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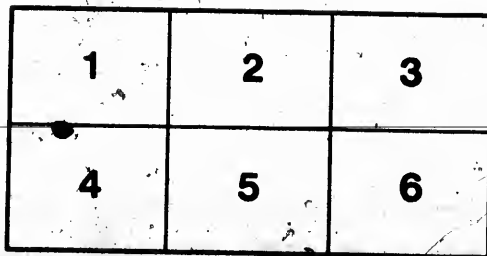
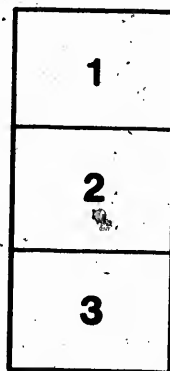
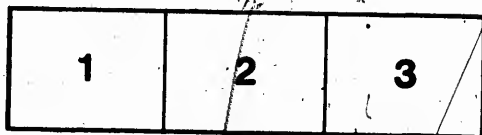
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THE FIRST PART

CHAPTER I
OF THE NATURE AND
EXTENT OF THE
RIGHTS OF THE
CROWN

CHAPTER II
OF THE RIGHTS OF THE
PEOPLE

CHAPTER III
OF THE RIGHTS OF THE
CLERGY

CHAPTER IV
OF THE RIGHTS OF THE
Nobility

CHAPTER V
OF THE RIGHTS OF THE
Commons

CHAPTER VI
OF THE RIGHTS OF THE
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CHAPTER VII
OF THE RIGHTS OF THE
Bishops

CHAPTER VIII
OF THE RIGHTS OF THE
Barons

CHAPTER IX
OF THE RIGHTS OF THE
Knights

CHAPTER X
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CHAPTER XII
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CHAPTER XIV
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Serfs

CHAPTER XVI
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CHAPTER XVIII
OF THE RIGHTS OF THE
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Written by
Rev. J. S. Green

A BRIEF HISTORY OF KING'S COLLEGE.

A BRIEF HISTORY OF KING'S COLLEGE, IN UPPER CANADA, FROM ITS FIRST GERM, IN 1797, TO ITS SUPPRESSION, IN 1850.

When the independence of the United States of America was recognised by Great Britain, at the peace of 1783, Upper Canada became the asylum of those faithful subjects of the Crown, who had, during the Revolutionary war, adhered to their King and the Unity of the Empire.

Anxious to prove her grateful sense of their affectionate services in a way the most agreeable to their wishes and feelings, the Mother Country conferred upon them, by the 51 Geo. III, Chap. 81, a form of Government similar to her own; and in order that the State might be sanctified by religion, provision was made at the express command of the King for its support, by setting apart for that object a portion of the waste lands of the Crown.

It was justly believed, that in a new Colony like Upper Canada, lands are and ought to be the fund for the foundation and permanent support of all great public Institutions,—such as the Church, Universities, Schools, Hospitals, &c. &c.—because it can be done in this way, without being burdensome to the people.

But although provision was thus made by the Constitutional Act, for the religious instruction of the settlers, no appropriation was then thought of for Schools and Seminaries of learning. It is nevertheless pleasing to remark, that before the division of Canada into two Provinces, even so early as 1789, little more than five years after the Loyalists had begun their settlements in Canada, they addressed Lord Dorchester on the subject of education, setting forth the lamentable state of their children, who were growing up without any religious or secular instruction. His Lordship gave immediate attention to this application, and directed that eligible portions of land should be reserved for the support of Schools in all the new Settlements.

General Simcoe, the first Governor of Upper Canada, on his arrival in 1792, applied himself vigorously to promote the religious and secular instruction of the people. He not only took measures to render the Church property productive, but urged the Imperial Government to establish a University, to grow with

the country, as one of the most effectual instruments of promoting the National religion and attachment to the Parent State.

In writing to Mr. Dundas, Secretary of State for the Colonies, in Nov. 1792, His Excellency declares, "That the best security of a just Government must consist in the morality of the people, and that such morality has no true basis but religion." In his letter to the Bishop of Quebec,—30th April, 1792,—he says, "The people of this Province enjoy the forms as well as the privileges of the British Constitution. They have the means of governing themselves, provided they shall become sufficiently capable and enlightened to understand their relative situation, and manage their own power to the public interest. To this end a liberal education seems indispensably necessary, and the completion of such education requires the establishment of a University, to inculcate sound religious principles, pure morals, and refined manners." General Simcoe, as was very natural, desired that the Clergy qualified to fill the chairs in the University should, if possible, be Englishmen, because none such were yet to be found in the Colony; and this to continue till we could bring them up among ourselves. A few pious and learned men, of rational zeal and primitive manners, would secure the interest and union of Church and State, and constitute a University, which might, in due time, acquire such a character as to become the place of education to many persons beyond the extent of the King's dominions.

Unhappily for the Province, General Simcoe was recalled to fill a higher station, before his wise and extensive plans for the prosperous advance of the Province could be carried out; but his exertions in favour of Education were not altogether lost; for the Legislature in the spring of 1797, soon after his departure, addressed the King, to appropriate a portion of the waste lands of the Crown, for the support of Grammar Schools, and a College or a University.

To this address a most gracious answer was received from His Majesty, King George III., although the

Duke of Portland, then Secretary of State for the Colonies, in which His Majesty expresses his readiness to show his paternal regard for the welfare of his subjects in the furtherance of an object so important as the instruction of youth, in sound learning and the principles of the Christian religion (*)

For this purpose, Mr. President Russell, then Administrator of the Government of Upper Canada, was directed to consult the Members of the Executive Council, and the Judges and Law Officers of the Crown, and to report in what manner and to what extent a portion of the Crown Lands might be appropriated and rendered productive towards the formation of a fund for the establishment of Free Schools in those Districts, in which they were called for, and in due time for establishing Seminaries of a larger and more comprehensive nature for instructing the youth in religious and moral learning and the study of the Arts and Sciences. (*)

The Report advises the establishment of two Grammar Schools, as sufficient at the time for the wants of the Province, and to defer that of the University as not yet necessary. It recommends the appropriation of five hundred thousand acres of the waste lands of the Crown, one-half for the Grammar Schools, and the other half for the endowment of the University, when it should be required. But, as lands in 1798 were only of nominal value, and without ready sale, even at 2s. sterney per acre, or 8d. sterling, it was found inadvisable to take any further measures at that time, because the whole appropriation would not have produced a sum sufficient for the reasonable endowment and building of the two Grammar Schools.

Although necessarily delayed, the prospect of establishing a University was frequently mentioned, and never lost sight of. In 1806 a philosophical apparatus was purchased by order of the Legislature, and consigned to a clergyman well qualified for the purpose of teaching the youth of the Province the elements of the higher Mathematics and Mechanical Philosophy, and in 1807 a Grammar School was established in each and every District as nurseries for the contemplated University. No further steps seem to have been taken for many years to carry out these suggestions, but in 1825, when a law was passed to increase the representation of the House of Assembly, it was, among other things, provided, "That whenever the University shall be organized, and in operation as a Seminary of learning in this Province, and in conformity to the rules and regulations of similar institutions in Great Britain, it shall be represented in the Provincial Parliament by one Member."

In December, 1825, His Excellency Sir Peregrine Maitland, addressed Lord Bathurst on the subject of

the University, and of the incalculable importance of its immediate establishment. "Education," continues His Excellency, "must have an ascendancy to a certain extent in every country, and to provide for that education being reserved under circumstances that must produce a common attachment to our Constitution, and a common feeling of respect and affection for our ecclesiastical establishment is an object so evidently desirable, that I need not press it upon your Lordship's attention."

Your Lordship is aware that about four hundred and fifty thousand acres of land have been set apart for a provision for this object; but some of these lands, though they possess the advantage of being in large blocks, lie in tracts at present remote from settlements, and a considerable portion of them is not of the first quality.

It has occurred to me that if your Lordship saw fit to allow that an equal quantity of the best of these lands were exchanged for that portion of the Crown Reserves which remains to the Government as being under lease, the latter could almost immediately be disposed of at an average price not less than ten shillings per acre, and a sum thus be produced that would admit of the immediate establishment of an University on a scale that would render it effective."

The proposed exchange was permitted, and on the 15th of March, 1827, a few months after, a Royal Charter was obtained through the influence of Sir Peregrine Maitland, who, during the whole of his administration, was the strenuous promoter of education and pure religion. In reference to these and other particulars regarding the University of King's College, the following, extracted from Lord Bathurst's Despatch of 31st March, 1827, to Sir Peregrine Maitland, is too important to be omitted:

Sir.—I have the honour to inform you that His Majesty has 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 privileges of a University, for the education and instruction of youth in Arts and Faculties, to continue for ever to be called King's College. (*)

I am further to acquaint you that His Majesty has been pleased to grant one thousand pounds per annum as a fund for erecting the buildings necessary for the College, to be paid out of the moneys furnished by the Canada Company, and to continue during the term of that agreement.

I have to authorize you, on the receipt of this Despatch, to exchange such Crown Reserves as have not been made over to the Canada Company, for an equal portion of the lands set apart for the purpose

"of education and foundation of a University, as suggested in your Despatch of 19th December, 1826, and more fully detailed in Dr. Sturtevant's Report of the 10th March, 1826, and you will proceed to endow King's College with the said Crown Reserves with as little delay as possible," &c. &c.

(Signed) BARNUM.

The Charter thus obtained was the most open that had ever been granted, or that could have been granted at the time by the British Government, and the endowment conferred upon the University which it created was truly magnificent, and amply sufficient to carry out the objects which George the Third had in view when he directed the appropriation of land to be made, viz.: The instruction of the youth of the Province in sound learning and religion. Nor were these objects forgotten by King George the Fourth, for they are embodied in the preamble of the Charter which he granted.—"Whereas the establishment of a College within our Province of Upper Canada, in North America, for the education of youth in the principles of the Christian religion, and for their instruction in the various branches of science and literature which are taught in our Universities of this Kingdom, would greatly conduce to the welfare of the Province," &c.

On receiving the Charter, Sir Peregrine Maitland lost no time in forming the College Council, and securing the endowment by Patent, and, had he not been promoted to a higher Government, King's College would have very soon began the business of instruction.

In the meantime the enemies of the Church, deeming the conditions of the Charter too favourable to her spiritual interests, made a clamour that attracted, in 1828, the attention of a Committee of the House of Commons, then sitting on the Civil Government of Canada, and the members of the Church of England in Upper Canada, having been incorrectly stated as very few in number, the Committee in their report recommended the establishment of two Theological Professors—one of the Church of England, and another of the Church of Scotland; but that, with respect to the President, Professors, and all others connected with the College, no religious test whatever should be required, but that the Professors (with the exception of the Theological Professors), should sign a declaration, that, as far as it was necessary for them to advert in their lectures to religious subjects, they would distinctly recognize the truth of the Christian Revelation, and abstain altogether from inculcating particular doctrines. Nothing more of this recommendation for the Charter, with the exception of the College Council, was more open than the Committee suggested, and steps to appoint a Theological Professor of the Church of Scotland were afterwards rendered unnecessary,

so that Church obtained a Royal Charter establishing a College, with University powers, exclusively their own, and which is now in operation. (*) But although no action was had on the recommendation of the Committee, it did infinite mischief, as it appeared to imply that a Royal Charter might be altered and remodelled; and ever after it became a constant object of annual clamour and attack.

After Sir Peregrine Maitland's departure, the University met with much unworthy treatment, and no protection from the head of the Colonial Government; and thus eight years were lost in ceaseless opposition to an Institution which would have conferred upon the youth of the Province that liberal education they desired, and the loss of which can never be retrieved.

Unfortunately, this continued opposition to the University had at length an influence upon the Imperial Government, for in January, 1832, a Despatch from Lord Goderich, now Lord Ripon, was laid before the College Council, proposing to the Members of the Corporation to surrender their Royal Charter, together with the endowment, on the assurance from the Secretary of State that no part of the endowment should ever be diverted from the education of youth. (*)

In an able Report, the College Council stated their reasons for refusing compliance with this extraordinary request, and that they did not think it right to concur in surrendering the Charter of King's College, or its endowment.—The College Council further observed, "That they did not feel or profess to feel a sufficient assurance, that, after they had assented to destroy a College founded by their Sovereign, under an unrevoked and open 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 religious knowledge should be dispensed, and in which care should be taken to guard against those occasions of instability, dissipation and confusion, the foresight of which had led, in our Parent 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. With the opinions,

(*) Appendix, No. 12.

(*) Appendix, No. 2.

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 exposed to themselves or others if they should surrender the Charter, supposing it 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 two hundred thousand British subjects is at present involved in the proper disposal of these questions, and before many years will have elapsed more than a million will 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 the Institution. They feel bound to look beyond the momentary and discussions of the passing moment, and could not, even if they occurred in the view of the present expediency, consent to pull down the only foundation which at present exists in Upper Canada for the advancement of youth in religion and learning, upon a system which has not yet been sanctioned in any part of His Majesty's dominions.

It needs no tedious and without need to enter more minutely into the persevering opposition to the establishment of the University during the following five years. It is, however, melancholy to contemplate the Legislature besting itself to destroy an Institution calculated to cherish affection to the Government and the pure principles of religion.

Mr. Francis B. Head, on his accession to the Government, roused by that ardent spirit and intrepid perseverance, saw at once the vast advantage of establishing the University; and although he could not with propriety prevent the Legislature from making some changes in the Charter, (*) to which the College Council assented as a final settlement, he deserves great praise for disconcerting further opposition.

The Charter having been thus settled by 7th William the 4th, chap. 16, which adopted all the alterations of his more reasonable opponents, Mr. Francis B. Head readily concurred with the College Council in devising the measures necessary for bringing it into active operation; but, just as the preliminary steps were arranged, — contracts for the buildings ready to be signed, — Professors and Teachers about to be appointed, — the disturbances of 1837 broke out, and, for a time, suspended this and many other excellent measures projected by that able and independent ruler.

After the suppression of the Rebellion, Mr. Francis B. Head resigned the Government, and, during the

year following short absences, the proceedings were had respecting the University worthy of notice or commendation.

When Sir Charles Bagot assumed the Government, King's College engaged his special attention. Being himself a scholar and University man, he saw the vast importance of such a Seminary in a rising country, and he set his heart upon its immediate establishment.

In accordance with his ardent desire on this subject, the first distinguished act of his administration was to come to Toronto, and lay the foundation-stone of the contemplated building, on the 30th of April, 1842.

This was done in the most solemn manner, with prayer and praise, for it has been the practice of Christians in all ages, when undertaking any work of importance, to seek for Divine light and assistance.

Although Sir Charles Bagot was not spared to witness the opening of King's College, which did not take place till the 5th June, 1843, yet during his lamented illness, he never ceased to take the warmest interest in its welfare, and his memory in connection with King's College will ever be kindly remembered.

From the day of its opening to that of its suppression, King's College, notwithstanding the political bearing which the injudicious alterations in its Charter had greatly increased, proceeded vigorously in its academical career, and was obtaining, through its scholars, who belonged to all denominations, an influence which was rapidly increasing throughout the Province. Parents felt a confidence in its religious character, and as none but students belonging to the Church of England were expected to attend the chapel morning and evening, sober-minded Dissenters were not offended. On the contrary, the knowledge that prayer was offered up twice every day pleased them, because it gave a solemn tone to the labours of the day and sanctified the Institution.

The students rapidly increased, and the strict impartiality of treatment was universally acknowledged. But, instead of commencing its career, those proofs of prosperity and fair sailing induced their jealousy. They became alarmed lest King's College, if left uncontrolled for a few years, would gain a popularity among all the truly righteous in the Province, and place itself in a position of safety which they could not disturb. Hence they followed it up close. Soon after Session it was attacked, and after sustaining three successive measures for its destruction, its friends became weary, and the "house of God" was, unfortunately, proved untenable.

King's College was opened for instruction in June, 1843, and in the following November Mr. Attorney-General Baldwin introduced a Bill, by the provisions

(*) Appendix, No. 4.

of which it would have been destroyed, and an University established in its stead, altogether political in its bearing, cumbersome and unwieldy in its enactments, and from which religion was totally excluded. But, on examination, it was found to clumsy and impracticable in its details, and some of them so partial and silly, that the Bill, before it was half discussed, became a subject of general merriment and ridicule, and its author was glad to permit it to sink into oblivion. It is not, therefore, necessary to enter into the particulars of the measure, of which its promoters are ashamed; but for its general character and substance, reference is made to the Position against it in the Appendix. (*)

The party favourable to this measure lost the management of public affairs, and their opponents, who professed to be Conservatives, began the administration of the Government.

It was now hoped that King's College would be left in peace, and be allowed to vie its way, as it was rapidly doing, in the affections of the people.

But, instead of permitting it to proceed in its onward career, the new ministry, as they were called, yielded to the clamour of a most insignificant faction, and introduced a measure, in 1843, respecting the Institution, little better than those of their opponents. (*) For its revolutionary character and demerits, it is sufficient to refer to the Memorial of the Visitors of the College, being also the Judgment of the Supreme Court, in the Appendix. (**)

It might have been hoped, that on each of the two parties had attempted to remodel King's College, and had, almost failed, it would have been left in future unassailed. But this was not to be. The Conservatives made another attempt in 1847, which, though in some respects better, because there are degrees of evil, was, nevertheless, liable to the most serious objections; but, having been introduced late in the Session, it was allowed to drop, and soon after its authors were driven from power, and the Reformers again held the scales of Government.

This party, not discouraged by their former failure, introduced the measure suppressing King's College, of which, as it became law on the 1st of January, 1850, we now complain. It is by the same hand as the bill of 1843, though not quite so unwieldy, being reduced from 102 to 82 clauses. It is, nevertheless, equally blighting in its provisions, and hostile to religion, as will be seen from the Petitions annexed, and remarks on its principal provisions here subjoined.

In the preamble it is said that a College is sought to be established for the advancement of learning, and such principles calculated to excite the confidence and insure the support of all classes and denomina-

tions of Her Majesty's subjects, and which, under the blessing of Divine Providence, would encourage the pursuit of Literature, Science, and Art, and thereby tend to promote the best interests, religious, moral, and intellectual, of the people at large. Now, it would be admitted that these are in themselves noble and important objects. But upon what principles does the statute promise their attainment? Could its framers believe that confidence was to be excited, the support of the people insured, and the blessing of Divine Providence obtained, and the best interests, religious, moral, and intellectual promoted, by a College whose constitution ordered, in its twenty-ninth section, and repeated in the sixty-fourth, "That no religious test of qualification whatsoever shall be required of, or appointed for, any person admitted or matriculated, &c. &c. Nor shall religious observances, according to the forms of any religious denominations, be imposed upon the members or officers of the said University, or any of them."—To speak of the interests of religion being promoted by an Institution from which every reference to it is, by law, excluded, is an unworthy mockery. (**)

But on this point the people have already spoken. The four great denominations, embracing almost two-thirds of the population, have resolved to have no connexion with such an Institution: nor for their example will be followed, by the smaller denominations, has not yet been ascertained.

