. It is the more so from the fact that those in the Legislative Council, who had so strongly opposed what they considered the unwise proposed legislation on the subject of the Charter, in the Session of 1835 and 1836, concurred, without objection, to the Charter Amendment Bill introduced into the House of Assembly by the Select Committee, whose Report is given above. The reasons for this peaceful proceeding in the matter are given by the Reverend Doctor Strachan, in his address, at the opening of King's College, in 1843, and quoted on page 85 of this Volume, *ante*. The elaborate, and argumentative Report of the Legislative Council on the Bill, (as passed by it without amendment,) which is printed on pages 61-76 of this Volume was, after all, a graceful and diplomatic withdrawal from the contest on this subject, and yet an unwilling acquiescence in what the astute and venerable President of the University felt to be inevitable, if the Institution, projected by him in 1827—ten years before—was ever to have any existence, except on paper.

It is curious, however, to notice that, while the Legislative Council made no amendment to the College Charter Amendment Bill of 1837, but passed it unanimously,\* yet with cautious prudence and foresight, it raised a question, which if sustained, and if answered in the affirmative, by the Imperial Government, might yet defeat the project, and practically declare the amendment Bill *ultra vires*. The King, to whom the question, as to the right and power of the Canadian Legislature to alter the Charter and pass the Bill, was formally referred, through his Minister of the Colonies, decided, through that Minister, that the Colonial Legislature had but carried out his wishes and instructions in passing the Bill.

Nevertheless, this abstract question, as raised in Upper Canada in 1837, and, in New Brunswick, in 1845,† was an interesting one, and I felt that it was worthy of consideration and solution. I therefore referred the abstract question itself to several Gentlemen noted for their familiarity with constitutional law. The replies from these Gentlemen I have in some cases, abridged, and have arranged them, as follows:—

Doctor J. G. BOURINOT, C. M. G., Clerk of Parliament at Ottawa, says :

My opinion is that the Dominion, or Provinces, can amend, or obliterate, even a Royal Charter, when the subject matter is clearly within the legislative jurisdiction of either. The Crown in Parliament has full power in such cases.

\*In his letter to Lord Glenelg, dated the 13th of July, 1837, the Honourable William Morris said, "that the Legislative Council declined to make a single amendment to the Bill, as recommended by its Select Committee, fearful that the Bill would never return to them" from the House of Assembly. (See a subsequent Chapter.)

†In regard to the New Brunswick case, Mr. Thomas Hodgins, Q. C., says: "The New Brunswick Royal Charter case is considered in the Law Officers' Opinions, given in Forsyth's Constitutional Law, page 363"

Mr. CHRISTOPHER ROBINSON, Q. C. says:—

My impression is in favour of the power [of the Legislature]. . . . Some curious questions have arisen as to the power of Colonial Legislatures, of which one example is: Tully v Officers of Ordnance, in 5 Upper Canada Queen's Bench Reports, page 6; but, as in that case, they are generally suggested, but not decided.†

Mr. A. H. F. LEFROY, Author of "The Law of Legislative Power in Canada," writes at some length, and has been good enough to send to me extracts from his forthcoming work. From what he has furnished to me, I insert the following:—

I think that there is no doubt of the existence of the power in question [i. e. that of the Legislature]. . . . The following are some of the propositions discussed in my Book:

*Proposition 7:* The Lieutenant-Governors of Provinces, when appointed, are as much the Representatives of Her Majesty, for all purposes of Provincial Government, as the Governor-General himself is, for all purposes of Dominion Government.

*Proposition 8:* Executive Power is derived from Legislative Power, unless there is some restraining enactment.

*Proposition 9:* The Crown is a party to, and is bound by both Dominion and Provincial Statutes, so far as such Statutes are *intra vires*, that is, relate to matters placed within the Dominion and Provincial control respectively, by the British North America Act.

I have only made such extracts from Mr. Lefroy's interesting and comprehensive Book as seemed to me to definitely touch the point, as to the power of a Colonial Legislature to alter, or amend, a Royal Charter issued by the Sovereign, by right of his Royal Prerogative. The first extract which I make, is from a judgment of Chancellor Boyd, (page 131,) who lays down this general principle:

It is a well settled principle of public law that, after a Colony has received Legislative Institutions, the Crown, (subject to the special provisions of any Act of Parliament,) stands in the same relation to that Colony as it does to the United Kingdom.

The further extracts which I make from Mr. Lefroy's Work are as follows:

In the case of the Queen v Edulgee Byramjee, their lordships [of the Privy Council] refer to *Cuvillier v Aylwin*, and say of it:—It was held that, though there was a reservation of the right of the Crown, yet, as the Act in Canada was made, in pursuance of an Act of Parliament of Great Britain, the powers contained in that Act did take away the prerogative of the Crown.

Thus it would seem that, in their Lordships' view, a Colonial Act, assented to by the Crown, through its authorized Representative, could interfere with, and regulate, the exercise of the prerogatives of the Crown, as the fountain of justice, so far as the rights of those under its jurisdiction were concerned. If so, there must be a similar power as to other Royal prerogatives of the same character, subject, of course, to the Crown's right of veto. And certainly, it would seem that there is such power, if Gwynne, J., is correct in what he says in *Lenoir v Ritchie*, videlicet:—

An Act of Parliament passed by the old Legislatures of the respective Provinces, which now constitute the federated Provinces of the Dominion of Canada, under the Constitutions which they had before Confederation, of which Legislatures, Her Majesty was an integral part, as she is of the Imperial Parliament, upon being assented to by the Crown, was competent to divest Her Majesty of the right to exercise, within the Province, any portion of her Royal Prerogative.‡ *Pages 183, 184.*

\*See pages 64, 76, and 100 of this Volume, *ante*.

†In his Note, Mr. Robinson says, that before replying, he wished to see his "Nephew, Mr Lefroy, who has given much attention to Constitutional questions, and has now a Work in press upon the subject. He has kindly sent me the pages bearing on this question, with a Note, which I enclose."

‡There was a time, however, when it was the opinion of eminent Lawyers, that Colonial Legislatures could not enact anything against Her Majesty's Prerogatives, at all events, Her greater Prerogatives. seems clear. *Chalmer's Opinions*, pages 50, 373. (*Lefroy*, page 184.)

In a note, on page 182 of his Work, Mr. Lefroy says :

... Attorney General *v* Judah, 7 L. N., 147, (1884), ... appears to recognize that the local Legislature could, by express enactment, affect even the "rights, or prerogatives, of the Crown, as attributes of sovereignty."

Mr. THOMAS HODGINS, Q. C., has kindly prepared an elaborate Memorandum on the points submitted to him. I have only been able to make the following extracts from it, as the question opens up too wide a field to admit of an extended discussion of in this Work.

A Royal Charter may emanate from the Crown, by virtue of a Statute, or of the Prerogative. The Prerogative is incident to sovereignty. And, although, in early times, it was assumed that a Colonial Legislature could not enact any thing against Her Majesty's Prerogative. (*Chalmers*, see note on page 205.) the modern rule is that the Prerogative of the Crown, within the Colony, may be affected by Acts of the Colonial Legislature, when assented to by the Crown, and to which the Crown, therefore, is a party. *Theberge v Landry*, 2 Cart. Cas.

Legislative authority in the former American Colonies was thus defined by Mr. Justice Story, in his Work on the Constitution of the United States :—

The Colonial Legislatures, with the restrictions necessarily arising from their dependency on Great Britain, were sovereign within the limits of their respective territories. (S 171.)

This opinion is in harmony with the cases of *Phillips v Eyre*, L. R. 6, Q. B. 20; *Regina v Burah*, 3 App. Cas. 889; *Hodge v The Queen*, 9 App. Cas. at page 132, and others.

But the Sovereignty, and the Prerogative incident to it, above referred to, must, I think, be held to be those which necessarily are incident to the Colonial Sovereignty of the Crown,—that is, the Sovereignty and the Prerogative, which either expressly, or, by necessary implication, pertain to the delegation and exercise of Government, or executive, power within the definition of *Jus Summi Imperii*, or the powers of a Supreme Government.

It may be mentioned here, that, by a judicial decision in 1774, (*Campbell v Hall*, 1 Cowper, 204,) it was held that the Crown's grant by Royal Charter, under the Great Seal, of Legislative Institutions to a Colony, divested the Crown of its prerogative legislative power,—or, as it was called by Lord Mansfield, O. J., its "subordinate legislation,"—within the Colony. But, as the validity of the Royal Charter, here considered, is not, in any way, impeached, as *ultra vires*, or inconsistent with the grant of Legislative Institutions, the decision may not be further reviewed.

Such Royal Charters as emanate from the Crown, by virtue of its Prerogative, are usually authorized by an Imperial Order-in-Council, and are tested in the name of the Sovereign :—"Witness Ourselves at our Palace at Westminster." They have the Imperial Great Seal affixed, and are declared to be "Letters Patent."

In the Colony, it is also usual, (except in the case of certain Statutory Charters,) to authorize the issue of a Royal Charter by an Order of the Governor-in-Council, and to test it in the name of the Governor, as the local Representative of the Crown, and to declare it to be "Letters Patent" under the Great Seal of the Colony.\*

The question now to be considered is : Can a Colonial Legislature vary, or repeal, any such Imperial Royal Charter, [i. e. any of the various kinds before enumerated], and dissolve the Corporation, and change the purposes, or cancel the objects for which such Corporation was created.

If the Colonial Legislature possessed such a power, it could, as incident thereto, confiscate, or alienate, any endowment given it by the Imperial Charter. . . . As to the endowment within the Province, the case, *Re Goodhue*, 19 Grant, and some of the observations of Chief Justice Robinson, in *Tully v Her Majesty's Ordnance*, (see preceding page), 5 U. C. R., 6, on the jurisdiction of a Colonial Legislature, may be referred to in considering the question.† . . .

\*We have, in two cases, in which Royal Charters were given to educational Institutions in Upper Canada, examples of the two kinds of Royal Charters here referred to. The Charter to King's College, in 1827, was an Imperial one; that to the Upper Canada Academy, in 1836, was a Colonial one, which the King, through his Colonial Minister, directed the Lieutenant Governor, Sir Francis Bond Head, to issue, "under the Public Seal of the Province of Upper Canada." See page 267 of the Second Volume of this Documentary History.

†See NOTE following the Honourable David Mills' Memorandum.

From what has been shown above, it must be conceded that we have clearly defined rules respecting the extent and the limitations of the Legislative power over Corporations, created by another Parliamentary authority; and also of the Executive and Judicial powers over Royal Charters, creating similar Corporations, under the Imperial, or Colonial, Great Seal.

In harmony with the maxim: *Veritas et ratio a similitudine oritur*, it would seem proper to advise, though not without some doubt, that the Imperial Crown's Prerogative, lawfully exercised, and evidenced by a Royal Charter, under the Great Seal of the Empire, respecting matters within the Colony, cannot be varied, or repealed, by the Acts of the Colonial Legislature, except at the instance of the Imperial Crown, expressed or implied, or the grant of sufficient legislative power, in an Act of the Imperial Parliament.

The Honourable David Mills, Q. C., Professor of Constitutional and International Law, in the University of Toronto, has prepared, and has been good enough to send to me, a valuable historical Memorandum on the question submitted to him. I have omitted from this paper only those parts of it which did not strictly touch upon the case itself, but which dealt with incidental matters connected with it. He says:

You ask me whether an Order made by the Sovereign in Council, or any other Legislative Act of the King in Council, and operating exclusively within a Province, or a Royal Charter so operating, can be amended, or repealed, by the Provincial Legislature, without the express authority of the King in Council, and whether such Legislative Act is not as much beyond the legal competence of a Provincial Legislature, as an Imperial Statute, which is, in express terms, extended to the Province? You instance King's College, which was created and endowed by a Royal Charter in 1827, by which special rights were conferred upon certain parties [and restrictions imposed] in connection with the Institution, contrary to the prevailing opinion of the Province.

In order that I may give an intelligible reply to your enquiries, it is necessary that I should give a brief statement of certain facts preceding the granting of this Charter.

The Province of Upper Canada, being part of the country conquered from France, and formerly ceded by her to the British Crown, was, after the cession, under the exclusive government of the King in Council, subject, of course, to the supreme authority of the King in Parliament. By the Royal Proclamation of October, 1763, the King put an end to the power which he had to tax the inhabitants of the Province of Quebec, or to Legislate for them. The Imperial Parliament thereafter alone possessed that authority, until Parliament endowed some other body with such power, unless, indeed, the rights created by Royal Proclamation were carried into effect.

All Legislative Acts, are the Acts of the Sovereign, upon the advice and consent of the parties authorized by law to counsel him. There is no doubt a difference between a local and an Imperial Act, due to the supreme authority of the one Body over the other; and so, when their laws conflict, those of the inferior authority must give way.\* The Dependency is subordinate to Parliament, and so, too, is the King in Council. The Supremacy of a Statute passed by the Imperial Parliament, and extended to a Colony, is due to its Imperial character. But an Ordinance of the King in Council in the Government of a ceded country has no such character. It is Colonial, and not Imperial.

It does not operate beyond the limits of the Colony, and, without an Imperial Statute, it cannot be made to do so. It can have impressed upon it by its authors no characteristic which would rank it above the Act of a Colonial Legislature, the one House of which is elected by the voters in the Province.

By the Constitutional Act of 1791, Upper Canada was given a Representative Assembly, and a Legislative Council, the latter, appointed by the King. These two Houses, with the Governor, as Representative, or Agent, of the King, acting on his behalf, constituted the Provincial Legislature. This Legislature was authorized to make laws for the Peace, Order, and Good Government of the Province. Nothing in the Statute restrained the Legislature from dealing with any matter of domestic concern. Whether the Legislature might not repeal Imperial Acts, made by their very terms applicable to the Province, is a question of intent, determined rather by the nature of Imperial jurisdiction, than by the construction of any words found in the Constitutional Act itself. (Gordon v. Fuller, 5 U. C. R.—O. S. 174.)

\*See the Note following this Paper.

Speaking with strict legal accuracy, the power of the Legislature in a Province, in so far as it dovetails upon the two Houses, is not derived from the Crown, it inheres in the community . . .

There is no authority in the Crown to set limits to the action of either Chamber in their attempt to legislate for the local requirements of the Province. The authority of the Crown extends to its own Representative. In the Commission which it issues to him, it may prohibit, or restrain, his action, and, in doing so, it, in effect, renders abortive all attempts at legislation, in respect to the matters upon which its Representative, or Agent, has been so restrained . . .

One would require to see the Commissions, and Instructions, issued to the Governors of the period, to know whether there was any disability arising from any restraint placed upon his authority. But, even if there was not, there was a possible inability to effectively legislate, due to the fact, that the territorial revenues of the Crown, from which the King's College was endowed, were not, at the time, under the jurisdiction of the Province, and the Despatch of the Colonial Secretary was, in effect, a Royal pledge that they would not be withdrawn should the Legislature amend the Charter, so as to make the Constitution of the College conform to the wishes of the people.\* The granting of the Royal Charter was an executive, not a Legislative Act. The Province, having a Constitution of its own, the Crown had no power to legislate for it. (*The Bishop of Capetown v. Long.*)

NOTE. In the foregoing Memorandum, Mr. Mills refers to the fact that the "Casual and Territorial Revenues" of the Crown were not, in 1837, under the jurisdiction of the Province. He also says:—

There is, no doubt, a difference between a local and an Imperial Act, due to the supreme authority of the one Body over the other; and so, when their laws conflict, those of the inferior authority must give way.

The law here stated is strikingly illustrated in the case of the Clergy Reserve Act, passed by the Upper Canadian Parliament in 1840. The legality of this Act was challenged by the House of Lords, and, in consequence, the following question, among others, in regard to it was submitted to the Judges:—

3. Whether the Legislative Council and House of Assembly of Upper Canada, having enacted that it shall be lawful for the Governor, by and with the advice of the Executive Council, to sell, alienate and convey, in fee simple, all, or any of the Clergy Reserves; and having further enacted in the same Act, that the proceeds of all past sales of such Reserves, shall be subject to such orders and directions as the Governor in Council shall make and establish for investing in any securities within the Province, the amount now funded in England, together with the proceeds hereafter to be received from the sale of all, or any, of the said Reserves, or any part thereof, did, in making such enactments, or either of them, exceed their lawful authority?

The following reply of all the Judges, (except Lords Denham and Abinger,) to this question, was delivered in the House of Lords, on the 4th of May, 1840:—

We all agree in opinion that the Legislative Council and the House of Assembly of Upper Canada have exceeded their authority in passing an Act to "provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof," in respect of both the enactments specified in Your Lordship's question; and that the sales which have been, or may be, effected in consequence, are contrary to the provisions of the Statute of George III, and therefore void. (*Memoir of the Right Reverend John Strachan, D.D., LL.D., First Bishop of Toronto, By A. N. Bethune, D.D., D.C.L., his successor in the See, 1870, pages 173, 174.*)

Mr. W. H. P. Clement, Barrister, Toronto, Author of "The Law of the Constitution of Canada", says:—

I have no doubt of the power of a Colonial Legislature to legislate in reference to any matter pertaining to Colonial interest, notwithstanding the existence of a Royal Charter, establishing and regulating any particular Institution in the Colony.

\*This pledge was given in the Despatch of Lord Goderich, Colonial Secretary, dated the 2nd of November, 1831, in which he said: It can scarcely be necessary to say that no part of the endowment of King's College would ever be diverted from the great object of the Education of Youth. It must be regarded as a Fund sacredly and permanently appropriated to that object" (Page 55 of the Second Volume of this Documentary History.)

In his Work on "the Law of the Canadian Constitution," Mr. Clement says:—

"It is a clear and undoubted rule of English Law that, upon the establishment, by Charter, or Imperial Act, of a local Legislature within a Colony, that Legislature is, within the sphere of its authority—(be that sphere large or small.)—Possessed of plenary powers of law making, and may—with of course the consent of the Crown, as a constituent Branch of the Legislature—alter and mould the Prerogative, as to the Colony, to as full an extent as the British Parliament can alter and mould it as to the United Kingdom. (Page 139).\*

The grant of a Royal Charter to King's College was, of course, an exercise of the prerogative powers of the Crown. The necessity for its issue was largely, I fancy, owing to the restrictions contained in the Constitutional Act of 1791, in reference to the granting of the Waste Lands of the Crown in the Province. However, this may be, there is no doubt that the grant of the Charter was founded upon prerogative.

#### MISCELLANEOUS AUTHORITIES ON THE SUBJECT—QUOTED.†

In regard to this question, I make the following miscellaneous references. They are incidental, rather than clearly pertinent to the question raised, as to the right of a Colonial Legislature to alter, or amend, a Royal Charter. MACAULAY, in his History of England, gives a notable example of the interference by the House of Commons with the Royal Charter of Queen Elizabeth, which she granted, "on the last day of the sixteenth century," to the East India Company. He points out how oppressive had become the acts of this great trading corporation, and how intolerant of its power and privileges had the commercial community of England become. The result was, that, in 1794, the House of Commons practically set aside the Royal Charter of Elizabeth, and

"decided that all Englishmen had an equal right, [with the East India Company,] to traffic in the Asiatic Seas, unless prohibited by Parliament; and, in that decision, the King had thought it prudent to acquiesce. (Volume 5, page 47, Boston and Philadelphia editions, 1861.)

Note c, on page 271\* of Kent's "Commentaries on American Law," says:

In England, the *Statute Concerning Monopolies*, (21 J. I. c. 3,) which was a Magna Charta for British Industry, was a declaratory Act, and it declared that all monopolies and all licenses, charters, grants, letters patent, etcetera, "to any persons, or bodies politic, for the sole purpose of bying, selling, making, working or using anything, within the Realm," were unlawful and void, with the exception of patents for twenty-one years, for inventions, etcetera, and of vested corporate rights relative to trade. (Volume 2, Lacy's edition of Kent's Commentaries, page 271\* (2).

These Acts of the Imperial Parliament—those affecting the East India Charter and Monopolies)—are clearly modifications, if not, abrogations of Royal Charters, without previous assent of the Crown, although afterwards assented to by it. Nevertheless, in a note on page 178 of Mr. A. H. F. Lefroy's Work on "The Law of Legislative Power in Canada," he quotes Mr. Justice Henry as saying:—

The Imperial Parliament has never, so far as as I have been able to discover, attempted to deal with the peculiar prerogatives of the Crown, until previously surrendered by the Sovereign.

The words "deal with" may not be considered equivalent with "modify," or "abrogate," and hence Mr. Justice Henry's remarks may be legally correct.

\* Later on, in the same paragraph, Mr. Clement refers to some English cases which practically settle the law as it is stated by him above.

† I have not referred here to the Honourable W. H. Draper's elaborate argument at the Bar of the House of Assembly, on the 24th of November, 1843, "in defence of the chartered rights of the University of King's College," as he dealt with the question of "franchises," which he held the Legislature could not "diminish or destroy."

Mr. John Henry Howard, in his *Laws of the British Colonies*, etcetera, published in 1827, in quoting the three-fold decision of the Privy Council, (2 P. Wms, 75,) as to the applicability of the Laws of England to her Colonies, says that such laws are primarily in force in such Colonies "having a local Legislature of their own, except such of them, [*i. e.*, such laws and Statutes,] as have been varied, or renounced, by the respective local governments,"—thereby admitting the right of a Colonial Legislature to vary, or renounce, English Laws in force in the Colony.

In the "*Opinions of Eminent Lawyers*" . . . *Chiefly concerning the Colonies* . . . of Great Britain, by George Chalmers, F. R. S., S. A., (1858), is one by Attorney General Rawlin, of Barbados in 1710, (or thereabouts,) lays down the doctrine that the local Legislatures cannot "alter the Common Law of England, . . . they cannot enact anything against Her Majesty's prerogative. They cannot take away, by any Act they can establish, any authority vested in the Governor by Her Majesty's Commission," etcetera. None of these things can they do.\*

*The Colonial Laws Validity Act*, in the collection of "Documents Illustrative of the Canadian Constitution," by Mr. William Houston, M. A., (1891,) was passed by the British Parliament in 1865, "to remove doubts as to the validity of Colonial Laws." This Statute points out when Colonial Laws are "void for repugnancy," and when they are "not void for repugnancy," or for "inconsistency with instructions."† It also declares what Colonial Legislatures can do, but it does not touch the point as to the right of these Legislatures to alter Royal Charters, or Imperial Letters Patent.

#### HOME DISTRICT GRAMMAR SCHOOL, NOW THE TORONTO COLLEGIATE INSTITUTE

The following account of the old Home District or Royal Grammar School‡ has been furnished to me by Mr. Archibald MacMurchy, M. A., Principal of the Toronto Collegiate Institute, Jarvis Street. It contains a sketch of the history of this notable School from its foundation in 1807, until the present time. I have, however, only inserted that part of the sketch which ends with the year 1838. The remainder of this history of the School, (afterwards a Collegiate Institute,) will be given in its proper chronological order, and in a subsequent Chapter.

When, on the establishment of the Province of Upper Canada by the Imperial Parliament, the first Provincial Legislature met at Newark, (now Niagara), among its earliest Acts (1807) was one providing for the education of the youth of the Province, (47 George iii, Chapter 6),

\* Mr. Alpheus Todd, in his *Parliamentary Government in the British Colonies*, treats this question of the Powers of a Colonial Governor, under his Commission, very fully in various parts of his work.

† See Todd's *Parliamentary Government in the British Colonies*, pages 133, 138 and 219.

‡ In regard to the term—"Royal Grammar School" See pages 5, 228, 258, 235, 290—(in which Sir George Arthur refers to it as the "Royal Grammar School, which was also a District Grammar School")—292, 293 and 294. Why it was so called, and when—as to the exact time—does not appear.

In the year 1797, the Legislature memorialized the Imperial Government on the subject; the result of the Memorial being, that the Government proposed the establishment of Free District Grammar Schools, and subsequently of Colleges.

In 1807, an appropriation of Eight Hundred pounds, (£800,) a year for four years was made to provide for the salaries of Masters in the Grammar Schools to be maintained in each of the eight Districts into which Upper Canada was then divided; and this appropriation was afterwards made permanent. These Masters were to be engaged by Trustees appointed by the Governor; and the Governor's sanction was also necessary for the Teacher's appointment. There is still in existence the Letter, dated April 16th, 1807, signed by Governor Gore, appointing the Reverend George Okill Stuart, D.D., Archdeacon of Kingston, first Head Master of the Home District Grammar School at York, (Toronto).\*

North of what is now Adelaide Street, (formerly Newgate Street,) bounded westward by Church Street, and eastward by Jarvis Street, was a large field, almost square, containing about six acres,—for many years the playground of the District Grammar School. There, in summer, the scholars played in the sweet white clover that carpeted the whole field, except in the spots where they had worn it bare, or searched for the crayfish which inhabited the little creek flowing southward through the middle of the field; or, in winter, found famous sliding-places on the same miniature river, or built great snow fortresses, and stored in them piles of ammunition.

Here the swallows and the house martens came in spring, to dart and circle and twitter, not yet driven away by the irrepressible sparrow, and the smoke and din of factories and shops, or the unlovely dwellings that now crowd every foot of the once beautiful "College Square." Who does not wish that "College Square" were as free and open to-day as eighty years ago?

In the south-west corner of this square, some hundred feet, or more, from the street boundaries, was erected the plain wooden Building, about fifty-five feet long, by forty feet wide, in which, on the first Monday of June, 1807, when the population of the Town was only about five hundred, the Home District Grammar School was opened. It was attended by the sons and daughters of the well-to-do citizens of York; and, on the few existing records, may be found many a well known name. But the young ladies in attendance gradually dropped off, so that, until 1871, (when the Building at present occupied was completed,) boys only were in attendance.

In 1812, the Reverend John Strachan, D.D., was appointed Rector of York, and succeeded the Reverend George Okill Stuart, as Head Master of the School. Of Doctor Strachan's long and useful career, of the brave and worthy part he played in the history of his time, and of the good foundation that he laid for those who were afterwards to take up and carry on the work with which he was long identified, those who know anything of the history of this period do not need to be told.

Doctor Strachan was an earnest and enlightened educator. "It has ever been my custom," he writes, "before sending a class to their seats, to ask myself whether they had learned anything; and I was always exceedingly mortified if I had not the agreeable conviction that they had made some improvement."†

It was his habit also, to carefully observe new scholars placed under his care, and, at the end of a fortnight, to write down in a book, kept for the purpose, the result of his observations as to the needs, prominent traits of character, etcetera, of the pupil.

Among those educated at the Home District Grammar School in Doctor Strachan's time were the Honourable Sir James Buchanan Macaulay, Chief Justice of the Court of Common Pleas; the Honourable John Godfrey Spragge, Chancellor, and Chief Justice of Ontario; the Right Reverend Alexander Neil Bethune, Second Bishop of Toronto,‡ the Honourable Robert Baldwin, C. B., Attorney-General, and Premier of the Province of Canada, and many more, most of whose names:—Ridout, McDonell, McMurray, Boulton, Heward, Saltern Givens, and others,—are respected, and often heard of among us still.

Doctor Strachan, as is well known, afterwards became the first Bishop of Toronto, and, after a ministry of sixty-four years, laid down the burden of life at the advanced age of ninety, having spent a laborious and honourable career in the service of his Church, and of his country. Living in stormy times, he outlived the jealousy, and bitterness of opponents, and died, leaving behind him many, who, having grown up, sheltered and strengthened by his influence, lived his life, in its energy, fidelity, firmness, and self-sacrifice, over again in theirs.

\* The Home District Grammar School was opened for the reception of pupils on the 1st day of June, 1807. See pages 46 and 47 of the First Volume of this Documentary History.

† See pages 41-46 of the same, (First Volume).

‡ The Right Reverend A. N. Bethune, D.D., D.C.L., one of the first pupils of the Home District Grammar School, thus pleasantly refers to his coming to the School "on a bright September morning." He said: "The District School-house was a capacious wooden building, standing on an open common, a little in rear and north of St. James' Churchyard. On entering it for the first time, with the Reverend



Doctor Strachan resigned the Head Mastership of the School on July 1st, 1823. He was succeeded by Mr. Samuel Armour, M.A., a graduate of Glasgow University, who afterwards became a clergyman of the English Church, and officiated many years in the Township of Cavan.

The Reverend Thomas Phillips, D. D., an accomplished scholar, came out from England in 1825, to take charge of the School, and remained in the position of Head Master, much honoured and beloved by his pupils, until, in 1829, chiefly by the exertions of the Governor, Sir John Colborne, Upper Canada College was established, and, in 1830, the work of the college began in the old Home District Grammar School Building. Classes were opened in the new Buildings erected (on Russell Square, in the western part of the city) for the college in 1831, and the Home District Grammar School was then closed,—the building being removed from its original site to the line of Nelson Street, (now Jarvis Street,) and fenced into a plot, seventy by one hundred and twenty feet. The remaining portion of the six acres was handed over to Upper Canada College.

On the active remonstrance of the citizens living in the eastern part of Toronto, the School was re-opened, and secured to the city, Mr. Charles N. B. Cosens being appointed Head Master in 1836. He was succeeded by Mr. Marcus C. Crombie in 1838. The authorities of Upper Canada College, however, refused to give up the five and a half acres which they had possession of, and though the matter was brought before the Law Officers of the Crown, and, it is stated, that the Attorney-General declared that the property belonged of right to the Home District Grammar School, yet authority to resume possession of it has never been given to the Trustees.\*

NOTE. In the Report of the Home District Grammar School to His Excellency Sir George Arthur for 1838, the following passage occurs :

The Teacher, C. N. B. Cosens, Esquire, having been appointed Master of the Preparatory Form in Upper Canada College, resigned his situation as Master of the District School, on the 80th September, 1838, and has been succeeded by Mr. Crombie, a gentleman highly recommended as an experienced Teacher, and under whose management it is hoped the District School will be rendered highly efficient. (Signed by the Reverend John Strachan, the Honourable William Allan, Mr. Charles C. Small, M.P.P., Colonel Walter O'Hara, Mr. George Ridout and Colonel James Fitzgibbon.)

#### REPORTS OF THE GRAMMAR AND COMMON SCHOOLS IN THE VARIOUS DISTRICTS OF UPPER CANADA, FOR THE YEAR 1838.

On the 21st of March, 1839, Sir George Arthur, the Lieutenant Governor, transmitted by Message, dated the 18th of that month, the various Reports of Grammar and Common Schools in Upper Canada for the year 1838, which he

Principal, on a bright September morning, (in 1819,) fresh school-boy feelings were awakened up at the sight of forty or fifty happy young faces, from seventeen down to five years of age. There was a class of only two in Greek, who took up Horace and Livy in Latin; and there were three Latin forms below them,—the most numerous and most sprightly reading Cornelius Nepos. None were much advanced in Mathematics; and, with the exception of the senior two, had not passed the fourth book of Euclid. Every thing was taught on the same plan as at Cornwall; but at York the pupils were much less advanced, and the Head-Master rarely took any share in the actual work of instruction. I had had the opportunity of seeing both Schools; and, though the glory of the former was never approached by the latter, still there are reminiscences connected with the school at York more fresh and lively than could be awakened by the more celebrated one at Cornwall. With the school-boys of the former,—now in the sere of life, and owning children and grand-children, I can exchange daily greetings; but few are left who were my associates in the latter: one by one they are dropping fast away. (*Memoir of the Right Reverend John Strachan, D.D., LL.D.* By the Right Reverend Dr. Bethune,) . . . his successor in the See, page 83.)

\*What Attorney General could have given such an opinion is not stated; certainly not the one who, as Member of the Executive Council, must have concurred in the Order of that Council to transfer the site to King's College in 1834. At a meeting of King's College Council on the 8th of November, 1839, Doctor Henry Boys, the Bursar, submitted the following particulars in regard to Block D, (*i. e.*, the site of the old Home District Grammar School): "This Block was a School reservation, and was deeded to the College on the 28th of November, 1834, for the uses of Upper Canada College. It was divided into building lots, which lots were sold by auction." . . . (Pages 136 and 137 of the First Volume of the Minutes of the King's College Council.) A copy of the deed of this Block D to "the Chancellor, President and Scholars of King's College, in trust for Upper Canada College" will be found on page 226 of the Second Volume of this Documentary History.

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had then received, (see page 146 *ante*). I have made such extracts from these Reports as seemed to be of general interest. These extracts are as follows:—

**EASTERN DISTRICT GRAMMAR SCHOOL.** The Trustees beg to express their unqualified approbation of the Reverend Hugh Urquhart, the talented and gifted Master of the District School; and they heartily congratulate this community, in possessing such a man to preside over the education of their youth,—a man who unites in himself the character of a Gentleman, Scholar and a Christian.\*

The Trustees hope that they are not going out of their way, in remarking on the unseemly building occupied as the District School House—an edifice which presents rather the appearance of an old barn, than a Seminary where the Classics and Sciences are taught; and they would humbly suggest to the Legislature the propriety of granting a sum of money, to erect a suitable building for a School House. (Signed by the Reverend George Archbold, Messieurs D. Macdonell and G. C. Wood.)

**EASTERN DISTRICT COMMON SCHOOLS.** The District Board of Education has distributed for the year 1838, to the several Teachers, the sum of Nine pounds Nine shillings each, for the period of twelve months, being the full amount of the allowance from Government.

The Board considers that, notwithstanding the small allowance, much good is done in the District, and, were the allowance to be increased, Teachers would come forward better qualified, and be induced to remain. Many at present seem to continue for a few months, as a matter of convenience, and to assist themselves in following other occupations, which greatly retards the improvement of the children. (Signed by Messieurs Joseph Anderson and D. Macdonell.)

**OTTAWA DISTRICT GRAMMAR SCHOOL.** The pupils are twenty-four in number; and, although few of them are engaged in the higher branches of learning, yet their improvement and attainment in their respective studies are conspicuous and satisfactory, and bear evident testimony to the zeal and abilities of the Teacher, Mr. Colin Gregor. (Signed by Messieurs George Hamilton and W. Kearns.)

**OTTAWA DISTRICT COMMON SCHOOL.** The District Board of Education is satisfied with the terms of the Trustees of the several Common Schools, and with the capabilities and conduct of the Teachers. The Board is also very sensible of the beneficial effects to the youth of the District, which flow from the establishment of Schools. (Signed by Sheriff Charles B. Treadwell, and Messieurs Philo Hall and Alexander Grant.)

**JOHNSTOWN DISTRICT GRAMMAR SCHOOL.** The Grammar School House is an old frame building, very cold and inconvenient. The prosperity of the establishment, no less than the comfort of the Master and Scholars, would be materially increased by the erection of a substantial and well contrived Stone Academy. Funds also are greatly needed, for the purchase of apparatus, which is pre-eminently necessary in a country like this, where practical knowledge is so highly important to the public good. (Signed by the Reverends E. Denroche and William Smart, the Honourable Charles Jones and Mr. E. Hubball.)

**MIDLAND DISTRICT GRAMMAR SCHOOL.** The number of scholars in attendance at this School is thirty-two, who are divided, according to their age, proficiency, or probable occupation in after life, into several classes; the two senior of which are instructed in the elements of the Greek and Latin languages; in the use of the Globes; in Algebra and Euclid; and in Sacred and profane History. The other classes, according to their capabilities, are successfully assisted in the acquisition of that knowledge, both of a religious nature and secular, which is so essential to their future happiness and usefulness, as members of society, and subjects of a Christian Queen.

The Trustees of the Midland District Grammar School earnestly desire to call Your Excellency's attention to the decayed state of the Building now occupied as the District Grammar School House. They beg to assure Your Excellency that, in a year or two, at most, it will be in such a ruinous state, as to be absolutely untenable; and they have no funds at their disposal, from which they could either repair the present House or erect a Building more adequate to the wants of the District. (Signed by Archdeacon George Okill Stuart, the Honourable Messieurs Thomas Markland and Robert D. Cartwright, and James Sampson.)

\*The Reverend Doctor Gregg, in his "History of the Presbyterian Church in Canada," (1885), thus speaks of Mr. Urquhart: "Mr. Urquhart was a native of Ross-shire, Scotland, educated at King's College, Aberdeen . . . Soon after his ordination, he came to Montreal, where he was engaged for some years as a Classical Teacher . . . On the 18th of February, 1827, he came to Cornwall, (as Minister). . . He taught the Eastern District Grammar School until 1840. . . From 1847 to 1857 he filled the Chair of Church History in Queen's College, Kingston, but still retained his position as Pastor of the Congregation in Cornwall. In 1857 he received the degree of Doctor of Divinity from the University of Aberdeen. He died at Cornwall, on the 5th of February, 1871, aged 78." (See page 231 of the 1st volume.)

**PRINCE EDWARD DISTRICT COMMON SCHOOLS.** The District Board of Education is well convinced that much benefit is derived from the encouragement given to Common Schools by the Government. The Trustees of the several Schools report generally that the Teachers employed, conduct themselves with propriety, and the Board hope that encouragement will still be extended, for the purpose of improving and increasing Common Schools in the Province. (Signed by the Honourable Simon Washburn and Mr. N. Bollard.)

**NEWCASTLE DISTRICT GRAMMAR SCHOOL.** The Head Master of this School reports that number of scholars at present on the books, is thirty-one; the average attendance is twenty-five; all the free places are full. There are some boys learning Latin. The books used are the same as those of the Upper Canada College, as far as they can be procured; there is, however, a great difficulty in obtaining them, which difficulty is increased by the unwillingness of some parents to incur the expense. The most serious disadvantage under which we labour is the want of a proper School House; the one formerly used for that purpose being now in such a state as to be untenable. (Signed by Mr. Walter C. Crofton, Head Master.)

**HOME DISTRICT COMMON SCHOOLS.** The Home District Board of Education, state that for many years, elaborate Reports were sent from the Board, detailing what were believed to be the alterations necessary to render the present Common School Act efficient. In consequence of these, and like reports, from other Districts, a measure for the establishment of such Schools, has been for more than six years before the Legislature, which purposes to provide remedies for the defects which are met with in the working of the present system. (Signed by Archdeacon Strachan and the Honourable William Allan.) (See page 212 of this Volume, *ante*.)

**NIAGARA DISTRICT GRAMMAR SCHOOL.** The progress of the pupils in the Common branches has been highly satisfactory; the senior pupils (in Latin and Geometry) have, on several occasions, called forth our particular approbation. On the whole, it gives us much pleasure to attest the ability and industry with which Doctor Whitelaw has discharged the duties of his office, and the success with which his labours has been crowned. (Signed by the Reverend Messieurs Thomas Creen and Robert McGill.) (See page 139 of this Volume, *ante*.)

**LONDON DISTRICT GRAMMAR SCHOOL.** In October 1837 the London District Grammar School was removed from Vittoria to London, and Mr. Francis Wright, A.B., was chosen Master. There have been no returns made by the Trustees of Common Schools, of the children of poor parents, for gratuitous instruction in the Grammar Schools; and the Board is of opinion, that, under the present very defective system, the Common Schools of the Country will rather repress, than encourage, a desire amongst the people for education of a superior description. The Trustees generally of the Common Schools, are men who do not know the value of a classical education, and the Masters chosen by these Trustees are often ignorant men, barely acquainted with the rudiments of education, and, consequently, jealous of any school superior to their own. In many cases, too, they are foreigners, and therefore anxious to keep the people from acquiring a liberal education, which, they well know, would be the surest means of protecting them from the delusions practised upon them by designing men, and of strengthening their attachment to those institutions which are based upon the soundest principles of philosophy and Christian truth, and which have, for ages, successfully withstood the united attacks of infidelity, false philosophy, and the restless desire of change so natural to man. (Signed by the Reverend Benjamin Cronyn, A.M., Mr. John Harris, County Treasurer, and Mr. Mahlon Burwell, M. P. P.)

**LONDON DISTRICT COMMON SCHOOLS.** The District Board of Education cannot abstain from remarking upon a system now, (as is believed,) to be commonly practised by Teachers, and generally encouraged by the employers in the country, of receiving the Teachers as members, or lodgers, with each family, who are subscribers to the School, in succession, for the period of engagement, which, in its influence and consequence, has not hitherto been productive of good; and, more especially, in cases where the Teachers have been Americans,—a system than which none can be more mischievous in its effects: added to which, the circumstance, as will be seen, by reference to the books used in the schools, that a portion of American books, particularly geographies, have been permitted to be used, (notwithstanding the Board have the power to order the discontinuance of such books), because others could not be procured in the country—nor has any provision been made by the Legislature for the formation of depots, where proper books could be had. (Signed by John B. Askin.) (See page 3 of this Volume, *ante*.)

**WESTERN DISTRICT COMMON SCHOOLS.** The Western District Board of Education thus report on the present State of the Common Schools in the District:

*First*—The situation of the School House is not always judiciously chosen,—it being situated often more for the convenience of some influential person, than for that of the inhabitants generally of the settlement.

*Second*—The School House is often a wretched log hut, or a ruinous building, altogether unfit for the purpose,—especially in the winter season.

*Third*—In too many cases the Teachers are badly qualified for the task which they undertake ; and, some of them, having taken up the profession more from necessity than choice, are seldom permanent,—and consequently, very inefficient Teachers.

*Fourth*—The remuneration which the Teachers of Common Schools receive for their services, are by no means sufficient to induce respectable, and well qualified Teachers to undertake the irksome and laborious task. The allowance made by Government seldom exceeds Seventeen or Eighteen pounds Halifax Currency, per annum ; and the small fees due by the parents of the pupils, are most generally very ill paid.

*Note.* I have reason to believe that there is not, within our District, a single Teacher who is not, (*bona fide*), a true and loyal British subject.

*The following are some Hints for the Improvement of the Common Schools of the Province.*

*First*—The School Room should be erected in a dry and healthy situation, if possible, and situated so as to suit the majority of the inhabitants of the settlement in which it is erected. The School-Room should be a neat and commodious Building, sufficiently large to render it airy and healthy in the summer seasons, and well finished, inside and out, to cause it to be comfortable in the winter. It would be advisable to have all the School-Houses throughout each District uniform, at least in their external appearance.

*Secondly*—A comfortable Dwelling should be erected for the accommodation of the Teacher and his family, and three or four boarders, if necessary, contiguous to the School-Room ; and, if ten or fifteen acres of land could be obtained, so much the better.

*Thirdly*—The Teachers throughout the Province might be divided into three classes, according to the acquirements :—

(1) The first Class to be qualified to teach Classics, Mathematics, together with the minor branches.

(2) The Second Class should be qualified to teach Mathematics, Book-keeping, etcetera.

(3) The Third Class should be capable of giving a good English Education.

To the first-class, should be given an allowance from government of not less than £100 currency, annually.

To the second class, not less than £75 a year.

To the third class, not less than £50 a year.

*Fourthly*—Every Teacher, previous to receiving an appointment, should be examined, as to his literary acquirements, his political opinions, and his moral character ; and, after having given full satisfaction on these points, should receive from the Lieutenant-Governor of the Province, a License, signed by His Excellency, and sealed with the Seal of the Province.

*Fifthly*—A uniform set of Elementary Books should be compiled and published for the use of the Common Schools of the Province ; and those Republican productions, that tend to poison the minds of the youth of the country, should be driven out of the Province. A uniformity should also be adopted in relation to the other School Apparatus. The pupils should be furnished by the Teacher with pens, ink and writing books, and a quarterly charge should be made for the same ; and the writing books should be retained to the end of each quarter, or six months, by the Teacher. It would thus be seen what progress the pupil has made in that branch during the period.

*Sixthly*—A discreet and competent person should be appointed by His Excellency the Lieutenant-Governor, to visit the schools in each District, eight, or at least, four, times in the year, to examine the Scholars, and the internal economy of the School, and to report thereon annually ; and this person should have a salary allowed him for his services. (Signed by the Reverend William Johnson, "Member, and acting Clerk.")

REMARKS ON THESE LOCAL REPORTS. There are two things especially emphasized in these extracts from the local School Reports of 1838. The first was the inferior accommodation provided, in the shape of School Houses, and incident thereto, the dilapidated condition in which most of them were. This was chiefly true of the District Grammar Schools, as here stated, and in Resolution, number eight, of the Legislative Council, on page 165 of this Volume, *ante*.

The second great difficulty experienced by the Trustees was, the almost utter absence of proper qualifications on the part of persons who offered themselves as

Teachers of the Common Schools, and the miserable stipends, which they received. This fact is so constantly pointed out, wherever the condition of the Schools is referred to in these pages, as to require no demonstration.

The cause which produced this unfortunate state of things was two-fold. The most serious cause was the opposition, which invariably developed itself, against all effort to provide funds, except by voluntary subscription, or school fees. The second was the practice, and universal desire, which prevailed, to obtain from the Government means for paying the Teacher, and providing proper school accommodation, in the shape of buildings. The effort made, in one or more of the School Bills introduced into the Legislature, to authorize the Quarter Sessions to impose a School rate, was always successfully opposed; and the final effort of the Legislature, in 1839, to authorize by Bill a general rate on the Districts, for the benefit of the Schools, failed, as did other valuable provisions in the same measure.

Few of those who, to-day, look with pride upon the very handsome, and almost palatial, Public School Houses, High Schools and Collegiate Institutes in Ontario, can realize what, a quarter of a century ago, was the greatly inferior buildings, and very inadequate accommodation possessed by even some of the best Schools in the Province at that time.

#### HISTORICAL RESUME OF EDUCATION IN UPPER CANADA IN 1837-1839, FROM A CRITICAL STANDPOINT.

Mr. T. R. Preston, who resided in Canada during the years 1837, 1838 and 1839, wrote a book on his return to England, entitled: "Three Years Residence in Canada." It is somewhat superficial, as it is supercilious in tone, yet it contains a comprehensive summary of the history of Education in Upper Canada as critically viewed, in a strong light, by a stranger, who was evidently dependent, to some extent, upon others for the information which he gives in his Book. From this Work, I have made the following extracts:—

In Upper, as in Lower Canada, the means of affording a sound and useful Education to the people, are, by common assent, far in arrear of the general want.

A few years after the injudicious division in 1791, of the Province of Quebec into the Provinces of Upper and Lower Canada, it was directed that a portion of the Waste Lands of the Crown,

\*An earnest effort was made early in 1849 and 1856, to remedy this state of things. A number of pamphlets, containing sixteen "Plans of School Houses," was obtained from the Massachusetts State Board of Education, for distribution to School Trustees. Early in 1849, also, an extensive series of wood cuts of School House plans was procured from Mr. H. C. Hickok, Deputy Superintendent of Education in the State of Pennsylvania, and from Doctor Henry Barnard, (through Mr. F. C. Brownell), of Hartford, Connecticut, who was afterwards the first United States Commissioner of Education at Washington. These illustrations were published in successive numbers of the *Journal of Education for Upper Canada*. In 1858, these, and a number of other illustrations of School Houses and apparatus, gymnastics, etcetera, were printed in book form, under the following title: "The School House; its Architecture; External and Internal Arrangements; with additional papers on Gymnastics, the use of Apparatus; School Discipline; Method of Teaching, etc.; together with Selections for Public Recitations in Schools." Edited, by authority of the Chief Superintendent of Education for Upper Canada, by J. George Hodgins, M.A., Deputy Superintendent, Toronto, 1857-58. This book contained nearly two hundred illustrations of School House Architecture, Gymnastic Apparatus, etcetera, and extended to 212 pages.

NOTE, In 1876, and in 1886, other works on School Architecture were prepared by the same Author. The one published in 1876 contained upwards of 400 illustrations, and extended to 271 pages; that published in 1886, contained 75 illustrations, and extended to 135 pages.

situated in the former, should be set apart for the endowment of Free Grammar Schools, and, in process of time, also of a University. Accordingly, several Townships were selected, comprising, after the usual deductions for Crown and Clergy Reserves, about 549,200 acres.

At the expiration of the next ten years (1807), so unfruitful had proved this extensive Grant, that the local Legislature was under the necessity, in order to meet the pressing wants of the community, of appropriating from the Revenue of the Province, the annual sum of £100 currency to each District, for the maintenance therein of a School, corresponding in some degree to an English Grammar School.

These Schools, established in virtue of Legislative enactment, were subject to certain regulations, and placed under the direction of Trustees, nominated by the Lieutenant-Governor. There are now twelve, if not thirteen, of them in existence; but, according to all accounts, in a very inefficient state.

Within the ensuing fifteen years the land endowment still remaining insufficiently productive, the legislature found itself called upon in 1816 to assign annually to each District a further sum of £250 currency, for the support of a Common School, and the same, as far as the provincial funds will admit, is still continued.

This brings us to 1822-3, about which period, the Colonial Secretary, possibly presuming that the barren endowment had too long revelled in its native wildness, assigned the management of it to a General Board of Education for the Province, composed of various personages holding prominent stations at York, now Toronto.

Judging by results, the proceedings of this Board, during the ten years that it continued in existence, tended as little to promote that most essential object of its appointment,—the promotion of the cause of elementary instruction,—as to have inspired the public with confidence in its wisdom: since the quantity of lands, leased, or disposed of, under its management, did not, it should seem, exceed twelve thousand acres; while in 1832-3, the trust reposed in it was resumed, at the requisition of the House of Assembly, subject to whose control was thenceforth placed all revenue derived from past, or to be derived from future, alienations.

I am not aware what further sums have been realized under this new arrangement; though, considering the almost entire cessation of immigration, and the unsettled state of the country for some years past, they cannot have been very great. But there is a point, connected with the proceedings of the Board just mentioned, which remains to be adverted to.

It has been stated that the land endowment, forming the subject of discussion, contemplated among its other objects, the establishment, in process of time, of an University. Now this, if it meant anything, surely implied the pre-existence of a state of things which should justify the erection of such an institution: for a condition of society can scarcely be conceived so anomalous as to require a Seminary conferring the higher grades of academic learning on the few, while the means of extending elementary instruction to the many, should be almost wholly wanting.

The General Board of Education took, however, an entirely different view of the question: either assuming that elementary education in Upper Canada had attained its zenith; or deeming it better to begin at the apex and work downwards to the base of the structure they were called upon to rear, than to follow the old-fashioned custom of first laying the foundation, and then working upwards. In other words, they sought to invert the entire order of the whole scheme of the endowment, by strenuously endeavoring to raise the projected University at the expense of the primary schools.

To this end, a University Royal Charter of incorporation was applied for, and granted in 1827. The next proceeding taken, was of a far more profitable nature.

Influence was successfully exerted with the Home Government to induce the King to resume out of the original general endowment about 225,900 unproductive acres, and to assign in exchange for the same, the like quantity from scattered Crown Reserves, partly under lease, in old settled Townships, where the land bore a greater present value, as a special endowment for the University.

This might, or might not, be grasping for a single object, an undue share of the primitive grant: but this was not so much the question, as that what could be done for special education, was not done for popular education in preference; seeing that the latter was miserably languishing for the means of extension and support, and the wherewithal was wanting to accomplish both objects in conjunction.

Thus far all had gone on in accordance with the views of the General Board of Education, but the further progress of their undertaking, was frustrated by an untoward incident. The Charter, when it arrived, gave such general dissatisfaction, from the exclusive religious tests which it required of the College Council and Professors, the nomination of the Archdeacon of York as President of the University, and some minor matters of detail, that the Legislature petitioned the King to supersede it by another, excluding the obnoxious clauses.

This was declined, as an irregular method of proceeding; but the Provincial Legislature was empowered to pass an Act, making such amendments to the Charter, as they might deem expedient. Numerous Sessions elapsed in vague and acrimonious discussions on the subject; nor was it until the early part of 1837, that the points at issue were finally adjusted in the manner suggested.

Pending these occurrences, a march had been stolen on the projectors of the University, by the present Lord Seaton, then Lieutenant-Governor of the Province, who succeeded in establishing, in 1829, after much difficulty and labour, the institution known as Upper Canada College, and which corresponds in its principle to superior Grammar Schools in England.

As a special endowment for this Seminary, the further quantity of 66,000 acres was abstracted from the school lands, and exchanged, as in the case of the embryo University, for an equivalent in more valuable Crown Reserves. Moreover, it had assigned to it an eligible location in the best part of York; while the land pertaining to a "Royal" Grammar School, already existing there, which it superseded, was sold for its advantage.

It might have been supposed that these benefits, combined with the ordinary revenue arising from the fees of tuition, would have sufficed for the efficient maintenance of the Institution, but such has not hitherto been the case; and, it is evident, from documents submitted to the Provincial Legislature, that yearly appropriations from the funds of the University endowment, have alone enabled the College to go on.

These appropriations now constitute positive alienations from the endowment in question; for, by a clause in the Provincial Act amending the University Charter, the College has been incorporated with that Institution as a subsidiary branch; so that the endowments of either have thus virtually become common to each; though practically, the advantage has been rendered altogether one-sided by the pre-existence of the College, and the endowment of the University being more immediately productive.

