

CANADA.

COPY of Address of the Legislative Council
of Canada respecting a ROYAL CHARTER for
a COLLEGE in connection with the Church of
England in Canada; and respecting a Free
Convocation of the Bishops, Clergy, and Laity
in Communion with the said Church; &c.

(*Mr. Gladstone.*)

Ordered, by The House of Commons, to be Printed,
20 February 1853.

90.

Under 1 oz.

CANADA.

RETURN to an Address of the Honourable The House of Commons,
dated 3 February 1852;—for,

A “ COPY of ADDRESS of the Legislative Council of *Canada* respecting a
ROYAL CHARTER for a COLLEGE in connection with the Church of *England*
in *Canada*; and respecting a Free Convocation of the Bishops, Clergy,
and Laity in Communion with the said Church, dated the 9th day of July
1851:”

“ And, COPIES of EXTRACTS of any CORRESPONDENCE relating thereto.”

Colonial Office, Downing-street, }
20 February 1852.

FREDERICK PEEL.

(*Mr. Gladstone.*)

Ordered, by The House of Commons, to be Printed
20 February 1852.

SCHEDULE.

No. in Series.	From	Date and No.	SUBJECT.	Page.
1	Gov.-general the Earl of Elgin and Kincardine to Earl Grey.	11 July 1851 (No. 90)	Forwarding an Address of the Legislative Council of Canada in reference to the Correspondence which has passed on the Subject of a Royal Charter for a College, to be established in Upper Canada, in exclusive Connexion with the Church of England; together with a Protest against the Adoption of the Address -	3
2	Earl Grey to the Earl of Elgin and Kincardine.	31 July 1851 (No. 630)	Acknowledging the above Communication, and referring to a previous Despatch (No. 623, of the 15th July) on the Subject - - - - -	5
3	Earl Grey to the Earl of Elgin and Kincardine.	15 July 1851 (No. 623)	Containing the Views of Her Majesty's Government on the Subject of the Proposal for a Charter to the University of Toronto - - - - -	6

COPY of ADDRESS of the Legislative Council of *Canada* respecting a ROYAL CHARTER for a COLLEGE in connection with the Church of *England* in *Canada*; and respecting a Free Convocation of the Bishops, Clergy, and Laity, in Communion with the said Church, dated the 9th day of July 1851; and COPIES or EXTRACTS of any CORRESPONDENCE relating thereto.

— No. 1. —

(No. 90.)

COPY of a DESPATCH from the Earl of *Elgin and Kincardine* to Earl *Grey*.

No. 1.
The Earl of *Elgin*
to Earl *Grey*.
11 July 1851.

Government House, Toronto, 11 July 1851.

(Received 28 July 1851.)

(Answered 31 July 1851.—No. 630, P. 5.)

My Lord,

I HAVE the honour to transmit the copy of an Address to me by the Legislative Council of this province, in reference to the correspondence which has passed between your Lordship, the Bishop of Toronto, and the Provincial Government, on the subject of a Royal Charter for a college to be established in Upper Canada, in exclusive connexion with the Church of England. A protest against the adoption of this Address, signed by three members of the Council, the Honourable Messrs. Gordon, Boulton, and Macaulay, will be found in the minutes of the Legislative Council, which are sent to your Lordship by this mail.

I have, &c.

(signed) *Elgin and Kincardine*.

Enclosure 1, in No. 1.

To his Excellency the Right Honourable *James Earl of Elgin and Kincardine*, Knight of the most Ancient and most Noble Order of the Thistle, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

Encl. 1, in No. 1.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council of the province of Canada in Parliament assembled, humbly beg leave to thank your Excellency for having communicated to this House the Charter applied for by the Right Reverend and Honourable the Bishop of Toronto to Her Majesty's Secretary of State for the Colonies, for the sole use of the Church of England in this province, together with the correspondence connected therewith, as also for the subsequent correspondence, and an amended Charter applied for by the Bishop of Toronto on withdrawing the original Charter.

And we beg leave to assure your Excellency that this House fully and entirely concurs in the comprehensive views so ably expressed by your Excellency in your letters to Earl Grey and the Bishop of Toronto upon the various and important matters connected therewith. And whilst this House expresses its readiness to co-operate in carrying out the views of your Excellency thus set forth, and the reasonable requirements of the Bishop of Toronto to obtain corporate powers for the intended College, so as to enable it to hold property and become in other respects effective, this House feels called upon at the same time to express its earnest hope that means may be devised to satisfy the just demands of the Church of England without sanctioning a principle which would enable each denomination of Christians in the province to obtain a Royal Charter for an exclusive University, having power to confer degrees in the arts and sciences.

And this House is further desirous of assuring your Excellency, that anxiously as it wishes to see every benefit and privilege enjoyed by other denominations fully extended to the members of the United Church of England and Ireland in this province, it is of opinion they would, so far as academic instruction is concerned, be best secured for this Church, as well as for all others, by their becoming affiliated with the Provincial University.

And this House desires to express its confident hope that if the luminous exposition of your Excellency upon this all-important subject was brought under the deliberate consideration

4 ADDRESS OF THE LEGISLATIVE COUNCIL OF CANADA

deration of a free convocation of the clergy and laity of the United Church of England and Ireland, as proposed to be assembled by the Bishop of Toronto, a speedy and satisfactory result would at once ensue in so far as the said Church is concerned.

(signed) E. Caron, Speaker.

Legislative Council,
Wednesday, 9 July 1851.

Enclosure 2, in No. 1.

PROTEST against the Adoption of the Address to his Excellency, of Wednesday,
9th July instant.