By the last census the population of Upper Canada was found to be..... 751,000

The Church of England, which cannot connect itself with the proposed College, gives..... 171,751
 The Church of Rome, do..... 133,707
 The Wesleyan Methodists, do..... 90,863
 The Kirk of Scotland, do..... 67,900
 Those who will not profit by the University of Toronto..... 458,731
 Leaving to profit by this measure..... 267,879

But even this will, in all probability, be found too much in favour of the Institution, for the Scottish Free Church and Congregationalists disapprove of the principle of excluding religion from education, in which case they will soon have Colleges of their own.

Scottish Free Church..... 64,729
 Congregationalists..... 20,873
 To be further deducted..... 85,101
 Leaving to profit by the new College..... 182,178

(*) Appendixes, Nos. 5 and 6. (**) Appendixes, Nos. 7 and 8. (*) Appendix, Nos. 9. (**) Appendix, No. 11.



...of all power and authority, the
...of all well as with them. And
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...is attended by the
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...and thus a public
...has been a public
...should have been a
...Doctors in Divinity
...into other
...the very fact of the Church
...with such a University would in
...to its irreligious principles
...to the honest and sincere of all
...to fly from the pious

...to their degree and course
...their different branches. Now if we reflect that
...the world, the world, the world, and
...trouble must be known and met, and it is
...not of the utmost consequence that our youth should
...ward toward of faith, diligence, and devotion, and
...thus awakening the soul by an habitual sense of God's
...authority and omnipotence of His power, as those
...which are covered by satisfied, but in the fruition of
...the life to come.

...of this the University of Toronto offers us
...that "spurious counterfeits" which "has taught in every
...age to honor the name of Education, while fatally op-
...posed to its true object." It is secular education; a
...training for "this world alone" without caring for the
...next. It is made up of "half truths" perverted into
...fallacious "of earthly facts divorced from moral truth
...and religious obedience," and of a pandering to a cor-
...rupt appetite for ungodly knowledge.

...By these characters was it marked when it began
...in Paradise, and these serpent features it retains.
...Your eye shall be opened, and you shall see partial
...truth in the words, but the truth served only to gild
...the delusion, and do the work of falsehood. Ye
...shall be as God, knowing good and evil. Here no
...intellectual progress set at variance with the will and
...command of God. And what were the natural effects?
...The serpent's head was erect, and its tail
...coiled, and its body was twisted, and its
...limbs were stiff, and its feet were
...swollen. May we never accept these apples of Sodom
...in exchange for the living truth of God's holy word.

...Church of England Quarterly Review for July, 1840,
...page 30.

PASTORAL LETTER,

TO THE CLERGY AND LAITY OF THE DIOCESE OF TORONTO.

My dear Brethren,—
On the first day of January 1828, the dedication of King's College as a Christian Institution was accomplished. For on that day the Act establishing the University of Toronto, by which it was supposed, came into force.

There was, to the last, some lingering hope, that a measure so provident would have been created.

It was known that inquiries had been made concerning it by persons of high consideration, and that it had not been formally sanctioned by the Imperial Government late in October. But no official impediment has yet intervened, and for a short, at least, the experiment of a University, from which the worship of God is excluded, is to be tried in Upper Canada. Long for a time, because it is scarcely credible, that such an institution can be long so found in a Christian country, or if, perhaps, suffered, that it can prosper.

Deposed of her University, what is the Church to do? She has no more an agency as which to give a liberal education to her youth. What is regretted by all the other large dioceses in the Province is denied to her.

In the to sit down contented with her Theological School at Cobourg, and leave her children to perish for lack of spiritual knowledge? or is she to extend its provisions, and form it into a University capable of teaching a full course of liberal instruction, carefully avoiding every profane hold, as has been the case with the institutions of learning among Christian nations since the invention of our Lord? Hereby the solution of the question offers to itself. 'Tis the bounden duty of the Church, and of every one of her baptized children, as they value the gift conferred upon them at the holy sacrament, to come forward at their trials in the death of God that facility to lay the proper intellectual foundation, as it is to be done, with diligence and pain, and to labour till they come to that faithful Christian to whom the Father has committed the spiritual care of the whole province of God, and who shall be held to account for the same and otherwise of satisfaction, and that whatever other branches of knowledge may be introduced, they must be made subservient to the one thing which is, and essential by the purifying influence of the Holy Spirit.

The constitution and history of King's College show that they had been intended by their parents in to

light, and to worship God in the most acceptable manner. Abraham taught his children the way of the Lord, and to keep his commandments, and the fruits in due time followed. Adam, at even-ings, taught the multitude of the fields to pray. The servants of the patriarch began his journey with holy vigilance, and acknowledged his excess with thanksgiving and prayer.

Under the law the Jews were commanded, in the most solemn manner, to instruct their children in the law of the Lord, that it might be continually in their mouths.—"Hear, O Israel, the Lord our God is one Lord, and thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy might. These words shall be in thine heart, and thou shalt teach them diligently unto thy children, and thou shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up."

Under the Gospel parents are commanded to bring up their children in the nurture and admonition of the Lord, for it is only in this way that we can learn to love God and Jesus Christ, whom to know is life eternal. Moreover, we are called upon to teach the Scriptures, and to be able to give an account of our faith, and a reason for the hope that is in us. With what pains does St. Luke instruct Theophilus, not only writing a Gospel, but the Acts of the Apostles, for his special benefit and instruction.

Timothy, as St. Paul teaches, knew the Scriptures from a child. The holy apostle was scrupulously exact that, in training a soul to immortality, every step must be cemented by prayer for that blessing, without which even St. Paul's labour must be utterly vain. Hence a course of learning devoid of, or hostile to, our precious Christianity, must desert all claim to usefulness, and become the object of all pious education, training for the children of a Christian people.—"Science and literature," said the late Dr. Arnold, "will not do for a man's main business; they must be used in subordination to a clearly perceived Christian end, and looked upon as mere collateral value. In that the heart is spiritually kept as long as the soul of great price is not lost, although it may be long with all the acquisitions of earthly knowledge."

It is simply the duty, as well as the privilege of every Christian, to be diligent to bring, in so far as he is

able, in supplying the want which the Church now feels in the destruction of her University, and which, if not supplied, will in a short time arrest the happy progress she is making through all parts of the country. Let not, then, the friends and members of the Church look for rest till proper means are found for the religious education of her children. We have fallen, indeed, on evil times, and the storm has overtaken us, aggravated by the painful reflection that we have contributed, largely, by our want of unity and consistency, to bring it on ourselves; but we must not be discouraged, for though the waters threaten to overwhelm us, we are still the children of hope. Never, perhaps, in the history of the Church did a single case more completely prove the influence of party spirit in corrupting the heart, and warping and entangling the judgment, till it had acquired a moral obliquity, incapable of distinguishing right from wrong, truth from falsehood than the destruction of King's College. It was succeeding with a degree of success far beyond the most sanguine expectations. In the short time of its existence, the degrees conferred were seventy-five;—the number of students, including occasional, nearly three hundred. The highest honours have been attained by Presbyterians, Congregationalists, &c. as well as by members of the Church. There were not twenty persons capable of appreciating the blessings which it was conferring on the Province who were not friendly to its continuance—a vast majority of the population were not so hostile to the principle of separating religion from education; and yet because a small but turbulent minority declared against it, a weak Ministry has been found to decree its suppression, and the establishment of an Institution in which no Christian could exist.

The measure is so wicked and inconsistent, that sooner or later a serious reaction will take place. Its three leading features—contempt for the people, enmity to religion, and disloyalty to their Sovereign—are each of them offensive to large and influential parties. The sentiments of the people are set at naught, in gratifying the few who neither value or regard Schools of learning. Religion is suppressed and ecclesiasticism proscribed, to please the enemies of property and order. And the very name of King's College is abolished, for fear that some attachment to the Sovereign, might, in the generous minds of youth, be associated with a Royal foundation.

Such an abominable proceeding is, however, likely to be attended with something of a compensatory operation. For as God by His over-ruling Providence brings good out of evil, so the Church, hitherto quiet, patient, and desisting, begins to perceive that there must be limits to her forbearance; and although she can never deeply retaliate or smite righteously even in defence of her just rights and privileges, she may

with safety follow the example of the great Apostles in appealing to Caesar, and of making use of all the legal and constitutional means in her power to ward off evil, and secure for herself something of common justice.

What makes this act of unscrupulous injustice the harder to be borne, is the conviction, which I think we must all feel, that if any one of the religious denominations in this Province, dissenting from the Church of England, had received from their Sovereign a Royal Charter, founding an University in connexion with their faith, and had received at the same time the free gift of an endowment for its support, any attempt by the Colonial Legislature to abrogate that Charter, and to wrest from them the endowment conferred by their Sovereign, would have been promptly discommodated by the Executive Government, and firmly resisted, as being unreasonable and unjust. If any had been found to make such an attempt (which assuredly the Church of England would not have done), they would have been told at once, that whatever opinions they might have formed of the policy or expediency of the measure, the grant could not be retracted; for that vested rights must be respected, and the faith of the Sovereign maintained. And I am sure, my Brethren, that neither you nor I would have regretted to see these principles upheld by which alone other nations or individuals can expect long to flourish. We should have remarked too, in such a case as I have supposed, another mortifying difference: the members of any other religious denomination whose rights had been unjustly attacked, as ours were, would not have sought a vain popularity by abandoning them; they would have been found united as one man in their defence.

But, alas! the Church found the chief enemies of King's College among her own professing adherents, and under the delusion of liberalism and expediency, the twin sisters of infidelity, they betrayed the cause which they were bound by every sacred duty and right feeling to protect.

We have lately seen the Government conferring on the Secretary of Montreal a property of ten times the value of the endowment of King's College. How is this? The Roman Catholics demanded what they believed to be their right, and the Government immediately yielded. Is it not then in the power of the Church to command the like result? Yes,—when all her ministers struggle but speak in vain, they find not till then. Their spirit will neither wait nor wait now to represent them to the Legislative Assembly but, "able men, such as fear God—men of truth, having consciences;" and then the Church and every denomination will have their rights, and oppressions will cease from the land.

In the meantime, I propose that the Church of this Diocese, consisting of the clergy and laity, should approach our beloved Sovereign the Queen, and the Imperial Parliament, by respectful petitions for each redress in the restoration of her University; or in each other way to supply the same, as may be deemed reasonable and most.

Should we fail in obtaining the favourable admission and acquittance of our just claims, we must in that case appeal to our fellow-Churchmen in Great Britain and Ireland; and we believe that there are many pious individuals who will come forward with a liberality of which the last three centuries have given so many examples, to assist us in restoring the means of which we have been deprived, for the religious instruction of our youth, and their advancement in all those branches of science and literature which enter into a liberal education. Nor am I without a strong hope, that, should there be obstacles to the disallowance of the Act, we shall nevertheless find among the contributors to our Church University some of the present Ministry; for there is reason to believe that few among them approve of a measure so reckless, and fewer still who do not regret that it has been adopted. Indeed, no Statute passed since the Union of the Provinces has lowered the character of the Canadian Legislature so much as that which destroys King's College. Churchmen consider it disgraceful to the country, and the indifferent pronounce it a political blunder. For as one of my most able and revered correspondents observes,—"The Act destroying King's College is not merely a wrong, but a mockery; inasmuch as it professes to promote the best interests,—religious, moral, and intellectual,—of the people, while it yet precludes the adoption, in the University it establishes, of any ordinance whatever, in respect to religion, and even sciences, by the authority of law, the public worship which up to this day had been solemnised in the Institution."

But before we can expect success in these proceedings, it is reasonable to prove that we are ourselves in earnest by our own exertions. Besides, therefore, signing the petitions to the Queen and the two Houses of Parliament, it is hoped that the members of the Church will subscribe liberally, in money and gifts of land, as God has prepared them; and a better investment for time and eternity it is impossible to conceive.

In this way, a sufficient endowment may, without any great difficulty be effected; or at all events, so good a commencement as to encourage friendly Church members to hope to increase their subscriptions.

It is true this could have been done with much greater facility a few years ago, when lands in the

Colony were cheap; but who could have anticipated such a result as the destruction of a Royal Charter, and confiscation of its endowment, without any just or legal cause? or who could have imagined it necessary or becoming to stand between the bounty of the Sovereign and her people? But, even yet, a sufficient endowment in land may, with active exertion be secured.

There are, it is believed, about four hundred organised Townships in the Diocese; and were only one lot of two hundred acres to be contributed as an average in each Township, it would form an endowment of eighty thousand acres; and this, by good management, with private contributions in money, and the assistance of the two Venerable Societies, would become sufficient to enable us in a very short time to begin operations, and gradually as the property leased, to extend the University, as has been done in like cases in Europe and America.

Or, taking it otherwise: There are, I presume, about two hundred thousand adherents of the Church in Upper Canada, or forty thousand families. Now, were each family to contribute two pounds, or two acres of good land, a very handsome endowment would be the result.

But as there may be many poor, and some to whom God has not given generosity of heart, let us take one-fourth, or only ten thousand families, and claim from each, for the love of God, six pounds in money, or ten acres of good land, as may be more convenient, and the University will be established. The difficulty, therefore, in the way of endowing a Church University, is not so great as those who have not considered the subject may suppose; and although we may not obtain the subscriptions in land, or in money, of ten or even of five thousand at once, yet we shall with God's blessing obtain more in time; and as the Institution we contemplate is not for a short period, but for centuries, we can afford time, and be content to advance to maturity by degrees. But why should we not hope that the Church, among her two hundred thousand, will produce one thousand noble souls, ready to come forward with at least one hundred acres each, and in a moment complete the endowment?

In regard to a solid commencement, we are not left to conjecture. The spirit of the Church has already begun to move. Eight thousand pounds will be secured to the University before this meets the public eye; and I have some reason to believe that an equal amount is already set apart in England. Moreover, we shall have £1200 per annum from the Venerable Society for Propagating the Gospel in Foreign Parts, till it can be relieved by the proceeds of our own endowment, and we shall have our Theological library restored.

It is always to be remembered that we are maintaining an
Discipline on the part of the true ones of the Church till placed
in a commanding position of consultation.

The world ought to do nothing by halves. Her
University must comprise an entire system of education,
not only on religion. Every branch of knowledge
at Oxford and Cambridge must be usefully
and essentially taught. She must also have her
Eton, her Westminster School to supply her with scholars;
and the whole to be placed under the guidance of
the Church, that her religious instruction may have
no unequalled sound. We desire a University, which,
fed by the heavenly stream of pure religion, may consummate
itself to the lamp of genius, and enable it to burn with
a brighter and purer flame. Thus the Arts and Sciences,
with all that adds real embellishment
to life, shall be studied with more perseverance and
order; and the faculties under such
training shall become as pure and undecayed, that
they will be infinitely more vivid, and rise to
a higher elevation; and all will be bound together
by the principles of love which the Scriptures
tell us are the beginning and end of our being. For
this reason we will have in our University daily
habits of worship, that we may possess a conscious
feeling of the Divine presence; and this will produce
such an elevation of aspiration after goodness as will be
a necessary concomitant. Hence the religious principles
to be developed, will prove of themselves a
system of education infinitely superior to all others.
Nor are we disposed to overlook academic honours,
which have been ever held in the highest estimation.
They are to be conferred from the Church, and to the Church
of conferring them of right belongs. Hence
the power has been transferred at the Reformation to the
Bishop, because the temporal head of the Church,
and the fountain of honour within her dominions. In
due time we shall solicit a Royal Charter,
that our honours may be acknowledged in all parts of
the world, and not be like those which the new Institution
attempt to confer, which will not only be
corrupted by passing through an irregular channel,
but be otherwise worthless, being confined to the
colony by the 12 Victoria, cap. 82, is merely a
Statute, and carries no weight nor authority
beyond its Province.

The Bishop of the Diocese (for it will
soon be a Diocese) will be the Victoria, that each new
Diocese may have an equal interest in the Institution,
and established on the extensive foundation
which we contemplate, it will be amply sufficient for
the wants of Upper Canada.

The site will, perhaps be decided upon by the
Faculty for the Propagation of the Gospel in Foreign
Parts, where it may be most central and convenient;
because for a time it will have in a great measure to
be supported by that Venerable Body.

But the site may also, greatly depend on the magnitude
of the contributions and donations which any
particular locality may be disposed to furnish.

That nothing may be wanting on my part, it is my
intention to proceed to England, should the encouragement
I receive be such as I have reason to expect,
and urge the prayer of our petitioners to the Queen and
both Houses of Parliament. When the facts of the
case are fully made known, the whole nation will feel
the same indignation at so flagrant an outrage on our
holy religion, and the honour and dignity of the
Crown, as those private friends do with whom I am
already in communication on the subject; and the
consequence I trust will be, that the good and pious
will hasten to help us. For in England the bill is
all but universal, that religion ought to be the ground-
work of education; that its lessons should be inter-
woven with the whole tissue of instruction, and that
its principles should direct the whole system of our
lives. Nor will the lessons of religion be found less
impressive by being interspersed with teaching of a
different kind. The prayer of our petitioners is
two, and the prayer of our Universities will be,—
“that their learning might be sound, and their education
religious.”

I shall have completed my seventy-second year
before I can reach London, of which more than fifty
years have been spent in Upper Canada; and one of
my chief objects, during all that time, was to bring
King's College into active operation; and now, after
more than six years of increasing prosperity, to see it
destroyed by stupid ignorance and presumption, and
the want of prayer and praise heaped upon its ruins,
is a calamity not easy to bear.

I shall not rest satisfied till I have laboured to the
 utmost to restore the College, under a better and
 more pious Rector. The result is with a higher
 power, and I may still be deemed to disappointed;
 but it is God's work, and I feel confident that it will
 be restored, although I may not be the happy instru-
 ment, or the beholder.

During all my journey, I shall continue
 subservient to the result, whatever it may be; and
 I shall then, and not till then, consider my mission in
 this behalf ended.

I remain, my dear Sir,
 Your affectionate Disciple,
 JOHN TUCKER.

PETITIONS.

To the Queen's Most Excellent Majesty:

MAY IT PLEASE YOUR MAJESTY,—

We, your Majesty's most dutiful and loyal subjects, the Clergy and Laity of the United Church of England and Ireland, inhabiting that part of British North America which formerly composed the Province of Upper Canada, most humbly represent:—

That after the peace of 1763, this portion of your Majesty's dominions became the asylum of those faithful Loyalists, who, during the Revolutionary war with the Colonies, now the United States, shed their blood and sacrificed their property in adhering to their King and the Unity of the Empire.

That the Parent State, anxious to prove her grateful sense of their affectionate and disinterested services in a way the most agreeable to their wishes and feelings; conferred upon them in 1791 a form of Government similar to her own; and in order that the State, as at home, might be sanctified by religion, provision was made, at the express command of Your Majesty's Royal Grandfather, in the Constitutional Act for its support, according to the form of the United Church of England and Ireland, by setting apart for that, the most important of all objects, a portion of the waste lands of the Crown.

That in the Spring of 1797, the Legislature of Upper Canada addressed their beloved Sovereign George III., of blessed memory, for a portion of the waste lands of the Crown, to produce a fund for the purposes of education, and more especially for the support of Grammar Schools and a University.

To this Address a most gracious answer was returned, granting their request, and expressing His Majesty's paternal regard for the welfare of his loyal subjects in the furtherance of an object so important as the instruction of their youth in sound learning and the principles of the Christian religion.

That soon after, the Colonial Government appropriated for the required object five hundred thousand acres of land, one half for the support of Grammar Schools, and the other half for the establishment of a University.