Such being the state of the case up to the early part of 1837, it may readily be surmised, on a review of the circumstances of the country subsequently thereto, that the University stood but little chance of assuming a more tangible shape than formerly: while, in point of fact, what, between the foregoing causes, and one or two others yet remaining to be mentioned, the scheme of its present erection has completely fallen through.

In the Session of the Upper Canada Legislature ending in April 1839, an Act was passed appropriating a still further portion of the annual revenue accruing from the University endowment, to the support of Upper Canada College and the District Grammar Schools, on the ground that education would be thereby more effectually advanced, considering its present state, than by the erection of an University.

The proceedings incident to this measure having necessitated an inquiry into the actual state of the University Funds, it was discovered that large abstractions had been made therefrom for private purposes by the Officers entrusted with their management; that loans had been granted from them on mere personal security; and that, in fine, profiting by the state of abeyance in which the University had so long been left, the Officers in question had most shamefully abused the trust reposed in them. Two of the subordinates were at once dismissed; but the College Council, with whom the responsibility virtually rested, escaped harmless; though it was obvious that the work of spoliation must have been going on for a considerable length of time.

From printed statements submitted to the House of Assembly, it would appear, that the aggregate value of the lands of the endowment sold or leased, to the end of 1838, was £100,809 currency, whereof £50,224 had been actually received, leaving £47,585 to be realized. On the other hand, the amount of the alienations to Upper Canada College was, (including, I believe, nominal interest) £33,944; the estimated value of loans and investments, etcetra, £15,237; and the apparent cash balance £8,368, making an aggregate amount of £57,550 in assumed assets; but very little of which, it was believed, could readily be made available.

As regards the land endowment, a review of much that has preceded, taken in conjunction with some further Returns to the Legislature, will give the following results.

	Acres.
Disposal of original grant of .....	549,200
Resumed by the Crown, in lieu of scattered Reserves granted to the University, ..	225,900
Resumed by the Crown, in lieu of scattered Reserves granted to Upper Canada College .....	66,000
Apparent balance for Elementary (? Grammar) Schools .....	257,300
Total original grant .....	549,200

*Disposal of the above special Grants.*

	Acres. Alienated.	Acres. Disposable.	Total acres of the Grant.
University endowment.....	93,700	132,200	225,900
Upper Canada College endowment.....	17,388	48,612	66,000
	111,088	180,812	291,900

As regards the school residue, deducting the 12,000 acres alienated by the Board of Education, and also about the 17,000 more, which are stated to have been granted to Surveyors for professional services, in lieu of money payments, there will remain a seemingly disposable balance of 228,300 acres; but allowing for what may have been since realized, and for mis-statements, it will be perhaps safer to estimate the actual quantity available at 200,000 acres.

I have been thus minute in the history I have attempted of one great branch of the special land endowments in Upper Canada, from a desire to prove, that, while such endowments are incompatible with the condition of a new country requiring to be quickly settled, they are, however ample, inadequate, as a means to the ends, which it is their professed object to promote.

The case brought under review presents a striking illustration of this fact: establishing, moreover, that even were the principle of the endowment a correct one, the method of its development was replete with fallacy and injustice; attempting, as it did, to invert the legitimate order of a common inheritance.

Though unquestionably, an object most desirable *per se*, the establishment, if it were possible, of an Institution in Upper Canada, conferring only on the few the higher grades of literary and scientific learning, would be a strange burlesque, so long as elementary instruction remained in arrear of the general want. A very strong feeling, consonant with such view, obtains on this subject in the Province: and it was signally displayed when there seemed a probability of an University and a College figuring in conjunction, at Toronto, when the rest of the country was inadequately supplied with schools.

Another serious evil arising from the neglect of popular education in Upper Canada, is, that throughout the rural districts, numerous American adventurers, many of them persons of the lowest grade, and imbued with sentiments the very reverse of friendly to every thing that is British, have "squatted" as elementary Teachers, wheresoever they found the field unoccupied; pursuing their speculation with pecuniary profit to themselves, but with any thing but advantage to the moral discipline of their youthful pupils.

There are a few good private Schools in the different Towns of the Province, conducted by competent individuals; but such are, of course, useless as regards the rural population, as is also the Wesleyan Methodist Academy, or College, established at Cobourg, which, notwithstanding the clamour raised against it by persons of ultra notions, is, according to every account, a very useful Seminary. It has received from the local government, in aid of its funds, a loan or grant of about £800 sterling, [£4,100] and is under the management of a Board of Trustees.

The only effectual remedy for the untoward state of things thus induced, in regard to education, by a wrong course of action, would obviously seem to lie in the appropriation of the whole of the present annual revenue, derived from the University endowment, to the common purposes of elementary education, as it is now in part applied;—the resumption, so as to effect the speedy realization of the residue of the entire educational endowment yet unalienated,—say, in round numbers, from former statements, 380,000 acres, by fixing on it, in common with the Clergy Reserves, and all Crown Lands, a price that should readily command purchasers; and finally, the investment of such proceeds in a productive stock, the interest wherefrom to be progressively applied in promoting the general cause of education, irrespective of its highest branches.

When a fitting time arrived for the erection of the proposed University, the object might be accomplished by the joint agencies of a special pecuniary grant, (since it may be assumed that the country would then be in a condition to afford it), and the voluntary contributions in subscription shares, or donations, of individuals interested in its establishment, in the same manner that we have seen practised in England, in the cases of the two Metropolitan Universities of recent origin. (Pages 90, 97-111.)

Acres.  
549,200  
225,900  
  
66,000  
257,300  
  
549,200



### THE CONGREGATIONAL COLLEGE OF BRITISH NORTH AMERICA 1838.

The Reverend Frank H. Marling, D.D., formerly Secretary of the College, furnished me with the following account of the College some years ago. He said:

This is a purely Theological Institution; its object being "to educate Ministers for the Congregational Churches of Canada, and the other Provinces of British North America." The past history and present form of the College have been a natural growth out of circumstances and necessities of the Body to which it belongs.

In 1838, shortly after some ministers had been sent from England to the Congregational Churches formed in the Colony, some young men offered themselves to be educated for the ministry. They were accordingly placed under the care of the Rev. Mr. (afterwards Doctor) Adam Lillie,—then Pastor of a Church in Dundas, Upper Canada.\* Other candidates coming forward, it was determined to establish a Theological Seminary, under the name of the "Congregational Academy," at Toronto, and the Rev. Mr. Lillie was appointed Tutor. The course consisted of sessions of nine months each.

The Congregational Institution was not endowed. It derived its income from annual contributions from the Colonial Churches, assisted by a grant from the Colonial Missionary Society of England. It is under the control of the subscribers, who hold an Annual Meeting at the same time and place as that of the Congregational Union of Canada. By them a Board of Directors is chosen for the management of all the affairs of the College.

(NOTE. The remainder of this sketch will be inserted in its proper chronological place.)

## CHAPTER XII.

### EDUCATIONAL PROCEEDINGS OF THE UPPER CANADA LEGISLATURE 1839, 40.

The Right Honourable Charles Poulett Thomson was appointed Governor-General of British North America in September, 1839, and arrived in Canada on the 17th of October, of that year. On the 3rd of December, 1839, he opened the fifth session of the Thirteenth Parliament of Upper Canada. Sir George Arthur was the Lieutenant Governor of Upper Canada, but the Governor General, his superior Officer, delivered the usual opening speech to the Legislature. In it, he stated that he had taken an early opportunity of visiting Upper Canada, and of assembling its Parliament. He made no reference to educational matters in his speech, but confined it chiefly to financial and commercial matters, and to the projected union of the Provinces of Upper and Lower Canada.

### EDUCATIONAL PROCEEDINGS OF THE UPPER CANADA HOUSE OF ASSEMBLY, 1839-40.

*December 4th, 1839*—Mr. Anthony Manahan gives notice that he will, on Monday next, ask leave to bring in a Bill to repeal the Act passed in the First Session of the present Parliament, intituled: "An Act to amend the Charter of the University of King's College," by which Act the said College was endowed with land, which ought by law, to be appropriated to the establishment of Grammar Schools throughout this Province. (NOTE. This Bill was not brought in, as promised by Mr. Manahan.)

\* The Reverend Adam Lillie, D.D., was born in Scotland. He was formerly a Missionary to India, but came to Canada about 1836. For twenty-five years he was Theological Tutor in the Congregational Institute, Toronto. He was also a Member of the Council of Public Instruction of Upper Canada, from 1850 until his death. He died in 1869.

Mr. Anthony Manahan gives notice that he will, on Monday next, move that an humble Address, be presented to His Excellency, the Governor-General, praying that His Excellency will direct that the School Land Reservations in the Townships of Bedford and Sheffield, in the Midland District, be withdrawn, and that other Reservations in lieu thereof, be made in the unsurveyed Township now called Clarendon, in the said District, as the reservations have proved a great hindrance to the settlement of the said District; and further, that his Excellency would be graciously pleased to direct that the ungranted lands in the rear Townships of the Midland District, and the District of Victoria, be open for location for actual settlements, or set up for sale at an upset price of four shillings per acre.

Mr. Anthony Manahan gives notice that he will, on Friday next, move that an humble Address be presented to His Excellency, the Governor General praying His Excellency to issue a Committee of investigation, to consist of some five honourable, patriotic and talented gentlemen, entirely disconnected with any party, formerly, or at present in office, to enquire into all the public affairs of this Province, with the view of fully ascertaining how those affairs have been hitherto conducted,—whether to the public good and advantage or not; whether defalcations in the public monies exist, and if so, with whom, and to what amount such defalcations have occurred. And that His Excellency be further prayed to institute these enquiries with the least possible delay, so that a report of its proceedings may be transmitted by His Excellency, to be laid before the Imperial Parliament during its next session, so that such measure of responsibility, as the Imperial Government may deem requisite, may be introduced into the [proposed] Constitutional Act for uniting the Provinces of Upper and Lower Canada. (NOTE: This subject was not again brought before the House by Mr. Manahan.) (See page 240, post.)

December 5th, 1839. Mr. Charles C. Small gives notice that he will, on tomorrow, move that so much of the Speech of His Excellency the Governor General as declares that, "The condition of the Public Departments in the Province will require your best attention," be referred to a Select Committee, with power to send for persons and papers, and to report thereon; and that Messieurs David Thorburn, William Hamilton Merritt, Charles Bockus and Colin C. Ferrie do compose said Committee. (NOTE: This matter was not again brought before the House by Mr. Small, as Sir George Arthur had issued a Commission on the subject in October.)

December 12th, 1839. The Petition of Mrs. Blackwood of the Town of Cornwall, praying for pecuniary aid to Female Schools, presented to the House on the 10th instant, was read.

December 13th, 1839. On motion of Mr. George S. Jarvis seconded by Mr. Alexander McLean, it was ordered, that the Petition of Mrs. Blackwood be referred to a Select Committee, composed of Messieurs Richard P. Hotham, Mahlon Burwell, Alexander McLean and the Mover, with power to report thereon by Bill, or otherwise.

December 18th, 1839—Pursuant to notice, Mr. Anthony Manahan, seconded by Mr. John Kearns, moves, that an humble Address be presented to His Excellency, the Governor-General, praying that his Excellency will be pleased to direct that the School Land Reservations in the Townships of Bedford and Sheffield, in the Midland District, be withdrawn, and that after reservations, in lieu thereof, be made in the unsurveyed Township, now called Clarendon in the said District, as those reservations have proved a great hindrance to the settlement of said District; and further, that His Excellency would be graciously pleased to direct that the ungranted lands in the rear Townships in the Midland District, and District of Victoria, be open for location and actual settlement, or be set up for sale, at an upset price of four shillings per acre, and that Messieurs Edmund Murney and Archibald McDonell be a Committee to draft a Report, and present the same to His Excellency; which was carried and ordered.

A Petition, which was presented to the House on the 16th instant, was read: Of the Reverend Messieurs Robert McGill, Moderator, and Alexander Gale, Clerk of the Synod of the Presbyterian Church of Canada, praying for the passing of an Act, vesting certain lands in Trustees, to assist in the establishment of a College in connection with the Presbyterian Church, [i.e. Queen's College, Kingston.] Ordered—That the Petition be referred to a Select Committee, consisting of Messieurs David Thorburn and Edward W. Thomson, to report thereon by Bill, or otherwise.

December 19th, 1839—Pursuant to the Order of the Day, a Petition was read:—From the Reverend George Archbold and one hundred and seven others, of the Eastern District, presented on the 17th instant, praying that some provision may be made for ameliorating the condition of the Deaf and Dumb. Ordered—That the Petition be referred to a Select Committee, consisting of Messieurs Alexander McDonell, George S. Jarvis and William H. Draper, Solicitor-General, to report thereon.

Mr. Edmund Murney, from the Committee to draft an Address to His Excellency the Governor General, respecting certain School Land Reservations in the Midland and Victoria Districts, reported a draft, which was received and read a first time. Ordered—That the Address be read a second time to-morrow.

*December 23rd, 1839.*—Mr. Edward W. Thomson gives notice that he will on to-morrow, move for leave to bring in a Bill to provide for a more efficient system of Common School Teaching within the Province. (NOTE. This Bill was not brought in, as promised, by Mr. Thomson.)

Pursuant to the Order of the Day, the Address to His Excellency, the Governor-General, respecting certain School Land Reservations in the Midland and Victoria Districts was read the second time. The House went into Committee of the Whole on the same, Mr. William Chisholm in the chair. The House having resumed, the Chairman reported that the Committee had made some progress in the Address, and asked leave to sit again to-morrow. The Report was received, and leave was granted accordingly.

*December 24th, 1839.* Mr. George S. Jarvis, from the Select Committee to which was referred the Petition of Mrs. Blackwood of the Town of Cornwall, presented a Report, which was received and read as follows :

TO THE HONOURABLE THE COMMONS HOUSE OF ASSEMBLY OF UPPER CANADA :

Your Committee, to whom was referred the Petition of Mrs. Blackwood of the Town of Cornwall, praying for aid to Female Schools, most respectfully beg leave to report :

1. That they have taken the subject into their most serious consideration, and earnestly commend to your Honourable House to appropriate a sum of money annually for the encouragement of Female Schools.

In making this recommendation, your Committee cannot better advocate the measure than by making use of the language of the Petitioner wherein she urges the—

“ Advantage, nay the necessity, of providing the means of giving a liberal education to those who are destined by Providence to become the Wives and Mothers of our future Rulers, Magistrates and Legislators, and who may, therefore, be supposed to be able to exercise a certain degree of influence over them ; the tending of which must depend upon the principles they imbibed, and the habits they acquire in early life.”

Upon the remarks of the Petitioner, comment is unnecessary ; they contain truths which are worthy of the attention of your Honourable House. Your Committee cannot refrain from advertising to the fact, that, while a liberal grant has been made for the support of Male Schools, no provision has ever been afforded to those intended to instruct the other sex, whose precept and example must ever have great weight in exalting the character of any people.\*

All which is respectfully submitted to your Honourable House.

COMMITTEE ROOM, HOUSE OF ASSEMBLY,  
23rd of December, 1839.

GEORGE S. JARVIS,  
Chairman.

On motion of Mr. George S. Jarvis, seconded by Mr. Alexander McLean, it was ordered— That the foregoing Report on the Petition of Mrs. Blackwood be referred to the Committee of Supply. (No grant was made, however, and the matter then dropped.)

*December 31st, 1839.* Mr. Edward W. Thomson gives notice that he will, on to-morrow, move that the House resolve itself into a Committee of Supply for the purpose of granting a sum of money for the support and maintenance of Common Schools within this Province.

#### EDUCATIONAL PROCEEDINGS OF THE UPPER CANADA HOUSE OF ASSEMBLY, 1840.

*January 2nd, 1840.* Mr. Speaker reported that Mr. Secretary Murdoch had brought down from His Excellency the Governor-General the following Message, which was read by the Speaker:—

C. POULETT THOMSON :

In conformity to the intention announced to the House of Assembly by the Lieutenant Governor, during their last Session, [on the 22nd of April, 1839, page 149, *ante*], the Governor General transmits herewith, for their information, Reports on the affairs of the University of King's College, and of the Upper Canada College, accompanied by returns of the Revenue and Expenditure of those Establishments.

TORONTO, 31st December, 1839.

C. P. T.

NOTE. These reports are very voluminous and enter largely into minute detail. They are, therefore, not inserted here. They will be found in Part II of Volume I of the Appendix to the Journals of the House of Assembly of the fifth

\*The admission of females to the High Schools, Collegiate Institutes, Colleges, and Universities in these days shows what a great advance has been made since 1839.

session of the Thirteenth Parliament of Upper Canada, 1839-40, pages 451-476. The total assets of King's College and Upper Canada College up to the 30th of November, 1839, are set down on page 474 as £319 7 4. In a note it is stated that "the Grammar School Funds, not being transferred [from the Receiver General] to the University, are not included in the foregoing statement."

*January 3rd, 1840*— On motion of Mr. Ogle R. Gowan, seconded by Mr. Henry Ruttan, it was ordered—That that part of the Message of His Excellency the Governor General sent down yesterday to this House, which relates to the affairs of King's College, and the Upper Canada College, be referred to a Select Committee, consisting of Messieurs James Morris, Henry Sherwood and Charles C. Small, with power to send for persons and papers, and to report thereon. (NOTE. The Committee appointed in this matter did not report during the Session.)

Mr. Speaker reported that Mr. Secretary Murdoch had brought down from His Excellency the Governor General several Messages and Documents. The following was read by the Speaker :

C. POULETT THOMSON :

The Governor General transmits, for the information of the House of Assembly, such Reports of Trustees of District Grammar Schools as have been received during the current year, videlicet :—The Eastern, Ottawa, Johnstown, Bathurst, Prince Edward, Newcastle, Home, Gore and Talbot Districts. An also such Reports of Common Schools as have been received from District Boards of Education, for the same period, namely :—The Eastern, Johnstown, Bathurst, Newcastle, Niagara and Talbot Districts.

TORONTO, 2nd January, 1840.

C. P. T.

(NOTE. Extracts from these Reports will be inserted in another Chapter,—XV.)

*January 9th, 1840*. On motion of Mr. George S. Jarvis, seconded by Mr. Alexander McLean, it was ordered—That this House do, on to-morrow, resolve itself into a Committee of Supply, on the Report of the Select Committee, to whom was referred the Petition of Mrs. Blackwood, praying for aid for female education.

*January 10th, 1840*.—The following Petition was read : Of the Trustees of the Ancaster Literary Institution, presented on the 8th instant, praying for pecuniary assistance, and for an annual salary for the Teacher.

Mr. Speaker reported that the Clerk of the Honourable the Legislative Council had yesterday brought down from that Honourable House, a Bill, intituled : "An Act to establish a College at Kingston, by the name and style of the University of Queen's College," which that Honourable Body had passed, and requested the concurrence of this House thereto. The Bill was, therefore, read a first time, and it was ordered—That it be read a second time to-morrow.

On motion of Mr. James Morris, seconded by Mr. Edward Malloch, it was ordered—That two hundred and fifty copies of the Bill to establish, a College at Kingston, by the name and style of "The University of Queen's College," be printed for the use of members.

*January 11th, 1840*—Mr. Alexander McLean, from the Select Committee, to which was referred the Petition of the Reverend George Archbold and others of the Eastern District, presented a Report, which was received and read, as follows :—

TO THE HONOURABLE THE COMMONS HOUSE OF ASSEMBLY OF UPPER CANADA :

1. The Committee, to whom was referred the Petition of the Reverend George Archbold, and upwards of one hundred others in the Eastern District, have agreed to the following Report :—

2. They fully appreciate the benevolent feelings which have influenced the Petitioners, in their application to your Honourable House in behalf of the Deaf and Dumb.

3. No lot can be more unhappy than that of the individuals in whose behalf their sympathies have been excited and their appeal made.

4. Separated from their fellows by the dispensation of Providence ; cut off from the ordinary means of intercourse from almost every pleasure, or enjoyment, whether of infancy, youth or manhood ; they pass a cheerless existence ; and, in the midst of human society, and surrounded by the activity and intelligence of manhood, they are as solitary as the recluse of the Cloister, or of the Desert.

5. Worst of all is the consideration that, not only does this natural deficiency deprive them of the means of expressing by words, their wants and wishes, their wrongs, or oppressions, their feelings of affection, of sorrow, or pain, to those who are allied to them by kindred, and bound to protect them; but it further shuts them out from the consolations of religion, leaving their minds a wilderness, in which neither hope nor faith can find a place to take root.

6. A casual consideration of this destitute condition, must excite an anxious wish in the breast of every philanthropist to rescue from such a state of misery and degradation, this unfortunate class of our fellow beings; and it is gratifying to reflect, that means have been discovered, and have been applied, to the practical utility of which successful results bear abundant testimony.

7. Institutions for the instruction of the Deaf and Dumb have been formed in various parts of Europe and America; and, by a well organized system, the minds of the pupils have become enabled to receive knowledge, and have developed powers of imagination, thought and reflection, of as high an order as belong to the mass of their fellow-creatures.

8. It appears, by Returns before this House, that there are not less than one hundred and ninety-nine sufferers within this Province, for whose education there is not the slightest provision.

9. Your Committee, therefore, respectfully recommend, that steps should be taken to establish one or more Schools for the instruction of the Deaf and Dumb in the Province; and that, for this purpose, a sum of money should be granted to Her Majesty, in the same manner as for the Common Schools, to enable Her Majesty to pay an annual salary to one or more Teachers properly qualified for this duty, and to establish one or more Institutions, where these unfortunate sufferers may be educated.

All which is respectfully submitted.

COMMITTEE ROOM, HOUSE OF ASSEMBLY,  
10th January, 1840.

ALEXANDER McLEAN,  
Chairman.

On motion of Mr. James Morris, seconded by Mr. Charles Bockus, it was ordered—That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, copies of the Minutes of the Council of King's College, for the year 1839, together with the several Reports of the Committee of the Council, during the same period; and that Messieurs Edward Malloch and John Cook be a Committee to draft and report the same, and that the 31st rule of this House be dispensed with for that purpose.

*January 13th, 1840.*—On motion of Mr. Michael Aikman, seconded by Mr. Donald A. McDonell, it was ordered,—That the Petition of the Trustees of the Literary Institution at Ancaster, be referred to a Select Committee, consisting of Messieurs Colin C. Ferrie and Mahlon Burwell, to examine and report thereon.

Mr. Charles Bockus, from the Committee to draft an Address to His Excellency the Governor-General, for a copy of the Minutes of the Council of King's College, reported a draft, which was received and read the first time. On the question for the second reading of the address to-morrow,

*In amendment*—Mr. Charles Bockus, seconded by Mr. James Morris, moves that the Address be not read a second time on to-morrow, but that it be read a second time forthwith, which was carried, and the Address was read a second time and concurred in. On the question for the third reading of the address to-morrow,

*In amendment*, Mr. Charles Bockus, seconded by Mr. James Morris, moves that the Address be read a third time to-day, which was carried, and the Address was ordered to be engrossed and read a third time this day.

*January 14th, 1840*—Pursuant to the Order of the Day, the Address to His Excellency the Governor General, for a copy of the Minutes of the Council of King's College, was read the third time and passed, and is as follows:—

*To His Excellency The Right Honourable Charles Poulett Thomson, Governor General of British North America,*

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to cause to be laid before this House, copies of the Minutes of the Council of King's College, for the year 1839, together with the several Reports of the Committee of the Council, during the same period.

COMMONS HOUSE OF ASSEMBLY,  
Fourteenth day of January, 1840.

ALLAN N. MACNAB,  
Speaker.

Messieurs James Morris and Charles Bockus were ordered by the Speaker to wait upon His Excellency with the Address, and to present the same.

*January 15th, 1840*—Pursuant to the Order of the Day, the Bill sent down by the Honourable the Legislative Council, intituled: "An Act to establish a College at Kingston, by the name and style of the University of Queen's College," was read the second time. The House was put into a Committee of the Whole on the Bill, Mr. John Kearns in the chair. The House having resumed, the Chairman reported that the Committee had agreed to the Bill, without amendment, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be read a third time to-morrow.

On motion of Mr. Alexander McLean, seconded by Mr. Donald McDonell, it was ordered—That the Report of the Select Committee on the Petition of the Reverend George Archbold and others of the Eastern District, in behalf of the Deaf and Dumb, be referred to a Committee of the Whole on Supply, to-morrow.

*January 16th, 1840*—Mr. Edward W. Thomson gives notice, that he will, on to-morrow, move that an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, an account of all Lands that have been granted for the support of Schools in this Province, together with a full account of the manner in which such Lands have been disposed, of, and what, if any, funds are now available for the support of Common Schools, in this Province; and also what exchanges have been made of School Lands, and for whose benefit.

Mr. James Morris, from the Committee to wait on His Excellency the Governor General with the Address of this House for copy of the Minutes of the Council of King's College, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer:—

GENTLEMEN:—

I will direct the Accounts [*i. e.* King's College Council Minutes and Reports, as asked for] to be laid before the House of Assembly.

GOVERNMENT HOUSE,  
*January 15th, 1840.*

C. P. THOMSON.

Pursuant to the Order of the Day, the Bill sent down to the Assembly by the Honourable the Legislative Council, on the 10th instant, intituled: "An Act to establish a College at Kingston, by the name and style of the University of Queen's College," was read a third time. On the question for passing the Bill,

*In amendment*, Mr. James Morris, Seconded by Mr. Edward W. Thomson, moves that the Bill do not now pass, but that it be amended in the following manner:

*In the Title*: After the words, "A College," expunge the remainder, and insert, "by the name and style of the University of Kingston."

*In the Bill*: Press 2, expunge "Queen's College," at the end of the first clause, and insert, "The University of Kingston."

*In the Bill*: Press 3, after "Trustees of," expunge "Queen's College," and insert, "the University of Kingston," which was carried.

*January 17th, 1840.* Pursuant to the Order of the Day, the Bill sent down by the Honourable the Legislative Council, on the 10th instant, intituled: "An Act to establish a College at Kingston, by the name and style of the University of Queen's College," as amended by this House, was read a third time and passed. Messieurs James Morris and Charles Bockus were ordered by the Speaker, to carry the Bill up to the Honourable the Legislative Council, and to request the concurrence of that Honourable House to the amendments.

*January 18th, 1840.*—Mr. George H. Detlor, from the Select Committee, to which was referred the Address to His Excellency the Governor General respecting certain School Land Reservations in the Midland and Victoria Districts, reported the Address. The Report was received, and the Address was read the first time. Ordered—That the Address be read a second time on Monday next.

On motion of Mr. Edward W. Thomson, seconded by Mr. George H. Detlor, it was ordered—That the Petition of Mr. Malcolm Cameron and fifty-four others of the Village of Sarnia, in the Western District, presented to this House on the 15th instant praying for an alteration in the present system of Common School Education, be referred to the Committee of the Whole on Supply for the support of Common Schools.

Pursuant to notice, Mr. Edward W. Thomson, seconded by Mr. George H. Detlor, moves, that an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, an Account of all Lands that have been granted for the

support of Schools within this Province, together with a full account of the manner in which such Lands have been disposed of, and what, if any funds, are now available for the support of Common Schools within this Province; and also, what exchanges have been made of School Lands, and for whose benefit; and that Messieurs James Morris and Mahlon Burwell be a Committee to draft and report said Address, which was carried and ordered.

*January 20th, 1840*—Mr. James Morris, from the Committee to draft an Address to His Excellency the Governor General, for a return of the Lands granted for the support of Common Schools, reported a draft, which was received and read the first time. On the question for the second reading of the Address to-morrow,

*In amendment*, Mr. Edward W. Thomson, seconded by Mr. John S. Cartwright, moves that the Address to His Excellency the Governor General, on the subject of School Lands be not read a second time on to-morrow, but that it be read a second time forthwith, which was carried, and the Address was read the second time and concurred in. Ordered—That the Address be engrossed and read a third time to-morrow.

The Speaker reported that Mr. Secretary Murdoch had brought down from His Excellency the Governor General, several Messages and Documents. The following one was read by him:

C. POULETT THOMSON,

The Governor General transmits, for the information of the House of Assembly, the Reports received from the Boards of Education of the Western and London Districts, for the year 1839.

TORONTO, 20th January, 1840.

C. P. T.

(NOTE. Extracts from these Reports will be given in another Chapter—XV.)

*January 21st, 1840*—Pursuant to the Order of the Day, the Address to His Excellency the Governor General for a return of Lands granted for the support of Common Schools, was read the third time and passed, and is as follows:

*To His Excellency the Right Honourable Charles Poulett Thomson, Governor General of British North America:—*

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will cause to be laid before this House, an account of all Lands that have been granted for the support of Schools in this Province, together with a full account of the manner in which such Lands have been disposed of, and what, if any, funds are now available for the support of Common Schools within this Province; and also what exchanges have been made of School Lands, and for whose benefit.

COMMONS HOUSE OF ASSEMBLY,

ALLAN N. MACNAB,

Twenty-first day of January, 1840.

Speaker.

Messieurs Edward W. Thomson and Charles C. Small, were ordered by the Speaker to wait upon His Excellency with the Address, and to present the same.

Mr. Alexander McLean, seconded by Mr. James Morris, moves that the House do now resolve itself into a Committee of the Whole, on the Report of the Select Committee on the Petition of the Reverend George Archbold, and others, of the Eastern District, which was carried, and the House was put into a Committee of the Whole on the same, Mr. Mahlon Burwell in the chair. The House having resumed, the Chairman reported that the Committee had agreed to a Resolution, which he was directed to submit for the adoption of the House. The Report was received, and the Resolution was put and carried, as follows:—

*Resolved*, That there be annually granted to Her Majesty the sum of Six hundred pounds, (£600,) to enable Her Majesty to pay the like sum for the purpose of ameliorating the condition of the Deaf and Dumb of this Province, by establishing Schools for their education, to be raised by assessment on the ratable property in the several Districts of this Province.

Mr. Speaker reported that the Clerk to the Honourable the Legislative Council had, brought down from that Honourable House a Message, which was read as follows:—

MR. SPEAKER:—

The Legislative Council have acceded to the amendments made by the Commons House of Assembly in and to the Bill sent down from this House, intituled: "An Act to establish a College at Kingston, by the name and style of the University of Queen's College."

LEGISLATIVE COUNCIL CHAMBER,

JONAS JONES,

Twentieth day of January, 1840.

Speaker.

On motion of Mr. Alexander McLean, seconded by Mr. Henry Sherwood, it was ordered—That the Resolution of this House, passed this day, granting a sum of money, Six Hundred pounds, (£600,) to provide for the instruction of the Deaf and Dumb persons, be referred to a Select Committee, to consist of Messieurs William H. Draper, Solicitor General, Henry Sherwood and John S. Cartwright, to draft and report a Bill, pursuant thereto.

*January 23rd, 1840.*—On motion of Mr. Michael Aikman, seconded by Mr. James Mathewson, it was ordered—That the Select Committee to which was referred the Petition of the Trustees of the Ancaster Literary Institution on the 13th instant, be discharged, and that the said Petition be referred to the Committee of the whole on Supply.

*January 25th, 1840.*—Mr. Edward W. Thomson, from the Committee to wait upon His Excellency the Governor General, with the Address for a return of Lands granted for the support of Common Schools, reported delivering the same, and that His Excellency had been pleased to make thereto the following answer :

GENTLEMEN :—

I will direct the Returns applied for in this Address to be prepared immediately, and, when prepared, they shall be communicated to the House of Assembly.

TORONTO,

Twenty-fifth day of January, 1840.

C. P. THOMSON.

*January 27th, 1840.*—Mr. Alexander McLean, from the Committee to draft a Bill, pursuant to the Resolution of this House granting a sum of money (£600,) for the instruction of the Deaf and Dumb, reported a draft of Bill, which was received and read the first time. Ordered—That the Bill to provide for the instruction of the Deaf and Dumb, be read a second time tomorrow.

*January 31st, 1840.*—Mr. Speaker reported that Mr. Secretary Murdoch had brought down from His Excellency the following Message which was read :

C. POULETT THOMSON :—

The Governor General transmits herewith, for the information of the House of Assembly, the Report made to him by the Board of Education of the Ottawa District, for the year 1839.

TORONTO, 31st day of January, 1840.

C. P. T.

(NOTE. An Extract from this Report will be inserted in another Chapter—XV.)

*February 1st, 1840.*—Mr. John Prince gives notice that he will, on Monday next, move that a humble Address be presented to His Excellency the Governor General, setting forth the great want which at present exists of the establishment of a Medical School in this Province, and requesting that Professorships in Medicine, Surgery and Anatomy be established in the Upper Canada College forthwith. (NOTE. This matter was not again brought before the House by Mr. Prince during the session.)

Mr. John Joseph, Clerk to the Honourable the Legislative Council, brought down from that Honourable House, a Bill intituled : “An Act to authorize the temporary occupation, by the proposed University at Kingston, of the General Hospital at Kingston, upon certain terms therein mentioned,” which that Honourable House had passed, and requested the concurrence of this House thereto. The Bill was then read a first time, and it was ordered—That the Bill be read a second time on Monday next.

*February 3rd, 1840.*—Mr. Speaker reported that Mr. Secretary Murdoch had brought down from His Excellency the Governor General a Message, which was read, as follows :—

C. POULETT THOMSON :—

In compliance with the Address of the House of Assembly of the 14th instant, the Governor General transmits to them, herewith, copies of the Minutes and Reports of the Council of King's College, for the year 1839.

C. P. T.

TORONTO, 31st day of January, 1840.

NOTE. An abstract of these Minutes and Reports, up to the end of 1839, are printed on pages 187-200 of this Volume, *ante*.

Pursuant to the Order of the Day, the Bill to provide for the instruction of the Deaf and Dumb was read the second time. The House was put into a Committee of the Whole on the Bill, Mr. Milo McCargar in the chair. The House having resumed, the Chairman reported



that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

*February 4th, 1840.*—Pursuant to the Order of the Day, the Bill to provide for the instruction of the Deaf and Dumb was read the third time. On the question for passing the Bill, the Yeas and Nays were taken as follows:—YEAS, 14; NAYS, 28. The question was, therefore, decided in the negative by a Majority of 14. So the Bill was lost.

*February 5th, 1840.*—Mr. Alexander, Chisholm, gives notice that he will, on to-morrow, move for leave to bring in a Bill to place the proceeds of the School Lands under the control of the Governor-in-Council, and to repeal an Act passed last session of Parliament, entitled, "An Act to provide for the advancement of Education in this Province." (NOTE. Mr. Chisholm did not bring in his proposed Bill during the Session. It was repealed in September, 1841.)

*February 6th, 1840.*—Pursuant to the Order of the Day, the Bill sent down by the Honourable the Legislative Council, intituled: "An Act to authorize the temporary occupation, by the proposed University at Kingston, of the General Hospital at Kingston, upon certain terms therein mentioned," was read the second time. The House was put into a Committee of the Whole on the Bill, Mr. George Rykert in the chair. The House having resumed, the Chairman reported that the Committee had agreed to the Bill, without amendment, and had submitted it for the adoption of the House. The Report was received. On the question for the third reading of the Bill to-morrow,

*In amendment*—Mr. James Morris, seconded by Mr. Charles Bockus, moves that the Bill be not read a third time on to-morrow, but that it be read a third time forthwith, and that the 38th rule of this House be dispensed with for that purpose, which was carried, and the Bill was read the third time and passed. Messieurs James Morris and Edward W. Thomson were ordered by the Speaker to carry the Bill back to the Honourable the Legislative Council, and to inform that Honourable House that this House had agreed to the same, without amendment.

*February 7th, 1840.*—Pursuant to the Order of the Day, the House was put into Committee of the Whole on Supply, when it was

*Resolved, 1.* That there be granted to Her Majesty the sum of Five Thousand Six Hundred and Fifty pounds, (£5,650,) to provide, in part, for the support of Common Schools within this Province for this year, (1840).

*Resolved, 11.* That there be granted to Her Majesty, the sum of Five Thousand Five Hundred pounds, (£5,500,) to enable Her Majesty to pay the like sum to the University of King's College, for money appropriated to the support of Education, which was inadvertently expended by the Receiver General in the redemption of Provincial Debentures past due.

*Resolved, 12.* That there be granted to Her Majesty, the sum of Two Hundred pounds, (£200,) to enable Her Majesty to pay a like sum to the Trustees of the Ancaster Literary Institution, to liquidate a debt contracted in erecting a building for said Institution. On which the Yeas and Nays were taken as follows: YEAS, 33; NAYS, 9. The question was carried in the affirmative, by a majority of 24, and the Resolution was adopted.

Mr. Speaker reported that Mr. Secretary Murdoch had brought down from His Excellency the Governor General a Message which was read as follows:—

C. POULETT THOMSON:—

The Governor General transmits for the information of the House of Assembly, the Report made to him by the Board of Education of the Home District, for the year 1839. C. P. T.

TORONTO, Seventh day of February, 1840.

(NOTE. An extract from this Report will be inserted in another Chapter—XV.)

The Bill for the support of Common Schools, for the year 1840, was read the first time. On the question for the second reading of the Bill to-morrow,

*In amendment*, Mr. Edward W. Thomson, seconded by Mr. William B. Robinson, moves that the Bill be not read a second time to-morrow, but that it be read a second time forthwith, and the 40th rule of this House be dispensed with, so far as relates to the same, which was carried, and the Bill was read the second time. The House was put into a Committee of the Whole on the Bill, Mr. Solicitor General Draper in the chair. The House having resumed, the Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

COMMISSION APPOINTED BY SIR GEORGE ARTHUR TO REPORT ON THE STATE OF EDUCATION IN UPPER CANADA, AND SUGGEST IMPROVEMENTS, 1839.

NOTE. In compliance with the request of the House of Assembly, in its Address of the 9th May, 1839, Sir George Arthur, on the 21st day of October of that year, issued a Commission to Messieurs Robert Baldwin Sullivan, [Chief Commissioner,] William Allan, Augustus Baldwin, William Henry Draper, Richard Alexander Tucker, Robert Sympson Jameson, John Henry Dunn, John Macaulay, John Simcoe Macaulay, Levius Peters Sherwood, James Buchanan Macaulay, Jonas Jones, Archibald McLean, Christopher Alexander Hagerman, Charles Chichester, Henry Sherwood, [the Reverends] John McCaul and Henry James Grasett, Samuel Bealy Harrison and William Hepburn "to be Commissioners, to investigate the business of the several Departments [of the Government] of our Province [of Upper Canada]. The Reverend Messieurs John McCaul and Henry James Grasett, with Mr. Civil Secretary Samuel Bealy Harrison, were appointed as the Commissioners to enquire into the state of Education in Upper Canada. On the 3rd of February, 1840, the Report of the Commissioners on Education and others were laid before the House of Assembly whereupon:—

It was ordered—That five hundred copies of the Report on Education be printed.

NOTE. This Report, being voluminous, will be printed in Chapter XV.

The Bill granting a sum of money to the Ancaster Literary Institution was read the first time. On the question for the second reading of the Bill to-morrow,

*In amendment*, Mr. Michael Aikman, seconded by Mr. Colin C. Ferrie, moves that the Bill to relieve the Trustees of the Ancaster Literary Institution be not read a second time on to-morrow, but that it be read a second time forthwith, and that the 40th rule of this House be dispensed with, so far as it relates to the same, which was carried, and the Bill was read the second time. The House was put into a Committee of the Whole on the Bill, Mr. Thomas Mackay in the chair. The House having resumed, the Chairman reported that the Committee had agreed to the Bill without amendment, and submitted it for the adoption of the House. The Report was received, and it was ordered—That the Bill be engrossed and read a third time to-morrow.

*February 8th, 1840.*—On the Order of the Day, for the third reading of the Bill for the support of Common Schools in Upper Canada, for the year 1840, being called,

*In amendment*—Mr. Roger R. Hunter, seconded by Mr. William B. Robinson, moves that the Bill be not now read a third time, but that it be recommitted forthwith, for the purpose of amending the same, which was carried, and the House was put into a Committee of the Whole on the Bill, Mr. William B. Robinson in the chair. The House having resumed, the Chairman reported that the Committee had gone through the provisions of the Bill, amended the same, and submitted it for the adoption of the House. The Report was received, and the Bill was then read the third time and passed. Mr. Edward W. Thomson, seconded by Mr. George S. Boulton, moves that the Bill be intituled: "An Act Granting a sum of money for the support of Common Schools for the year of Our Lord one thousand eight hundred and forty," which was carried, and Messieurs Edward W. Thomson and George S. Boulton were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

Pursuant to the Order of the Day, the Bill granting a sum of money to the Ancaster Literary Institution, was read the third time and passed. Mr. Michael Aikman, seconded by Mr. Colin C. Ferrie, moves that the Bill be intituled: "An Act Granting a sum of Money in aid of the Ancaster Literary Institution, and for other Purposes therein mentioned," which was carried, and Messieurs Michael Aikman and Colin C. Ferrie were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their concurrence thereto.

The Clerk from the Honourable the Legislative Council brought down a Message which was read and was to the effect that the Legislative Council had passed the Bill, without any amendment, intituled: "An Act granting a sum of money for the support of Common Schools, for the year of our Lord one thousand eight hundred and forty."

*February 10th, 1840*—The Clerk of the Honourable the Legislative Council brought down from that Honourable House, the Bill, intituled: "An Act Granting a sum of Money in Aid of the Anonster Literary Institution, and for other purposes therein mentioned," to which that Honourable House had made some amendments, and requested the concurrence of this House thereto.

#### EDUCATIONAL PROCEEDINGS OF THE UPPER CANADA LEGISLATIVE COUNCIL, 1839-40.

The fifth session of the Thirteenth, and last, Parliament of Upper Canada was opened on the 3rd of December, 1839, by a Speech from the Throne, by the Right Honourable Charles Poulett Thomson, Governor General of British North America. In it, he made no reference to any educational subject.

The new members appointed to the Legislative Council of Upper Canada during this session were the Honourable Messieurs Peter Boyle De Blaquiere, Alexander Fraser, John McGillivray and John Willson. Messieurs John Willson and Alexander Fraser had formerly been Members of the House of Assembly.

*December 16th, 1839*.—The Honourable William Morris brought up the Petition of the Reverend Robert McGill, Minister of Saint Andrew's Church, in the Town of Niagara, and Moderator of the Synod of Canada; and of the Reverend Alexander Gale, Minister of Saint Andrew's Church, in the Town of Hamilton, and Clerk of the said Synod,\* which was laid on the Table.

*December 17th, 1839*—Pursuant to notice, the Honourable William Morris moved for leave to bring in a Bill for the establishment of a College, in connection with the Church of Scotland; which being seconded, the question of concurrence was put thereon; and, and the same was carried in the affirmative; and a Bill for that purpose was then brought in accordingly, and read the first time; and it was ordered—That the same be read a second time to-morrow; and further ordered—That two hundred copies thereof be printed for the use of Members.

*December 18th, 1839*—Pursuant to the Order of the Day, the Bill for the establishment of a College, in connection with the Church of Scotland, was read a second time; and it was ordered,—That the House be put into a Committee of the Whole, to-morrow, to take the same into consideration.

Pursuant to the Order of the Day, the Petition of the Reverends Robert McGill, and Alexander Gale, praying for an Act incorporating Trustees, to enable them to hold lands, and other property for the use and endowment of a College, [Queen's, at Kingston,] was read.

*December 19th, 1839*.—Pursuant to the Order of the Day, the House was put into a Committee of the Whole upon the Bill for the establishment of a College, in connection with the Church of Scotland. The Honourable Augustus Baldwin took the chair. After some time the House resumed, and the Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow. Ordered—That the Report be received, and leave be granted accordingly.

*December 21st, 1839*.—The Order of the Day being read, for the House to be put again into a Committee of the Whole, upon the Bill for the establishment of a College in connection with the Church of Scotland, it was, ordered—That it be discharged, and that the same do stand upon the Orders of the Day for Monday next.

\* The Reverend Alexander Gale was a native of Coldstone, Aberdeenshire, and studied at Marischal College, Aberdeen. He came to Lower Canada in 1827, and afterwards he became a Minister in Amherstburgh. In 1833, he came to Hamilton. In 1846, he became Principal of the Toronto Academy, and Professor in Knox College, for which his accurate scholarship and experience eminently fitted him. When King's College was thrown open to all denominations, the maintenance of the Academy and the literary Department of Knox College was no longer necessary, Mr. Gale was, therefore, called to other important work, in connection with the College, "etcetera." He died in Logie, near Hamilton, on the 6th of April, 1854. Reverend Doctor Gregg's *History of the Presbyterian Church*, 1885, pages 390, 391.

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Pursuant to Order, the Petition of Mr. Ceeil Mortimer, of Picton, presented yesterday, praying that an Act may be passed, appointing Commissioners, for the purpose of settling upon and prescribing the kind of Text Books hereafter to be used in the Public Schools of this Province, was read. (NOTE. No action was taken upon this Petition. See Chapter XV, *post*.)

*December 23rd, 1839*.—The Order of the Day being read, for the House to be again put into a Committee of the Whole, upon the Bill for the establishment of a College, in connection with the Church of Scotland, it was ordered to be discharged, and that the same do stand upon the Order of the Day for to-morrow.

*December 24th, 1839*.—The House was then again put into a Committee of the Whole, upon the Bill for the establishment of a College in connection with the Church of Scotland. The Honourable Augustus Baldwin took the chair. After some time the House resumed, and the Chairman reported that the Committee had taken the said Bill again into consideration, had made some further progress therein, and asked leave to sit again next Thursday se' night. Ordered—That the Report be received, and leave be granted accordingly.

The Honourable Peter B. DeBlaquiere, gave notice, that on Monday next, he would move that it be—

*Resolved*,—That an Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to communicate to this House the views of Her Majesty's Government, with respect to a system of Provincial Education in this Province.

*December 30th, 1839*.—Pursuant to notice, the Honourable Peter B. DeBlaquiere, moved that it be—

*Resolved*—That an Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to communicate to this House the views of Her Majesty's Government, with respect to a system of Provincial Education in this Province ; which, being seconded, the question of concurrence was put thereon, and the same was carried in the affirmative ; and it was, ordered—That a Select Committee be appointed to draft an Address to His Excellency the Governor-General pursuant to the foregoing Resolution ; and it was further ordered—That the Honourable Messieurs William Morris, John Simcoe Macaulay and Peter B. De Blaquiere, do compose the same, for that purpose.

*December 31st, 1839*.—The Honourable William Morris, from the Select Committee, appointed to draft an Address to His Excellency the Governor-General, praying that His Excellency will be pleased to communicate to this House, the views of Her Majesty's Government, with respect to a system of General Education in this Province, presented their Report. Ordered—That it be received ; and the same was then read by the Clerk, as follows :—

TO THE HONOURABLE THE LEGISLATIVE COUNCIL OF UPPER CANADA :

The Select Committee, appointed to draft an Address to His Excellency the Governor-General, praying that His Excellency would be pleased to communicate to this House, the views of Her Majesty's Government, with respect to a system of General Education in this Province, beg leave to report :—

That they have prepared the draft of an Address, for the purpose aforesaid, which they submit herewith, for the adoption of your Honourable House.

All which is respectfully submitted,

COMMITTEE ROOMS, LEGISLATIVE COUNCIL,  
31st December, 1839.

W. MORRIS,  
Chairman.

The said Address was then read and adopted ; and it was, ordered—That the same be engrossed and read a third time this day.

Pursuant to Order, the Address to His Excellency the Governor-General, praying that His Excellency will be pleased to communicate to this House the views of Her Majesty's Government, with respect to a system of General Education in this Province, was read a third time, and passed, whereupon the Speaker signed the same, and it is as follows :—

*To His Excellency the Right Honourable Charles Poulett Thomson, Governor-General of British North America.*

MAY IT PLEASE YOUR EXCELLENCY :—

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of the Province of Upper Canada, in Provincial Parliament assembled, respectfully request that your Excellency will be pleased to communicate to this House the views of Her Majesty's Government, with respect to a system of General Education in this Province.

LEGISLATIVE COUNCIL CHAMBER,  
31st of December, 1839.

JONAS JONES,  
Speaker.

On motion, made and seconded, it was ordered—That a Committee be appointed, for the purpose of waiting upon the Governor General, to know when His Excellency would be pleased to receive the foregoing Address, and to present the same; and ordered that the Honourable Messieurs Peter B. De Blaquiere and Alexander Fraser, do compose such Committee for that purpose.

#### EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL IN 1840.

*January 2nd, 1840*—The House was then again put into a Committee of the Whole, upon the Bill for the establishment of a College, in connection with the Church of Scotland. The Honourable Alexander Fraser took the chair. After some time, the House resumed, and the Chairman reported that the Committee had taken the said Bill into consideration, had made some further progress therein, and asked leave to sit again on Tuesday next. Ordered—That the report be received, and leave be granted accordingly.

*January 3rd, 1840*—A Message from His Excellency the Governor General was delivered to the Speaker by Mr. Secretary Murdoch, who then retired, and it was read, as follows:—

C. POULETT THOMSON.

The Governor-General transmits, for the information of the Legislative Council, such Reports of Trustees of District Grammar Schools, as have been received by him, during the current year, videlicet, The Eastern, Ottawa, Johnstown, Bathurst, Prince Edward, Newcastle, Home, Gore, and Talbot Districts.

And also such Reports as have been received from District Boards of Education, for the same period, namely:—The Eastern, Johnstown, Bathurst, Newcastle, Niagara, and Talbot Districts.

TORONTO, January 2nd, 1840.

C. P. T.

(NOTE. Extracts from these Reports will be printed in a separate Chapter XV.)

*January 6th, 1840*—The Honourable Peter B. De Blaquiere, from the Select Committee, appointed to wait upon the Governor-General, to know when His Excellency would receive the Address of this House, on the subject of Education, and to present the same, reported that they had done so, and that His Excellency had been pleased to receive the said Address forthwith and, to return thereto the following reply:—

HONOURABLE GENTLEMEN:—

In reply to the Address from the Legislative Council, with respect to [the views of Her Majesty's Government on] a system of general Education, I will send an answer by Message.

TORONTO, 6th of January, 1840.

C. POULETT THOMSON.

*January 7th, 1840*—Pursuant to the Order of the Day, the House was again put into a Committee of the Whole, upon the Bill for the establishment of a College in connection with the Church of Scotland. The Honourable Augustus Baldwin took the chair. After some time the House resumed, and the Chairman reported that the Committee had gone through the said Bill, and had made some amendments thereto, and recommended the Bill, as amended, to the adoption of the House. Ordered—That the Report be received; and, ordered—That the last mentioned Bill, as amended, be engrossed, and the same read a third time, to-morrow.

*January 8th, 1840*—The Order of the Day being read, for reading a third time the Bill for the establishment of a College, in connection with the Church of Scotland—it was, ordered—That the same be not now read; and ordered—That the said Bill be further amended as follows:—

Press 1, line 7.—Expunge "College" and insert "University."

Press 9.—Expunge the tenth clause, and insert in lieu thereof, "10. And be it further enacted by the authority aforesaid, That, whenever there shall be a Principal and four Professors employed, in the said College, the College Senate shall have power and authority to confer the degrees of Bachelor, Master and Doctor, in the several Arts and Faculties."

On motion, made and seconded, it was ordered—That the last mentioned amendments be engrossed, and the said Bill, as amended, read a third time this day.

*January 16th, 1840*—Pursuant to the Order of the Day, the Petition of the Trustees of the Ancaster Literary Institution, presented on the 14th instant, praying for an Act granting pecuniary assistance thereto, was read.

*January 17th, 1840.*—The Honourable the Speaker reported to the House that a Deputation from the Commons House of Assembly had returned the Bill sent down from this House, intituled: "An Act to Establish a College at Kingston, by the name and style of the University of Queen's College," and acquainted this House, that the Commons House of Assembly had made some amendments in and to the same, to which they requested the concurrence of the Legislative Council.

*January 18th, 1840.* The amendments of the Commons House of Assembly made in and to the Bill sent down from this House, intituled: "An Act to Establish a College at Kingston, by the name and style of 'The University of Queen's College,' were then read a second time by the Clerk, as follows:—

*In the Title:* line 1. After "College," expunge the remainder, and insert, "by the name and style of the University of Kingston."

*In the Bill:* Press 2, line 25—Expunge "of Queen's College," and insert, "at Kingston."

Press 3, line 4, Expunge "of Queen's," and insert, "at Kingston."

Press 3, line 5, Expunge "College."

On motion, made and seconded, it was ordered—That the foregoing amendments be read a second time on Monday next.

*January 20th, 1840.*—The following Message from His Excellency the Governor General was delivered to the Speaker by Mr. Secretary Murdoch, who then retired:—

C. POULETT THOMSON:—

The Governor General transmits for the information of the Legislative Council, the Reports received from the Boards of Education of the Western and London Districts for the year 1839. TORONTO, 20th January, 1840.

