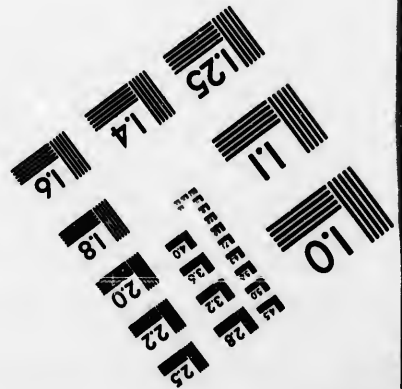
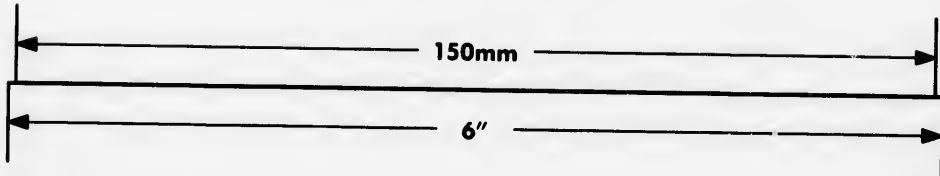
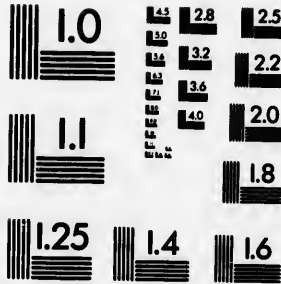
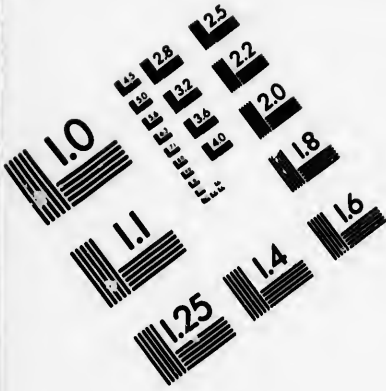


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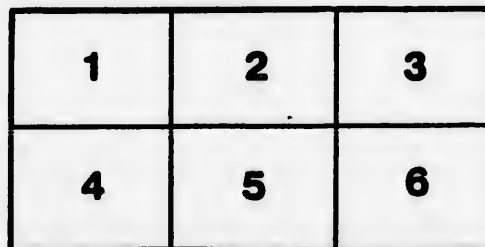
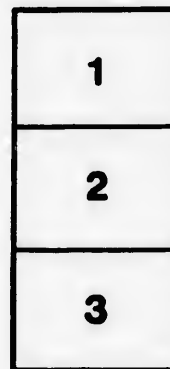
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**PETITION**  
of the  
**REV. E. RYERSON TO THE HOUSE OF ASSEMBLY,**  
TOGETHER WITH  
**A MESSAGE**  
from  
**HIS EXCELLENCY THE LIEUT. GOVERNOR,**  
AND  
**CORRESPONDENCE**  
between  
**THE RIGHT HON. LORD GLENELG, HIS EXCEL-  
LENCY, AND MR. RYERSON,**  
RELATIVE TO THE  
**UPPER CANADA ACADEMY.**

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*PRINTED BY ORDER OF THE HOUSE OF ASSEMBLY.*

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**TORONTO, U. C.**  
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*To the Honorable the Commons House of  
Assembly of Upper Canada in Provin-  
cial Parliament assembled.*

The Petition of EGERTON RYERSON, a Minister of  
the Wesleyan Methodist Church in Canada,

**HUMBLY SHEWETH,**

That in the month of June, 1835, the Conference of the Wesleyan Methodist Church, in accordance with the suggestions of the late Lieutenant Governor of this Province, Sir John Colborne, petitioned His late most gracious Majesty for a Royal Charter of Incorporation and an endowment for the Upper Canada Academy: that in November following of the same year, your petitioner was duly appointed to proceed to London to advocate those objects before the Imperial Government, under the strong recommendation of Sir John Colborne: that in July, 1836, your petitioner succeeded in obtaining the Royal Charter of Incorporation and the directions of His Majesty's Secretary of State for the Colonies to the Lieutenant Governor of this Province to recommend the Institution to the local Legislature for "its protection and support:" that in April, 1837, your petitioner obtained Royal Instructions to His Excellency Sir Francis B. Head, to advance out of the unappropriated revenues of the Crown the sum of £4,100 to the Trustees of the Upper Canada Academy in aid of that Institution, and, at the ensuing meeting of the Legislature, to report the circumstance to your Honorable House: that His Excellency issued his warrant in November last for the payment of one half of the aid thus granted, but since the former part of last December His Excellency has declined advancing the remainder of the amount, though the Receiver General at that time informed him that he was fully prepared to meet the claims of the Academy: that

His Excellency, before attending to the circumstance of advancing to the Trustees of that Institution the remainder of the amount, according to Lord Glenelg's Instructions, has thought proper to bring the whole subject under the consideration of the Legislature, and has made statements and transmitted documents to your Honorable House which deeply implicate the character of your petitioner; and that in consequence of these imputations against your petitioner he implores of your honorable House the privilege, guaranteed to the humblest British subject, of placing your Honorable House in possession of the facts of the case, as they affect both the character of your petitioner and the interests of the Upper Canada Academy.

Your petitioner painfully feels the embarrassment and disadvantage under which he appears before you;—unsupported as he is by the influence of great power, and unaided by high station, he throws himself entirely upon the impartiality, and justice, and protection of your Honorable House, as the only effectual method left him of exonerating himself from the injustice which must otherwise be inflicted upon him, and of saving the Upper Canada Academy from serious prejudice and injury.

In the documents referred to, your petitioner is charged by His Excellency with having falsely attacked the Hon. and Ven. the Archdeacon of York, a member of another branch of the Legislature,—of making “unmerited and incorrect declarations” against the Honorable the Legislative Council,—and of “misleading” His Excellency in respect to the benevolent intentions of Her Majesty's Secretary of State for the Colonies.

Your petitioner is confident that he expresses only what would be the feelings of every member of your Honorable House were he placed in similar circumstances, when he complains of being secretly impugned by the head of the local Executive before Her Majesty's Government, whose confidence and good will he is most anxious, as in duty bound, to deserve, without ever being permitted even the perusal of the unqualified imputations thrown upon him. Under such a system no man's character or interests can be safe. And your petitioner feels that he has the more cause to complain in this case, after he had voluntarily, privately, publicly, and fully vindicated His Excellency from charges

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which were preferred against him and his Government before the British House of Commons in 1836. For the head of the Government, neither, on the one hand, publicly nor privately, directly nor indirectly, to acknowledge or even admit the best endeavours to maintain the Government; but, on the other, to seize the first opportunity to impugn in unmitigated and unqualified terms, one who had spared no pains to sustain both the Governor and the constitution of the Province, is calculated to discourage every exertion, to chill every friendly feeling, and to destroy every confidence in favor of the administration of the Executive functions in the Province.

But your Petitioner disowns the charges preferred against him, as being unfounded in fact and unjust in their application.

Your Petitioner has not, from the beginning to the end of his communication to Lord Glenelg, referred to by His Excellency, designated the Archdeacon of York either by name or by character; nor is your petitioner aware that Lord Glenelg had the faintest idea of to whom your petitioner might have referred until the gratuitous introduction of the Archdeacon's name by His Excellency; nor could any individual, except one personally acquainted with the local affairs of this Province, know to whom your petitioner's remark was applicable; nor does your petitioner recollect that the Archdeacon of York's name was ever even mentioned in any of the various interviews with which he was honored by Lord Glenelg.

In the statement of your Petitioner, on this point, it was implied, 1st. That a majority of the Legislative Council had discouraged religious and educational instruction in this Province through any other than what he termed and what is usually called a "High Church Agency." For the correctness of this part of his statement your petitioner might appeal to successive addresses adopted by the Legislative Council on the subject of Religion—to the result of several Bills passed by Your Honorable House in favor of appropriations to literary Institutions and for School education—and to the published speeches of several Members, including the Spenser of Your Honorable House. 2nd. Your Petitioner's communication stated in the second place, that the individual who led in the proceedings of the Legislative

Council when the "subjects of Religion and Education have come before them," had strongly opposed the connexion of Ministers and Members of the Church of England with the British and Foreign Bible Society. This fact is denied by none; and the appropriateness and propriety of its introduction by Your Petitioner at the time will appear obvious, when it is considered that the ruling party of the Established Church in England oppose the British and Foreign Bible Society, as not sufficiently recognizing the supremacy of the Establishment, as affording too much countenance to various religious denominations, and for other reasons; and the views of that governing party of the Established Church in England on the subject of the British and Foreign Bible Society are known to be the *index* of their views on the subjects of religion and education generally; and therefore the allusion of your Petitioner would at once put Lord Glenelg into possession of the views of the party in the Council to whose exclusive policy your Petitioner attributed the loss of the Upper Canada Academy Bill,—and that without the slightest reflection upon their general character, as Lord Glenelg knew perfectly well that the advocates of those exclusive principles number among them thousands of men of the first acquirements, abilities, and respectability in England, although there is a very large body of the Episcopal Church in England as well as in this Province, who dissent from views and a policy so narrow and exclusive. And your Petitioner is prepared to prove that the individual leader of the majority of the Legislative Council on subjects of religion and education has, in various publications, advocated, with great ability and earnestness, the right of the Clergy of the Church of England to the exclusive control of education in the Province, as well as of its religious instruction,—maintaining that it was what they had always possessed in England, and what they ought to have in Canada.

