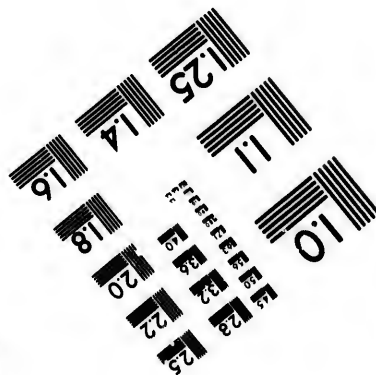
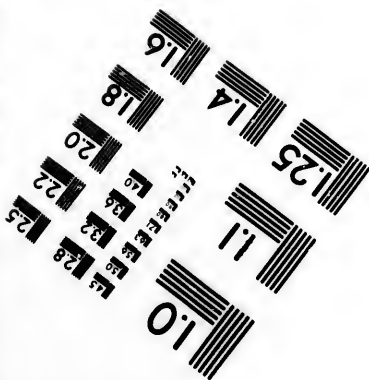
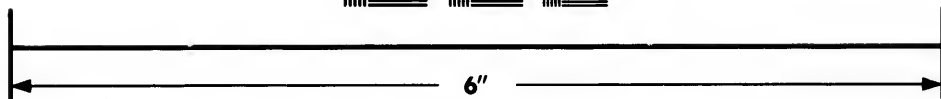
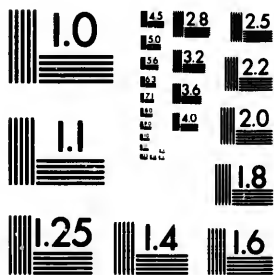
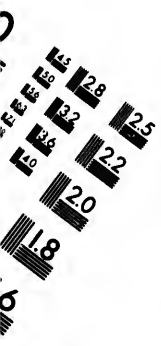


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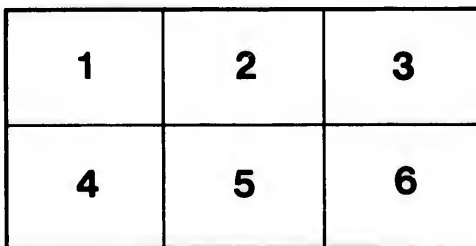
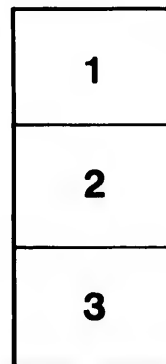
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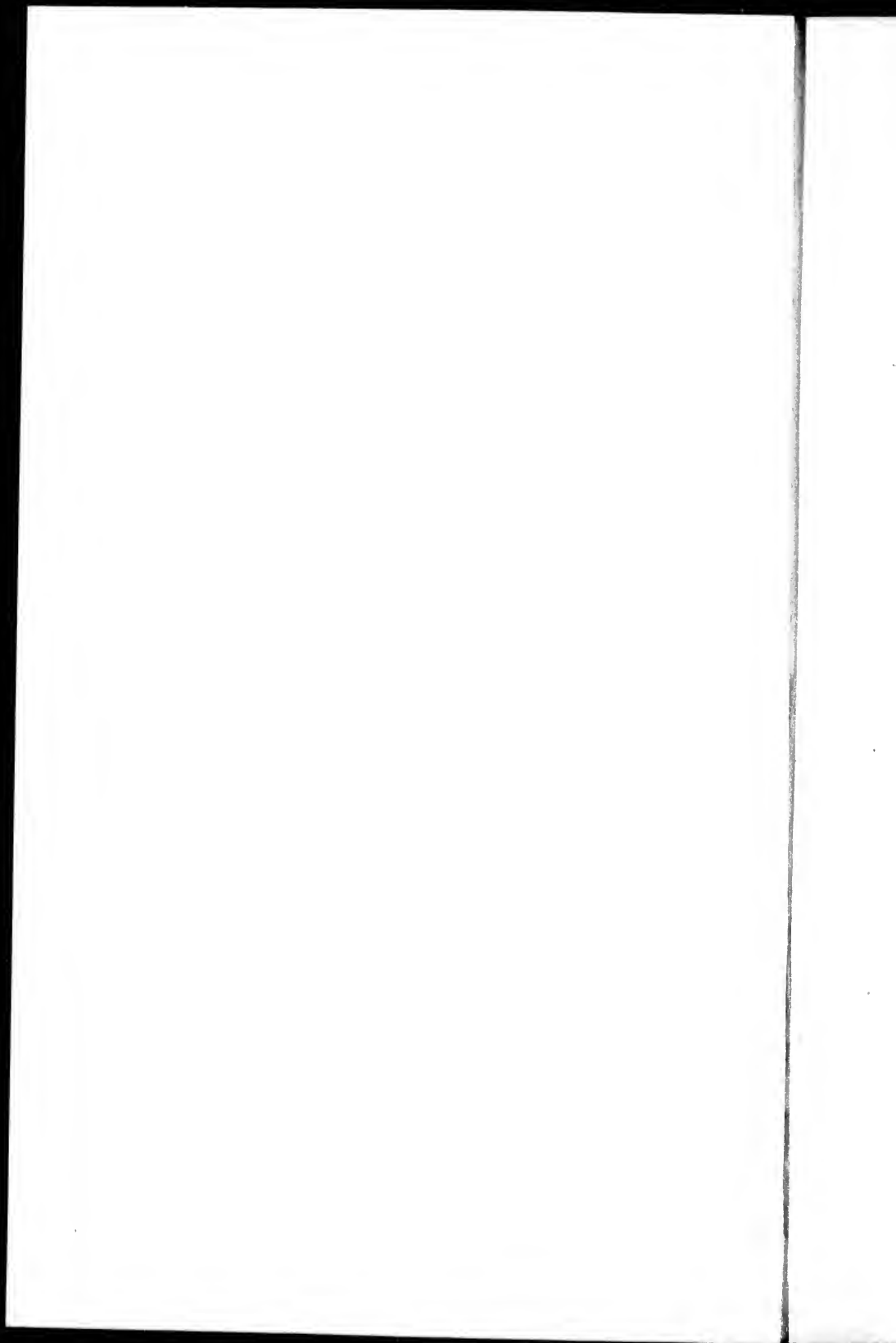
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L E T T E R S

ON

KING'S COLLEGE,

BY

THE REV. JOHN McCaul, L. L. D.,

President of the University.

AND

JOHN MACARA, ESQ.,

Barrister at Law.