Dissentient,

Encl. 2, in No. 1.

1. Because we do not think that the views of the Government, as expressed in the printed correspondence referred to in the proposed Address, are such as can be expected to appear just and satisfactory to the members of the Church of England in this province, who are a numerous and respectable class of our fellow-subjects.

2. Because we cannot join in characterizing as comprehensive and able what we believe must be looked upon generally as illiberal, short-sighted and unjust.

3. Because we believe that when the British Government first sanctioned the making a large reservation of land in Upper Canada to form an endowment for a university, they contemplated no other description of university than one in which religious instruction should be given, and degrees in divinity conferred, in accordance with the doctrines of the National Church, there having been no university ever founded by the Crown up to that time on any other principle, and the university of King's College in New Brunswick having been just before founded by Royal Charter, and, as a matter of course, on the same principle; that when, after many years of agitation by the members of other religious communities combined, the Charter of King's College was destroyed, and its endowment taken from it, and applied to the foundation of another college, from which all instruction in the doctrines of the Church of England is excluded, it seems extremely oppressive and ungenerous to deny to the members of the Church of England the same right which the Crown and Colonial Government and Legislature freely conceded to other religious communities, of applying their own funds to the support of a college in which their youth may obtain degrees in the arts and sciences, and at the same time be instructed in the doctrines of their religion.

4. Because the members of the Church of England have never shown so illiberal a spirit towards other religious denominations, but have always cheerfully united in the Legislature in conferring such privileges upon them, and have offered no opposition in any other manner to so reasonable a wish.

5. Because, when the members of the Church of England see efforts made to induce their sovereign to place them on grounds more disadvantageous than that of other portions of the population, they will unavoidably be under the impression, that either from inattention to their claim to equal justice, or from some cause even more censurable, their Government is lending itself to a design to injure and oppress them, and that discontent may be thus engendered, which it should be the object of the Government to prevent or remove.

6. Because the Correspondence to which reference is made in the address, appears to us to be intended to elicit from Her Majesty a decision unfavourable to the Church of England on very unfair grounds, by insinuating that the Government of this province has the means of indirectly compelling the members of other religious communities to surrender their College Charters; because without public aid they are unable to maintain their colleges, and that if that is done the Government can then with less difficulty refuse to charter a Church of England college; but that if a charter be in the meantime granted to the members of the Church of England, then their negotiations with the other religious bodies may be defeated, and the monopoly of education which the Government desires to secure to a university in which the doctrines of no church whatever are inculcated, will be firmly established.

7. Because there is, in their opinion, no ground for the confident hope which this House has expressed, that if the matter in question "were brought under the consideration of a free convocation of the clergy and laity of the United Church of England and Ireland in this province, a decision hostile to the wishes and claims of the friends of the university connected with that Church would be the result." On the contrary, the only evidence which exists should make a directly opposite impression, for in regard to the first, *i. e.* the clergy, out of 150, it is known that 130 members of that body attended on the occasion of laying the foundation stone of Trinity College, thus giving to its inauguration their presence and approval; and in respect to the second, *i. e.* the laity, they have not only not petitioned this House against the institution which the Bishop of Toronto has sought to establish, but they have publicly declared in a free assembly that religion ought to be inseparable from secular education.

8. Because we believe that a policy founded on such principles can never be long upheld in a free country.

(signed) G. S. Boulton.
James Gordon.
John Macaulay.

— No. 2. —

(No. 630.)

COPY of a DESPATCH from Earl Grey to the Earl of *Elgin and Kincardine*.No. 2.
Earl Grey to the
Earl of Elgin.
31 July 1851.

* Page 3.

My Lord,

Downing-street, 31 July 1851.

I HAVE the honour to acknowledge the receipt of your despatch, No. 90,* of the 11th instant, enclosing the copy of an address from the Legislative Council, relative to the grant of a Royal Charter for a college to be established at Toronto, in exclusive connexion with the Church of England.

Upon this subject it is only necessary that I should refer you to my despatch No. 623, † of the 15th instant, and to express the satisfaction it has afforded me to learn that the Legislative Council of Canada concur with your Lordship and with Her Majesty's Government in their views upon this question.

† Infra.

I have, &c.
(signed) Grey.

— No. 3. —

(No. 623.)

COPY of a DESPATCH from Earl Grey to the Earl of *Elgin and Kincardine*.No. 3.
Earl Grey to the
the Earl of Elgin.
15 July 1851.

My Lord,

Downing-street, 15 July 1851.

I HAVE to acknowledge the receipt of your Lordship's despatch, No. 79, dated (but apparently by mistake in copying) on the 16th ultimo, enclosing the copy of a letter from the Lord Bishop of Toronto on the subject of the proposal to grant a Charter to the University of Toronto.

2. It has occasioned me much regret to observe the view taken of that subject by the Bishop, which I think an erroneous one. I am convinced that your Lordship is not less anxious than I am for the welfare and prosperity of the Church of England in Canada, and equally desirous with me of extending to it all the encouragement and assistance which it can receive from the local Government, consistently with that principle of equal favour and protection to all the religious bodies which it is bound to maintain.

3. I am persuaded that a strict adherence to that principle is not only necessary in the present state of public opinion, but is also calculated to promote the real interests of the Church of England. And I am unable to perceive any just ground for complaint on the part of the Bishop and members of that Church against the policy which the provincial Parliament and Government have adopted, of endeavouring to confine the privilege of giving degrees in arts to a single authority, by which these certificates of proficiency should be impartially conferred on persons instructed in the various educational institutions of the province, conducted as these are on different principles.

I have, &c.
(signed) Grey.