That the slow advance of the Colony in wealth and population during the wars which so long desolated Europe, delayed for many years the establishment of the University; but, though postponed, it was never lost sight of: and in 1827, a Royal Charter was granted by His late Majesty King George IV., erecting a College or University within the Province of Upper Canada, in which the wishes of his Royal Father are embodied, as it provides "for the education of youth in the principles of the Christian religion, and for their instruction in the various branches of science and literature which are taught in the Universities of this Kingdom." Your Majesty's humble petitioners would further represent, that steps were immediately taken to secure by Royal Patent the valuable endowment granted at the same time with the Charter, and measures adopted for opening the University and commencing the business of instruction; but, before this could be accomplished, a Despatch was received by the Lieut.-Governor, Sir John Colborne, now Lord Seaton, bearing date the 2nd of December, 1831, recommending, at the express desire of His Majesty King William IV., such reasonable modifications as might satisfy certain adversaries of the Charter, but at the same time stating that no part of the endowment of the College would ever be diverted from the great object of the education of youth, and that it must ever be regarded as sacredly and permanently appropriated to that important object; and His Majesty earnestly recommends to the consideration of the Legislature the permanent establishment in the College of a Professor of Divinity of the Church of England upon a sure footing,—declaring it to be a matter of great importance to those of his subjects in Upper Canada who belong to the Church of England, and that His Majesty, as head of that Church, could not be insensible to the duty which belonged to him of protecting it in all parts of his dominions.

That, in accordance with the wishes of your Majesty's Royal Uncle, the Statute 7 William IV., chap. 16, was passed by the Legislature of Upper Canada, which satisfied by its modifications all the objections of the more reasonable of the opponents of the

tion from all such offices of profit and honour as require a degree to qualify for their attainment. Above all, they are deprived of the means of bestowing on their children an education based on religion, —the only education worth possessing.

Under such trying circumstances, to whom can they go for redress but to your Majesty, in whose maternal affection they put their trust, as many of them now far advanced in life have done in that of your Majesty's predecessors? Permit us, then, to hope, that your Majesty will lend a gracious ear to

this our humble supplication; that, influenced by your exalted position as head of the Church, you will cause the pledge of three Sovereigns to be redeemed by the restoration of King's College in all its efficiency, with such modifications of its original Charter as shall separate it entirely from politics, and allow it to proceed in its work of scientific and religious instruction in security and peace.

And your Majesty's dutiful and loyal petitioners, as in duty bound, will ever pray.



To the Right Honourable the Lords Spiritual and
Temporal of the United Kingdom of Great Britain
and Ireland, in Parliament assembled:

The humble Petition of the Clergy and Laity of the
United Church of England and Ireland, residing
in Upper Canada,

Most respectfully sheweth,—

That an Act was passed by the Legislature of Canada on the 23rd day of May last, intitled, "An Act to amend the Charter of the University established at Toronto by His late Majesty King George IV., to provide for the more satisfactory government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an appendage thereof."

That this Act contains provisions most injurious to your Petitioners, and the National Church of which they are Members, since it virtually destroys the Charter and condenses the endowment of King's College; which Charter was granted by His late Majesty King George IV., on the 28th day of March one thousand eight hundred and twenty seven; and in the eighth year of his reign, for the purpose, as the preamble expressly sets forth, of educating the youth of Upper Canada in the principles of the Christian religion, and for their instruction in the various branches of science and literature which are taught in the Universities of Great Britain and Ireland.

That the Charter and endowment of King's College were solicited by His Excellency Sir Peregrine Maitland, then Governor of Upper Canada, who urged upon the Imperial Government the wisdom of granting a boon so necessary to the prosperity and well being of the Colony, and one of the special objects of the prayer was that the College should be so constituted as to educate youth for the clerical as well as the other liberal Professions as in the Mother Country;—hence Oxford University is named in the Charter, as the model to be followed.

Your Lordships' Petitioners further represent, that in accordance with this prayer, provision was made in the Charter for educating young men for the holy Ministry of the Church of England, by establishing a Professorship of Divinity; while at the same time scholars and even Professors were freely admitted to all the usual advantages of the University, and might proceed to any degree, except in Divinity, without any test whatever. Hence although the University of King's College was in its government under the Church of England, yet all the benefits which it was able to confer were accessible to the youth of the

whole population, with the exception of the Divinity department, which would only be desired by those who were members of the National Church, unless other doctrines were to be inculcated. Indeed there was no period before the repeal of the Test-laws when there could have been the least reason for expecting or even imagining that a Charter establishing a University so open in its provisions could have been granted and endowed by the Crown except in connection with the Church of the Empire.

That although King's College was the most open University which up to that period had ever been established by the Crown, a clamour was raised against it in the Colony upon no more reasonable grounds than that it recognized a distinction between the Church of England and the various sects which differ from her. The motives and objects which led to this clamour and consequent attacks, were in this country well understood and appreciated. It was impossible to give credit to the authors of them for honesty of purpose, when it was perceived with how little scruple they perverted and misstated the conditions and effect of the Charter of which they complained. But being encouraged and aided by a party in England and not withstood by Government as they might have successfully been, if some degree of confidence had been shown in supporting what was just and right; they prevailed; and after some years of delay and agitation, the Secretary of State invited the Legislature to suggest such alterations and amendments in the Charter as they might deem useful and expedient.

Your Lordships' Petitioners most respectfully represent, that no man who values what is good and stable in government, can for a moment doubt that this was a most unwise and unfortunate course. It was wholly without example, that a Colonial Assembly should be allowed, by their acts, to mutilate a Royal Charter which had been granted by the government after long deliberation, under the great seal of the United Kingdom.

The mischiefs which were sure to flow from such a proceeding have been apparent from the moment a course so irregular and unconstitutional was permitted, and they are brought to the worst possible result in the Act which has just passed. For instead of confining itself to some modifications of the Royal Charter, the utmost extent to which that invitation could with propriety be construed, this Act totally destroys King's College, and creates an Institution of a character wholly different. Instead of being religious, the leading feature is the total exclusion of all Christian worship, and

as horrible are its tone and provisions on this important point, that it even prohibits eulogium from giving any professional instruction whatever on the most important of all subjects. Such an utter interdiction of every thing religious as this Act seeks to establish, is without precedent among Christian nations. It drives away all those who from their living Faith, warmth of disposition, and sincerity of purpose, are best qualified to train the young to all that is lovely and sublime in religion, pure in morals, and noble in science.

Your Lordships' petitioners would further represent that the Royal grants given to the Church of England in the provisions of the Charter is altogether disregarded, the property and estates, in effect, confiscated, every vestige of Christianity banished, and King's College abolished and its property applied to purposes as different from those intended by the Royal donors as light from darkness. That no ground of forfeiture has been shown, such as might subject a corporation upon a proper legal proceeding to the loss of its privileges, nor is it even pretended to be in fault; yet the Act deals with the constitution and property of King's College as if neither the corporation nor the numerous inhabitants of Upper Canada interested in the object it was intended to promote had any rights under it to claim or protect.

By the documents annexed it is distinctly shown that more than three fourths of the population of Canada West are in principle opposed to this Act, or to any educational institution divested of a religious character; and that not only His late Majesty King George III., who first set apart the endowment, and His late Majesty King George IV., who granted the Charter, intended the College so to be established, for the Education of youth in sound learning and the principles of the Christian religion, but His late Majesty King William IV. was also pleased distinctly to recommend in the most correct manner the permanent establishment in King's College of a Professor of Divinity, even when he was desirous to make minor alterations, declaring it to be the duty of the Government to his subjects in the Church of England, and that the University on behalf of that Church, could be held responsible to the King which belonged to him, in providing it in all parts of his dominions.

Your Lordships will perceive, that while the Acts and solemnly expressed wishes of three British Monarchs are set at naught, more than two millions of souls are preserved for educational and charitable purposes, for the benefit of the French population in Lower Canada, as if to show how far British feelings can be insulted, and the commands of Louis the XIV. held sacred, and the French Colleges supported and cherished. Not that your Petitioners were the continuation of one of these acts or the

suppression of one of these Colleges; but surely it is not too much for British hearts to expect that the wishes of no fewer than three of their own Kings should meet with as much reverence as those of one Foreign Prince. At present the contrast is truly humiliating.

Your Lordships' Petitioners would further represent, that an Act so iniquitous and unjust could never, as they believe, have passed but for the unhappy union of the two Provinces. The French members, added to a certain class of members in Upper Canada, will commonly be found an overwhelming majority where the interests of the Church or a sincere attachment to the Mother Country are concerned. And yet so strongly was the injustice of this measure felt, that a majority in its favour might not, it is believed, have been found to pass it in the Legislative Council, had not the constitution been infringed by the introduction of twelve additional members. Since this unfortunate step was taken, the Legislative Council, which was intended as a check against sudden and unjust legislation, has, in public opinion, become utterly incapable of affording that protection.

Your Lordships' Petitioners most respectfully represent, that the argument used by some to defend this measure, on the ground that it is similar to that which was acted upon by the Eastern States in the formation of certain secular Colleges in Ireland, is altogether fallacious; for, whatever may be thought of the principle then adopted, no vested rights were invaded, nor the endowment of any institution, as in this case, confiscated without the consent of the donor; no claim in Ireland could complain of injustice, because there were other bodies in possession of property to which those who found themselves aggrieved might send their youth. But in Upper Canada the Church of England had but one College, and that one is taken away by this Act of the Legislature; while the same Legislature has granted Charters to Colleges for Roman Catholics, Presbyterians, and Methodists, exclusively, as well as pecuniary aid to a considerable amount.

Your Lordships' Petitioners most respectfully represent, that neither the clergy nor the conscientious members of the Church can have any commiseration with a University such as the Act establishes, which repudiates religion, and in which the voice of prayer and praise is never to be heard. And this is the more to be deplored, because King's College might have been easily preserved to all its integrity; for Government has ample means at its disposal to endow Colleges in connection with other accommodations upon principles which they prefer. In this way all parties would have been satisfied, and King's College restored to the position in which it was

originally placed, with such modifications only as would have separated it entirely from political influence and agitation, and thus made it a blessing to the country. But this Act settles nothing, while it throws every thing in confusion. It legislates for a small fraction of the population, few of which desire or can avail themselves of the instruction it offers. It holds out, indeed, terms of incorporation to the other Colleges; but they are of so degrading a character, without any countervailing advantages, that it is not probable that they will in any case be accepted. Thus the only thing as yet accomplished by the Statute is the destruction of King's College, and the confiscation of its property, by the exercise of power which the Imperial Parliament has never assumed, in the worst of times, and which our most able Judges have declared to be unconstitutional and revolutionary: the truth of which opinion is proved from the fact, that similar Institutions to that of King's College, founded in the British Colonies, have received from the ruling power ample protection, after the countries in which they were founded had become foreign to the British Crown. Thus the Colleges founded by the Kings and Queens of England in the Colonies, now the United States, are still cherished and preserved, and their endowments not only held sacred but largely increased.

Permit your humble Petitioners to entreat the attention of your Lordships to the position to which this Act seeks to reduce the Church of England in this populous Diocese. While the Roman Catholics, the Methodists, and the Church of Scotland have Colleges, exclusively their own—the two latter under Royal Charters from the Crown, with the power of conferring degrees in Arts and Divinity—the National Church, with nearly as many members as all these put together, is deprived of her one College, and driven to have recourse to a temporary Institution for training some of her young men to the Ministry; otherwise, her vacancies could not be supplied or her light extended to the waste places of the Province. Nor was even the site of a few acres reserved, on which your Petitioners, by their own contributions and the assistance of their friends, might hope to erect buildings for the purpose of the secular and religious instruction of their children.

Your Lordships' Petitioners feel sorely humbled thus to be compelled to supplicate for relief from an Act of complicated oppression, which seeks without cause to crush the National Church, and even to peril her existence in Upper Canada; and not only this, but to shackle the minds and destroy the eternal hopes of the

rising generation, by compelling them to adopt a system of education which as Christians they must always abhor; and all this, it would appear, for no other reason than that your Lordships' Petitioners belong to the Church which the Sovereign has sworn to maintain inviolate, and have been ever faithful to the Crown.

Your Lordships' Petitioners would further most respectfully represent, that nearly two hundred thousand legal subjects of Her Majesty, who have shared their lives more than once to preserve the glory of the Empire, have deep interest in your Lordships' decision; and should it prove adverse, they must conclude that either the power or the will of the Imperial Parliament to protect them against injustice is wanting.

The University Act, of more than eighty complicated clauses, was, your Lordships' Petitioners are credibly informed, passed by the Legislative Council in twenty minutes, without one reading! having, as the phrase is, been read short—that is, merely the title—the sudden addition of twelve members rendering the House impatient of delay. Such a state of things cannot long exist without rapidly increasing the evil; and even already, the loyal and attached portion of the population are full of despondency, or becoming estranged from the Parent State, as the wisdom and usefulness of the projects now afloat in the Province so fatally testify.

In conclusion, your Petitioners most respectfully implore your Lordships to bear in mind that they are merely seeking to retain the same advantages which is at this moment enjoyed by every other body of Christians in Upper Canada,—that of having one place or College, with its means of support the gift of the Crown, in which their youth may be trained in religious as well as secular knowledge. As, therefore, your Lordships reverence true religion and the unity of the Empire, we, your humble Petitioners, entreat the disallowance of this Act; against which we solemnly protest, as injurious to our holy Church, and subversive of our rights and privileges as Englishmen, and which is at the same time unconstitutional, and pregnant with the greatest evil to Canada and the British Empire. And permit us further to pray, that justice may be done in the premises, and that the solemn pledges of three illustrious Sovereigns may be honourably redeemed, by recommending the restoration of our University of King's College.

And your Lordships' Petitioners, as in duty bound, will ever pray.

[The Petition to the House of Commons is the same as that to the Lords, with the necessary verbal alterations.]

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...and shall be subject to the order of the Council Chamber in that behalf to be made.

Under the impression of the Council Chamber, the following resolution was passed, to wit: That the Council Chamber do resolve, that the said Bill be read a second time on the 10th day of the next month, and that the Council Chamber do then proceed to the consideration of the same.

APPENDIX No. 1

EXTRACTS FROM DESPATCHES AND DOCUMENTS RELATING TO THE LANDS SET APART BY HIS MOST GRACIOUS MAJESTY KING GEORGE THE THIRD FOR THE PURPOSE OF SCHOOLS IN UPPER CANADA.

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The Report of His Majesty's Executive Council and the Judges and Law Officers of the Crown.

Council Chamber, 1st Dec., 1798.

Sir,—I have the honour to inform you, that in obedience to your order of the 6th ultimo, the members of His Majesty's Executive Council, the Judges and the Law Officers of the Crown, met together in this place on the nineteenth ultimo, and on several occasions since, and took into their consideration the letter of His Grace the Duke of Portland on the subject of the Grammar Schools and other places of Education in Great Britain. It is not necessary to repeat that on a subject of such extent, the opinions of so many persons are not likely to coincide; but I should greatly rejoice, if I had the opportunity to say, that in our general views of the system to be adopted, we are nearly agreed; and that the different parts of the plan, in which it is to be carried into effect, are not very dissimilar.

As it was your Honour's pleasure that the Chairman should collect the opinions of the several members of the Council, and insert them into the Report, I have the honour to inform you, that the several members of the Council have the honour to concur in the following resolutions, which they thought fit to pass, viz. That the number of Grammar Schools in each District should be regulated by the number of the population of the District, and that the number of the scholars in each District should be regulated by the number of the population of the District.

That the number of the scholars in each District should be regulated by the number of the population of the District, and that the number of the scholars in each District should be regulated by the number of the population of the District.

When the subject was first opened, it seemed to be the unanimous opinion that the situation of the royal Grammar Schools and University of Oxford should not be affected, but by independent provision for their establishment and maintenance, and each member of the Board seemed deeply impressed with a conviction that in making his estimate of the amount of the provision, it would be most proper to allow ten times that sum, either for the application of the funds will always be directed by the benevolent persons, which has created it, the expediency of any plan to be applied to other purposes, equally worthy of the original intention, and equally conducive to the happiness of the Province, but it will be difficult and perhaps impossible, if the present moment be neglected, to find at a future period the means of af-

fecting the object before us, without much expense and a delay almost subversive of the purpose.

Under this impression, the Board proceeded to consider in detail the purposes to which the proposed fund should, in the first instance, be applied, and seemed to be unanimous in thinking that they may be reduced to three:

1st. The erection of the necessary buildings;

2nd. The payment of the salaries of the masters;

3rd. The charging of the buildings, by repair, the purchase of books and philosophical apparatus, and other purposes essential to places of education, but in general to be paid for by the scholars.

With respect to the sum to be expended on the erection of the necessary buildings, the Board conceived that, in taking the average price of labour in the four Districts of the Province, the sum of £2000, provincial currency, will be sufficient to erect a plain but solid and substantial building, capable of a school room sufficient to hold ten hundred boys, without danger to their health from too many being crowded together; and also a set of apartments for the master, large enough not only for the accommodation of his family, but also for the very desirable purpose of enabling him to take a few of his pupils at home. Some few outbuildings may also be necessary, for the use of the master, which, if they will not answer within this estimate, will not, each school, and may easily be provided by the scholars.

As the intent of the salaries of the masters is expressly reserved, for the royal consideration, we do not presume to mention any particular sum as sufficient for that purpose; but as it is necessary for us in making our estimate to subscribe upon this given sum, and as His Excellency the Lieutenant Governor thought the sum of £200 provincial currency a sufficient allowance for the salaries of the school created under his auspices at Kingston, we do leave to take that sum as the average for the salary of the masters of each school, and half of it for the salary of an under-master, in case it should be thought expedient to have one.

The sum of £200 per annum seems to be sufficient for keeping the building to repair, the provision for the purchase of books, philosophical apparatus, &c. refers to the endowment of the District, rather than to that of the Grammar School, and is only mentioned that it may not appear to have been forgotten in your estimate.

It appeared, therefore, to be the general opinion of the Board, that a sum not exceeding £2000, provincial currency, and an annual interest of £200, will be amply sufficient for the establishment and support of a free Grammar School in each District. The next ob-

APPENDIX No. 2.

THE CHARTER OF THE UNIVERSITY OF KING'S COLLEGE, AT YORK, IN UPPER CANADA.

GEORGE THE FOURTH, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and so forth :

To all to whom these presents shall come,—

KNOW ALL men, that whereas the establishment of a College within our Province of Upper Canada in North America for the education of youth in the principles of the Christian Religion, and for their instruction in the various branches of Science and Literature which are taught in our Universities in this Kingdom, would greatly conduce to the welfare of our said Province : **AND** whereas humble application hath been made to Us by many of our loving subjects in our said Province, that we would be pleased to grant our Royal Charter for the more perfect establishment of a College therein, and for incorporating the members thereof for the purposes aforesaid : **Now** know ye, that We, having taken the premises into our Royal consideration, and duly weighing the great utility and importance of such an Institution, have, of our special grace, certain knowledge, and mere motion, ordained and granted ; and do by these presents, for Us, our heirs, and successors, ordain and grant, that there shall be established at or near our town of York, in our said Province of Upper Canada, from this time one College, with the style and privileges of an University, as hereinafter directed, for the education and instruction of youth and students in arts and faculties, to continue for ever, to be called "King's College."