The attempt of His Excellency to fix upon your Petitioner the reproach of falsehood, by stating that the Hon. and Venble. the Archdeacon of York was not present in the Legislative Council when the amendments to the Upper Canada Academy Bill were under consideration, will appear abortive as well as gratuitous, when it is observed that your Petitioner never intimated any thing to the con-

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trary—never intimated that even the individual who had opposed the British and Foreign Bible Society was present on the occasion, but simply adverted to the circumstance as characteristic of the exclusiveness of the party to whom your Petitioner ascribed the defeat of the Bill. It is, however, worthy of remark, that the printed Journals of the Legislative Council report the Archdeacon of York as having been present on the occasion referred to.

In reference to the proceedings of the Honorable the Legislative Council on the Bill in question, your Petitioner's statement of which has been impeached by His Excellency, your petitioner begs to state that the only sources of information in his possession were frankly acknowledged by him in his communication to Lord Glenelg, and placed by him in his Lordship's hands. They were the *Christian Guardian* of the 22nd of February, and the 1st of March, 1836. In regard to the bill being returned by the Legislative Council at the "eleventh hour" of the session, and the amendments being fatal to the object of it, the Editor of the *Guardian*, of 1st March, 1836, after inserting the amendments, states,—“These amendments of course prove fatal to the bill. At the *present late period of the session*, it can hardly be expected that a new bill (which is necessary) can be originated in the Assembly, embodying the amendments, and be passed through its several stages. It is indeed quite immaterial, whether in such a form it should be passed or not; as it is obvious that the ‘restrictions’ are tantamount to a refusal.”—And such your petitioner has been given to understand, was the understanding of the amendments by those members of Your Honorable House who took a deep interest in the passing of the bill.

The name of the Honorable the Speaker of the Legislative Council has been introduced by His Excellency in a manner calculated to implicate the integrity of your petitioner. What passed between Lord Glenelg and your petitioner relative to the part which that Honorable individual took in the affair is as follows: Your petitioner directed His Lordship's attention to the following editorial paragraph in the *Christian Guardian* of the 8th of March, 1836.—“As we were not present when the bill was under discussion, we are unable to say any thing from personal knowledge on the part taken in it by Honorable Members respectively.

" We understand, however, that the amendments were  
 " moved by the Hon. John Elmsley, who spoke at consider-  
 " able length in a strain as disrespectful towards the Metho-  
 " dist body as it was discreditable to himself. The Hon.  
 " the Chief Justice replied, in opposition to the amendment,  
 " and in favor of the bill; but the amendment was carried  
 " and the bill of course destroyed."—In connexion with the  
 " perusal of this paragraph by Lord Glenelg the following is  
 " the purport of what took place between his Lordship and  
 " your petitioner, as published by your petitioner in the *Chris-  
 tian Guardian* of the 5th of July last:—" The second day  
 " after the following letter was written I was honored with  
 " a personal interview with Lord Glenelg; on the morning  
 " of which day I received the *Guardian* of the 8th of  
 " March, stating that the bill as passed by the House of As-  
 " sembly was supported in the Legislative Council by the  
 " Hon. Chief Justice Robinson. Though Lord Glenelg  
 " had, on my entry, stated the favorable conclusion to which  
 " he had felt it his pleasing duty to come in respect to my  
 " application, yet I gladly availed myself of the opportunity  
 " to direct his Lordship's attention to the editorial paragraph  
 " in the *Guardian* in which it was stated that the Honora-  
 " ble Chief Justice Robinson advocated the bill. I observ-  
 " ed at the same time that the opinion of the Chief Justice  
 " was of more importance on such a subject, and would  
 " have more influence in the country than that of any majo-  
 " rity that could be arrayed against him. His Lordship ex-  
 " pressed himself much gratified, that the opinions and testi-  
 " mony of so distinguished an individual as the Chief Jus-  
 " tice proved in this instance an exception to the very extra-  
 " ordinary proceedings of a majority of the Council."

Throughout His Excellency's despatch to Lord Glenelg,  
 your petitioner is represented as hostile to the Legislative  
 Council branch of the Government, than which nothing can  
 be more incorrect in itself or unjust to your petitioner.  
 Your petitioner did complain of the proceedings of the Le-  
 gislative Council in respect to the Upper Canada Academy  
 bill; he did complain of the too exclusive character of the  
 views and proceedings of a majority of the Council on  
 " subjects of religion and education;" but in respect to the  
 constitution and general character of that branch of the  
 Government your petitioner had, to His Excellency's know-

ledge, defended it with great zeal and earnestness. During your petitioner's stay in England, he published a series of letters in defence of the institutions and government of the Canadas. Those letters were published in the columns of the most influential journal in England; they were afterwards published in a book, and distributed amongst the members of both houses of parliament, and formed the most full and correct exposition of Canadian affairs which had ever been furnished to British statesmen, and the British public. Your petitioner enclosed a copy of these letters to Lord Glenelg, for which he received his Lordship's thanks. In the sixth of those letters your petitioner defended the Canadian Legislative Councils against the vigorous efforts which were then, and had been for some years making, to subvert their constitution; and after enumerating the several points of comparison which had been instituted between the British House of Lords and the Canadian Legislative Councils to the disadvantage of the latter, your petitioner expressed himself as follows: "Now from 30 years residence in the Canadas, and nearly a years travelling in England, with a tolerable knowledge of the political, commercial, and literary history, and present state of Great Britain and Ireland, I unequivocally deny each of these propositions; and (with the exception of purely French prejudice in Lower Canada against every thing English) I positively affirm that in each case the comparison would turn on the side of the Canadian Legislative Councils. And in this assertion I concede to the House of Lords all that is attributed to that venerable and noble body by its ablest advocates. If it be desirable in the present position of Canadian affairs to increase the number of members in the Canadian Legislative Councils, that can be done without subverting the principles of their constitution, either by the Crown exercising its already established prerogative, or by an imperial act empowering the present Councillors to elect one or more representative members from each county, the same as the 16 representative peers of Scotland at the commencement of each parliament."

Your Petitioner therefore humbly and earnestly remonstrates against the unfairness and injustice of being represented from the highest Quarter in this Province to the highest Quarter in Great Britain, as being disaffected to a

constituent branch of the Government, with whatever warmth he might, under the influence of disappointed and wounded feelings, as he stated at the time, have complained of acts which have not been justified by a single Constitutional Journalist in Upper Canada, but condemned by several. However humble the circumstances and comparatively obscure the station of your petitioner, he feels as deep a concern for the integrity of the institutions and the prosperity of this his native Province, as can His Excellency Sir Francis Head.

Your petitioner, from the best sources of information, fully believes that no unnecessary delay attended the passing of the bill through the Honorable the Legislative Council; but it is clear from the understanding of all the parties concerned, that the effect of the amendments was to defeat the object of the original bill, whatever may have been the intentions of their framers.

As His Excellency has referred to the late period at which the bill passed Your Honorable House, in a manner calculated to make an impression that Your Honorable House viewed it as a matter of comparatively little importance, your petitioner, in justice to Your Honorable House, and to all the parties interested, begs leave to state in explanation, that as early as the 18th of March 1836, he received a communication from Mr. Stephen, of the Colonial Office, of which the following is the concluding paragraph: "In regard to the second point alluded to in your letter, Lord Glenelg directs me to state, that he will not fail to direct the Lieutenant Governor of Upper Canada, to recommend to the favourable attention of the Legislature of that Province, the claims of the Upper Canada Academy, to their protection and support."

The Trustees of the Upper Canada Academy believing that the joint official recommendation of the claims of that institution to the favourable consideration of both branches of the Legislature, by Her Majesty's Government and His Excellency, would essentially contribute to the procuring for it the requisite relief, and a reasonable annual endowment, desisted from pressing them upon your attention until all hope of receiving the high recommendation so graciously assured by Her Majesty's Secretary of State for the Colonies, was extinguished.

Your Petitioner now humbly implores the attention of your Honorable House to the subject of the aid intended to have been granted by Her Majesty's Government to the Upper Canada Academy, to the course which His Excellency has thought proper to pursue respecting it, and to the present embarrassments of the Trustees of that institution.

In the first place your petitioner begs to draw the attention of your Honorable House to the message of His Excellency the Lieutenant Governor of the 27th ultimo, in which His Excellency represents your petitioner as having construed Lord Glenelg's "*directions*" as ordering a *grant* and not a *loan* as the Lieutenant Governor understands it." This is an erroneous representation of your petitioner's statement. All that your petitioner contended for from Lord Glenelg's instructions was, that His Excellency was required to advance £4,100 to the Trustees of the Upper Canada Academy. Whether Lord Glenelg had given "*directions*" to His Excellency to advance that sum as a loan or a grant, was impossible for your petitioner to say, as he had never seen but one sentence of His Lordship's despatch. Your petitioner did say what he understood from Sir George Grey's letter on the same subject; he did state what he also understood from private interviews with Lord Glenelg and Mr. Stephen; but in respect to Lord Glenelg's "*directions*," your petitioner expressly stated—"whether Her Majesty's Government intended it as a *loan* or a *free grant*, is a matter between the Trustees of the Upper Canada Academy and Her Majesty's Secretary of State for the Colonies." And again, "It is, I submit, with Her Majesty's Government, and with Her Majesty's Government alone, to demand, or not, the repayment, at any future period, of any part, or the whole of the grant to the Upper Canada Academy." Your petitioner therefore simply contended that by Lord Glenelg's instructions and upon the good faith of Her Majesty's Government, the amount ought to be advanced by His Excellency with as little delay as possible; but that if any doubt arose as to Lord Glenelg's intention in the matter, the responsibility of advancing the money did not rest with His Excellency, and that it was but fair both to the parties concerned, and to Lord Glenelg himself, that His Lordship should be appealed to on the subject.