C. P. T.

(NOTE. Extracts from these Reports will be printed in a separate Chapter—XV.)

Pursuant to the Order of the Day, the amendments of the Commons House of Assembly made in and to the Bill sent down from this House, intituled: "An Act to establish a College at Kingston, by the name and style of 'The University of Queen's College,'" were read a second time; and it was, ordered—That the House be put into a Committee of the Whole accordingly. The Honourable Alexander Fraser took the chair. After some time, the House resumed, and the Chairman reported that the Committee had gone through the said amendments, and recommended the same to the adoption of the House. Ordered—That the Report be received; and, ordered—That the 44th rule of the House be dispensed with in so far as it respects the said amendments, and that the same be read a third time, presently. The said amendments were then read a third time accordingly, and passed; whereupon, the Speaker signed the same; and it was ordered—That the Clerk of the House do go down to the Assembly, and acquaint that House, that the Legislative Council have acceded to their amendments, made in and to the last mentioned Bill.

*January 27th, 1840*—The Honourable William Morris moved for leave to bring in a Bill, to enable the Trustees of a College, [Queen's] about to be established at Kingston, to use and occupy a certain building in the said Town, commonly called "The New Hospital," which, being seconded, the question of concurrence was put thereon, and the same was carried in the affirmative. A Bill for that purpose was then brought in accordingly, and read the first time; and it was, ordered—That the same be read a second time to-morrow.\*

*January 28th, 1840*—Pursuant to the Order of the Day, the Bill to enable the Trustees of a College, about to be established at Kingston, to use and occupy a certain building in the said Town, commonly called "The New Hospital," was read a second time.

(NOTE. This Bill was read a third time and passed on the 1st of February, 1840, and was sent down to the House of Assembly for its concurrence thereto.)

*February 1st, 1840*—A Message from His Excellency the Governor General, was delivered to the Speaker by Mr. Secretary Murdoch, who then withdrew. It was read as follows:—

C. POULETT THOMSON:

The Governor-General transmits herewith, for the information of the Legislative Council, the Report made to him by the Board of Education, of the Ottawa District, for the year 1839.

TORONTO, 31st January, 1840.

C. P. T.

(NOTE. An extract from this Report will be printed in a separate Chapter—XV.)

\*This Bill was introduced in pursuance of a Petition of subscribers to the New Hospital at Kingston, presented to the House on the 25th instant, that they be authorized to lease the Hospital Building to the Trustees of the proposed University of Queen's College.

*February 8th, 1840*—The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a Bill, intituled: "An Act granting a sum of money for the support of Common Schools in Upper Canada, for the year one thousand eight hundred and forty;" also a Bill, intituled: "An Act granting a sum of money in aid of the Ancaster Literary Institution, and for other purposes therein mentioned."

The Bill, intituled: "An Act granting a sum of money, for the support of Common Schools, for the year of our Lord one thousand eight hundred and forty," was read a first time; and it was ordered—That the 44th rule of this House be dispensed with, so far as it regards the last mentioned Bill, and that the same be read a second time presently. The Bill was then read a second time accordingly; and it was ordered—That the House be put into a Committee of the Whole, presently, to take the same into consideration. The House was then put into a Committee of the Whole accordingly. The Honourable James Crooks took the chair. After some time, the House resumed, and the Chairman reported that the Committee had gone through the said Bill, and recommended the same, without any amendment, to the adoption of the House. Ordered—That the Report be received; and ordered—That the last mentioned Bill be read a third time presently. The same was then read a third time, accordingly, and passed; whereupon the Speaker signed the said Bill; and it was ordered—That the Clerk of the House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this Bill, without any amendment.

The Bill, intituled: "An Act granting a sum of money in aid of the Ancaster Literary Institution, and for other purposes therein mentioned," was read a first time; and it was ordered—That the same be read a second time presently. The said Bill was then read a second time accordingly; and it was ordered—That the House be put into a Committee of the Whole this day, to take the same into consideration. The House was then put into a Committee of the Whole, upon the Bill. The Honourable John Macdonald of Gananouque, took the chair. After some time, the House resumed, and the Chairman reported that the Committee had gone through the said Bill, and had made some amendments thereto, which they recommended to the adoption of the House. Ordered—That the Report be received; and the said amendments were then read by the Clerk, as follows:—

Press 2, line 11—After "direct," add to the Bill, "3. Provided always, and be it further enacted by the authority aforesaid,

That the said sum hereby granted shall be charged by the Receiver-General against the interest which will accrue upon the fund for the support of Grammar Schools,—invested, or to be invested, under the third section of an Act passed during the last Session, intituled: 'An Act to provide for the advancement of Education in this Province,' any thing in the said Act to the contrary, thereof, in anywise notwithstanding."

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was ordered—That the same be engrossed, and the said Bill, as amended, read a third time this day. The Bill, as amended, was then read a third time; and, the question being then put whether this Bill, as amended, should pass, it was carried in the affirmative: whereupon the Speaker signed the amendments; and it was, ordered—That the Clerk of the House do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this Bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

*February 10th, 1840.* At One of the Clock, p.m., the Members of both Houses being assembled in the Legislative Council Chamber, His Excellency the Governor-General, in Her Majesty's name, assented to a number of Bills, among which were the following videlicet:—

An Act to establish a College, by the name and style of the University of Kingston.

An Act to Authorize the temporary occupation, (by the proposed University of Kingston) of the General Hospital at Kingston, upon certain terms therein mentioned.

An Act granting a sum of money for the support of Common Schools in Upper Canada for the year of Our Lord One thousand Eight Hundred and forty.

After which His Excellency closed the last Session of the Legislature of Upper Canada with a Speech from the Throne, in which he made no reference to educational matters.

CHAPTER XIV.

EDUCATIONAL BILLS PASSED BY THE LEGISLATURE OF UPPER CANADA, DURING THE SESSION OF 1839, 40.

3 VICTORIA, CHAPTER XXXV.

AN ACT TO ESTABLISH A COLLEGE BY THE NAME AND STYLE OF THE UNIVERSITY OF KINGSTON.

Charles Poulett Thomson, Governor General.

Passed 10th February, 1840.

Whereas, by the petition of the Reverend Robert McGill, Moderator of the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, and of the Reverend Alexander Gale, Clerk of the said Synod, it appears that certain Lands and Funds have been placed at the disposal of the Presbytery of Toronto, by benevolent individuals, for the purpose of assisting in the establishment of An Academical Institution, or College, in connexion with the Church of Scotland: And Whereas the establishment of a University at Kingston, in the Midland District of this Province, for the education of youth in the Principles of Christian Religion, and for their instruction in the various branches of Science and Literature, which are taught in the Universities of the United Kingdom, would greatly conduce to the welfare of the Inhabitants of this Province; And Whereas Lot number thirty two, in the Third Concession, South of Dundas Street, in the Township of Trafalgar, in the District of Gore, is now held in trust by John Ewart, for the benefit of the said College, and it is desirable that the Trustees hereinafter named and their successors in office, should have legislative Authority to take and hold the said Lot of Land and other Lands and Funds, as a Corporate Body in perpetuity, for the purpose aforesaid:

Be it, therefore, enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of An Act passed in the Parliament of Great Britain, intituled: "An Act to Repeal certain parts of An Act passed in the fourteenth year of His Majesty's Reign, intituled: 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same

I. That it shall and may be lawful for the Reverend Robert McGill, the Reverend Alexander Gale, the Reverend John McKenzie, the Reverend William Rintoul, the Reverend William T. Leach, the Reverend James George, the Reverend John Machar, the Reverend Peter Colin Campbell, the Reverend John Cruikshank, the Reverend Alexander Mathieson, Doctor in Divinity, the Reverend John Cook, Doctor in Divinity, and the Principal of the said College for the time being, Ministers of the Presbyterian Church of Canada, in connection with the Church of Scotland; the Honourable John Hamilton, the Honourable James Crooks, the Honourable William Morris, the Honourable Archibald McLean, the Honourable John Macdonald, The Honourable Peter McGill, Edward W. Thomson, Thomas Mackay, James Morris, John Ewart, John Steele, John Mowat, Alexander Pringle, Thomas Blackwood and John Strange, Esquires, Members of the said Church, and their successors, to take, receive, hold and maintain in law the above named Lot of Land, or any other messuages, lands tenements, hereditaments or other property, real, or personal, acquired, or to be acquired, for the establishment and maintenance of an Academical Institution, or College, as aforesaid, for the Education and Instruction of Youth and Students in Arts and Faculties, such Institution to be called "The University of Kingston."

Preamble.

Petition.

Land held.

Constitutional Act of 1791.

Who are Trustees.

To hold lands.



II. And be it further enacted by the authority aforesaid, That the said Trustees and their successors shall be and remain forever hereafter a Board, or Body Politic and Corporate, in deed and in manner, by the name and style of the Trustees of the University at Kingston, and by that name shall and may have perpetual succession; and shall and may be able in law and Equity to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever; and may have a common Seal and may change, and alter the same at their pleasure; and also shall be able and capable to have take, receive, purchase, acquire, hold, possess, enjoy and maintain in law, to and for the use of the said College any messuages, lands, tenements and hereditaments of what kind, nature or quality soever, so as that the same do not exceed, in yearly value above all charges the sum of Fifteen Thousand Pounds, Sterling; and also that they and their successors shall have power to take, purchase, acquire, have, hold, enjoy, receive, possess and retain all, or any goods, chattels, moneys, stocks, charitable, or other contributions, gifts, benefactions, or bequests, whatsoever; and to give, grant, bargain, sell, demise, or otherwise dispose of all or any part, of the same, or of any other property, real, personal, or other they may, at any time, or times, possess, or be entitled to, as to them shall seem best for the interest of the said College.

Corporation.

Powers and duties.

Limit £15,000 Sterling.

Who shall be Trustees.

Appointment.

Vacancies to be filled.

Declaration.

Subscribe formula.

Principal and Professors.

III. And be it further enacted by the Authority aforesaid. That the said Board of Trustees shall forever hereafter consist of twenty-seven Members, of whom twelve shall be Ministers of the said Presbyterian Church of Canada, in connection with the Church of Scotland, and fifteen shall be laymen, in full communion with the said Church, the same to be appointed in succession, in manner as follows, that is to say: three Ministers and four laymen, whose names stand lowest in this Act, and in the future Roll of Ministers and Laymen composing the Board, shall, after the year One thousand Eight hundred and forty-two, retire from the Board annually, on the first day of the Annual Meeting of the said Synod, and their room be supplied by the addition of seven new members, three Ministers and four Laymen; the three Ministers to be chosen by the said Synod, on the first day of the Annual Meeting of the same, in such manner as shall seem best to the said Synod; and the Four laymen to be chosen also on the first day of the Annual Meeting of the said Synod by the Lay Trustees remaining, after the seven have retired, from a List of persons made up in the following manner, that is to say: Each congregation admitted on the Roll of the said Synod, and in regular connection therewith, shall, at their annual Meeting, nominate, every third year, one fit and discreet person, being a Member in full communion with said Church, to fill the office of Trustee of said College; and the person's names, so nominated, being duly intimated by the several Congregations to the Secretary of the Board of Trustees, and in such form as the said Board may direct, shall be enrolled by the said Board, and constitute a list from which Lay Trustees shall be chosen to fill the vacancies occurring at the Board, during each year. The names of the Members thus added to the Board, to be placed, from time to time, at the top of the Roll of the Board; Provided always, that the retiring Trustees may be re-elected, as heretofore provided, if the Synod and remaining Lay Trustees respectively see fit to do so. And provided always, that, in case no election of new Trustees shall be made on the said first day of the Annual Meeting of the said Synod, then, and in such case, the said retiring Members shall remain in office until their successors are appointed at some subsequent period; And provided always, that every Trustee, whether Minister, or Layman, before entering on his duties as a Member of said Board, shall have solemnly declared his belief of the doctrines of the Westminster Confession of Faith, and his adherence to the Standards of the said Church in government, discipline and worship, and shall have subscribed such a formula to this effect, as may be prescribed by the said Synod; and that such declaration and subscription shall, in every case, be recorded in the Books of the said Board; And provided always, that all the Trustees named in this Act shall continue to hold their Offices, as Members of the said Board, until the first day of the Annual Meeting of the said Synod, which shall be holden in the year One Thousand Eight Hundred and Forty three.

IV. And be it further enacted, etc., That, after the removal by death, resignation, or otherwise, of the first Principal and Professor, who are to be nominated by the Committee of the General Assembly of the Church of Scotland, the said Trustees and their successors shall forever have full power and authority to elect and appoint for the said College a Principal, who shall be a Minister of the Church of Scotland, and such Professor or Professors, Master, or Masters, Tutor, or Tutors, and such other Officer, or Officers, as to the said Trustees shall seem meet; Pro-

vided always, that such person, or persons, as may be appointed to the Office of Principal, or to any Professorship, or other, in the Theological Department in said College shall, before discharging any of the duties, or receiving any of the emoluments of such office, or Professorship, solemnly declare his belief of the doctrines of the Westminster Confession of Faith, and his adherence to the Standards of the Church of Scotland, in government, discipline and worship, and subscribe such formula to this effect, as may be prescribed by the Presbyterian Church of Canada in connection with the Church of Scotland, and that such declaration and subscription shall be recorded in the Books of the Board of Trustees: And provided always, that such persons as shall be appointed to Professorships, not in the Theological Department in said College, shall, before discharging any of the duties, or receiving any of the emoluments of such Professorships, subscribe such a formula declarative of their belief of the doctrines of the aforesaid Confession of Faith, as the Synod may prescribe.

Declaration.

Subscribe formula.

V. And be it further enacted, etc., That no religious test, or qualification, shall be required of, or appointed for, any persons admitted, or matriculated, as scholars within the said College, or of persons admitted to any Degree in any Art or Faculty therein, save only, that all persons admitted to any Degree in Divinity, shall make such and the same declarations and subscriptions, as are required by this Act to be made and subscribed by the professor, or Professors, in the Theological Department.

No religious test.

Exemption.

VI. And be it further enacted, etc, That, if any complaint respecting the conduct of the Principal, or any Professor, Master, Tutor, or other Officer of the said College, be at any time, made to the Board of Trustees, they may institute an enquiry; and, in the event of any impropriety of conduct being duly proved, they shall admonish, reprove, suspend, or remove, the person offending, as to them may seem good: Provided always, That the grounds of such admonition, reproof, suspension, or removal, shall be recorded at length in the Books of the said Board.

Enquiry into complaints.

Action thereon.

VII. And be it further enacted, etc., That the said Trustees, and their successors, shall have full power and authority to erect an Edifice, or Edifices, for the use of the said College: Provided always, that such Edifice, or Edifices, shall not be more than three miles distant from St. Andrew's Church, in the Town of Kingston, in the Province of Upper Canada.

Erect building.

VIII. And be it further enacted, etc., That the said Trustees and their successors shall have power and authority to frame and make statutes, rules and ordinances, touching and concerning the good government of the said College, the performance of Divine Service, therein; the studies, lectures, exercises and all matters regarding the same; the number, residences and duties of the Professors thereof; the management of the revenues and property of the said College; the salaries, stipends, provision and emolument of, and for, the Professors, Officers and Servants thereof; the number and duties of such officers and servants, and also touching and concerning any other matter, or thing, which to them shall seem necessary, for the well-being and advancement of the said College, and agreeably to this Act; and also, from time to time, by any new statutes, rules, or ordinances, to revoke, renew, augment, or alter, all, every, or any, of the said statutes, rules and ordinances, as to them shall seem meet and expedient: Provided always, that the said statutes, rules and ordinances, or any of them, shall not be repugnant to the Provisions of this Act, or to the laws and statutes of this Province: Provided also, that the said statutes, rules and ordinances, in so far as they regard the performance of Divine Service in the said College, the duties of the Professors in the Theological Department thereof, and the studies and exercises of the Students of Divinity therein, shall be subject to the inspection of the said Synod of the Presbyterian Church, and shall be forthwith transmitted to the Clerk of the said Synod, and be, by him, laid before the same at their next meeting for their approval; and, until such approval, duly authenticated by the signatures of the Moderator and Clerk of the said Synod, is obtained, the same shall not be in force.

Statutes, Rules and Regulations.

Condition.

Theological Department.

IX. And be it further enacted, etc., That as soon as there shall be a Principal and one Professor in the said College, the Board of Trustees shall have authority to constitute, under their Seal, the said Principal and Professor, together with three members of the Board of Trustees, a Court, to be called the College Senate, for the exercise of Academical Superintendence and discipline over the Students, and all other persons resident within the same, and with such powers for maintaining order and enforcing obedience to the statutes, rules and ordinances of the said College,

College Senate.

as to the said Board may seem meet and necessary : Provided always, that, so soon as three additional Professors shall be employed in the said College, no Trustee shall be a Member of the College Senate ; but that such Principal and all the Professors of the College shall forever constitute the College Senate, with the powers just mentioned.

**Degrees.** X. And be it further enacted, etc., That, whenever there shall be a Principal and Four Professors employed in the said College, the College Senate shall have power and authority to confer the degrees of Bachelor, Master and Doctor, in the several Arts and Faculties.

**Quorum.** XI. And be it further enacted, etc., That five of the said Trustees, lawfully convened, as is hereinafter directed, shall be a quorum for the dispatch of all business, except for the disposal and purchase of real estate, or, for the choice, or removal, of the Principal, or Professors, for any of which purposes there shall be meeting of at least thirteen Trustees.

**Secretary and Treasurer.** XII. And be it further enacted, etc., That the said Trustees shall have full power and authority, from time to time, to choose a Secretary and Treasurer, and also once in each year, or oftener, a Chairman, who shall preside at all meetings of the Board.

**Vacancy, how filled.** XIII. And be it further enacted, etc., That the said Trustees shall have power, by a majority of voices of the members present, to select and appoint, in the event of a vacancy in the Board, by death, resignation, or removal from the Province, a person whose name is on the list, from which appointments are to be made, to fill such vacancy, choosing a Minister in the room of a Minister, and a Layman in the room of a Layman, and inserting the name of the person so chosen in that place on the Roll of the Board, in which the name of the Trustees in whose stead he may have been chosen, stood.

**Meetings.** XIV. And be it further enacted, etc., That the said Trustees shall have power to meet at the College upon their own adjournment, and so often as they shall be summoned by the Chairman, or, in his absence, by the Senior Trustee, whose seniority shall be determined by the order in which the said Trustees are named in this Act, or shall be elected hereafter : Provided always, that the said Chairman, or Senior Trustee, shall not summon a meeting of the Corporation, unless required so to do by a notice in writing from three members of the Board : And provided also, that he shall cause notice of the time and place of the said meeting to be given in one, or more, of the public Newspapers of the Province of Upper and Lower Canada, at least thirty days before such meeting, and that every Member of the Corporation, resident within the said Provinces, shall be notified in writing by the Secretary to the Corporation of the time of such Meeting.

**King's College to pay for Theological Professor.** XV. And be it further enacted, etc., That so soon as the University of King's College, and the College hereby instituted, shall be in actual operation, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to authorize and direct the payment from the Funds of the said University of King's College, in aid of the Funds of the College hereby instituted, of such yearly sum, as to him shall seem just for the purpose of sustaining a Theological Professorship therein, and in satisfaction of all claim on the part of the Church of Scotland for the institution of a Professorship of Divinity in the University of King's College, according to the Faith and discipline of the Church of Scotland.

**NOTE.** This Act was disallowed by the Imperial Government in 1841, and a Royal Charter was issued in its place. The reasons for this disallowance, and the granting of a Royal Charter instead, will be given in the following Chapter, XVI. on "The Founding of the Queen's University at Kingston."

## 3 VICTORIA, CHAPTER XXXVI.

AN ACT TO AUTHORIZE THE TEMPORARY OCCUPATION, BY THE PROPOSED UNIVERSITY OF KINGSTON, OF THE GENERAL HOSPITAL AT KINGSTON, UPON CERTAIN TERMS THEREIN MENTIONED.

*Charles Poulett Thomson, Governor General.*

Passed 10th February, 1840.

Whereas a building was erected at Kingston, in the Midland District, by the Preamble. voluntary contribution of certain inhabitants, and by a Grant from the funds of the Province, for the purpose of a General Hospital, which, for want of the necessary endowment, has not been used for the object contemplated, and in consequence thereof, the Building is unoccupied and subject to damage and decay; *And Whereas* it appears by the Petition of certain of the said subscribers, that they are desirous that the said Building, together with the grounds connected therewith, should be leased for a period of years to the Trustees of a College, or University, about to be established at Kingston, under the authority of an Act passed during the present Session, for the accommodation of the said University: *Be it therefore enacted* by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled: "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled: 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, to direct and order a lease to the Trustees of the said University of the said Buildings and Grounds, for such term of years, and for such annual rent Term. for the occupation and use of the same, as His Excellency the Governor, Lieutenant-Governor, or person administering the Government, shall deem proper.

II. *And be it further enacted by the authority aforesaid,* That the Annual Rent to be paid by the Trustees of the said University, for the occupation and use of the said Building and Grounds, shall be collected by the Sheriff of the Midland District, and be by him paid into the hands of Her Majesty's Receiver-General, for the benefit of the said General Hospital, whenever it shall be put into operation.

## 3 VICTORIA, CHAPTER LXVIII.

AN ACT GRANTING A SUM OF MONEY FOR THE SUPPORT OF COMMON SCHOOLS, FOR THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FORTY.

*Charles Poulett Thomson, Governor General.*

Passed 10th February, 1840.

MOST GRACIOUS SOVEREIGN:

Whereas it is expedient to grant a sum of money for the support of the Common Preamble. Schools in the several Districts of this Province: We therefore pray Your Majesty that it may therefore be enacted by Your most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled:—"An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, 1791. intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and in the hands of the Receiver General and unappropriated, there be granted to Her Majesty, for

the use of the Common Schools in this Province for the year of our Lord one thousand eight hundred and forty, the sum of Five Thousand, Six Hundred and Fifty Pounds, in addition to the sums now appropriated by law, to be applied and accounted for in the same way and manner and in conjunction with the present sums granted by Act of Parliament, which said sum of Five Thousand Six Hundred and Fifty Pounds shall be appropriated among the several Districts of this Province, as follows, that is to say: To the Ottawa District, the sum of one hundred pounds; to the Eastern District, the sum of five hundred pounds; to the Johnstown District, the sum of five hundred pounds; to the Bathurst District, the sum of five hundred pounds; to the Midland District, the sum of three hundred and fifty pounds; to the District of Victoria, the sum of two hundred pounds; to the Newcastle District, the sum of five hundred pounds; to the Home District, the sum of seven hundred and fifty pounds; to the Gore District, the sum of six hundred pounds; to the Niagara District, the sum of five hundred pounds; to the London District, the sum of three hundred pounds; to the District of Brock, the sum of one hundred and fifty pounds; to the Talbot District, the sum of one hundred and fifty pounds; to the Western District, the sum of three hundred and fifty pounds.

£5,650.

The Districts  
to share grant.

Governor's  
Warrant.

II. And be it further enacted by the authority aforesaid, That the said sum of Five Thousand, Six Hundred and Fifty Pounds, shall be paid by the Receiver General of this Province, in discharge of such warrants as may for that purpose be issued by the Lieutenant Governor.

1 Victoria,  
Ch. 60 revised.

III. And be it further enacted by the authority aforesaid, That the third and fourth clauses of an Act passed in the first year of Her Majesty's reign, intituled:—"An Act granting a sum of money for the support of Common Schools for the year eighteen hundred and thirty-eight," be and the same are hereby revived and continued.

## CHAPTER XV.

### REPORT OF A COMMISSION ON EDUCATION IN UPPER CANADA, 1839.

By a notable historical coincidence, the adoption of an Address, by the Upper Canada House of Assembly, to Sir George Arthur, asking him to appoint a Commission to enquire into and report upon the Departments of the Government, followed closely upon the publication of Lord Durham's Report on the Affairs of British North America. In that Report, Lord Durham practically arraigned the administration of the "official party" in Upper Canada, through these Departments. Speaking of that party, he said, that

Like all parties long in power, it was naturally unwilling to submit itself to any such responsibility as would abridge its tenure, or cramp its exercise of authority. . . . A monopoly of power so extensive, and so lasting, could not fail, in process of time, to excite envy, create dissatisfaction, and, ultimately, provoke attack; and an opposition consequently grew up in the House of Assembly, which assailed the ruling party, by appealing to popular principles of government, by denouncing the alleged jobbing and profusion of the official body," etcetera. (*Pages 53, 54 of Lord Durham's Report as printed by order of the Imperial Parliament.*)

Possibly, too, the discovery by Sir George Arthur, in April, 1839, of the serious mal-administration of the finances of King's College, may have strongly influenced the House of Assembly (in May, 1839,) to request His Excellency

To employ some fit and disinterested person, or persons, to make such an investigation and scrutiny as would enable them to report upon the state of each Department.

Mr. Anthony Manahan, by his Notice of Motion in the House of Assembly, (on the 4th of December, 1839,) went further than this, in order to have a clean sheet on the union of the Provinces, as will be seen by reference to page 224, *ante*.

In addition to his arraignment of the "official party," in its administration of public affairs, Lord Durham made the following caustic remarks upon the mental and social condition of the people of Upper Canada, and their lack of intelligence, chiefly owing to the absence of proper educational influences, and the existence of but few schools, and these of a "very inferior character." He said—

A very considerable portion of the Province has neither Roads, Post Offices, Mills, Schools, nor Churches. The people may raise enough for their own subsistence, and may even have a rude and comfortless plenty, but they can seldom acquire wealth; nor can even wealthy landowners prevent their children from growing up ignorant and boorish, and from occupying a far lower mental, moral and social position than they themselves fill. . . . By the Lands, which were originally appropriated for the support of Schools throughout the country, by far the most valuable portion has been diverted to the endowment of the University, from which those only derive any benefit who reside in Toronto, or those who, having a large assured income, are enabled to maintain their children in that Town at an expense which has been estimated at £50 per annum for each child. Even in the most thickly peopled districts there are but few Schools, and those of a very inferior character; while the more remote settlements are almost entirely without any. (Page 66 of Lord Durham's Report, printed by order of the Imperial Parliament.)

It is not improbable that this statement of Lord Durham, in regard to the absence of proper, or even of any, schools for the children of the inhabitants, may have induced Sir George Arthur, when issuing his Commission to enquire into the administration of the Public Departments, to direct that a Committee of the Commissioners should minutely inquire into the condition of Education in the Province, and suggest a "plan" by which the state of affairs, described by Lord Durham, might be wholly changed, and that a decided improvement in the character of the Schools be effected, as the result of their proposed "plan."

Lord Durham's Report was laid before the British Parliament, and printed, in February, 1839. It was soon afterwards reprinted in Toronto by Mr. (afterwards Sir) Francis Hincks; the maladministration of the University Funds was discovered in April, 1839, and the Address of the House of Assembly, asking for an investigation into the Public Departments, was presented to Sir George Arthur in May. Thus, these various events transpired within four months, in the early part of 1839, and had, no doubt, a natural connection together, as I have intimated.

In compliance, therefor, with the Address of the House of Assembly, passed in May, 1839, the Lieutenant Governor, Sir George Arthur, issued the Commission mentioned on page 229, *ante*, directing the Commissioners named to inquire into, and report on, the several Departments of the Government. The Commissioners were divided into several Committees, to each of which was assigned a Department, on the business of which the Committee was to report. The Committee on Education was composed of the Reverend John McCaul, LL.D. the Reverend Henry James Grasett, B.A., and Samuel Bealy Harrison, Esquire, the Civil Secretary. Its duties, as defined, are set forth on the next page.

It is interesting to note the fact, that two of these three gentlemen became Members of the "Board of Education for Upper Canada," appointed at the suggestion of the Reverend Doctor Ryerson in 1846, and each of the three subsequently

became a Member of the "Council of Public Instruction for Upper Canada," appointed in 1850. The Very Reverend Henry James Grasett, D.D. (Cantab), Dean of Toronto, and the Honourable Samuel Bealy Harrison, Judge of the Home District, were both, for some time Chairmen, in succession, of the Council of Public Instruction for Upper Canada.\* The Reverend John McCaul, LL.D., President of the University of Toronto, was also a Member of the Council of Public Instruction, and frequently acted as Chairman, *pro tempore*.

The duty of this Education Committee of the Commissioners, appointed to investigate the business of the several Departments of the Provincial Government, was thus defined by Sir George Arthur:—

1. The Committee will ascertain the state of all School Funds; the extent to which they may be made available for their legitimate objects; and will state the amount of such additional aid as may be requisite to carry into effectual operation an enlarged scheme of popular Education.

2. They will examine into the past and present state of Education throughout the Province, and into the efficiency of the means for promoting it, which have hitherto been employed.

3. They will frame such a Plan as will appear to them to be the best possible kind of Education for the community, at the least possible expense; and will prepare the same, so as to allow of a Bill, which shall embody it, being submitted to the Legislature at their next meeting.

4. They will institute an inquiry with reference to the Constitution of King's College University, and also to the Lands forming its endowment,—the Revenue derived from them, and the objects to which it has been applied; stating also, how, in future, it may be most beneficially employed.

5. As the object of the appointment of the Commission is to investigate generally all matters of public interest connected with the several Departments, this Committee will understand that they are not restricted to limit their inquiries by the strict letter of the foregoing queries; but that, in the spirit of the same, they are to pursue any course of investigation which may appear to them expedient.

By Command of His Excellency :

GOVERNMENT HOUSE, TORONTO,  
22nd October, 1839.

R. A. TUCKER,  
Secretary.

#### PRELIMINARY REPORT OF THE COMMITTEE ON EDUCATION.

The Committee subsequently reported to the Provincial Secretary, for the information of His Excellency, that

In consequence of the length of time that had elapsed between the presentation of the Address to the Lieutenant Governor, and the appointment of the Commission, the Committee have not yet been able to acquire the information they have sought for, with reference to the subject of School Funds; nor is it probable that they will be enabled to report thereon during the present Session of Parliament. (NOTE. This subject of enquiry was transferred to another Committee. See page 246, *post*.)

TORONTO, 8th February, 1840.

JOHN McCAUL,  
Chairman of Committee.

This Report of the Education Commissioners is valuable for the full details which it gives, and for the comparative comprehensiveness of the view taken by the Commissioners, and those whom it consulted, on the state of Education in Upper Canada in 1839—its incompleteness and defects.

\* Judge Harrison was appointed Chairman of the Council in 1850. He died in 1863; when Dean Grasett was appointed in his place. The Dean continued to act as Chairman, until the Council ceased to exist in 1876.

An additional interest and value attaches to this Report, for the fact that, in reply to questions put by the Commissioners, the opinions and views of noted men of the time—the Right Reverend Bishop Strachan, the Honourable Messieurs William Morris, James Crooks and Adam Ferguson, Peter Boyle de Blacquiere; Messieurs William Hamilton Merritt, Mahlon Burwell, George Strange Boulton and William Craigie; and the Reverend Messieurs John Roaf, Robert McGill and Robert Murray, M.A., were obtained. The Reverend Robert Murray was the first Superintendent of Education for Upper Canada, from 1842 to 1844. He was succeeded by the Reverend Egerton Ryerson, D.D., LL.D., who was Chief Superintendent of Education for the Province, from 1844 to 1876)\*

#### REPORT OF THE COMMITTEE OF COMMISSIONERS ON EDUCATION IN UPPER CANADA.

MATTERS IN REGARD TO EDUCATION, WHICH WERE ASSIGNED TO THE COMMITTEE OF THE COMMISSIONERS, AS THE SUBJECT OF ITS INQUIRY.

The subjects to which the Committee on Education were instructed to direct their attention may be classed under the following Heads:—

- I. The Past and Present State of Education in the Province.
- II. The State of the Provincial School Funds.
- III. The Constitution and Revenues of King's College.
- IV. The Constitution of a Plan for the diffusion of Education in Upper Canada.

##### FIRST—THE PAST AND PRESENT STATE OF EDUCATION IN THE PROVINCE.

The Provincial Legislature manifested at a very early period, their conviction of the necessity of making provision for so important an element in a nation's prosperity, as the education of her youth.

In the year 1797, both Houses of the Legislature united in petitioning His Majesty for the appropriation of a certain portion of the Waste Lands of the Crown as a fund for the establishment and support of a respectable Grammar School in each District, and also of a College, or University, for the instruction of youth in the different branches of liberal knowledge.†

In the year 1807, an Act was passed, providing that the sum of Eight Hundred Pounds, (£800,) should be annually, (for four years,) paid for the establishment of Public (Grammar) Schools.

The clauses of this Act provided that there should be one Public (Grammar) School in every District: That One Hundred Pounds, (£100), should be paid annually to the Teacher of such Public (Grammar) School;—it appointed the places where these Schools were to be established,—gave authority to the Lieutenant Governor to appoint Trustees,—gave the nomination of the Teacher to these Trustees, subject to the approval, or disapproval, of the Governor,—also the power of removing, and nomination to the same, with the same restrictions; also the power of making Rules and Regulations respecting said Schools.

It is to this Act that we are to trace the establishment of the District (Grammar) Schools, as they at present exist, which, although they have not effected all that was expected, it yet must be admitted that they have been the instruments of effecting much good.‡

\* Questions were also addressed by the Education Commissioners to the Reverend Messieurs Hugh Urquhart, William T. Leach, Joseph Stinson, W. P. McDonough, Matthew Richey and Alexander Gale; also to Messieurs George Hill Detlor, Richard Phillips Hotham, and Anthony Manahan; but none of these Gentlemen replied to the Circular of the Commissioners on the subject.

† See page 16 of the First Volume of this Documentary History.

‡ The Act will be found on pages 60 and 61 of the First Volume of this Documentary History. Reference was made to the circumstances under which this Act was passed, in the Address of the Reverend Doctor Strachan, at the opening of King's College in 1842. (See page 152 of the same Volume.



In the year 1808, the Legislature seem to have been so impressed with the importance of this,—their first step towards making a pecuniary provision for National Education,—that we find the clause repealed which limited the duration of the Act of 1807 to four years.\*

FIRST ACT FOR THE ESTABLISHMENT OF COMMON SCHOOLS IN UPPER CANADA, 1816.†

But the wants of the humbler classes of society demanded attention; accordingly, in the year 1816, an Act was passed for the establishment of Common Schools. The clauses of this Act provided that during its continuance, Six Thousand Pounds, (£6,000,) should be annually paid for this object, Six Hundred Pounds, (£600,) to the Home District; Four Hundred Pounds, (£400,) to the Newcastle District; One Thousand Pounds, (£1,000,) to the Midland District; Six Hundred Pounds, (£600,) to the Johnstown District; Eight Hundred Pounds, (£800,) to the Eastern District; Six Hundred Pounds, (£600,) to the London District; Six Hundred Pounds, (£600,) to the Gore District; Six Hundred Pounds, (£600,) to the Niagara District; Six Hundred Pounds, (£600,) to the Western District; and Two Hundred Pounds, (£200,) to the Ottawa District. The third clause provides, that, when a competent number of persons shall unite and build a School House, furnish twenty scholars, and, in part, provide for the payment of a Teacher, such persons, giving eight days notice, might meet and appoint three fit persons as Trustees to the said school; which Trustees were to have the power to appoint a Teacher of said Common School. Power also was given to the Trustees to remove the Teachers, and nominate others; such removal, however, being subject to the approval of the District Board of Education. The same are authorized to make rules for the government of the Schools, which, however, may be rescinded by the District Board of Education, to whom a quarterly Report is directed to be made, stating the books used, and the rules and regulations adopted.

Provision was also made regarding the Teacher,—that he should be a British Subject by birth, naturalization, or conquest, or should have taken the oath of allegiance. This Act further directs that an Annual Report should be rendered to the District Board of Education, which Board was to be composed of five fit persons, appointed by the Lieutenant Governor. Authority was given to this Board to proportion the money for the schools, provided always, that no allowance shall exceed the sum of Twenty-five pounds, (£25), annually. The Treasurer of the District was authorized to pay this allowance on these conditions: (1) receiving a certificate signed by the Trustees, of the good conduct of the Teacher during six months, and (2) the number of scholars, not being less than twenty.

THE ADDITIONAL GRAMMAR SCHOOL ACT OF 1819‡

In the year 1819, the Act for the establishment of Public Grammar Schools again engaged the attention of the Legislature. It was then deemed expedient to make further provisions for the efficiency of these Schools. It was directed that an annual examination should be held, at which the Teachers, or a majority of them, should assist; that annual Reports should be rendered by the Trustees; that free education should be given in each school to ten children of the poorer inhabitants, elected by ballot; that Teachers hereafter, should not receive more than Fifty pounds, (£50,) a year, unless the average number of scholars exceeded ten. It was further directed that Certificates should be given to Teachers at a public meeting of the Trustees, upon due notice being given for that purpose.

THE SUPPLEMENTARY COMMON SCHOOL ACTS OF 1820 AND 1824.

In the year 1820, the clause of the Act regarding Common Schools, ¶ granting Six Thousand pounds (£6,000,) for their establishment, was repealed, and it was enacted that the sum of Two Thousand Five Hundred pounds, (£2,500,) be paid annually,—dividing the grant equally amongst the ten Districts of the Province, and fixing the maximum allowance of the Teacher at Twelve pounds ten shillings, (£12 10,) per annum; permission was also given to the District Board of Education to appoint a Clerk who might be paid Five pounds, (£5,) per annum.

Speaking on this subject, in his *Memoir* of Bishop Strachan, the Reverend Doctor Bethune says: "In 1807, mainly through the exertions of Doctor Strachan, an Act was passed for the establishment of a Grammar School in each District of the Province; and very soon, three Superior Schools,—at Cornwall, Kingston and Niagara,—were in successful operation. In process of time, similar Schools were established in the capital Towns of the other Districts of Upper Canada." (*Memoir of Bishop Strachan*, page 105.)

\* Page 66 of the First Volume of this Documentary History.

† The reasons for the passing of this first Common School Bill in 1816, are given in the Report of a Select Committee of the House of Assembly, dated the 27th of February, 1816. That Report is printed on page 95 of the First Volume of this Documentary History, and the Act itself on pages 102-104.

‡ This Act is printed on pages 148-150 of the First Volume of this Documentary History.

¶ *Ibid*, pages 172, 173. This Act reduced the grant of 1816 to Common Schools, from £6,000 to £2,500.

The necessity of making some provision for Books to be used in the Schools, produced an Act of the Legislature in 1824, by which One Hundred and Fifty pounds, (£150,) per annum were granted, to be at the disposal of the General Board of Education for the Province, to be laid out by it in the purchase of books, tracts, etcetera, which were to be distributed by the Provincial General Board of Education amongst the several District Boards of Education, to be by them redistributed at their discretion. It was also enacted that every Teacher of a Common school must be examined by the Board of Education in the District in which he shall have taught or obtain a certificate from at least one Member of such Board, certifying his ability to teach, before receiving any public money.\*

In the year 1833, an Act was passed increasing the grant for Common Schools, and providing for the distribution of it amongst the Districts. Five Thousand, Six Hundred and Fifty pounds, (£5,650,) were now granted, in addition to the sums before appropriated by law, for the years 1833 and 1834. † This was directed to be apportioned as follows:—Eastern, Johnstown, Bathurst, Newcastle and Niagara Districts, Five Hundred pounds, (£500,) each. Midland, (including Two Hundred pounds, (£200,) for Prince Edward District) and the Home Districts, Seven Hundred and Fifty pounds, (£750,) each. The Gore and London Districts, Six Hundred pounds, (£600,) each. The Western District, Three Hundred and Fifty pounds, (£350,) and the Ottawa District, One Hundred pounds, (£100.) A clause in this Act provided that the Teachers of Common Schools were not to be entitled to an allowance, unless the Trustees of said School shall make it appear to the satisfaction of the District Board of Education, that they have made provision for his support, so as to secure him for his services in a sum at least equal to double the amount which may be allotted by that Board of Education from the public money. It was further enacted, that each District should allow to the Clerks of their respective Boards of Education, the further sum of Five pounds, (£5,) annually, in addition to the sum they are already authorized to receive. ‡

Since the passing of this Act, no further improvement in the Schools has been effected, although there appears to have been a general persuasion, (which your Committee have reason to believe is at present very generally entertained,) of the inadequacy of the system adopted.

Your Committee annex an analysis of some of the Reports of District (Grammar) and Common Schools for the year 1838, from which an estimate may be formed of the present state of Education in the Province; they regret that this branch of Statistics is in so imperfect a state, that they have not been able to obtain as exact information on the subject, as the importance of it would require. (See Appendices A and B, and also the Extracts from the Reports of 1839.)

From these Reports, however, it appears that the number of pupils in thirteen District (Grammar) Schools is little more than three hundred; that the number of Common Schools may be assumed to be more than eight hundred, and that the number of children receiving instruction in them, may be estimated at about twenty four thousand, (24,000,) taking the population of Upper Canada to be four hundred and fifty thousand, (450,000) the average of Education by public funds is about one in 18.§

\* A copy of this Act will be found on pages 103-104 of the First Volume of this Documentary History. Speaking of the State of Education in Upper Canada at this time, Bishop Bethune, in his *Memoir* of his Predecessor, Bishop Strachan, says: "The means for the education of those, who were not in a condition to avail themselves of the instruction afforded in the Grammar Schools, were, at the time, very meagre and unsatisfactory. . . . In our Towns and Villages, and here and there in the country, there were Schools of a very humble order, — the Teachers, sometimes men of respectability, but oftentimes, the reverse, both as to acquirements and habits of life. . . . and the majority of the scholars only attended school in the winter months. . . . The duty of ameliorating this condition of things forced itself early upon Doctor Strachan; and, very much through his influence and exertions, a Law was passed in January, 1824, [continuing the Act of 1820, which made] a certain grant to each District [of Two Hundred and Fifty pounds, (£250,)] for Common School education, and appointing a Board of Education in each District, to examine and admit Teachers, and to make an equitable distribution, within their bounds, of the Funds allotted thereto, a somewhat better class of School Masters was, by this means, obtained, and a larger number of Schools were opened; but there was this defect in the organization of the system, that no adequate provision was made for the superintendence of these Schools, — no arrangements for a periodical visit to them, so as to ensure the proper attention to their conductors, and to examine into and remedy complaints, where they were preferred. (*Memoir of Bishop Strachan*, pages 105, 106.)

† The reduced sum, granted by Statute to Common Schools in 1820, was £2,500, or £250 to each of the Districts in Upper Canada. To this special grant was added, in 1833, the further sum of £5,650. These two sums, therefore, constituted for many years the Legislative Common School Fund of Upper Canada. The £5,650, like the original District grant of 1816-1820, was apportioned each year by the Legislature among the several Districts of the Province.

‡ Pages 118, 119 of the Second Volume of this Documentary History.

§ *Average of Education.* In the State of New York, in the year 1837, there were 528,913 children instructed, out of a population of about 2,500,000. The whole expense for Teachers, from the public funds was \$335,882.92, and the amount received from fees was \$177,875.27. (*Education Commissioners' Report.*)

KING'S COLLEGE AND THE UPPER CANADA COLLEGE.—SCHOOL FUNDS.

Your Committee also annex a copy of the Report of Upper Canada College, (Appendix C), drawn up by the direction of the Principal of the College, to be submitted to the Legislature, affording full information on the progress of that Institution during the last eight years. To this they subjoin the details of the course of Education, (Appendix D,) specifying the subjects of instruction and the Text Books at present used in the College.

II. The Second subject, on which your Committee was instructed to prosecute inquiry, is the state of the School Funds; but this matter was subsequently referred to another Committee—[i.e., Committee Number 2 on the "Receiver General's and other Offices."]

III. The Constitution and Revenues of the University of King's College form the Third branch of your Committee's investigation.

Full information on the amount and sources of the Revenues of King's College and of the Upper Canada College, will be found in the copy of the Statements which are annexed to Appendix E of this Report. Any suggestions which the Commissioners would offer regarding its Constitution will be embodied in the following Plan of Education, which they have the honour of submitting to your Honourable Board, under the Fourth Head of the subjects which the Commissioners were instructed to

PLACE OF NATIONAL EDUCATION,—ITS FOUR DIVISIONS, OR DEPARTMENTS: PROFESSIONAL, LIBERAL, COMMERCIAL AND ELEMENTARY.

IV. National Education may be divided into four departments: Professional, Liberal, Commercial and Elementary. Of these, the First two are the sphere of the University;—The Second and Third of District (Grammar) Schools, and the Fourth of Common Schools.

For University Education, i.e., such as would qualify the student in Theology, Law and Medicine, the provision is at present, very deficient, although the regulations of the Upper Canada Law Society are eminently conducive to the advantage of that Profession; its operations must, of course, be regarded as merely auxiliary to the University Education in that Faculty, and intended rather to promote, than to supersede, a course of Academic study.

In the other Faculties, Theology and Medicine, there is no provision for the instruction of students, except the incorporation of a College of Physician and Surgeons, which your Committee fear will be prevented from effecting all that is desirable, from the want of funds. Your Committee beg respectfully to state their conviction that the want of Schools of Divinity and of Medicine is productive of the most serious results.

Everyone who is aware, that the well being of every society of men must depend on the tone of their religious and moral principles, must deplore the want of a provision in the Province for furnishing itself with an abundant supply of men, qualified, by an extended course of Education, for the important duties which the Clergy have to discharge, as the Teachers of Religion, and the Guardians of Morality. The baneful effect of a want of School of Medicine will be sufficiently appreciated, by merely mentioning that its result is, that the medical student is forced to seek that instruction which he cannot obtain here, in the neighbouring Republic, from which he returns, not infrequently, imbued with hostility to the Constitution under which he is to live. Your Committee beg respectfully to press upon the attention of your Honourable Board, the importance of some speedy remedy for these evils.

This remedy would be provided, if the University were in active operation; but this the Committee cannot anticipate for some years, in the present state of its finances, and on account of the proposed scale of expenditure on the Buildings.

THE UPPER CANADA COLLEGE AS A TEMPORARY UNIVERSITY.

The Provincial Legislature were so deeply impressed with the necessity of making prompt provision, under the circumstances, that, in the last Session they passed an Act creating Upper Canada College a Temporary University. The advantages of this arrangement are: that but little addition to the present establishment of Tutors will be requisite for an efficient education in Arts, and that the only additional Building required will be a School House for those pupils of the Institution, who are not qualified to enter on the regular University course; so that lectures may be commenced as soon as the system is organized. Your Committee annex plans for carrying into effect the provisions of the Act for a Temporary University, which will be found in Appendix F.

NOTE.—The Commissioners have here given a wide and liberal interpretation to a section of the "Act for the Advancement of Education in this Province," (pages, 170, 171 of this Volume, *ante*.) for the only enacting clause in that

Statute, relating to Upper Canada College is the 6th Section, which states, that "it shall and may be lawful for the said Council of King's College: First, to appropriate a portion of the revenues thereof, not exceeding one half, to the support, extension and maintenance of Upper Canada College, until it shall be deemed necessary to erect the University."

This Financial provision for Upper Canada College, in connection with a portion of the preamble to the Act itself, may be held to support the Commissioners' view of this part of the Statute of 1839. The extract from the preamble is as follows: "Whereas, Upper Canada College, with some changes, affected, would afford sufficient accommodation to the public, as a Provincial Seat of Learning, until it shall be deemed necessary to erect a University." Taken together, this preamble and the enacting clause of the Act quoted above, may, therefore, be held to justify the opinion of the Commissioners on the subject.

An example of 'history repeating itself' is furnished by this example of the second abortive effort of the Upper Canada Legislature to constitute Upper Canada College a "Temporary University." An attempt of this kind was made in 1830, and a Bill for that purpose was passed by the House of Assembly, but it was rejected by the Legislative Council, for the reasons which it then gave. That proposed Bill is printed on pages 301-304 of the First Volume of this Documentary History.

Although the Education Committee, in their Report, submitted a "Plan," as directed, whereby this Upper Canada College University portion of the Act of 1839 might be carried into effect, yet it never was acted upon, as the incongruity of the scheme may have prevented any practical attempt being made to do so.

#### THE THEOLOGICAL DEPARTMENT OF THE UNIVERSITY OF KING'S COLLEGE.

Your Committee have bestowed much consideration on the subject of the Theological department. It is their conviction that it would be wholly subversive of the order and well being of an University, to have within it Chairs for the Professors of different Denominations of Religion. But, although they would, for this reason, suggest, that the University, in this Faculty, should be assimilated to those of Oxford, Cambridge and Dublin; they would also recommend that provision should be made for affording to the students for the Ministry in other Denominations of Christianity, the advantages of an academic education. They, therefore, submit the only plan by which it appears to them the important object of instruction for Theological Students can be obtained, without exciting angry and jealous feelings throughout the Province, or endangering the peace and harmony of the University. They would recommend that Theological Seminaries should be established, (either all in one, or each in a different part of the Province,) one for each Denomination that might appear to require such an establishment, for the education of their Clergy. On finishing their course of instruction there, the Student should receive a diploma, certifying that he had completed the requisite course of Theological study, which might be an essential in the requisites for such titles, or degrees, in Divinity, as the authorities of each Theological Seminary might be empowered to confer.

NOTE. From this portion of the Report of the Education Committee of the Commissioners, it will be seen that the Committee strongly dissented, apparently on prudential grounds, from the proposed plan of having Episcopalian and Presbyterian Professors of Theology in the University of King's College. This scheme, as a solution of the denominational difficulty, in the settlement of the

King's College Charter question, was suggested by a Committee of the Imperial House of Commons in 1828 and endorsed by the Select Committee of the Legislative Council in 1837, on the amendment of the Charter. (See page 69, *ante*.)

In 1831 a previous effort had been made to arrange matters, in regard to the University. Owing to apprehensions, which were entertained at that time, (as stated by the Reverend A. N. Bethune, in his *Memoir of Bishop Strachan*, by adherents of the Church of England in Upper Canada,) that the "disgust in England," caused by the statement there of alleged grievances in Canada," would seriously damage the position "of the Church of England here," the Bishop of the Diocese—the Honourable and Right Reverend Charles James Stewart, D.D., Brother of the Earl of Galloway—was strongly urged by Archdeacon Strachan and others to proceed to England; as, from family connections, he had influence with several of the Ministry." The Reverend Doctor Bethune proceeds:—

It was arranged that the Writer of this *Memoir* should accompany Bishop Stewart to England. . . [which he did, and they arrived in England on the 30th of April, 1831.]

Much consultation was had with Lord Goderich in regard to the University, on the exclusiveness of whose Charter he had been so much assailed; and his Lordship made a proposition which I strongly advised Bishop Stewart to accept. This was to divide the University endowment; giving one half to the Church of England, with the present Charter unchanged; and the other half to the Province for the establishment of a University entirely satisfactory to the Colonial mind. . . Much to the disappointment of Lord Goderich, the Bishop felt himself obliged to decline the proposal. Events have shewn that it would have been wise to have accepted the offer of Lord Goderich. (*Memoir of Bishop Strachan*, . . . by his Successor in the See, 1870. Pages 133, 134.)

#### SUGGESTIONS OF THE EDUCATION COMMITTEE, IN REGARD TO THE DISTRICT GRAMMAR SCHOOLS.

V. Regarding Grammar Schools, the Education Committee of the Commissioners beg to offer the following suggestions:—

1. That one system should be laid down to be adopted by all, as great disadvantages will arise from the present want of uniformity.
2. That no Master should be appointed without examination; that this examination should refer to his qualifications, not merely as a scholar, but, as a teacher; for it often happens that excellent scholars are wholly unfit for the office of Teacher.
3. That provision should be made for an Assistant in each School, where there are thirty pupils, the Master to supply other assistance, according to the increase of pupils in the School.
4. That it would be highly desirable to have District (Grammar) School Houses built on an uniform plan. They should contain, besides a good School Room, sufficient accommodation for the Master and his family, and also for resident pupils. The effect of such provisions, as are above recommended, would be, that the tuition fees might be diminished,—which your Committee consider would be attended with beneficial results.
5. That a certain number of pupils should be entitled to free education; those so entitled to be nominated by the Lieutenant Governor, on the recommendation of the Board of District Grammar School Trustees.
6. That a quarterly Report should be laid before the King's College Council, and that the Schools should be visited by the Inspector General of Education, at least once biennially.

#### REMARKS OF THE EDUCATION COMMITTEE ON THE STATE OF THE COMMON SCHOOLS.

VI. Your Committee beg leave now to offer a few remarks on the present state of Common Schools, as preparatory to the Plan, which they have the honour of recommending for their improvement.

The first step, they conceive, towards their improvement, is to ameliorate the condition of the Master. At present, the Committee have reason to believe that but too many Teachers, receiving the Government allowance, are to be found unfit for this responsible station, from their want, either of literary, or moral qualifications.