And We do hereby declare and grant, that our trusty and well-beloved, the Right Reverend Father in God, Charles James, Bishop of the Diocese of Quebec, or the Bishop for the time being of the Diocese in which the said town of York may be situate, or any future division or alteration of the said present Diocese of Quebec, shall for Us and on our behalf be Visitor of the said College ; and that our trusty and well-beloved Sir Peregrine Maitland, our Lieutenant-

Governor of our said Province, or the Governor, Lieutenant-Governor, or other persons administering the Government of our said Province for the time being, shall be the Chancellor of our said College.

And We do hereby declare, ordain, and grant, that there shall at all times be one President of our said College, who shall be a Clergyman in Holy Orders of the United Church of England and Ireland ; and that there shall be such and so many Professors in different arts and faculties within our said College as from time to time shall be deemed necessary or expedient, and as shall be appointed by us, or by the Chancellor of our said College in our behalf and during our pleasure.

And We do hereby grant and ordain, that the Reverend John Strachan, Doctor in Divinity, Archdeacon of York, in our said Province of Upper Canada, shall be the first President of our said College ; and the Archdeacon of York in our said Province for the time being shall, by virtue of such his office, be at all times the President of the said College.

And We do hereby, for us, our heirs and successors, will, ordain, and grant, that the said Chancellor and President, and the said Professors of our said College, and all persons who shall be duly matriculated into and admitted as scholars of our said College, and their successors, for ever, shall be one distinct and separate body politic, in deed and in name, by the name and style of "The Chancellor, President, and Scholars of King's College at York, in the Province of Upper Canada ;" and that by the same name they shall have perpetual succession and a common seal ; and that they and their successors shall from time to time have full power to alter, renew, or change such common seal at their will and pleasure, and as shall be found convenient ; and that by the same name they, the said Chancellor, President, and Scholars, and their successors, from time to time and at all times hereafter, shall be able and capable to have, take, receive, purchase, acquire, hold, possess,

enjoy, and maintain, to and for the use of the said College, any messuages, lands, tenements, and hereditaments of what kind, nature, or quality soever, situate and being within our said Province of Upper Canada, so that the same do not exceed in yearly value the sum of fifteen thousand pounds, sterling, above all charges; and moreover, to take, purchase, acquire, have, hold, enjoy, receive, possess, and retain, all in any goods, chattels, hereditables or other considerations, debts, or benefactions whatsoever.

And We do hereby declare and grant, that the said Chancellor, President, and Scholars, and their successors, by the same name, shall and may be able and capable in law to sue and be sued, implead and be impleaded, defend or be defended, in all our other courts of record within our United Kingdom of Great Britain and Ireland, and our said Province of Upper Canada and other our dominions, in all our singular justices, sessions, pleas, suits, matters, and demands whatsoever, of what nature or kind soever, in as large, ample, and beneficial a manner and form as any such ability, public and corporate, in any other our Kings of Great Britain, being persons able and capable in law, may sue, be sued, implead, or be sued, impleaded, defend, or be defended, in any manner whatsoever.

And We do hereby declare, ordain, and give, that there shall be within our said College, at Suspension a Council, to be called and known by the name of "The College Council;" and we do will and ordain that the said Council shall consist of the Chancellor and President, at the time being, and at every of the Professors, wives and families, of our said College; and that every Professor shall be a member of the said Council, and shall, previously to their admission into the said College Council, severally sign and subscribe the Thirty-nine Articles of Religion, and shall set forth a Book of Common Prayer; and in case it may hereafter be found that there should not be within our said College, any number of wives and families, being members of the said Established Church, then our will and ordain is, and we do hereby grant and ordain, that the said College Council shall be made up to the requisite number of seven, consisting of the Chancellor and President for the time being, or such persons, being graduates of our said College, and being members of the said Established Church, as shall for that purpose be appointed by the Chancellor for the time being of our said College; and that hereafter the said Council shall in the manner aforesaid, the Thirty-nine Articles aforesaid, previously to their admission into the said College Council.

And whereas it is necessary, to make provision for the completing and filling up of the said Council at the first institution of our said College, and previously

to the appointment of any Professors, or the conferring of any degrees therein; now we do further ordain and declare, that the Chancellor of our 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 our said Province of Upper Canada, to constitute, jointly with him, the said Chancellor, and the President of our said College, for the time being, the first or original Council of our said College; which first or original members of the said Council shall in like manner respectively subscribe the Thirty-nine Articles aforesaid, previously to their admission into the said Council.

And We do further declare and give, that the members of the said College Council, holding within our said College the offices of Chancellor, President, or Professor in any art or faculty, shall respectively hold their seats in the said Council so long as they, and each of them shall retain such their offices as aforesaid, and as long as they shall be members of the said Council, but holding offices in our said College, shall from time to time vacate their seats in the said Council, when and as soon as their seats shall be vacated by the death of any of our said College, being members of the said Council, or the death of any member of the said Council, or the resignation of any member of the said Council.

And We do hereby authorize and empower the Chancellor, for the time being, of our said College, to divide in each year, such particular member of the said Council, not holding any such office as aforesaid, shall vacate his seat in the said Council, upon the admission of any new member of Council holding any such office.

And We do hereby declare and give, that the Chancellor for the time being of our said College, shall preside at all meetings of the said College Council, which he may deem it proper or convenient to attend; and that, in his absence, the President of our said College shall preside at all such meetings; and that in the absence of the said President, the seniority of the said Council, presiding in any such meeting, shall preside thereat; and that the majority of the members of the said Council, either the Chancellor and President, shall be regulated according to the date of their respective appointments. Provided always, that the members of the said Council being Professors in our said College, shall, in the said Council, take precedence over, and be considered as senior to the members thereof, not being Professors in our said College.

And We do ordain and declare, that no meeting of the said Council shall be or be held to be a lawful meeting thereof, unless five members at the least be

persons during the whole of every such meeting; And that all questions and resolutions proposed for the decision of the said College Council shall be determined by the majority of the votes of the members of Council present, including the vote of the presiding member; and that in the case of an equal division of such votes, the member presiding in any such meeting shall give an additional or casting vote.

And We do further declare, that if any member of the said Council shall die, or resign his seat in the said Council, or shall be suspended or removed from the same, or shall by reason of any bodily or mental infirmity, or by reason of his absence from the said Province, become incapable for three calendar months or upwards of attending the meetings of the said Council, then and in every such case a fit and proper person shall be appointed by the said Chancellor to sit in and be a member of the said Council in the place and stead of the member so dying or resigning, or so suspended or removed, or incapacitated, as aforesaid; and such new member succeeding to any member so suspended or incapacitated, shall vacate such his office on the removal of any such suspension, or at the termination of any such incapacity, as aforesaid, of his immediate predecessor in the said Council.

And We do further ordain and grant, that it shall and may be competent to and for the Chancellor, in the time being of our said College, to suspend from his seat in the said Council any member thereof for any just and reasonable cause to the said Chancellor appearing: Provided, that the grounds of every such suspension shall be entered and recorded at length by the said Chancellor in the books of the said Council, and signed by him. And every person so suspended shall thereupon cease to be a member of the said Council, unless and until he shall be restored to, and re-constituted in, such his station therein by any order to be made in the premises by us, or by the said Visitor of our said College, acting on our behalf, and in pursuance of any special reference from us.

And We do further declare, that any member of the said Council, who, without sufficient cause, to be allowed by the said Chancellor, by an order entered for that purpose, on the books of the said Council, shall absent himself from all the meetings thereof, which may be held within any six successive calendar months, shall thereupon vacate such his seat in the said Council.

And We do by these presents for us, our heirs, and successors, will, ordain, and grant, that the said Council of our said College 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 duties therein, the studies, lectures, exercises, degrees to be and faculties, and all matters regarding the same, the residence and duties of the President of our said College, the number, salaries, and duties of the Professors thereof, the management of the revenues and property of our said College, the salaries, stipends, provision, and emoluments of, and for the President, Professors, Scholars, 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 good, fit, and useful for the well being and advancement of our said College, and agreeable to the laws, statutes, and ordinances then in force, by any new statutes, rules, or ordinances to be made, or by any alteration, addition, or amendment to any of the said statutes, rules, and ordinances, as to them shall seem good and expedient: Provided always, that the said statutes, rules, and ordinances, or any of them, shall not be repugnant to the laws and statutes of the United Kingdom of Great Britain and Ireland, or of our said Province of Upper Canada, or to this our charter: Provided also, that the said statutes, rules, and ordinances shall be subject to the approbation of the said Visitor of our said College for the time being: And shall be forthwith transmitted to the said Visitor for that purpose: And that in case the said Visitor shall see us, and on our behalf in writing, signify his disapprobation thereof within two years of the date of their being so made and made, the cause of such disapprobation shall be so displayed of by the said Visitor, shall, from the time of such disapprobation being made, known to the said Chancellor of our said College, in writing, and not by us or otherwise: but otherwise shall be, and remain in full force and virtue.

Provided, nevertheless, and we do hereby expressly give and reserve to us, our heirs, and successors, the power of reviewing, consulting, or reversing by any orders or orders, to be by us or them made in our or their Privy Council, all or any of the decisions, sentences, or orders, so to be made as aforesaid, by the said Visitor, for us and on our behalf, in reference to the said statutes, rules, and ordinances, or any of them.

And We do further ordain and declare, that no statute, rule, or ordinance, shall be framed or made by the said College Council, touching the matters aforesaid, or any of them, excepting only such as shall be proposed for the consideration of the said Council by the Chancellor for the time being of our said College.

And We do require and enjoin the said Chancellor thereof to consult with the President of our said College, and the next senior member of the said College

Council, observing all statutes, rules, and ordinances, to be made by him or the said Council for their

And We will, that the statutes, rules, and ordinances, shall be strictly and lawfully observed, kept, and performed, and that the same, in full vigour and effect, under the seal of the said University, be thereby or therein imposed or made.

And We do further will, ordain, and grant, that the said College shall be deemed and taken to be an University, and shall have and enjoy all such and the like privileges, immunities, and franchises, as our Universities of our United Kingdoms of Great Britain and Ireland, as to the same, in respect of being had or enjoyed by virtue of our Letters Patent. And that the Students of the said College shall have Henry and family of the Kingdom of Scotland, Master, and Doctor, and shall have Henry within themselves or persons, and shall have Henry within themselves or persons, in such manner as shall be directed by the statutes, rules, and ordinances of the said College.

And We do further will, ordain, and appoint, that no person shall be admitted or matriculated in the said College, or of persons admitted to any degree in any art or faculty therein, save such persons as shall be admitted in the said College, in the degree in Divinity, shall make such and the like subscriptions and subscriptions, and take such and the like oaths, as are required of persons admitted to any degree in our University of Oxford.

And we do further will, direct and ordain, that the Chancellor, Masters, and Professors of our said Col-

lege, and all persons admitted therein to the degree of Master of Arts, or to any degree in Divinity, Law, or Medicine, and who, from the time of such their admission to such degree, shall pay the annual sum of twenty shillings, sterling money, for and towards the support and maintenance of the said College, shall be and be deemed, taken and reputed to be Members of the Convocation of the said University, and as such members of the said Convocation shall have, exercise, hold enjoy, all such and the like privileges as are enjoyed by the members of the Convocation of our University of Oxford, as far as the same are capable of being had and enjoyed, by virtue of these our Letters Patent, and conformably with the provisions thereof.

And We will, and by these presents do give, our heirs and successors, do give and declare, that these our Letters Patent, or the execution or accomplishment thereof, shall and may be given, taken with, satisfied, and executed in the law, according to the true intent and meaning of the same; and shall be taken, construed, and referred to in the most reasonable and beneficial sense, or to the best advantage of the said Chancellor, Masters, and Scholars, of our said College, as well in our Courts of Record, as elsewhere, and by all and singular Judges, Justices, Officers, Ministers, and other subjects whatsoever of us, our heirs and successors, any heretofore, present, or to come, in whatsoever behalf, matter, cause, or thing, whatsoever to the contrary thereof, in any wise notwithstanding.

In witness whereof, We have caused these our Letters to be made Patent.

Witness ourself at Westminster, the fifteenth day of March, in the eighth year of our reign.

By Writ of Privy Seal.

(Signed) **Barrington**

And we do further will, direct and ordain, that the Chancellor, Masters, and Professors of our said Col-

And we do further will, direct and ordain, that the Chancellor, Masters, and Professors of our said Col-

APPENDIX No. 3.

DESPATCH FROM LORD GODERICH TO HIS EXCELLENCY SIR JOHN COLBORNE, K. C. B., LIEUTENANT-GOVERNOR OF UPPER CANADA.

Dorchester Street,
2nd November, 1831.
No. 48.

Sir,—Amongst the subjects which your excellency has brought under my notice, there is none more important than the question of public education, and particularly that part of it which relates to the existing constitution of King's College, at York.

There can be no doubt that that institution was established with the view of giving to the Province of Upper Canada the benefit of complete instruction in all the higher branches of knowledge, and of concentrating in the minds of the provincial youth, those sciences which belong to the seat of early civility with their future progress in life; and it is greatly to be regretted that any thing in the constitution of the establishment should have tended to obstruct, if not to defeat, this laudable design, and practically to deprive the Province of the advantage which was contemplated from its adoption. It cannot, however, be denied, that the exclusive and restrictive character given to King's College has had this effect; and a plan which was intended to bring together, and in harmonious, in the pursuit of the common object of useful knowledge, all classes of His Majesty's subjects, has had the opposite effect of causing uneasiness, complaint, and dissension.

It is obvious in this state of things (too notorious to require proof), that it is the duty of His Majesty's Government to consider what course of policy is most likely to remedy the evil, and to ensure to the Province a real enjoyment of the advantages intended to be conferred on it. Had the recommendation of the Canada Committee of the House of Commons upon this subject been successfully followed up, at the time they were submitted by you to the Provincial Legislature, under the instructions given to you by my predecessor, and had the restrictive clauses of the Charter been then removed, there is every reason to presume that such a course would at once have proved satisfactory and effective. Even now, that measure appears to afford the most easy and simple means of meeting the difficulty of the case; and without entering into a discussion of the probable causes of the

delay in carrying the recommendations of the Committee into effect, some additional facility for now adopting them may be found in the circumstances, that while no positive steps have been yet taken for giving to King's College any practical existence, the new College which you have established has been forwarded with considerable activity, and is now open for the instruction of youth. It may therefore be assumed that experience has demonstrated that, under the peculiar circumstances of Upper Canada, a College with restrictive tests is altogether ineoperative for any useful purpose, and that all that is wanted is such a system of regulations to be established by a law of the Province, for the management of the institution of the Upper Canada College, as may give it the requisite extension and development, without subjecting it to any qualification calculated to render it unpopular in the eyes of those various classes of the community for whose benefit, as well as for that of the Church of England, it is established.

I am confirmed in this latter observation by referring to a Resolution of the House of Assembly, of the 20th March 1828, in which the following opinion is pronounced upon the advantages likely to result from the establishment of Upper Canada College:—

Resolved.—That this House trusts that no hoped for modification of the present Charter will suspend the exertions of His Excellency to put into operation Colborne College, and by the observance of those liberal principles which His Excellency has already been pleased to patronize and recommend to open, with as little delay as possible, opportunities of education no way inferior to those contemplated by the proposed University."

Under these circumstances, I am to convey through you, to the members of the corporation of King's College, the earnest recommendation and advice of His Majesty's Government, that they do forthwith surrender to His Majesty the Charter of King's College of Upper Canada, with any lands which may have been granted to them. I persuade myself that the counsels which are thus given to that body, in the spirit of the most perfect respect for all the individuals by whom it is composed, will not be disregarded; as

It is on that supposition that I proceed to notice the ulterior measures which, upon such surrender, it will be convenient to adopt.

It can scarcely be necessary to say that no part of the endowment of the 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. I presume that the general convenience of all classes of society may be advanced in consequence of the erection of a new College upon a more enlarged scale.

As it is the intention of His Majesty to maintain his desire that the internal concerns of the Province should, in the highest degree, be regulated by his own Legislature, I should have interesting your views particularly on the subject of the general regulations which it may be expedient to apply to the government of the new College. They will doubtless be considered by the Legislature, and adopted in conformity with justice, equity, and good will. But there is one object which I must direct your attention, and which I am particularly desirous to recommend to the consideration of the Legislature in relation to the permanent establishment in the College, upon a more enlarged scale, of a Bishop's Professor of the Church of England. It is the subject of great importance to His Majesty's subjects in Upper Canada who being inhabitants of England, and His Majesty, as Head of the Church, cannot be insensible to the duty which he owes to him of protecting it in all parts of his dominions. It is not from any desire to give an undue preference to the established members of that Church, but to secure the College in particular, as the seat of the Province generally, that His Majesty has this object at heart; and when His Majesty, in his communications, the surrender of a Charter, which the Crown has liberally and constitutionally granted, on account of the distinct spirit which the Province has created, he has in view a consideration that his faithful subjects, the members of the two Houses of the Legislature of Upper Canada, will see nothing in his anxiety for the promotion of which I refer but a view, that, by the means of remedying all real grievances, and removing all grounds of discontent, he is not forgetful of their interests to which he is particularly bound to attend, and which His Majesty is ever ready to attend to in the instance without prejudice of any kind to the other class of his subjects.

I shall send you with much solicitude your report of the result of the communication which I have now made to you. I am well aware of the jealousy, not to say animosity, which have been engendered in the Province by the agitation of this question; and it is

conceivably to be expected that these feelings run all at once outside with the cause that give them birth; nor can I expect from myself that there may be prejudice and habits of thinking which may not easily be reconciled to the adoption of the new system; but it cannot be the interest of any class of Christians to be an object of jealousy, perhaps of dislike, to those who, differing upon certain points of doctrine and discipline, had themselves delivered by the effect of their differences from an equal share in advantages which were formerly enjoyed, but which are now generally beneficial.

It will be your special duty to convey earnestly to impress upon all classes the insupportable importance of looking at all questions of this description with moderation and firmness. The members of the Church of England should recollect the peculiar situation in which they stand in the matter of a separation of their Church from their former communion in a more enlarged scale than that which is now proposed to the attention of His Majesty with large masses of his faithful subjects, and they must the extension of their own Church depend upon the pleasure of all grounds for such extension. These are the other kind, differ from those, but they must not forget the cause which drew to the Church of England the marked countenance of the British Parliament upon the first establishment of a Legislative Assembly in Canada. They cannot but be sensible of the obligations of justice and equity incumbent on the Established Church, whose rights and privileges constitute a part of the constitutional foundation of our colonies, and that as natural protection in the English Parliament for the National Church, even in the most remote possessions of the Crown; and if a distinction of circumstances in Upper Canada had prevailed such distinction that taking account of rest their holy religion, and to the minds of faith and the views of Church discipline, what they may, must feel that the interests of religion, and its constitution, health, and progress, and its continuance and jealousy.

If, therefore, it be fitting to call upon the Church to settle the exclusive advantages which the present Charter of King's College confer upon it, it is no less incumbent upon all other classes of Christians to receive the best and most tender to those in that conciliating spirit by which alone His Majesty's subjects can be united by those common ties of mutual attachment which constitute the strength and nature the propriety of nations.