In the next place, as to whether Lord Glenelg really did

intend the amount specified to be a loan, your petitioner humbly submits, that it is due to the dignity and character of Her Majesty's Government, as well as to the friends of the Upper Canada Academy, for Lord Glenelg to be appealed to for his Lordship's own unbiased interpretation and decision. In the mean time your petitioner feels it but just to represent, that the honor of monarchy itself requires, that if a more or less liberal interpretation can be given to the despatches of the British Government, the more liberal interpretation is the proper one. The unquestionable object of Lord Glenelg was to give immediate relief and assistance to the Upper Canada Academy, as Sir George Grey's letter to your petitioner of the 25th of April, 1836, Lord Glenelg's despatch to His Excellency Sir Francis Head, dated the 28th of the same month, His Excellency's letter to Lord Glenelg, dated the 18th of July following, and Lord Glenelg's answer of the 23rd of August most clearly declare. In his letter to Lord Glenelg, dated the 18th of July last, His Excellency makes a marked difference between the *letter* and *spirit* of His Lordship's instructions. He states that in order to have obeyed the letter of Lord Glenelg's instructions, he ought to have "immediately paid" your petitioner the sum of £4,100. But His Excellency considers that he obeyed the *spirit* of those instructions by merely furnishing your petitioner with such a statement as might enable him to obtain the amount from the Banks by way of loan, upon interest. It must be perfectly obvious to your honorable house, that there is a wide difference between having £4,100 in hand, and credit to that amount at the banks; yet investing your petitioner with the latter, is interpreted by His Excellency to be the spirit of the former. If then a simple letter of credit to enable an individual to borrow on interest, upon his own personal responsibility, the sum of £4,100 is the spirit of "immediately paying" the individual that amount, your petitioner submits how it is possible for His Excellency reasonably to suppose, much less justly to maintain to the great injury of individuals, and the prejudice of a benevolent institution, that a *grant* from Her Majesty's Government cannot be "carrying out the spirit of the measure" which received the concurrence of your Honorable House. It is submitted to your Honorable House whether it can be rational or just for the very rule of interpretation which is

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adopted to the disadvantage of the institution, to be abandoned and denied the very moment it may be applied advantageously to the institution.

Your petitioner also submits, that if Lord Glenelg had loaned the sum of £4,100 upon the security of the premises, his Lordship would not have been "carrying out the spirit of the measure" which had passed your Honorable House, but he would have been carrying out the very measure itself in the strictest letter of it. The only difference would have been, the funds from which and the parties by whom the sum was advanced; the measure itself would have been identically the same—which is contrary to the very terms of his Lordship's despatch.

Your petitioner would also draw the attention of your Honorable House to the facts, that in the correspondence which took place between your petitioner and Lord Glenelg, from January to July 1836, his Lordship repeatedly expressed his anxious desire to make a liberal grant to the Upper Canada Academy; and that *loaning* a sum of money to such an institution, under the circumstances, is not in accordance with the usages or majesty of the British Crown.

It is therefore the strong conviction of your petitioner, that the simple import of Lord Glenelg's intentions in respect to the Upper Canada Academy were—1. That His Excellency Sir Francis Head should immediately advance the sum of £4,100 to your petitioner in aid of that institution. 2. That His Excellency should thereafter report the circumstance to the Legislature. 3. That his Lordship anticipated the concurrence of the Legislature in this peculiar circumstance, the same as it was accustomed to concur in any other appropriation of the casual and territorial revenue which had been made by the instructions of Her Majesty's Government and ordered to be reported to the Legislature.

But whether your Petitioner holds the correct view of Lord Glenelg's instructions or not,—the view held by His Excellency himself until within a few days,—he calls not upon your Honorable House to decide. At the tribunal of Lord Glenelg himself your Petitioner, and the Trustees of the Upper Canada Academy, desire that the question of His Lordship's intentions on the subject of a grant or a loan may be decided. To deny His Lordship the opportunity of explaining his own intentions, in the present

aspect of the affair, is calculated, your Petitioner submits, to erect an influence in the Province in contradistinction to that of Her Majesty's Government,—to degrade Her Majesty's Government in the eyes of the public,—and to do great injury to many individuals.

Your Petitioner further represents, that, assuming the correctness of His Excellency's last few days' interpretation of Lord Glenelg's instructions, and the incorrectness of his previous interpretation of them, individuals ought not to be the sufferers on that account. Inattention or error in the Head of any Department, and especially in the seat of sovereignty, ought not, your Petitioner submits, to be converted into a reason and justification of individual ruin or of public injury. In His Excellency's letter to Lord Glenelg, dated the 18th of July last, His Excellency expressly acknowledges the kind of letter of credit which he had given to enable your Petitioner to obtain the amount of £4,100 by loan. The Trustees acted upon the good faith of this engagement; they borrowed considerable sums of private individuals, and discounted large sums at the Banks, upon their own individual responsibility—relying upon the written engagement, and pledged honor of His Excellency, as a gentleman, to enable them to meet their engagements. Besides the obligations which they have discharged, your petitioner himself is legally holden for the sum of £850; and other Trustees are holden to the amount of £1100, the greater portion of which is already due at the Banks, and the whole of it will shortly become due. Your petitioner has good reason to believe that the refusal on the part of a private individual to fulfil an engagement such as His Excellency has acknowledged himself to have made, would subject him to heavy damages in an action at law; and your petitioner submits to your Honorable House, whether the integrity of the Government ought not to be as inviolable as that of individuals, and whether the honor, and character, and credit of the Government are not involved in the maintenance of its own solemn engagements.

Your petitioner feels that it would be descending from the high ground on which this question ought to be placed, to advert to the facts, that the Upper Canada College has been erected out of the Casual and Territorial Revenue at an expense of £17,000; that it is endowed with 25,000

acres of Land, and receives nearly £2,000 annually out of the Casual and Territorial Revenue, and is under the superintendence of Clergymen of the Church of England; that the Upper Canada Academy has been established by unparalleled individual effort—is a struggling coadjutor of the Upper Canada College in the education of Canadian youth; has been invested with a legal character by our late Most Gracious and beloved Sovereign; sustains a loss in consequence of the non payment of the promised aid, to a larger amount than that of the salary of the Principal, from interest on debts and money borrowed; and is labouring under the most distressing embarrassments; and appeals to the impartial justice and enlightened liberality of your Honorable House.

Your petitioner begs further to represent, that he is prepared to prove by authentic documents, or testimony of unexceptionable witnesses, or both, before a select committee of your Honorable House.

1. That the application of the Conference of the Wesleyan Methodist Church in Canada to His late Majesty for a Royal charter and endowment for the Upper Canada Academy, was made in accordance with the suggestions and under the strong recommendation of His Excellency Sir John Colborne, then Lieutenant Governor of this Province.

2. That it has been the strongly expressed desire of Her Majesty's Government from the beginning to grant liberal assistance to the Upper Canada Academy.

3. That the unquestionable object of Lord Glenelg in April 1837 was to secure immediate assistance to the amount of £4,100 to the Upper Canada Academy.

4. That by written communication from His Excellency the Lieutenant Governor, as well as from other authentic sources, His Excellency derived his original views of Lord Glenelg's instructions from the perusal of them, and from no other source whatever; that His Excellency has not only spoken of the aid given by Her Majesty's Government as a grant for seven months, but has actually made out documents in which this aid is represented as a grant, and which documents could not be composed without examining the royal instructions.

5. That His Excellency did, in July last, engage in writing, and has to several individuals, pledged his word to ad-

vance the amount of £4,100 as soon as the funds in the hands of the Receiver General would enable him to do so without doing injustice to prior claimants.

6. That several individuals have, upon the good faith of His Excellency's word, involved themselves to a large amount.

7. That a statement under the Receiver General's own hand was delivered to His Excellency in December, stating his preparedness to meet the claims of the Upper Canada Academy; that the Receiver General sent another statement of the same kind nearly a fortnight ago—that during all this time His Excellency was under the full impression that the amount he was to advance was a grant, yet under this conviction and the obligation of a written engagement and personal pledge, he has continued to refuse issuing his warrant upon the Receiver General.

8. That every statement made in this memorial is strictly correct; and that the Upper Canada Academy, so justly entitled to the countenance and support of the Legislature, and so strongly recommended to its favorable consideration by Her Majesty's Government, has been greatly embarrassed in its operations; is sustaining daily losses, on account of the promised and expected assistance being withheld; and must, at the close of the present term, be suspended if that assistance be still refused.

Your petitioner therefore humbly and earnestly prays that your Honorable House will take the premises into your most favorable consideration; and that your Honorable House will recommend the immediate payment of £2,050 by His Excellency the Lieutenant Governor, according to Lord Glenelg's Instructions and His Excellency's positive and repeated engagements, and leave His Excellency the Lieutenant Governor and the Trustees of the Upper Canada Academy to appeal to Lord Glenelg for the interpretation of his gracious intentions in the assistance which his Lordship directed to be given to that institution.