T O R O N T O .

PRINTED AT THE EXAMINER OFFICE, KING STREET.

1878.

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INTRODUCTION.

In May, 1844, a Pamphlet was published in Toronto, entitled "THE ORIGIN, HISTORY, AND MANAGEMENT OF KING'S COLLEGE, TORONTO," and containing the following paragraph:—

During the Chancellorship of Sir Charles Bagot, a Schedule of Salaries and Duties was laid before his late Excellency by Dr. McCaul, and which was professedly framed in reference to a statement of the income of the University. In that Schedule Dr. McCaul estimated his own services, as a Professor, at £400; while the sum of £250 was attached to the office of Vice-President. Sir Charles Bagot reduced the salary of Vice-President to £150, and raised that of the Professorship to £500—thus meeting in another form Dr. McCaul's own ideas of his importance. A Statute was prepared by Sir Charles Bagot in accordance with this appropriation, and transmitted to the Council. *This statute was intercepted and cancelled*—the Chancellor's severe illness having offered a favourable opportunity for defeating his intentions. On the arrival of Sir Charles Metcalfe, a new Statute was framed by the parties in Toronto, in which, taking advantage of the addition made by Sir Charles Bagot to Dr. McCaul's salary, as a Professor, the sum stated was £500, and also taking advantage of Sir Charles Metcalfe's ignorance of the former Chancellor's arrangement of the salary of Vice-President, the sum stated was £250. Will Dr. McCaul hazard an explanation of the discrepancy?"

Although the Pamphlet attracted general attention, and was noticed by almost every newspaper in the Province, no answer to the very serious charge above quoted, emanated from Dr. McCaul till two years after the publication. At length, on 30th April, 1846, the Hon. Adam Fergusson took occasion, when moving for certain papers relative to King's College, to call the attention of the Legislative Council and the Country to the fact that a charge deeply affecting the character of Dr. McCaul, as well as of the Institution itself and the youth under his charge, remained unanswered.

Mr. Fergusson's speech in the Legislative Council having caused considerable excitement, Dr. McCaul, on 14th May, 1846, addressed a letter to that gentleman, justifying himself from the charge, but without expressing any wish to have the letter placed before the House. Mr. Fergusson, not feeling himself warranted in laying a private letter before the country, without the sanction of Dr. McCaul and his friends, placed the document at the disposal of the gentlemen of the Legislative Council, when the Speaker ruled that it could not be read.

On the retirement of the Bishop of Toronto from the Presidency of the University, Dr. McCaul was, in February 1848, elevated to that office: and a few of his friends undertook to get up an address of congratulation and to have it privately circulated for subscription among the citizens of Toronto. The address being of considerable length, a few of the Reformers were induced to give their signatures without a perusal, and it was not till the document appeared in the public prints that they became aware that it contained a short sentence expressive of their satisfaction with Dr. McCaul's management of the University, while he

held the office of Vice-President. The great body of the Reformers declined to join in the address until Dr. McCaul made a public justification of the charges contained in the pamphlet, and Mr. Fergusson's speech.

The necessity for explanation having become urgent, Dr. McCaul at length placed a copy of his letter to Mr. Fergusson before the public, by inserting it in the *Toronto Herald* of 6th March, 1848. The following pages comprise Dr. McCaul's letter and the reply made by Mr. Macara, the author of the pamphlet in which the charge originally appeared.

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LETTER

FROM THE REV. JOHN MCCAUL, LL.D., TO THE HON'BLE ADAM FERGUSSON,
MEMBER OF THE LEGISLATIVE COUNCIL, &c., &c., &c.

KING'S COLLEGE, TORONTO, }
May 14th, 1846. }

SIR,

In the last number of the *Toronto Herald*, I saw, for the first time, a report of the observations made by you in the Legislative Council on April 30th, when moving for certain returns relative to the University. As the tendency of these observations is to injure my reputation, and the place, in which they were uttered must give them authority in public estimation, I feel that I cannot permit them to pass without notice.

My object, then, in the present communication is to prove that the charges, which have been advanced against me, are untrue; and I have not hesitated to address the vindication of my character to you, as I learn from your remarks that you will be happy to find, that what has been alleged to my prejudice is false.

Before I enter on the consideration of the extract, which contains the charges, it seems proper, that I should advert to the observation, with which you introduced it. "For more than two years," you remarked, "a charge has been left unanswered by a Rev. Doctor in charge of the young men attending this Institution—a charge, be it observed, not made by an ephemeral writer in a newspaper, but gravely and seriously published in a work upon University affairs."

It appears that you are disposed to consider my not having replied to the charges advanced against me in the publication, entitled, "The origin, history, and management of the University, &c.," as a presumption, if not a proof, that I could not deny their truth. Of the character of the assertions made by the author or authors of that pamphlet, you will be better able to form an opinion, when I shall have answered the particular charges, contained in the extract, to which you drew the attention of the Council. At present I shall content myself with observing, that I wholly dissent from your opinion, that it was either necessary or proper for me to notice the statements advanced in that pamphlet. As it was published anonymously, it had not the sanction of any name to recommend it to attention, and its intrinsic merits did not seem sufficient to claim consideration. Who the author was I had no means of knowing, nor do I know now; and on reading it I could not discover any grounds for conjecturing, that it was the production of a person, who was either a scholar or a gentleman. The chief characteristics, which I observed in it, were, strong efforts to pervert truth, without the capacity to rise above the common level of ordinary falsehood—heavy attempts at sarcasm, sinking into dull invective or coarse abuse—and particular scrupulous care to vilify the characters of none, but those, whose position or circumstances warranted the hope, that they could not, or would not, punish insult. The publication was certainly calculated to effect the object, which the writer seemed to have in view, viz.,—the excitement of popular prejudice against the

Institution and its principal officers; but the ability, manifested by the author in making out a case, was merely of that species and amount, which would qualify its possessor for succeeding as a legal sharper. But as I have no wish to dilate on a work, of which I regret that circumstances have compelled me to take any notice, I shall proceed to the charges, contained in the extract, which you read, and to which I should assuredly have never offered any reply, if you had not condescended to bring them under the notice of the Honourable House of which you are a member.