I have the honor to be, Sir,
Your most obedient, humble Servant,
(Signed) GORDON.
GORDON.

APPENDIX No. 4.

ALTERATIONS MADE IN THE CHARTER OF KING'S COLLEGE,

By 7th William the Fourth, Chap. 16, entitled, "An Act to amend the Charter of the University of King's College," in consequence of Lord Goderich's Despatch of 2nd November, 1831, and by which it was believed that all the requirements of the said Despatch were fully satisfied.

"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, his. his. his., 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 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 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 up 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, so to be 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 authority and Divine Inspiration of the Old and New Testaments, 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."

APPENDIX No. 5.

LETTER TO HIS EXCELLENCY THE RIGHT HONOURABLE SIR CHARLES METCALFE, G. C. B., GOVERNOR GENERAL, CHANCELLOR OF THE UNIVERSITY OF KING'S COLLEGE, &c., &c., FROM THE LORD BISHOP OF TORONTO.

Toronto, 2nd November, 1848.

Sir,—Turn me to draw your Excellency's attention to the Memorial enclosed, which I had it to be my duty to present to the different branches of the Provincial Parliament, respecting the Bill now before the Legislative House of Assembly, on the subject of the University of King's College.

I dare not conceal from your Excellency the great alarm which I, and every right-minded person in the Colony, feel, in seeing that such a measure has been introduced by an Officer so high in the Government as Her Majesty's Attorney-General, and not, it is natural to presume, without the knowledge of your Excellency.

When I first heard a rumour that the Provincial Legislature was likely to interfere with the University of King's College, I gave it no credit; for although a few individuals had endeavoured to raise a cry against that Institution, their selfish views and want of principle were so glaring, that the press and public opinion were evidently against them; Nor did I believe it possible for any Government to lend itself to a movement whose objects were so unjust.

Had their unrighteous appeal been in any degree responded to, I would have naturally relied upon your Excellency as our shield of protection to prevent any step from being taken against the University of King's College, in the writers of which so great a portion of Her Majesty's subjects are concerned, all after references had to the authorities of the Institution, and full enquiry and deliberation on the part of your Excellency.

It was therefore with sorrow and mortification that I learned, during my visit through the lower Districts of my Diocese, that a measure had been brought into the lower branch of the Legislature, without the

slightest reference to me or the College Council, to cancel our Royal Charter, and to substitute our endowment, the gift of our late Sovereign King George the Fourth.

Still I cannot bring myself to believe that your Excellency was made fully aware of the withering provisions, before its introduction, so repugnant to every principle of justice and good government, and so hostile to the National Faith; nor can I think that your Excellency has yet been made acquainted with its sweeping and revolutionary character.

That I have reason to cherish this belief will appear from the fact that the Governor for the time being, was made Chancellor, in order to protect the University from unnecessary molestation and attack; and in accordance with this, I have no grounds for believing that any one of the Chancellors of the University have hitherto consulted their Executive Councils respecting it, or permitted them to interfere in any manner with its objects or interests. Even at the time that amendments were made by the Legislature to the original Charter, the consent of the Crown was first obtained for their introduction. On the present occasion, no such consent has either been sought or obtained from the Sovereign; nor has any reference been made to the President and College Council; nor any opportunity afforded them to defend their vested rights from unjust aggression.

Had this been done, I feel persuaded that your Excellency, as Chancellor, and the appointed guardian and protector of the Institution, would have felt it your first duty to withhold your countenance from the revolting changes which the Bill contemplates; and which, in my humble opinion, involve in their tendency the safety of the Colony and its dependence on the Crown.



It places in peril the whole property of the Province,—samples on conscience,—and infringes our rights, spiritual and temporal.

From our present Chancellor, as from his predecessors, we have a right to expect aid and protection; and as the responsible Minister of the Crown, and not under the control of any power in the colony, that he will regard King's College like the apple of his eye, and deem any invasion of its rights an invasion of the Privilege of the Crown.

If called to me that before the Governor of any Colony surrenders measures involving the rights of established Institutions, such as respect the opinions of the population and the undoubted privileges of the United Church of England and Ireland, it is his bounden duty to be satisfied that they are just and constitutional. To admit of amendments of a different character, would expose him to the charge of departing from his high station, and of compromising the Royal prerogative. And he is sworn to maintain and not to hazard the safety of the Colony.

And should one of the great evils of which we have to complain, since the unhappy perpetration of the Union, be that neither the moral influence of the Crown, nor its firm support of constitutional principles, have been felt, if they have been exercised.

In all Colonies, the Governor must be answerable to the Imperial Government, and not to any within the Colony; otherwise, it loses its dependence as a Colony, and becomes an Independent State.

The condition of that Colony would indeed be deplorable, in which it should be found that the Governor or Administrator, whether from indifference, a deficiency of moral courage, or the desire of popularity, has ceased to exercise, in the spirit of firmness and justice, the high functions with which he is entrusted as the Representative of his Sovereign.

Permit me, in conclusion, to deplore Your Excellency, as you value your well-earned reputation, and the connexion of this noble Colony with the Crown, to protect our University, as all the Chancellors at home do theirs, from threatened destruction. It is the only Royal Institution of Canada West which promises to pursue the glorious path and earn the reputation of Oxford and Cambridge, which have, for more than a thousand years, been the eyes of the British Empire.

I remain, Sir, with great respect,

Your Excellency's most obedt. humble Servt.,

John Tupper.

**MEMORIAL TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY
OF THE PROVINCE OF CANADA**

The Memorial of John, by Divine Providence,
Bishop of Toronto.

Respectfully Sheweth

That a Bill has been presented for the consideration of your Honourable House, intituled: "An Act to provide for the separate endowments of the Colleges and University functions of the Colleges established at the city of Toronto, in Upper Canada, for inserting certain other Colleges and Collegiate Institutions of this division of the Province with the University; and for the more efficient establishment and satisfactory government of the same."—In which Bill amendments are introduced, which, in the opinion of your Memorialist, are subversive of the sacred rights of conscience, as well as of property, and altogether repugnant to the British Constitution, and to civil and religious liberty. And although your Memorialist deems it impossible for your Honourable House to experience a measure so deadly to the best interests of man, yet the very fact that it has been presented, is so alarming as to justify a brief reference to its objects, its character, and its consequences.

I. In Ontario.

1. The leading object of the Bill is to place all forms of error upon an equality with truth, by partitioning equally within the same institution an unlimited number of seats, whose doctrines are absolutely incompatible with the principles in the nature atheistical and so monstrous in its consequences, that, if successfully carried out, it would utterly destroy all that is pure and holy in morals and religion, and would lead to greater corruption than any thing adopted during the violence of the French Revolution, when that unhappy country, abjured the Christian Faith, and set up in its stead the worship of the Goddess of Reason. Such a fatal departure from all that is good, is without a parallel in the history of the world; unless indeed some resemblance to it can be found in Pagan Rome, which, to please the nations she had conquered, endeavoured to associate their impure idolatry with her own.

2. In accordance with this godless principle, the second object of the Bill is to destroy the Royal

Charter of the University of King's College, and to deprive it of its endowment, and to apply the latter to purposes which His late Majesty King George the Fourth never contemplated, much less those who petitioned successfully for the Charter and Endowment. Two things were prayed for,—first, the means of educating young men for the Ministry of the United Church of England and Ireland, the Church of the Empire, and of which the Sovereign is the Temporal Head; secondly, the power to open the College or University for secular teaching to the whole population. Both were most graciously granted by the reigning Sovereign. The University was placed under the government of a Council whose members were all of the United Church of England and Ireland; that is this the most important of all points,—namely, "Rationalism, there might be professed only." The Visitor was the Bishop of Quebec, and the President the Archbishop of York; so that the religious teaching in the University might be that which the Royal founder professed, and was sworn to maintain as the religion of the Empire.

Now it is to be remembered that His late Majesty King George the Fourth had an undoubted right to grant the Charter and Endowment; and being once granted, after long and careful enquiry and deliberation, as was the case in this instance, it could not be taken away, but respectably, that it is not competent for any power or authority to take them away, or apply them to purposes foreign to, and inconsistent with, the Royal intention. The King, in virtue of His Coronation oath, had not the power to patronize or establish any other form of worship, within the University of King's College, than that of the National Faith; and it is well known that His Majesty neither did, nor could profess any other; and yet the proposed Bill drops the principal object of the Charter, namely, that, so far as religious instruction is concerned, the Christianity taught shall be that of the United Church of England and Ireland, and no other; and opens the door to every species of error taught by the numerous sects which have branched from that pure branch of the Catholic Church of Christ.

So deeply was the Venerable Society for Promoting Christian Knowledge impressed with this view of

the subject, that they presented a collection of the works of the best Divines of the Church of England, to the amount of five hundred pounds, sterling, as a commencement of a Library for the Divinity department.

3. The third prominent object of this deadly measure is to restrain the Royal prerogative, so that no Royal Charter shall in future be granted for the establishment of any Seminary whatever, with power to confer degrees, except the proposed Institution, and which is to be considered a complete monopoly of science, and of what it calls Divinity, and so to preclude any class of Her Majesty's subjects, whatever their wishes may be, from enjoying its tyrannical and intolerant protection, and prevent them from creating Seminaries for the secular and religious instruction of their own youth, thus instituting a reign of intolerance and darkness unknown in the worst of times.

4. The fourth object is, indirectly and indirectly, but virtually and essentially, to prohibit in this British Colony, the Church of England, the bulwark of the Protestant Faith, the Church of the Sovereign and of the People, to degrade her ministry by excluding them from all professional education and ecclesiastical honors, except with the manifest assent and consent of the bitter hostility manifested by the framers of this measure to the National Faith, that they might reach the Church of England in the power of any Monarchist, by investing for him a new title, known as "Bishop of Toronto," conferred upon him by the Sovereign, with whom the sole power rests by the British constitution of establishing Bishops, and conferring the titles of the Incumbents thereof.

II. THE CHARACTER OF THIS PROPOSED UNIVERSITY, but virtually false, but good faith, but it is essentially, irreligious, and revolutionary, since it not only attempts to hold up the Christian religion to the contempt of wicked men, by establishing in the same Seminary, various denominations whose principles are hostile and irreconcilable, but disturbs civil order by wresting the property of the whole country. The University of King's College holds its endowment by the same title by which the lands of the Colony are held by their proprietors, and the Legislature may, with equal justice, seize upon and confer the property of individuals as that of the University.

It is not more than revolutionary, for the endowment of King's College, New York, was left untouched by the Revolution, and remains at this day in the sole possession of that Institution: the only change was the name, which, after the peace of 1783, was altered from King's to Columbia College. So far from our neighbours from breaking down, or even molesting, literary institutions, that they have at

all times been zealously disposed to support and to build them up; much less have they attempted the monstrous novelty of combining all sorts of religious and literary institutions. On the contrary, they have been liberal in bestowing grants on the Colleges of different persuasions, each separate from the other; and they have been most scrupulous in all that they did to guard the rights of each; they felt that to establish and build up requires wisdom and ability, but to break down what is useful, venerable, and holy, requires, instead of ability and talent, the mere exertion of arbitrary and ruthless power.

3. The most prominent result of such an experiment as that of uniting all denominations of Christians, as well as persons of no religion, in the management of the same institutions, must of necessity be knowledge. It is certainly the free enjoyment of the kind best contemplated in any country; and to hope that a University so managed can proceed in harmony and with efficiency, is to set at naught all former experience.

4. It is true the Charter has been already shown by the Legislature, but such a Charter had been previously granted to by the Crown, and it left the vital portions unaltered. The endowment remained untouched, and the Divinity Department was maintained on its original footing; and while nothing can be more open or less exclusive in its character than the Charter of King's College, it is not less certain that its charter had been made sacred, by vesting the power of carrying its provisions into effect, in the hands of the Sovereign, where it ought to be, and which I firmly believe to be satisfactory to the great majority of the population.

III. Its Constitution, but it is not to be excluded from all participation of the advantages granted by the Royal Charter and Endowment the Church for whose benefit they were more especially designed, except on conditions to which that Church can never consent. Unquestionably would the United Church of England and Ireland derived from her high and lofty position, were able to place the purity of her doctrine, and the teachers thereof, in the great school of her faith, and the custody of her Bishops, Presbyters, and Deacons, either directly or indirectly, under the control of bodies of which some have no acknowledged religious character, and others are the avowed foes of her Articles, Creeds, and Discipline. When I consider the sacred responsibilities entailed upon those whom God has called to preside over the studies of the youth destined for the ministry of our holy Church, I feel it to be impossible they can be suffered to take part in such an Institution as that contemplated.

If it be said that neither the proposed *Caput*, nor Board of Control, are to be permitted to meddle with the Divinity Students, then why should they be attached to an Institution so unconstitutionally combined, as that which the Bill seeks to establish. But this cannot be. The proposed University, through its *Caput*, Board of Control, and Convocation, legislates for, executes the laws, and controls the several Colleges as it may think fit; and under such a system, neither the students of the Church of England, nor their instructors, can be preserved from dangerous associations, and from the constant presence of error and schism, against which we are bound to pray.

2. The measure constitutes all property, by depriving the University of King's College of an endowment which is the gift of the Crown, and thus it introduces a precedent, the most destructive, to the very existence of society. If the Patents for land are to be touched, there is an end to the permanency of any Institution; and public and private property is alike placed at the mercy of a restless and changing majority. The University of King's College holds its property by direct grant from the Crown, and its title to the same is equally if not more clear than that by which the Religious and Collegiate Institutions of Lower Canada hold theirs, though very inferior in value and extent; but if it is to be confiscated without reason, and applied at the will of the Legislature, it is only the commencement of an evil that all good men must deplore. There may be a majority found (though I do not believe it) willing to confiscate the University of King's College; but in a very short time, should so wicked a thing be commuted, another majority will be found, fortified by an unprincipled precedent, to confiscate the like endowments in Lower Canada; for it is not to be supposed that when confiscation once commenced, it will be permitted to stop, more especially since the temptation will be much greater. The endowment of the University of King's College amounts only to two hundred and twenty-five thousand acres, whereas the property belonging to the Collegiate and Religious Institutions of Lower Canada exceeds two millions of acres, as appears from the following table:—

The Ursuline Convent of Quebec	164,616	acres
The Ursulines of Three Rivers	38,909	"
Recollets	945	"
Bishop and Seminary of Quebec	693,334	"
Jesuits	891,845	"
St. Sulpicians, Montreal	250,191	"
General Hospital, Quebec	28,497	"
Do. Do. Montreal	404	"
Hotel Dieu, Quebec	14,112	"
Leurs Grises	42,336	"
	2,125,179	"

Your Memorialist deprecates touching one single acre of these endowments; they are all destined to sacred purposes, and should be held sacred! What he contends for, is that the Endowment of the University of King's College is equally sacred, and that, if it be taken away (which God forbid) the same will come, sooner or later, when an productive precedent will be applied to their confiscation. Your Memorialist therefore prays that the Endowment of the University of King's College may remain as it is, undisturbed, and he feels assured that no one who honestly wishes to preserve the endowments in Lower Canada, can, with any consistency, vote for its confiscation.

3. A third consequence will flow from this measure, should it unfortunately pass, highly detrimental to the character and working of the British Constitution. The Crown will be degraded in the eyes of the people, and henceforth its gifts will be despised as so much waste paper, and the salutary influence of the Sovereign and the Representative, become useful and unknown.

4. A fourth consequence will be, the certain disgrace that so wicked a measure, should it become law, will reflect upon the Province. No attempt has ever been made in any country, professing Christianity, to place all the errors of weak and wicked men on an equality with Gospel truth. An attempt was indeed made in France some years ago by a stretch of tyrannical power, scarcely compatible even with despotism, to amalgamate, as it were, the Lutheran and Calvinistic denominations, but it has, signally failed. Men are not machines, nor are their minds malleable like iron. What a melancholy specimen of the march of intellect in the nineteenth century does this dishonest and intolerant measure exhibit!

5. Another consequence of the measure, is that it destroys the value of academical degrees; for these it confers will at best be acknowledged only within the Province, whereas degrees conferred under the Royal Charter are recognized throughout the British Empire, because they emanate from the Crown. Thus the destruction of the Charter of the University of King's College, takes away all that is honourable in the degree, and leaves them worthless.

6. Again, the provisions of the Bill preclude the slightest hope that any one will ever, by gift or bequest, endow a literary or religious Seminary in this unhappy Province. No person could be found so foolish as to do so, under restrictions so absurd,—restrictions which hinder the donor from giving the power of management of the Endowment to whom he chooses, and in the way he desires, or to acquire from the Crown the immunities and privileges essential to a University, and which confer upon it dignity and importance.

F. A further serious consequence which must flow from the measure, in the present which it affords of teaching continually, and because after session, with attendance of learning, and which ought never to be relaxed except in cases of extreme necessity. The serious and unjust clamours raised against the University of King's College, operated for a few years ago upon a Government more disposed at the time to yield in expediency than adhere strictly to sound principles, as to induce it to countenance certain amendments of the Charter (as they were called), and in which, for the sake of peace, the College Council reluctantly assented, and certainly in the hope that the Institution would never again be molested. But although its members were, for a time, satisfied, yet the doctrine of severity which generally marks the absence of correct principles, has called up a new body of opponents against King's College, and the result of the measure now before your Honourable House, is which its enemies now readily to agree (if in nothing else) in their implacable enmity to the Church of England, and are willing to surrender or modify their distinctive views and doctrines, provided they can accomplish the destruction of the only literary and religious institutions of any character within the Province of Upper Canada. Incidents are thus afforded of continually disturbing the University of King's College, and destroying the tranquillity and repose which are essential to the prosperity and well-being of its students.

IV. Having thus touched upon the objects, character, and consequences of the proposed measure for destroying the University of King's College, and seizing upon its endowments, it does not appear necessary for your Memorialist to dwell upon the details of the Bill for if it be in your Memorialist's conviction, based on principles once incoherent with the rights of conscience, and of civil and religious liberty, it is of little

importance to enter upon the latter objections, such as the supposed inequalities with respect to the various who are displaced, the odious and impracticable machinery, the uncertain nature of the Bill in which the various powers are lodged, &c. &c. It may be sufficient to remark that the adoption of the Bill will be to destroy a useful Institution, which if left undisturbed, would, in a short time, shed a lustre over the whole Province; and this without the slightest necessity, since it is quite competent for the Legislature to grant separate endowments to such Christian Institutions as it may desire to honour, without touching on the rights of the Church of England, or the integrity of the University of King's College.

In conclusion, your Memorialist respectfully, but of right, claims the continuance of the same protection, privileges, and immunities for the University of King's College, which are possessed, without hindrance or molestation, by the Roman Catholic Seminary and Institution of Lower Canada, and to which it is equally entitled by every principle of justice and equity.

Should your Memorialist unhappily fall in erroring the further progress of this fatal Bill in the Provincial Legislature, he has still the consolation to know that it is one of those measures which cannot be finally passed or by the Colonial authorities, as it deals with and compromises the most important principles of revealed Religion, and must be referred to the Imperial Parliament; and he feels satisfied that it will be viewed by that august body in the same light, as a measure obnoxious to every right principle, human and divine, offensive to conscience and social order, and such as cannot be entertained for a moment by a Christian nation. And your Memorialist, &c.

Toronto, November 1843

MEMORIALIST

APPENDIX No. 7.