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

EGERTON RYERSON.

*City of Toronto,* }  
*February 2nd, 1838.* }

MESSAGE

FROM HIS EXCELLENCY THE LIEUTENANT-GOVERNOR,  
TRANSMITTING SUNDRY DESPATCHES RELATING TO  
THE AFFAIRS OF THE UPPER CANADA ACADEMY  
ERECTED AT COBOURG.

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly a copy of a despatch from the Right Honorable the Secretary of State for the Colonies, bearing date the 28th April, 1837, directing an advance to the trustees of the Upper Canada Academy of £4,100 from the crown revenue, being the "amount of the loan intended to have been granted" by a certain bill passed by the House of Assembly in the first session of the present Provincial Parliament.

The House will observe that the object of this advance is stated in the despatch to be to carry out the spirit of the measure which has already met the concurrence of the Legislative Council and Assembly.

The payment of £20,000 towards the war losses out of the crown revenues put it out of the power of the Lieutenant Governor to make the required advance immediately, as there was not a sufficient sum of that fund remaining in the hands of Her Majesty's Receiver General and unappropriated.

The last session of the Provincial Parliament being called for a special purpose, the Lieutenant Governor did not think it necessary to call the attention of the House of Assembly to this subject.

The Lieutenant Governor with the desire of carrying into effect the instructions of His Lordship took the earliest opportunity of directing the advance to be made so far as the state of the crown fund would allow; and, accordingly, on

the 11th of November, 1837, issued his warrant on the Receiver General for the sum of two thousand and fifty pounds, being the one half of the whole sum intended to be advanced.

As the order of His Lordship is founded on the anticipated sense of the two Houses of the Legislature, the Lieutenant Governor now deems it advisable, (notwithstanding his desire to relieve the members from their attendance) to call the attention of the House of Assembly to this matter. This becomes the more necessary from a letter of the Rev. Egerton Ryerson, herewith transmitted, in which the House will perceive that in the behalf of the trustees, Mr. Ryerson insists on the payment of the remaining sum—construing His Lordship's directions as ordering a grant, and not a loan, as the Lieutenant Governor understands it.

That the House of Assembly may fully understand the intentions of Her Majesty's Government, the Lieutenant Governor herewith transmits copies of the correspondence in his possession between the claimants and the Colonial Office, and also of a despatch on the same subject, transmitted by the Lieutenant Governor to the Right Honorable the Secretary of State for the Colonies, with His Lordship's reply.

*Government House,  
27th January, 1838.*

(COPY.)

20 GUILFORD ST., RUSSEL SQUARE,  
*April 18th, 1837.*

MY LORD,

I humbly implore your Lordship's early and gracious attention to the following statement, occasioned by recent intelligence from Upper Canada and the entreaties of benevolent and suffering individuals.

Having just returned to town from the North in order to prepare to embark by the Liverpool and New York Packet of the 1st instant, I have received advices respecting the proceedings of the Upper Canada Legislature relative to the "*Upper Canada Academy*." It appears that in accor-

dance with your Lordship's gracious recommendation, on application of the Principal and Trustees of the institution—the House of Assembly appointed a Select Committee to investigate the subject. The Committee reported in favor of aiding the institution; and the House of Assembly by a majority of 31 to 10 passed a bill authorising a loan of £4,100 to the Trustees of the institution for 10 years.

The Legislative Council however, at the eleventh hour of the session, sent the bill back to the Assembly so amended as completely to defeat the object of it, by providing that the Receiver General should not advance any of the money granted by the act, unless he had money in his hands for which he had no other use.

Thus, my Lord, the matter stands; and your Lordship's recommendation and the recommendation of *three fourths* of the representatives of the people, and an object of so much expense and labour and importance are set aside and defeated by a majority of the Council consisting of 10 or 12 persons present, and a majority of whom, whenever the questions of Religion and Education have come before them, have really shewn a disposition to leave the inhabitants in total ignorance rather than that they should be instructed by any other than a high church agency. As a specimen of the bigotted exclusiveness of this party in the Council, I may observe that the leader of it has written strongly against Clergymen or members of the Church of England having any connexion with the British and Foreign Bible Society. I had hoped that the successive liberal and parental Despatches of His Majesty's Government on educational and religious questions, and past experience, would have prevented a repetition of such ultraism on the part of the ruling party in the Legislative Council. I did not even anticipate any opposition whatever from that quarter. But I confess myself most egregiously and painfully disappointed.

I herewith enclose two Canadian Newspapers to which I beg to draw your Lordship's attention. The one dated 22nd February contains the Report of the Select Committee of the Assembly on the subject of the Upper Canada Academy. The other dated the 1st of March contains a Report of the debate in the House of Assembly on the passing of the bill in aid of the said Academy.—*Mr. Draper* the Chairman of the Committee is member for the City of

Toronto, a strict churchman and Executive Councillor. *Mr. Ruttan* who brought the bill into the House is also a churchman, and is, and has been for many years Sheriff of the Newcastle District. So likewise are the *Solicitor General, Mr. Prince* and *Mr. Gowan*, members of the Church of England. *Mr. Cameron* is a member of the Church of Scotland—and *Mr. Manahan* is a Roman Catholic. To the testimony of these gentlemen, to the vote of the House of Assembly, and to the strong language of the Report of the Select Committee, I beg to refer your Lordship in corroboration and confirmation of all that I have stated to your Lordship on this subject; and in support of our humble applications for relief and assistance.

The whole case which I presume once more to submit to your Lordship's favorable consideration stands at the present moment as follows :

*1st.* The demands against the Trustees of the Upper Canada Academy are such as must cause the discontinuance of its operations, if not the sacrifice of the whole establishment itself, at the close of the term ending in June next, unless assistance can be obtained. This is positively and affectingly stated in my Letters from the individuals concerned. They say there is no other alternative before them.

*2nd.* The Upper Canada House of Assembly have, by a very large majority of 31 to 10, expressed a cordial desire to aid the Institution out of the public funds of the Province; and the evidence taken before the Select Committee of the House and put into the hands of each member before the Bill was passed, together with the Report itself, and the testimony of the various speakers in the Assembly, amply justify your Lordship's former estimate of the value and utility of the Institution;—and to those unbiassed and unquestionable authorities I refer for all that I can desire to urge in its behalf.

*3rd.* As the question of the Casual and Territorial Revenue has not been disposed of, or even taken into consideration during the recent session of the Upper Canadian Legislature, that revenue remains of course at the disposal of Your Lordship—and to apply a portion of it in aid of the Upper Canada Academy cannot possibly give the slightest offence to the Representatives of the Canadian



people, since they have done all in their power to afford it relief and assistance out of funds which have been placed at their disposal.

4th. The Buildings of the Upper Canada College have been erected from funds at the disposal of the Crown, at an expense of £17,000. It is supported from the same sources at an expense of nearly £2,000, and is also endowed with 25,000 acres of land. The students, including boarders and day-scholars number 110, (for which please see the letter of the Rev. Dr. Harris, the highly-esteemed Principal of the College, in the accompanying paper of the 22nd of February—also the high recommendation of that excellent establishment by the Editor of the Guardian.) The Upper Canada Academy has been thus far promoted by the voluntary contributions of individuals; the course of study for students, as appears from the Report of the Select Committee of the Assembly, is as extensive as that of the Upper Canada College, with the addition of Lectures. The Upper Canada Academy is in no respect a rival, but a coadjutor of the Upper Canada College—educating quite a different class of students, and contains already, even in the infancy of its operations, 80 boarders and 40 day-scholars—making a total of 120. The one Institution is under the superintendence of clergymen of the Church of England—the other Institution under the Wesleyan Ministers. The one Institution is equally appreciated with the other by the Upper Canadian House of Assembly, though not by a majority in the Council. Surely the one ought not to be left to languish whilst the other is so abundantly provided for.

5th. The Annual Conference of the Wesleyan Body in Canada meets the second Wednesday in June. From recent intelligence, and on several accounts, I find it necessary to be present at the Assembly. I must therefore leave for Liverpool by the 28th inst.

If your Lordship will reach out the hand of relief in this crisis and extremity of what I think I may fairly term Christian and patriotic exertion, the announcement in Canada will be hailed by tens of thousands, with feelings of inexpressible gratitude and animated encouragement,—whilst the aid afforded will secure the final accomplishment (to use the language of the Select Committee of the

Assembly) of "the greatest undertaking hitherto successfully prosecuted in Upper Canada upon the plan of voluntary contributions alone."

I have the honor to be,

MY LORD,

Your obedient humble Servant,

(Signed)

EGERTON RYERSON.

The Right Honble. The Lord Glenelg,  
&c. &c. &c.

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DOWNING STREET,  
25th April, 1837.

SIR,

I am directed by Lord Glenelg to acknowledge the receipt of your letter of the 18th instant, and in reply, I am to inform you that, in order to prevent the embarrassment to the Upper Canada Academy, which you apprehend from the proviso introduced by the Legislative Council in the bill granting a loan to that institution, instructions will immediately be sent to Sir F. B. Head, directing him to advance to the Trustees of the Upper Canada Academy, from the Casual and Territorial Revenue of the Province, the sum intended to have been granted by the bill in question.

I have the honor to be,

SIR,

Your most obedient servant,

(Signed) GEORGE GREY.

The Rev. E. RYERSON,  
&c. &c. &c.

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20, GUILFORD STREET, RUSSELL SQUARE,  
April 28, 1837.