The charges are—1st. That in a schedule of salaries laid by me before Sir Charles Bagot, as Chancellor of the University, I estimated my own services as Professor at £400, while the sum of £250 was attached to that of Vice-President. 2nd. That a statute was prepared by Sir Charles Bagot, in which the salary of Vice-President was reduced to £150, which statute was intercepted and cancelled—the Chancellor's severe illness having offered a favourable opportunity for defeating his intentions. 3rd. That on the arrival of Sir Charles Metcalfe, a new statute was prepared by the parties in Toronto, in which, taking advantage of the addition made by Sir Charles Bagot to my salary as Professor, the sum stated was £500; and also taking advantage of Sir Charles Metcalfe's ignorance of the former Chancellor's arrangement of the salary of Vice-President, the sum stated was £250.

It is perfectly true that a schedule of salaries and duties was transmitted by me to be laid before Sir C. Bagot, as Chancellor of the University. It is also true, that in it the salary of two of the Professorships, which I now hold, was placed at £400, and that of Vice-President at £250. These facts were then, and are now, I believe, well known, for "the Chancellor's severe illness offered a favourable opportunity" for copying documents furnished for His Excellency's information.

The question is, whether any blame attaches to me for this estimate—whether I was guilty of any indelicacy in affixing the sums, as I did, to the offices which I now hold? In the first place, it was my duty to prepare that schedule, and that duty would have been but imperfectly discharged, if I had omitted any item of expenditure. In the second place, the apportionment of the salaries was not made on my own authority, but after consultation with the President. In the third place, there was no room for the exercise of any delicacy as to the salary of the offices, which I myself held, inasmuch as more than two years before, the salary of the Vice-President had been fixed by the Council at £750 per annum—and this, too, on the motion of a gentleman, who certainly could not have had my interest in view, for he did not desire my appointment to the office.

The first charge then amounts to this—that in an estimate furnished by me, the salaries of all the offices which I held, were placed £100 below the sum which had been fixed by the Council for one of them.

The second charge is—that a statute was prepared by Sir Charles Bagot, in which the salary of Vice-President was reduced to £150, and that of the Professorship raised to £500, which statute was intercepted and cancelled—the severe illness of the Chancellor having offered a favourable opportunity for defeating his intentions.

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From the terms in which this charge is expressed, it would appear that my anonymous slanderer believed, or wished others to believe, that there was but one statute then prepared by Sir Charles Bagot, and that it was limited to changes in the salaries of the offices which I held. The fact is, that there were two, and that their provisions applied to all the Professors, and some of the officers then appointed. The arrangements, proposed in them, were at variance not merely with the schedule, which had been submitted to His Excellency, but with statutes then in force. Amongst the numerous changes affecting the number of Professorships, and the duties, emolument, and rank of those, who had been appointed, that which related to myself, was but of minor importance. The statement of your author, however, that this arrangement was but another form of that, which had been proposed in the schedule, is false, for the Professorships of Rhetoric and Logic were added to those offices, for which the salary of £650 per annum had been proposed in that document.

I felt, I admit, that the arrangement relating to myself was unjust, but the proposal to alter it did not originate with me. It had been noted by the President, before I had any communication on the subject with him; and I had not even seen the statutes, until they were handed to me by his Lordship, with that alteration suggested on the margin in his own hand-writing. But it is asserted that "the statute was intercepted and cancelled." This assertion is false, and as I am desirous that the fullest information should be afforded, I shall give a detailed account of all the circumstances. In the preparation of these Statutes, no attention had been paid (in consequence, I believe, of the illness of the Chancellor) to the direction of the Charter, that the Chancellor should consult the President and next senior member of the Council before proposing any Statute, Rule, or Ordinance, for the consideration of the Council. Consequently the President was not aware, until he received them, of the provisions which they contained. On a careful perusal, his Lordship found many things to which he could not assent, and requested me to proceed to the Seat of Government, and explain his views to the Chancellor, if His Excellency could admit me to an interview. Accordingly, at the earliest opportunity, I proceeded to Kingston, and waited on Sir Charles Bagot. But His Excellency was evidently too ill to attend to business. I therefore did not introduce the subjects which the President had requested me to bring under his consideration, but merely presented to Captain Bagot the packet, which I had received from his Lordship, containing the Statutes, and, I believe, some memoranda relative to them. Those Statutes, which were then presented by me, were subsequently submitted to His Excellency Sir Charles Metcalfe, as Chancellor of the University. By his authority, copies were made (with the amendments introduced) and transmitted for the consideration of the College Council, by whom they were passed.

The third, and most serious charge is—that "on the arrival of Charles Metcalfe, a new Statute was framed by the parties in Toronto, in which taking advantage of the addition made to my salary as Professor, the sum stated was £500; and also, taking advantage of Sir Charles Metcalfe's ignorance of the former Chancellor's arrangement of the salary of Vice-President, the sum stated was £250!"

It is not true, that there was any new Statute prepared by any parties in Toronto. All the changes in the provisions of the Statutes, sent by Sir Charles Bagot to the President, were written by his Lordship on the margin of those Statutes, nor was there one letter, or number, of the original provisions erased or altered. Again, the changes had been made before Sir Charles Metcalfe arrived, and the author, whose statements you have cited, cannot uphold his credit by the evasion, that he regarded the introduction of them as virtually framing a new Statute.

It is impossible, that any advantage could have been taken of Sir Charles Metcalfe's ignorance on any point, for the two arrangements, that proposed by Sir Charles Bagot, and that by the President, were both before him in full as to every particular. They were in His Excellency's possession for, I believe, almost two months, before he decided which he would adopt, and the difficulties which then existed, rendered reference to those Statutes necessary, even regarding those points, of which it is asserted that His Excellency was ignorant. Ultimately those same Statutes were returned to the President, with a letter containing a long and able discussion of the difficulties relative to the University, and the Chancellor's approval of the changes proposed by his Lordship.