The cause of this unfitness, your Committee believe to be, the inadequate remuneration which is held out to those who would embrace this occupation. In this Country, the wages of the working classes are so high, that few undertake the office of School Master, except those who are unable to do anything else; and, hence the important duties of education are often entrusted to incompetent and improper persons. The income of the School Master should, at least, be equal to that of a common labourer. Until some provision of this nature is made, your Committee fear that it will be in vain to expect a sufficient supply of competent Teachers for the Schools.

NECESSITY OF A TRAINING, OR NORMAL, SCHOOL FOR TEACHERS.

Another serious defect in the present Common School system, is the want of a Training School for Teachers. The advantages resulting from the establishment of such Institutions are attested by experience, wherever they have been in operation.\* Your Committee are naturally led to observe next, the evils arising from the want of an uniform system of instruction. They consider the introduction of uniformity, (both as to system adopted, and text books used,) to be of the utmost importance.

PLAN OF THE EDUCATION COMMITTEE FOR THE IMPROVEMENT OF COMMON SCHOOLS.

VII. The Education Committee of the Commissioners now beg leave to submit the outlines of a Plan for the improvement of the Common Schools.

1. In every Township a Model School should be established. The School House might be built, (and the future repairs provided for,) by a Joint Stock Association, which should receive interest for the capital expended. To the School House should be attached a small portion of land, (say two acres,) for the use of the School Master. The School House should contain, at least, five rooms; two School Rooms; one for the boys, another for the girls; a Sitting and Bed Room for the Master, and a Kitchen.

For each of these Schools, there should be a Male and Female Teacher. It would be desirable if married persons could be found, willing to undertake, and competent to discharge, these duties. The income of the Teacher should arise from a fixed allowance, and also for the fees for tuition; the allowance should not be less than Fifteen Pounds, (£15,) per year for the Male Teacher, and Ten Pounds, (£10,) for the Female. In addition to the Teachers who should have the charge of the Model School, there should be one or more licensed to itinerate as School Masters through the Township, beyond the sphere of the permanent School,—say at any place more than two miles distant from it,—these should be promoted, as vacancies occur, to the charge of the Model Schools. Thus provision might be made for one permanent, and four occasional, Schools in each Township; whilst the completion of the system contemplates the future elevation of the latter to permanent Establishments on the same footing as the Model School.

Experience proves the advantage of having some charge, however small, for the education even of the humblest classes of society. Perhaps, two dollars per quarter, might be fixed as a sum, which is within the reach of almost all who could pay anything; and, to meet the case of those who could not even afford this, a certain number should be entitled to free education,—say one in five.

Your Committee have recommended that these fees should form one part of the income of the School Master, the other part being the fixed allowance from Government. From this, they would deduct one quarter to be appropriated to the formation of a School Library. They subjoin an estimate of the probable income of the Master of a Model School.

Fixed allowance from Government . . . . .	£15	
Assuming thirty as the average number of pupils in each school, the whole amount of fees will be . . . . .	£60	
From this, deduct one-fifth for free pupils . . . . .	12	
	£48	
From this, deduct one-quarter for a School Library . . . . .	12	
	36	36
Average income of a Common School Teacher . . . . .	£51†	

\* See paragraph on the next page, in regard to a Normal School.

† The following is an extract from the Examination of Doctor N. H. Julius, a Prussian, before a Committee of the House of Commons in July, 1834: Question: "What is the salary of a School Master in a common elementary School in Prussia?" Answer: "Many have not more than Ten Pounds, (£10),

The subjects of instruction should be, in addition to the ordinary branches of an English Education, (Spelling Reading and Writing,) the Holy Scriptures. Geography, History, Arithmetic, Mensuration and Book-keeping; and, in the Girl's School, Sewing and Knitting.

#### EVILS OF PERMITTING AMERICAN BOOKS TO BE USED IN THE SCHOOLS.

Great care should be taken in the selection of Text Books. Your Committee regret to find that editions published in the United States are much used throughout the Province; tinctured, as they are, by principles, which, however fit for dissemination under the form of Government which exists there, cannot be inculcated here without evil results.\* They, therefore, recommend that some means should be taken whereby the Schools here may be provided with Text Books at a cheap rate from Great Britain, or that a series of compilations, or re-publications, should be prepared and printed here, as the School Books appointed to be used in all the Schools throughout the Province.

#### AN INSPECTOR GENERAL OF EDUCATION, AND A PROVINCIAL BOARD OF COMMISSIONERS.

The general control of Common Schools, your Committee recommend should be vested in a Provincial Board of Commissioners, at Toronto. One of these Commissioners, (to be called the "Inspector General of Education"), should be *ex-officio*, Chairman of the Board, and should receive a salary. He should exercise supervision over both the Grammar and Common Schools, and be the medium of communication between the local authorities in the Districts, and the Council of King's College, or the Provincial Board of Commissioners. The Secretary of the Board also should be a salaried Officer. The duties of this Provincial Board should be, at first, the preparations of Rules and Regulations to be observed throughout all the Schools under their control. The selection, or preparation, of School Text Books, etcetera, to be used; fixing the editions of the same; the licensing of Teachers; determining the location of the School Houses; and making other arrangements necessary, as preliminaries to the introduction of the System of Education subsequently. Other duties would be to supervise the operation of this System, by revising and examining the quarterly Reports sent by the Secretaries of the District Boards of School Trustees, and to present an Annual Statement to the Officer administering the Government of the Province; detailing the number of Schools; the number of pupils in each; the number of Teachers; the income of the same,—derived from public funds, and from school fees; state of School Houses; revenues and sources of the same; and other particulars, from which accurate information of the System of Education, and its practical working, may be readily obtained. The local control of the Schools should be vested in District Trustees, nominated by the Officer administering the Government of the Province. Each of these District Trustee Boards should have a salaried Secretary, who also should discharge the duty of inspecting and reporting on the Schools within the District, each Secretary as often as circumstances may require, but all, at least, once annually. It should also be his duty to conduct the correspondence with the General Board of the Province, and with the Board of Township Directors of Schools.

These Directors might be elected by the Shareholders, from amongst themselves, and also from those who had become eligible by making a donation of a fixed amount, or value, to the advancement of education in the Township. To the Board of Township Directors the School Master should act as Secretary, conducting the correspondence with the Secretary of the District Board of Trustees, and with the itinerant Teachers licensed for that Township.

a year, and some have Thirty Pounds, (£30.), and, in Berlin, it may amount to Sixty Pounds, (£60.) a year." *Question*: "Does that include the House?" *Answer*: "The House is given besides." *Question*: "Has he any land?" *Answer*: "If there is not any land, where Commons are divided, there must be set apart so much land as would be necessary for feeding a cow, and for growing such vegetables as the family of the School Master shall require. Sometimes he gets also a quantity of potatoes, hay, corn, or fuel." *Question*: "How much should you think in an agricultural district he would require to make him comfortable?" *Answer*: "At least Fourteen Pounds, (£14)." *Question*: "What would be the salary of a clergyman in such a District?" *Answer*: "From twenty, (£20), to Thirty, (£30.), a year."—*Education Commissioners' Report*.

\* This matter has frequently been a subject of remark by those who, in early days, gave attention to the subject. See especially the last paragraph of Sir Peregrine Maitland's Despatch to Earl Bathurst, and the "note" appended to it, on page 3 of this Volume, *ante*.

## NECESSITY FOR TRAINING, OR NORMAL, SCHOOLS FOR TEACHERS IN UPPER CANADA.

It appears to your Committee that no plan for education in the Province can be efficiently carried out without the establishment of Schools for the training of the Teachers. They would, therefore, recommend that the Central School at Toronto\*, (to which others may hereafter be added),† should be a Normal School. The Master of it should give a written Certificate to those who have completed a prescribed time, expressing his opinion of their conduct and qualifications. This Certificate should be presented to the Secretary of the General Board of Education for the Province; on receiving which the candidate should be examined, and a report made thereon by the Provincial Inspector General of Education. The latter Officer should keep a list of all persons thus qualified to become Masters; stating their literary qualifications their religion and other particulars, according to which a selection might be made, as vacancies occur.

## INADEQUACY OF THE FUNDS DEVOTED TO THE PURPOSES OF EDUCATION IN UPPER CANADA.

VIII. On the subject of the funds for the purposes of Education in Upper Canada, your Committee beg to express their opinion, that the present provision is inadequate to the wants of the Province. They, therefore, respectfully recommend that a direct tax of three farthings in the pound should be appropriated to this purpose; and they feel assured that the blessings derived from the extension of Education, which may be thus effected, will more than compensate for any additional pressure of taxation which may be felt.‡

The amount at present expended from the public funds for the purposes of Education in Upper Canada is:—

District (Grammar) Schools, Fourteen, at £100 each . . . . .		£1,400	
Common Schools, (about Eight Hundred), annual grant by Legislature sole . . . . .	£3,650		
Common Schools, permanent provision for them in the fourteen Districts, at £250 each . . . . .	£3,500	9,150	
Grant for Books and Tracts for the Common Schools, (4 George IV, Chapter VIII, Section 1) . . . . .			150
			£10,700

Assuming that a Tax of three farthings in the pound will yield about Fifteen Thousand pounds, (£15,000), there will be a sum of Twenty-five Thousand pounds, (£25,000), available for the purposes of Education, exclusive of what may be derived from interest on the Funds arising from the Sale of School Lands, and from assistance given by the Council of King's College, (under the authority of the "Act for the Advancement of Education in the Province," 1839,) for the use of Grammar Schools. Thus, the whole amount of funds available for the purposes of Education would be:—

*For the Common Schools.*

Parliamentary Grants, (including the one for Books) . . . . .	£ 9,300	
Proceeds of Proposed Tax of three Farthings in the £ . . . . .	15,000	
		24,300

*For the District (Grammar) Schools.*

Parliamentary Grant to fourteen District Grammar Schools . . . . .	£1,400	
Interest on the proceeds of the Sales of School Lands . . . . .	720	2,120
		£26,420

Assistance from the Council of King's College, under the "Act for the Advancement of Education in the Province," 2nd Victoria, chapter 10, passed in 1839; page 170, *ante* (not known).

\* References to this "Central School" will be found on pages 174, 175, 177, 179, 180, 244, 246, 248 and 284 of the First Volume of this Documentary History.

† Four would probably be the least number required for the successful working of the system. In the State of New York there were, in the year 1838, eight Establishments for the education of Teachers, in which there were three hundred and seventy-four pupils. In Russia, there were, in the year 1833, fifty-two Seminaries, in which there were more than two thousand pupils. (*Report of the Education Committee.*)

‡ In Pennsylvania, the conditions on which the Districts receive their State appropriation for Common Schools, are, that they accept the Common School System, and assess a tax at least equal to their proportion of the appropriation; but the Directors may increase the tax to double that amount, without, or with, the assent of the citizens of the District, to any extent. (*Report of the Education Committee.*)



## ESTIMATE OF THE PROBABLE EXPENSES OF THE SYSTEM RECOMMENDED:

*In aid of Common Schools.*

Interest on the Capital of £30,000 expended on Three Hundred School Houses at £200 each	£3,600
Allowance to Three Hundred Male Teachers, at £15 each	4,500
Allowance to Three Hundred Female Teachers, at £10 each	3,000
Allowance to Four Hundred Itinerant Teachers at £20 each	8,000
	£19,100

*In aid of Grammar Schools.*

On the plan recommended, the cost of each of these Grammar Schools would probably be about £1,500. The requisite funds might be provided from the proceeds of the School lands, (at present amounting to about £2,000) or one-half might be supplied from this source, when the other half had been provided by shares.

Interest on £3,500, half the sum expended on Fourteen Grammar Schools	£ 210
Fourteen Head Masters, at £100 each	1,400
Fourteen Assistants, at £50 each	700
	2,310
	£21,410

*Cost of Management.*

Provincial Inspector General of Education	£ 300
Secretary of Provincial Central Board of Education	200
Fourteen District Inspectors of Schools	1,400
Various Incidentals	600
	2,500
	£23,910

Thus a balance remains of £2,910 of which £1,500 might be available for the endowment of Professorships in the proposed Theological Seminaries. The remainder being left unappropriated to meet the expenses of the Normal School, and others which may not have been provided for in the details of the Common School System, as compiling and printing.\*

All which is respectfully submitted,

JOHN McCAUL,  
Chairman of the Committee on Education.  
•  
H. J. GRASETT.  
S. B. HARRISON.

COMMITTEE ROOMS, (No. 5.)  
TORONTO, 22nd January, 1840.

## APPENDICES TO THE FOREGOING REPORT OF THE EDUCATION COMMISSIONERS OF 1839.

A. Report of Common Schools; shewing the number of Schools in each District, and the pupils in each School; also the text Books used; (NOTE. The Report of the London District is given separately, being the most complete report of all received from the Districts.†)

B. Report of District Grammar Schools;—showing the number of Pupils in each School and the subjects taught therein.

\* The figures in these Statements were incorrectly printed in the Appendix to the Journals of the House of Assembly. I had to correct and verify them in several instances.

† This Report from the London District contains minute details of each of the ninety Schools in the thirty Townships of the then London District. It is therefore omitted in this History. It can be seen, however, on pages 341-343 of Volume ii of the Appendix of the Journals of the House of Assembly, for the fifth Session of the Thirteenth (and last) Parliament of Upper Canada, 1839, 1840.

C. Report of Upper Canada College, from January, 1832 to 8th August 1839,—shewing the number of pupils in each year; also the sum received by the College and the amount of fees outstanding.

D. Report of the subjects of instruction and the Text Books that have been, and now are, used in Upper Canada College.

E. Financial Reports of King's College; shewing the annual income and expenditure of the University; the receipts and disbursements of Upper Canada College, from the 1st of January, to the 30th of November, 1839; the receipts and disbursements of King's College, from the 1st of January to the 30th of November, 1839; a statement of the assets of the University of King's College, on the 30th of November, 1839; a statement of the number of acres of land sold for the University of King's College, to the 30th of November, 1839.

F. Plan for carrying into effect the provisions of the Act of the Provincial Parliament of the 2nd Victoria, Chapter 10, for creating Upper Canada College as a temporary University. Also a plan of a Course of Study, and the Text Books to be used in Upper Canada College, and in the Grammar Schools; also the plan of the Course of Study in Upper Canada College, as the temporary University, for the degree of B.A., etcetera, with estimate of the probable expense.

G. Copies of Circulars on subject of Education sent to sundry persons, and answers from the same.

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APPENDIX A,—REPORT OF THE COMMON SCHOOLS IN 1838—STATISTICS\*

The total number of Common Schools in Upper Canada, as reported for 1838, is..... 651  
 The total number of children receiving instruction in them, per the School Returns of 1838, is ..... 14,776

Name of District.	Population.	No of Schools.	No. of Pupils.		Books used, in the Common Schools.
			Boys.	Girls.	
JOHNSTOWN ....	31,796	84	1,925		Bible; Testament; Mavor's Spelling; English Reader; Daboll Keel and Walkingame's Arithmetic; Murray's Grammar, etcetera.
BATHURST .....	23,436	84	1,154	936	Reading made easy; Mavor's Spelling; Bible and New Testament; English Grammar and English Reader.
PRINCE EDWARD	13,212	64	2,110		Murray's English Reader; Walker's Dictionary; Cobb's Spelling Book; and First Book; Mavor's Spelling; Murray, Kirkham and Lennie's Grammar; Olney and Woodbridge's Geography; Testaments; Rogers, Willett, Daboll and Walkingame's Arithmetic; Goldsmith's Histories of England and Rome.
NEWCASTLE ....	35,755	44	No. not returned.		New Testament; Mavor's Spelling; English Reader; and Walkingame's Arithmetic.
EASTERN .....	29,493	89	2,460		Reading; Writing and Arithmetic, and, in some Schools, Latin; Geography, and English Grammar are taught.
OTTAWA.....	8,016	28	670		Testament; Eton Grammar; Goldsmith's History of England; Blake's Natural Philosophy; Mavor's Spelling; Murray's Grammar; Arithmetic and Writing.
HOME.....	57,314	92	2,557		<i>Note.</i> No return of Books used.
NIAGARA .....	30,522	48	.....		<i>Note.</i> No return of number of Pupils, or of Books used.
WESTERN .....	16,901	33	574	287	Mavor's Spelling; Murray's English Reader; New Testament; and a variety of Books of Arithmetic.
MIDLAND .....	37,382	.....	.....		} <i>Note.</i> No Reports have been received from any of these Districts.
GORE .....	50,319	.....	.....		
TALBOT .....	.....	.....	.....		
LONDON .....	38,914	85	1359	744	
		651	14,776		Pupils reported in ten, out of the thirteen Districts.

\* No reports of the Common Schools have been received from the Districts of Midland, Gore and Talbot; and no return of pupils in the Common Schools in either the Niagara, or Newcastle, District have been received by the Commissioners.

APPENDIX B REPORT OF THE DISTRICT (GRAMMAR) SCHOOLS—PUPILS ATTENDING THEM; AND COURSE OF STUDY THEREIN, 1838.

Name of District.	Pupils in attendance.	Subjects of Study in the Grammar Schools.
WESTERN . . . .	30	English; Writing; Arithmetic; Geography; History, Mathematics; Latin and Greek; Highest Class in Virgil, Sallust, and Euclid's Elements.
EASTERN . . . . .	30	General Branches of Education; 1st Class, Greek Testament; Cicero; Virgil; Euclid and Plain Trigonometry; Algebra; and Book-keeping.
NIAGARA . . . . .	36	Usual Branches, Highest form, Greek Testament; Homer, etcetera; Livy; Horace; Cicero; Euclid's Elements, and Algebra commenced.
BATHURST . . . . .	31	Usual Branches; also Mathematics, Simpson's Euclid; Globes; Caesar; Ovid; Sallust; Virgil; Cicero; and Horace.
JOHNSTOWN . . . .	19	Usual Branches; also Mathematics; Natural Philosophy; Latin and Greek;
MIDLAND . . . . .	32	Usual Branches; with Elements of Greek and Latin; Globes; Algebra and Euclid.
NEWCASTLE . . . .	31	There are some boys learning Latin. The Books used are the same as in Upper Canada College, as far as they can be procured.
HOME . . . . .	21	General Branches; Sixteen boys have commenced the Latin Grammar; and two the Greek accidence.
LONDON . . . . .	22	Greek; Latin; Mathematics; and the usual branches.
GORE . . . . .	35	Greek and Latin, videlicet, in the upper classes, Caesar, Sallust, Cicero, Virgil and Homer; Mathematics, etcetera, and the usual branches.
OTTAWA . . . . .	24	General branches of Education.
PRINCE EDWARD . . . .	....	Report not received.
TALBOT . . . . .	....	This School was not opened until 2nd of January, 1839.
	311	Total number of Boys in District Grammar Schools.

REPORTS OF THE GRAMMAR AND COMMON SCHOOLS IN UPPER CANADA FOR THE YEAR 1839.

NOTE. The following Reports of the Common Schools in the several Districts belong to the year 1839, in which the Report of the Education Commissioner was made. They illustrate the condition of the Grammar and Common Schools of Upper Canada in that year. They were laid before the Legislature by the Lieutenant Governor at different times, as will be seen by reference to pages 223, 226, 228 of this Volume, *ante*. Only such portions of these Reports as appeared to be of general interest are given. The Reports from the same Schools in 1838 will be found on pages 213-215 of this History, *ante*.

*Eastern District Grammar School.* The Trustees say:—We have much pleasure in reporting our entire satisfaction with the manner in which the pupils acquitted themselves, and the well grounded and accurate knowledge which they exhibited of the several branches, in which they have been instructed. (Signed by the Honourable Mr. Justice McLean, the Reverend George Archbold, and Messieurs John Mackenzie, D. Macdonell, and G. C. Wood.)

*Eastern District Common Schools.* The District Board of Education say:—The Trustees of the several Schools report favourably of the progress of the pupils and the attention of the Teachers in the various branches taught. (Signed by Messieurs Joseph Anderson and D. Macdonell.)

*Ottawa District Grammar School.* The Trustees say:—The School is composed of day scholars only: and there appears to exist among the people of this part of the District, a lamentable indifference to the advantages of a liberal education, which this Institution certainly places

within their reach, at an expense so moderate as to suit the means of even any industrious labourer. None of the Common Schools in the District have ever availed themselves of the privilege, secured to them by law, of sending pupils to the District (Grammar) School for gratuitous instruction. (Signed by Sheriff Charles P. Treadwell and Messieurs Charles A. Low and Richard Phillips Hotham, M.P.P.)

*Ottawa District Common Schools.* The District Board of Education say:—With the exception of eight Schools, the Board is satisfied with the tenor of the other Reports of Common Schools presented; these Reports fully vouch as to the good conduct of the several Teachers, and their capabilities, as relative to their respective duties." While the undersigned are willing to admit that room may exist for the improvement of the present laws, regulating the Common Schools generally throughout this Province, yet they have much satisfaction in stating that the establishment of these Schools hath proved of great public benefit in this District, as affording the facilities to parents, at least of advancing to a considerable extent, the education of their children, an advantage to these children which cannot be appreciated too highly. (Signed by Messieurs Charles A. Low, Alexander Grant and Philo Hall.)

*Jolustown District Grammar School.* The Trustees say:—The School has continued during the year last past, under the superintendence of the Principal, the Reverend Henry Caswell, M.A., assisted by Mr. William Miller, late of Trinity College, Dublin. Under such superintendence, the Trustees are happy to report that the School is in an unprecedentedly flourishing condition. (Signed by the Reverend Messieurs Edward Denroche and William Smart, and Messieurs Bartholomew Carley and E. Hubbell.)

*Bathurst District Grammar School.* The School is well conducted by Mr. William Kay, who gives very general satisfaction to the Trustees, as well as to the parents of the pupils. (Signed by the Honourable William Morris.)

*Newcastle District Grammar School.* The Chairman of the Board of Trustees says:—The Newcastle District (Grammar) School is at present under the charge of Mr. Walter C. Crofton, a native of Ireland, and formerly a Scholar of Trinity College Dublin. The number of boys in attendance is thirty-two, whose ages vary from seventeen to seven years. Ten of the pupils are educated gratuitously, and four out of the ten have received the warmest commendations of the Master for their ability, diligence and good conduct. (Signed by the Reverend Alexander Neil Bethune.)

*Newcastle District Common Schools.* The Chairman of the District Board of Education says:—I am happy to say that all the Teachers are, with one exception, British born subjects, and that person has long been naturalized. The Books too, upon which the Board insists, are all of an exceptional character. (Signed by the Reverend A. N. Bethune.)

*Prince Edward District Grammar School.* The Trustees say:—On the fifteenth day of February last Mr. John Deacon was appointed by us to be Master of the Public (Grammar) School of this District, to fill the vacancy caused by the appointment of the former Teacher, Mr. Marcus C. Crombie, to the Mastership of the Home District (Grammar) School. At the last examination of the School while under Mr. Crombie's care, in July last, about twenty-five boys were present,—six or eight of whom were being taught the Latin and Greek classics, and the remainder the usual branches of English and Mercantile education. The pupils generally acquitted themselves in their several classes in such a manner, as to reflect a good deal of credit upon the Master, and give general satisfaction to their parents and guardians. (Signed by the Honourable Simon Washburn, and Messieurs Thomas Moore, David Smith and James Cotter.)

*Home District Grammar School.* The Trustees say:—That the School, reorganized by the appointment of Mr. Marcus C. Crombie, as Principal, opened upon the tenth of January last. During the first quarter, little increase of scholars took place, but the assiduity and qualifications of the Principal, becoming then more generally known, the following month their numbers were doubled, and forty-one scholars are now deriving benefit from this Institution. The School has been occasionally visited by some of the Trustees, and they are enabled to state their satisfaction with the method of instruction pursued, and with the advances made by the pupils under it." The Principal adds:—"The memory and judgment of the pupils are well and thoroughly exercised, both by theory and practice, and, consequently, their improvement assured. The interrogatory form is principally used, as by it, when questions are promiscuously put, the Master is certified whether the pupil understands what he has learned or not. A rule and an example, when learned, must be given for every branch of knowledge that is acquired. (Signed by Bishop Strachan, the Honourable William Allan and Colonel James Fitzgibbon.)

*Gore District Grammar School.* Dr. John Rae states that:—I have been now Teacher in Canada, in one situation or other, about sixteen years. My thoughts have naturally turned themselves very often to the great existing defects in the present system, and the modes of remedying them. It would certainly be agreeable to me to communicate my ideas immediately to you, that so whatever in them was judged serviceable might directly come to bear on Legislative measures.

The Trustees say:—That they have examined the District (Grammar) School conducted by Dr. John Rae, the Principal, and Mr. William Tassie, his assistant, and find the Institution in a most flourishing and advancing condition. The progress of the numerous pupils in knowledge is great, and every credit is due to the diligence and attention of the Teachers. The statement to which this is appended exhibits the number of pupils in the Institution at this date, the branches of education which are taught, and the books which are in use therein. (Signed by the Reverend Messieurs Alexander Gale, John Gamble Geddes and Mark Y. Stark, and Messieurs James Racey, W. M. Jarvis, John Law and William Craigie.)

*Talbot District Grammar School.* The Chairman says:—That there were two or three of the pupils receiving gratuitous instruction, but not by regular appointment of the Trustees, according to the provision of the Act "for the gratuitous tuition of ten poor children," which provision, (both here and in the London District before the County of Norfolk was constituted a separate District), has hitherto proved nugatory, partly owing to the fact, that those, who might be desirous to avail themselves of it, cannot afford to pay for the board of their children in the neighborhood of the School, and partly owing to the inefficient state of the Common Schools, which do not furnish candidates for such gratuitous instruction. The Board cannot conclude this Report, without deploring the backward state of education throughout the Province, (and particularly in this part of it, with which they are, of course, best acquainted); a state of things which calls loudly for the adoption of energetic measures for the improvement of the Common Schools, and for such other steps as may remedy the evil. They also take the liberty to record it as their opinion, that the most likely measure to raise the standard of education in the Province, would be the endowment of a Seat of Learning as similar as circumstances may admit of, to those in the parent state, whence examples might be furnished to the country at large, of the degree to which the cultivation of the human mind may be carried and a stimulus afforded to the industry of the rising generation. (Signed by the Reverend Francis Evans, Chairman.)

*Niagara District Common Schools.* The Chairman of the Board of Education says:—The Teachers of the Common Schools are British subjects, or have taken the oath of allegiance. They have been carefully examined in the branches required to be taught,—but they generally come short of the standard of qualifications that ought to be established. Employed from necessity, in consequence of the small and inadequate provision made for their support,—it being little more than an ordinary mechanic's or labourer's hire. A more efficient system of instruction in the Common Schools is required, and, in order to this, teaching should become a profession, for which respectable provision should be made by taxation, and the means of due preparation provided for the duty of Teachers. The number of Teachers in the Niagara District are forty-one. The number of pupils in the District is 1,324. (Signed by the Reverend Thomas Green, Chairman.)

NOTE. The remainder of the School Reports are statistical. They are given in detail on pages 426-439 of the Appendix to the Journals of the House of Assembly of the Fifth (and last) Session of the Thirteenth Parliament of Upper Canada, Volume I, Part II, 1839, 1840.

It will be noticed in this Report of the Niagara District Common Schools, that the Board of Education for that District practically endorse the statement of the Education Committee of the Commissioners,—page 249, *ante*,—that "the income of the School Master should be at least equal to that of the common labourer"—which in those days it was not. The consequence was, as stated by the Education Committee, "the important duties of education are often entrusted to incompetent and improper persons."

APPENDIX C—(1) REPORT OF UPPER CANADA COLLEGE, FROM JANUARY, 1832, TO THE 5TH OF AUGUST, 1839.

Note. This Report shows the number of Pupils attending Upper Canada College in each of the years 1832-1839; also the amounts received for dues, and the amounts outstanding.

YEARS	Quarters.	College Forms and Preparatory School.							Partial class	Preparatory School.	No of Pupils.	No of Boarders.	Amount of fees, and Dues for Books.	Amount Paid.	Balance Due.
		1	2	3	4	5	6	7							
1832.....	1st ..	27	19	17	9	6	2	4	....	20	101	9	1353- 8- 5	255- 0-0	
	2nd ..	25	21	17	9	6	3	4	....	15	106	9			
	3rd ..	26	21	17	7	5	3	4	4	11	99	7			
	4th ..	23	24	15	10	4	3	3	4	4	107	19			
1833.....	1st ..	24	21	22	16	5	2	5	5	14	114	19	1712-15- 6	720- 0-0	
	2nd ..	25	19	22	16	4	2	4	4	21	117	20			
	3rd ..	22	21	26	12	6	4	5	7	18	121	21			
	4th ..	25	22	24	9	6	3	4	6	16	116	26			
1834.....	1st ..	23	20	24	13	8	2	5	4	15	114	21	1743- 5- 5	1000- 0-0	
	2nd ..	26	22	22	13	7	2	5	4	12	113	22			
	3rd ..	17	24	23	15	9	3	7	1	17	116	22			
	4th ..	20	19	18	12	8	2	6	2	28	115	23			
1835.....	1st ..	20	21	16	13	7	9	4	5	29	124	27	2031- 0- 3	775- 0- 0	
	2nd ..	27	21	17	15	7	9	4	8	31	139	31			
	3rd ..	27	24	12	18	8	8	5	11	16	129	30			
	4th ..	25	19	10	18	6	5	4	8	19	114	26			
Amount of Disbursements for these years—(? for Text Books) .....												802-17-0			
1836.....	1st ..	25	12	18	11	9	6	8	8	8	105	26	6840- 9- 7	3552-17-0	3287-12-7
	2nd ..	25	11	17	7	10	5	5	10	8	98	28			
	3rd ..	17	18	13	15	10	5	3	8	5	94	30			
	4th ..	17	20	15	13	10	4	3	9	11	102	35			
1837.....	1st ..	13	21	13	17	7	8	4	11	16	111	38	1786-19- 6	1000- 0-0	
	2nd ..	16	20	9	16	6	6	4	7	15	99	34			
	3rd ..	21	13	19	18	9	7	4	10	10	111	42			
	4th ..	24	11	23	20	9	8	4	13	27	139	57			
1838.....	1st ..	22	9	11	23	13	4	7	13	23	139	41	2875-17-11	1881- 1-2	
	2nd ..	28	9	15	22	17	4	5	18	33	135	40			
	3rd ..	22	17	13	15	14	8	5	15	21	130	37			
	4th ..	31	14	10	20	14	8	3	9	36	142	36			
1839.....	1st ..	18	23	12	18	15	9	3	16	35	152	37			
Amount of Disbursements for 1836, 1837, 1838, and 1st Quarter of 1839. ....												985-10-5		(? for Text Books)	
1839.....	2nd ..	32	25	13	16	17	8	5	14	24	154	46	13761- 8- 3	8319- 8-7	5441-19- 8
	3rd ..	27	25	12	15	22	9	5	19	24	158	53			
	*4th..	25	28	13	14	22	9	4	22	33	170	59			
Disbursements for 2nd and 3rd Quarters of 1839—(? for Text Books) .....												96- 3-1			
												1260- 2- 3	629-15-4	630- 6-11	

\* For this last Quarter the accounts cannot yet be furnished.

NOTE. No explanation is given by the Committee of the Commissioners of Education, in this part of their Report, as to what these "Disbursements" were for. I assume that they were for Text Books,—the amount of "dues" for which is entered in one of the columns of the foregoing Statement.

## APPENDIX C (2).—FINANCIAL REPORT OF UPPER CANADA COLLEGE DUES, 1831-1839.

NOTE. This Report gives in detail the amount due to Upper Canada College, from 1831 to 1839, for fees and dues for Text Books, amounting, in the aggregate, to £4,468-2-0. As this item is included in the Assets of Upper Canada College, Appendix E, Statement number Two, it is not necessary to give the details here. They may be seen on page 345 of Volume Two, of the Appendix to the Journals of the House of Assembly for 1839, 40.

## APPENDIX D.—SUBJECTS OF INSTRUCTION, AND BOOKS USED IN UPPER CANADA COLLEGE.

Forms.	Subject of Instruction.	Text Books used.
(PREPARATORY SCHOOL) . . . .	Spelling; Reading; Writing; Arithmetic; Latin.	Carpenter's Spelling Book; Souter's Reader; Butler's Tables; Walker's first four Rules; Eton Latin Accidence; Testament.
FIRST . . . . .	Spelling; Reading; Writing; Arithmetic; History; Latin.	Hogarth's Outlines of English History; Eton Latin Grammar; Howard's Introductory Latin Exercises; Corderius.
SECOND . . . . .	Spelling; Reading; Writing; Arithmetic; History; Geography; French; Latin.	Bonnycastle's Arithmetic; Stewart's Geography; King's College Modern Atlas; Levizac's French Grammar, Wanostucht's; Numa Pompilius; Exempla Minora; Hood's Terminations; Adam's Lectiones Selectæ.
THIRD . . . . .	Reading; Writing; Arithmetic; History; Geography; French; Latin; Greek.	Goldsmith's England; Perrin's French Dialogues; Telemachus; Cornelius Nepos, and Phœdrus; Greek Accidence.
(PARTIAL CLASS) . . . . .	Reading; Writing; Arithmetic; Book-keeping; Geography; French; Euclid; Algebra; Trigonometry, etcetra.	Ewing's School Orator; Bonnycastle's Arithmetic; Morrison's Book-keeping; Stewart's Modern Geography; King's College Modern Atlas; French Books,—same as those used in the Forms; Mathematical Books,—same as those used in the Forms.
FOURTH . . . . .	Writing; Arithmetic; History; French; Euclid; Algebra; Latin; Greek.	Goldsmith's Rome; Traite de la Conjug Françoise; Beaute's Historie de France; Simpson's Symbolical Euclid; Bridge's Algebra; Ovid's Metamorphoses; Caesar; Ellis' Latin Exercises; Howard's Greek Exercises; Valpy's Greek Delectus.
FIFTH . . . . .	Writing; Arithmetic; History; French; Euclid; Algebra; Latin; Greek.	Traitedes Participes; Historie Louis xiv. and xv., Ainsworth's Latin Dictionary; Steps to Sense Verses; Sallust, and Selections from Ovid; Analecta Minora; Valpy's Greek Exercises; Matthias' Grammar, (abridged.)
SIXTH . . . . .	Writing; Arithmetic; French; Euclid; Algebra; Ancient History; Geography and Antiquities; Latin and Greek.	Goldsmith's Greece; Butler's Ancient and Modern Geography; Eton Comparative Atlas; Adam's Rome; Antiquities; Cicero's Orations; Virgil, Gradus ad Parnassum; Greek Lexicon.
SEVENTH . . . . .	French; Euclid; Algebra; Trigonometry; Logarithmus; Mechanic's, etcetra; Ancient History; Geography and Antiquities; Latin; Greek.	Henriade; Selections from Boileau; Bridge's Trigonometry; Logarithms; Wood's Mechanic's; Robinson's Grecian Antiquities; Valpy's Elegantiæ Latine; Romani Scriptores; Cicero de Officiis; Horace; Collectanea Græca, Magna.

Note. The Boys of the 3rd, 4th, 5th, 6th, and 7th Forms, and Partial Class, are instructed in Geometrical Drawing and Perspective.

APPENDIX E.—FINANCIAL REPORTS OF KING'S COLLEGE, 1839.

Appendix E.—Statement Number One: Assets of the University of King's College, on the 30th of November, 1839.

	£	s.	d.	£	s.	d.
Investments in Debentures of the Province of Upper Canada.....	£18,500	0	0			
Stock of the Bank of Upper Canada .....	250	0	0			
Balance of cash in hand.....	892	14	10			
				£19,642	14	10
Purchase money of Lands sold, and now overdue, .....	£14,498	16	6			
Interest due thereon, .....	6,000	0	0			
Purchase money of Lands sold, and not yet due.....	33,495	0	0			
Interest due thereon, .....	7,765	0	0			
				£61,758	16	6
Arrears of Rents due on Lands.....				5,000	0	0
Loans and Debts due to the College,.....				10,380	9	9
128,366½ acres of Land under Lease, or unsold, valued at the average rate at which the College Lands have hitherto sold, namely, Twenty-one Shillings and eight pence per acre .....				139,063	0	0
Value of the College Grounds, with labour and improvements thereon.....				11,000	0	0
Total assets of King's College, on the 30th of November, 1839 .....	£246,845	1	1			

BURSAR'S OFFICE, TORONTO,  
9th of December, 1839.

H. BOYS,  
Bursar.

NOTE. The Grammar School Funds, not having been transferred to King's College Council as per Act, (2nd Victoria, Chapter 10,) "for the Advancement of Education in the Province," are not included in the foregoing Statement.

NOTE. An estimate of these Assets, as made by Mr. Thomas C. Patrick, Accountant to the King's College Committee of Investigation into the Bursar's Accounts, up to the 30th of June, 1839, will be found on page 192 of this Volume, *ante*. It differs, as will be seen, from the foregoing, both as to date and amount. Mr. Patrick's Statement is made up to the 30th of June, 1839. He gives the assets of King's College, up to that date, as £227,927:5:11. The following Statement shows that five months later, up to the 30th of November, 1839, the Assets of King's College had increased to £246,845:1:1. This sum, with that of £72,417:6:3—the Assets of Upper Canada College, as given below,—together make the total assets of both Institutions, to be £319,262:7:4. Mr. Patrick gives no estimate of the assets of Upper Canada College. (See also the financial Statements of these Colleges on pages 180-182, *ante*.)

Appendix E.—Statement Number Two: Assets of Upper Canada College, on the 30th of November, 1839.

Particulars of Assets.	£	s.	d.	£	s.	d.
Purchase money of Lands, overdue .....	5,933	16	11			
Interest due thereon.....	2,607	7	4			
Purchase money of Lands sold, and not yet due .....	4,314	0	0			
Interest payable thereon .....	1,000	0	0			
				13,855	4	3
Upper Canada College Dues, outstanding.....				4,468	2	0
Debts due to the College, .....				1,930	0	0
45,705 acres of Land under Lease, or in hand, valued at 15s 1½d the average rate per acre at which the Upper Canada, College Lands have hitherto sold, .....				34,564	0	0
Buildings, Fittings up, Grounds, etcetera.....				17,600	0	0
Total assets of Upper Canada College.....	£72,417	6	3			



*Appendix E.—Statement Number Three: Abstract of the two foregoing Statements, uniting the Assets of the two Establishments.*

Particulars of Assets.	£			£		
	s.	d.	s.	d.		
Cash and profitable Investments of King's College, .....			19,642	14	10	
Purchase money of Lands sold, with interest, due thereon to King's College, .....	61,758	16	6			
Purchase money of Lands sold, with interest due thereon, to Upper Canada College, .....	13,855	4	3			
Arrears of Rents, due to King's College, .....			75,614	0	9	
Loan and Debts, due to King's College, .....	10,380	9	9	5,000	0	
Debts due to Upper Canada College, .....	1,930	0	0			
College Fees and Dues for Text Books to Upper Canada College, .....			12,310	9	9	
Lands under lease, or in hand, belonging to King's College, 128,366½ acres, at Twenty-one shillings and eight pence (21s, 8d), average rate per acre, .....	139,063	0	0	4,468	2	
Lands under lease, or unsold belonging to Upper Canada College 45,705 acres at 15s 1d, the average rate per acre, .....	34,564	0	0			
Buildings, Grounds, etcetera, belonging to King's College, .....	11,000	0	0	173,627	0	
Buildings, etcetera, belonging to Upper Canada College, .....	17,600	0	0			
Total value of the assets of the University and Upper Canada College, on the 30th of November, 1839, .....			28,600	0	0	
			£319,262	7	4	

KING'S COLLEGE OFFICE, TORONTO,  
9th December, 1839.

H. BOYS,  
Bursar.

*Appendix E.—Statement Number Four: Receipts and Disbursements of King's College, from the 1st of January to the 30th of November, 1839.*

*Appendix E.—Statement Number Five: Receipts and Disbursements of Upper Canada College, from the 1st of January to the 30th of November, 1839.*

NOTE. These Statements, not being of any permanent value, and being absorbed in subsequent Statements, are not given here. They may be found in detail, on page 348 of Volume Two, of the Appendix to the Journals of the House of Assembly for the Session of 1839, 40.

*Appendix E.—Statement Number Six: Estimate of the Annual Income and Expenditure of King's College and of Upper Canada College.*

Income.	Amount.			Expenditure.	Amount.		
	£	s.	d.		£	s.	d.
Royal Grant of £1,000 sterling to Upper Canada College, .....	1,111	0	0	King's College Bursar's Office, .....	720	0	0
Interest on investments, .....	1,200	0	0	King's College Grounds, .....	312	0	0
Interest on Loans and Debts, .....	739	0	0	Salaries of Principal, Masters and Porter, of Upper Canada College, .....	3,060	0	0
Rents of Land, .....	1,100	0	0	Repairs and Contingencies of Upper Canada College, .....	150	0	0
Purchase money of Lands outstanding, with interest already accrued thereon, and arrears of Rents, (together amounting to about £80,000), .....	4,000	0	0	Insurances on Upper Canada College, .....	68	0	0
Balance of Upper Canada College dues, .....	400	0	0	Balance, .....	4,240	0	0
	£8,550	0	0		£8,550	0	0

KING'S COLLEGE OFFICE,  
TORONTO, 9th December, 1839.

H. BOYS,  
Bursar.

Appendix E.—Statement Number Seven: Number of Acres of Land, which have been sold for the benefit of King's College, and of Upper Canada College, from the 3rd of January, 1828, to the 30th of November, 1839.

	Original Grants in Acres.	Acres Sold.	Acres Remaining unsold.	Gross Value of Sales.			Gross Amount Received.			Amount still Due on Sales.			Average Sales per Acre.		
				£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
King's College..	225,944	97,577½	128,366½	105,699	1	0	57,705	4	6	47,993	16	6	1	1	8
Upper Canada College.....	63,268	17,563	45,705	13,265	17	6	7,171	14	7	6,114	2	11	15	1	½
Toronto Town Lots 42, Block D. ....	6½ acres.	(78 Lots)	(4 Lots)	5,190	10	0	1,056	16	0	4,133	14	0	185	7	6
	63,273½	.....	.....	18,476	7	6	8,228	10	..	10,247	16	11	.....	.....	.....
	289,217½	115,140½	174,071½	124,175	8	6	65,933	15	1	58,241	13	5	.....	.....	.....

KING'S COLLEGE OFFICE, TORONTO, 9th of December, 1839.

H. BOYS, Bursar.

APPENDIX F.—PLAN FOR CARRYING OUT THE PROVISION OF THE ACT, 2ND VICTORIA, CHAPTER 10, FOR MAKING UPPER CANADA COLLEGE A TEMPORARY UNIVERSITY; AND ALSO A PLAN OF A COURSE OF STUDY, AND LIST OF TEXT BOOKS FOR UPPER CANADA COLLEGE.\*

Appendix F.—Plan Number One: By which the Provision of the Act, 2 Victoria, Chapter 10, creating Upper Canada College a Temporary University, may be carried out.

1.—The course of instruction to be divided into two Branches. First, for the School of Upper Canada College, and Second, for the College as a Temporary University.

2.—The course of instruction in Upper Canada College School to be the same as that in the District Grammar Schools; an annual examination of the pupils to take place, previously to the midsummer vacation.

3.—No pupil to be permitted to enter on the University course, without examination in this prescribed course of study.

4.—At this examination, candidates for admission from the Grammar Schools will contend with those sent from Upper Canada College School; Returns are to be made, assigning places to the candidates according to their answering, and specifying the Schools at which they have been educated.

5.—A certain number of Sizar-ships, (or titles to free Education) to be established—Candidates are to be elected by their answering at the entrance examination; preference, however, in all cases is to be given to those whose circumstances would render such a provision necessary.

6.—Stipendiary Scholarships, (to be established,) to be open to all candidates from the Grammar Schools and from Upper Canada College School. Election to be by examination in the prescribed course. The examination to be held at the end of the third year, and the stipend to continue for four years. Vacancies to be filled up as before,—by examination of candidates.

7.—The Temporary University course to be divided into two parts—

I, an extended course of classics and science for honour men, and

II, a more limited course of the same, with subjects of popular interest, and of more practical advantage.

8.—Two Examinations are to be held in the year,—one a College examination; the other a requisite for the University degree; at the first of these Examinations, Certificates of proficiency might be conferred; at the latter Examination, Books to be given as prizes. Four examinations, (one in each year,) to be required previously to obtaining permission to prepare the acts for B. A. Students may be liable to be disqualified (at any of these four examinations) from proceeding further in the prescribed course.

\* The Reverend Doctor Harris, Principal of Upper Canada College, in a pamphlet issued in May, 1836, discussed the course of study and other matters in the College, under the Title of "Observations on Upper Canada College." The pamphlet extended to 23 pages.

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H. Boys,  
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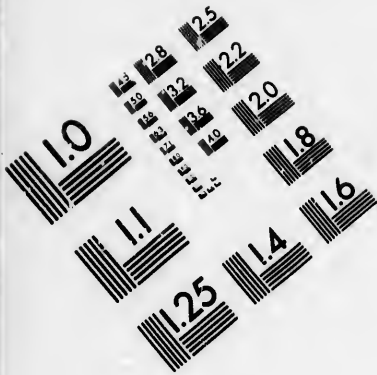
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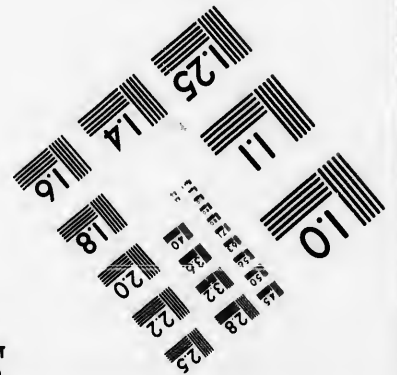
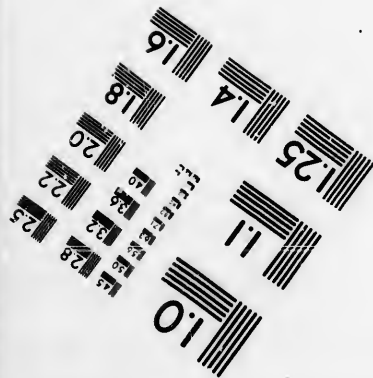
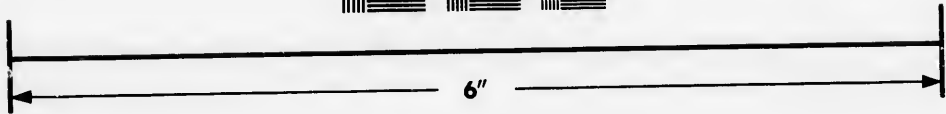
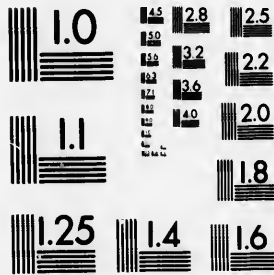
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Boys,  
Bursar.





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*Appendix F.—Plan Number Two: A Course of Study, and Names of Text Books to be used in Upper Canada College School, and in the District Grammar Schools.*

Forms	Subjects of Instruction	Books to be Used.
PREPARATORY CLASS.	Latin; Accidence; English; Reading and Spelling; Writing and Arithmetic.	Eton Latin Grammar; Howard's Introductory Latin Exercises; Soulus Reader; Carpenter's Spelling Book; Butler's Tables; Walker's first four rules of Arithmetic; Valpy's Latin Delectus; Summary of Ancient and Modern History by Hincks; Latin Dictionary.
FIRST . . . . .	Eton Latin Syntax-Writing; Latin Exercises, construing and parsing easy Latin sentences; History; Reading and Spelling; Writing and Arithmetic. Learning by heart verses of the English New Testament.	Hoole's Terminations; Ellis' Latin exercises; Hogarth's outlines of English history; Stewart's Geography; King's College Modern atlas.
SECOND . . . . .	Propria quae maribus, and As in Presenti; construing and parsing easy Latin sentences; Writing Latin exercises; History and Geography; Reading; Writing and Arithmetic; Learning English Testament by heart, (French.)	Bradley's Cornelius Nepos; Phaedrus; Blomfield's contraction of Matthias' Greek Grammar; Bonnycastle's Arithmetic; Goldsmith's History of Rome; Howard's Introductory Greek Exercises; Alvany's Prosody.
THIRD . . . . .	Prosody; construing and parsing Latin; Writing Latin Exercises; Greek Accidence; History and Geography; Reading, Writing and Arithmetic; learning English Testament by heart; Drawing Maps, (French); Geometrical drawing and perspective.	Caesar's; Valpy's Greek delectus; Hinck's ancient Geography; Adam's Roman Antiquities; Bridge's Algebra; Blakelock's Symbolical Euclid; Goldsmith's History of Greece; King's College Ancient Atlas; Tempriere's Classical Dictionary.
FOURTH . . . . .	Construing and parsing Latin prose and Verse, with application of the rules; construing and parsing easy Greek sentences; Greek Grammar; writing Latin and Greek exercises; History and Geography; Antiquities; Reading; Writing and Arithmetic; Algebra; Euclid; Drawing Maps; learning English Testament by heart, also Latin; (French), Geometrical Drawing and Perspective.	Sallust; Selections from Ovid's Fasti in Eton Electa; Analecta Minora; Neilson's Greek exercises; Robinson's Grecian Antiquities; Steps to sense verses; Gradus ad Parnassum; Morrison's Book-Keeping; Greek Lexicon; Abridgement of Tytler's Universal History.
FIFTH . . . . .	Construing and parsing Latin verse and Greek, verse; Writing Latin and Greek Exercises; Greek Grammar; Elements of Latin versification; History and Geography; Antiquities, Elocution; Book-Keeping; Algebra; Euclid; English Composition; learning English Testament by heart, also Latin and Greek, (French); Geometrical Drawing and Perspective.	
(NOTE. No. Sixth or Seventh Forms given.)		

NOTE. It is a noticeable fact, which appears all through the history of the Schools in Upper Canada,—whether public or private,—that religious teaching, in one form or another, was an acknowledged feature in the scholastic training of the pupils. At all events it was laid down as a cardinal principle, by those who had to do with education in the early days, that religious teaching was to be the basis of all instruction in the various educational institutions of the Province.

In making the original grant of lands, in 1797, for "Free Grammar Schools and other Seminaries of a larger and more comprehensive nature," it was stated by the Duke of Portland to be with a view "to assist and encourage the exer-

tions of the Province in laying the foundation for promoting sound learning and a religious education"; . . . and also "for the promotion of religious and moral learning, and the study of the Arts and Sciences."

To carry out this latter object the Charter of King's College was granted in 1827, with a view to provide, as it stated, "for the education of Youth in the Principles of the Christian Religion, and for their instruction in the various branches of Science and Literature."

In the Course of Study for Grammar Schools, suggested by the Reverend Doctor Strachan, to the Reverend A. N. Bethune, in 1829, he provided for instruction in the New Testament.

In the Courses of Study prescribed for Grammar and Common Schools, the names of the Bible and of the Testament appear in the list of Books used. In the Course of Study suggested by the Committee of the Commission on Education, (as above,) it is set down that "Learning by heart verses of the English New Testament" shall form part of the instruction of pupils in each of the five Forms of "the Upper Canada College School." In the list of Books used in the Common Schools the names of the "Bible," "the Testament," and "Old and New Testaments," frequently appear (Page 253, *ante*.)

There seems to have been no objection made from any quarter to the then common practice of reading the Bible, or Testament, in the Grammar and Common Schools, or of "learning by heart verses from the English Testament."

The Reverend Robert Murray, who preceded the Reverend Doctor Ryerson, as Superintendent of Education for Upper Canada, in his Letter to the Education Commissioners, says:—"As Morality and Religion are the foundation and stability of all good Governments, and as these are taught in their purity in the Word of God, a portion of the Scriptures should be read in these Schools, at least one Chapter a day; the reading to be consecutive through the whole inspired volume. (See page 274, *ante*; also the remarks of the Honourable P. B. de Blacquiére on page 276.)

*Appendix F—Plan Number Three: A Course of Study for Candidates for admission to the Upper Canada College School.*

The course prescribed for Entrance Examination should be confined to those who have either finished the course of study prescribed for the third form, or who are above twelve years of age.

Instruction should be given to those admitted in the following branches:—Reading, Elocution, English composition, Writing, Arithmetic, Book-keeping, Mensuration, (Surveying,) Algebra, Euclid, History, Ancient and Modern Geography, and the Use of the Globes, (French,) Drawing, Elements of Natural History.