THE LORD BISHOP OF TORONTO TO HIS EXCELLENCY THE RIGHT HONOURABLE SIR CHARLES T. METCALFE, G.C.B., BARONET, GOVERNOR-GENERAL, CHANCELLOR OF THE UNIVERSITY OF KING'S COLLEGE, &c., &c.

Toronto, March 6th, 1844.

MAY IT PLEASE YOUR EXCELLENCY,—

It is I find a prevailing impression, that in the next Session of the Legislature, either independently of the Government or with its sanction, some measure will be brought forward for effecting changes, I know not of what description, in the University of King's College. And it is further reported, that Your Excellency has under consideration some plan which would affect not only the government of the University, but the integrity of the endowment conferred upon it by the Crown.

I know nothing of the truth of these reports; and considering my early connexion with the Institution, and the position which I occupy under its Charter, I ought perhaps to assume, that it cannot be Your Excellency's intention to proceed in any such measures as are spoken of without affording to me, as President of the College, and, the Senior member of its Council, a timely opportunity of expressing my sentiments upon them.

It would be my wish and my duty to state, without reserve, to Your Excellency, upon such a reference, whatever views I might entertain of any project that may be suggested; and though Your Excellency has not hitherto thought fit to refer to me on a subject with which I am in so particular a manner connected,—and though I have no interest or desire in it but such as becomes a member of the National Church, zealous for the advancement of religion and learning to entertain,—yet I shall but discharge a duty which I feel I owe to this country, in which the greater part of my life has been spent, by venturing, though unasked, to communicate freely with Your Excellency, as Chancellor of the University, on this important matter.

Your Excellency knows the early history of the Charter. I believe it may be truly said, that at the time it was granted no member of the Crown, nor any Colonial Government, would have contemplated the founding and endowing a seat of learning which was not to have a known and distinct religious character.

None such had been hitherto constituted by Royal Charter in any part of the British dominions; and as it was desired to lay the foundation in this country of an Institution such as those which had for ages conferred inestimable advantages on the several portions of the United Kingdom, it was felt indispensable to constitute it, in some extent at least, upon the same principle.

To give it a distinct religious character, it was necessary to connect it with some one Church; and the preference could not be so naturally and properly bestowed as upon the Established Church of the Empire,—the religion of the Sovereign, by whose munificence it was to be endowed.

Still there was no hostile exclusion or restriction in the Charter as was at all consistent with the object in view.

There was about the same time an University to be founded in the Province of New Brunswick: the same constitution was given to each; and it was a constitution more liberal than had ever been conferred by a Royal Charter under the Great Seal of England upon any seat of learning, or I should rather perhaps say more latitudinarian; for it seems an abuse of the term liberal to assume that whatever is in its nature unsound, and at variance with principle, is worthy of having that character ascribed to it.

I was in England at the time soliciting the Charter in person, and have it in my power to show concisely

directly that the great difficulty I experienced was to obtain the sanction of the Government to the University being made so open as it was.

The only security provided by the original Charter for the maintenance within the College of the doctrines and worship of the Church of England, was, as Your Excellency is aware, the condition that the President and members of the College Council should belong to that Church, and that Degrees in Divinity could be conferred only upon those who were of her communion.

This afforded an assurance that no opposing doctrines would be taught there, and it was hoped it would prove a sufficient security against the evils of Dissent, and strict upon the subject of Religion. But as regarded the Professors who were to teach the sciences, with the growth who were to learn them, there was no such assurance as they might belong to any Church, or profess any faith.

This circumstance was certainly soon seized against the Charter, and the consequence, upon an open and accessible ground, was that it recognized a distinction between the Church of England and the various sects which differed from her doctrine. In this country the notions and feelings which led to these attacks were well understood and anticipated; and it was impossible to give credit to the authors of them for honesty of purpose. They were provided with how little scruple they perpetrated, and sustained the condition and effect of the Charter in which they complained.

But, being encouraged and aided by a party in England, and the assistance of Government, as they might have been with success, they became more formidable than they would have been, if some degree of confidence had been shown in supporting what was just and right. The hesitation in acting upon the Charter encouraged more violent attacks, and after some years of delay, and agitation, the Secretary of State invited the Assembly to take the matter into their own hands.

No man, I believe, who values what is good and stable in government, can for a moment doubt that this was a most serious and unfortunate hour. It was I think nearly without example to that hour, that a Colonial Assembly should be allowed by their Acts to nullify a Royal Charter, which had been granted by the Government, after long deliberation, under the Great Seal of the United Kingdom. The innovations which were now to flow from such a proceeding have been apparent, from the moment a course so irregular and unconstitutional was permitted, and they were never more evident than they are now.

It was quite obvious and certain, that no settlement of a question could be regarded as final which rested

upon the provisions of a Colonial Statute,—and more especially a question in which the antipathies of religious sects, and the feelings and desires of political factions, could be brought to bear.

If the Abolitionists (or as it is described by our friends in England, "a project glaringly opposed to every principle of justice, equity and law") proposed during the last Session had become a law, which seemed at one time to be not impossible, it would very soon have been found how vain had been the sacrifice of the best and most important interests of the country, in the hope of having a respite from the clamour and violence of party. The same power which had placed the matter upon so calamitous a footing, would as surely change the condition, and would no doubt do so, just as caprices or opinions or interests, widely distinct from those of religion, might seem to dictate.

But though I cannot avoid dwelling with painful feelings on the necessary abandonment (as it has always appeared to me) of what might have been the best and proudest distinction of this country above all other parts of the American continent, namely, an University founded on sound religious principles, simply endowed, and deriving its Professors from the renowned Colleges of Great Britain, yet I admit that there is little hope that either the Government or Legislature will reverse their steps.

It is therefore more to the purpose to seek ourselves what reforms can be discovered from the interminable stream of evil measures and dissensions, which we must look upon to go long as King's College holds its Charter by the process tenure; and what method can be found for saving from the wreck of the noble provision made in better times and under happier auspices, something that may be worth preserving, and that may afford a ground of hope in looking to the future.

If there could be the slightest assurance that under the Charter as it stands, the University would be upheld by the Government, and suffered to continue upon a footing resembling in practice, though it does not in theory, any of those seats of learning which are the glory of the Mother Country, I should of course not seem to suggest any change; but it is impossible not to despair of this, when I recollect what took place only a few months ago.

As one but two methods by which anything like a satisfactory result could be secured.

The first is, by ordering Colleges out of the portfolio of the Clergy, Resolves which are placed at the disposal of the Government (or other hands under their control), for the several bodies of Christians it may be thought proper and desirable to assist in

this manner, leaving, or I should rather say restoring, the present University to what it was originally calculated to be, and without breaking in upon its endowment.

The second is by appropriating to the Church of England the same portion of the endowment as the Imperial Parliament assigned to her out of the Clergy Reserves—that is to say, five-twelfths—and applying the remaining seven-twelfths in endowing Colleges for such other religious divisions of the population as may by the Government be thought best.

The members of the Church of Scotland might in this plan be liberally assisted; and as to any other denomination of Christians, it would rest with the Government to determine what they should receive, and to what extent. Of course, in the event of such division, it would be necessary to grant separate Charters to each College, entirely free from any political influence, and in entire connexion with its respective Church or denomination.

The different religious Societies in Canada have already shown their sense of what no wise and good man doubts (for all history and observation confirm it), that the only satisfactory foundation a College can rest upon, is that of a known and certain religious character.

It cannot be denied that it would be a great evil thus to split up an endowment, which, if left entire, would not for many years to come yield as large a revenue as could be advantageously employed, or would indeed be required, for maintaining one good University upon an efficient and liberal scale. But it would be a less evil to encounter than that which we have so lately been threatened with. It is unhappily too evident, that to preserve the Institution in its integrity, as a means of diffusing the blessings of true religion and sound learning, and giving an enlightened support to the cause of order and good government, requires a degree of wisdom and firmness which we may look for in vain. The next best measure to be hoped for, then, is the being secured in some smaller and less adequate provision; which, being enjoyed in peace, and dispensed upon rational principles, may

form at least a foundation of such a constitution as may command the confidence of parents, and gradually entitle it to the favour and respect of the enlightened portion of mankind.

It is not in the nature of things that confidence and respect can ever attend a seat of learning, where, if a Church is spoken of, it must be a Church without government; and where, if religion is taught, it must be religion without doctrine.

Above all things, I claim from the endowment the means of educating my clergy. This was my chief object in obtaining the Charter and Endowment of King's College, as appears from my original application; and it was fully recognized by the Imperial Government, as is evident from the tenor of the Charter, and was indeed the most valuable result to be anticipated by the Institution. It was on this account that one of the great Church Societies in England granted us a Divinity library, and the other promised to increase it when the University was in full operation. To deprive the Church of this benefit, would be to aim a deadly blow at her very foundation, and to cut off the principal advantage we had in view in seeking for the establishment of a seat of learning in Upper Canada. This is a point which never can be given up, and to which I believe the faith of Government is unreservedly pledged.

I have thus, under small encouragement I confess, discharged what I considered to be an imperative duty in laying before your Excellency what occurs to me on this important question; for I have not been able to persuade myself that my being Spiritual head of the Church of England in this Colony, and the President of King's College, are reasons why I should not be supposed to have a deep concern in the safety and success of an Institution, in which it was from the first intended that the Church should possess a great interest, and why, having an opinion, I should not venture to express it.

I have the honour to be, with great respect,
Your Excellency's most obt. humble Servt.,
(Signed) JOHN TOMONRO.

APPENDIX No. 8.

THE LORD BISHOP OF TORONTO TO HIS EXCELLENCY THE RIGHT HON. EARL CATHCART, ADMINISTRATOR OF THE GOVERNMENT OF CANADA, CHANCELLOR OF THE UNIVERSITY OF KING'S COLLEGE, &c. &c.

Toronto, March 2nd, 1848.

Mr Loan.—The answer given by the Council of the University of King's College to your Lordship's reference upon the subject of the Charter, will have put your Lordship fully in possession of their opinion.

Considering as I do in their opinion, I do the desire to submit to Your Lordship any views or suggestions varying from those contained in the Council's Report; but considering my position in the University, and the part which I had in obtaining the original Charter, I beg to be allowed to supply the want of opportunity of a personal conference with your Lordship on this highly interesting subject, by submitting to your Lordship's attention the following explanations and observations.

It is perhaps expedient to remark, that the subject to which Your Lordship has thus early given your direct attention, is one of the most important, if not the most important, that can engage the public consideration. Indeed, it is not possible to estimate too highly the degree in which the future prosperity and happiness of Upper Canada may be influenced by the manner in which she has been long habitually called the University. Qualities that to fully depend on

The public character of the people, the wisdom and permanency of their civil institutions, the probability of their passing through the course with confidence to their prosperity and happiness, and to the welfare of those with whom they are by any relation connected.—It is dependent wholly upon the education and training of those who are to fill the several professions, the Halls of Legislation and the Courts of Justice; and upon whom, from their position in society, the interests of religion, science, commerce and the arts, and the maintenance of a just and free government, must always chiefly depend.

Upper Canada is at present in a condition to avail herself every faculty of the benefits of a good and comprehensive system of Education. The population is large and is increasing; it wishes the prospects of the several professions are most rapidly expanding, and they must this position as respects

in society which, except in times of violence and confusion, must always extend superior knowledge and intelligence.

The interest, too, which is attached to these considerations, is much enhanced by the fact, which every one must see, and should feel very sorely, that it is in this generation the foundations are to be laid in Upper Canada, of a state of things which must operate favourably or unfavourably, at no distant period, upon some millions of people.

Looking at the exertions which have been made in other countries for founding and endowing Universities—and often by means which can only be gradual in their operation, and have been long in producing the desired effect.—It cannot but be considered a most fortunate circumstance for Upper Canada; that from the provision intimated of the Government to this subject at an early period; and by an arrangement afterwards happily suggested and concurred in by the Secretary of State, an ample and magnificent endowment has been voted for the support of an University, upon a liberal scale; and by means which, it is only to show more fully and conclusively, since in the slightest degree have affected, except indeed incidentally, the provision made for other Educational purposes.

The endowment, which may of this moment be regarded as ample for the present purposes of the University, is sure to rise in value, judiciously bestowed, as the condition of the Province improves; and it is impossible that any one who takes a sincere interest in the welfare of the country can reflect without the most grateful emotions, that without depending on the uncertain resources of private benevolence, or relying upon support from public charges, which might be both ill expedient, the Province is now, at a comparatively early period of its history, secured in the means of maintaining an University upon such a scale; that while it opens boundless advantages to all classes of the people, it may be made to constitute the grand ornament of the country, and the most powerful means of attracting to it that description of

emigrants from the United Kingdom whose wealth, intelligence, enterprise, and sound principles, make them invaluable settlers in a new country.

It has been very often repeated, but almost nevertheless to be generally forgotten, that when the Sovereign bestowed this noble gift upon the country, and incorporated the University, which his Royal grant was to support, he conferred upon it a Charter of a less exclusive character than any that had before been granted to any University endowed by the Crown. It had, it is true, a known religious character,—the intention being that religious instruction was to be dispensed there as in all other Universities of Royal foundation, and according to the doctrines and discipline of the National Church. To ensure this and to lay the best foundation for harmony, in the conducting the Institution, it was required that the Members of the College Council should all be members of the Church of England. Such Professors therefore as might not belong to that Church, could not be Members of the Council; but, except the Professors of Divinity, they might all have been members of any other Church, and to the youth of all religious denominations the College was freely open for instruction in the schools,—no test whatever being required of their matriculation, or for obtaining any but Divinity degrees.

This was the Charter as it originally stood; and, therefore, when the Legislature of Upper Canada, by their Statute 7 Wm. 4 Cap. 16, enacted that it shall not be necessary that any members of the College Council, or any Professors, 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 Divine Inspiration of the Old and New Testament, and in the doctrine of the Trinity; and when they further enacted that no religious test or qualification shall be required of scholars admitted or matriculated within the College, or of persons admitted to any degree or faculty therein;—they in fact enacted what was clearly superfluous, except as it respected the members of the Council and the single faculty of Divinity, for with these exceptions no tests were required of Professors or Scholars by the Charter as it stood. And the alteration which the statute did in fact make, was in striking a declaration (very vague certainly) of religious belief, where none whatsoever was required before.

Still, notwithstanding this public assurance of having abolished by a Legislative measure what had never in fact existed, so little have an enlightened knowledge of laws, and a calm and dispassionate consideration of them seemed to have prevailed in most of the discussions which the University has given rise to, that up to this moment it may be observed, that in the

resolutions passed at public meetings, and in the Petitions which are circulated for signature, it is in general most expressly insisted upon, that there shall be no tests, and no exclusion, when the Charter is already perfectly open and free, and has been so for nine years past, except as to the declaration which the Legislature also has required by their Act respecting a belief in the Scriptures, and in the Trinity; and it is difficult to understand how any Charter could be made more open than it now is,—or less bound by any obligations to religious truth, unless indeed it should contain a public invitation to holders to come and take charge of an Institution endowed by our Sovereign, and founded, as the Charter expresses it, for the Education of Youth in the principles of the Christian religion.

When it is seen how easy it is to induce people to clamour for changes as being indispensable to the public good, some of which very changes were made many years ago by an Act of Parliament, and others never could be made, because the state of things complained of, has never existed, it must appear to be a hopeless expectation that the University can ever be placed upon that footing that it shall be no longer found fault with and attacked.

I can see very clearly my Lord, that it must be essential to the success of any such Institution, that the principles on which it is based should be regarded with confidence and favour by those who would be likely to participate most largely in the advantages it offers; and that it would be most unwise not to defer to the opinion of those who, by their intelligence and knowledge, are most capable of judging soundly upon such questions, and also by their dispositions are inclined to seek and maintain what is best, rather than to look for relief from a state present trouble, by sacrificing for ever inestimable interests.

But the misfortune is, that there can always be brought to bear upon these questions strong expressions of opinion from large classes of persons who are not well informed of the actual condition of things which they see, encouraged to attack; and of whom it may be said, without injustice or unkindness, that they are, from various causes, unable to estimate rightly the nature and value of objects which Universities are intended to promote, or to judge soundly of the best means of attaining them.

Still, to quell the good will of this large class of the community, is by no means a matter of indifference; but the occasion for regret is, that this is not always practicable, or at least that it often requires much patience and time to accomplish it. It is happy when the efforts of those who possess more knowledge and experience are employed in attempting to lead the multitude to think rightly, but when they are, on the

contrary, industriously started to uphold them,—the consequences may be more or less disastrous according to the wisdom and firmness of those upon whom the duty rests of withholding, to the utmost any miscellaneous popular defence. Throughout the discussions that have taken place respecting King's College, strong convictions have been expressed on all sides of the necessity of putting it without loss of time "upon a satisfactory footing;" and if by that, is meant the placing the Institution upon such a footing as will best insure its usefulness and success, it is certain that there can be nothing more desirable. But if "by a satisfactory footing" be meant such a footing as every one will declare himself satisfied with, so that none can any longer be brought to complain of the University Charter, under the influence of any motive or for the furtherance of any design, then I fear that all that is valuable in the Charter may be sacrificed in the vain hope of arriving at an impossible result. It might indeed without much difficulty be conceived to strip the College of essentially of every attribute of a seat of sound Academical learning; that it would be difficult for those whose prejudices are enlisted against whatever appears to be most excellent, to find any thing to condemn; and by such means an unreasonably clamour might be allowed, if that were all that it was important to accomplish. And so indeed might the same end be attained even more certainly and speedily, if all the means of such an Institution could be irretrievably sunk in the ocean; which would be a proceeding much the same in principle, though more direct in its operation, and such as all mankind would be competent to judge of, if it were plainly proposed to them.

Your Lordship, I am sure, will agree in the opinion, that in order to enable this University to answer the great purposes for which it was founded, it must be so conducted as to attract the respect and confidence of such fathers of families as can alone be expected to send their children there to be educated, among whom there would probably not be found one in five hundred of those who, for mere party purposes, are stimulated to sign intemperate petitions representing matters of which they have no knowledge, and into which they will not take the trouble to enquire. Its being popular with those who disclaim as much as possible the profane of any one religious doctrine to another—as if they were all equally false, or all equally indifferent—will be so recommended to the generality of parents who desire to give their children a University education.

Again, if its system and discipline do not in a great degree correspond in essential matters with those of the time-honoured Institutions of our Parent Country, and do not appear to be such as to afford a reasonable

prospect of an harmonious and respectable state of things within the walls of the Institution, we shall assuredly desire in vain to obtain the services of eminent men of other Universities; for they will not commit their fortunes to the chance of succeeding in any fanciful experiment which their judgment and feelings will condemn. And there is this further consideration, that if it is desired to make the University as useful as possible to the youth of Canada, by opening a way to honourable distinctions in the pursuits of Science, then it is necessary to place it on that footing that we can hope to find its degree and honours respected in other countries.

The loss of such advantages would be poorly compensated by purchasing, if it could be done in exchange for them, an immunity from such opposition and prejudice as it is the too common lot of whatever is excellent to encounter for a time.

I will forbear troubling Your Lordship with particular comments upon the suggestions made by the Council, but there are one or two points on which I will take the liberty of remarking.