I have now, Sir, I trust, satisfied you that the charges, which have been advanced against me in the extract which you quoted, are false, and as such unworthy of your countenance. I am well aware that I have no right to offer any observations on the statements made by you, or any other member of the Legislature who in the course of his Parliamentary duty, may animadvert on my conduct as an officer of a public Institution; but I cannot believe, that any member of either House would decline to receive correct information on any subject, which he had noticed—particularly one, involving the reputation of a person, who was not present, when the charges were brought forward—or would hesitate to make the defence of any individual, whom he had unintentionally wronged, as public as the accusation by which he had injured him. Into the general charges which have been against the management of the University, I do not feel myself at liberty to enter in the present communication. But I must respectfully protest against our being condemned without examination into the truth of the accusations which have been advanced against us, most generally by those, who have neither practical knowledge of such institutions nor accurate acquaintance with facts. I beg to assure you that my most earnest desire, and, I may add, that of every officer of the University is, that the most minute and scrutinizing enquiry may be instituted into all the affairs of the establishment. I am persuaded that the result of this investigation, if conducted by men, whose object is to arrive at the truth, will be to satisfy even those who now suspect and distrust us, that we have honestly and laboriously endeavoured to discharge the heavy duties of the responsible situations, in which we are placed—that unremitting attention is paid to the interests of the trust committed to us—that the provisions of the Act of 1837, whereby the original charter was altered, are being fairly and fully carried out—that the Institution is at present in successful operation, numbering amongst its Professors and Students members of different denominations, on none of whom (except those who belong to the United Church of England and Ireland) is there any religious restriction whatever—that as it now exists it is capable of conferring on the Province the benefits which its Royal Founder con-

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templated—and that it is likely to continue to be a blessing and an honour to Canada to the remotest posterity, unless crippled or destroyed in its infancy by the reckless experiments of educational empirics.

I have the honour to be,

Sir,

Your obedient servant,

JOHN McCAUL.

LETTER

FROM JOHN MACARA, ESQ., BARRISTER AT LAW, TO THE HON. ADAM FERGUSON, OF WOODHILL, MEMBER OF THE LEGISLATIVE COUNCIL,
&c., &c., &c.

Sir,—

After a suspense of nearly two years, public curiosity has at length been gratified by the publication, in the *Toronto Herald*, of Dr. McCaul's letter to you, in answer to certain charges made in your place in the Legislative Council, on the authority of a pamphlet published in Toronto in the year 1844. As the author of the original charge, and having no desire to avoid the public tribunal which Dr. McCaul has sought, I deem it a duty which I owe towards you to substantiate its truth: but before adverting to the defence thus tardily brought forward, I may be permitted to congratulate the friends of the Reverend Professor on their happy selection of an organ whose immaculate Editor evinces, in his recent publications, a perennial interest in the affairs of Upper Canada College, and whose sympathy with the cause of his learned patron is sure to grow warm in proportion to the aggravation of the charge and the labour of the vindication.

I may also embrace the occasion to settle one or two personal preliminaries with the learned Professor himself. Dr. McCaul justifies his silence for upwards of two years on the ground that the pamphlet in which the charges are contained was published anonymously; and in the letter now before the public he says with enviable simplicity of expression "who the author was I had no means of knowing, nor do I know now." I do not apprehend that much curiosity can be felt as to the motives which induced me to withhold my name from the title page. Perhaps they were not dissimilar to those which subsequently actuated the learned Professor himself as the putative author of a pamphlet in defence of the University management, which fell still-born from the press and whose memory only survives in the envenomed scurrility with which he assailed certain of his colleagues at the Council Board. But the question as it respects Dr. McCaul is—how far the name of the author of the charge was unknown in Toronto, and to him, when he addressed his letter to you on the 14th May, 1846? Now as I had on all proper occasions openly avowed the authorship, and had, in reference to the very charges in question, expressly instructed the Publisher to afford every facility to Dr. McCaul in obtaining my

name, it must amuse the Reverend gentleman's friends whom he so frequently regaled with much cheering abuse directed against myself to find him, in all the innocence of a heart apparently devoid even of suspicion, acknowledging at the distance of more than two years, ignorance of a fact well known to every one else in Toronto within the first week after the work had issued from the Press, and yet suggesting, with that moral instinct peculiar to the highest order of intellect, that the ability manifested by the writer was of that respectable character "which would qualify its possessor for succeeding as a *legal* sharper!"

Dr. McCaul is of opinion that the general character of the Pamphlet in question may be estimated by the truth of the particular charges to which public attention has been called; and that the weight of his own judgment may not be withheld in turning the scale of public opinion, he observes that one of the chief characteristics of the author is incapacity "*to rise above the common level of ordinary falsehood!*" What precise signification the Professor of Rhetoric may attach to this expression, I have no means of ascertaining. Perhaps, like the hero of a well known metrical satire,—

"Of Rhetoric, he could not open
His mouth, but out there flew a trope."

But if the phrase is not a mere rhetorical flourish, and can be made to assume the dignity of common sense, the doctrine of gradations of falsehood must be dismissed as unsound in Ethics, and the allusion to a common standard of mendacity, must be construed as referring to the idiosyncrasy of a particular mind. For instance, were I to say that in any specified letter the writer exhibited incapacity to rise above the common level of *his* ordinary falsehood, the expression, although rather tautological, might derive some significance from the comparison that might be instituted between the production referred to and the other mendacious delinquencies of the writer; but Dr. McCaul, as an instructor of youth, ought to be aware that in the estimation of a gentleman, all falsehood has but one level, and that the slightest deviation from the truth must find a palliation, not in its rhetorical embellishment, but in the ordinary habits of the person charged with the lie.

Of the merits of the original charge, and the defence now set up, there can, I think, be but one opinion, inasmuch as nearly all the material facts are admitted. The only controverted point seems to be the philological propriety of the words "intercepted and cancelled," as applicable to the facts charged and admitted; and the only material fact in issue is the alleged ignorance on the part of Sir Charles Metcalfe of his predecessor's arrangements.

In reference to the first part of the charge, Dr. McCaul admits it to be perfectly true "that a schedule of Salaries and Duties was transmitted by him to be laid before Sir Charles Bagot, as Chancellor of the University." He does not deny that the schedule was framed in reference to a statement of the University income, also prepared and submitted at the same time by him, for the purpose of guiding the Chancellor in assigning those salaries and duties. He admits that the estimate of income, and the schedule of salaries and duties were

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prepared "after consultation with the President." He admits it to be also true that in the schedule his salary as a Professor was estimated by himself at £400, and that of Vice-President at £250; but he says, "the question is, whether any blame attaches to me for this estimate; whether I was guilty of any indelicacy in affixing the sums, as I did, to the offices which I hold." "In the first place it was my duty to prepare that schedule"; "in the second place the apportionment of salaries was made after consultation with the President"; and in the third place there was no room for delicacy, inasmuch as the College Council had already fixed the salary of Vice-President at £750, and in the estimate furnished by Dr. McCaul, the salaries of all the offices which he held, were actually placed by him £100 below the sum which had been fixed by the Council more than two years before, for one of them, namely, the office of Vice-President.