Separate arrangements should be made for those pupils whose education is not intended to qualify them for entering on Collegiate, or University, Studies, and some restriction should be imposed on admission into these classes.

*Appendix F—Plan Number Four: Course of Study for the Degree of B.A. in Upper Canada College, as the Temporary University.*

The Entrance Examination to the Temporary University, should be

I, in Homer, Illid, Book 1;—Virgil, *Æneid*. Book 1;—Sallust; Bell; Catalin; Selections from Ovid; Selections from Lucian; Composition in Greek prose and Latin verse.

II. Sallust; Bell, Catalin; Selections from Ovid; Selections from Lucian.

I and II. Euclid, (Books 1 and 2);—Algebra, (Quadratic Equations and Proportion); Arithmetic; Ancient and Modern History; Ancient and Modern Geography; Composition in Latin prose.

I. *Junior Freshman Year*: Homer and Virgil; Geometry; Algebra and Trigonometry; Composition; The Four Gospels and Acts.

II. *Senior Freshman Year*: Horace and Juvenal; Æschylus; Sophocles and Euripides; Logic, and the Philosophy of the Mind; Composition; The Five Books of Moses.

III. *Junior Sophister Year*: Demosthenes and Cicero; Natural Philosophy; Composition; The Historical Books of the Old Testament.

IV. *Senior Sophister Year*: Herodotus and Thucydides; Livy and Tacitus; Natural Law and Evidences of Christianity; Composition; The Prophetical Books of the Old Testament.

*Note* Instruction should also be given in English, French, Italian and (German); Drawing; Surveying and Civil Engineering; and courses of popular lectures should be given on the following subjects:—

*Junior Freshman*:—Botany and Comparative Anatomy. *Junior Sophister*:—Steam; Electricity and Magnetism.

*Senior Freshman*:—Geology and Chemistry. *Senior Sophister*:—Political Economy, and Law.

*Appendix F—Plan Number Five: Estimate of what will be required in the School and Temporary University Departments of Upper Canada College.*

(1) **BUILDINGS**: A new School House is the only building absolutely necessary for the efficient working of the plan. The cost may be roughly stated as under One Thousand pounds, (£1,000.) The Central College Building will afford sufficient accommodation for University Lectures. It will give a Hall, a Library, six Lecture Rooms, two Rooms for College Registrar and a Porter's Room. The Council of King's College might license Boarding Houses for the residence of the students, on the same plan as is pursued in the English Universities, which will dispense with the necessity of erecting Chambers.

(2) **PROFESSORS**: I. *in Arts*: The course of education for the degree of B.A. would require a Professor of Classical Literature; a Professor of Mathematics, (pure and mixed); a Professor of Experimental Natural Philosophy; and a Professor of Metaphysics and Moral Philosophy; to which may be added a Professor of Italian. The last three must be additions to the present establishment of Tutors. They will not be required, however, for the first year after the commencement of Lectures.

II. *in Theology*: This will require one Professor, assisted by two Lecturers, videlicet, A Professor of Theology; A Lecturer on Biblical Greek; and a Lecturer on Hebrew, etcetera.

III. *in Law*: This Faculty also will require one Professor.

IV. *in Medicine*: This Department will require three Professorships, videlicet, one of the Theory and Practice of Medicine; one of the Theory and Practice of Surgery; and the third of Materia Medica, and Pharmacy; to which should be attached Lectureships on Midwifery and diseases of Women and Children; on Botany; on Chemistry; on Medical Jurisprudence, and on Anatomy, grouped on the following plan:

I. Professor of Theory and Practice of Medicine—  
Lecturer on Midwifery and Diseases of Women and Children.  
Lecturer on Medical Jurisprudence.

II. Professor of Theory and Practice of Surgery—  
Lecturer on Anatomy and Physiology.  
Demonstrator.

III. Professor of Materia Medica and Pharmacy.—  
Lecturer on Botany.  
Lecturer on Chemistry.

*Note*. Although it would be desirable, (and ultimately will be necessary), to have each of these Lectureships filled by but one Lecturer, the duties of the five Lecturers and a Demonstrator may be competently discharged for some time, by three combining two Departments, either under the same, or under different Professors.

It would be requisite to appropriate a sum of five, or six, hundred pounds (£600) to the formation of a Library and Museum for this Department.



(3) *Professors and Lecturers in the Temporary University of Upper Canada College*: Summary of additions to the present establishment of Upper Canada College as a Temporary University:

Professor of Metaphysics and Moral Philosophy.	Professor of Medicine.
Professor of Experimental Natural Philosophy.	Professor of Surgery.
Professor of Italian.	Professor of Materia Medica
Professor of Theology.	Three Lecturers—(in the School of Medicine.)
Professor of Law.	

*Note.* The duties of the Professorships of Theology, Classics, Mathematics, and of the two Lectureships on Theology, may be discharged by the President of the University, and by the Principal, and two of the Masters of Upper Canada College, so that Lectures on Arts and Theology may be commenced without delay.

(4) *Masters in the Upper Canada College School*: The Head Master; Classical Master; Mathematical Master; Preparatory Master; First English Master; Second English Master. The only additional Master required in the Upper Canada College School will be in the English Department.

(5) *Two Lecturers and four Professors in the Temporary University*: The President of University; the Principal of Upper Canada College; the Professor of Classical Literature; the Professor of Mathematics; the Professor of Metaphysics and Moral Philosophy; the Professor of Natural Philosophy; a French Master and an Italian Master in both School and Temporary University; also a Teacher of Architecture, Geometrical and Ornamental Drawing.

(6) *Faculties in the Temporary University*: Professor of Theology, with half fees, and liberty to hold church preferment within—miles of the College. Two Lecturers, with same liberties, as to church preferment. Professor of Law, with half fees and liberty to practice. Professor of Medicine, with half fees and liberty to practice. Professor of Surgery, with half fees and liberty to practice. Professor of Materia Medica, with half fees and liberty to practice. Three Lecturers, with liberty to practice and half fees.

(7) *Contingencies for both Establishments*: Allowance for the House rent, (if the present Upper Canada College residences should be converted into Lecture rooms,) Collector, Clerks, porters and incidentals. Total expenditure, say. . . . . £8,000

(8) *Probable income of Upper Canada College School*:

From students in School and College, videlicet: 120 Boys in School [not stated], say . . . 1,000

(9) *Probable income of the Temporary University*:

50 Students in Arts of Temporary University, 20 Students in Theology; 20 Students in Law; 50 Students in Medicine and Surgery. . . . . 3,500

Add the Royal Grant of £1,000 sterling a year.

Total income from School and Temporary University fees (not Royal Grant), say . . . £4,500

APPENDIX G.—CIRCULAR TO PROMINENT INDIVIDUALS REQUESTING INFORMATION ON EDUCATIONAL MATTERS.

By desire of the Education Committee of the Commissioners of Investigation into the various Public Departments of the Province, I beg leave to hand you, prefixed some queries relating to Education, to which I am to beg the favor of your answers as soon as convenient; as also any general information or remarks on the subject, which you may be in a condition to offer.

JAMES HOPKIRK,

Secretary to the Education Committee of the Commission.

OFFICE OF THE COMMITTEE ON EDUCATION,  
TORONTO, 2nd of December, 1839.

*List of Queries enclosed in the foregoing Circular:*

1. Do you consider the present provision for Education in this Province adequate for its wants?
2. If not, in what particulars do you consider it inadequate?

3. Can you suggest any improvements regarding District Grammar, or Common, Schools, as respects: (1) their number; (2) their position; (3) the selection of the Master; (4) their remuneration; (5) the charge for pupils; (6) the Course of Study, and the Text Books used; (7) the supervision requisite to ensure the efficiency of the schools?

*Memorandum.* Please add any remarks, or information, which you think may be useful to the Commissioners employed in framing a Scheme of Education.

Answers to the foregoing Queries were received from:

1. The Honourable and Right Reverend John Strachan, D.D., LL.D.
2. The Reverend Robert Murray, M.A.
3. The Reverend Robert McGill.
4. The Reverend John Roaf.
5. The Honourable William Morris, M. L. C.
6. The Honourable James Crooks, M. L. C.
7. The Honourable Peter Boyle De Blacquiere, M. L. C.
8. The Honourable Adam Ferguson, M. L. C.
9. William Hamilton Merritt, M.P.P.
10. Mahlon Burwell, Esquire, M.P.P.
11. George Strange Boulton, Esquire, M.P.P.
12. William Craigie, Esquire.

The Replies received from these gentlemen are, in many respects, (with notable exceptions), disappointing. As a whole, the remarks of the Writers lack the clear practical tone and the comprehensive character of the suggestions embodied in the various elaborate and interesting Reports, which were presented by the Special Committees of either Branch of the Legislature to their respective Houses. This may be largely accounted for, from the fact, that these Replies were written by isolated individuals, who had not the advantage, which the interchange of opinion, and the combatting of crude notions in Committees, give a person, in the formation of his final judgment on matters of common interest.

Nevertheless, these Replies are historically valuable; for they embody the current opinion of the day, in regard to the inefficiency of the Schools,\* and of the general want of qualifications on the part of the Teachers employed,—especially of those in the Common Schools. The Reverend Robert McGill, of Niagara, puts this point very clearly and forcibly, when he says:—

I know the qualifications of nearly all the Common School Teachers in this District, and I do not hesitate to say that there is not more than one, in the ten, fully qualified to instruct the young in the humblest department.

The London District Board of Education, in their Report of the Grammar School in that District for 1839, say:—

The Masters chosen by [the Common School] Trustees are often ignorant men, barely acquainted with the rudiments of education, and, consequently, jealous of any School superior to their own. (Page 214, *ante*.)

Happily, the prevalence of these opinions had so strong an influence upon the Committee of the Commissioners on Education, and upon the public men of the

\*The London District Board of Education, in making its report of the Grammar School of that District for 1839, go so far as to say: "Under the present very defective system, the Common Schools of the Country will rather repress than encourage a desire amongst the people for education of a superior description." (Page 214, *ante*.)

times, that the establishment of Normal Schools for the training of Teachers was considered by them to be an absolute necessity. It was not, however, until 1846, that an Act was passed, authorizing the establishment of one in Toronto. It was successfully put into operation in November 1847.

(*Note.* The suggestion of the Reverend William Johnson, "for the improvement of the Common Schools of the Province," given on page 215, *ante*, are quite in the spirit of those given in the following pages.)

1. *Reply from the Right Reverend John Strachan, D.D., LL.D., Bishop of Toronto.*

Permit me through you to refer the Commissioners to the proceedings of the Commons House of Assembly, in the Session commencing the 31st December, 1832, and ending the 13th February, 1833, as more particularly detailed in the Appendix to the Journal—pages 48-73 inclusive\*,—to the contents of which I can add very little information. There, the subject of Education, as regards this Province, is ably stated in various respects, and several Bills prepared for its improvement. One for the Regulation of Grammar Schools has been in some measure superseded by the law passed last Session of Provincial Parliament. Another, the Common School Bill, which was drawn up by Mr. Mahlon Burwell, appears to be an able performance; it has been several times entertained by the House of Assembly, and once passed that body, but was unfortunately lost in the Legislative Council. It is based on true principles, and contains within it, the power of expansion, as new Townships, Counties and Districts are organized. It may, perhaps, admit of a few modifications, but it is, on the whole, by far the best measure for the establishment of Common Schools which I have yet seen.†

I have only to add that, in the same Appendix, will be found answers from me and other Gentlemen to further queries on Education, proposed by a Committee on Education, appointed by the House of Assembly.‡

TORONTO, 12th of December, 1839.

JOHN TORONTO.

2. *Reply of the Honourable William Morris, Brockville.*

I do not consider the present provisions for Education in this Province, adequate to its wants; and this observation applies to Common, as well as to District (Grammar), Schools.

As to the heads of enquiry contained in the letter, which, by desire of the Commissioners, you have addressed to me, I have to observe, that any improvements which may be necessary in the District (Grammar), or Common, Schools, regarding their number, position; the selection of the Masters, their recommendation; the charges to the pupils; the course of study and books used, the supervision required to ensure efficiency; I consider as matters which would immediately undergo supervision, and severally become the subject of a change for the better, if means could be procured for the further endowment of both classes of Schools. Without this, I greatly fear an endeavor to raise the character of the Schools will prove unavailing. And any attempt to reorganize the Schools, to improve their government and discipline, to employ more efficient Masters, will, I am fully persuaded, end in disappointment, unless, at the same time; pecuniary inducements are offered to Teachers of ability and experience.

The provision which was made in the years 1797, 8, for the establishment and support of a respectable Free Grammar School in each District of the Province would, had no interference taken place with that munificent endowment, conferred blessings upon the people of Upper Canada beyond conception.

Hundreds of the youth of the country have, for want of such convenient institutions, been sent to, and are educated in, the neighboring Republic. If they have not there imbibed a predilection for that form of Government, have been greatly exposed to the danger of losing that attachment to Monarchical Government, and the principles of the British Constitution, which is the essential duty of those who administer the affairs of this colony to cherish in the minds of the rising generation.

My opinion, therefore, is, that, until the intention of His Most Gracious Majesty, King George the Third, in 1797, is carried into full effect by the just application of lands which he

\* These proceedings, in the shape of Reports on Education and School Bills, will be found on pages 76, 78, 98, 105, 110 of the Second Volume of this Documentary History.

† For these Bills, see pages 72, 92 and 148 of the same Volume. See also the end of this Chapter.

‡ *Ibid.*, page 86.

bestowed upon the people of Upper Canada, (in compliance with a joint address of the Legislature for the establishment of Free Grammar Schools), it is vain to attempt any improvement of the present imperfect system, embarrassed as is the Provincial Revenue, and hopeless, as must be, any endeavor to procure endowments from other sources.\* The Common Schools might be made more efficient, by a modification of the laws under which they are established, and by further endowment; the inadequacy of which, is the chief cause of their defective operation; and it would be quite reasonable and proper to raise a local revenue by assessment for that object.†

But, unless the finances of the Province would guarantee corresponding aid, such a tax imposed in the present disturbed condition of the country, and with a knowledge on the part of its inhabitants of the great misapplication of their school lands, I humbly conceive that such a tax would prove most unsatisfactory.

TORONTO, 11th December, 1839.

W. MORRIS.

### 3. Reply of William Hamilton Merritt, M.P.P., St. Catharines.

I regret my time will not admit of my replying satisfactorily, either to myself or to the Commissioners, on the subject of School Funds, but I would recommend them to examine the method adopted in New York for Common Schools.

W. HAMILTON MERRITT.

HOUSE OF ASSEMBLY.

TORONTO, 10th of December, 1839.

### 4. Reply of George Strange Boulton, M.P.P., Cobourg.

The following are my answers to the several queries from the Education Committee of the Commissioners appointed by His Excellency the Lieutenant Governor:—

*Query*: Do you consider the present provision for Education in this Province adequate to its wants? *Answer*: No.

If not, in what particulars do you consider it inadequate? *Answer*: There is not sufficient funds to provide Masters.

*Query*. Can you suggest any improvements regarding District (Grammar), or Common, Schools, as respects—

1st. Their number? *Answer*: More Schools are required.

2nd. As respects their position? *Answer*: They should be in every Village, or populous Township.

3rd. As respects the selection of the School Masters? *Answer*: School Masters should be British subjects, and should be examined by the Board of Education, and approved of previously to appointment.

4th. As respects their remuneration? *Answer*: Common School Teachers should receive at least £20 per annum, exclusive of fees from pupils.

5th. As respects the charges to the pupils?—*Answer*: District Schools £25 per annum, and Common Schools £5.

6th. As respects the Course of Study and Text Books used?—*Answer*: Such books may be used as are in the Preparatory School of Upper Canada College; but no American Books should be used.‡

7th. As respects the supervision requisite to ensure their efficiency?—*Answer*: Supervision by the District Board of Education, acting under instructions from the Council of King's College.

In order to afford funds to aid Common Schools, I recommend the passing of an Act, appropriating a million of acres of land for the support of Common Schools, as proposed in the last session of the Legislature by a Joint Committee of both Houses§ I think the Bill passed

\*For the views and proceedings of the Honourable William Morris, in regard to the original provision, made in 1797, for Free Grammar Schools, see page 89 of this Volume, *ante*.

†See Remarks in regard to assessment for Common School purposes on page 151 of this Volume, *ante*.

‡See Remarks on this subject on page 3 of this Volume, *ante*.

§Page 148 of this Volume, *ante*.

last session, authorizing the application of part of the funds of King's College, may be made available to aid the District (Grammar) Schools, and place them upon an efficient footing; but I also think that an assessment on the inhabitants of the several Districts, for the same object, would be very desirable.

HOUSE OF ASSEMBLY,  
TORONTO, 10th December, 1839.

GEORGE S. BOULTON.

5 *Reply of the Reverend John Roaf, Toronto.*

Being in the habit of calling at School Houses, I have received some impressions respecting Common School Education, which I take the liberty of submitting to your notice, as follows:—

1st. It appears to me that the prevalence of Education in a neighbourhood depends much more upon the opening of roads, (and thus the settlement of population,) than upon any gratuity made directly to its Schools.

2nd. Upon the same principle, I think that the Public Grant is of but little value in a neighbourhood where the inhabitants are numerous and prosperous; while in poor and partially settled spots, more than the present amount should be given.

(The withdrawal, or increase, of grants, according to the circumstances of individual Schools, would require superintendence by some party possessing discretionary power, and giving close attention to the business.)

3rd. I have frequently been sorry to perceive that the Text Books and other Apparatus of Schools are commonly procured in a casual and uncertain manner; while such articles have been prepared, or selected, by Societies in Great Britain, after extensive correspondence and long experience. Assortments of the best School Books, etcetera, might be made, then imported, or reprinted, on a large scale, and sold at a reduced, (say half,) price. By this means, unsatisfactory text books, and bad editions, might be excluded from the Province. To prevent such cheapened works from being obtained for private traffic, a Stamp, similar to the one used with the Sunday School Testaments of the British and Foreign Bible Society, might be used. This proceeding would be best conducted by such a superintending Body, or Board, as is mentioned in the close of the second paragraph, above.

4th. Such a Board appears to me to be essential to vitality in the cause of Education in this Country; which cause requires a zealous intelligent and impartial supervision, as well as general regulations and perfunctory services. Were such a Board to be free from political and ecclesiastical bias, (and universally known to be free,) it would obtain the co-operation of Masters and Proprietors of Schools, as well as of the Legislature. It might be constituted by the Governor, and, under his sanction, direct the public expenditure for Education, and, through him, annually report to the Legislature. Connected with this Body, there would, of course, be paid Secretaries, who, however, should neither avowedly, nor virtually, be the controllers of proceedings. A Commission, thus appointed, and, in reality, subservient neither to personal, nor to party, advantage, should be composed of disinterested, earnest and enlightened friends of Education. This appears to me to be as easy of attainment as the Committee of a Benevolent and Religious Society, and to be the best adapted, of all conceivable bodies, for devising improvements, securing influence, and efficiently directing the public energies.

LOT STREET, TORONTO,  
13th of December, 1839.

J. ROAF.

6. *Reply of William Craigie, Esquire, Ancaster.*

It being allowed on all hands that the present provisions for Education are extremely defective, and inadequate to the wants of the Province; it seems, therefore, unnecessary to occupy time in pointing out its imperfections.

In suggesting improvements, I would premise, as a very important one, that there ought to be one Central Normal School, for the Education of Teachers.

Schools for general education might be divided into three classes:—

1st. *Common Schools*, teaching Reading, Grammar, Writing and Arithmetic.

2nd. *Village Schools*, teaching the above, and Latin and Mathematics.

3rd. *District (Grammar) Schools*, which might, in some cases, admit of sub-division into classical and mathematical teaching; the Classics, Languages and Mathematics.

*Queries 1 and 2, I now answer:* As to the number and practice of Schools, one District, or Grammar, School ought to be in every District, or large Town, with one, or more, Common Schools. A Village School should be in all the larger Villages, and a Common School in the smaller Villages, and also in the settled parts of the country, and in, or near, the centre of every area of four or five miles square.

*Query 3:* The Teachers ought to be selected, as soon as can be done, from those educated at Normal Schools; and, in the mean time, and in all cases, they ought to be examined and approved by the District Board of Education.

*Query 4:* The remuneration of Teachers ought to be such as to ensure a sufficient supply. The Teachers of a Common School would require a gross income of £75 a year, with a House and Garden. Of a Village School, the salary should be from £120 to £150; and, of a District (Grammar) School, from £150 to £200; in all cases, with a House, Garden, School Rooms and Play Ground, and, in the two latter cases, an Assistant Teacher might be required, with an income of £50 a year, when the pupils exceed a given number.

*Query 5:* The charges to the pupils ought to be as low as possible, not exceeding, in the Common Schools, Five Shillings per quarter, for Reading, Writing and Arithmetic.

(A maximum and minimum of school fees, and salaries might be determined, by competent authority, leaving it discretionary to vary from the one to the other, according to circumstances.)

*Note.* In the Parochial Schools of Scotland, (at least in three of its Counties, where I was acquainted,) the salary of Teachers varied from £25 to £40, with a House and Garden, ( $\frac{1}{4}$  Scotch acre enclosed,) and the fees varied from 2s, to 10s. 6d. per quarter, the former charge for Reading simply, and the latter for all Branches, including Latin and Mathematics.

*Query 6:* The Course of Study might be something in the following order—Reading, Spelling, Meaning of Words, (Dictionary), English Grammar, Writing, Arithmetic, Geography, History, English Composition, Latin, Algebra and Mathematics, Modern Languages, Ancient Languages; perhaps the principles of Music ought to be taught in all schools, and Gymnastic Exercises.

*Note 1.* The Text Books used ought, at first, to be entirely British. I am not insensible of the merits of some American Books of Education; but I have never seen any, either States, or Provincial, the paper and binding of which were equal to the tear and wear of a School, and the printing and spelling free from errors. Why not get Provincial Class Books? The demand should employ a press; correctness of printing might be ensured, and the paper and binding be equal to British. It is of a particular consequence that the Books, particularly the Dictionaries, should be of the same impression. (See remarks on American books, on page 3, ante.)

*Note 2.* The Bible ought to be read, if not daily, at least twice, or thrice, a week, for moral instruction. No one here in Ancaster, Protestant, or Roman Catholic, objects to this.

*Query 7:* The Supervision of Schools ought to be in,—

*First* a General Board of Education. As an individual, I have no objection to the Council of King's College; but I think a distinct and independent Board would be better: consisting of individuals of various religious persuasions, having for their Secretary a man practically acquainted with Education, and who should have a competent salary. This Board should have the Superintendence of the Normal School,—the examination of Teachers,—and, without its Certificate, no Teacher should be appointed; and its Certificate should imply, not merely literary but moral and practical qualification. The Board ought also to have the power of determining the Text Books to be used, and of ensuring a sufficient supply of them for the Schools. It might, perhaps, also determine the maximum and minimum of salaries, and school fees; also the school hours and vacations.

*Secondly* The District Boards of Education, should also have one of their number a salaried Secretary, who should be practically acquainted with Education.

*Note 1.* This District Board of Education should have the power of locating Schools within its District,—subject to some general rules of determining the salaries and school fees for each school, (within the prescribed limits of salaries and fees); of appointing, promoting, or removing, Teachers; of investigating and determining any complaints by, or against, them; and, by their Secretary, of examining each school in the District, at least once a year, and reporting on its state and efficiency,—

*Note 2.* The Local Trustees for each School, (or for all the Schools in a Town,) should have charge of the School Houses; have the power of examining the School from time to time, and reporting to the District Board of Education, etcetera. One or more clergymen ought to be associated with the Trustees in examining the School. Clergymen are generally very efficient and competent examiners; and, so far as my experience here goes, they are zealous in the

cause of Education, willing, nay anxious, to be present and take an active part in the examination of Schools, and giving countenance and encouragement to masters and pupils. I allude to the Reverend Messieurs J. Gamble Geddes and William McMurray, of the Episcopal, and the Reverend Messieurs Alexander Gale and Mark Y. Stark, of the Presbyterian Church; of others I cannot speak from personal knowledge.

*General Remarks.* 1. I have said 'promotion of Teachers,'—a distinct class must be formed of Teachers. You must make it an object for young men to engage in the business of teaching; their character must be unimpeachable and respectable, and, looking to teaching as a profession, they must be ensured, not only of a competency, but, (by proper economy,) of providing for the incapacity of old age. A young man, qualified as a Teacher of a Common School, might, by private study, and attending a Normal, or other, School during his vacations, qualify himself for teaching a Village School, and ought to have a preferable claim for promotion to it, or a person qualified to teach a village, or District (Grammar) School might, until a suitable opening occurred, teach a Common School until he should be promoted to a better.

2. *Superannuation of Teachers:* It would be a good provision in the School law, that a certain part of the salary of every Teacher should be set apart to form a fund for assisting and supporting Superannuated teachers,\* or the widows and families of Teachers.

3. *Schools for Girls:* Schools for the education of Girls, ought to exist in Towns and larger Villages, in all the plain, useful, practical parts of female education.†

4. *Legislation* It must be steadily kept in view that legislation is not only for the present, but for the future. The system ought, therefore, to admit of modifications and improvements, without deranging the general working of the machinery.

HENRY CRAIGIE.

ANCASTER, 14th of December, 1839.

7. *Reply of the Reverend Robert McGill, Niagara.*

The public provision for Schools in this Province is, in my judgment, wholly inadequate.

1st. *As to the District (Grammar) Schools.*—The Master of this School in Niagara receives from the Public Fund, £100 per annum; out of this he pays £30 for a House and School Rent, and, in some years past, he has employed an Assistant at not less than £10 a year, which reduces his allowance from Government to an inconsiderable amount. A very serious evil grows out of this inadequate allowance; for, to secure, for the Teacher, an adequate income, the fees must be high in our District, they may be stated at £4 per annum for each pupil. Considering the circumstances of most of those who avail themselves of these Schools, I am of opinion that the charge is, at least, one-half too much. Were the Teacher provided with a suitable School Room and Dwelling House, in addition to his salary of £100, the fees might be reduced to £2 per annum, and the benefit of these Schools be more easily diffused. I do not think that any salary should be allowed for an Assistant Master to District (Grammar) Schools, unless it were clearly proved, in the particular case, that one was needed.

2nd. *As to Common Schools.* The allowance which the District Board of Education has granted to each Teacher in the Niagara District,—for the last few years,—has not fallen short of £12 10s. per annum. I know the qualifications of nearly all the Common School Teachers in this District, and do not hesitate to say, that there is not more than one in ten fully qualified to instruct the young in this the humblest department. I should doubt, therefore, whether the money granted to them brings an equivalent good, or whether the state of education in this Province would be worse, were these funds entirely withdrawn.

But, on the supposition of an entire remodelling of our Common School System, I would recommend an additional aid from the public funds to an amount that will be indicated below. My views upon the subject will be further brought out in answer to the remaining queries.

1st. *As to District Schools*—That is, Schools corresponding to Grammar Schools, and County Academies in Scotland. I think Schools of this class should not be unduly multiplied, in the present condition of the Country. The number of boys desirous of classical and mathematical learning is not numerous. I have no reason to believe that there are forty young men in the 40,000 of our population in this District, for whom an academical education is desired. I do not think, therefore, that more than one School of this class should be established in each District. Such a School should be located in the County Town. The selection of the Master may be left where it is now,—in Trustees appointed by the Lieutenant Governor. The remun-

\*The Superannuation of Teachers was not provided for until 1853.

†See proceedings of the House of Assembly on the subject of Female Education, on pages 221-223 of this Volume, *ante*.

eration to the Teacher, and charge to the pupil, I have indicated above. The Course of Study, and the Text Books used in such a School, may safely be committed to the Master; it would not be easy to devise any supervision beyond that of the Trustees.

Were it enacted, that no person shall be eligible to the office of Master, except such as have attained a Degree in Arts, in some University in the United Kingdom, or had received an education that would entitle him to such a degree, this fact to be determined by a Board of Examinators, duly appointed; and, futher, that they shall be practically qualified for the duties of teaching, in the judgment of the same Board; a beneficial check should be placed on local Trustees.

Farther, I would esteem it a most desirable thing, were all those academical Teachers competent to give popular lectures on science and the arts,—such as are delivered in Mechanics Institutions; and that it should be imperative on them to deliver a short course, say of six lectures, every year in such place in the District as the Trustees may determine; with power to exact a small fee. The academical Teacher in each District should be provided with suitable apparatus for these lectures at the public charge.

*2nd, As to Common Schools and their number.* It would not be necessary to limit their number, were the public funds not limited. But, to prevent the indefinite subdivision of the grant, the number of schools which shall receive it must be fixed.

In a Country like this, where the population is so scattered, it may be expedient to have two classes of Common schools.

*1st.* The permanent. *2nd.* The occasional, or itinerant.

*1st.* In every Township, where the population is dense enough, there ought to be a permanent School; this fact might be determined by the following conditions: (1) That the people shall have erected a commodious Building, with two acres of land enclosed (2) That the Trustees shall bind themselves to pay the Teacher £50 per annum. Then a grant of £25, from the public funds, might be allowed. Not more than one such School should be allowed within the square of four miles; nor should the Teacher be removable, but by a sentence of the General Board of Education. *2nd.* The position of every permanent School must be determined by the circumstances noted above. *3rd.* The selection of the permanent Masters may be committed to the local Trustees, provided that they shall not be allowed to choose any Teacher not qualified, according to law. *4th.* The remuneration of these Teachers should not be less than £25 from the public funds, and £50 from the School district.

*1st.* The occasional Schools are adapted to thinly peopled Townships. Itinerant Teachers, qualified, according to law, should be appointed to them,—each within his own circuit, (say, of four schools), to divide his time equally among them, as may be agreed upon. These Teachers should be paid at the same rate as the permanent Teachers, and should be under the direct supervision of the Board of Education in each District.

The charge for each pupil in any Common School should not exceed 10s. per quarter, or £2 per annum. The Course of Study in a Common School must be a very plain matter, and will need no other direction than what the Teacher may receive in one of the Normal Schools. All Text Books used in the schools for the public should be compiled and printed under the direction of a General Board for the Province, and should be printed and bound in a substantial style, and at the lowest possible charge.

I can hardly conjecture what sort of supervision these schools should be placed under, beyond that of the local Trustees; and yet, something more is surely needed in a general system. I never saw any use in mere honorary Trustees, of whom there are too many in this District; it is a mere deception on the public to have such Trustees, and a great injury to the School. Every Trustee should be bound on oath to do his duty, like other public officers.

It is difficult I am aware, in this country to get any duty done that is not paid for. I should deem the payment of School Trustees a public scandal. The Clergy might be expected to take some part in the gratuitous duty connected with the School; as also all who hold any valuable office under Government. If inattention on their part to this duty were to involve, censure, and deprivation of office, we might expect the duty to be done; much, of course, would depend on the character of the man who might happen to hold office. Every School in the county should be examined at least once a year by competent Examinators. Were each District divided into several Counties, and a Board of Examinators appointed in each County, these annual examinations could be made without much trouble.

In any plan that the Commissioners may propose, success will mainly depend on the character and qualification of the Teachers.—To secure qualified Teachers, intelligent and religious men, at least four Normal Schools should be established in Upper Canada; and no Teacher



should be eligible for appointment to a public School, who has not received a Diploma from one of these Normal Schools, in addition to a Certificate from the Board of Education for the District. *Note.* Four Normal Schools are suggested by the Education Commissioners; (*page 251*).

I should be happy to see in this Province a Minister of Public Instruction, as in Prussia. Without such an Officer, I fear the Education of the country cannot be well managed.

ROBERT MCGILL.

NIAGARA, 20th of December, 1839.

8. *Letter from the Reverend Robert Murray, M.A., Oakville. (Afterwards Superintendent of Education in Upper Canada during the years 1842-1844).*

Yo... Letter of the 29th ultimo, enclosing queries from the Committee on Education, is before me, and to which I beg leave to return the following observations:—

*Query Number One. Answer:* I do not consider the present provision for Education in this Province at all adequate to its wants.

*Query Number Two. Answer:* I consider the present provision to be deficient in toto; but more particularly,—First: The manner of selecting Teachers for Common Schools, appears to me to be an insult to common sense. Three individuals, as Trustees, or Superintendents, are appointed by the people in the neighborhood of the School House, without any regard to their education; these three men, thus appointed, have the sole power to judge of the qualifications of candidates for the School, and to appoint and eject the Teacher, while they themselves may not have received even the first rudiments of a plain English education. Such men are, consequently, altogether unfit to judge, either of the qualifications of a School Master, or of the progress of the pupils.

2. The power of ejecting School Masters vested in three Trustees, or Superintendents, subjects the Teacher to the whim and caprice of every child attending the school; the Teacher is thus left at the mercy of the public, who, proverbially, have no conscience, and his situation is rendered more precarious and more degraded than that of a shoemaker.

3. The emoluments of Common School Teachers are, in most cases, utterly inadequate to their support.

*Query Number Three, as to Number of Schools, etcetera.*

*Answers:* 1. The number of Schools should be adequate to the accommodation of the entire youth of the Province, from six to fifteen years of age.

2. *The Position of Teachers.* The position of the Schools should be in the most populous neighborhoods, and, if possible, within six miles of each other.

3. *The Selection of the Master.* The selection of Masters might be left, at present, to the heads of the families in the district where the School House is situated; and [the selection of the Master] should take place upon a day, to be made public in that district, at least ten days previous to his selection. But no candidate should be eligible to a School receiving Government salary until he has undergone the examination which Government directs, and produced a Certificate of his qualifications. No alien should be admitted upon trial, or receive a Certificate of Qualification.

4. *The Remuneration of Teachers.* In order to secure efficient Teachers, the salary should be made as ample as circumstances will admit; from £50 to £70 currency of yearly salary should be given, (in the present state of the Province,) together with the school fees, a House, a School House, and a few acres of land.

5. *The Charges of the Pupils.* The school fees, or charges to the pupils, should be made as reasonable as possible. The Government might determine a minimum, or maximum, scale of fees, and leave the electors in the district, where the school is situated, to fix the particular rate for that school. A copy of these rates should be furnished to the Teacher on the day of his election as School Master. The electors, having the power to increase the scale of fees, thus given, provided that it was not already the maximum, but no power, whatever, to diminish the scale first given, during the incumbency of the Teacher, which should always be *ad vitum, au culpan*.

(1) Some such scale as the following might be adopted by the Government.

*Minimum.* English Reading, 3s 6d.; ditto, with Writing, 4s.; ditto, ditto, with Arithmetic and English Grammar, 5s.; ditto, ditto, ditto, with Geography, 6s.; French, 7s. 6d.; Latin, 7s. 6d.; Latin and Greek, 10s.; Practical Mathematics, 15s.; Book-keeping, 15s., per quarter of twelve weeks.

*Maximum.* English Reading 5s. ; ditto, and Writing, 5s. 6d. ; ditto, ditto, with Arithmetic and English Grammar, 6s. 6d. ; ditto, ditto, with Geography, 7s. 6d. ; French, 12s. 6d. ; Latin, 12s. 6d. ; Latin and Greek, 15s. ; Practical Mathematics, 20s. ; Book-keeping, 20s., per quarter of twelve weeks.

(2) The fees should be made payable quarterly, in advance, and no deductions should be allowed, or time given, on account of the absence of the pupil.

(3) A majority of electors in each district might have the power of sending a few poor children to school, to be taught free. Suppose, one for every ten pounds of annual salary, which the teacher receives from Government.

6. *The Course of Study and Text Books.* (1) It is almost impossible to determine any course of study in a Common School, beyond English Reading, English Grammar, Writing, Arithmetic, and Geography ; and these every Teacher should be perfectly qualified to teach, as the lowest standard admitted by the Government, and entitling a Teacher to a Certificate of Qualification ; everything beyond these elementary branches should be left to parents themselves to determine, according to the line of business in after life, in which they may wish their children to engage. But, it would be desirable, as soon as circumstances will admit, that every Teacher, receiving Government salary, should be qualified to prepare young men for entering upon a course of College education ; and, in order to induce Teachers to acquire this standard, the maximum salary should never be given to any Teacher who has not attained to it. The electors in each district might have the privilege of determining what qualifications their Teachers shall possess ; these always being within the scale sanctioned by the Government.

(2) The Text Books should be chosen by a General Board of Education, appointed by the Government ; and School Masters should be obliged, on peril of forfeiting their salary, to teach these Books, and none other. This Board should also have the sole power of granting Certificates of Qualification to Teachers. This Board should also be invested with full powers to determine, finally, all complaints against Teachers, and, upon a charge of negligence, or immoral conduct, being substantiated, to eject them from the School, with the loss of all its emoluments.

(3) As morality and religion are the foundation and stability of all good Governments, and as these are taught in their purity in the word of God, a portion of the Scriptures should be read in these Schools, at least one Chapter every day ; the reading to be consecutive through the whole Inspired Volume.

7. *The Supervision requisite to ensure Efficiency.* (1) The great difficulty attending any change in the present wretched system of Education in the Province is, to ensure the efficiency of that scheme which may be adopted in its room. To leave the supervision in the hands of the electors in each district, or to a few individuals appointed by them, probably themselves, without education, would certainly tend to perpetuate the system of gross oppression to which Teachers have been subjected, and to disappoint the reasonable expectations of the Government. Neither can the supervision be left, at present, in the hands of the Clergy, in the several districts, where the Schools are located, as there are many extensive tracts of country where there are no educated clergy settled.

(2) It does, therefore, appear almost absolutely necessary to ensure the efficiency of such a system, as has been suggested above, that men of education, who themselves have had large experience in the education of youth, should be appointed to superintend the whole system of operation, and to report regularly the state of every School, within their respective circuits, to the General Board of Education. By this means, the Teachers would be protected from the interference of the public, and encouraged in the discharge of their arduous duties, and the Government would be put in early possession of the whole, even in its most minute movements. The Superintendent might also be entrusted, while on his circuit, with the examination of candidates, subject to the approval of the General Board of Education. This plan would save candidates both the expense and time attending long journeys, in order to appear before the General Board, which many of them would be ill able to bear.

(3) In all cases of complaints against School Masters, the Superintendent ought to be authorized to investigate the grounds of complaint, and to report upon them to the General Board of Education, for their decision ; but, in all charges involving an offence which might terminate in the ejection of the School Master, the Superintendent shall have the power to call to his assistance, in such investigation, two Magistrates, in the vicinity ; and, if the charge is made out against the Teacher, the Magistrates should be instructed to sign the Report of the Superintendent, and no ejection of a Teacher should be permitted, even by the General Board of Education, upon the Report of a Superintendent, unless the Report is signed by two Magistrates.

(4) By this system of supervision, the General Board would soon obtain a knowledge of the most efficient Teachers, and might have the power of recommending them to more lucrative situations, as these become vacant,—thus holding out a stimulus to diligence and improvement on the part of Teachers themselves.

(5) The Superintendent might also be enjoined to give instruction, during the harvest recess, to those Teachers within their respective circuits, who might desire to improve themselves in the branches of Education required of Teachers.

With regard to District (Grammar) Schools, I consider them altogether unnecessary, provided such a system as the above were carried into effect.

ROBERT MURRAY.

OAKVILLE, 23rd of December, 1839.

5. *Letter from the Honourable James Crooks, Flamboro' West, (Father of the Honourable Adam Crooks, First Minister of Education for Ontario, 1876-1883.)*

I do not consider the present provision for Education at all adequate to the wants of the Province.

The present provision made by law is:—

1st. *District Schools*, now merged into Grammar Schools, by the Act of last Session; and there can, under no circumstances, be more than four in one District. The provision for their endowment seems also to be inoperative, so that only one Grammar School in each District can be said to be established, and this from Provincial Funds, under Provincial Statutes.

2nd. *Common Schools*, also paid from the funds of the Province, under a permanent Statute, and additional annual Parliamentary grants extending the provision of that Statute.\*

The system of Common Schools, although, in some instances, abused by the employment of improper persons, sometimes aliens, indeed, as Teachers, yet, on the whole, is, I think highly beneficial. Perhaps, were the system of Parochial Schools, as established in Scotland, with such modifications as would be necessary, under the different circumstances of this Province, engrafted upon our Common School System, it might be found to work well. Permit me, after these general remarks, to refer to the given queries contained in the Letter with which you have honoured me.

1st Query: The number of Common Schools is considerable in the several Districts; but there is this incongruity in their establishment,—namely, that as they increase in number, the assistance from the public funds diminishes, in this way:—The grant to each District is made in a lump sum, and is then divided amongst the Schools, (according to number.) by the several District Boards of Education, consequently the greater the number of Schools, the less is received by each one. The working of which plan, it must be seen, at once, tends to retard, rather than promote, the establishment of Schools in the rural parts of the Province.

2nd Query: If the present system is continued, I am of opinion that the position of the Common and Grammar Schools may safely be left, as now, to the discretion of the inhabitants.

3rd Query: The Masters ought to be subject to examination before a competent Board, both as to literature and fitness to instruct the youth of the Country, as also to moral habits and religious principles. The Board of Education in this District of Gore, I have reason to believe, exercises this power, although I am not aware that it has given them by law, notwithstanding it seems so necessary. Whether the Board of Education is, in all cases, qualified to exercise this power may be questioned, and it may be an important matter for the Board of Commissioners, of which you are Secretary, to decide this point.

4th Query: The remuneration of Teachers at present does not hold out that encouragement to persons properly qualified to undertake the education of youth, certainly not to make it the business of their lives; and hence has arisen, in a great measure, the employment of itinerant persons, of whom the country knows nothing, rather than that their children should remain ignorant of the rudiments of education.

5th Query The charge to pupils is generally 10s. per quarter of a year; and he must be a popular Teacher, indeed, if his income exceeds £50 per annum, out of which he must board himself, and, if he has a family, support them also.

6th Query The Course of Study and Books used is under the superintendence of the General Board of Education, as returns are periodically made to them detailing these matters.

7th Query This is answered in a former part of these observations.

\* The Parliamentary provision for Common Schools at this time was: *Permanent Grant*; Two hundred and Fifty pounds, (£250,) to each District; *Annual Grant*; Five thousand six hundred and Fifty pounds, (£5,650,) for the whole Province. Both sums were apportioned to the Districts by the House of Assembly.

Even the Grammar Schools, if so endowed as to enable them to prepare pupils for a higher Seminary of learning, would be most advantageous to the Country; their number in each District ought also to be increased, so as to give all the inhabitants an opportunity of educating their children, at least to the extent of an English Education, even if they do not intend them for any of the learned professions.

TORONTO, 20th December, 1839.

JAMES CROOKS.

10. *Letter from the Honourable Peter Boyle de Blacquiere, Woodstock.*

I have the honour to return to you the three sketches, on the subject of Education, which you did me the favour to transmit, requesting that I would make such remarks as might occur to me thereon.

1. Upon a subject involving, as it appears to me, the foundation of the prosperity of this Province, I would not venture to offer a hasty opinion; but I am satisfied that no dependence can be placed on any system of Education, which shall not, in all its details, and modifications, be essentially based on religion.

2. I observe, in the General Plan of the Committee on Education, herewith returned, that provision is intended to be made for Schools of Divinity in the highest branches of University Education; but the proposal for four distinct Professorships of Divinity, each so widely differing in doctrine, and supposed capable of working together, in and under one University, seems to me wholly and entirely impracticable, under any modification.

3. In the "Plan" of the proposed Grammar and Common Schools, I observe that there is no provision whatever for religious instruction; nor does the study of the Bible, more than the vital doctrines of Christianity, appear to form any part of the intended system. My opinion is, that any course of National Education which omits these essential and primary ingredients, must become a curse, rather than a blessing, to the community.

4. There are, at the same time, very valuable suggestions in these "Plans,"—that of a Normal School for the Teachers is one of high importance, but religious qualification is not alluded to as essential to this branch of the subject.

5. I am aware that great, and, apparently, insuperable difficulties surround this part of the subject, not, perhaps, altogether arising from the impossibility of harmonizing conflicting views, but from the angry and hostile spirit with which they have hitherto been most unfortunately conducted. I would fain hope that true Christian feeling may yet be brought to bear on this, not less than on others equally to be deplored; but, be this as it may, a deep and awful responsibility must attach somewhere, if a remedy be not speedily applied to the present destitute condition of this country, as respects the spiritual and intellectual wants of the rising generation.

Permit me, with all due deference, to call the attention of the Education Commissioners to a Charge delivered by the Lord Bishop of Exeter to his Clergy, as connected with this subject, and which will be found reported in "*The Times*," newspaper of 13th November last. They will there find embodied what I will not weaken by any feeble illustration, and I commend it to their most serious consideration.

7. Another point in the enclosed sketches which seems objectionable is the expense attendant upon the proposed "Plan."

8. I coincide entirely with the views of the Writer, of the necessity, the absolute necessity, for a decent provision, at all events, for those who are expected to occupy the station of Teachers. Their present condition is truly wretched, and reflects great disgrace upon the Nation; and what but the actual result can, or could be, expected? I think a difficulty will arise as to finding Inspectors properly qualified, or who, in the present state of the Country, can be trusted; but this may be modified by having recourse to the Clergy of the Church of England, and, I doubt not, but that assistance could be had from the Clergy of other Denominations of Christians.

9. Before recourse be had to increased taxation, it should be shown that the actual available sources, for the purposes of National Education, have been fully brought forward; and, if this were done, I take it for granted that the public would not object to supply any deficiency, if such existed.

10. I wrote to a Friend in the country, since the receipt of your Letter, requesting his views upon the subject of National Education—I beg leave to enclose them for the consideration of the Commissioners of Inquiry:—The talents and qualifications of the Reverend Gentleman who drew them up, and his fitness to offer an opinion on what he has so long turned his attention to, are undoubted; and he has not seen any of the papers you enclosed to me.

WOODSTOCK, 23rd of December, 1839.

P. B. De BLACQUIERE.

*Letter from a Reverend Friend.—Enclosed by the Honourable Peter B. De Blacquiere.*

The inadequacy of the present provision for Education in Upper Canada must be apparent to any person whose opportunities of observation have enabled them to arrive at a just conclusion. The faculty, however, of discovering defects is confessedly a much easier task than to suggest an efficient remedy. The present system, although it contains much that is commendable, and which should not be relinquished, appears more especially deficient, from the want of a proper supervision, by persons, who, from their education and station, would be enabled to carry out the designs of the Legislature. I speak now of Common Schools; they are defective on account—

*1st. Of the Trustees.*—The incompetency of the present Trustees generally to superintend Education is too notorious to require comment. We find aliens very frequently in this office. Their popular election is essentially bad.

*2nd. Of the Masters.*—Among these are few properly qualified, and there are also many aliens.

*3rd. Of the Books.*—Nearly every School has its own Books; and aliens, whose children attend, require American Books to be used. These books invariably contain direct attacks on monarchical Institutions, and the most laudatory commendations of Democracy.\*

*The District (Grammar) Schools* are, in general, not sufficiently respectable in their composition to ensure the end designed by their institution.

*Remedial Measures (1).* To remedy the defects of the present system, we must first look for the establishment of an efficient Board of Education in the Metropolis, and of a District Board in the chief Town of each District. The General Board should be composed, *1st* of persons, who, from their influence and station, should be *ex-officio* members, as the Governor and Lieutenant Governor, the Chief Justice, the Vice-Chancellor, the Judges, the President and Council of King's College, the Principal and Vice-Principal of Upper Canada College, the Attorney and Solicitor Generals, the Speakers of both Houses, and, secondly, of such Clergy of the Church of England and Ministers of the Kirk of Scotland, not exceeding six; also civilians, not exceeding six, as the Governor, or Lieutenant Governor, may appoint. This Board should decide absolutely the Books to be used in all District (Grammar), or Common, Schools. To this Board the District Boards of Education should transmit a report twice in each year, of the state of the schools, District (Grammar), or Common, in the several Districts. All appointments of Masters to the District (Grammar) Schools, to be made by the General Board. The District Boards of Education should also have their *ex-officio* members,—as all Members of the Legislative Council and House of Assembly, resident in the District,—all Justices of the Peace in the District,—the Clergy of the Church of England, and Ministers of the Kirk of Scotland.

(2). If these were not thought sufficient, the Governor, or Lieutenant Governor, might nominate six others. These District Boards of Education should meet quarterly, to receive reports from the District (Grammar), and Common Schools under their own supervision, and to prepare their own Report for the General Board.

(3) These Boards should also examine applicants for the Masterships of Common Schools and to attend the public examinations at the District (Grammar) School, or Schools, a small salary to be given to the person officiating as Clerk of this Board.

(4).—*District (Grammar) Schools* should be under the immediate supervision of the District Boards of Education,—Masters should be appointed and Books should be ordered by the General Board. The salary of the Master ought to be at least £150; that for an under Master for Writing, Arithmetic and Junior Classes should be about £70. If you want superior men, you must pay accordingly. School House and Residence for Master, or an allowance until one is built, to be provided by the District; a Book of Entry to be kept of attendance of scholars, their studies and conduct.—The System to be determined by the General Board, and the rules printed to be hung up in every School.

(5) Public Examinations should be held half-yearly, if not quarterly, before the Members of the District Boards of Education. Yearly prizes of small value might be given.

(6) An Exhibition to King's College, Toronto, would tend greatly to keep up a right spirit of emulation, to be given every second year, and should amount to £40 a year, during the usual period of College residence. Examinations to be held before the District Board of Education under the Master of the School, who will recommend to the Board the boy most fit,—moral conduct essential to obtain the Exhibition. The amount to be paid to the Master by each scholar should be £1 5s. 0d. each quarter, in advance. Firing for the school to be furnished by the District.

\* See Note \* on pages 3 and 250 of this Volume, *ante*.

(7) *Common Schools*—The Masters to be appointed by the District Board, after due examination into his qualifications. No alien to be admitted as a Master. The System and Books to be determined by the General Board.—Rules to be hung up in the school. Schools to be under the supervision of the District Boards of Education generally; but Trustees also necessarily living in the immediate neighbourhood of the School. *Ex-officio*: all the members of the District Board and three others, to be chosen by the Inhabitants who send children to the School.

(8) Reports from the Trustees, (or from three at least,) drawn up by the Master, to be sent quarterly to the District Board, containing the number and names of scholars, the attendance at the public examination under the Master, and before the Trustees, quarterly, the result of it to be stated in a quarterly report. An exhibition, once in three years, to District (Grammar) Schools, of the value of £10, would be desirable. Moral conduct essential to the Exhibition, the examination, (public,) before the Trustees, and a Certificate, countersigned by the Master of the successful candidate. The parents and friends of the children should be invited to attend the public examinations. The salaries of the Masters ought not to be less than £25 a year, which, with the two dollars a quarter which they receive from each scholar, would ensure, (eventually,) tolerably qualified men. I think that in each Common School there should be admission for six children gratuitously, or at the expense of the Township, (as provided by the Sixth Section of the Grammar School Act of 1819; page 149 of the First Volume of this Documentary History) —this admission, to be determined by the Trustees, and should be confined to orphans, or the fatherless, or children of any indigent parents.

(9) *Books for the Grammar Schools.* The Bible; Watt's Scripture History; Catechism of the Church of England, for her own Members once a week; Shorter Catechism of the Presbyterian Assembly for those whose parents object to our Catechism, once a week. The English Speaker; English Composition; Arithmetic; the four first books of Euclid; Algebra, to the solution of quadratic equations, at least; Latin and Greek. (The Books to be determined by the General Board.); Geography; De Lolme on the Constitution of England.

(10) *Books for the Common Schools.* The Bible; Watt's; and the Catechisms as above; Reading; Writing; Arithmetic; Rudiments of Latin, if possible.

(11) *Religious Exercises.* A Form of Prayer to be used morning and evening in every School by the Master; this form fixed by the General Board, and to be the same in all Schools; a printed copy to be hung up in each School. Certificates of its having been regularly used to be in the quarterly and half-yearly returns. In the Prayer, mention to be made of the Sovereign, the Governor, and Lieutenant-Governor, Legislature, College and Schools, a wise form in "the spirit of the Liturgy of the Church of England." Immediately after the Prayer, a class of the whole school should read in the Bible a regular course, for a quarter of an hour.

### 11. *Letter from the Honourable Adam Ferguson, Woodhill.*

Besides its various stages necessarily dependent upon the ages of pupils: Education divides itself into systems, the one more strictly limited to the ordinary business of life, the other extended to the higher departments of Literature and Science.

2. To meet the first of these systems, it seems difficult to imagine a better frame work than the Parish Schools of Scotland.

3. Upon this well tried system, it would be easy to engraft any improvements which have been introduced by Prussia and other States, nor would it be difficult to adopt the plan to Upper Canada.

4. An intelligent and upright Board of Commissioners ought to be appointed, with ample powers to examine and certify candidates for schools, both in regard to professional and moral qualifications, and without any other limitation, upon the subject of religion, than will secure purity of creed in the Christian faith.