SIR, I have the honor to acknowledge the receipt of your letter of the 26th instant, conveying Lord Glenelg's

gracious answer to my renewed application in behalf of the Upper Canada Academy.

In behalf of the Trustees of that Institution, of the Wesleyan Conference, and of a large portion of the inhabitants of Upper Canada, of different classes, and in behalf of myself individually, I thank his lordship with all my heart, for this timely and liberal extension of Royal patronage and support to the Upper Canada Academy.

I leave this evening for Upper Canada, and doubt not but that the present decision of his Lordship will contribute not a little to strengthen the conviction cherished by the enterprising inhabitants of that noble Province, in regard to the deep interest taken by His Majesty's Government in their social welfare and happiness.

I have the honor to be,

SIR,

Your most obedient humble servant,

EGERTON RYERSON.

To Sir GEORGE GREY,  
Bart., M. P., &c. &c.

(COPY.)

No. 173.

DOWNING STREET,  
28th April, 1837.

SIR,

I have the honor to transmit to you, herewith, the copy of a letter addressed to me by Mr. Ryerson, (18th April, 1837,) relative to a bill for granting a loan to the Upper Canada Academy, which passed the House of Assembly during the last session, but which was subsequently lost in consequence of a proviso added by the Legislative Council, prohibiting the Receiver General from advancing the sum therein granted, unless he should have in his hands money for which he had no other use.

I trust that there is no ground to anticipate the serious inconvenience which Mr. Ryerson apprehends from the loss of this bill, nor can I allow myself to assume, as he has done, that the object of the amendment introduced by the

Council was indirectly to defeat the liberal intentions of the Assembly towards the Upper Canada Academy.

But in order to obviate all risk of embarrassment to that institution, I have to desire that unless some objection which I do not anticipate, should suggest itself to you, you will advance the amount of the loan intended to have been granted by the bill in question to the Trustees of the Upper Canada Academy, out of any unappropriated portion of the Casual and Territorial Revenue of the Province, and on the first meeting of the Legislature you will report the circumstance to them. I have no doubt that the Council and Assembly of Upper Canada will at once recognize the propriety of this proceeding, the object of which is to carry out the spirit of the measure which has already met their concurrence.

I have, &c.

(Signed) GLENELG.

Lt. Governor

Sir FRANCIS HEAD, K. C. H.

A true copy.

J. JOSEPH.

(COPY.)

No. 87.

TORONTO, UPPER CANADA,  
20th July, 1837.

MY LORD,

I have the honor to acknowledge the receipt of your Lordship's Despatch (No. 173, dated 28th April, 1837,) in which is transmitted to me a copy of a letter addressed to your Lordship by Mr. Egerton Ryerson, complaining of the conduct of the Legislative Council in having, "at the eleventh hour of the Session, sent a bill authorising a loan of £4,100 to the Trustees of the Upper Canada Academy, back to the Assembly so amended as completely to defeat the object of it, by providing that the Receiver General should not advance any of the money granted by the Act, unless he had money in his hands for which he had no other use."

Having, as your Lordship is aware, advanced from the

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Casual and Territorial Revenue fund the balance necessary for the payment of the War Losses, I had no means of immediately paying to Mr. Ryerson the sum of £4,100.—Nevertheless being desirous that your Lordship's wishes should be carried into effect, I have given to Mr. Ryerson such a statement of my intention to advance the money in question so soon as it can be procured, as will, I am happy to understand from him, enable him easily to obtain the amount from one of the Provincial Banks.

Having, I trust, thus fulfilled the spirit (although it has not been in my power to obey the letter) of your Lordship's Instructions; I feel it due to the Legislative Council to explain to your Lordship that Mr. Ryerson's declarations against that branch of the Legislature are unmerited and incorrect. The impression which Mr. Ryerson's letter to your Lordship seems designed to produce is, that the Assembly being eager to encourage the Upper Canada Academy, had readily passed a Bill to that effect through their House, and had in good time sent it up to the Legislative Council—that an amendment was there made to the Bill which was calculated and contrived to defeat it—that the Bill and amendment were purposely kept back "*till the eleventh hour,*" and then sent down to the Assembly when it was too late to remove any difficulty.

The facts are as follows: the Session commenced on the 8th of November and ended on the 4th of March. On the 24th of February the Bill for granting aid to the Academy came up to the Legislative Council from the Assembly, that is, within the last 8 or 9 days of a Session of 116 days, and when the Legislative Council had probably 40 or 50 other bills before them. It was read a second time on the 25th of February—was discussed in Committee on the 27th (the 26th being Sunday) and was amended and returned to the Assembly on the 28th—on the same day that this Bill was sent up, many other Bills were sent up from the Assembly, and after the 28th of February, when it was returned amended by the Council, I understand that the Assembly sent no less than 26 Bills, which, with very few exceptions, were passed through the Council and became laws.

From the foregoing statement it is clear—1st. That the Legislative Council *could not* have returned the Bill in

question *early*, because it came to them *late*;—2nd. That the Bill, when it did come, was passed through all its stages, *without delay*.

Now, with respect to the merits of the amendment, on advertent to the Acts passed in the last Session, your Lordship will perceive that about a million and a half of money was granted by the Legislature; and, the Province being already in debt, the Acts, generally speaking, provided for raising by loan the moneys required to meet these new grants.

The Bill to which Mr. Ryerson refers simply granted £4000 out of the *unappropriated monies* in the hands of the Receiver General, and made no provision for borrowing the £4,000 on debenture.

The Legislative Council knew that after the grants which the Assembly had made, there would not be £4,000 in the Receiver General's hands unappropriated, and consequently, that if the Bill passed into a Law, either it would be a delusion, or the Receiver General would be embarrassed by the conflicting demands of persons claiming money granted by several Acts passed on the same day.

Under these circumstances the Council added the following proviso to the Bill:—

“Provided always nevertheless, that the monies granted by this Act shall not be paid by the Receiver General unless there shall remain in his hands unappropriated monies after the payment of the charges imposed upon the Provincial Revenue under any Act or Acts heretofore passed, and also of any monies granted during the present Session for the support of the civil government, or to defray any charges attending the public Revenue.”

This precautionary limitation that in case there should not be unappropriated money for all the claimants, the charges for the public service voted during the same Session should be first defrayed is what Mr. Ryerson in his letter to Your Lordship terms a proviso that the Receiver General should not advance any money granted by the Act unless he had money in his hands for which he had no other use.

I understand that the Archdeacon of York (alluded to so severely by Mr. Ryerson as having been hostile to the Bill) was not even present when the amendment was framed, discussed, and passed. I am informed that he took no part

in the Bill, except voting for it, as he did for an Act of Incorporation of a Roman Catholic College passed in the same Session; that the amendment was framed by the Speaker of the Council, who is a private contributor to the building of the Academy, and who, I understand, strongly advocated in the Council the expediency of giving to the Institution the public support that had been prayed for.

I feel confident your Lordship will read with interest and with satisfaction this vindication of a branch of a Legislature which I respectfully assure your Lordship requires the firmest possible support in order to encourage it to continue uncompromising hostility and opposition to the House of Assembly whenever it may be constitutionally necessary to do so.

I have, &c.

(Signed) F. B. HEAD.

TO THE RIGHT HON. THE LORD GLENELG.

(A true copy.)

J. JOSEPH.

(COPY.)

No. 221.

DOWNING STREET,  
23rd August, 1837.

SIR,

I have received your despatch No. 87 of the 20th July, reporting the steps which you have taken for advancing the sum of £4,100 to the Upper Canada Academy, and replying to the representations of Mr. Ryerson relative to the conduct and disposition of the Legislative Council towards that Establishment.

I entirely approve of your proceedings on this occasion— You have accurately anticipated the feelings with which I have read the defence of the conduct of the Legislative Council which your Despatch contains. I cannot suppose it possible that Mr. Ryerson's misstatement of the fact could have been intentional; but, as he was not in the Province when the discussion in question occurred, I have no doubt that he was misled by erroneous information. It is at all times my anxious endeavour to exercise the utmost vigi-

lance against the admission of any statement injurious to any of the authorities of the Province, without subjecting it to the most rigid scrutiny; and I feel that such a suspension of my judgment can never be more imperatively required than when charges are made tending, in any degree, to detract from the respect and confidence so justly due to that branch of the Canadian Legislature.

I have the honour to be,

SIR,

Your most obedient, humble Servant,

(Signed) GLENELG.

Lieut. Governor Sir FRANCIS B. HEAD, Bart.,  
&c. &c. &c.

A true Copy.

(Signed)

J. JOSEPH.

CITY OF TORONTO,  
30th June, 1837.

SIR,

Having been informed by His Excellency the Lieutenant Governor that on account of recent extraordinary appropriations out of the Casual and Territorial Revenue, there are at present no available funds from that source to enable His Excellency to give effect to the instructions of His Majesty's Principal Secretary of State for the Colonial Department relative to the Royal grant of £4,100 for relief and assistance to the Trustees of the Upper Canada Academy, I have conferred with the Bank Directors as to the probability of obtaining accommodation from the Bank, by payment of interest, upon the assurance of His Excellency's willingness to promote the wishes of His Majesty's Government as soon as practicable, without doing injustice to the permanent charges on the said revenue.—I have been given to understand by the Bank Directors, that they are quite willing to accede to our wishes upon that ground.  
I beg therefore most respectfully to solicit from His Ex.

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cellency the favour to be informed of His Excellency's intentions on the subject of the Royal Grant in question.