It is of little importance to the present inquiry whether it formed a part of Dr. McCaul's duty to prepare the Estimate and Schedule referred to, for their preparation formed no part of the charge brought against him. If the President of the University delegated to Dr. McCaul, the duty of furnishing the requisite information to the Chancellor, which the Charter enjoins on the President and Senior Professor, the result of their conjoint and several labours became the act of both. To the manner in which Dr. McCaul performed that duty I shall yet have occasion to advert; but at present the simple question is, Did Dr. McCaul in that schedule estimate his Professorial services at £400, and his services as Vice-President at £250? and Dr. McCaul's answer is—in the affirmative.

Dr. McCaul farther admits or does not deny, that on the basis of the Estimate of Income furnished by him, statutes were prepared by Sir Charles Bagot, in which the salary attached to the Professorships assigned to Dr. McCaul, was raised to £500, while the salary attached to the office of Vice-President was reduced to £150. But he affects to qualify the charge by affirming that the arrangements of Sir Charles Bagot were contained in two statutes instead of one, as originally alleged in the Pamphlet—that these arrangements "were at variance not merely with the Schedule submitted to his Excellency, but with statutes then in force"—and that the additional duties of "the Professorship of Rhetoric and Logic were added to those offices, for which the salary of £650 per annum had been proposed in that document."

The precise number of the statutes by which Sir Charles Bagot carried out his arrangements will scarcely affect the accuracy of the charge in the public mind. The charge is not as to the number of the Statutes, but as to the arrangements contained in them. Nor was there any question raised as to the actual amount of duty which Sir Charles Bagot attached to the salary of £500. The simple facts requisite to be proved were—did Sir Charles Bagot in his statutes, attach the salary of £500 to the Professorships which Dr. McCaul now holds, and the salary of £150 to the office of Vice President—and Dr. McCaul's answer is—in the affirmative.

The first part of the charge then is admitted.—But the entire defence rests not so much on a denial of the particular facts as on an attempt to introduce, by way of qualification and justification, collateral circumstances, which it will be necessary for me to shew, have either been grossly misrepresented or have no real bearing on the question before the public.

The circumstance in palliation which claims priority in Dr. McCaul's estimation is that, "more than two years before, the salary of the Vice-President had been fixed at £750 per annum," and "in the Estimate furnished by me, the salaries of all the offices which I held are placed at £100 below the sum which had been fixed by the Council for one of them." If any inference can be legitimately drawn from this circumstance as stated, it must be, not that Dr. McCaul is absolutely honest, but that he is excessively modest; and it can be allowed no greater weight, either in evidence or in judgment on the specific charge, than one of these certificates of previous good behaviour which a criminal is permitted to use after his conviction, not in palliation of the crime, but in mitigation of the punishment. If Dr. McCaul here alludes to a resolution passed by the College Council at an early period of its history, when the University Endowment presented the pleasant prospect of sinecure offices, to be distributed under Episcopal patronage—a resolution which never went into operation and for which the Council never dared to claim a statute—then Dr. McCaul's own schedule is virtually a condemnation of the wasteful extravagance by which that Council was characterized—for the duties which the Council estimated at £750, he undertook to perform, and has actually performed, for £250 per annum. Dr. McCaul is silent indeed on the fact that subsequently to that very resolution being passed, one of the late Judges of Her Majesty's Court of Queen's Bench, and the Law Officers of the Crown, to whom the point was specially referred, gave it as their deliberate opinion that the office of Vice President was illegal and repugnant to the provisions of the Charter. But whatever opinion may be formed of the illegality of that office, or of the duties attached to it, Dr. McCaul's allusion to a resolution practically admitted by himself to have been extravagant, can have no effect on the question whether he did or did not estimate the salary at £250 in his schedule, and whether Sir Charles Bagot, after mature deliberation, did not reduce that salary to £150, and embody such reduced salary in his statutes.

Dr. McCaul's next averment in qualification is, that the arrangements contained in the statutes of Sir Charles Bagot "were at variance not merely with the Schedule which had been submitted to his Excellency, but *with statutes then in force.*" It can be readily conceived that Dr. McCaul found it difficult to justify the suppression of statutes transmitted by the Chancellor to the College Council, merely because they were at variance with certain suggestions, previously made by himself. He, therefore, retreats to a firmer position, and, by way of recrimination, charges the Chancellor with a violation of statutes already in force. Before this charge can avail him to any extent, it would be necessary to show that the Schedule submitted by Dr. McCaul, was in strict accordance with the statutes referred to—but this he dare not affirm. And in leaving such

an inference to be made, he is guilty of deception, as to the true nature of the previous statutes: for, in so far as regards Dr. McCaul, the Schedule submitted by him was a complete subversion of these very statutes, while the statutes transmitted by Sir Charles Bagot, reverted to "the statutes then in force," in every particular.

In order to make this matter plain it is necessary that I should enter into some detail, for the exculpatory facts which Dr. McCaul has adduced, derive their plausibility from the manner in which he has involved his own position in the statutes, with the changes which were made on the salaries and duties of the other Professors.

In the year 1840, a Statute was transmitted by the Chancellor to the College Council, by whom it was passed, establishing several chairs in the University, and classifying them under a certain order of precedence. By this statute the first chair established was that of Divinity: the second was that of Classical Literature; and the eighth in rank was that of "Belles-Lettres, Rhetoric, and Logic," the three last mentioned subjects having been united, and assigned to *one Professorship*. At the time Dr. McCaul's estimate and schedule were framed and submitted to Sir Charles Bagot, the statute referred to was in operation; and it is to this statute he refers when he says that Sir Charles Bagot's arrangements "were at variance with Statutes then in force." When Dr. McCaul's Schedule was prepared and submitted, he held by letter of appointment from the Chancellor the chair of Classical Literature. In the Schedule he separated with magical dexterity, "Belles-Lettres" from the sister arts of "Rhetoric and Logic," with which it had been associated in the Statute then in force, and created the former into an independent Professorship, with a salary of £200. In the same Schedule he assigned £200 to the Professorship of Classical Literature, and with it he associated the independent chair of "Belles-Lettres," thus created by himself in violation of "the Statute then in force." With peculiar delicacy he transferred the duties of "Rhetoric and Logic" to the Professor of Metaphysics and Moral Philosophy; and the happy result was an addition of £200 to the expenditure of the Institution. Dr. McCaul may allege that no deception was practised in the preparation of the Schedule; he may be able to justify the subversion of "the Statute then in force." on grounds not personal to himself; he may be able to establish that he was influenced by no mercenary considerations in disjoining Arts previously united by a solemn Statute, but until he places that justification before the world, the assumed purity of his motives will scarcely protect him from the suspicions induced by the pecuniary advantages which he derived from the change.