5. Candidates should come before the Board, backed by recommendations from any Clergyman officiating, and also from a certain number of Heads of families.

6. From whatever source the funds may be derived, each Teacher should be secured in an annual allowance of from £25 to £40 per annum, independent of school fees.

7. In extensive, or remote Townships, where the children are widely dispersed, it may be useful to divide the attendance of the Teacher, giving perhaps two-thirds of his time to the most populous portion of the Township, and there is but little doubt that an Assistant or Monitor, will occupy the vacant station during the absence of the regular Teacher. Encouragement should be afforded to respectable Female Schools for instruction in sewing, and in other useful and domestic pursuits.

The School Books employed in the great Sessional School of Edinburgh, under John Wood, Esquire, deserve the highest commendation.

WOODHILL, December, 1839.

ADAM FERGUSON.

### 12. Letter from Mahlon Burwell, Esquire, Port Burwell.

1. My opinion is that the present provision for Education in this Province is by no means adequate to its wants. Beside the sums derivable from the sales of School Lands, and applicable only to District and Grammar Schools, an annual appropriation from the Provincial Treasury ought to be permanently secured by law and distributed among the several Districts in proportion to the population of each, and be under the superintendence of a General Board of Education, to be established at Toronto,—whose duty it should be, to require periodical and minute information from the several District Boards of Education, with the view of understanding thoroughly the state of the education at the Grammar Schools of each District. The General Board should have the power of establishing Grammar Schools, and affording them assistance from the funds under their control, in such large Villages as grow up at distant points from the District Towns, and in which the inhabitants shall, at their own expense, erect suitable buildings for such Grammar Schools.

2. The General Board should also have the power of establishing rules and regulations for the several Grammar Schools; it should prescribe the manner of tuition, as well as the Text Books to be used. The District Board of Education should have the power of regulating, from time to time, the amount of tuition fees, and should also have the power of admitting, free from charge, a number of charity scholars from the Common Schools.

3. In regard to Common Schools, nothing is more desirable than that a Normal School should be established by law. The exclusive business of which Normal School should be: the education of promising youths, selected from the Common Schools of various Districts, and educated purposely for Masters of the Common Schools throughout the Province. By this arrangement, a constant supply of Teachers could be afforded, and they would, no doubt, be preferred by the inhabitants of the several Townships.

4. I cannot conceive anything more wanting in efficiency than our present system for Common School Education.

5. I would propose that a scheme should be adopted for forming a "Common School Fund" upon the following basis, videlicet,—

(1.) A large appropriation of the Waste Lands of the Crown, from which to create a permanent revenue for the support of Common Schools in all time to come.

(2.) A grant to be provided for permanently, from the Provincial Revenue.

(3.) An equal sum to that afforded from the Provincial Revenue, to be permanently provided for, and raised by annual assessments, from the people of the several Districts, by order of the Justices of the Peace in General Quarter Sessions,—each District furnishing its proper quota of that sum, in proportion to its population. A law framed upon such a scheme, as I have mentioned, would, in my humble opinion, be productive of much good to the rising youth of the Province.

I proceed to answer the queries in the order in which you have put them:—

*Query 1.* The number of Common Schools must be governed by the convenience and wants of the population.

*Query 2.* Their position should be fixed by the same rule.

*Query 3.* The selection of the Masters is a difficult matter, in the present destitute state of the Country, in respect to proper material. They should, in all cases, pass an examination before the District Board of Education, and be approved of before they are permitted to teach.

*Queries 4 and 5.* The remuneration of Masters should be by salary, apportioned by District Boards of Education, from the "Common School Fund," before mentioned, and by charges of tuition fees to the pupils, which, in my opinion, are absolutely necessary, to arrest and keep enduring the attention of parents to the true interests and well working of Common Schools, and should never be dispensed with, but, in such cases of indigent parents as the Trustees of Common Schools might, on account of indigence, alone direct that their children should be taught gratuitously.

*Query 6.* The Course of Study and the Text Books used should be regulated by the District Boards of Education, to whom the Trustees of the Township, or Common, Schools should make half-yearly reports,—giving, in detail, all the information that might be required of them by the District Boards, whose duty it should be to return a half-yearly synopsis of the state of the Common Schools to the General Board of Education at Toronto, by which means valuable information would be gained, as to the practical working of all the Common Schools.

*Query 7.* The supervision requisite to ensure the efficient working of the Common Schools would be best attained by an irregular visitation of all the schools, by a well qualified Member of the District Board. In this way, a constant anxiety would be kept up, in the minds of the pupils, to improve as much as in their power.

If the scheme I have mentioned were adopted, a Bill might be drawn up, embracing many of the valuable hints contained in the Essay of the Reverend Doctor Chalmers on "the Parochial Schools of Scotland," published in 1819\* ; and of the yet more valuable information contained in the system of Education as explained by Mrs. Austin's translation of M. Victor Cousin's Report to the Government of France, on the subject of the Common Schools of Prussia. I annex, for the notice of the Commission of Investigation, a printed copy of the Common School Bill, which I have several times endeavored to get passed through the Assembly. Several of my friends have expressed an opinion that the "machinery" of this Bill is too democratic ; but with the securities afforded by the General and District Boards of Education, I beg leave to differ from them in opinion, I deem the provisions of this Bill to be consistent with the authorities I have quoted.

HOUSE OF ASSEMBLY, TORONTO,  
9th of December, 1-39.

M. BURWELL.

DRAFT OF A REVISED BILL FOR COMMON SCHOOLS, TO WHICH MR. MAHLON BURWELL REFERS  
IN HIS PRECEDING LETTER.

MOST GRACIOUS SOVEREIGN :—

Whereas the laws now in force for the establishment, maintenance and regulation of Common Schools throughout this Province, are not found sufficient for the wants thereof, Be it therefore enacted . . . That they be, and the same are hereby, repealed.

2. *And be it further enacted,* . . . That for the maintenance and encouragement of Common Schools, in each and every Township in this Province, there shall be established a Fund to be entitled "The Common School Fund," which said Fund shall consist :—

*First* :—Of such sum, or sums, as the Legislature shall deem fit to appropriate annually for the same, from the revenues of the Province :

*Secondly* : Of a sum equal in amount to the grant so made by the Legislature, to be raised by assessment, by order of the Quarter Sessions in their respective Districts, on the rateable property, in the same manner as other assessments are now raised, levied and collected : and

*Thirdly* : Of such monies as may accrue from the selling, or leasing, of any Lands which Her Majesty may be pleased to grant for the establishment, maintenance and support of Common Schools in this Province.

3. *And be it further enacted,* . . . That for the establishment, maintenance, and support of Common Schools in each and every District of this Province, there shall be granted to Her Majesty annually, during the continuance of this Act, the sum of \_\_\_\_\_ pounds, to be distributed among the several Districts, in the manner hereinafter provided, out of any monies which are now raised and levied by the authority of Parliament, to and for the uses of this Province.

4. *And be it further enacted,* . . . That there shall continue to be a General Board of Education, for the Province, to consist of not more than seven fit and discreet persons, appointed by the Governor, Lieutenant Governor, or Person administering the Government,—of whom five shall be a quorum ; whose duty it shall be to submit an annual Report to the Governor, Lieutenant Governor, or Person administering the Government, on the actual state and condition of the Common Schools throughout the Province, the monies expended thereon, and from what sources derived, with plans for their improvement, and such other matters respecting Schools and Education generally, as to the said Board may seem useful and expedient, that the same may be laid before the Legislature at its annual Meeting.

5. *And be it further enacted,* . . . That the said General Board of Education for the Province, shall, in each and every year, according to the last preceding census of the population of the Province, apportion the money annually granted by the Legislature, as aforesaid, among the several Districts, in the ratio of the number of five and under sixteen years of age, that shall appear, from the returns of the population, to be resident within the same.

6. *And be it further enacted,* . . . That it shall be the duty of the said General Board of Education to furnish the Receiver General of the Province with a certified statement, or list, of the apportionment of the money granted by the Legislature under the provisions of this Act, as aforesaid, to the several Districts, for his rule and guidance.

\* Extracts from this Essay are given on pages 141, 142 of the Second Volume of this Documentary History.



7. *And be it further enacted* . . . That it shall also be the duty of the said General Board of Education to certify the apportionment of the public money, as aforesaid, to the Treasurer of each and every District, respectively, who shall lay the same before Her Majesty's Justices of the Peace, in each and every District, that Her Majesty's Justices of the Peace in General Quarter Sessions may direct, and such Justices are hereby authorized and required to direct such an addition to the usual assessment of ratable property to be raised and levied within their respective districts, as shall be equal in amount to the money so apportioned for Common Schools, from the Provincial Treasury.

8. *And be it further enacted*, . . . That it shall be the duty of the said General Board of Education to prepare suitable forms for making reports and conducting the necessary proceedings under this Act, and to cause the same, with such regulations and instructions as they shall deem necessary, to be communicated to all such as are employed in executing the provisions of this Act; *Provided*, that nothing contained in such forms, regulations and instructions, shall be repugnant to the same.

9. *And be it further enacted*, . . . That there shall continue to be, in each and every District of this Province, with the exception of the Home District, a Board of Education: to consist of not less than seven, or more than nine, fit and discreet persons, appointed by the Governor, Lieutenant Governor, or Person administering the Government, of whom five shall be a quorum,—whose duty it shall be: *First*: To apportion, in each and every Township within their Districts, respectively, the share of the School Fund, received and levied, as aforesaid, in the ratio of children over five and under sixteen years of age, found to be resident within such Township, from the last population returns of the same; and to furnish the Treasurer of the District, with a certified copy of the apportionment of the sums of school money to each and every Township, within such District, as aforesaid. *Secondly*: to examine all persons offering themselves as candidates for teaching Common Schools, in respect to moral character, learning and ability, and, if satisfied thereof, to deliver to each person so examined a Certificate, expressing the same: *Provided*, nevertheless, that no person shall be held entitled to such Certificate, or to be appointed to any Common School, unless such person is a natural born subject of Her Majesty, or a subject of Her Majesty by the conquest and cession of the Province of Quebec, or having become naturalized by Act of Parliament.—*Thirdly*: To hear, determine, and settle, all disputes which may arise out of the proceedings of Commissioners of Township and Common Schools hereinafter named, or out of the proceedings of the Trustees of School Districts, also hereinafter named, or any other matter in respect of Common Schools, within their Districts respectively; and that, in all such cases, their decision is to be final and without appeal. *And Fourthly*: To prepare a Report of the state of the Common Schools, in their respective Districts and transmit the same, in each and every year, to the General Board of Education for the Province, on, or before, the first day of January.

10. *And be it further enacted* . . . That it shall and may be lawful for the District Boards of Education to apply such parts of the money for the establishment and support of Common Schools, apportioned and raised, by assessment, in their Districts respectively, not exceeding, in any one year, the sum of One Hundred pounds, (£100.) for the purchase of Books for the use of Common Schools, and to cause the same to be distributed to such Schools in proportion to the children above five and under sixteen years of age, residing in the School district, hereinafter to be assigned to each.

11. *And be it further enacted* . . . That the General Board of Education for the Province, shall, in addition to the duties already imposed upon it by the provisions of this Act, also perform and discharge all such duties and services for the Home District, as are heretofore assigned to the District Boards of Education for the several Districts respectively.

12. *And be it further enacted* . . . That the inhabitants of each and every Township, at their Annual Town Meeting, shall nominate, choose and appoint, five Commissioners, to be called Commissioners of Township Schools, of whom three shall be a quorum; whose duty it shall be, *First*: To divide the Township into a convenient number of School districts; *Provided*, always, that not fewer than twelve householders be resident in any such School district. *Secondly*: To describe the number of School districts, into which the Township is divided, designating them by one, two, three, etcetera.—*Thirdly*: To apply for, and receive, from the District Treasurer, all monies apportioned by the District Board of Education for the use of Common Schools in the said Township. *Fourthly*: To apportion the School money, so received by them, on the \_\_\_\_\_, in each and every year, among the several School districts within their Townships respectively, in proportion to the number of children residing in each, over the age of five and under the age of sixteen years, as the same shall appear from the last annual Report of the Trustees of the School districts respectively; to draw up a Report of the state of Common Schools within their Townships, containing the number of School districts, the number of scholars taught in each; the monies expended; the state of the School House and furniture; the branches of education taught, and the text books used; with such other matters

as the Commissioners may deem useful ; the same to be transmitted, on, or before, the first day of December in each and every year, to the District Board of Education. *Sixthly*: To record and preserve all their proceedings in a Book furnished for that purpose by the General Board of Education ; the proceedings of each meeting, with the names of the Commissioners present, to be authenticated by the signature of the Chairman, and which Book is to be delivered over by the said Commissioners to their successors, and when full, to be transmitted to the District Board of Education. And *Seventhly*: To visit all such Common Schools as shall have been formed in their respective Townships by virtue of this Act, quarterly, or oftener, if they shall deem meet ; and to examine into the state and condition of such schools, as it respects the proficiency of the scholars, the character and ability of the Teachers, and the conduct of the Trustees.

13. *And be it further enacted* . . . That the Commissioners of the Township Schools, shall, within ten days after the expiration of the term of their respective offices, pay over to their successors any balances that may be found remaining in their hands, of the monies apportioned by the District Board of Education from the School Funds in their respective Townships.

14. *And be it further enacted* . . . That the householders of each and every School district, so soon as the limits thereof are designated and notified by the Commissioners of Township Schools, as aforesaid, shall assemble in some convenient place within the same, and, at such Meeting, it shall and may be lawful, and they are hereby authorized and required, to choose a Clerk to record their proceedings, also three Trustees, to manage the concerns of such School district, and a Collector for the same ; also to designate a site for their School House ; to vote such assessment on the resident inhabitants of the School district as they, or a majority of those present, shall deem sufficient : to purchase a suitable site for their School House, and to build, and keep in repair, the same, with the necessary fuel and appendages ; also to empower and instruct the Trustees as to the collection of monies due for instruction, and the exoneration of poor and indigent persons from the payment thereof, or of the School district Tax, voted as aforesaid ; and to repeal, alter, regulate and modify all such proceedings, or any part thereof, as they, from time to time, may deem meet ; *Provided*, nevertheless, that no alteration, as to the site of the School House, shall take place, but by consent of, at least, two of the Commissioners of Township Schools, belonging to the Township ; and *Provided* also, that it shall and may be lawful for the Trustees of such School district, or a majority of them, whenever they shall deem it necessary, to call a special Meeting of the said householders, — a notice of three days having been given previous to the time of meeting.

15. *And be it further enacted* . . . That the Trustees, Clerk, and Collector of each and every School district, shall hold their respective offices until the annual meeting of such district, next following the time of their appointment, and until others shall be appointed in their places ; and, in case such offices, or either of them, shall be vacated by the death, refusal to serve, removal out of the district, or incapacity, of any of the persons so appointed, as aforesaid, such vacancy shall be supplied at a special, or other, meeting of the School district, after such vacancy shall occur.

16. *And be it further enacted* . . . That it shall be the duty of the Trustees of each and every School district, whenever such district shall have voted a School district Tax, or as soon thereafter as may be, to make a rate-bill, or tax-list, by which they shall raise the sum voted, with three *per centum*, over and above the same for Collector's fees, on all the taxable inhabitants within the said School district, and agreeable to the assessment roll of the Township for the preceding year, and in the same proportion to their ratable property, and to annex such roll, bill, or list, to the Resolution of the School district Meeting, imposing the tax, signed by the Trustees, and to deliver the same to the Collector of such district, who shall collect the same ; and, if the sum, or sums, of money payable by any person named in such tax list, or rate-bill, shall not be paid by him, he shall be sued for the same by the Collector, or his successor in office, in any Court in this Province having competent jurisdiction.

17. *And be it further enacted* . . . That it shall be the duty of each and every Common School district, whenever a Meeting, as aforesaid, shall have voted a tax for that purpose, to purchase a suitable site for their School House of not less than one acre, and to build, keep in repair, and furnish, such School House, with necessary fuel and appendages ; and it shall be the duty of the Trustees, as aforesaid, to agree with and appoint all Teachers to be employed in such School districts : *Provided* that no Teacher be employed by them, who is not qualified according to the provisions of this Act.

18. *And be it further enacted* . . . That the Trustees, as aforesaid, shall have power and authority to remove such Teacher, appointed, as aforesaid, for any misdemeanor, or impropriety of conduct.

19. *And be it further enacted* . . . That it shall be the duty of the Trustees to pay the wages to such Teacher, or Teachers, out of the money which shall come into their hands from

the Commissioners of Township Schools, as aforesaid, so far as such money shall be sufficient for that purpose, and the residue of such wages shall be paid from monies collected by the Trustees of such School district, from all such persons as shall be liable therefor, by reason of sending children to the School of the said School district, in proportion to the number of days that such children shall have attended: *Provided* always, That the Trustees be authorized and empowered to exonerate from payment of the wages of such Teachers all such poor persons, within their district, as they may think fit, and to collect the whole of such wages from such other persons residing within the said School district, as shall not be exonerated from payment thereof.

20. *And be it further enacted* . . . That it shall be the duty of the Trustees of each and every School district, as aforesaid, to make out and deliver to the Commissioners of Township Schools, for the Township, in which such School district shall be situated, a Report specifying the number of months, during the preceding half year, that a School has been kept in such School district; the amount of monies received by them; the manner in which the same has been expended; the number of children taught, who are above five, and under sixteen, years of age; and the number of days that each child has attended: *Provided* That no allowance, or apportionment, of the School Fund shall be granted, by the Commissioners of the Township Schools, to the Trustees of such School districts as have not reported, as aforesaid: And *Provided* also, That the sum paid by the inhabitants of such School district for instructing their children shall be equal to the amount of the apportionment to be made by the Commissioners of Township Schools, as aforesaid.

21. *And be it further enacted* . . . That, if any Commissioner of Township Schools, or Trustee of any School district, shall make a false Certificate, or Report by means whereof any monies shall be fraudulently obtained, such Commissioner of Township Schools or Trustee of any School district, shall not only restore the money, so fraudulently obtained, but shall be fined Five pounds. (£5.) for the benefit of the School Fund, to be recovered on the oath of one, or more, credible witnesses, before any two of Her Majesty's Justices of the Peace, and to be levied, or recovered, by distress and sale of the offender's goods and chattles, together with all reasonable costs on the same.

22. *And be it further enacted* . . . That any person chosen, or appointed, to an office, under this Act, who shall, without sufficient cause, refuse to serve therein, shall forfeit the sum of two pounds, (£2.) and every person, so chosen and appointed, and not having refused to accept, who shall neglect to perform the duties of his office, shall forfeit the sum of three pounds, £3, all which fines and forfeitures are to be paid to the Treasurer of the District in which they are so forfeited, for the benefit of the Common School Fund, and to be recovered in the same manner as is provided for, in the case of fraudulent Reports and Certificates, as aforesaid.

23. *And be it further enacted*, . . . That, when portions of any two adjoining Townships are found most convenient for a School district, it shall and may be lawful for the Commissioners of Township Schools of the said two Townships to make such arrangements as that an apportionment of the School Fund from each may be in the ratio of children above five and under sixteen years of age as reside in the respective portions of the said two Townships.

24. *And be it further enacted* . . . That the several sums, hereby granted and apportioned, in virtue of the provisions of this Act, to the several Districts of this Province, shall be paid by the Receiver General, for the time being, to the Treasurer of each District respectively, in discharge of such Warrant, or Warrants, as shall, or may, from time to time, be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, and shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form, as Her Majesty, Her Heirs and Successors, shall be graciously pleased to direct.

NOTE. An analysis of the foregoing Common School Bill by the Reverend Doctor Ryerson will be found on page 148 of the Second Volume of this Documentary History. It is also referred to on pages 72, 176 and 237 of the same Volume. Other projected Common School Bills which failed to become law are mentioned on pages 32, 206 and 309. The reasons why the Common School Bill of 1835 was rejected by the Legislative Council are given on page 198. A comprehensive Grammar School which was drafted by Mr. Mahlon Burwell in 1832, but which he failed to press to a second reading in the House of Assembly, will be found on pages 98-101 of the same Second Volume.

## CHAPTER XVI.

## THE FOUNDING OF QUEEN'S COLLEGE, KINGSTON, 1840, 41.

With the exception of the meagre information, which I was able to collect and embody in Chapter Two of the Second Volume of this Documentary History, there is little, or no, record available of any substantial proceedings having been taken by the Presbyterian Authorities until 1838, to establish a Presbyterian College, or Seminary, for the education of Ministers, and Members of that Church.

The expectation seems to have been entertained for many years previously, by Presbyterians generally, either that provision would be made for a Presbyterian Professor of Theology in King's College, as suggested in a Report of the Imperial House of Commons in 1828, and agreed to by the Legislative Council in 1837, (page 69, *ante*) Or that, as embodied in the Queen's College Incorporation Bill of 1840, an allowance would be made, out of the funds of King's College, for the support of such a Theological Professor in Queen's College. (See page 238, *ante*.)

The Reverend Doctor William Gregg, in his "History of the Presbyterian Church in the Dominion of Canada," mentions that, at a meeting of the "United Presbytery of Upper Canada" held at York on the 2nd of September, 1829 :

"A plan was considered for establishing a Literary and Theological Seminary for the education of young men of piety and ability for the Gospel Ministry, so soon as circumstances would permit . . . . The Reverend Messieurs Andrew Bell, Robert Boyd and William Smart, were appointed a Committee to take steps towards the establishment of the contemplated Seminary. At this time, a Charter had been secured for the establishment of King's College, the provisions of which were so exclusively in the interests of the Church of England, that other Churches found it necessary to take steps to protect their own educational interests. (Page 373, 374.)

Doctor Gregg then proceeds to narrate the further steps taken by the Presbytery in 1830-1832, to establish the proposed Seminary at Pleasant Bay, Hillier, in the County of Prince Edward, as detailed in Chapter Two of the Second Volume of this Documentary History, pages 14 and 15.

As I have already intimated, the details of the steps which were taken by the Presbyterian Church in these early days are very meagre. A good deal of preliminary correspondence took place between the Representatives of that Church and the Colonial Office. I have made the following extracts from this Correspondence, as it appears in the Official Papers, which were, from time to time, printed by order of the Imperial Parliament. The following Despatch, which seems to be the first on the subject, was written by Sir John Colborne to the Right Hon-

ourable Edward Geoffrey Stanley, Colonial Secretary, in 1834, on the subject of King's College. He said :

I have the honour to transmit to you the accompanying Memorial from the Synod of the Presbyterian Church, representing that there are twenty-five Ministers of the Church of Scotland in Upper Canada, in charge of congregations.

The annexed Address has also been forwarded by the Synod of the Presbyterian Church, in which they express their anxiety to see King's College in operation, under a modified Charter. TORONTO, 18th April, 1834.

J. COLBORNE.

ENCLOSURE. Extract from an Address to Sir John Colborne, from the Synod of the Presbyterian Church of Canada, dated, York, the 6th day of August, 1833.

The Synod would not omit representing to your Excellency the deep interest they take in the general advancement of Education in Canada, and especially their anxious desire to see the College proposed to be instituted in this place in early operation, under such a Charter as shall render it generally available, and secure to it the confidence and support of all Denominations of Christians in this Province of the British Empire ; and would be happy to receive any information which your Excellency may be pleased to communicate to them, in relation to this interesting subject.

YORK, 6th day of August, 1833.

JOHN MACHAR, Moderator.

From 1834 until 1837, the Correspondence between Representatives of the Presbyterian Church in Canada and the Colonial Office related chiefly to the subject of the Clergy Reserves. On the 14th of April, 1837, a meeting of Delegates of the Presbyterian Church was held in Cobourg, at which, among other things, the Honourable William Morris was appointed as a Representative of that Church, to confer personally with the Imperial Government, in regard to the status and claims of the Presbyterian Church in Canada. On the 13th of July 1837, Mr. Morris addressed the following Letter to Lord Glenelg, then Colonial Minister :

Sir George Grey has favored me with your Lordship's sentiments respecting the Act to amend the Charter of King's College ;\* and, although I entirely concur in the principle, that when an Act passes the Legislature, Her Majesty's Government should regard it as expressing the wishes of a majority of the people of the Province ; yet, when I know that the Act in question passed the Lower House, without being sufficiently understood by many of the Members ; and, when it is a matter of notoriety, that the Legislative Council declined to make a single amendment to it, as recommended by the Select Committee of that Body, † fearful that the Bill would never return to them, your Lordship will not wonder that I do not consider it as expressive of the voice of more than a small minority of the inhabitants.

I am happy to learn, however, that your Lordship will direct Sir Francis B. Head to convey to the Council of King's College the strong recommendation of Her Majesty's Government that a Theological Professorship should be forthwith provided for the Church of Scotland.

I would not mention the apparent design to exclude the Ministers and Members of the Scots Church from a voice in the Council of King's College ; ‡ for, although the recent Act is well calculated to carry that object to the utmost extent, yet there is a power vested in the Person administering the Government which might be exercised in a way that would remove this ground of complaint ; but I regret to say that this branch of the Lieutenant-Governor's patronage, or prerogative, has extended to the Members of the Church of England only.

W. MORRIS.

66 JERMYN ST., ST. JAMES  
LONDON, 13th July, 1837.

\* This Letter is not given in the Correspondence, printed by order of the Imperial Parliament.

† See page 74 of this Volume, *ante*.

‡ See Correspondence on this subject between the Reverend Doctor Strachan and the Honourable William Morris, on page 91 of this Volume, *ante*.

This Letter was sent by Lord Glenelg, with the following Despatch to Lieutenant-Governor, Sir Francis Bond Head, on the 21st of July 1837 :\*

I transmit, for your information, the enclosed copy of a Petition to his late Majesty from the Delegates of the Presbyterian Congregations in Canada, appointed to meet at Cobourg, (on the 14th of April, 1837,) which was placed in my hands by Mr. Morris, who is acting in this Country as the Agent for the Petitioners. I also enclose copies of two Letters addressed to me by Mr. Morris on the 13th and 17th instant.†

The design which Mr. Morris conceives to be entertained, of excluding the Ministers and Members of the Scots Church from a voice in the Council of King's College, will, I am convinced, not be adopted by you ; on the contrary, you will, I am persuaded, exercise the patronage which the law has vested in you in that respect, in such a manner as effectually to remove any misgivings with which the Petitioners may have been affected on that subject.‡

GLENELG.

DOWNING STREET,  
LONDON, 21st of July, 1837.

On the 25th of July, 1837, the Reverend Principal D. Macfarlan, Convener of the "Committee of the General Assembly of the Church of Scotland for promoting the Religious Interests of Scottish Presbyterians in the British Colonies," addressed a Letter to Sir George Grey, Under Colonial Secretary, introducing to him the Reverend Alexander Mathieson of Montreal. I make the following extracts from this Letter :—

The object which he, (Mr. Mathieson,) has been commissioned (by his Brethern in Lower Canada) to promote, in so far as the interference of Government is required, I understand to be chiefly the following, videlicet :

1. A provision for Elementary Education to the Scottish Presbyterian inhabitants, to the extent of, at least, one School to each Congregation connected with the Church of Scotland.
2. The foundation of King's College, Toronto, and McGill College, Montreal, of Professorships in the various branches of a liberal education, but especially in Theology, in conformity to the principles of, and to be held by, Professors in connection with that Church.

D. MACFARLAN.

COLLEGE, GLASGOW  
25th of July, 1837.

On the 5th of August, the Reverend Doctor Alexander Mathieson addressed Lord Glenelg at length, (in conjunction with the Reverend John Machar), on the objects of their mission. I have made an extract from his Letter, as follows :—

*Third* : In connection with this subject, (i.e. Education in Lower Canada), I was further instructed to urge the propriety of its being made a positive condition, on the part of Her Majesty's Government, that, in lieu, of the advantages conferred by the Parent State on Colonial Universities, and more especially on King's College, Toronto, and McGill College, Montreal, these Institutions be established on such a liberal foundation as to be made available to Her Majesty's subjects in the Canadas of every Denomination. That the chief qualifications required

\* This, and other Letters of the Honourable William Morris, addressed to the Colonial Minister were severely criticised by the Reverend Doctor Strachan in a pamphlet published by him in 1838, entitled : "Letter to the Honourable William Morris, being Strictures on the Correspondence of that Gentleman with the Colonial Office, as a Delegate from the Presbyterian Body in Canada. By John Strachan, D. D., Archdeacon of York." (Page 57.) Mr. Morris replied in another pamphlet, to these "Strictures" in the same year, extending to 64 pages, including an appendix. Extracts from these pamphlets are given on pages 91 and 92 of this Volume, *ante*.

† The Letter of the 17th of July, 1837, is not included in the Correspondence, as printed.

‡ In the Proceedings of the Council of King's College, dated the 16th of July, 1839, the following entry occurs : A copy of a Despatch from Lord Glenelg, (July 21st, 1837,) when Secretary of State for the Colonies, to Sir Francis Bond Head, late Lieutenant Governor of Upper Canada, was laid before the Council, transmitting sundry Letters respecting the application of the Honourable William Morris, as the authorized Agent of the Scotch Church in Upper Canada, that the Royal Assent to "the Act amending the Charter of King's College" should be withheld until a Professorship of Divinity should be appointed for the Students of this Church. *Note*. Why this Despatch was not laid before the Council at an earlier date does not appear

in the persons appointed to fill the Chairs, not expressly connected with Theology, shall be, superior eminence in the knowledge of those branches of Education which he is required to teach, and a simple declaration of his belief in the Holy Scriptures. That, in each of these Universities, two Theological Faculties shall be established,—one of the Church of England, and another of the Church of Scotland.\* That the appointment of Professors to fill the chairs of the last of these Faculties shall be vested in the Synod, subject to the approval of the Crown, and that the internal management of this Faculty, in so far as respects the terms, the course, and the subjects of study, shall also be under the direction of the Synod.

ALEXANDER MATHIESON,

Minister of St. Andrew's Church, Montreal.

LONDON, 74 Jermyn Street, 5th of August, 1837.

Presbytery of Quebec.

The reply to this Letter (by Sir James Stephen) was to the effect, that as the Honourable William Morris and he, (Doctor Mathieson,) were associated as a Deputation, in regard to the same matter, "Lord Glenelg would, therefore, suggest to you the propriety of informing yourself of what had already passed between the Department and Mr. Morris"

To this Letter the Reverend Doctor Mathieson replied on the 9th of August, 1837. The following are extracts from this Letter :—

I have to acknowledge the honour of your letter of the 7th instant, informing me that Lord Glenelg has already entered into a full discussion with Mr. Morris upon the claims and interests of the Church of Scotland in Upper Canada.

Although it might be deemed imprudent to touch on any subject so delicate as one that has already obtained the sanction of the Provincial Legislature, I would have considered it my duty to have remonstrated against advising the sanction of the Crown to be given to the King's College University Bill, until such a scheme of operation be determined upon by the College Council, as many of the Legislators, (as I am well informed,) who acceded to the passing of the Bill, were led to believe would be adopted. It may be unbecoming to make any remark on the act of the Lieutenant-Governor, which filled up the vacancies in the College Council exclusively from Members of the Church of England; although some Members of the co-ordinate Church of Scotland might have been found equally well qualified to hold a place at that Board,—a measure, to say the least of it, little calculated to soothe feelings that have been of late so much irritated. But the outline of the plan for carrying into operation that Institution which was submitted by the Venerable Archdeacon Strachan for the approbation of the College Council, is so objectionable in its details, as ought to make Her Majesty's Advisers pause before they would recommend the final sanction of a Bill that will be far from meeting the wishes of the Colonists, until some more liberal scheme of operation be proposed and adopted.

The plan submitted by the Archdeacon treats with such contumelious silence, at once the recommendations of the Parent Government, and the oft-expressed wishes of the Colonists, that, if it be adopted, I will not hesitate to affirm, that it will be the cause of renewed strifes and dissensions, most inimical to the peace and prosperity of the Country.

The Provincial newspapers have already given ominous warning of this result; and nothing but blind infatuation will impel the prosecution of a plan that will be ultimately ruinous to the cause it is designed to promote.

If two Theological Faculties, one in connection with the Church of England, and the other with the Church of Scotland, having an independent internal management, be erected on the foundation of the University [of King's College], as recommended by Government;† and, if the Classical and Philosophical departments be left open to those who, believing in the authenticity and inspiration of the Holy Scriptures, are best qualified in the different branches of Literature and Science required to be taught, I am persuaded that it would conduce more decidedly towards preserving the Church of England entire, and promoting her prosperity, than any other scheme, while it would be more acceptable to the great bulk of the Colonists themselves.

ALEXANDER MATHIESON.

LONDON, 74 Jermyn Street,  
9th of August, 1837.

\*See reference to this Subject on page 92 of this Volume, *ante*.

†No doubt, the Reverend Doctor Mathieson here refers to the proposal suggested by the Select Committee of the Imperial House of Commons in 1823, on page 234 of the First Volume of this Documentary History. See also page 258 of that Volume.

The latter part of this Letter contains a clear and precise statement of the views and wishes of the Presbyterian Church of Canada, in regard to such modifications in the practical working of the amended Charter of King's College University as would make it acceptable to the Members of that Church. It is the first and only satisfactory statement of details of what was desired by the Presbyterian Church, which is embodied in the available records relating to this subject, so far as I know.

To his Letter, Sir James Stephen replied, on behalf of Lord Glenelg, on the 15th of August, 1837. I have made the following extract from this Reply:—

2. Lord Glenelg, and his Lordship's predecessors in office, have invariably entertained and expressed the most earnest solicitude to concur in promoting an effective system of Public Education in the Canadas, of which Christian instruction should be, not merely an essential principle, but the basis. Every attempt which it has hitherto been possible to make, with that view, has been defeated, by the impossibility of inducing an agreement amongst the parties more immediately concerned, as to the means by which effect should be given to that design.

3. Lord Glenelg apprehends that you ascribe to Her Majesty's Government powers for the adjustment of this most important question, which they do not really possess, and which it is impossible for them to acquire. The principle so earnestly insisted upon, that the internal affairs of the Province should be regulated in such a manner as shall be acceptable to the Local Legislature, has, as you are well aware, been frankly admitted by Her Majesty's Government to the utmost extent which is compatible with the maintenance of the Royal prerogative, and of the relations between Great Britain and the British Provinces in North America.\* To reconcile with this concession the assumption and exercise, by the Crown, of an authority for establishing a System of Public Education in Upper Canada, appears to Lord Glenelg, impossible.†

DOWNING STREET,  
LONDON, 15th August, 1837.

J. STEPHEN.

The further proceedings taken by the Presbyterian Church of Canada, in regard to this matter are best expressed by the Reverend Doctor George Bell, Registrar of Queen's University, in the following paper on the subject which he very kindly prepared at my request. The paper is headed:—

NOTES ON THE ORIGIN OF QUEEN'S UNIVERSITY, BY THE REVEREND DOCTOR GEORGE BELL.

The Synod of the Presbyterian Church in Canada, in connection with the Church of Scotland, early felt the want of an Institution for training Candidates for the Ministry, and referred to the matter in their Minutes on several occasions, but without definite action until 1837, or 1838. In 1836, some young men offered themselves as students.‡ The following appears in the Minutes of 1837, under date of September the 6th:—

On a reference of several Members of the Presbytery of Hamilton for advice, in regard to the education of young men now looking forward to the Office of the Holy Ministry, it was

*Resolved* that Presbyteries in the meantime receive under their care such young men applying to them, as they may deem fit to enter on a course of preparatory study, and direct their studies as they best can, in the hope that better means of instruction shall soon be obtained, and that the Church at Home will accede to the education and licensing of probationers within our own bounds.

\*See the Declarations of the Imperial Government on this subject, quoted on pages 201 and 202 of this Volume, *ante*. See also pages 213, 214 of the Second Volume of this Documentary History.

†No further correspondence on this subject is given in the Parliamentary Papers, from which the foregoing Letters are chiefly taken, and which is entitled *Copies, or Extracts of Correspondence respecting the Clergy Reserves in Canada, 1819 to 1840, Part I., pages 72, 74; and Papers relating to the Churches of England and Scotland in Canada, pages 16, 21, 24 and 29.*

‡In his Address at the Jubilee of Queen's University in December 1889, the Reverend Doctor Bell said: "A few Students for the Ministry were in Hamilton, under the direction of Doctor Rae, Grammar School Master, and in charge of the Presbytery of Hamilton."



The following bears the date of August 4th, 1838, in the Minutes :—

The Synod had transmitted to them, by their Committee on Bills and Overtures, Overtures from the Presbyteries of Hamilton and Toronto, respecting the education of young men for the Ministry within the bounds of the Synod, together with a Report from the Presbytery of Hamilton, describing the progress and attainments of four young men, who, under the encouragement previously held out by the Synod, are pursuing their studies under the inspection of that Presbytery, with a view to the Ministry, requesting the advice of the Synod for their future direction, and calling on the Synod to declare definitely and fully their intentions on this subject and to carry into effect their Resolution of 1836.

The Report of the Presbytery of Hamilton is as follows :—

At Hamilton, the Eleventh day of July. One Thousand Eight Hundred and Thirty-eight, the Presbytery met, and was constituted with prayer. Mr. Angus McColl, Mr. Stephen Bulmer, Mr. John McKinnon, and Mr. Robert Wallace, appeared for examination. The Presbytery proceeded to examine them severally and minutely in the various branches of Education in which they had been engaged. The Presbytery ordered the following particulars to be recorded respecting them as the result of this examination. . . . (Note. These particulars are not material to this History. J. G. H.)

The Synod, having maturely considered the Overtures and Reports, resolved to declare, as they hereby do, that, in the present circumstances of this Church, in which there are so many Congregations destitute of Ministers, and the supply of Probationers from Scotland is so utterly inadequate, they cannot in conscience delay any longer to undertake the education of candidates for the Holy Ministry in these Provinces; and the Synod accordingly declared their determination to conduct, within the bounds of the Synod, the education of such young men as have already been accepted, and shall hereafter be accepted by Presbyteries, and appoint the following Members a Committee to consider and report a scheme by which this declaration may be carried into effect, namely, the Reverend Messieurs William Rintoul, Henry Esson, Peter Colin Campbell, P. McNaughton and George Romanes.

July 5, 1839. The Synod had transmitted to them, by their Committee on Bills and Overtures, Reports on the scheme of Theological education by the Presbyteries of Toronto, Hamilton, Quebec, Bathurst, and Kingston. These, being read, were referred to the Committee on the education of candidates for the Ministry.

The Synod had transmitted to them, by their Committee on Bills and Overtures, a Report by the Presbytery of Hamilton, on the studies of the young men under their charge, which was read and also referred to the Committee on the education of candidates for the Ministry.

July 8, 1839. The Synod called for the Report of the Committee on the education of Candidates for the Ministry, which was given in by the Reverend Peter C. Campbell, read, and approved. A draft of an Act of Incorporation, to enable Trustees to hold lands and other funds, for the establishment of an Academical Institution for the Education of Youth, and particularly for the Education of Candidates for the Holy Ministry, [Queen's College] was given in along with the Report and read.

The Synod had said draft read over clause by clause, and, having carefully considered and amended the same, unanimously adopted it, and directed a copy thereof, as amended and adopted, to be authenticated by the Clerk's signature, and kept *in retentis* for the use of the Commission.

The Synod authorized and instructed the Commission to cause a Bill, in conformity with said draft, to be introduced into the Legislature of Upper Canada at the next Session thereof, and to watch over the passage of the same, not permitting any material alteration to be made therein by the Legislature, but with power to withdraw the clause requiring the Trustees to receive and subscribe, *ex animo*, the formulas of the Church of Scotland, in the event of this clause proving an insuperable barrier to the passage of the Bill by the Legislature.

On motion, made and seconded, it was resolved by a majority of votes, that Kingston be the site of said Institution, and that it be known and designated as the Scottish Presbyterian College, [*i. e.*, Queen's College].

The Synod authorized and enjoined the Commission to proceed with all diligence, and in such manner as they may deem best, in obtaining contributions for the establishment and support of the College, and to appoint such agent, or agents, as they shall see proper for this purpose, depositing the contributions in money that may be received in the Montreal Bank in Lower Canada, and in the Gore Bank in Upper Canada.

In accordance with the recommendations of said Report, the Synod agreed to record their great satisfaction with the assiduity and progress in study, manifested by the young men studying, under the superintendence of the Presbytery of Hamilton, and enjoined that Presbytery to continue their superintendence of the studies of the young men, adhering as closely as circumstances

will permit to the plan of Theological Education, prepared by the Committee appointed for that purpose by last Synod; as also the Presbytery of Kingston, to aid, encourage, and direct in their studies, the young men received by them, as Candidates for the Ministry, according to the aforesaid plan.

*July 19th, 1839.* [NOTE. On the 19th of July, 1839, communications from the Secretary of Sir George Arthur, Lieutenant Governor, was laid before the King's College Council, transmitting (1) a Letter from the Commission of the Synod of the Presbyterian Church of Canada, dated the 9th of March, 1839, respecting a Professorship of Divinity for the Church of Scotland, and (2) a Letter to the Reverend William Rintoul, dated the 14th of March, 1839, in answer to an application to His Excellency from the Synod of the Presbyterian Church, in connection with the Church of Scotland, respecting a Professorship of Divinity for Students belonging to that Church. No action was taken on the matter by the Council of King's College. J. G. H.]

#### ACTION OF THE COMMISSION OF THE PRESBYTERIAN SYNOD IN 1839.

*October 8th, 1839.* As instructed by the Synod of that year, the Commission met in Hamilton on 8th October, 1839. The Minutes recite former proceedings,—Correspondence with the Church of Scotland, the want of educated Ministers in Canada, the practical difficulties in the way of sending students to Scotland for education, and the general interests of higher education in the Province which were recorded in them. The Commission then proceeds:—

“Agreed to record it as their deliberate and solemn conviction that, to admit any further delay in carrying into effect the measures contemplated by the Synod, would be a dereliction of a most sacred duty, and prove detrimental, in the highest degree, to the best interests of those for whom we are found faithfully to watch as those who must render an account with the Judge of all.

“Constrained by these considerations, and encouraged by the declarations made at different times, on the part of the General Assembly of the Church of Scotland, the Commission resolve, in the strength of God, to proceed forthwith to carry into effect, as far as possible, the intentions of the Synod in this matter; and, with this view, to make an immediate appeal to the liberality of the Church, and of the community at large in this Colony;—

“Authorize the Moderator, in the mean time, to intimate to the Committee of the General Assembly our entire confidence in the support of our people in reference to this object, and our purpose to set apart, in the first instance, and, within six months of this date, the sum of Five Thousand pounds, (£5,000), to be invested in proper securities in the Colony, for the endowment of our Theological Professorship, and earnestly to request that the Committee of the General Assembly will appropriate an equal sum for the endowment of another Professorship, and thereafter look out for two Ministers of suitable qualifications, who may be willing to accept of these Professorships, in the Scottish Presbyterian College of Canada, and appoint them to the same: And further, to suggest to the said Committee the propriety of an immediate application to the Imperial Government on behalf of the College, and of their availing themselves of the aid of the two Professors, who may be appointed, during the period that may intervene between the time of their appointment and their departure for this Country, to draw the attention of the Christian public in Scotland, and of our friends in England and Ireland, to the claims of this infant Institution; and to use every exertion to collect funds, so that, with the contributions that may be obtained in the Colony, a sufficient provision may be made for the efficiency of the Institution, in the endowment of the necessary Professorships, the erection of Buildings, and the collection of a Library and Philosophical Apparatus.”

The rest of the Minutes are matters of detail, direction to have statements prepared and published; appointing Deputations and Committees, etcetera.

(NOTE. I have added the following from the Journals of the Legislative Council and House of Assembly for 1839, 40, to the Reverend Doctor Bell's "Notes". J. G. H.)

[*December 16th, 1839.*—The Honourable William Morris brought, up in the Legislative Council, the Petition of the Reverend Robert McGill, Minister of Saint Andrew's Church, in the Town of Niagara, and Moderator of the Synod of Canada; and of the Reverend Alexander Gale, Minister of Saint Andrew's Church, in the Town of Hamilton, and Clerk of the said Synod, which was laid on the Table.

*December 16th, 1839.* On the same day, a Petition was presented to the House of Assembly of Upper Canada from the Synod of the Presbyterian Church in Canada, praying that an Act may be passed vesting certain lands in Trustees for a College, etcetera.

*December 17th, 1839.*—Pursuant to notice, the Honourable William Morris moved, in the Legislative Council, for leave to bring in a Bill for the establishment of a College, in connection with the Church of Scotland; which being seconded, the question of concurrence was put

thereon; and, and the same was carried in the affirmative; and a Bill for that purpose was then brought in accordingly, and read the first time; and it was ordered—That the same be read a second time to-morrow; and further ordered—That two hundred copies thereof be printed for the use of Members.

*December 19th, 1839.* A Petition, which was presented to the House of Assembly on the 16th instant, was read: Of the Reverend Messieurs Robert McGill, Moderator, and Alexander Gale, Clerk of the Synod of the Presbyterian Church of Canada, praying for the passing of an Act, vesting certain lands in Trustees, to assist in the establishment of a College in connection with the Presbyterian Church, [i. e. Queen's College, Kingston.] Ordered—That the Petition be referred to a Select Committee, consisting of Messieurs David Thorburn and Edward W. Thomson, to report thereon by Bill, or otherwise.]

THE PROVINCIAL ACT INCORPORATING QUEEN'S COLLEGE AS THE UNIVERSITY OF  
KINGSTON, 1840.\*

*February 6th, 1840.* At a meeting of the Commission, held in Toronto on the 6th of February, 1840, reference was made to the Bill before Parliament at the time. [It had come from the Legislative Council, was passed by the Assembly on the 17th of January, with some amendments; these were agreed to by the Council on the 21st of January, and the Bill received the Royal assent on the 10th of February, 1840.] In a Report of a Committee to the Commission at this meeting, (6th of February,) the following occurs, which may explain the difference in the name. The Reverend William Rintoul further reported that an application had been made to Her Majesty the Queen for such additional privileges as can only be conferred on Universities by Royal Charter; and for permission to style the Institution: "Queen's College and University," and that this application had been forwarded, and strongly recommended, by His Excellency the Governor General."

*July 4th, 1840.* The Synod expressed approval of the action of the Commission, and instructed Presbyteries to co-operate in the work of raising funds for the endowment. Before the Synod of 1841, Mr. Edward W. Thomson, M. P. P., had been appointed an Agent for collecting funds, and the Synod recommended his work, and instructed the Moderator to issue a circular letter to congregations, urging the claims of Queen's College for contributions.

The Act of Parliament incorporating the College was passed in the Winter of 1840 (February 10), naming it, "The University at Kingston." But this name seems to have been dropped, for, in Minutes of Synod in July, 1840, it is called the "University of Queen's College." In the Journals of the House of Assembly, the College is called by both names, from January to February, 1840; but "University at Kingston" was the name in the Act as passed. This Act was disallowed by the Imperial Government, with the intimation that a Royal Charter would be granted instead.—GEORGE BELL. (The Charter was issued on the 16th of October, 1841.)

DISALLOWANCE OF THE QUEEN'S UNIVERSITY INCORPORATION ACT OF 1840.

As I was unable to discover, in any public records, to which I had access, the reasons why the Provincial Act of February the 10th, 1840, incorporating the Queen's "University of Kingston," was disallowed by the Imperial Government, I applied to the Reverend Doctor George Bell, the Registrar of the University, for information in regard to the matter. In his Note of December the 4th, 1895, transmitting a "Memorandum" on the subject, which he was good enough to prepare for me, he said:—

I procured the First Volume of the Records of the Board of Trustees, the early part of which contains a mass of copies of Correspondence, and other Documents, which I have gone over to the extent of over seventy pages, and I am happy to say that I have, I think obtained just what you want.

The College would probably have been opened in October, 1840, but the Colonial Committee of the Church of Scotland, who were to have appointed the first Principal, refused to make the appointment, until the Royal Charter should be issued. This was done on the 16th of October, 1841; and before the end of that month, they appointed the Reverend Doctor

\* What follows, under this heading, is a continuation of the "Notes" of the Reverend Doctor Bell.

Thomas Liddell who arrived in December, 1841, and the College was opened on the 7th of March, 1842. The following is the "Memorandum" which I have prepared for you, on the subject of your enquiry :—

MEMORANDUM RESPECTING THE DISALLOWANCE OF THE QUEEN'S COLLEGE ACT OF INCORPORATION OF 1840.—THE ROYAL CHARTER OF QUEEN'S UNIVERSITY OF 1841.

The Act of Incorporation passed on the 10th of February, 1840, instituted a College under the name of "The University of Kingston." This Act had a Clause (15), granting to the College a yearly payment from the revenues of King's College, Toronto, for the maintenance of a Theological Professorship, according to the faith and discipline of the Church of Scotland, which was to satisfy the claim of that Church to have such a Professorship in King's College.

2. The first Meeting of the Trustees of the College, under this Act, was held on the 20th day of May, 1840. At this Meeting, the Chairman, the Honourable William Morris, submitted a draft of a Royal Charter, for the granting of which, it was proposed to apply to the Crown. The founders wished to have the name of "Queen's College" given to the Institution in the Act; but this name had been [changed by Messieurs James Morris and Edward W. Thomson, in the House of Assembly]\* on the ground, that it would be discourteous to give it Her Majesty's name without her permission. The Trustees had already petitioned Her Majesty to grant a Royal Charter, to establish a University, under the name of "Queen's College at Kingston." This Petition was transmitted by His Excellency Sir Francis Bond Head, with his recommendation, and a reply came that Her Majesty was graciously pleased to grant both requests. (The Despatch from Lord John Russell, on the subject, was dated on the 31st of March, 1840.)

3. Long delays occurred; and an immense amount of correspondence went on for a year and a half, between the Board of Trustees, the Lieutenant Governor, the Governor General, (Lord Sydenham,) the agent of the Trustees in London, (Mr. A. Gillespie,) the Imperial Government, the Colonial Committee of the Church of Scotland, and others.

4. One thing I cannot clearly make out is this: Why the Trustees, (Provisional,) when they were applying for a Royal Charter, at the same time, applied for, and obtained, a Provincial Act. From all I can learn from the Correspondence, and otherwise, no clear answer appears. But, probably, this was the reason: the want of the means of higher Education, with the uncertainty of the prospect of the opening of King's College, made the situation of the Province a serious one, as regards higher Education in general, and, particularly so, for the Synod of the Presbyterian Church, respecting their Students for the Ministry, several of whom had been waiting for a year, or several years, for some means of training, and this, while vacant Congregations and Home Mission Stations were seeking in vain for Ministers. Under the circumstances, the Synod of the Canadian Church, in 1839, pressed immediate action on the movement for the Establishment of a College, which had been going on for two or three years, as, both the Synod and the provisional Trustees were most anxious to get the College opened in 1840.

5. My opinion is, that the probable delay, which would occur in obtaining a Royal Charter, led to obtaining the Provincial Act immediately, as a preliminary. I do not know of any one living who can give definite information on this point, but it is apparent from the official records that the Trustees expected to have the Royal Charter, in addition to the Provincial Act. This expectation must have been a main cause of the long delay in issuing the Charter, preceded by an unaccountable delay in obtaining the Report of the Law Officers of the Crown on the subject. On the 4th of November, 1840, Lord John Russell says, in a Despatch to the Governor General, referring to the report of Her Majesty's Attorney and Solicitor General;—

"You will perceive that these officers are of opinion that that Charter cannot be granted, and that an improper course has been pursued in founding the College. As you appear to be anxious that a Royal Charter should be granted to this Institution, I have determined to follow the course suggested by them, as the only mode in which the wishes of the Trustees could be effected. The Act will accordingly be disallowed, and a fresh Charter will be prepared."

6. The following is an extract from the report of the Law Officers:—"It belongs to the Crown, by its Prerogative, to incorporate, or establish, a University. There ought to have been a Charter from the Crown in the first instance, instead of an Act of the Provincial Legislature. But the Act of that Legislature, which has been obtained, is not only objectionable in point of precedent, but it actually disables the Crown from doing, by Charter, what is now

\*See Educational Proceedings of the House of Assembly, 16th of January, 1840, page 225, *ante*.

solicited by the Trustees : the Act having received the Royal Assent has the force of Law in Upper Canada, and is binding on the Crown. The Act begins by enacting that the Institution shall be called "the University of Kingston," and the Charter proposes that it shall be called "Queen's College at Kingston." The only mode in which the object of the parties can be obtained seems to us to be to disallow the Act, and to grant a new Charter, framed as the original Incorporation and foundation of the Institution.