Your Lordship's only act in connexion with the University having been one of great consideration and kindness, in inviting the College Council to a free expression of their wishes and opinions, it need not, I am satisfied, be apprehended that any unfriendly construction can be placed upon their motives, in stating their opinions unconsciously upon a point with which Your Lordship happens to be personally connected: I mean that provision in the Charter which makes the Governor of the Province the Chancellor of the University.

This has proved, I am persuaded a very injudicious and unfortunate arrangement, the effect of it has been to produce inevitably a connection between the University and the political feelings and movements of the day which every one must have seen to be most injurious, as indeed it could scarcely fail to be. This must I am persuaded have been on many occasions, embarrassing to the Government, as it certainly has been most detrimental to literature and science. If it had not been for the direct and immediate control which the Lieutenant Governor of Upper Canada, had in his capacity of Chancellor over all the proceedings of the Corporation, so that he could at his pleasure prevent all those powers from being exercised which the Royal Charter had conferred, those impediments could not have been thrown in the way which rendered the Charter for many years a dead letter and not only withheld from hundreds of the youth of Upper Canada advantages which to them have been lost forever; but had the effect of furnishing an argument (though a

very unreasonable one) for attacks upon the very existence of the Institution. It was ungenerously argued that the Charter was evidently impracticable and useless, because in so many years no use had been made of it, when nothing had in fact impeded the Corporation from carrying the beneficial design of the Royal Founder fully into effect, but the avowed determination of the Lieutenant Governor, (that not a step for that purpose should be taken, till all questions about the Charter were satisfactorily settled) in other words till the well informed and the ill informed, the reasonable and unreasonable, should all cease to complain either of their own accord or at the bidding of others, and until acts and parties, that agreed in nothing else should agree in their Name of an University.

As the Charter directs, that no bye-law or regulation of any kind can be passed, which is not proposed by the Chancellor, it was utterly impossible to move a step towards the organization of the College so long as the Chancellor declined to act.

I am not My Lord acknowledging that the Chancellor would warrantably make that use of the authority which the Charter gave him. I am only relating the fact, that the Corporation was thus disabled from exercising its legal powers, and enjoying its legal rights, and it may with perfect truth be remarked, that if the Government of Upper Canada could by a higher authority have been restrained in the same manner, from performing its functions whenever a violent clamour was raised against it, it must throughout the same period have been perfectly in abeyance, and it might as justly have been argued that because it had been so long inaction it was clear that it was incapable of doing efficiently.

The intimate connection of the Corporation with the Civil Government has led to other inconveniences, which the University deeply feels, and which could not have happened, if the Chancellor had stood in such a position as to have been free to act upon his own judgment, unembarrassed by considerations which are elsewhere carefully excluded from the halls of learning, and which can never be allowed to influence their arrangements without being fatal to their best interests.

But the question, what should be done as regards religion and religious instruction within the College, is that which no doubt will appear to Your Lordship the most difficult to determine. The College being liberally endowed, possessing a very elegant site in the centre of the Province and having always in view which cannot but recommend themselves to every virtuous and enlightened mind, there can hardly be any serious difficulty in settling upon a reasonable footing, whatever regards management, discipline and patronage.

Whether, what the Council have recommended, on the subject of religious instruction and worship, shall meet with Your Lordship's approbation and support, I shall be very anxious to learn.

If the College had been allowed to go into operation under its original Charter, then the state of things would have been this: It would have been understood and known to be a seat of learning in connection with the National Church, and in which only the doctrines of that Church would be taught, and its form of public worship maintained. To prevent division, and any danger of those intrigues and struggles for ascendancy which the rivalry of opposing sects is apt to engender, the Council were required to be of one Church, as the governing bodies in the other Colleges in this Province, which have been since chartered, are expressly required to be; but all would have been admissible as teachers or scholars without any distinction of religious creed, or the violation of any test, except in regard to the faculty of Divinity, which exception was inevitable if it were intended that any certain religious character was to be consistently maintained. It is my firm belief, that no great institution for educating the youth of a country founded upon a less certain and definite principle, as to its religious character and the nature of the doctrines which it professes to inculcate, will ever be found to fulfil worthily the great purposes for which it is designed. In England, Ireland and Scotland, so long as they have undisturbed these glorious and venerable institutions which, being established upon wise and sacred principles, have been elevating the national character for ages, they may venture to make the experiment of creating other Colleges in which religion shall have no part, and which shall put forth, as their title to public confidence and respect, an avowed disclaimer of any pretensions for any one religious creed above any other; and the imagination of man has lowered. It is plain that there are persons who, in opposition to experience and to the general current of human feeling, are willing to believe that such Colleges will produce so good fruits as others, and will be so much honoured and respected. In the United Kingdom, those who entertain such opinions can be indulged with an opportunity of bringing their theory to the test of trial without depriving others of such a system of instruction for their children as they know to be safe and good, and without compelling them to be content, in regard to the most interesting concerns of life, with a kind of principle and a species of liberality which they despise and abhor. But it is indeed a deplorable thing to see persons willing to commit the whole province, not only in this noble Province for academic education to the chance of an experiment against which the wisdom of just eyes lifts up her voice, and which,

when it has been tried in modern times, has shown by results that the principles which its advocates are seeking to establish are rejected by the prevailing feelings and opinions of mankind.

Unfortunately, however, the point had been conceded here to this extent, that, by the Provincial Statute of 1837, these few provisions which had been deemed indispensable for securing to the College a known and decided religious character, were abolished, leaving the Charter in this condition, that there is on the one hand no prohibition against imparting religious instruction in the College to any extent, or according to any form of Christian doctrine, while, on the other hand, it is left discretionary with the governing body of the College to provide for dispensing religious instruction or not, as they may think proper; at least for anything that is said in the Charter as it now stands, they might establish, as they have done, a Professorship of Divinity according to the doctrine of the Church of England, and provide for conferring degrees in Divinity on those who profess her faith; or they might have established a Professorship in Divinity according to any or every other variety of Christian doctrine, or they might have established none—with this exception, however, that if there be any Professor in Divinity he must, like all other Professors, believe in the Bible and in the doctrine of the Trinity.

This is the footing on which the Legislature was permitted to place King's College by their Act of 7 William IV. Chap. 16. I believe it was the first convenience in the history of the British Empire, in which a liberal Legislature had been allowed to make direct alterations by their Statutes in the terms of a Royal Charter, granted under the great Seal of England, and founded and endowed wholly by the Crown.

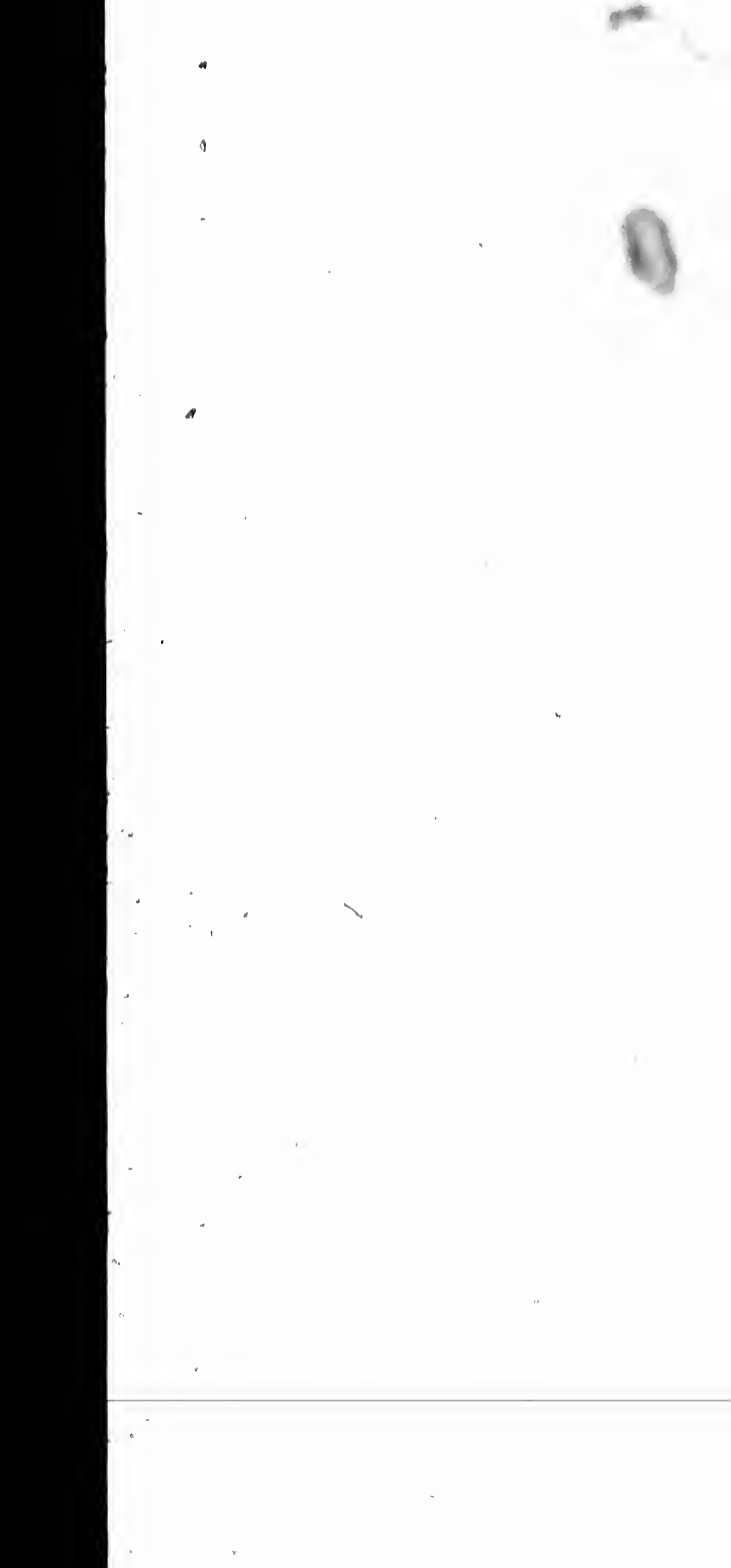
As the continual agitation which has been kept up ever since was foreseen and foretold by those who reluctantly submitted to what the Government seemed, unfortunately, as I think, to regard as a necessity, it may be inferred that the change, though it was acquiesced in by them, was not approved of. And if those who did approve of it were content to make the modification in the hope of buying peace, the measure has afforded another memorable instance of the failure of such a policy, for the Statute has had only the effect of placing the University upon ground where it was more exposed to direct attempts to alter and remodel the whole Charter by Legislation, and such attempts have, to the present hour, been renewed without ceasing; so that the efforts to excite hostility to the Charter, and to make this feeling a kind of political test throughout the Province, were really never so strong or so universal as they have been since the Legislature was allowed to place the University on the

very footing they desired. And it is remarkable, certainly, that no sooner had the distinctive character of the University been destroyed, so that it no longer had by its Charter any defined religious character, than the three most numerous bodies of Christians not belonging to the National Church solicited and obtained Charters for Colleges, which, by the very terms of such Charters, are placed avowedly and strictly under the government of members of those several denominations, and in effect, indeed, under the direction of their members.

Such is the history of the past, as it regards the position of religion in the University of King's College, and this is the result, to the present moment, of the struggle to prevent the Crown from establishing and supporting, from resources wholly at its own disposal, that kind of Institution in connection with the Established Church which the other denominations referred to are endeavoring to establish in connection with their own religious bodies.

It may be said that the other Colleges alluded to are endowed by the contributions of individuals—who may justly do as they please from that circumstance—but two of the three have solicited and received support from the Provincial revenues, and if the funds employed were wholly of their own raising, the proof would only be the stronger that they are sincere in the conviction that the principle on which they have desired to regulate their Colleges is the soundest and best.

Your Lordship, I trust, clearly understands the manner in which the Council of King's College has acted, in regard to religious instruction, upon their proceeding to organize the University after the passing of the Provincial Statute 7 William IV. That Statute having left it perfectly open to the governing body of the College to take whatever course they might think proper upon this point, it became their duty to consider the subject carefully. They did not feel that they would be justified in excluding the study of Divinity from King's College; on the contrary, they felt themselves bound to provide for adequate instruction in that, as in other sciences, under the sincere conviction that it is the most important of all. They have not attempted to embrace in their system of religious instruction a diversity of doctrines and creeds, for which they must of course have provided as many separate Professors, and as they could have given no good reason for establishing a Divinity Professor in connection with any other form of doctrine rather than with that of the Church of England, they did that which the original Charter evidently contemplated, and which the Statute of 1837 in no manner prohibited, in providing a Professor of Divinity of the Na-





tional Church. It did not appear to them that this course was one which they need be anxious to justify by argument. If they had so regarded it, they would not have failed to consider that no unprejudiced person could entertain a doubt that a much greater proportion of the youth who would resort to the College for education would be members of the Church of England than of any other, more probably, than of all other denominations combined, and that the three most numerous bodies among the latter had already separate Colleges established by Charter which placed them not merely under the direction of members of their respective religious communities, but, in effect, of their own clergy, an advantage which the members of the Church of England did not then, and do not now enjoy.

It is probably well known, however, that the Council has actually avoided doing more than afford, in those who may desire it, the means of obtaining such religious knowledge as the Professor of Divinity imparts, and the opportunity of attending the public worship which is maintained in their chapel. No constraint or influence is used, and those who are not members of the Church of England are neither required to receive instruction in her doctrines, nor to join in her worship.

If what has been done in the Council in this respect required any thing further to be offered in its

validation, it can only be necessary to refer to the sentiments expressed in the despatch addressed to Lord Godolphin, which accompanies the Report of the Council to Your Lordship, and to the several despatches of Lord Stanley to the Lieutenant Governor of New Brunswick, on the subject of King's College at Fredericton.

The general tenor of these despatches, and especially of the latter, affords, indeed, strong ground for the hope that the Province will, after all, be saved from such a calamity as the passing of any such measure as were proposed in the two last Sessions of the Legislature would have inflicted upon it.

I have much need of Your Lordship's indulgence for the great length of this communication, but the vast importance of the right disposal of the College question to the future well-being of Upper Canada makes me anxious to put Your Lordship in possession of its nature, tendency, and bearing; and I shall be happy, with Your Lordship's kind permission, to furnish any further information that may be in my power.

I have the honour to be,

My Lord,

Your Lordship's most obedient

Humble servant,

JOHN TORONTO.

APPENDIX No. 9.

TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF CANADA.

The Petition of the Visitors of King's College

RESPECTFULLY SHEWETH:

That your Petitioners have learned, with much concern, that certain bills are to be brought into the Legislature during the present Session, which they have seen in a printed form, and by which it is proposed—to deprive King's College of all the privileges and powers of an University, which it holds under the assurance of a Royal Charter, including the power of conferring Degrees in the Arts and Sciences—to remove from the College the President appointed to it by the Crown, and to appoint another to be President in his room, in disregard of the Royal Prerogative, and in contravention of the express terms of the Charter, which vests the right of appointment and removal in Her Majesty—to take from King's College the property conferred upon it by the Crown by Letters Patent, and all moneys and securities arising from the sale of its lands so granted, which are now in possession of the College, "or to which it is legally or equitably entitled," and to vest whatever is at this moment by Royal Grant the property of the College, in a new University, to be established by an Act of the Legislature: which University is to be prohibited by its constitution "from passing any statute, rule or regulation, for religious observances by the students;" in other words, from prescribing as a duty any act of religious worship.

We beg respectfully to state to your Honourable House, that when the Royal Charter, which was granted in 1827, by His late Majesty King George the Fourth, was altered in some respects by an Act of the Legislature of Upper Canada, passed in 1827, all interference with the property of the College was carefully avoided. We believe that to have been the first

occasion in which the provisions of a Charter under the great Seal of England had been altered, with the Royal sanction, by a Colonial Statute; and we believe also that there were many who, though not convinced of the regularity of such an Act, were yet led to acquiesce in it under the hope that, if the concurrence of the Crown were obtained, it would be a final measure.

We now beg to be permitted to prefer to your Honourable House our earnest petition, that no such Bills be about to be introduced for abolishing the privileges and taking away the property of King's College may be allowed to pass,—because we are fully persuaded that, except in times of civil tumult and violence, no example of such an invasion of chartered rights and of the rights of property can be found in the history of Great Britain or any of her Colonies,—because we are satisfied that such a measure, besides being pernicious in its example and destructive of that confidence which our constitution and laws entitle us to repose in Royal Charters, would inflict upon this Province great and lasting injury,—because no such legal grounds as may have led, in some cases, to an interference with the rights of property, in countries governed by British laws, have been shown or can be alleged as a foundation for the proposed measure,—because not merely in every part of the United Kingdom, but in many of the Colonies there exist corporate bodies, having no other guarantee for the continued possession of their property and privileges than can be shown by the Corporation of King's College; but which have always felt as secure in their enjoyment as individuals feel who hold their estates under the same description of title.

Because there have been for ages, and are at this moment in Canada, endowments of very great value appropriated to the support of Religion and the advancement of Learning, which rest on no other foundation, but which have been always hitherto scrupulously and justly respected; and to this day there exist similar endowments for Colleges and Churches in various parts of the United States of America, which, having been made by British monarchs at an early period, were not even amidst the violence of revolution, and although the Government, which made them, lost all power to renew them, they have survived every political change.

And because, if an experiment is desired to be made of establishing a seat of learning within whose walls no religious doctrine is to be inculcated, and no

religious duties or observances prescribed, such an experiment, we most respectfully submit, ought, in justice to King's College, and to all who value religious truth as the noblest and most important of the sciences, to be made by means of resources which are by law at the disposal of the Legislature, and not by taking from a College, founded by Royal Charter, for the advancement of sound religion and learning, the endowment which our Sovereign bestowed upon us.

(Signed)

Jno. B. ROBINSON,
J. JOHN,
ARCH. McLEAN,
CHR. A. HARRISMAN,

Visitors of King's College.

Toronto, 10th March, 1846.

APPENDIX No. 10.

RESOLUTIONS OF THE COUNCIL OF KING'S COLLEGE IN MARCH 1945, AGAINST THE UNIVERSITY BILL OF 1845.

Whereas the College Council have, within two years, been put in possession (not officially) of three Bills which are stated to have been already introduced into the Legislative Assembly, by one of which it is, among other things, proposed to be amended, that notwithstanding anything contained in the Charter of the University of King's College, the said College shall not hereafter have, exercise, or enjoy any of the rights, powers and privileges of an University, or hold any convocation, or confer any degree." And by another of the said Bills it is proposed to be enacted, that there shall be erected and established, at or near the city of Toronto, an University to be called "The University of Upper Canada," with power to "confer degrees," but from which the authority is to be expressly withheld of "passing any statute, rule or regulation for religious observances by the Students of the said University." And by the other of the said Bills it is proposed to be enacted "that, as soon as the intended new University shall be established, all and every, the land and other real estate and effects which have been granted by the Crown to King's College, and all moneys, debentures and securities for money of what nature or kind soever, arising from the sale or rental of any lands granted as aforesaid, or purchased, or procured, or taken by, for or through the means of any such lands, or any sale or leasing thereof, or for the security of any debt due to the said University of King's College now in its possession, or to which the said King's College is legally or equitably entitled, shall be vested in and become the property of the University of Upper Canada."