So far from Sir Charles Bagot having violated that statute in reference to Dr. McCaul's emoluments and duties, he positively adhered to it and reverted to the original arrangement by which the Arts of Belles Lettres, Rhetoric, and Logic were united under one chair.

As it will be necessary to recur to these statutes when I shall advert to Dr. McCaul's claims for additional emolument, on the ground that additional offices were imposed on him, beyond those originally contemplated, the whole matter

may be simplified by a tabular view of his salaries and duties under the schedule and the two several statutes respectively.

By the statute of 1840 the offices now held by Dr. McCaul were ranked thus:

2. Classical Literature.
8. Belles Lettres, Rhetoric and Logic.

In the schedule submitted by Dr. McCaul to Sir Charles Bagot the several Chairs, with the salaries and duties were inserted as follows: the chair of Rhetoric and Logic was united with that of Metaphysics and Moral Philosophy now held by the Professor of Divinity.

1. Classical Literature	£200.	Fees or £25 at option	{ 3 hours
2. Belles Lettres	200.	do	{ per day.
7. Metaphysics & Moral Philosophy	200.	do	{ 3 hours
8. Rhetoric & Logic	200.	do	{ per day.

By the Statutes of Sir Charles Bagot which were intercepted and cancelled, Dr. McCaul's professorial offices and emoluments were thus represented:—

2. Classical Literature
3. Belles Lettres, Rhetoric and Logic. } £500

So much for the charge preferred by Dr. McCaul against Sir Charles Bagot of having violated the "statutes then in force."

Dr. McCaul well knows that he has, with signal ingratitude, withheld the real motives which induced that respected Chancellor to raise his Professorial salary to the sum of £500. and that the re-union of chairs which had been improperly and illegally disjoined in Dr. McCaul's schedule was a very subordinate inducement. Long before that schedule was prepared or submitted, Sir Charles Bagot, in pursuance of the scheme, set forth in the statute of 1840, had entered into arrangements with the Professor of Divinity, then resident in England, under which it was agreed that that gentleman should receive a salary of £500 per annum. During the preparation of Sir Charles Bagot's Statutes Dr. Beaven, who had previously received his letter of appointment, arrived in Canada, and, as I shall afterwards show, he took a prominent part as Senior Professor of the University, in the deliberations and consultations which took place previous to these Statutes being framed. When Dr. McCaul's estimate and schedule were submitted to Sir Charles Bagot, that Chancellor felt a strong disinclination to place the emolument of the Professor of Classical Literature below that of the Professor of Divinity, and being aware that the office of Vice-President had been deliberately declared by the report submitted by the Law Officers of the Crown to the College Council to be illegal, and that it was liable to be swept away by any Chancellor by whom he might be succeeded; but having in view at the same time Dr. McCaul's estimate of University income, to which he was necessarily restricted, he reduced the salary of the uncertain office of Vice-President to £150, and raised the salary of the Professorship as the more permanent appointment to £500—"thus meeting in another form Dr. McCaul's own ideas of his importance." That the addition of the Professorship of Rhetoric and Logic to the chairs occupied by Dr. McCaul in his own Schedule, could form in Sir Charles Bagot's mind a very small inducement for raising the salary, is obvious from the circumstance, that the chair of Metaphysics and

Moral Philosophy, which, in the statute of 1840, occupies the position of a distinct Professorship, was annexed to the duties of the Professor of Divinity without any increase of emolument. But perhaps the most satisfactory test of the gross misrepresentation by which Dr. McCaul has endeavoured to protect himself from the charge, is to be found in the fact, that so far from his actual duties as a Professor having been increased by Sir Charles Bagot's Statutes beyond those submitted in the Schedule, these duties were *materially diminished*. The portion of Dr. McCaul's Schedule already quoted, shows that he estimated the time occupied by the Professor of Classical Literature and Belles Lettres at 18 hours per week, and by the Professor of Rhetoric and Logic at 9 hours per week. A glance at the University Calendar for the year 1848 will prove that the whole time occupied by Dr. McCaul in the performance of his professorial duties in the Chairs of Classical Literature, Belles Lettres, Rhetoric & Logic, with a Salary of £500 per annum, is 16 hours per week—being 2 hours less than the time estimated in his own Schedule for the two chairs of Classical Literature and Belles Lettres, at a salary of £400 per annum.

The circumstances to which I have referred have no bearing on the present enquiry beyond the use to which Dr. McCaul has applied them in justification of the charge of suppressing the Statutes; and if I am forced into apparent digressions, it is owing to the peculiar course which Dr. McCaul has pursued in the attempt to exculpate himself by vague references to circumstances having little connection with the charge itself, but which being but imperfectly known, he has flattered himself into the belief, would have all the argumentative cogency with the public which he has found to attend a mere hint among his admirers.

Thus the question is not as to the *expediency* of Sir Charles Bagot's arrangements, but as to the *fact* whether the arrangements were actually made; and whatever view may be taken of Dr. McCaul's exculpatory circumstances, the propriety of these arrangements, if their existence be admitted, cannot affect his position. For if Dr. McCaul procured an enlargement of his salary from £400 to £500 on the ground that an additional chair was assigned to him beyond those suggested in the schedule, that enlargement was made by Sir Charles Bagot in the very statutes in question, and it can have no connection with the subsequent enlargement of the salary of Vice President under the chancellorship of Sir Charles Metcalfe. The salary of £500 assigned to Dr. McCaul by Sir Charles Bagot was attached to *all* the chairs which he now holds. Sir Charles Metcalfe never deviated in the smallest particular from Sir Charles Bagot's arrangement of Dr. McCaul's professorial duties or emoluments, and Dr. McCaul must therefore justify the enlargement of his salary of Vice President beyond that contemplated by Sir Charles Bagot on other grounds, than the addition to his professorial duties made by Sir Charles Bagot, which addition to his duties would have been amply recognised in the additional salary, if such had been Sir Charles Bagot's sole motive for granting it.