If any Legislative Enactment respecting the funds of the University should be necessary this may follow upon the Charter. The Act already passed may, in point of Law, be confirmed by Her Majesty, but the proposed Charter cannot be superinduced upon it."

A new draft was prepared, and the Royal Charter was issued on October the 16th, 1841.

GEORGE BELL,  
Registrar.

QUEEN'S UNIVERSITY,  
KINGSTON, 4th of December, 1895.

NOTE. The following is a copy of the Royal Proclamation, issued by Command of the Queen, disallowing the Provincial Act of the 10th of February, 1840, incorporating "The University of Kingston."

ROYAL PROCLAMATION, DISALLOWING THE ACT INCORPORATING THE UNIVERSITY OF KINGSTON.

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING :—

VICTORIA R.

*Whereas*, at a Session of Our Legislative Council and House of Assembly of that Part of Our Province of Canada, formerly known as Upper Canada, begun and holden at the City of Toronto, in Our said Province, on the third day of December, in the Third year of Our Reign, and prologued on the tenth day of February then next ensuing, a Bill was passed, intituled : "An Act to establish a College by the name and style of the University at Kingston ;" and

*Whereas*, in pursuance of the directions of a certain Act of Parliament of Great Britain, passed in the Thirty-First year of the Reign of the late King George the Third, intituled : "An Act to repeal certain parts of An Act passed in the Fourteenth year of His Majesty's reign, intituled : 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," an authentic copy of the said Bill was duly transmitted to one of Our Principal Secretaries of State, and was by him received at Our Department of State for the management of the affairs of Our Colonies, on the Fourth day of April next ensuing the passing thereof, as by the Certificate under the hand and seal of the Right Honourable Edward Geoffrey Stanley, commonly called Lord Stanley, Our Principal Secretary of State for managing the affairs of Our Colonies, doth fully appear ;

Now Know Ye, that the said Bill, intituled : "An Act to establish a College by the name and style of the University at Kingston," having been laid before US, in Our Privy Council, We have thought fit, by Our Order in Council, bearing date at Our Court at Buckingham Palace, the Twenty-First day of October, now last past, to declare Our Disallowance thereof ; and We do hereby declare Our Disallowance of the said Bill, and that the same shall henceforth cease, determine and be of none effect ; wherefore all Our loving subjects, whom it may concern, are to take notice and govern themselves accordingly.

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed.

Witness Our trusty and well-beloved Sir Richard Downes Jackson, K. C. B., Administrator of the Government of Our said Province of Canada, and Lieutenant-General Commanding Our Forces in British North America ; etcetera, at Kingston, this Third day of December, in the year of Our Lord One Thousand Eight Hundred and Forty-One, and in the Fifth Year of Our Reign.

By Command,

R. D. J.

S. B. HARRISON,  
Secretary.

EARLY REMINISCENCES OF QUEEN'S UNIVERSITY, KINGSTON, BY THE REVEREND PROFESSOR  
JOHN B. MOWAT, D.D.

Queen's University commenced its work in 1842. Why, it may be asked, was it necessary that such an Institution should be started? The Scotch settlers in Canada and others of Scotch extraction felt a true and hereditary interest in the matter of Education.

After the revolution of 1678 the General Assembly of the Church of Scotland never relaxed their efforts till they had established a School in every Parish, a High School in every Town, and a University in every centre of population. This brought Scotland to the foremost position in Educational matters, and the long roll of her sons, who have risen to eminence in every region of the globe, is the result of this zeal.

The Educational advantages of the fatherland were greatly missed in Canada, especially as regards the higher learning.

In 1827, a Royal Charter was obtained for King's College, Toronto; but the provisions of that Charter, in favour of the Church of England, created such dissatisfaction that its Authors hesitated, for nearly fourteen years, to act upon it, till, at last, the Presbyterians and Methodists resolved to establish Universities of their own. In 1839, the Presbyterians of Kingston held a meeting in St. Andrew's Church, at which it was resolved to collect subscriptions for the proposed University. At this meeting Mr. John A. Macdonald, (afterwards Sir John), took a prominent part. In 1840, Queen's and Victoria Universities were incorporated by Provincial Charters, the former being then called "The University of Kingston." The following year the promoters of Queen's University petitioned Her Majesty that she should grant them a Royal Charter, in connection with her own name, which request was graciously complied with.

Such were the circumstances which led to the foundation of Queen's University. The progress of the University may be marked by its changes of abode. A clapboard frame dwelling house on the north side of Colborne Street, was—*gentis incunabula nostra*—its first cradle . . .  
Canada Presbyterian. (It moved three times afterwards).

MEETING HELD IN KINGSTON TO PROMOTE THE ESTABLISHMENT OF QUEEN'S COLLEGE—  
18TH DECEMBER, 1839.

The Public Meeting to which the Reverend Professor John B. Mowat D.D., refers, was held in Kingston on the 18th of December, 1839. Its object was to promote the establishment of Queen's College in that city. The Reverend John Machar acted as Chairman, and Mr. Roderick M. Rose as Secretary. The following Resolutions were adopted at the meeting:

Moved by Major Logie, seconded by John A. Macdonald, Esquire, and

*Resolved*, 1. that this meeting deeply regret the limited means afforded the youth of this Country of acquiring a liberal education, founded on religious principles, and more especially the total want of an Institution for educating and preparing young men for the Ministry in connection with the Church of Scotland.

Moved by Thomas Greer, Esquire, and seconded by Reverend Henry Gordon, and

*Resolved*, 2: that this Meeting learn with great satisfaction the proposal by the Commission of Synod to erect a College in Kingston for the instruction of young men, with a view to the Holy Ministry in connection with the Church of Scotland, and the education of youth generally in the various branches of Literature and Science, upon sound religious principles.

Moved by Mr. James Williamson, seconded by Francis A. Harper, Esquire and

*Resolved*, 3: That this Meeting pledges themselves, by every means and exertions in their power, to forward the views and intentions of Synod.

Moved by Mr. William Ferguson, seconded by Mr. Joseph Bruce, and

*Resolved*, 4: That a Committee of six be appointed, with power to add to their number, to collect subscriptions from Members of the Congregation of St. Andrew's Church, Kingston, and from others friendly to the proposed Institution, and to exert themselves in such a way as may best promote its successful completion.

Moved by John A. Macdonald, Esquire, seconded by the Reverend William Reid, and

*Resolved*, 5: That the Committee consist of Messieurs Francis A. Harper, A. Pringle, John Roy, Robert Matthews, Thomas Greer and Roderick M. Rose.

Moved by John A. Macdonald, Esquire, seconded by Mr. John Mowat, that the thanks of this Meeting be given to the Reverend John Machar for his able conduct in the Chair, and that be requested to furnish a copy of his opening Address for publication.

The following are extracts from this opening Address :

We are now met, my friends, to put our hand to a work in which we trust we may say, without any approach to irreverence, that God hath put it into the hearts of our brethren and us to engage. The establishment of a University, in which, while one of its most important objects will be the training up of Ministers of the Gospel to supply the long-crying destitution of this land, there will be given to our youth the fullest access to the cultivation of all the branches of a literary and scientific education.

The University, which it is proposed to erect, will belong to the Presbyterian Church, and its management be vested in Trustees of that communion. This is a matter of necessity. It is obvious that the control of such an Institution ought to be in the hands of some trustworthy and responsible body ; and as the project has originated with Presbyterians, and as by Presbyterians it will, in all likelihood, be mainly sustained, it is as obvious that the control should be in that Church. That it is to be a Presbyterian University we wish to be distinctly understood, but, at the same time, we wish it to be equally distinctly understood, and particularly by this Meeting, in which there may be present respected friends favourable to our object who belong to other Churches, that it is not to be a Presbyterian University in the sense that the youth of other Communions are to be excluded from its classes, or subjected, if they attend them, to the smallest interference with those forms of worship, or systems of church government, in which they have been brought up. Most especial care will be taken to avoid this ; and, that it can be easily avoided, will be at once perceived, on considering that within this College there are to be two distinct departments—that of education in general Literature and Science, and that of instruction in Theology—the former of which may be passed through by the student without the smallest danger of having his opinions as to forms of church policy influenced, since this is a subject which it would be altogether going out of their way for the Professors of that department ever once to touch upon. In the classes of Theology, which need not be attended by any but Presbyterian students, and attendance on which will for all others be perfectly optional, and it will be discussed in its proper place and according to its relative importance, but in the classes of general Science and Literature it will never be introduced any more than particular systems of civil law, or particular theories in Medical science.

It is computed that to render the proposed College efficient, to endow a sufficient number of Professorships, to erect Buildings, to purchase a Library, and Philosophical Apparatus, \$160,000 and upwards would be required. . . . (*Queen's College Journal ; Jubilee Number, January, 1890.*)

SIR JOHN A. MACDONALD'S RECOLLECTION OF THE QUEEN'S COLLEGE MEETING OF DECEMBER, 1839—FIFTY YEARS AGO.

One of those who took part in the Meeting in St. Andrew's Church in December, 1839, was Sir John A. Macdonald, who thus referred to it, in a pleasant speech, which he made at the Jubilee Meeting of Queen's University held at Kingston, in December, 1889. He said :—

This morning, after my arrival from Ottawa, I was informed that I was expected to make some allusion to the events of fifty years ago. Since that memorable occasion, when a small party, small, as compared with recent gatherings, assembled in St. Andrew's Church, many events of importance have occurred to me, which might naturally be expected to impair somewhat my recollection of what occurred in that Church, on the 18th of December, 1839. But, I am happy to say, that my recollection of that Meeting is perfect.

I was a young man just commencing my practice, and, being a Kingstonian, and a Presbyterian, I was exceedingly anxious that my native City, practically, should have the honour of being a University City,—a Seat of Learning. I was one of those who assembled in St. Andrew's Church, now gone, like most of those who, that day, gathered within its walls.

His Excellency, Lord Stanley, was kind enough to say that he had no doubt that those who were present on that occasion could give a more historically correct statement of the events of that time, than, in his position, he could do. But, he ventured to state, that I, among the rest, with the youthful energy of the time, spoke eloquently. Now, I must confess that His Excellency did me more than justice. I was modest then, . . . and, when I arose to move the Resolution that was placed in my hands,—and although I had prepared an eloquent oration,

I was in such a mortal fright, that I did not say a single word of what I had intended to say. "*Obstupui steteruntque comæ; faucibus hæsit*"—I just placed the Resolution in the Chairman's hands, and sat down. My silence was golden; and I was cheered more than if I had made a speech, or had pluck enough to deliver it. It was, however, an occasion of great pride to me to see the successful laying of the foundation of this University. It was still more gratifying to me to see its almost immediate success. The Presbyterians of Upper Canada, and the Protestant portions of Lower Canada, came forward at once with enthusiasm, and, with great liberality and generosity, contributed to the success of this Institution. It was also a great pleasure to me subsequently to invite to my little drawing room the Medical men of the city, with old Doctor Sampson at their head, and settle the basis of the School of Medicine, affiliated with the University.

It is very gratifying to me to meet, in my old days, at this very remarkable gathering, my old friends, a pleasure not unminged with melancholy recollections of those who are gone. I am delighted to meet my old friend, Mr. Roderick M. Roe, who was the Secretary of that Meeting of fifty years ago, and who, I may tell you, was my first client. He is here this evening, still vigorous; and it is well for us that we are able to congratulate ourselves, as well as you. We are here in our health and strength, and on this occasion, I am glad also to refer to the Reverend Doctor Reid, who took part in that Meeting, and seconded a Resolution of mine.

I look forward with great hope to the future of the University. I stood at its cradle and am proud to see such a healthy child. You are yet young, but you are healthy, strong, and active, and can look forward with hope to the years of strong, vigorous manhood before you in the future. Allow me to say again, that I am pleased to have the opportunity of being here, and I am pleased to think that, whatever I have done has been so kindly remembered by those who, in their good-will, value it so much.

RECOLLECTIONS OF THE ST. ANDREW'S MEETING, OF 1839, BY THE REVEREND WILLIAM REID, D.D.

I regard it as a privilege and an honour to be present here to-day. I am aware that the honour has been put upon me, as being one of the survivors of those who took part in the proceedings of the Meeting held in St. Andrew's Church, on the 18th of December, 1839.

Half a century is a long time to look back upon. But I retain a pretty vivid recollection of that Meeting of 1839, and of those who took part in the proceedings. I was then young; I had been only between two and three months in the country, and everything was new and full of interest. Besides, I had looked forward to the Meeting with a degree of nervousness, as I had been asked to take part in the proceedings, and to speak in support of some of the Resolutions. I was about to make my first appearance on a platform, and being raw and inexperienced, and withal modest, as it becomes all young men to be, I had a little misgiving, in thinking of the coming Meeting.

From the time of my arrival in Canada I had heard a good deal of the contemplated establishment of a Presbyterian College. Some years before, a good many young Ministers had been sent out by the Church of Scotland, but the numbers had fallen off, and, in 1839, I think I was almost the only one who came out. The Reverend John Machar, afterwards Doctor Machar, the able and devoted Minister of St. Andrew's Church in Kingston, and whose name will always be associated with Queen's College, had been in Scotland during that year and had done his best to secure additional laborers, but with little success.\*

The matter had been discussed at the Synod, and at a Meeting of the Commission of Synod held in the autumn of 1839, it had been determined that Kingston should be the seat of the College. The first public Meeting, after correspondence had been held with leading men in different parts of the Country, was appointed to be held in St. Andrew's Church on 18th of December, 1839.

The Chair was occupied by Doctor Machar, who made an earnest appeal in support of the proposal to establish a College.

I have a very distinct recollection of the appearance on the platform of one who has long occupied a prominent place as a public man, and whose name will always be associated with the history of Canada—I refer to the Right Honourable Sir. John A. Macdonald. He was present at the Meeting and took an active part in the business. He was then a young and rising lawyer, recently entered on the practice of his profession. His appearance arrested my attention, and made an impression which time has not effaced. Whether it was his active, lively and interested

\* The Reverend John Machar, D.D. became Principal of Queen's College on the resignation in 1845 of the Reverend Doctor Thomas Liddell, its first Principal, who was also Professor of Hebrew. He continued in that office until 1854.



look and air, or whether it was something of that personal magnetism, which he is said to possess, and which it is alleged even a political opponent can scarcely withstand, or whether it was some foreshadowing of future greatness and distinction, I cannot tell; but the impressions were made; and I have never seen him since, without thinking of the first occasion, on which I saw and heard him.

Another Gentleman of Kingston, now a man of high position and distinction, was present at the meeting as an earnest spectator and hearer, the Honourable Oliver Mowat, as was also his brother, now Professor Mowat. Their father, Mr. John Mowat, a highly respected citizen of Kingston, and for many years an Elder in the Presbyterian Church, took great interest in the Meeting, as he did in everything connected with the interests of the church.

(NOTE. Doctor Reid referred also to a number of other gentlemen, who took part in the efforts made in 1839, and subsequently, to establish Queen's College).

#### HISTORICAL SUMMARY OF EVENTS CONNECTED WITH FOUNDING OF QUEEN'S COLLEGE.

At the Public Meeting of 1889, Sanford Fleming, LL.D., C.M.G., Chancellor of the University, spoke as follows:

In 1831, the Presbyterian Synod of Upper Canada experienced great difficulty in obtaining a sufficient number of Ministers from the Mother Country, and it became impressed with the necessity of educating young men in the colony. It was accordingly proposed, that a College should be established in Canada; and Kingston, being the most central and, generally, the most eligible point for such an Institution, was selected by the Synod as the site where it should be placed.

The Church of Scotland in Canada felt the importance of a thoroughly educated Ministry. They knew that Literature, Science, Philosophy, and all that constitutes the Arts Course of a University are the legitimate hand-maidens of Divine Truth, and they desired the highest standard in every branch of learning. They, therefore, took every means to promote the establishment of a College, which would be generally accessible to all classes of the people, and which would command the confidence and support of all denominations of Christians.

The Government was memorialized, and the most strenuous efforts were made for years to achieve this great and nationally important work. But, up to 1839, nothing whatever had been done within the Province likely to result in the much desired University. The Synod, feeling that higher education in Upper Canada should no longer be neglected, determined to appeal directly to the Presbyterians of the Province, numbering then about a hundred thousand; and it entreated the friends of the cause to assist by contributions as bountiful as their circumstances would permit. The documents which were circulated explained very clearly, that, although the primary object of the Synod was to obtain a high standard of education for their own Ministers, it was also the desire and purpose to provide for a complete course of literary and scientific training, open to all; \$120,000 to \$160,000 was asked for, to make a commencement.

Following this appeal, the first Meeting to raise funds was held in St. Andrew's Church, in the City of Kingston, on December 18th, 1839. The meeting was marked by enthusiasm and success, a large sum was subscribed, and thus the endowment of the College was practically commenced.

Contributions came in from many quarters in all sections of the Country. We must bear in mind that half a century back there was not the same accumulated wealth in Canada as we find to-day. The large majority of the population were clearing the forest, and struggling to gain the means of living. It is the more astonishing, therefore, that the response to the general appeal made was so generous. In a few months, Legislative authority was sought and a Bill was assented to intitled: "An Act to establish a College by the name and style of the University of Kingston." The year following, Her Majesty was graciously pleased to grant a Royal Charter, conferring on the Institution the rank and title of Queen's College and University.

There exists, and there has always existed, in this community an earnest desire for the advancement of learning; and its geographical position, and the salubrity of the climate has recommended Kingston, from the beginning, as the fit place for a great educational centre. It would indeed seem, from the historical record, as if the germs of a University had a being here a century back. It required only the fructifying influence of time, and of new elements of strength and vigour, to render these germs productive of fruit. They remained long in an embryonic state; but, at last, on the 18th of December, 1839, a practical issue resulted, and we

are now assembled to commemorate the fiftieth anniversary of the natal day of Queen's. The beginning of this Institution was a memorable epoch in the annals of Kingston, for, on that day, the mutual friendship and affection of the City and the University was happily established to become inseparable for all time.

HISTORICAL SURVEY OF EDUCATION IN UPPER CANADA. BY THE REVEREND JAMES  
WILLIAMSON, LL.D.\*

When Queen's University was founded in 1839, one of the chief difficulties with which it had to contend was the almost total want of any public provision for the elementary education of the people of the Country. In 1797, indeed, His Majesty George III. had authorized the appropriation of a portion of the waste lands of the Province in the following terms: "To assist and encourage the operations of this province in laying the foundation for promoting sound learning and a religious education.

"First, by the establishment of free Grammar Schools in those districts in which they are called for, and

"Secondly, in due process of time, by establishing other Seminaries of a larger and more comprehensive nature," (Universities) for the promotion of religious and moral learning, and the study of the arts and sciences."

Accordingly, on the receipt of this authority, 459,217 acres of Crown lands were set apart by the Legislature for these purposes. For a long time, however, these wild lands yielded no revenue for the accomplishment of the objects for which the grant was made, and nothing was done for the education of the people except in adventure and private schools.

The very first of these, it may be noted, of which there is any record was one opened in Kingston in 1785 by an Episcopal clergyman, the Reverend John Stuart, in a House a little to the west of the spot where Murney's Tower now stands, and celebrated as being the place to which Moore refers in the beginning of his well-known song,

"I knew, by the smoke that so gracefully curled  
Above the green elms, that a cottage was near."

For ten years thereafter, down to 1807, no public provision of any kind was made for the support of Schools, although the population had increased to about 100,000. In that year, \$3,200 were granted by the Legislature for the maintenance of eight Grammar Schools, one in each of the Districts into which Upper Canada was then divided. These Schools, however widely apart as they were from one another, and in most of which high fees were charged, were available only for the sons of "the more opulent classes," and nothing was done for the general instruction of the people in Common Schools until 1816, when a sum of \$24,000 was obtained from Parliament for that purpose. This amount was reduced in 1820 to \$10,000, no single School, except in special cases, was to receive more than \$50 per annum. For thirteen years following no addition was made to this miserable pittance, although the number of the population had risen in the meantime to nearly 300,000. In 1833, the grant was increased by the sum of \$22,600, in addition to what had been given seventeen years before, while that to each Grammar School remained the same, and this deplorable neglect of any proper provision for Common and Grammar education continued down to 1841. In fact nothing was effectually done to improve its condition until 1850, when the Amended School Act, embodying the recommendations of the Reverend Doctor Ryerson was passed, forming the basis of the present School System of Ontario. Bills for a general system and an adequate appropriation for Common School education had year after year been passed by the House of Assembly, but were often rejected by the Legislative Council. They were satisfied with extending aid, scanty as it was, to a few Grammar Schools for the benefit of the more wealthy classes, and as feeders to a University for which they had received a Charter as far back as 1827, but which was not yet in operation.

The result of the course thus pursued was, that, in 1839, outside of the Grammar Schools just referred to, and even in some of them, the educational condition of the Province was almost at the lowest ebb. One-half of the population of those of school age were left to grow up in a state of semi-barbarism. The annual attendance at school of the other half was for only seven months, generally in log houses, with accommodations of the rudest kind, where they were initiated in the mysteries of Reading, Writing and some simple rules in Arithmetic by Teachers hired by the year, wretchedly paid, and, as might be expected, with a few exceptions little qualified for their office. The consequence of this state of things was, that, in many instances those who could afford it sent their sons to the United States to receive their education.

\* The Reverend Doctor Williamson, born in Edinburgh in 1806, was appointed Professor of Mathematics in Queen's College, Kingston, in 1842. To this duty, he added temporarily, from time to time, the subjects of Greek and Latin, Chemistry, Logic, Astronomy, English Literature and Church History. He was also Director of the Observatory. He died in 1895, in his 90th year, greatly beloved.

Such were the difficulties to be met ; such were the evils to be remedied ; such were the circumstances, so different from those under which the land of the fathers of many of them had flourished, when the founders of Queen's College, in 1839, for the public benefit as well as that of their children, took practical steps for its establishment by their own voluntary efforts. Having long looked in vain to the powers that were for a system of University and School Education throughout the Province they, after anxious deliberation, felt themselves compelled to adopt this course, and do what they could to supply the want of a higher training for youth, and as one main object, better qualified Teachers for our Schools.

I may here remark, that our friends, the Methodists, actuated by similar views, and knowing well the needs of the Province had, in 1836, erected an Institution at Cobourg for the purpose of affording a more advanced education under the name of "The Upper Canada Academy," which was afterwards, in August, 1841, merged by Provincial Charter into the present Victoria College, with University powers.

## CHAPTER XVII.

### PROCEEDINGS OF THE COUNCIL OF KING'S COLLEGE, 1840.\*

The first meeting of the Council of King's College in 1840 was held on the 29th of January. At the last Meeting of the Council in 1839, application was made to the Council by "Lieutenant Charles J. B. Riddell of the Royal Artillery, on behalf of Her Majesty's Government, for a Site in the King's College grounds, whereon to erect a Magnetic Observatory." The request was granted on certain conditions, which were approved by the Governor General, as communicated to the Council at its Meeting on the 29th of January, 1840.

As long ago as in 1853, at the suggestion of the Reverend Doctor Ryerson, after consultation by Colonel, (afterwards General,) Lefroy, then Director of the Provincial Observatory, a provision was inserted in the Grammar School Act of that year, to have Meteorological Observations made at each of the Senior County Grammar Schools in Upper Canada. Reference will be made to this matter in a subsequent Volume of this History.

Having applied to the late Director of the Observatory, Charles Carpmael, Esquire, M.A., a short time before his death, for a short sketch of the history of the Observatory, he directed one of his Assistants, Mr. W. A. Stewart, to furnish me with the required information, which he did, and from which I make some extracts ; as follows :—

The Magnetic and Meteorological Observatory at Toronto is situated in Latitude 43° 39' .25, and Longitude 5h. 17m. 34.65s. West of Greenwich. Its height above Lake Ontario is 107.9 feet ; and above mean Sea level, 350 feet. It was one of the Observatories originally instituted by the Imperial Government in 1839, at the joint request of leading British and European Scientists, co-operating with the Royal Society, and with the British Association for the Advancement of Science. It was designed to supply a sustained system of observations, so as to furnish the determinations required for the Magnetic theory as to the periodical variations of the Magnetic direction and force. . . . The Observatory was furnished with the necessary instruments for its appropriate work. . . . For Meteorological purposes a Standard Barometer, Thermometer, Dry and Wet bulb Thermometers, for the determination of the absolute and relative humidity ; an Anemometer for direction and velocity of the wind, Gauges for rain

\* In a continuation of the Proceedings of the Council of King's College for the year 1839, on page 200, *ante*.

fall, etcetera. It was also supplied with a Transit Instrument and the necessary Clocks and Chronometers for Time observations. . . . In addition to this outfit, there was added Self recording Photographic Apparatus for recording the Magnetic changes.

The Observatory continued to be supported by the Imperial Government up to April 1853, when its charge was assumed by the Canadian Government.

PROCEEDINGS OF THE KING'S COLLEGE COUNCIL IN 1840, CONTINUED.

*January 29th, 1840.* In addition to receiving the Governor General's sanction to the proposed site of the Provincial Observatory, the College Council "took into consideration the state of the Royal Grant to King's College of One thousand pounds (£1,000,) Sterling, per annum, when it was stated that arrears of seven years and a half were due on this grant to the College, amounting, without interest, to Eight Thousand, Three Hundred and Thirty-Three pounds, Six shillings and Six pence, (£8,333.6.6.). The Council deemed it expedient that an immediate application be made to His Excellency the Governor General respecting these arrears, accompanied with a full statement of the circumstances under which they are claimed, for his consideration". (This was done on the 4th of February, 1840, in a Letter, addressed to Mr. T. W. C. Murdoch, Chief Secretary, as follows, but nothing came of it):

I have the honour to enclose to you, for the purpose of its being brought under the consideration of His Excellency the Governor General, a copy of a Minute of King's College, respecting the claim of the College to the Royal Grant of one Thousand Pounds (£1,000,) Sterling per annum; and, in compliance with that part of the Minute which directs a Statement to be sent to His Excellency, of the circumstances under which the Grant is claimed. I beg to add that this grant was made to King's College by the Crown, as communicated to Sir P. Maitland by Earl Bathurst, in his Despatch of 31st March, 1827, a copy of which Despatch I enclose.\* The grant is given for the purpose of erecting the College Buildings, and is directed to be paid out of the monies furnished by the Canada Company, to continue during the term of their agreement. Their agreement is for sixteen years, from 1st January 1826. The College drew the Grant from the 1st January, 1828, the endowment commencing in that year, and continued to receive it until 1st July, 1832, when it was suspended by a Government Despatch† to Sir John Colborne until the Legislature should pass an Act for amending the Charter of the University. Such an Act having been passed in the first Session of the Thirteenth Parliament, to which His Excellency Sir F. B. Head, then Lieutenant Governor, signified the Royal assent on 4th of March, 1837, the cause for the suspension was removed, and, in consequence, the Council deem it expedient to submit the claim of this Institution to the Royal boon to His Excellency's favourable consideration.

KING'S COLLEGE OFFICE,  
TORONTO, 4th of February, 1840.

H. BOYS,  
Bursar of King's College.

*February 15th, 1840.* A proposal of the Reverend Doctor Strachan to make a specific endowment of 100,000 acres of land to King's College and 25,000 acres to Upper Canada College was considered, and postponed until further information on the subject be obtained. Applications, for appointment as Solicitor to the Council, were received from Messieurs John Hillyard Cameron and James M. Strachan.

*February 26th, 1840.* The attention of the Governor General having been called to the fact that certain loans had been made from the College funds to some Members of the Council, His Excellency addressed a Letter to the Council, through Mr. Chief Secretary Murdoch, in which he said:

It appears, from the Statement submitted, that a loan of a considerable sum was made by the Council to one of the Members of the Board. Such a proceeding His Excellency cannot, by any means, view in the light of an ordinary money transaction.

The employment of the funds of a public trust, by one of the Trustees, for his own advantage, is a proceeding which, in his opinion, is highly objectionable, and is calculated to destroy the confidence of the public in the management of the University. In England, such a transaction would be visited with severity in a Court of Equity.

\* For a copy of this Despatch, see page 225 of the First Volume of this Documentary History; see also pages 237, 8 of the same Volume.

† See page 228 of the Second Volume of this History; also page 86 of this Volume, *ante*.

It also appears from the Statement submitted that no less than eleven notes-of-hands are overdue; of which three have been due since the year 1837; three since 1838, and the remaining five since the 24th of December, 1839. In business of this kind, punctuality should be always observed; but, in the affairs of a Public Trust, a scrupulous regard to it appears above all things desirable."

Mr. Murdoch also informed the Council that His Excellency, the Governor General had appointed Mr. James Edward Small to be Solicitor to the King's College,—vacant by the elevation of Attorney General, Christopher A. Hagerman, to the Bench. A Committee was appointed to investigate and report upon the School Lands—the quantity of acres reserved for Schools, the quantity sold, etcetera. A plan for bringing the University into speedy operation, submitted by the Reverend Doctor McCaul, was referred to the Attorney General, (W. H. Draper.)

The proceedings, in regard to the foregoing loans, thus severely commented upon by the Governor General, were made the subject of a Despatch by him to Lord John Russell, the Colonial Secretary, after he had returned to Montreal from Upper Canada. The Despatch is dated on the 2nd of May, 1840, and is as follows:—

I observe by the papers that, on the 30th of March last, Mr. [afterwards Sir John] Pakington took occasion, in the House of Commons, to ask your Lordship certain questions in regard to the Bishops of Montreal and Toronto. With respect to the latter, he is reported to have said that Doctor Strachan had been deprived of his salary, as President of King's College, in consequence of his appointment as Bishop, contrary to the agreement made with him, when he accepted the Episcopal Office, a proceeding which he characterized as "unjust and cruel."

2. I feel it, therefore, my duty to state the circumstances (of the case) to your Lordship, as I gathered them whilst in the Upper Province, as well as to bring to your notice some others, relating to the connection of the Bishop of Toronto with King's College, which I had hitherto delayed doing, from a disinclination to enter upon transactions which I cannot consider creditable to the parties concerned.

3. Your Lordship is aware that many years ago, (in 1827,) a Royal Charter was passed for the establishment of a University in Upper Canada, and that, by that instrument, the Archdeacon of York was appointed, *ex officio*, President.

4. From various causes, which have, at different times, been fully reported to your Lordship's Predecessors, the Institution, notwithstanding that it enjoyed a considerable endowment, was not then, nor has it been since, brought into operation. Nevertheless, Officers were appointed, principally for the management of the estate, and salaries were assigned to them. A salary of Two Hundred and Fifty pounds, (£250) Sterling was also attributed to the President.

5. But in the course of last year an investigation having been instituted by Sir George Arthur into the management of King's College,\* the fact that the President was annually drawing from its funds an income of Two Hundred and Fifty pounds, (£250,) Sterling was brought to his notice. Considering that no duties of any kind, beyond those of other unpaid Members of the Council, were attached to the Office, that there was no immediate prospect that the Institution would be put into operation, and that every shilling taken from its revenue was so much deducted from the means of Education in Upper Canada, already most deficient,—it appeared to him impossible any longer to permit such an appropriation of its funds. In this opinion, I entirely concur; and, I am confident, that your Lordship will approve of the course which Sir George Arthur adopted. It is indeed difficult to understand how the considerations by which he was actuated should so long have escaped the notice of the Bishop himself.

[NOTE. The salary of the Bishop, as President of King's College University, ceased on the 30th of June, 1839. See pages 184, 190 and 194 of this Volume, *ante*.]

6. But the inquiry into the state of King's College, and the production of some Returns called for by the House of Assembly, brought out other irregularities in the management of the Institution. Thus, it appeared, that the accounts of the Bursar were very much in arrear, and it became necessary, therefore, to remove him, and to appoint another Officer in his place,† and

\* See page 187 of this Volume, *ante*.

† *Ibid* pages 189 and 194.

it was also shown that a very considerable sum had been borrowed from the funds of the University by the President for his private purposes, on the security of various notes of hand, and that several of those notes had not been paid when due.\*

7. Upon my entering on the duties of Chancellor of the University, the finances of that Body naturally demanded my attention, and I was compelled to institute some inquiries respecting the accounts which were rendered to me.

I have only to say that it was not without considerable hesitation that I could satisfy myself with only recording my opinion [of the matter] in the Minute to the Council . . . instead of proceeding to further measures.

C. POULETT THOMSON.

MONTREAL, 4th of May, 1840.

*February 29th, 1840.* The Honourable Messieurs William Henry Draper and Robert Baldwin, Attorney and Solicitor General, took their seats at the Council. The Chancellor, (Sir George Arthur,) submitted copies of Statutes of King's College, which were adopted. Those relating to the opening of the [Upper Canada] College as a (Temporary) University, in terms of the Act, 2nd Victoria, Chapter 10, were as follows: Be it enacted and ordained:—

1. That the University of King's College be organized and opened; for the reception of Students in the different Arts and Faculties, without further delay.†

2. That the Building now used and occupied as the place of instruction of the pupils of Minor, or Upper Canada, College, be repaired, altered and fitted up in the most convenient manner, for the accommodation of the classes attending the different Professors and Lecturers of the [Temporary] University.

3. That a new and convenient Building be forthwith erected on the grounds of Upper Canada College, for the accommodation and use of that Institution.

4. That the sum of Two Thousand pounds, (£2,000,) be expended for the alterations, repairs and new Building, aforesaid.

5. That the five following Members of the College Council be appointed to contract for and superintend the said repairs, alterations and new Building, videlicet, the Honourable Messieurs William Henry Draper, Attorney General; Robert Symphon Jameson, Vice Chancellor; William Allan, John Simcoe Macaulay and the Reverend John McCaul, Principal of Upper Canada College.‡ (Various other subordinate matters were disposed of by the Council.)

*March 25th, 1840.* No business was transacted, at the request of the Chancellor.

*March 28th, 1840.* Plans of the new Building on the Upper Canada College Grounds were submitted and conditionally approved. The appointment of Mr. James E. Small as Solicitor to the College was approved. In the meantime, Mr. Henry Sherwood had applied to the Council for the position. Several matters connected with finance, and the sale of Lands, were considered and settled by the Council.

*April 4th, 1840.* At this Meeting, the revised plans of a new Building, on the Upper Canada College Grounds, were approved, and the following explanatory Resolution was passed.

*Resolved:* That, in such arrangements as shall be made for the erection of the [Temporary,] University upon Upper Canada College Grounds, the same are to be made solely with a view to put the [Temporary] University into speedy operation, and not to affect the Buildings, or future establishment thereof (of King's College), on the original Site purchased by the Council.

\* On the 26th of February, 1840, Doctor Strachan submitted to the Council of King's College the following explanation of this affair: "On the 2nd of January, 1836, I borrowed One Thousand pounds, (£1,000), from my Friend, Colonel Wells, which I considered a matter between ourselves, and for which we were personally responsible. . . . (A note of hand was given for this amount and the interest was duly paid.) On the 7th of January, 1837, the order of Council [was passed], authorizing the loan to me of Five Thousand, Two Hundred and Fifty pounds, (£5,250), on certain Securities. . . . And, at that date, the sum of One Thousand pounds was transferred, and included in the loan of £5,250."

†By reference to page 246 of this Volume, *ante*, it will be seen that the arrangements proposed in these Statutes related to the "Temporary University" authorized by the Act, 2nd Victoria, Chapter 10. The "Plan" suggested by the Education Commissioners for carrying out this provision in that Act, for a "Temporary University," will be found on pages 261, 263-265 of this Volume, *ante*.

‡As this "Temporary University" does not seem ever to have gone into operation, all of these "plans" and "arrangements" for it appear never to have been carried out. See page 247 of this Volume, *ante*.

The question of representation of King's College University in the House of Assembly having been considered ; it was—

*Resolved* : That His Excellency the Lieutenant Governor be humbly requested to declare the Grounds purchased (in 1828 and 1829\*) for the Site of the University, and also the Grounds, (of Russell Square,) on which the Buildings of Upper Canada College have been erected, † a "Township," in pursuance of a Statute, in such case made and provided, (passed on the 7th of March, 1820,) in order that the Institution may be represented in Parliament, upon its being organized and in full operation, as contemplated by law. ‡

The Bursar was directed to apply to the Honourable John Henry Dunn, the Receiver General, for a statement in regard to the School Funds, and of the Debentures purchased with proceeds of the sales of the School Lands, etcetera. Certain College Statutes, proposed by the Chancellor, were approved, and several minor matters were disposed of.

*May 27th, 1840.* The Widow of the late Mr. Charles Fothergill requested that the Council would purchase the Museum of Natural History and other Curiosities collected by her late Husband, at a price to be named by the College Council. The matter was referred to the Reverend Doctor McCaul, Vice Chancellor Jameson and the Honourable Robert Baldwin Sullivan, as a Committee, to examine the collection and report the result to the Council. The payments on most of the Lots in Block D, (the site of the Home District Grammar School,) being in arrears, the Bursar was directed to request the Solicitor of the Council to proceed against the delinquents, by ejection, or otherwise. The Lots which had been abandoned, or formally relinquished by purchasers, were ordered to be resumed by the Council. . . .

The Bursar laid before the Council the following financial Statements, which he had obtained from the Receiver General, in response to the request made to him on the subject, at the last Meeting of the Council.

NOTE. The Statements, furnished by the Receiver General, relates to the proceeds of the Sale of the "School Lands" portion of the original Grant of Lands made, by direction of George III, in 1797. Part of that original grant of lands (225,944 acres) was transferred, as an endowment of King's College in 1828, 9, and, soon afterwards, another portion, (66,000 acres,) as an endowment to Upper Canada College. The balance of the grant was held to be "School Lands"—for the benefit of Grammar (and other kinds of) Schools. In 1822, (pages 3 and 5 of this Volume, *ante*.) the Colonial Secretary directed that the proceeds of a portion of this residue of the original grant of 1797, be applied to the establishment of (Church of England) "National Schools," under the direction of the General Board of Education for Upper Canada. This Board ceased to exist in 1832, 3; and, in 1839, an Act, 2 Victoria, Chapter 10, was passed directing—

That the money now remaining in the Receiver General's hands unexpended, arising from the sale of School Lands, or which may come into his hands, applicable to the purposes of this Act, shall be invested in the Debentures of this Province at six *per centum* interest, and the proceeds placed under the control of the Council of King's College, . . . to be, by the said Council, distributed among such Districts as, in their opinion, more immediately requires assistance, owing to the state of the School-House, or other circumstances. (*Section 3 of the Act.*)

The following is the Statement of the receipt and disposal of the proceeds of the sale of these "School Lands."

\* See Chapter xiii ; page 221, of the Second Volume of this Documentary History.

† See page 287 of the First Volume of this Documentary History

‡ *Ibid*, page 174. The Lieutenant Governor does not seem to have ever acted upon this suggestion of the College Council.

*Statement Number One: Of Monies received from the Sale of School Lands in Upper Canada, (and kept in a Separate Account,) from March 1821 to March, 1840.*

Dates.	Receipts.	Provincial Currency.		
		£	s	d
1821				
March 14 . . . . .	To Cash received from the Honourable Colonel Talbot, the amount of proceeds of sale in the London District . . .	82	7	6
1823				
January 29 . . . . .	" Cash received from Mr. Israel Moor by the Honourable Colonel Talbot, on account of School Lands purchased by said Moor . . . . .	25	"	"
" 29 . . . . .	" Cash received from Mr. James Ferguson by the Honourable Colonel Talbot, on account of School Lands purchased by said Ferguson . . . . .	36	10	6
1824				
April 24 . . . . .	" Cash received from Mr. John Bostwick by the hands of Colonel Coffin . . . . .	45	11	"
1827				
April 14 . . . . .	" Cash received from the Attorney General, being the amount paid by Mr. Bostwick, late Sheriff of London District . . . . .	274	6	6½
1833				
June 30 . . . . .	" Cash received from the Honourable George H. Markland, on account of the Sales of School Lands . . . . .	1,894	1	9
1834				
June 30 . . . . .	" ditto ditto ditto	1,100	10	6
December 31 . . . . .	" Amount received from the Honourable Joseph Wells, Treasurer of the late General Board of Education . . . . .	5,000	"	"
1835				
June 30 . . . . .	" Cash received from the Honourable Joseph Wells, on account of Sales of School Lands . . . . .	1,000	"	"
December 31 . . . . .	" Cash received from the Honourable George H. Markland, on account of Sales of School Lands . . . . .	3,019	"	"
1837				
December 30 . . . . .	To Cash received from the Honourable George H. Markland, on account of Sales of School Lands, between the 1st of July, and the 31st December, 1837, inclusive . . . . .	575	8	3
1839				
June 5 . . . . .	" Amount received from the Commissioner of Crown Lands, on account of the School Fund . . . . .	21	5	"
May 13 . . . . .	" Amount received from Colonel Talbot, on account of the School Fund . . . . .	523	6	7½
November 1 . . . . .	" Amount received from the Commissioner of Crown Lands, on account of the School fund . . . . .	20	"	"
December 26 . . . . .	" Amount received from Mr. Benjamin Tett, Agent for the Sale of School Lands . . . . .	23	10	"
	Total . . . . .	£13,640	17	7¼



*Statement Number Two : of the Disposition of the Monies received from the Sale of School Lands, (and kept in a Separate Account,) from March 1824 to March 1840.*

Provincial Currency.		
£	s	d
82	7	6
25	"	"
36	10	6
45	11	"
274	6	6½
894	1	9
100	10	6
000	"	"
000	"	"
019	"	"
575	8	3
21	5	"
523	6	7½
20	"	"
23	10	"
40	17	7½

Number and date of the Warrants.	Payments.	Provincial Currency. Dollars at five shillings each.					
		£	s	d	£	s	d
1824 1 March 2 . . . . .	By cash paid the Honourable Joseph Wells, Treasurer of Board of Education for the uses of that Institution, pursuant to Lieutenant Governor, Sir Peregrine Maitland's Warrant of this Number, dated the 1st of November, 1823 . . . . .	143	18	"			
2 May 1 . . . . .	By cash paid to the Honourable Joseph Wells, as Treasurer of the General Board of Education, on the same authority . . . . .	45	11	"			
1827 3 April 23 . . . . .	By cash paid the Honourable Joseph Wells, Treasurer of the General Board of Education, for the uses of that Institution, pursuant to Lieutenant Governor, Sir Peregrine Maitland's Warrant of this Number and date . . . . .	274	6	6½			
1839 4 June 25 . . . . .	By cash paid out of this Fund to invest in Debentures of this Province, pursuant to the Provincial Statute, 2nd Victoria Chapter 10, and pursuant to Sir George Arthur's Warrant of this Number and date . . . . .				463	15	6½
1840 17th of March.	By amount of balance in the Receiver General's hands . . . . .				12,000	"	"
	Total . . . . .				1,177	2	1¼
					£13,640	17	7¾

RECEIVER GENERAL'S OFFICE  
Toronto, 17th of March, 1840.

JOHN H. DUNN,  
Receiver General.

June 6th, 1840. The Committee appointed to examine and report upon the Museum and Curiosities of the late Mr. Charles Fothergill, presented a Report, as follows :—

To the Council of King's College :

The Committee appointed to examine the Books and specimens of Natural History, offered for sale to the University, by the friends of the late Mr. Charles Fothergill, respectfully report as follows—

They have examined the collection and find it described accurately in the annexed paper drawn up by Dr. Boys. . . . The specimens appear to be in good preservation, though not set up or arranged. The Committee are of opinion that the collection offered would be of value to the College as the commencement of a Museum of Natural History, connected with the general Museum of the University. For many years the ancient relics of the aboriginal inhabitants of this part of North America, as well as specimens of plants and animals, which, as civilization

advances, become scarce, and even extinct, have been transferred to other countries, without any collection being formed in this Province. The Committee are of opinion that the formation of a collection of Canadian antiquities and specimens of Natural History would, hereafter, be found a great assistance in the Education of the History of the aboriginal inhabitants, their manners and customs, as well as in any investigation of the Natural History and Geology of the Province, ancient and modern. Your Committee are of opinion that a sum not exceeding £175.0.0. would not be too much to offer for the collection.

*Memorandum.* The Museum of the late Mr. Fothergill consists principally of Birds, and animals, etcetera. Of Birds, there are about 800 specimens, of Animals, there are about 60 specimens of Fish and Reptiles, there are about 40 specimens.

There are a few Insects, a few Shells, some Minerals, some Birds' Nests and Eggs; Horns of Deer; Skulls and Bones (human and animal); Indian and South Sea Ornaments; casts in wax of Indians; Three paintings of Indian Chiefs: Artificial eyes for specimens of animals and birds. The following books:—the American edition of Wilson's birds; a presentation copy, from Doctor Richardson, of the third volume of his *Fauna Boreali Americana*,—being the volume on Fishes, Portraits of Indian chiefs, (twelve numbers).

#### H. Boys.

The Report was adopted and the Bursar was ordered to make the purchase of the collection.

The Provision in the "Act for the Advancement of Education in the Province," 2nd Victoria, Chapter 10, which authorized the College Council to distribute certain moneys, was considered by the Council, and the following Resolutions thereon were passed:—

*Resolved:* that the Provincial Secretary be requested, with the consent of His Excellency, the Lieutenant Governor, to transmit for the information of the College Council, any statistical details furnished to him regarding the state of the District Grammar Schools for the years 1838 and 1839.\*

*Resolved:* That a Committee be appointed to frame a Code of Regulations for the Management of District, and new Grammar Schools, receiving, or to receive public aid, (under the Act, 2nd Victoria, Chapter 10.) through the College Council, and that the following Members of the Council be the Committee for that purpose, videlicet, the Reverend Doctor McCaul and Vice Chancellor Jameson.

*June 18th, 1840.* The question of the disposal of the School Funds in the Receiver General's hands having been considered by a Committee of the Council, it was given as the opinion of the Committee that all such monies should be invested in Government Debentures.

*June 20th, 1840.* The Honourable John Simcoe Macaulay submitted certain resolutions, in regard to the appointment of a Vice President and Professors of the University. His first resolution having been rejected, it was—

*Resolved,* That the Chancellor be requested, without delay, to appoint a person to the position of Vice President of King's College, either by choice within the Province, or, as His Excellency shall see fit,—in pursuance of a Statute of this University, Chapter IV.

*Resolved,* (as proposed by Mr. Macaulay,) That the Salary of the Vice President shall be Seven Hundred and Fifty pounds, (£750,) per annum, with a suitable Residence.

The Committee on Rules and Regulations for Grammar Schools, appointed on the 6th of June, submitted a preliminary Report, outlining what the Committee proposed to do on the subject. It was signed by the Reverend John McCaul and Vice-Chancellor Jameson. The Committee were directed to fill up the details of the Scheme, and submit a fuller Report on the subject at the next Meeting of the Council, containing the proposed Rules and Regulations in a complete form.

The following Rules and Regulations for the District Grammar Schools, were, therefore, submitted by the Reverend Doctor McCaul, to the Council of King's College on the 27th of June, 1840. They were, no doubt, intended by him as supplementary to the suggestions on the organization of these Schools, which were contained in the official Report of the Commissioners on Education to

\*This information will be found on pages 212-215, and 254-256 of this Volume, *ante*.

the Lieutenant Governor, signed by him as Chairman, and dated the 22nd of the previous January—pages 243-252, *ante*. These Suggestions, which were necessarily general in their character, will be found on page 248. They, however, contained, no Regulations, in detail, as to how they should be carried out. It was, therefore, necessary that the Council of King's College should supply these details, in the shape of definite rules for the guidance of the Trustees and Masters of the reorganized Grammar Schools. This was, in point of fact, required, by the provisions of the "Act for the Advancement of Education in this Province," (2nd Victoria, Chapter 10; page 170, *ante*), by which the proceeds of the investments of the School Lands Funds were placed at the disposal of the Council for distribution among District Grammar and other Schools, under Regulations to be prescribed by the Council of King's College.

*June 27th, 1840.* The Committee, (on Grammar School Rules and Regulation), submitted a Supplementary Report on the subject, containing the proposed Regulations in a complete and compact form, as follows:

1. *Course of Instruction*: 1. An Uniform system is to be adopted in all Grammar Schools entitled to receive the annual Grant of One Hundred pounds, (£100.)

2. The system of Instruction shall be the same, as far as practicable, to that pursued in Upper Canada College, in regard to both Subjects and Text Books.

1. *Selection of Head Master*. The Council of King's College will give its assistance to the Board of District (Grammar School) Trustees, if, on a vacancy occurring, they should desire it, in the selection of a gentleman competent, in moral and literary qualifications, for the appointment of Head Master, and will nominate, for this purpose, a Court of Examiners, to whom such applications from the District (Grammar School) Trustees shall be referred.

2. *Court of Examiners*. That the following Gentlemen, videlicet, the Honourable and Right Reverend Doctor Strachan, Bishop of Toronto, the Reverend Doctor McCaul and the Honourable Vice Chancellor Robert Synnson Jameson, do constitute a Standing Committee on District, or Grammar, Schools, and also a Court of Examiners, for enquiring into, and reporting upon, the qualifications of candidates for the office of Head Master.

3. *Preliminary Information*. The Council request that the Board of District (Grammar School) Trustees will transmit to them information on the following subjects, relative to the Head Master, nominated, or recommended, by them: (1). Testimonials submitted to the Board. (2). Age and birth place of Candidate. (3). Where educated. (4). Occupation previously to appointment. (5). Any other duty to be discharged by the Head Master, in addition to those of the School.

4. *Aid Granted*. The Council will grant to each Board of District Trustees the sum of Fifty pounds, (£50), per annum, for the support of an Assistant Master, on the following conditions: (1). That the regulations of the Council, relative to Grammar Schools are observed in the School, for which such assistance is sought. (2). That there are, at least, twenty pupils in the School learning Latin. (3). That, previously to the appointment of the Assistant by the Head Master, he shall have transmitted to the Council of King's College information on the following subjects, relative to the Assistant. (a) His moral and literary qualifications; (b) His age and birth place; (c) Where he was educated; (d) His former occupation; (e) Particulars of any other duty, in addition to those of Assistant, and whether or not, King's College Council has signified their approval of the nomination. (4) That the Assistant conforms to the directions of the Head Master, who has the power of suspending, or removing him, on reporting to the Council the circumstances which rendered the resort to such extreme measures necessary and expedient. (5) That the above be certified on the application for the grant, according to a printed form, (as below), to be supplied by the Registrar of King's College.

5. *Form Prescribed*. The following shall be the Form referred to in the last condition, and that the following headings be printed on it: (1) District; (2) Head Master; (3) Assistant; (4) Date of appointment; (5) Daily duties of Assistant; (6) Number of pupils learning Latin; (7) How long since they commenced; (8) How far advanced; (9) Remarks. The statement is to be signed by Trustees, the Head Master and the Assistant.

6-8 *Temporary directions* (not necessary to be inserted here).

9 *Inspector.* That an Inspector, or Inspectors, be from time to time appointed, whose duty it shall be, at least once in each year, to see that the Regulations of this Council are properly observed; to enquire, by examination and otherwise, into the progress of the pupils, and to report on the general condition of the school, according to a printed Form, as follows:—(1) District; (2) Trustees; (3) Head Master; (4) Daily duties; (5) Assistant, or Assistants; (6) His, or their, daily duties; (7) Number of pupils; (8) Distribution of same in the Forms; (9) Subjects of instruction, and Text Books used in each form, or class; (10) State of each form, or class, distinguishing the subjects; (11) Condition of the School House; (12) General Remarks.

In regard to these Regulations, the following Minute was passed by the Council:

*Ordered*—That this Report of the Committee on District and Grammar School Regulations be approved, and that a copy of them be transmitted, for the consideration and approval of His Excellency, the Chancellor.

*July 4th, 8th 15th and 29th, 1840.* (No business of general or public interest transacted.)

*August 5th and 26th, 1840.* (No business of general, or public, interest transacted.)

*September 30th, 1840.* (No business of general, or public, interest transacted.)

*October 14th and 17th, 1840.* (No business of general, or public, interest transacted.)

*October 21st, 1840.* The Council, having referred to their Minutes of the 20th of June last, passed the following Resolution:—

*Resolved:* That, with reference to the Resolutions of the 20th of June last, (page 306, *ante*.) His Excellency the Chancellor be respectfully requested to inform the Council of King's College, whether he has deemed it expedient to act upon the suggestions [as to the appointment of a Vice President, &cetera.] which they had then the honour to submit to him, and what hope the Council are authorized in entertaining of the University being soon in operation;—the Council being induced to solicit this favour from His Excellency, as well as from their individual zeal in regard thereto, as from the very great general anxiety expressed upon the subject, both in Canada, and, as they are assured, by persons in the British Isles, who are desirous of emigrating to this Province; to whom the existence of such an Institution would afford so strong an inducement in favour of their design. . . . A resolution was passed, deprecating the selection of a site for a Lunatic Asylum at Kingston,—being impressed with the paramount importance of retaining such an Institution in immediate proximity to the Faculty of Medicine in the University of King's College, in consideration of the reciprocal advantages to be derived for having such a field for the study and advancement of Medical and Physiological disease, and the benefit reacting therefrom upon the unhappy patients themselves. . . .