I have the honor to be,

SIR,

Your most obedient humble servant,

EGERTON RYERSON.

To J. JOSEPH, Esquire,  
&c. &c. &c.

GOVERNMENT HOUSE,

3rd July, 1837.

SIR,

Having laid before His Excellency the Lieutenant Governor your letter of the 30th ult. desiring to be informed of His Excellency's intentions on the subject of the Royal Grant of £4,100 for the relief and assistance of the Upper Canada Academy, I am commanded by His Excellency to acquaint you, that owing to recent extraordinary appropriations out of the Casual and Territorial Revenue, there are at present no available funds from that source to enable His Excellency to give effect to the instructions he has received on the subject from His Majesty's Principal Secretary of State for the Colonies; but that it is his desire and intention to carry into effect the wishes of His Majesty's Government, as soon as it may be practicable without doing injustice to prior claims on those funds.

I have the honor to be,

SIR,

Your most obedient humble servant,

(Signed) J. JOSEPH.

The Rev. EGERTON RYERSON,  
Toronto.

(COPY.)

GOVERNMENT HOUSE,  
August 16, 1837.

SIR,

The Reverend Ephraim Evans having in an interview with His Excellency this morning requested the Lieutenant Governor to issue his warrant for the sum appropriated to the Cobourg Academy, or for a portion of it, and His Excellency being anxious to carry into effect with as little delay as may be, the instructions conveyed to him in the recent despatch from H. Majesty's principal Secretary of State for the Colonies, with which you have already been made acquainted, I am commanded by His Excellency to enquire of you whether you are able to meet the demand for £4,100 or any part of it.

I have, &amp;c.

(Signed) J. JOSEPH.

B. TURQUAND, Esq.

(COPY.)

RECEIVER GENERAL'S OFFICE,  
Toronto, 17th August, 1837.

SIR,

In reply to your letter of yesterday's date requesting to be informed whether this office is able to meet the demand made for the sum (or a portion) of the £4,100 appropriated by the recent despatch from the Principal Secretary of State for the Colonies for the Cobourg Academy—I have the honor to acquaint you for the information of His Excellency the Lieutenant Governor that after deducting the advances made to the Clergy fund from those under the control of the Lords Commissioners of Her Majesty's Treasury, there appears to be, at this time, an advance on the whole of about £1,137 sterling, as shewn by the accompanying statement.

The sums paid into these funds since the 1st July last are very trifling, and being aware of His Excellency's anxiety

to aid the Cobourg Academy, this office will not fail to report to the Lieutenant Governor, the moment it may be enabled to meet His Excellency's wishes.

I have, &c.,

In absence of the Receiver General,

(Signed) B. TURQUAND,  
*Sen. Clerk.*

JOHN JOSEPH, Esq.,  
Civil Secretary.

*Statement of Crown Funds, 17th August, 1837.*

Balance in Fund D. on 30th June,....	£64,768 St'g.
Do. do. F.....	477

Advance on K. 30th June, £54,368 St'g.	£65,245
Do. on E. ....	4,303

*Payments since 30th June.*

From fund D.....	1,771	
" " E.....	483	
" " K.....	5,357	66,382

Total advance on the Crown Fund, 17th } August, 1837, .....	£1,137 St'g.
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E. E.

B. TURQUAND.

(COPY.)

TORONTO, *January 22nd, 1838.*

SIR,

In pursuance of your kind suggestion in this morning's conversation on the subject of the moiety of £2,050 due of the Royal Grant to the Upper Canada Academy, I waited upon the Receiver General, and was given to under-

stand by him that there are funds in his hands upon which he knows of no claim prior to that of the Upper Canada Academy.

The Treasurer of that institution has just come to the City in order to obtain some relief and assistance to pay debts which have been long due, and the payment of which cannot be longer delayed without serious injury to all parties concerned. The managers of the institution are really distressed, from not being able to meet just and pressing demands against them, on account of the unexpected and protracted delay which has, from occurrences which they could not foresee, attended the payment of the grant so graciously made by His late Majesty in April last. I therefore most humbly and earnestly pray that His Excellency would have the goodness to issue the necessary warrant for the remaining moiety of the grant, and thereby confer a lasting benefit upon the Upper Canada Academy, and a great favour upon its managers and friends.

I have, &c.

(Signed)

EGERTON RYERSON.

(COPY.)

TORONTO, 23rd January, 1838.

MY DEAR SIR,

Mr. Ryerson wishes to know for your information if a warrant can issue on the Territorial Fund. I beg to say that I have sufficient in my hands to meet Mr. Ryerson's claims, and all other demands that I am aware of.

I remain, &c.

(Signed)

JOHN H. DUNN.

JOHN JOSEPH, Esquire.

(COPY.)

GOVERNMENT HOUSE,  
26th January, 1838.

SIR,

Having laid before His Excellency the Lieutenant Governor your letter of yesterday, soliciting His Excellency

to issue his warrant on the Receiver General for the advance of the remaining moiety of the sum of £4,190, in aid of the U. C. Academy, I am directed by His Excellency in reply to acquaint you, that it is his intention, in compliance with the instructions of Lord Glenelg, to lay before the Legislature copies of the communications which have taken place between the Secretary of State and himself on the subject of the U. C. Academy.

These communications will be accompanied with the information requisite for placing the Legislature in possession of the transactions which have taken place in carrying into effect Lord Glenelg's intentions in favor of that Institution.

When His Excellency, in November last, issued his warrant on the Crown Revenue, for such a portion of the £4,100 as that fund was able to meet consistently with prior claims, it was in the erroneous supposition that Lord Glenelg had directed the advance to be made as a *grant*—an error into which His Excellency had been led by your having both in your personal interviews and your written communications, invariably spoke of the aid granted to the U. C. Academy not as a *loan* but as a *grant*, and His Excellency having no reason to doubt your accuracy, acted on that supposition: and it was not till his attention was yesterday more particularly directed to the terms of Lord Glenelg's despatch, that he perceived that by misconstruing the intention of the Secretary of State you had unconsciously misled him. It appears therefore to His Excellency that as the money he was directed to advance was in fact a loan from the Crown Revenue, made with a view to carry out the spirit of the measure which had met with the concurrence of the House of Assembly, it becomes his duty to lay the subject forthwith before the Legislature. His Excellency therefore directs me to inform you, that he must decline to make any further advance from the Crown Revenues until the subject shall have been under the consideration of the Provincial Parliament.

I have, &c.

(Signed)

J. JOSEPH.

REV. E. RYERSON.

(COPY.)

TORONTO, January 25th, 1838.

SIR,

According to your suggestion, yesterday morning, the Rev. Mr. Green and myself called upon the Attorney General, and were alarmed and grieved to learn that the ground of objection and delay in respect to the payment of the remaining moiety of £2050 on the grant of His late Majesty to the Upper Canada Academy, has been entirely changed, and is now such as has never before been hinted at to us, though I delivered to His Excellency the instructions of Her Majesty's Secretary of State on the subject in June last. I beg to recapitulate the facts of this painful affair for His Excellency's consideration.

In the winter of 1836 a Committee of the House of Assembly recommended a grant in aid of the Upper Canada Academy—debates took place in the House principally in reference to a grant, though the bill which was passed by the House was only for a loan. The Legislative Council amended the bill so that it was never taken up again by the House of Assembly, consequently there was no bill agreed to by both Houses on the subject. On the arrival of the intelligence of these proceedings in England, I laid them before Her Majesty's Secretary of State for the Colonies. A copy of my communication on the subject was enclosed by Lord Glenelg to His Excellency. Upon the strength of my representation and the Committee's Report, and the debates of the Assembly, His Lordship instructed His Excellency to advance the sum of four thousand one hundred pounds out of the Crown Revenue to the Trustees of the Upper Canada Academy. Whether Lord Glenelg intended it as a *loan* or a free *grant* is a matter between the Trustees of that Institution and Her Majesty's Secretary of State for the Colonies. In Sir George Grey's answer to myself, which I showed to His Excellency, and in Lord Glenelg's instructions to His Excellency, with the perusal of that which relates to the payment of the grant His Excellency favoured me, it is simply stated that His Excellency is instructed to advance the amount of the grant, without the least mention from beginning to end that he is to exact

security of the Trustees for the repayment of it at the end of four years or ten years.

That this was the understanding of His Excellency, is clear, not only from what passed at various interviews, but from your letter addressed by His Excellency's direction to the Receiver General, dated the 16th or 17th of August last, and the Receiver General's answer of the same date, with the perusal of both of which you favoured Mr. Green and myself. From your letter it is clear, 1st. That His Excellency had received Royal Instructions to pay £4,100 to the Trustees of the U. C. Academy. 2. That the only obstacle to His Excellency's immediate fulfilment of the benevolent intentions of Her Majesty's Government, was the want of funds at the disposal of the Crown. 3. That as soon as the Receiver General should report funds sufficient for the warrant would be forthwith issued for the payment of the amount. Accordingly when the Receiver General afterwards reported that there were funds sufficient to pay part of the amount, His Excellency issued his warrant for the payment of £2,050. During all this time not a word was said to any of the parties concerned about security for repayment.