I now come to the charge that the Statutes prepared by Sir Charles Bagot were intercepted and cancelled during that Chancellor's illness, which terminated in death. This is denied by Dr. McCaul in terms—but take his own statement

of the transaction, strip it of its excessive verbiage, and it amounts to a confession, going beyond the charge made by me—namely, that he himself was accessory to the interception and cancellation of the documents in question. He admits that statutes were prepared by Sir Charles Bagot affecting the duties, emolument and rank of all the Professors and some of the officers; then appointed. He does not deny that these statutes were transmitted by the chancellor to the proper officer, in order that they might be laid before the College Council and passed by that body. He says that the first time he saw those statutes was in the hands of the President; he admits that these statutes never were laid before the Council, but that, with his (Dr. McCaul's) knowledge and permission, alterations were made on them: and that, without being laid before the Council, he (Dr. McCaul) conveyed them to the seat of Government. But he says, "The proposal to alter it did not originate with me. It had been noted by the *President* on the margin before I had any communication on the subject with him." "On a careful perusal, *his Lordship* found many things to which he could not assent." "All the changes were written by *his Lordship* on the margin." He admits that he did not receive Sir Charles Bagot's sanction to the alterations proposed on the statutes—he admits that the identical Statutes of Sir Charles Bagot never were laid before the College Council, but that copies, with numerous changes and amendments, affecting the number, duties, emolument and rank of *all* the Professors introduced, were transmitted for the consideration of the College Council by whom they were passed.

I know not with what feelings *his Lordship*, the Bishop of Toronto, may have pertused this miserable revelation made by his associate in the transaction, nor will I attempt to decide a nice point in ethics, as to the comparative guilt of the suppressor and his agent—but, if there be any truth in the statement by which this mean attempt is made to transfer the odium of interception to the Bishop of Toronto, *he* must be acquitted at least from the imputation of sordid motives, for the result shows no pecuniary advantage derived by him from the transaction.

The qualifying circumstance by which Dr. McCaul attempts to palliate the charge of interception, is thus set forth: "In the preparation of these statutes, no attention had been paid (in consequence, I believe, of the illness of the Chancellor) to the direction of the Charter, that the Chancellor should consult with the President and next senior member of the Council before proposing any statute, rule, or ordinance, for the consideration of the Council." It is pleasant here to advert to that peculiar delicacy of mind characterises Dr. McCaul throughout the transaction. Statutes of the Chancellor, affecting the duties, rank and emoluments of *all* the Professors, are transmitted with the usual formality of official documents to the Bursar's office. Not one of the Professors, or members of the Council, was informed of the arrival of documents having an important bearing on all their interests, except Dr. McCaul, the Professor of Classical Literature, who was not at that time the senior Professor of the University, and whose taste as to duty, rank, or emolument, had no more right to be consulted or indulged than that of any of his colleagues. Without their knowledge and without any communication with them he assists in making on these statutes

innumerable changes affecting the duty, rank, and emolument of his colleagues—“that which related to myself being,” as he confesses, “of minor importance”:—These changes in the statutes are made while the Chancellor was on his death bed—they were not communicated to him for Dr. McCaul well knew that he dared not to submit to Sir Charles Bagot these mutilated statutes—but Dr. McCaul succeeds in inducing Sir Charles Metcalfe to subvert the arrangements of his predecessor, arrangements which in some cases amounted to positive agreements with the Professors. The numerous changes are adopted. Mr. Blake the Professor of Law is shorn of his emoluments to the extent of £200 per annum; Dr. Gwynne the Professor of Anatomy and Physiology who had surrendered a lucrative practice that he might devote all his professional energies to his chair, loses £150 per annum; The salary of Dr. Sullivan, then Demonstrator of Anatomy, is reduced to the extent of £50 per annum; and the salary of the Vice President, without any increase of duty and without any change of circumstances to justify enlargement either actual or alleged is increased by £100 per annum beyond the sum provided in the statute of Sir Chas. Bagot. The simple statement of the transaction needs no commentary. My present purpose is to prove that the exculpatory circumstances alleged by Dr. McCaul are without foundation.

The circumstance by which Doctor McCaul attempts to palliate the interception of the Statutes can only avail him in one of two ways—either on the ground that the “consultation” enjoined by the Charter was not completed—that is to say—that the statutes were transmitted to the President in the form of a draft, in order to obtain the President’s suggestions previous to their formal transmission to the Council; or on the ground that Sir Charles Bagot violated the provisions of the Charter and that the interception of the Statutes was a proper act of resistance on the part of the President. If the former ground be taken the evidence must be at hand, and the letter of the Chancellor to the President will solve the mystery, and, so far as this part of the charge is concerned, will terminate the controversy. Let the letter be produced Dr. McCaul has appealed to the tribunal of the public: assuredly the public will demand something more from him than mere assertions.

But it is altogether untrue that Sir Charles Bagot violated the provisions of the Charter in not having consulted with the President and senior members of the Council before transmitting the Statutes: and the hypocritical allusion to the Chancellor’s illness is a contemptible subterfuge without the vestige of foundation in fact.

The Chancellor applied to the President for an estimate of the income of the University, and a schedule of salaries and duties that they might form the basis of the proposed statutes. Dr. McCaul prepared that estimate and schedule, not altogether “on my own authority, but after consultation with the President,” and in violation of the duty thus imposed on him, he subverted the “statutes then in force” in respect both of the number and rank of the chairs established by these statutes. Will Dr. McCaul pretend that these proceedings afford no evidence of consultation with the President, or that because some of the suggestions in his schedule were not adopted, the Chancellor violated the provisions of the Charter?

If there was one Institution more than another connected with the prosperity of this country in which Sir Charles Bagot’s feelings were wound up, it was the

University of King's College. On its advancement, he bestowed a large portion of that brief period of health which he enjoyed in Canada; and even the last hours of his expiring energies were sedulously devoted to the lofty design which he had formed of making the Institution an object of attraction to the whole continent of America. It is well remembered by the numerous persons whom he consulted in the preparation of those statutes, that he regarded the arrangements contained in them as essential to the prosperity of the institution. I appeal to Dr. Beaven, the Professor of Divinity, at that time the senior Professor of the University, whether he was not consulted by the Chancellor in the preparation of those statutes, and whether they did not form the subject of several personal interviews and much deliberation. I appeal to the Hon. Mr. Baldwin, at that time Attorney General and *ex officio* a member of the College Council; to the Hon. Dr. Widmer, at that time a member of the College Council, and who furnished the scheme for the Medical School on which the Statutes were based: to Dr. Gwynne, also a member of the College Council, and to the Hon. Mr. Daly, the Provincial Secretary, in whose office these very intercepted statutes were prepared, whether they were not framed after much anxious consultation and deliberation, and whether they were not transmitted to the College Council with all the usual official formality, and impressed with the high sanction of Sir Charles Bagot's deep personal conviction of their importance and of the propriety of the arrangements for which they provided.