Resolved.—1. That this remarkable project of transferring from the Corporation created by the Crown all the property to which it is legally or equitably entitled, to another Corporation created by the Colonial

Legislature, seems to have been founded upon an assumption that, by allowing the Colonial Legislature (most unwisely, as the event has proved) to make a few alterations in the Royal Charter, chiefly for the purpose of dispensing with tests, which are only matter of positive regulation, in regard to discipline, the identity of the College has been destroyed, so that its estates have become common property, and may be applied to the support of any other Institution.

2. That such an assumption is as clearly contrary to law as it is to reason and justice.

3. That, considering that the privileges which it is thus proposed to abolish were conferred upon King's College by a Royal Charter, under the Great Seal of England, that they have not been in any manner abused, and that no allegation of the kind has been made the ground of these measures; considering that the property which is thus to be torn from its lawful possessors was granted to King's College by His late Majesty King George the Fourth, by letters patent, such as form the foundation of every man's title to real estate in Upper Canada; considering, also, that the Representative of the Crown in this Province is, by the Royal Charter, Chancellor of the University of King's College, we cannot but think that we might have reasonably looked to the law officer of the Crown for the most strenuous support in opposing measures so directly repugnant to the Royal grants as those of which he has consented to be the introducer.

4. That what aggravates, if it be possible, the injustice of the proposed measures, is the extraordinary circumstance that, while by these Bills it is proposed to leave Queen's College and Victoria College the option of retaining all the privileges of their Charters or surrendering them at their discretion, and of attaching themselves to the intended new University, no

such option is to be afforded to King's College, which is to be stopped potestatorily, and at once, of all the privileges and property which it enjoys under its Charter.

8. That, except by a short and imperfect memorandum communicated to two of its members, which they were not at liberty to notice or to make the ground of any discussion or proceeding, he opportunely who had been admitted to the Council of knowing, will lose of addressing themselves officially to the Government in respect to those measures which seem to have been deliberately resolved upon, of annihilating the privileges of the College and depriving the Corporation of its property.

9. That upon whatever considerations the Government of this Country may have thought it right to deny to the Corporation the protection of their legal principles to maintain their Corporation throughout the British dominions, the security of their rights and property, it is in our opinion the duty of the College Council to contend for them in every legal manner which they

believe to be unexceptioned by any precedent or authority; that if it shall become necessary they will appeal for the purpose to the Government in England, and will pursue every legal remedy within their power to the last resort, feeling a strong assurance that when the subject comes to be calmly discussed and clearly understood, both the love of Justice and the fear of consequences must lead to the admission that those legal and constitutional principles which are every where essential to the security of property can no more be withheld from King's College than from other Corporations.

But if, at the last, it shall appear that the intended deprivation of the rights of the Corporation which we represent must be successful (which we do not think possible), we shall at the least have the consolation of having done our duty in raising measures such as we believe will have been, up to that time, wholly without example, had to which expedient and the love of change, when found to be sanctioned by any legal restrictions, will render it difficult hereafter to set bounds.

UNIVERSITY OF KING'S COLLEGE
The Council of King's College do hereby certify that the above is a true and correct copy of the Report of the Council of King's College, as contained in the Minutes of the Council, held on the 14th day of May 1844, and that the same has been read and approved by the Council, and that the same is hereby published for the information of the public.

UNIVERSITY OF KING'S COLLEGE
The Council of King's College do hereby certify that the above is a true and correct copy of the Report of the Council of King's College, as contained in the Minutes of the Council, held on the 14th day of May 1844, and that the same has been read and approved by the Council, and that the same is hereby published for the information of the public.

stock of such University, and restricting its expenses and disbursements to the amount of its annual income from the same.

CLAUSE LXXII.

" And whereas a gift of Books, principally consisting of Theological Works, was some years since made to the said University heretofore first mentioned by the Society for Promoting Christian Knowledge, which in consequence of the abolition of the Chair of Divinity, that Society may desire to have transferred to some other Institution or otherwise disposed of: Be it therefore enacted, that upon application from the said Society by their proper officers, to be made to the said Chancellor, Masters and Scholars of the said Univer-

sity of Toronto, at any time before the year of our Lord one thousand eight hundred and fifty-five, requesting that such gift may be returned to them or otherwise disposed of as they may appoint, it shall and may be lawful for the said Chancellor, Masters and Scholars, and they are hereby required, to deliver over the same according to such request, and the same shall thereupon become vested in the said Society or in such other person or persons, bodies politic or corporate as the said Society shall or may in and by such request as to be made as aforesaid, nominate and appoint in that behalf; any thing herein contained to the contrary notwithstanding."

first day of the Annual Meeting of the said Board, then and in each year the said reading Masters 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 Trustee of the said Board, shall have solemnly declared his individual faithfulness of the Westminster Confession of Faith, and his adherence to the Articles of the said Church in their respective, discipline, and worship, and acknowledged each a faculty in his office to say in a group led by the said Board, and also such Professors and Students as may be so appointed to be received in the Service of the said Board. And We do further Will that the said Trustees and their Successors shall forever hereafter possess and administer together and appoint in the said College a Principal, who shall be a Minister of the Church of Scotland, or of the Presbyterian Church of Canada in communion with the Church of Scotland, and such Professors, Masters or Mentors, Tutors or Tutors, and such other Officers or Ministers as in the said Trustees shall seem meet, and we except only that the said Principal of the said College, who is also to be Professor of Divinity, and likewise the said Professor of Moral in the said College, shall be nominated by the Commission of the General Assembly of the Church of Scotland. Provided always that such person or persons as may be appointed to the Office of Principal, or to any Professorship in other Office in the Theological Department in the 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 Articles of the Westminster Confession of Faith, and his adherence to the standards of the Church of Scotland, its government, discipline and worship, and subscribe such a formula to this effect as may be prescribed by the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, and that such declaration and subscription be recorded in the Books of the Board of Trustees. And provided further that such persons as shall be appointed to Professorships, not in the Theological Department in the 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 doctrine of the aforesaid Confession of Faith as the Synod may prescribe. And We further Will, 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,

suspension, or removal be certified in writing to the Board of the said Board. And We further Will that the said Trustees and their Successors shall have full power and authority to create an Honor or Distinction for the way of the said College.—Provided always that such Honorary Distinctions shall not be given to those who do not derive from the Minister's Church in the Town of Kingston by the Synod of the said Church, and We further Will that the said Trustees and their Successors shall have power and authority together with such Distinctions, Honor and Distinctions, to confer and appointing the good government of the said College, the performance of Divine Service therein, the Studies, Lectures, Exercises, and all matters regarding the same; the students, professors and duties of the Professors thereof; the management of the temporal and property of the said College, the Education, Discipline and maintenance of, and for the Professors, Ministers, and Students thereof; the number and quality of such Officers, and Services, and also teaching and everything else which they or they shall be then shall seem necessary for the said College and advancement of the said College, and also that they may or may by any new Statutes, Orders or Ordinances to be made, revised, amended or altered, or any of the said Statutes, Orders and Ordinances or to those that were made and amended; Provided always that the said Statutes, Rules and Ordinances, or any of them shall not be repugnant to their priviledges or to the Laws and Statutes of the said Province;—Provided also that the said Statutes, Rules and Ordinances, or any of them shall not be repugnant to the Laws and Statutes of the said Province, 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 discipline of the said Synod of the Presbyterian Church, and shall be forthwith transmitted to the Clerk of the said Synod and by him laid before the said Synod at their next Meeting for their approval; and shall each approval duly authenticated by the signatures of the Moderator and Clerk of the said Synod to be returned, they shall not be in force. And We further Will that in case of there shall be a Principal and one Professor in the said College, the Board of Trustees shall have authority to convene under their Seal the said Principal and Professor, together with three Members of the Board of Trustees, a Court to be called "The College Courts," by the authority of Academicall superintendence and discipline over the Students, and all other persons residing within the town, and with such power for maintaining order and enforcing obedience to the Statutes, Rules and Ordinances of the said College, as to the said Board may seem meet and necessary.—Provided always, that as soon as three additional Professors shall be employed in the said College, no Trustee shall be

APPENDIX No. 19.

PETITION TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF CANADA.

The Petition of John, of Divine Foundation,
Bishop of Toronto.

Most Respectfully Sheweth

That a Bill has been introduced for the adoption of your Honourable House, intitled "An Act to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth; to provide for the more salutatory Government of the said University; and for other purposes connected with the same; and with the College and Grammar School, forming an appendage thereof."

That this Bill contains enactments which are, in the humble opinion of your Memorialist, of the most blighting character, and by its terms in interference with the rights, far instead of being confined to some modification of the Government, they go to deprive King's College of all the privileges conferred upon it by its Royal Charter, and strip the endowment granted for its support by the Crown of the establishment of an institution wholly different, to be created by the passing of this Bill.

That King's College, then sought to be destroyed with the avowed intention of taking for other purposes the property and estates which it holds under a Royal grant, has been for six years in successful operation under its Charter,—that it is legally incorporated by Letters Patent, under the Great Seal of England,—that no grant of forfeiture has been shown, such as might subject a Corporation upon a proper legal proceeding to the loss of its privileges, nor is it even pretended to be in fault; but it is assumed that your Honourable House is at liberty to deal at your pleasure with the Constitution and Property of King's College, as if neither the Corporation nor the one-fourth at least of the inhabitants of Upper Canada interested in the objects it was founded to promote, had any right under it to claim or present.

That your Petitioner has observed with extreme regret that this measure has been introduced into your Honourable House with the sanction of the Colonial Government; but your Petitioner will not yet abandon the hope that they will not persevere in urging enactments to which he believes a large major-

ity of the population of Upper Canada is justly opposed, and which they not only consider wrong but would feel to be unjust.

That the petitioners upon which some persons profess to rely for justifying such an interference with corporate privileges and vested rights, which is in its nature and degree unprecedented are wholly groundless, and can be in the slightest manner disapproved by the public official Acts, and Commissions of the Imperial and Colonial Governments; that the power wholly to subvert a Royal Charter granted for such a purpose, and to take from a Corporation its property, in the absence of any alleged crime, has never been assumed by the Imperial Parliament, and that the exercise of such a power by the Colonial Legislature, in this instance would be inconsistent with that measure of protection which similar institutions, founded in British Colonies and the same authority, have received from the ruling power, even after the grounds in which they were founded had become foreign to the British Crown. That it is entirely without reason that the despatches of the Secretary of State for the Colonies to a former Lieutenant-Governor in Upper Canada, (of the 2nd November, 1851, and 17th June, 1856,) have been advanced as a foundation for this further interference with King's College, inasmuch, since those despatches were written, the College has been placed, and is now actually conducted on the very footing which His late Majesty was pleased to recommend in his Royal commission of 2nd November, 1851, in which His Majesty stipulated in the most earnest terms for the permanent establishment in the College of a Professor of Divinity, upon a secure footing, of the Church of England, declaring it to be a matter of great importance to those of His Majesty's subjects in Upper Canada, who belong to the Church of England; and that His Majesty, as head of that Church, could not be invariable to the duty which belonged to him of protecting it in all parts of his dominions.

The scheme embodied in the Bill introduced to your Honourable House is unobscure, open, and un-
wieldy, and has never yet been tried in any part of the world, and was in practice create jealousy and distrust, and destroy every thing like harmony in the working of the institution.



Your Petitioner further represents that the leading feature of the Bill is the express exclusion of all religious instruction and worship, and so jealous do its authors and promoters appear on this important point that they admit not of the slightest reference to this, the basis of all true education, and even prohibit Clergymen or Ministers from any share in its government. And thus the men best qualified to gain a living influence over the hearts and minds of the youth, are precluded from communicating with them on the most important of all subjects.

That such an utter interdiction of every thing religious as this Bill seeks to establish by Legislative enactment, is without precedent among Christian nations, and can never be submitted to by men really serious and in earnest. An Institution which draws away all those who, from their living faith, warmth of disposition, and sincerity of purpose, are best qualified to train the young in all that is pure, lovely, and excellent in religion, and which in essence, must become the abhorrence of Christian parents, who can look upon it in no other light than as an infidel College, dead to all sense of religious truth, and unworthy of the blessing of Heaven.

That this Bill in its enactments not only exhibits a striking opposition to religious truth, but also implies peculiar animosity to the United Church of England and Ireland, while at the same time the rights and privileges of the colleges of other denominations, which are far more exclusive than the Charter of King's College has ever been, are conspicuously maintained.

Your Petitioner further submits that should this measure be carried into effect, the noble endowment granted by our late Sovereign for the support of King's College, will be vulnerable to the vile attempt to create a University upon a system which enlightened reason and conscience must with disdain, which is not sanctioned by experience in any age or country, nor, as your Petitioner believes by the feelings and opinions of any considerate number of those (of whatever religious denomination) who are best acquainted with the objects of a University education, and who alone are likely to avail themselves of its advantages for the instruction of their children.

That your Petitioner need scarcely declare to your Honourable House that the United Church of England and Ireland can have no connexion with such an institution; for she is bound by her interpretation of Christian truth, as embodied in her articles and formularies, to repudiate and reject a system of education not founded on religious principles, and he, therefore, most earnestly prays your Honourable House not to sanction a measure which tends wholly to separate the Members of the Church of England from the Provincial University, and to deprive their youth of all the advantages of a religious education, for which the endowment bestowed by the Crown was intended to provide.

That your Petitioner would deplore this measure the more, because he is aware that while King's College might be preserved in all its integrity, there are most ample means within the power of the Government of endowing Colleges in connexion with other denominations, upon principles which they have all shown themselves to prefer; or King's College might surrender part of its endowment for the support of a Medical College, being restored to the position in which it was placed by its original Charter, with such modifications only as would separate it entirely from anything like political intrigue or agitation, might serve though less efficiently than was at first intended, for the education of the members of the United Church of England and Ireland.

Your Petitioner further represents that whatever may be the motive, for bringing forward this measure, it will not settle the question, but on the contrary, furnish new sources of irritation, for its provisions do violence to the plainest constitutional principles, and by indelicately conferring the granting of degrees to the proposed Institution, the Queen is restrained in the exercise of one of the most unquestionable prerogatives of her Crown, a prerogative of the Sovereign, as the fountain of honour, which has never been modified with by Parliament, nor has a Minister ever been found in England capable of proposing any thing so disrespectful to Royalty as that contemplated by this Bill.

Your Petitioner submits that this measure attempts to reverse some of the most approved and cherished principles of the present age, for it desires to establish a most rigid and oppressive monopoly over mind, which of all things ought to be the most free, and to impose on the deluded public a well-timed sort of education, far inferior in quality and character to what may be easily obtained, had we in this Province, as in England and Scotland, rival Institutions.

Your Petitioner further represents that the Bill attempts to legislate for a very small fraction of the population of Upper Canada, to the virtual exclusion of the great majority from a collegiate education—a fraction not only from ignorance, but altogether disqualified from appreciating the value of sound knowledge, and which has seldom the means, or inclination, to avail itself of the respectable emoluments of instruction.

That not only will the members of the Church of England be virtually excluded from all participation in the proposed College, but the Roman Catholics also; from the utter proscription of religion, the substance and marrow of all education, as is declared in their Petition for aid to their College at Kingston, now before your Hon. House. Nor is their any good ground for assuming that either the Presbyterians or Methodists, or any of the other numerous and respectable Denominations, will patronise an institution where the name of the Saviour is never heard. And those who have Colleges of their own will cling to them

more clearly than ever, for the Government can offer them nothing so valuable as that which they are requested to give up. Their Charters place them, in honour, by the side of the British Universities; but were they so regardless of their honour and interests as to listen to the invitations of the Bill, they would sink into deserved contempt. Fortunately they have no power to make a surrender of such rights and privileges, for they are not confined to the Officers or Trustees of their respective colleges, but belong to all their people. Hence your Petitioner infers, that if the Methodists and Presbyterians retain the power of conferring degrees, the Church of England cannot be long deprived of the same privilege.

Your Petitioner most respectfully submits that the operation of this measure reverses the received axiom, that legislation should be for the benefit of the greater number. By the last census the population of Upper Canada is..... 791,000

The Church of England, which cannot connect itself with the proposed College, gives ...	171,751
The Church of Rome do.....	122,707
The Wesleyan Methodists, who do not require it, having a College of their own.....	90,268
The Kirk of Scotland, do.....	67,900
Those who will not profit by the proposed College,	458,371

Leaving to profit by this measure, 332,729

Even this is too much in favour of the measure, for the Scottish Free Church, and your Petitioner believes the Congregationalists disapprove of the principle of excluding religion from education, in which case they will soon have Colleges of their own.

Scottish Free Church,	64,750
Congregationalists.....	20,373
To be further deducted,	85,101

Leaving to profit by the proposed College 182,178

But even from this must be deducted many denominations who disregard Universities, and seek knowledge as they impart. Hence the Bill legislates for less than one-fourth, and no half of those will not use the privilege, the Legislature will, by passing the measure sacrifice the feelings and interests of the great majority of the inhabitants of Upper Canada to a small and clamorous fraction.

Your Petitioner further submits that a still more partial test of the classes which more especially supply colleges and seats of learning, would be found by ordering a return of the Students attending each Institution, and of the denominations to which their parents respectively belong. This beyond every other

argument would show the injustice of this bill, and the great injustice which it entails.

Your Petitioner further represents that the argument used by some to defend this measure, on the ground that it is similar to that which was adopted in the Parent State for the foundation of certain secular colleges in Ireland, is altogether fallacious, since whatever may be thought of the principle there adopted, it did not sacrifice the interests of the National Church as this measure does. No class could complain of injustice, however much they might deplore the avowed indifference manifested to the Christian religion. But the bill before your Honourable House not only deprives all that is evil in the Irish measure, but further deprives the members of the Church of England of their rights and College endowment, and gives to the bill a revolutionary character.

Your Petitioner begs permission in all due respect, to request your Honourable House to consider how the Government and people of England will reason when they learn that the Legislative Assembly in Canada, a great portion being Roman Catholics and Dissenters, gave Presbyterians and Methodists Charters establishing colleges, and also pecuniary assistance to a considerable amount, while the same legislative body not only deprived the Church of England of the Charter of King's College, granted to her by our late Sovereign King George the Fourth, but expelled her of the whole of the endowment, the gift of the same Sovereign; and refused to allow her to retain even the smallest portion of her own property, to enable her to educate the youth of her Communion for the different professions, and the continuance of her Ministry, and to supply vacancies continually happening in that Ministry, and extend her blessed ordinances to the destitute settlements of the Province. In fact, from the injustice of this measure, which seeks to crush the National Church, and peril her existence, may be seen her imminent danger, and that the most cruel of all oppressions, that of shackling the mind, and withdrawing the means of acquiring a liberal education for their children, is imposing upon more than one-fourth of the inhabitants of Upper Canada: this, it would appear, from no other reason than that they belong to the established Church of the Empire, which the Sovereign has sworn to maintain inviolate.

From all which your Petitioner, with all due respect to your Honourable House, enters his most solemn Protest in behalf of the Church of England against this bill, and the provisions thereof as most injurious to her interests, and subversive of her just rights and privileges—as unconstitutional, and pregnant with future evils both to Upper and Lower Canada.

All which is most humbly submitted; and your Petitioner, as in duty bound, will ever pray.

JOHN TORONTO.

April 18th, 1840.