It will also be in His Excellency's recollection, that, after the payment of the first £2,050, when subsequently applied to for a warrant upon the Receiver-General for the remaining £2,050 of the grant; His Excellency at different times informed the Rev. Mr. Stinson, the Rev. Mr. Evans, and myself, that he had given the Receiver-General all the directions and authority which were necessary to pay the sum the very moment that officer might have Crown Funds in his hands to do so; and, on the Receiver-General's repeatedly declining to advance it without a warrant from His Excellency, you stated, on Monday morning of the 22d inst., to the Rev. Mr. Green and myself, that the Receiver-General must report that there were funds in his hands sufficient to pay it before the warrant could be issued. We immediately waited upon the Receiver-General, and were authorised to inform you, in reply, that there were funds. You then informed us that the Receiver-General must report that there were no claims upon the fund prior to that of the Upper Canada Academy. We again waited upon the Receiver-General, and were authorised to inform you that

he was prepared to report, should His Excellency desire it, that he knew of no claims upon the fund prior to that of the U. C. Academy. You then directed me to commit what we had stated to writing, and you would inclose it to the Receiver-General for his report. I sent you the statement in writing the same afternoon, and Mr. Green and myself called upon you again on Tuesday afternoon to inquire if the warrant could now be issued, when you showed us, in reply, the letter addressed by you to the Receiver-General in August last, together with his reply, and informed us that His Excellency was waiting for the report of the Receiver-General there referred to; and, at the moment of receiving that report, His Excellency would issue the warrant for the amount. We forthwith waited upon the Receiver-General, when he addressed a note to you, informing His Excellency that he had funds in his hands to meet the claim of the U. C. Academy and all other demands that he knew of. His Excellency then informed Mr. Green, who delivered the note and who waited His Excellency's commands at your request, that he must lay the subject before his councillors, who it seems have referred it to the Attorney-General for his opinion—as to the expediency of requiring security from the Trustees of the U. C. Academy for the repayment of the grant—and as to the expediency of bringing the question under the consideration of the House of Assembly.

Now, I must most respectfully submit, and solemnly protest, against any one or more Executive Councillors interposing between Her Majesty's Government and the accomplishment of this benevolent object. The grant has been made out of funds at the disposal of the Crown, independent of the Executive Council: The instructions of Her Majesty's Secretary of State for the Colonies were not given to the Council. It is, I submit, with Her Majesty's Government, and with Her Majesty's Government alone, to demand at any time or not the repayment of a part or the whole of the grant to the U. C. Academy—although I am prepared to state, in any form, that I inquired particularly of Lord Glenelg and Mr. Stephen, three days before the official answer of Sir George Grey was dated, whether this gracious compliance with my application was to be a *loan* or a *grant*, and was informed in



reply that it was a *grant*; that though the House of Assembly had passed a bill for a loan only, the case was so clear and strong that they thought the trustees of the U. C. Academy really ought to have a grant. The rough draft of Lord Glenelg's official answer, by Sir George Grey, was shown to me before its final adoption, in which it was stated that His Lordship would direct the Lieut.-Governor to advance, if necessary, the amount intended to have been loaned by the Assembly's bill. At my request, the words "*if necessary*" were struck out, and the answer was made positive. I mention these circumstances to show, as far as my information and testimony may have weight, what must have been the intentions of the Home Government. If I had thought a more full, satisfactory, and simple answer could have been given by Lord Glenelg, I have not the slightest doubt but I could have had it.

The entire silence of the Home Government on the subject of security for the repayment of the grant—the actual warrant of His Excellency for £2,050, without the intimation of such security—and the facts of the whole case, in support of every one of which ample evidence can be adduced, show, I submit, beyond a doubt, what were the intentions of Her Majesty's Government, and what has been His Excellency's own understanding of them from the beginning.

I do therefore protest against the interference of Executive Councillors in the matter. I do not wish, on the one hand, to see the Upper Canada Academy crippled, if not ruined, by such a proceeding,—nor, on the other hand, to be involved in collision with members of the local Executive before Her Majesty's Government. I therefore entreat once more that His Excellency will again take the whole case into consideration, and issue the requisite warrant for the payment of the remainder of the grant.

I have, &c.

(Signed) EGERTON RYERSON.

JOHN JOSEPH, Esq.

&c. &c. &c.

TORONTO, 27th January, 1838.

SIR,

I have the honor to acknowledge the receipt of your letter of the 26th instant, conveying His Excellency's answer to my application respecting the issuing of his warrant for the remainder of the Grant to the Upper Canada Academy, and beg to say in reply, that I delivered to His Excellency Lord Glenelg's instructions on the subject within an hour after my arrival from England, that His Excellency read them, and then desired a day to consider them.

I waited upon His Excellency the following day, when he expressed his ardent wish to give immediate effect to Lord Glenelg's instructions, but stated the reasons of his inability to do so,—want of funds.

Then, and not till then, did any conversation, to the best of my recollection, take place on the subject of the Grant; but that conversation had reference to the proceedings of the Local Legislature, His Excellency endeavouring to convince me that I had an erroneous view of the intentions of the Legislative Council in relation to the Upper Canada Academy Bill. On my incidentally referring to Sir George Grey's answer to my application, His Excellency expressed a desire to see it—a day or two afterwards I showed it to His Excellency, upon which he remarked that it left him no discretion but to advance the amount as soon as he had it at command, which it was his wish to do. Then reading a part of Lord Glenelg's instructions, His Excellency observed that they did leave him "a loop hole" (to use his Excellency's own phrase) if he chose to avail himself of it; but that it was quite clear from Sir George Grey's letter that he had no discretion in the business. His Excellency has at various times repeated this statement in almost every form of speech to the Rev. Messrs. Stinson and Evans, as well as to myself. At the same interview at which I showed His Excellency Sir George Grey's letter, His Excellency assured me that though he thought Lord Glenelg had not treated the Legislative Council well in the business, yet he would not delay the fulfilment of His Lordship's instructions on that account, but would give effect to them as early as possible. I must therefore disclaim all responsibility in

either leading or "misleading" His Excellency in his understanding of Lord Glenelg's instructions. I submit that His Excellency's reading and re-reading of Lord Glenelg's instructions, and twenty-four hours consideration of them, with his acknowledged acuteness of understanding, and his subsequent perusal of Sir George Grey's letter, was ample to an unbiased interpretation of His Lordship's benevolent intentions. How any casual observations of mine with a view to "mislead" His Excellency—a thought which never entered my breast—could have led him into so egregious an error, in connexion with such documents and facts, is, I confess, beyond my comprehension, even upon the assumption that I had made observations of that character.

I think it just also to observe, that when I published in the *Guardian* of the 5th of July—four weeks after the delivery of Lord Glenelg's instructions to His Excellency—the communications between Her Majesty's Government and myself on the subject, I made not one word of comment upon them. I made some observations on the proceedings of the Legislative Council; but simply observed in reference to the documents—"I transmit for insertion in the *Guardian* the conclusion of my correspondence with His Majesty's Government on the subject of the Upper Canada Academy." The impression therefore of the public in relation to this affair was derived from reading the official documents themselves.

I have indeed always spoken of the aid given by Her Majesty's Government as a *grant*, because I so understood it in my interviews with Lord Glenelg and Mr. Stephen, as stated in my letter of the 25th instant, because Sir George Grey's letter made no allusion whatever to that aid being suspended upon the compliance of the Trustees with certain conditions, and because that letter itself was worded in accordance with my own wishes—I not suspecting for one moment that legal skill was hereafter to be employed in the matter to the disadvantage of the Institution, and to the disparagement of that liberality which best comports with the dignity of the British Crown: and I must respectfully repeat, that it is a circumstance, I believe, without precedent in the annals of British Colonial History, for a Governor to derive his views of the intentions of the Secretary of State for the Colonies from a private individual,

instead of the Royal written instructions before him—views too essentially at variance with his instructions,—and especially when, in the very nature of things, he must have read those instructions before he had any conversation with that individual, and without the perusal of which instructions he could not possibly have known the special object for which that individual had waited upon him—had waited upon him also within an hour after his arrival in the country, and had arrived two days before the mail, so that information of his object could have been derived from no other source than the very Despatches which he then delivered, and which were read and considered twenty-four hours before any expression of opinion respecting them.

I must therefore decline the honor and responsibility of directing His Excellency's understanding of Lord Glenelg's instructions from the 9th of June last until the day before yesterday morning, when, by the note addressed from the Government House to the Attorney General, it appears that "one or two Councillors" thought that Lord Glenelg's instructions might be interpreted as a loan, as well as a grant; although it is known that the people of Upper Canada have been appealed to, and Councillors have been dismissed by His Excellency, because they insisted upon giving their advice in other than land matters.

Nor do I think it foreign to the present subject to remark, that during my stay of eighteen months in England, I did, to the best of my humble ability and judgment, and at the expense of much personal inconvenience, bestow diligent attention to matters of importance to the interests of the province,—as has been acknowledged by many competent judges; and the spontaneous exertions of the general body under whose auspices the U. C. Academy has been established, during a most eventful crisis of our provincial history, have been such as to render the present attitude of His Excellency and certain Executive Councillors as unexpected as it is undeserved—an attitude it will be remembered, assumed since the announcement of His Excellency's retirement from the Government of this Province, and since the publication by Ministers of the Wesleyan Methodist Church of a feasible but in some quarters not popular plan for settling the clergy reserve question,—an attitude, the object of which cannot be mistaken, whatever may be the reasons assigned

for it, and under whatever professions of regard to the interests of that institution it may be assumed.