[NOTE. From the Statement of the Receiver General, laid before the Council of King's College on the 27th of May, 1840, (page 303, *ante*.) it will be seen that the request of the Council had been complied with, and that, on the 25th of June 1840, the sum of Twelve Thousand pounds (£12,000,) had been invested in Provincial Debentures—by direction of Sir George Arthur,—the interest of which, was, under the authority of the Act, 2nd Victoria, Chapter 10, "for the Advancement of Education in the Province," to be expended by the Council of King's College, as directed by that Act. At this Meeting of the Council, (21st of October, 1840,) the Bursar reported, that the interest on Debentures which was available for expenditure by the Council under the Act, amounted to Two Hundred and Eighty-Seven Pounds Twelve Shillings and Eight pence, (£287:12:8.) (Page 305, *ante*.)

The question of surrendering to the Crown two acres of the King's College Grounds (for a site of the proposed Provincial Observatory), was considered and the matter was referred to the Chancellor, with a view to obtain the opinion of the Law Officers of the Crown on the subject. Other matters of lesser interest were disposed of by the Council.

*October 24th, 1840.* No quorum present, and no business transacted.

*October 28th, 1840.* A letter was received from the Reverend A. N. Bethune, Chairman of the Trustees of the Newcastle District Grammar School, asking for the sum of Two Hundred pounds, (£200,) towards the erection of a Grammar School House, according to the provisions of the Provincial Act, 2nd Victoria, Chapter 10. Whereupon it was—

*Ordered:* That the attention of His Excellency, the Chancellor, be respectfully solicited to the Minute of the Council of the 27th of June last (page 307, *ante.*) on the subject of the aid proposed to be given to the District (Grammar) Schools, in the way of paying Assistants, upon certain conditions. And further, that His Excellency be respectfully informed that the Funds, arising from the interest upon School Debentures, is not sufficient to provide for aid to be given in this, (Newcastle case,) as well as in the erection of School Houses under the Seventh Section of the Act, 2nd Victoria, Chapter 10; and that, in the opinion of the Council, the aid proposed by the Minute above mentioned is of more indispensable necessity; and, therefore, the Council are of opinion that the aid prayed for by the Trustees of the Newcastle District (Grammar) School, for the erection of a School House should be postponed until the Funds admit of the appropriation being made, without interference with the provision for the employment of Assistants, according to the Minute transmitted for His Excellency's consideration. (Several applications in regard to Land were considered and disposed of.)

*November 4th, 1840.* No quorum present, and no business transacted.

*November 11th, 1840.* A letter from Mr. Civil Secretary S. B. Harrison, dated the 5th instant, was read, conveying the approval of His Excellency, the Chancellor, of the Regulations for Grammar Schools which were submitted to him for approval on the 27th of June, 1840. (Page 307, *ante.*)

The letter of the Secretary also contained His Excellency's approval of the Minute of the Council, dated the 28th of October, 1840, proposing that a preference should be given to the allowance for Assistants in Grammar Schools before the allowance to be given in aid of building School Houses; and that the latter, therefore, should be postponed until the Funds admit of the appropriation, without interference with the employment of Assistants, according to the Minute of the Council of the 27th ultimo. See above.

A letter from the Crown Law Department was received, pointing out the mode of surrendering to the Crown two acres of the King's College Grounds for a site of the proposed Observatory. It was ordered, that the Solicitor be directed to prepare the necessary Covenant, as proposed by the Law Officers.

A letter from Mr. Civil Secretary S. B. Harrison was received, conveying His Excellency the Lieutenant Governor's reasons for fixing the site of the Provincial Lunatic Asylum at Kingston. (See page 308, *ante.*) (Other minor matters were dealt with.)

*November 16th, 1840.* No quorum present, and no business transacted.

*November 18th, 1840.* Mr. Civil Secretary S. B. Harrison, in a letter dated the 17th instant, acknowledged, on behalf of His Excellency the Chancellor, the Minute of the Council, dated the 21st of October, on the subject of the appointment of a Vice President of the University, and on the subject of bringing the University into operation. No further action was taken thereon at this Meeting.

*November 25th, 1840.* Letters in regard to the loans to the Reverend Doctor Strachan and others were read, and action was taken thereon by the Council.

*November the 27th, 1840.* (No business of general or public interest transacted.)

*December 16th, 1840.* The Bursar laid before the Council a Statement, obtained from the Receiver General, showing that the sum of Six Hundred and Sixty pounds, One Shilling and Seven pence, (£660:1:7,) was available for distribution by the Council, under the authority of the "Act for the Advancement of Education in the Province, (2nd Victoria, Chapter 10, page 170, *ante.*) No business of public interest was transacted at the meeting.

*December 30th, 1840.* No quorum was present, and no business was transacted.

NOTE. Various matters relating to the sale and leasing of the School and University Lands came up during the year and were dealt with by the Council. Such proceedings, being of temporary interest, are not referred to in the preceding record of the Minutes of the King's College Council for 1840.

## CHAPTER XVIII.

## THE UNIVERSITY AND UPPER CANADA COLLEGE CONTROVERSIES.

In concluding this Third Volume of the Documentary History of Education in Upper Canada, I think it appropriate to refer to the two chief educational subjects, which occupied a large share of the attention of the public men of the time, which preceded the Union of Upper and Lower Canada,—from 1830 to 1840. This reference is the more desirable in this place, from the fact, that, with this Volume, ends, for the time, the record of the separate and independent action of the Upper Canada Legislature.

The two questions, which caused so much agitation, and led to so much unpleasant discussion in Upper Canada, were those of the unpopular Charter of King's College University, and the unauthorized establishment,—so far as the Legislature was concerned,\*—of the Upper Canada College by Sir John Colborne in 1829,—two years after the issue by the Imperial Government, of the obnoxious Charter of King's College.

What first gave force and effect, on the public mind, to the popular discontent, in regard to these two Institutions, was the autocratic and indiscreet utterances, in 1831, of Sir John Colborne, the Lieutenant Governor. In replying to a respectful Address of the Methodist Conference, (which contained no reference to any educational topic,) Sir John Colborne said:—

The system of education, which has produced the best and ablest men in the United Kingdom, will not be abandoned here to suit the views of the Leaders of Societies, who, perhaps, have neither experience nor judgment to appreciate the value or advantages of a liberal education. . . .

The Reverend Egerton Ryerson, in his reply to this taunt, struck the keynote of that discontent which, for so long, extensively prevailed in the Province, in regard to the exclusive and irresponsible educational policy and proceedings of that day. He said:—

When Seminaries are established and placed under the direction of the Clergy of one Church, without even consulting the popular Branch of the Colonial Legislature, I cannot see how they are justly entitled to the character, confidence, or patronage [accorded to] free Public Institutions.

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\* On the 3rd of March, 1835, and again on the 3rd of February, 1836, the House of Assembly requested the Lieutenant Governor, Sir Francis Bond Head, to inform it what was "the whole expense which has attended the building of Upper Canada College, with the House and Gardens, Outhouses belonging thereto, and all the improvements and alterations made in the said Premises, from the commencement up to this time; with the authority under which such buildings were erected, and such alterations and improvements made, and from what the payments have been severally taken." (Pages 282, 283 of the second Volume of this Documentary History).

Lord Glenelg, the Colonial Minister, re-uttered this same complaint, when, in the King's name, he issued his Instructions to Sir Francis Bond Head, the newly appointed Lieutenant Governor. He said:—

Respecting the Collegiate Institutions of the Province, the House of Assembly express their opinion that the Upper Canada College is upheld at great public expense, with high salaries to its Principal Masters; but the Province derives very little advantage from it, and that it might be dispensed with.\*

On the subject of King's College, an unfortunate difference of opinion exists, between its Council and the House of Assembly, which each of the Bodies concerned concurs in pronouncing incurable.

Happily, in the case of King's College, the passage of the College Charter Amendment Act of 1837 put an end, for the time, to the agitation and discontent in regard to it. It was different with the case of the Upper Canada College. The Principal of that Institution felt, therefore, that he was called upon to enter into a formal defence of the College, and to explain and enforce the reasons why, (especially in the absence of a higher Institution, where young men might be fitted for professional life,) it was essential to the well-being of the Province, that a superior classical and high academic school should, in the mean time, be established and maintained.

Before giving the substance of this elaborate defence of Upper Canada College, I will briefly state one or two matters, which are worthy of notice in this connection.

In the controversy, which took place, in regard to the policy of establishing Upper Canada College, the fact was frequently overlooked that, in doing so, Sir John Colborne had two objects in view: The first, and obvious one, was, that he thus sought, for the time, to solve the question, (which had proved to be a troublesome one to the Home Government), of how most effectually to postpone the establishment of a University,—the very principles, on which it was founded, being so obnoxious to the great bulk of the people of Upper Canada.

The second, and no less important object, which Sir John Colborne had evidently in view, was the bringing into operation such a thoroughly efficient and superior School as would, for years to come, and for all useful purposes, prepare the youth of the country to fill, with credit, the various posts in the public service, and positions in commercial life. Such an Institution he, no doubt, felt would meet the pressing, and practical wants of the Province, and would, therefore, merit the approbation of those in the Country, who were competent to judge of such matters. He must have been the more strengthened in this belief, from the fact, which he knew, of the great success which had attended the operations of the well-known Grammar School at Cornwall, and of the no less noted "Old Blue School" at York.

\* In the "Seventh Report of the Committee on Grievances," adopted by the House of Assembly on the 10th of April, 1835, the passage quoted by Lord Glenelg, occurs. (See page xviii of the *Grievance Report*, Octavo Edition, Toronto, 1835, and page 188 of the Second Volume of this Documentary History.

His mode of seeking to accomplish this prospective good to the Province was highly objectionable; and, it is evident, that he hesitated to submit his project to the Legislature in advance, lest the strong feeling in the country on the subject of the projected University would find hostile expression in the House of Assembly, and so defeat his projected plans. He must, however, have consulted his Executive Council on the subject, as we learn from his Communication to the General Board of Education for Upper Canada, in April, 1829,—page 7 of this Volume, *ante*.

The establishment of Upper Canada College was evidently felt to be a gratifying achievement by the Reverend Doctor Strachan; who was himself, the most successful Teacher and noted Educationist of his day. Soon after the establishment of the College—on the 27th of February, 1830—Doctor Strachan submitted to the Legislative Council a series of Resolutions on the subject,—in the first and sixth of which he moved the Council to say that—

This House has beheld with great satisfaction the successful issue of the exertions made by His Excellency to establish in this Province a Classical School of so superior a description, that it well merits the appellation of a College . . . .

We have, at this moment, the very gratifying distinction of possessing means of education that leave to parents nothing to envy, or desire, in comparing the advantages of instruction, enjoyed by their children, with those which are presented by some of the first Public Schools in Great Britain.

In the frequent discussions in regard to Upper Canada College, great stress was always laid upon the fact that that College was of purely local advantage to the Town of York, and afterwards to the City of Toronto. The Reverend Doctor Harris, the first Principal of the College, meets the objection in a practical, common sense, manner. In his "*Observations on Upper Canada College*," published in May, 1836, he says,—

It is, of course, impossible that an Institution, furnished with the means of supplying so solid and complete an education as [Upper Canada College] . . . . should be established in every District,—the expense being far too great, and the demand too limited, for such a provision. The obvious alternative is,—the establishment of one such Institution for the benefit . . . . of the whole Province . . . . must be placed in some District. Such, in fact, were the considerations which led to the foundation of Upper Canada College. (Page 11.)

There was another matter, which was overlooked in these discussions, and that was the fact, that, except at the "Old Blue School" at York, none of the District Grammar Schools made any substantial efforts to merit the distinction which had been accorded to the old Cornwall School, and to the "Royal Grammar School," (as it was called by Sir Peregrine Maitland,) at York. The absorption of this noted school into Upper Canada College, gave an additional *prestige* to the new Institution.

Of course, the great mistake, as well as unaccountable oversight of the Government, and of the Legislature, was, the neglect to make provision, for elementary Schools. Nor was this error repaired until long after the Province had been settled, nor until nine years after a Grammar School had been established in each District. Even when these District Grammar Schools had been established, those



of the wealthier class, who depended on them for the education of their sons, invariably looked to the Legislature for the very means, (which they themselves should have willingly provided,) for the building and repair of the local Grammar School Houses. Failing to get a grant for this purpose, they would allow the badly-furnished School Houses to fall into decay, and then seek to carry on the work of the School in some rented rooms, or houses. The Head Master of the Newcastle District Grammar School, in a Report sent by the Trustees to the Lieutenant Governor in 1838, says:—

The most serious disadvantage under which we labour is the want of a proper School House. The one formerly used for that purpose being now in such a state as to be untenable. (Page 214 of this Volume, *ante*.)

The Trustees of the Eastern District Grammar School were not in quite so disagreeable a plight, but, in their Report they say :

We would humbly suggest to the Legislature the propriety of granting a sum of money to erect a suitable Building for a School House. (Page 213, *ante*.)

The Johnstown District Grammar School Trustees, in appealing to the Government, say :

The Grammar School House is an old frame Building, very cold and inconvenient. The prosperity of the establishment, no less than the comfort of the Masters and Scholars, would be materially increased by the erection of a substantial and well contrived Academy. (Page 213.)

The Midland District Grammar School Trustees, in their Report of the Grammar School of that, the then second Town in Upper Canada, make a more doleful statement of their case than did some of the others. They say:—

We earnestly desire to call your Excellency's attention to the decayed state of the Building now occupied as the District Grammar School House. We beg to assure your Excellency that, in a year or two, at most, it will be in such a ruinous state, as to be absolutely untenable. (Page 213.)

Such being the state of the chief Grammar School Houses in other parts of the Province, it was no wonder that something like a feeling of jealousy should be awakened—and probably with reason—against the new Institution of Upper Canada College, and, at the same time, the immense advantages thus conferred upon the Capital of the Province, by the establishment in it, at the public cost, of a School so superior to any which the Province had hitherto possessed.

It was at a time when this feeling against Upper Canada College had found so strong an expression in the House of Assembly, that the Reverend Doctor J. H. Harris, Principal of the College, decided to issue his elaborate defence of that Institution. This he did in a pamphlet of 23 pages, published in May, 1836. It was the last, as it was the most effective of the replies which had hitherto been made in behalf of the College, since its establishment in 1829.

It was in the House of Assembly that the question was first raised as to the value and usefulness of Upper Canada College. In 1832, it appointed a Committee to ascertain, from the examination of a number of witnesses, "whether, or not, Upper Canada College was necessary, or useful." (See pages 82—96 of the Second Volume of this Documentary History.) In 1835, the College was again

subjected to Parliamentary scrutiny, and a full return of its operations was asked for. (Pages 164, 165 of the same Volume.) In 1836, the question was discussed in the House of Assembly as to whether, or not, it was desirable that the advantage of such an Institution should be confined, as it practically was then, to the Seat of Government, and a Resolution was passed, in which it was stated:—

That large appropriations have been made out of the University Funds, not to the District (Grammar), and Township Common Schools,—undeservedly neglected—but to sustain Upper Canada College, in this City, in which the sons of all the wealthier families are educated. . . .

It is rather singular that, three years later, Lord Durham preferred the same complaint against the University of King's College.—probably suggested by this utterance of the House of Assembly. In his "Report on the Affairs of Canada," he said:—"The lands, which were originally appropriated for the support of Schools throughout the Country, by far the most valuable portion has been diverted to the endowment of the University, from which those only derive any benefit who reside in Toronto, or those who, having a large assured income, are enabled to maintain their children in that Town at an expense, which has been estimated at £50 per annum for each child." (*Lord Durham's Report*, Page 66.)

Lord Durham, in this extract from his Report, misstates the case, and thus does—no doubt unconsciously—injustice to those who had the management of the original Royal Grant of 1797, to which he refers. What the King granted in that year, as communicated to Governor Simcoe by the Duke of Portland, Colonial Secretary, was for "Free Grammar Schools," and "for other Seminaries of a larger and more comprehensive nature."

In 1832, a Return was prepared by the Surveyor-General for the Lieutenant Governor, showing how this Royal Grant of Lands had been appropriated, videlicet,

For the University of King's College, . . . . .	225,944 acres.
For Upper Canada College, . . . . .	66 000 acres.
Reserved for Schools, and Education, generally, . . . . .	257,273 acres.
Original Royal Grant of 1797 . . . . .	<u>549,217 acres.</u>

Thus it will be seen that Lord Durham's statement is entirely misleading, and that an ample reservation "for Schools" was made, independently of what, in terms of the original Royal Grant, was appropriated to King's College University, which was clearly a Seminary "of a larger and more comprehensive nature" than a "Free Grammar School." Even the appropriation of 66,000 acres of the same Royal Grant to Upper Canada College, as a Seminary of a "more comprehensive nature" than a Free Grammar School, although so often challenged as unwarranted, was justifiable, in terms of the Grant itself.

The interest derived from the investment of the proceeds of the sale of the portion of the grant "reserved for Schools," was, by the Act, 2nd Victoria, Chapter 10, directed to be distributed by the King's College Council to Grammar and other deserving Schools, under such Regulations as that Council should see fit to prescribe.

It was to meet various complaints which had been made against Upper Canada College, that the Reverend Doctor Harris, its Principal, prepared and published an elaborate defence of that Institution. It is conceived in good taste, and is written in a style befitting the subject—clear and argumentative, and without animus. Its chief value consists in its exposition of the Principles upon which such superior Institutions are founded and maintained. He pointed out how the famous Public Schools of England have contributed to the greatness of the Empire, by the acquirements of her "Statesmen, Scholars and Philosophers," stimulated and quickened, as their genius and ability was, by the training which they received in the Schools and Universities of the Mother Land.

It should not be overlooked that a great deal of the objection which had been urged against Upper Canada College, and which had found so strong an expression in the House of Assembly, arose largely from the patent fact, that, by an Act of the Legislature itself, a Grammar School had been established in each District, while, at the same time, no provision whatever had been made for elementary Schools in the Townships.—thus "inverting the educational pyramid," as it was said many a time afterwards.

The Province did not recover from the effects of this fatal mistake for many years afterwards. And all the efforts made from time to time by the able men, who took up the matter, in the Legislature, ended in partial failure, or in spasmodic success. This was largely due to the persistence, more or less strong, of those who sought to maintain the traditional idea that "Grammar Schools and a University" were the only educational institutions provided for, or authorized, by the Royal Imperial Grant of School Lands in 1797;—the Grammar Schools were to be adjuncts to, or feeders, of a University, which, as yet, had no existence except on paper.\*

I shall now make some extracts from the pamphlet published by the Reverend Doctor Harris;—omitting the former part, which deals with the more local features of the case, and with the proceedings of Sir John Colborne.

#### THE REVEREND DOCTOR HARRIS' DEFENCE OF UPPER CANADA COLLEGE.

It is a certain fact that a liberal and comprehensive education cannot be provided but at a considerable expense, to be borne somewhere. The people in general, in a new country, cannot bear it from their private means, and it must, therefore, if provided for at all, be borne by the public resources.

\*See the example of New Brunswick, as cited by the Reverend Doctor Harris, on page 318, *post*.

## THE EDUCATIONAL EXAMPLE OF EUROPE, AND OF ENGLAND QUOTED.

Even in the old countries of Europe, and particularly in England, all the leading Seminaries are supported by endowments; and limited indeed, in comparison with what they actually are, would be the means of education in Great Britain, had not Royal, and individual munificence founded Schools and Colleges for the promotion of learning, and made such permanent provision for the maintenance of Tutors and Masters, as leaves little comparative expense to be defrayed by many parents, whose sons must otherwise have wanted that which has proved to them more valuable than the richest inheritance.

To this patriotic and generous regard of our forefathers for the interests of learning, it is to be ascribed that, in England, so many men of humble origin have been enabled to raise themselves to proud distinction as Statesmen, as Scholars and Philosophers. Looking particularly at the profession of the Law, how many of our most considerable families, are indebted for their present position in Society, to the facilities which happily existed for the education of that ancestor, whose superior talents first raised himself and his name from humble obscurity.

## IMPORTANCE OF SUPERIOR EDUCATIONAL INSTITUTIONS IN CANADA.

This allusion reminds me of the recommendation which was made at a popular meeting in this place some few years since—that the Home Government should send out Judges to Canada from the English Bar, till the improved state of education in the Province should render such a course unnecessary.\* Now, in one point of view, I should certainly not have adverted to this circumstance, as making for my present argument; for to nothing could a stronger appeal be made, in proof of the sufficiency of the existing means of [higher] education, than to the actual discharge of the judicial functions in Upper Canada: but I may fairly be allowed to infer, from the fact of such an opinion having been expressed, that it was not generally considered that the then available means of education were adequate to the requirements of the Colony; and that, therefore, an Institution which is every year sending out youths, not inferior in classical knowledge to the greater part of those who leave the Public Schools in England for the Universities, and with the addition of many useful attainments, which the latter do not generally possess, is not conferring unimportant advantages on the Province at large, and could not be dispensed with, but at the certainty of still keeping the standard of education below the point which is correspondent with the general advancement and exigencies of the community.

## CONTRASTED PRESENT VALUE TO UPPER CANADA OF THE COLLEGE AND A UNIVERSITY.

The disproportion between the expense [of Upper Canada College] and the amount of advantage diffused [by it], through the Province, would be still more apparent with regard to a University,—the expenditure on which must be manifold greater than on an introductory Seminary, whilst the number of individuals who would, probably, avail themselves of the former, could not, for many years, be at all equal to the number of pupils receiving their education at the latter. And yet, I have never heard any objection of this nature to the University, as though its endowment was too great, or as though the Province in general were likely to derive very little advantage from it; for, besides the fact, that the expense of education, beyond a certain grade, increases in a rapid ratio, as the standard rises, it must be obvious, with respect to the higher pursuits of learning and science, that the taste and demand for them, in a new community, must, not only be encouraged, but, in a great measure, created; and this is to be done, not by a tardy supply of facilities and assistance, only afforded, when the necessity for them can no longer be denied, but by providing opportunities in advance, which may elicit, latent genius, and lead the way to the loftier paths of knowledge. To delay, therefore, the commencement of the University till a much larger number of students actually presented themselves to enter its walls, would be to postpone the cultivation of a field till a few spontaneous ears had multiplied themselves to a full crop; forgetting the danger that the seeds, thus left to themselves, may perish, whereas, if carefully collected and cultivated, they would probably, in a few seasons, produce an abundant increase.

I now proceed to the question: whether it [Upper Canada College] is worth the cost to the Province; or, in other words, to reply to the opinions that “the Province generally derives very little advantage from the College, and that it might be dispensed with.” [As quoted by Lord Glenelg, from the “Seventh Report on Grievances,” page 311, *ante*.]

\* While no one in Canada would think of advocating such a course at the present day, so far as the judiciary is concerned, it is yet a singular fact, that one of the most prominent of our religious communions still send in many cases to England for persons to fill some of the highest positions among her clergy.

## NECESSITY OF PLACING A SUPERIOR EDUCATIONAL INSTITUTION IN A CENTRAL PLACE.

I infer, from the expression : "the Province generally" that it is implied that the advantages of the College are chiefly confined to the immediate vicinity of Toronto ; and, it is certainly the case, that the greater part of the pupils has always been from the city and neighborhood. The number of boys from the county, (and some from very distant parts,) has generally been rather more than a third of the entire number ; and, when it is considered how many circumstances, besides the expense, may concur to make it inconvenient for parents to send their sons far from home, this is perhaps nearly as large a proportion as could be expected. But the benefits to the Province at large are not to be solely estimated by the comparative number of pupils who are sent to the College from districts, more or less remote from its vicinity. The beneficial effects of talents, which are drawn forth, and cultivated, by a systematic course of education, are not confined to the locality, either of the school, or of the home, of the talented individual ; the talents, thus matured, are the property and advantage, no less than the ornament of the Country at large.

No one thinks of enquiring whether a Bacon, or a Newton, a Johnson, or an Addison, received his education in his native Town, or at a distant School ; the whole Nation enjoys the fruit of their talents, and glories in their fame, wherever they were educated. It may, indeed, be a source of honest pride to particular schools to have educated such luminaries, as it may be to their native places to have produced them ; but, the distinction, thus enjoyed by the one, does not, in the least, diminish the public advantage, and the public honour derived from their abilities.

Besides the pupils I have [mentioned], numbers have left the College, at various stages of advancement, short of completing the course ; and who may be supposed to have profited by their attendance in corresponding degrees.

Is then, the Province in general really deriving no advantage from an Institution, which, at this early period of its existence, has sent forth so many young men thus qualified, who can not fail to carry with them the influence of mental culture and refinement, into the various parts of the Province, through which they will be in a few years dispersed ?

## THE NECESSITY FOR A SUPERIOR PREPARATORY COLLEGE.

As the Institution continues its operations, and with those improvements, which lengthened experience may be supposed constantly to suggest, it must send forth increasing numbers of pupils, whose qualifications will be more and more various and complete. Nor can there be a doubt, that these numbers would be yet further increased, and the consequent benefits be enhanced and perpetuated, if, on leaving the College, young men had the opportunity of prosecuting their studies, and of earning distinction by their attainments, at a Provincial University.

Instead, therefore, of admitting the position that the College might be dispensed with, I would, with all deference, maintain, that it, or some similar Institution, is indispensable, if it be desirable that Upper Canada, advancing as it is in every other respect, which gives importance and superiority to a people, should not remain stationary as to literary and intellectual improvement.

## SUCH AN INSTITUTION AS UPPER CANADA COLLEGE MUST BE IN SOME CENTRAL PLACE.

It is, of course, impossible that an Institution, furnished with the means of supplying so solid and complete an education as is contemplated in the above remarks, and as can alone effect any essential general improvement, should be established in every District,—the expense being far too great, and the demand too limited, for such a provision. The obvious alternative is, the establishment of one such Institution, for the benefit, not of the particular District in which it is placed, (and it must be in some District,) but of the whole Province. Such, in fact, were the considerations which led to the foundation of Upper Canada College. It was observed that the general standard of education to be obtained at the District (Grammar) Schools did not, and, from their nature and circumstances, could not, afford an adequate preparation for the higher departments of study, which are appropriate to a University. Hence appeared the necessity for a Seminary, which, as a Provincial Institution, should hold an intermediate position, and fill up the existing interval, between the District (Grammar) Schools generally and the University.

## NECESSITY FOR A PREPARATORY TRAINING BEFORE ENTERING A UNIVERSITY.

If it be desired that the University should yield all the advantages to the Province which such an Institution is calculated to confer, it is absolutely necessary that the youth, who resort to that ultimate seat of learning, should be duly qualified by their previous education, to improve the opportunities to be there afforded them. For, though it is far from an unimportant incidental advantage of a University, that it will afford to young men, who have already entered upon the active engagements of life, opportunities of attending lectures on various branches of literature and science; this is not the primary object of such an Institution: that object is rather, by maturing and perfecting the attainments of young men, to give them higher qualification and improved tastes, previously to their entering the world; and also, to encourage a more careful attention to the earlier stages of education, by offering a field, in which superior talents, and attainments may gain public distinction and record. But neither of these essential objects can be fully realized by youths, who have no choice, but to proceed to the University, with such preparation as was attainable previous to the institution of Upper Canada College. The interval between the District (Grammar) Schools and the University, as I have already intimated, was too great to be passed over at a single step.

The correctness of this opinion has been practically illustrated in New Brunswick. In that Province, a University was put into operation about five years ago, (1831,) without, at the same time, making such addition to, or alteration in, the previously existing means of education, as should afford the requisite preparation for those intending to avail themselves of the new Institution: the consequence was, that youths were sent there at an age, and with acquirements, alike unsuited to the studies and regulations of the place; and it was found that the students were too young to be left to their own guidance and control, and yet, as Members of a University, they could not be subjected to that discipline, and restraint, which their years required. From this instance, and, from the nature of the case, it appears, therefore, highly probable, that had circumstances allowed of the University going into operation some years since, the establishment of an Institution, similar to Upper Canada College, would, in a short time, have followed, as a necessary auxiliary.

## THE COURSE OF STUDY IN UPPER CANADA COLLEGE AND IN THE DISTRICT GRAMMAR SCHOOLS SHOULD CORRESPOND.

In order that Upper Canada College may duly fulfil this object of supplying a connecting link between the District (Grammar) Schools throughout the Province, and the University, it is, of course, essential that there should be such an uniformity of system pursued at those Schools and in the College, as would make the former the proper preparatives for the latter; so that, on the removal of a pupil from one place of education to the other, he might not find himself thrown back, and discouraged by the difference of method, and the strangeness of everything about him, but might feel that he was only transferred to a more advanced position in the same system.

## DESIRABILITY OF PREPARING NON UNIVERSITY PUPILS FOR AN ORDINARY BUSINESS LIFE.

Whilst, however, maintaining the necessity for a Seminary, capable of imparting a thorough liberal education, I am not insensible to those peculiar circumstances of the Province, which render it desirable, that the course of instruction, to be adopted at such a Seminary, should, as far as is compatible with the attainment of its primary object, be so arranged as to afford to pupils, not finally destined for the University, or for the learned professions, the means of acquiring, by proceeding through a certain portion of the system, such an education, as would be suitable for every member of a respectable society: and I feel that an arrangement of this kind, to the fullest practical extent, is the more proper, because, though the same degree of proficiency, in some branches of study, may not be requisite for the future merchant, or agriculturalist, as for the member of a liberal profession, there are no requirements of general information useful to the former, which are not also advantageous to the latter.

Continued modifications in the course of study have, from time to time, been suggested and introduced,—all tending to increase the proportion of miscellaneous studies, to retrench the time devoted to the Classics, till, at present, this latter branch occupies less than half of the time spent at the College by pupils of any standing.

## PRESENT COURSE OF STUDY AT UPPER CANADA COLLEGE, 1836.

The following is an outline of the Studies at present pursued at Upper Canada College :—

The Preparatory School, as its name imports, is merely for the preparation of those pupils who are not qualified to join the lowest College Form. . . . The subjects of study are : Latin accidence ; English Reading and Spelling ; Writing and Arithmetic. . . . Pupils are removed into the Junior College Form, as soon as they are sufficiently prepared.

*First College Form :* Latin Grammar and Exercises ; Corderius ; English Reading and Spelling ; Elementary Geography, *viva voce* ; Writing and Arithmetic.

*Second Form :* Latin Grammar ; *Exempla Minora* ; *Lectiones Selectæ* ; English Reading and Dictation ; Geography ; Outlines of English History ; Writing and Arithmetic ; French.

*Third Form :* Latin Grammar ; *Exempla Minora* ; Phædrus ; Cornelius Nepos ; Rudiments of Greek, (one hour a week) ; English Reading and Dictation ; English History ; Geography ; Writing ; Arithmetic ; French ; Geometrical Drawing, as preparatory to Surveying.

*Fourth Form :* Latin Grammar ; Clarke's Exercises ; Cæsar ; Ovid ; Greek Grammar ; Greek Exercises ; Greek Delectus ; English, or Roman, History ; English Exercises ; Writing ; Arithmetic ; French ; Geometrical Drawing ; Mathematics, (by pupils sufficiently advanced).

*Fifth Form :* Latin Grammar ; Ellis's Exercises ; Sallust ; Ovid ; Greek Grammar ; Greek Exercises ; Greek Testament ; *Analecta Græca Minora* ; English Composition ; Roman, or Grecian, History ; Writing ; Arithmetic ; French ; Geometrical Drawing ; Mathematics.

*Sixth Form :* Latin Grammar ; Latin Exercises ; Virgil ; Cicero's Orations ; Latin and English Composition ; Greek Grammar ; Greek Exercises ; Greek Testament ; Homer ; General History ; Writing ; Arithmetic ; French ; Geometrical Drawing ; Mathematics.

*Seventh Form :* Valpy's *Elegantie Latine* ; Cicero ; Livy ; Horace ; Latin and English Composition ; Greek Grammar ; Greek Exercises ; Greek Testament ; Greek Poetry ; Greek Prose ; Arithmetic ; French ; Geometrical Drawing ; History and Geography ; Mathematics ; Natural Philosophy.

*Partial Class* for those pupils who do not intend to pursue a Classical Course : English Composition ; History ; Geography ; Writing ; Arithmetic ; Mathematics ; French ; Geometrical Drawing ; Book-keeping.

*Note.* Throughout the whole College Course, every Form, (except in the case of those boys whose parents object,) has a Scripture lesson on Mondays and Fridays, consisting of recitation and reading ;—both lessons being accompanied with such explanations, by the Masters, as are calculated to illustrate the subject, without interfering with any peculiar religious tenet. . . .

It will at once be seen that the education above described is very far from being merely Classical : that it comprises in fact, besides the Classics, progressive instruction in Writing, Arithmetic, Book-keeping, Geography, History, English Composition, French, Mathematics, Principles of Land Surveying, and the Elements of Natural Philosophy.

To this, as a whole, I would confidently appeal, and ask, whether the youth, who has been done justice to by himself and his Teachers, in going through it, can be said not to have received a useful education ; something more than a barren acquaintance with a few Latin and Greek books. But, it is, as a whole, that it can alone be fairly and adequately judged of. For though, in accordance with the principles already adverted to, it will be observed, that a pupil who has gone regularly through the three lower Forms, will have acquired the substantial of a plain and practical education ; to which he will make further additions as he ascends higher in the system—(and, in still greater proportion, if he should be removed from the third, or any higher, Form, into the Partial Class, where Classical studies are altogether omitted),—though there are the means of a boy's acquiring the fundamentals of an English education, by attending on but a small portion of the system ; yet, it is obvious, that no fair estimate of any systematic course of education, in its completeness, can be formed from these detached fragments of it.

## COURSE OF STUDY FOR THOSE DESIROUS OF COMPLETING THEIR EDUCATION.

In framing a system of Education for a public Seminary, reference must, of course, be had to the case of pupils who are supposed to begin at the foundation, and pass regularly through the several stages, till they arrive at its completion. Accordingly, a certain range of subjects being proposed, as those which are embraced in the entire course, these are adjusted and disposed of in such order and combination as appear best calculated to lead the pupil through successive degrees of advancement, till he is conducted to the completion. If, therefore, a boy knowing little, or nothing, is brought to such a Seminary, and withdrawn, after a time which is only sufficient to carry him through a sixth of the course, is it reasonable to charge the Seminary with not teaching him the other five-sixths ?

It is manifest that everything cannot be learned at once, nor any single subject, without the consumption of a certain portion of time; the acquisition, therefore, of several branches of knowledge must necessarily occupy a proportionably lengthened period; and it is as unjust, as it is unreasonable, to condemn any scheme of education as defective, on a view of the attainments of a pupil who has passed through but a small part of it, particularly if that part be at the commencement, and, therefore, chiefly elementary. If the pupil began at the beginning, all that can be required is, that he should be thoroughly instructed as far as he has advanced, and that his advancement should be proportionate to the time he has been taught: if he was removed from another School, and placed at some intermediate position of the College, the latter cannot be responsible for the degree of accuracy and soundness with which, the ground-work of his previous education may have been laid; and should this have been imperfect, the difficulty of repairing the defect, by any subsequent pains, is greater than can be imagined, without experience.

I believe that everybody assents to the practical good sense of the Dutch Minister of State, who said that he "got through so many things, by doing only one thing at a time"; and yet, I have often had occasion to think that many parents do not consider this maxim applicable to the business of education; for I am sensible that an adherence to the principle of not attempting to teach a greater variety of subjects at one time, than could be taught thoroughly, nor more advanced subjects than were suitable to the existing attainments of the pupils, has injured the College in the estimation of not a few, who were impatient to see a more rapid and ostensible progress, than the age, or attainments, of their children rendered practicable.

#### THE VALUE OF CLASSICAL STUDIES—TIME REQUIRED IN THEIR ACQUISITION.

This remark applies more particularly to some who, being themselves unacquain'd with the Classical languages, are incapable of estimating the progress which their children really do make in the rudiments of Latin, and are also not aware of the time which is unavoidably expended, at first, in acquiring these elements, but with which a thorough familiarity is indispensable to the attainment of any proficiency in the Classics which shall be of future avail; for to nothing, perhaps, is the maxim that: "if it be worth while to do a thing at all, it is worth while to do it well," more applicable than to elementary Classical studies, which, if they be superficially taught, all future labour is little better than thrown away.

And whatever diversity of opinion may exist as to the value of Classical knowledge and taste, when obtained, there can be none as to the useless waste of time, caused by the process which, after three or four years of Classical instruction, leaves a boy so little acquainted with grammatical principles, that he cannot, without assistance, account for the construction of a single sentence, nor understand an ordinary passage, in a Latin author. Yet, this must be the case, if, for the sake of a seemingly rapid proficiency, the necessary time and pains be not taken for securing the ground-work. A child, or a native of the woods, on seeing the foundations of a house sunk in the earth, might think it very unnecessary to lay so much material, with such great nicety, where it would never afterwards be seen; but little architectural experience is requisite to teach us what would be the consequence of beginning to build on the surface of the ground.

Moreover, though the progress of the pupil, to an unpracticed observer, may for a time, be scarcely observable, the mind is, nevertheless, acquiring materials and strength for future efforts and success, as certainly as the absorption of sap is daily adding to the vigour and growth of the young tree, though the increase in its size may not be apparent to the eye for months, or years. And, I might add, that the sounder and more serviceable the tree is, in its maturity, the slower and more gradual is its early growth.

It will not be supposed that I am advocating an exclusively Classical education, if I here venture to express a conviction,—the result of personal observation,—that those are much mistaken who consider that the mind of a boy, whilst occupied with Latin Grammar, and its application, is stagnant, and its powers unexercised; the fault must be very much in the Teacher, if the pupil's judgment and reflection be not constantly called into action, at a very early stage, where a reason is to be given for the construction of every word in a sentence; and general principles are to be applied to particular cases, at every step.

#### ABSENCE OF UNIFORMITY BETWEEN THE GRAMMAR SCHOOLS AND UPPER CANADA COLLEGE.

The extension of the advantages of Upper Canada College has been limited by another circumstance, to which I have already adverted, namely, the absence of any general uniformity in the systems pursued in the District (Grammar) Schools throughout the Province, and at the College.



Scarcely any two District (Grammar) Schools, I believe, at present, use either the same books, or pursue the same mode of instruction; the consequence is, that if, from any circumstance, a boy is moved from one school to another, his progress receives a check from the change to which he is subjected. The books which are put into his hand at the new School, are probably different from those he had been used to; the method of teaching different; so that, even though the School, to which he is removed, should be, in every respect, superior to that which he has left, he cannot fail to labour under, at least, temporary disadvantages. Hence the pupil becomes disheartened, and his friends annoyed, because he does not occupy just the same position in the one School that he did in the other.

At a Seminary, like Upper Canada College, receiving scholars from many other quarters, of course, these inconveniences are exhibited under as many varieties as there are various modes of instruction at other Schools. And, in addition to the practical embarrassment thus caused to the College, with the discouragements to the new pupils, and the disappointment of their friends, it is not to be wondered at, if the feelings of the former Teachers are unfavourably affected at the idea of their pupils appearing to disadvantage—though, perhaps, without fault attributable to either place of education—at an Institution whose more public and prominent position naturally makes any thing like an indication of opinion more regarded, than in the case of comparatively private Schools.

All these inconveniences, which arise from the present relation, or rather, want of relation, of the District (Grammar) Schools to each other and to Upper Canada College, would be, in a great measure removed by the adoption, under authority, of one Uniform System of Education at all of those Seminaries which may be called 'public.' This uniformity might, by marking out some fixed general outlines, and by enforcing the use of the same fundamental School Books, especially Grammars, be carried sufficiently far to obviate the disadvantages above referred to, without unnecessarily interfering with the exercise of each Master's judgment, and the practice of his own peculiar methods of teaching, in details.

A well organized arrangement of this kind, by which the District (Grammar) Schools should, as far as they go, correspond with, and be introductory to, Upper Canada College, as the College would be introductory to the University, could not fail of producing those essential and permanent advantages which ever attend systematic and uniform operations, above desultory and unconnected efforts; while the present state and circumstances of the Province, with respect to education, seem to render the execution of such a design as practical, as it would be beneficial.

TORONTO, May, 1836.

JAMES H. HARRIS,  
Principal of Upper Canada College.

## CHAPTER XIX

### MISCELLANEOUS PAPERS RELATING TO EDUCATION IN UPPER CANADA, 1839, 1840.

ST. THOMAS. Mr. Edward M. Crone writes: Of the Public and Private Schools taught in the early Village days of St. Thomas, and who were the Pedagogues, even that living Dictionary,—the Oldest Inhabitant—knoweth not; their memories and their names seem to have vanished. About the year 1840, two persons, Messieurs Bennett and Holt, were engaged as Teachers, and, evidently, with good results, for they retained their position for several years,—one of them for nearly ten,—as Public School Teachers.

NIAGARA. Miss Janet Carnochan, in her account of St. Andrews Church, Niagara, says,—

In 1840, there is a reference to the school kept by Mr. James Webster, who was also Precentor in St. Andrews, in the School Room under the control of the Church, in 1842, called St. Andrew's School, and to avail themselves of the Act passed by Parliament in 1841 in regard to "Common Schools." By the references to Schools and Libraries, (which I have made,) we feel proud to see that St. Andrews, in those early days, was doing her share to give an education to her people, both secular and religious; for, from 1802, there are references to a School in connection with St. Andrew's Church. (*Account of St. Andrew's Church, page 22.*)

GUELPH. Mr. H. W. Peterson writes: I send you a letter from the Reverend Doctor Torrance, our venerable ex-Inspector and Secretary of Schools. In that letter, Dr. Cochrane says: I have endeavoured to collect information regarding the origin and early history of the Grammar School, now the Collegiate Institute, in Guelph, but the effort has been far from satisfactory. The first records of the Board of Trustees cannot be found, so that there was nothing on which

to fall back, but the memory of early settlers, and that of men who were pupils in the Institution at its commencement. Very little information was to be procured from the first of these, and comparatively few facts from the latter. They could give very interesting personal reminiscences, but not much bearing upon the history of the School. They have, however, supplied the following: "The School was opened in a House on Waterloo street, nearly opposite the present Gas Works, and which is still standing, but I could not find out the date of its opening, nor how long it was held in that Building. The first Teacher was Mr. Verner, and he was in the mastership when I settled in Guelph in November, 1846.

**PERTH.** A Committee, of which Mr. R. J. Drummond was Chairman, having been appointed to collect information as I had, in my Circular, requested, in regard to the early Schools of Perth, writes to say that, there was a very prominent School about the year 1840 known as "The old Stone School" in the West Ward of the Town on D'Arcy Street, of which Robert Lees of Ottawa, afterwards Q.C. practising in Ottawa, was the first Teacher. John McKay, son of Captain McKay, succeeded him. William Somerville and Duncan Morrison were successively Teachers in that School. Duncan Morrison was afterwards Minister in the Presbyterian Church and died lately in Owen Sound.\* According to the statement of many, now grown gray with years, punishment was inflicted in these early Schools, without being tempered by mercy. Between 1839 and 1844, Mrs. Wilson, wife of the Minister of St. Andrew's Church, taught the leading ladies School in the building, which is now the Methodist parsonage. The Misses Sinclair kept a Ladies School on Drummond Street, opposite the present residence of Mr. William Meighen, This was a Boarding and Day School, and under their care some Ladies were educated who came from as far as Little York, now Toronto. The honour of being the first child born in the District of Bathurst and who attended the District Grammar School is divided between James Bell our present Registrar, and William Moore, of the Township of Elmsley, both living and hale men still. Leaving the Town of Perth for the Municipality, we find that a School was established, "an unsightly log shanty, on the road allowance between the Townships of Beckwith and Ramsay, now in the middle of the Town of Carleton Place. This School was taught by Mr. Kent, who is said, notwithstanding the mean pretensions of the School House, to have been a good Master. Where the Village of Middleville now stands, in the Township of Lanark, a School House was put up and occupied by Robert Mason and his scholars. These are among the early public and private Schools in the recollection of living men or in early records of the then District of Bathurst, now the County of Lanark. These records bring us down to the "forties," during which the amalgamation of all Schools was first brouched.

**PICTON.** Mr. Valentine of Bloomfield writes: In 1840, Mr. John Joseph Gurney of Norwich, England, who was on a visit to Canada, purchased a site for a School with a dwelling house on it for \$2,500. A Boy's School was forthwith erected on it, and, in 1841, the School was opened. The Friends Society in Canada raised the rest of the money to purchase furniture, and other necessary things.

**BRAMPTON.** Mr. Henry Roberts says:—About 1840, a School was kept by a Mr. Darby, and a School for both sexes by a Mrs. Holmes.

**UPPER CANADA ACADEMY, Cobourg:** In the Address of 1840, from the Methodist Conference in Canada to the Conference in England, the following passage occurs:—We are truly thankful for the increasing efficiency of the Upper Canada Academy. In the several departments of its government, tuition and general management, the Institution has experienced a decided improvement, and afforded us sincere satisfaction during the past year; and we confidently look forward to its still greater success in elevating and forming the intellectual and moral character of the Province."

The Reverend Jesse Hurlburt,† Acting Principal, in writing to the Reverend Doctor Ryer-son, on the 24th of October, 1840, says: Although only part of the old students, who are expected to return, have arrived, nearly all the rooms, which have been formerly occupied are already taken up. We have heard enough from others to make our numbers as great as they have ever been; and we shall expect some more, perhaps many, of whom we have not yet heard. Most of the students who have come are those of whom we had no previous information. We shall probably have more young ladies in the female department than ever before, as all the rooms, which have ever been occupied, are already engaged; and word has been had from other students, who are expected.

**KING'S COLLEGE APPOINTMENTS 1830—1838.** The following is a Statement of the authority under which the Salaries and allowances are paid to the President and other Officers of King's

\*The Reverend Duncan Morrison, M.A., while Minister at Owen Sound, published an interesting Work, of 250 pages, on *The Great Hymns of the Church*. He wrote me a very kind note on a series of papers which I published at the same time in the *Evangelical Churchman on Hymns and Hymn Writers*.

†The Reverend Jesse Hurlburt, M.A., afterwards settled in Ottawa, where he died in May, 1891 aged 79 years. He there became noted as a local literary man and author of some works. He took the degree of S. LL.B., and of LL.D. at Toronto University in 1850 and 1856.

in the Institution first of these, and personal remuneration, however, supplied opposite the price of its opening, nor and he was in the

ing been appointed Schools of Perth, own as "The old of Lees of Ottawa, son of Captain ively Teachers Church and died gray with years, mercy. Between aught the leading sses Sinclair kept William Meighen, educated who came born in the Dis- ween James Bell a living and hale l was established, of Beckwith and as taught by Mr. , to have been a ship of Lanark, a These are among ly records of the us down to the

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by a Mr. Darby,

Methodist Con- :—We are truly e several depart- us experienced a ; and we confi- ctual and moral

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of the authority Officers of King's

interesting Work, es of papers which s.

in May, 1891 aged He took the degree

College, by the Council of that College, in compliance with the Address of the House of Assembly to His Excellency the Lieutenant Governor, dated the 29th of April, 1839. (See page 150 of this Volume, *ante*).

*March 17th, 1830.*—An Order in Council was passed, directing that Mr. Richard Coleman be appointed Overseer of the King's College Grounds, with a salary of Sixty pounds Provincial currency per annum.

*October 1st, 1831.*—An Order in Council was passed, directing that Mr. John Wedd be appointed Overseer, *vice* Mr. Richard Coleman, deceased, with the same salary and apartments.

*March 16th, 1832.*—Notification from His Excellency the Lieutenant Governor, Sir John Colborne, was received by King's College Council, that he has appointed Lieutenant Colonel Joseph Wells to be the Registrar of King's College, *vice* the Honourable George Herchmer Markland, appointed Inspector General of Public Accounts, whereby his Salary was increased to Three Hundred pounds, Provincial Currency, per annum, as Registrar and Bursar.

*March 27th, 1833.*—An Order in Council was passed, to allow Mr. John Wedd as Overseer of King's College Grounds Twelve pounds Ten Shillings, Provincial Currency, per annum, for House Rent, until he could be put in possession of the House before occupied by Mr. Richard Coleman, his predecessor, which the Widow and Family of the latter still occupy.

*February 27th, 1835.*—Upon a representation of Mr. John Wedd, of the inadequacy of his salary, and a solicitation that the sums collected by him for the pasturing of cattle, &cetera, might be allowed him as a perquisite, It was ordered in Council, that no perquisites whatever should be allowed; but that, taking into consideration all the circumstances of the increasing responsibility of the Overseer, in managing the farming concerns, his salary, from the first of January last, should be at the rate of five shillings, Provincial Currency, per day; and that a proportion of this salary, (*videlicet* Six pounds Five Shillings, Currency, per annum), should be charged against the Upper Canada College, on account of the Overseer's occasional superintendence of the Ornamental Grounds attached to it.

*December 17th, 1836.*—Upon the strong representation of the Bursar, that Mr. Henry Hawkins, the Messenger, had been necessarily employed as a Junior Clerk, for upwards of a twelve month past, in consequence of the increasing duties of the Office, which required additional aid, that he was found fully adequate to the situation, it was ordered in Council, that Mr. Henry Hawkins be allowed an additional salary of Twenty-Five pounds, Provincial Currency per annum, for the current year. N.B.—His former salary, as Messenger, was Fifty pounds per annum.

*February 22nd, 1837.*—The Reverend Doctor Strachan, President, of King's College, communicated to the Council that, in reference to the situation of the Officers of the Institution, and the prospect of its speedily getting into actual operation, and the necessity of active measures being immediately taken for the effecting this object, he had thought it reasonable to express to His Excellency the Lieutenant Governor, Sir Francis Bond Head, his desire to draw his appointed salary, as President, from the first day of January last, having foreborne any application hitherto, in consequence of the obstacles which had arisen to the execution of the Charter, and that His Excellency had been pleased to approve of this suggestion, which he had expressed, It was ordered in Council, that the President's salary, (Two Hundred and Fifty pounds, Sterling, per annum,) be considered as accruing from the first day January last, (1837), and he hereafter paid out of the funds of the Institution, upon the scale established by His Majesty's Government, as notified in a Despatch from Earl Bathurst to His Excellency Sir Peregrine Maitland, dated Downing Street, March 21st, 1827. (See Pages 16 and 301 of this Volume, *ante*.)

*August 15th, 1837.*—An Order in Council, was passed, directing that Mr. Thomas Young be employed as Architect for the proposed Buildings, at the rate of Two Hundred pounds Provincial Currency, per annum, from the first of May last, when he was first employed in drawing Plans and preparing estimates for the King's College Building.

*February 8th, 1838.*—An Order in Council was passed, directing that the salary of the Clerk, (Mr. George Percival Ridout,) be One Hundred pounds, Provincial Currency, per annum, from the period of his being first employed.

*May 12th, 1838.*—Upon the strong recommendation of the Bursar, of the inadequacy of the salary of Mr. Henry Hawkins, the Junior Clerk, for the very efficient services which he had zealously rendered for upwards of three years, it was ordered in Council, that the salary of Mr. Henry Hawkins, be raised from Seventy-Five to One Hundred pounds, Provincial Currency, per annum, from the first of January last, (1838.)

*March 21st, 1839.*—An Order in Council was passed directing that the sum of One Hundred and Fifty pounds, Provincial Currency each, be the respective salaries of the Registrar and Bursar, to commence from the date of their appointment.



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## ERRATA :

*Page 42* : Twenty-ninth line from the bottom, for Sir John Colborne, read Sir Francis Bond Head.

*Page 51* : Third line from the bottom, for Duncumbe, read Duncombe.

*Page 59* : Fifteenth line from the bottom, for Sir John Colborne, read Sir Francis Bond Head.

*Page 83* : Nineteenth line from the bottom, for Midland District School, read Midland District School Society.

*Page 139* : Eight lines from the top, for Walter Stennet, read Walter Stennett.

*Page 145* : Nineteen lines from the bottom, for etcetra, read etcetera.

*Page 161* : Twenty-fourth line from the top, for 1832, read 1833.

*Page 198* : Second line from the bottom, for etcetra, read etcetera.

*Page 283* : Third line from the bottom, for Grammar School, read Grammar School Bill.

NOTE. The headings, or head lines, of pages 147, 149, 151, 153, 155, 157 and 159 should read: Educational Proceedings of the Upper Canada Legislature, 1839. Those on pages 161, 163 and 167 should also have the same head lines, or heading. The dates on pages 168-172, should be 1839, not 1838, 39.

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