And the present course adopted by His Excellency will appear still more extraordinary, when it is recollected that his capital error in the interpretation of Lord Glenelg's Instructions was not discovered, nor the advice of Executive Councillors called for, until after I had succeeded in removing every variety of previous objection which had been urged against issuing the requisite warrant upon the Receiver General, and even after His Excellency had, some weeks since, assured two respectable gentlemen beside myself, that he had, even at that time, given the Receiver General every necessary authority to pay the amount without *any further instructions or warrant.*

Having thus vindicated myself from the unexpected and very extraordinary imputations involved in your letter, I have only further to observe, that I shall, as in duty bound, appeal to Lord Glenelg himself for the interpretation of his benevolent intentions; although, in the mean time, at the close of the present term, the operations of the U. C. Academy must be suspended until his Lordship's pleasure shall have been obtained.

I have, &c.

(Signed) EGERTON RYERSON.

A true copy.

(Signed) J. JOSEPH.

GOVERNMENT HOUSE,  
Toronto, 30th January, 1838.

SIR,

I have the honor to acknowledge the receipt of your letter of the 27th instant, which I have laid before His Excellency the Lieutenant Governor.

His Excellency in reply desires me to inform you that all you state as having transpired at your first interview with him, on your return from England, is correctly detailed: and His Excellency having no other desire than to carry into effect Lord Glenelg's instructions, would without hesitation

have then paid to the Trustees of the U. C. Academy, the whole of the sum directed to be advanced, had the fund on which the warrant was to issue, admitted of that disbursement; conceiving as he did that the advance was to have been made as a *grant*. His Excellency up to the date of your application of 22nd instant, and indeed up to the present moment, had, and has every disposition to comply with the request of the Trustees for the advance of the remaining moiety of the sum in question; but on his attention having been particularly directed to the terms of Lord Glenelg's Despatch (as I mentioned to you in my letter of the 26th instant) he perceived he had hitherto been in error. It therefore became imperative on His Excellency to lay the subject before the Legislature; and it is with regret he perceives that his having so done is regarded by you as a proceeding adopted with a view to embarrass the benevolent intentions of Lord Glenelg, or cripple the exertions of the Trustees of the U. C. Academy.

The feelings which His Excellency entertains towards the great body of the Wesleyan Methodists throughout the province, would at all times induce him to give his most cordial support to their praiseworthy endeavours for promoting the religious and moral education of the youth of Upper Canada.

I have, &c.

(Signed) J. JOSEPH.

A true copy.

J. JOSEPH.

F. B. HEAD.

The Lieutenant Governor transmits to the House of Assembly, in compliance with the Address of the House of the 5th instant, copies of such further correspondence on the subject of aid to the Upper Canada Academy as have not already been communicated to the House.

GOVERNMENT HOUSE, *Feb. 16, 1838.*

(COPY.)

DOWNING STREET,  
29th *February, 1836.*

SIR,—I am directed by Lord Glenelg to acknowledge the receipt of your letters to his Lordship of the 12th and 23rd instant; I have also laid before him your letter to myself of the 12th instant. In reply I am to make to you the following communication.

His Lordship desires to express his sense of the exertions which have been made by the Conference of the Methodist Church in Canada, for the diffusion of education among all classes of the Inhabitants; on this subject he adopts without reservation the sentiments which you have quoted from Lord Ripon's Despatch of the 8th November, 1832, and he directs me to assure you that the interest which his Majesty at that time expressed in the diffusion of moral and religious instruction throughout his dominions has undergone no change. It would therefore be Lord Glenelg's imperative duty, no less than his anxious wish, to follow out the benevolent intentions of His Majesty, by affording every assistance in his power to those who have devoted themselves to the promotion of so important an object; and he would accordingly be most anxious to discover a means of relieving the Trustees of the Seminary of learning, from the pecuniary embarrassments detailed in your letter of 23rd instant, a statement which his Lordship has perused with deep interest. But I am at the same time to remind you, that considerable changes have taken place in the Canadas since the date of Lord Ripon's Despatch. The present political aspect of those Provinces, involving as it does the question of the control over the appropriation of the Casual and Territorial Revenue, must for the present preclude His Majesty's Government from placing any new charge on those funds; and I need scarcely observe that however highly His Majesty's Government might approve of an institution, within either of those Provinces, for the instruc-

tion of youth, and however much they might appreciate the exertions of individuals towards its support, they would yet not feel justified in applying to the Imperial Parliament to assume the office of the local Legislature, by the Grant of pecuniary assistance from the revenues of the Mother Country; nor, should they consent to do so, could they hope that an application in favour of an object so purely Colonial would be successful.

Lord Glenelg has attentively weighed the arguments which you have urged against a reference of this question to the Provincial Legislature. His Lordship would be unwilling to offer a recommendation which you appear to consider as nugatory, but after the foregoing statement he trusts you will perceive that there is no other quarter from which it would be possible for you to derive assistance.—Nor can he permit himself to anticipate that the Legislative Bodies of Upper Canada would allow a question of such general and permanent interest to be perilled by the contests of party, or by the ephemeral passions of the moment. He cannot, except on unquestionable proof, abandon his conviction that the Representatives of the people and the Legislative Council will be ready to co-operate in any measure well calculated to promote the morality and to elevate the character of their less wealthy fellow subjects.

Among the advantages which you solicit for the Institution in question is an endowment in land, and you refer to the precedent of King's College in support of your application. I am desired, however, to remind you that since the date at which that endowment was conferred on King's College, an entire change has taken place in the system under which land in His Majesty's Colonial possessions is disposed. The practice of making free grants has been altogether discontinued, and the benefits which have resulted from the alteration at once justify its adoption, and forbid any departure from it in future.

I am further to remark that the experience of other Colonies does not hold out any fair prospect of obtaining an income from such an endowment, but rather leads to an inference that land cannot be advantageously employed by a numerous body not under the stimulus of immediate personal interest, or at liberty to devote their whole time and attention to its management.

Under these circumstances Lord Glenelg feels himself



precluded from granting an endowment in land to the Institution in whose behalf you have applied.

I have &c.,

(Signed) GEO. GREY.

The printed volumes contained in your letter to me of the 12th inst. are herewith returned, according to your request.

Rev. E. RYERSON.

[COPY.] No. 32.

*Lord Glenelg to Sir Francis B. Head, of 2d March, 1836, on the subject of Aid to Seminary of Education.*

SIR, — I have to acknowledge the receipt of Sir John Colborne's Despatch of the 18th September, No. 57, transmitting an Address to His Majesty from the Ministers of the Wesleyan Methodist Church, praying for assistance towards the support of a Seminary for Education erected by them in the vicinity of the town of Cobourg in Upper Canada.

I have had the honour to lay this Address at the foot of the Throne, and I am to desire that you will convey to the Ministers of the Wesleyan Church the satisfaction with which His Majesty has received the expression of their attachment to His person and Government.

Since the receipt of Sir John Colborne's Despatch, I have been in communication on the subject of this Address with the Rev. Mr. Ryerson, who was deputed to represent the interests of the Wesleyan Methodist Church in this country. The subject is one to the importance of which I am fully sensible, and to which I have accordingly devoted an attentive consideration. But I regret that I am unable to discover the means of affording to the Wesleyan Methodist Church that pecuniary assistance which they solicit. I have announced to Mr. Ryerson my decision on the subject, and the considerations on which it has been founded: (29th Feb, 1836,) I cannot perhaps more fully explain them to you than by transmitting a copy of the letter which has been, by my direction, addressed to that gentleman. I have to request that you will communicate the substance of it to the Wesleyan Methodist Church in Upper Canada, as an answer to their Address to His Majesty of the 16th June.

I have, &c.

(Signed)

GLENELG.

SIR F. B. HEAD, &c. &c. &c.

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[COPY.]  
**Lord Glenelg's Despatch to Sir F. B. Head,  
 on granting Charter to U. C. Academy.**

DOWNING STREET,  
 26th July, 1836.

No. 78.

SIR, — With reference to my Despatch of the 2d March last, I have the honor to inform you that in consequence of the representations made to me by the Revd. E. Ryerson, I considered it my duty to advise His Majesty to grant a Charter of Incorporation to the Seminary of learning lately established in Cobourg under the title of the Upper Canada Academy. His Majesty having been graciously pleased to approve that advice, I have the honour to transmit to you herewith an additional instruction signed by His Majesty, directing you to pass under the Public Seal of the Province, Letters Patent for the Incorporation of the Academy in the terms therein specified.

In my Despatch of the 2d March, I informed you, that in the existing state of Public Affairs in Upper Canada, I had not felt at liberty to grant to this Institution any pecuniary assistance from the Crown Revenues of the Province. From that decision I have not been able to depart, but, appreciating as I do, the exertions which have been made by the Wesleyan Methodist Church for the promotion of Education in Upper Canada, I cannot but feel a lively interest in the success of this Academy, and a sincere desire that it may not be left without such pecuniary aid as may be necessary to its support.

I cannot doubt that in these sentiments the Representatives of the people of Upper Canada will coincide, and the object of my present Despatch is to desire that you will bring the subject under the notice of the Provincial Legislature at its next meeting, and suggest to the House of Assembly the propriety of affording pecuniary assistance to the Wesleyan Body in carrying into operation the Academy lately established by them. The amount of that assistance, and the source from whence it should be derived, must of course be left to the judgment of the House of Assembly.

I have, &c.

GLENELG.

[Signed]

Lieut. Governor SIR FRANCIS HEAD, K. C. H

**B. Head,  
Academy.**

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**GLENELG.**