Dr. McCaul admits that these statutes were not laid before the College Council. He says, that "on a careful perusal, the President found many things to which he could not assent;" and he afterwards admits, that "all the changes in the provisions of the statutes sent by Sir Charles Bagot to the President, were written by his Lordship on the margin of these statutes," and yet he denies that they were cancelled! Will Dr. McCaul shew the authority by which any member of the Council can intercept the official communications of the Chancellor because he dissents from any of their terms? Will he shew any right by usage, statute, or otherwise, in any member of the Council, to mutilate the solemn instruments which embody the deliberate arrangements of the Chancellor? Will he mention a single instance in which even the Council itself has been guilty of such an act, which, if done by it as a body, would have been insubordination, but, when perpetrated by any individual member of the Council, was a direct breach of trust? If the President of the University or Dr. McCaul dissented from any of the provisions of the statutes, the proper place for promulgating that dissent was at the Council Board. The transmission of the statutes by the Chancellor gave the College Council a *right* to have them discussed. They were deprived of the opportunity of exercising that right by the clandestine proceedings which Dr. McCaul admits, and his attempt to avoid the charge of cancellation is a pitiful quibble, which the "legal sharper," whose intellect he has so nicely estimated, would be ashamed to acknowledge. He says that "copies (of Sir C. Bagot's statutes) were made, with the amendments introduced, and transmitted to the College Council, by whom they were passed." If these amendments were of so much importance as to affect "the duty, rank, and emoluments of all the Professors and some of the officers," and if among the changes

"that which affected himself was of minor importance," can it for an instant be maintained that the statutes "adopted" by Sir Charles Metcalfe were *copies* of those transmitted by Sir Charles Bagot? There is no meaning in terms, if the substitution of one provision for another is not a cancellation of the latter; and perhaps Dr. McCaul would have had less difficulty in applying the term if the statute of Sir Charles Metcalfe, instead of enlarging his salary as Vice President, had deprived him of it altogether.

Dr. McCaul admits that Sir Chas. Bagot never gave his assent to the amendments—he does not even allege that the Chancellor ever saw these amendments. He admits that, before the statutes were again transmitted to the Council, "numerous changes" were made; he alleges that these "changes were adopted" by Sir Charles Metcalfe; he says that the original statutes of Sir Charles Bagot, with the alterations on the margin, were transmitted to the President by Sir Charles Metcalfe, with a long letter containing "the Chancellor's approval of the changes proposed by his Lordship." And he further alleges that *copies* of Sir Charles Bagot's statutes (with the amendments introduced) were transmitted to the College Council by whom they were passed.

It will be observed, by this account, that immediately after the first appearance of Sir Charles Metcalfe on the scene, a double set of correspondence is maintained. Difficulties occur respecting the statutes, and several months elapse during which these difficulties are discussed, *but the Council is not consulted.* Sir Charles Metcalfe, it is alleged, is at length convinced of the propriety of the suggestions, and he transmitted the new statutes to the *College Council*, but the original statutes were transmitted to the *President*. It might be curious to inquire whether the new statutes (or, as Dr. McCaul calls them, *copies* with the amendments introduced) were transmitted to the Council through the Bursar, or whether they reached the President at the same time with the mutilated statutes of Sir Charles Bagot. The reference, made by Dr. McCaul to the "long and able letter" of Sir Charles Metcalfe has, however, induced a suspicion beyond the charge originally made, namely, that not only were the original statutes of Sir Charles Bagot, when transmitted by that Chancellor, intercepted, mutilated and cancelled, but when again transmitted by his successor for the information and guidance of the Council in their deliberations on the new statutes, a suppression took place which Dr. McCaul will find it hard to justify on any other ground than that he wished to destroy all evidence of the "numerous changes" that had been made. Certain it is that neither the original statutes of Sir Charles Bagot nor Sir Charles Metcalfe's "long and able letter" ever reached the College Council. The Council never gave, nor were they ever asked to give, their assent to the original statutes—no deliberation or discussion as to these statutes ever took place before the Council. The statutes of Sir Charles Metcalfe were laid before the Council and were passed by them as entirely new statutes; and but for the information of persons who had seen these original statutes in Sir Charles Bagot's possession, the statutes themselves would never have been heard of by the College Council. And yet Dr. McCaul asserts, and his friends and admirers believe, that the charge that Sir Charles Bagot's statutes were intercepted and cancelled is false!

Dr. McCaul considers that the part of the charge which most seriously affects his reputation, is the deception practised on Sir Charles Metcalfe, by the substitution of new statutes for those prepared by Sir Charles Bagot, and the insertion in the former of a larger salary than was contained in the latter. If such be the case, Dr. McCaul's position is an exceedingly melancholy one—for strong as the presumptive evidence against him was, it must yield in convincing cogency to the direct testimony furnished by the letter, which he has now placed before the public. I shall not waste words in attempting to shew that the alteration of a document in all its essential particulars, how carefully soever its outward features may be preserved, is virtually and substantially the preparation of a new one. I made no pretensions to very accurate knowledge of the precise manner, in which either this or the other jobs which I exposed were accomplished.—This is a branch of the occult sciences for which I possess neither taste nor capacity. It was of no importance in my mind, whether the mutilated statutes were ever seen by Sir Charles Metcalfe—for I well knew that the documents themselves, even though uncut, could only exhibit the results of Sir Charles Bagot's matured deliberations, without any evidence of that calm reflection, practical and comprehensive experience, and patient deliberation and consultation which had been brought to bear on their preparation. I well knew with how much success parties who were personally interested in the changes which they suggested, and not peculiarly exempted from the influence of sordid motives, could operate on the mind of a Chancellor, who neither had nor professed to have any academic experience, who had no acquaintance with his predecessor's views—and who was influenced by no more enlarged or higher considerations, than a sincere desire to restrict the expenditure of the Institution to its income. *It may be true* that Dr. McCaul did not withhold the intercepted statutes of Sir Chas. Bagot for several months, while he was speculating on that Chancellor's death. It may be true that when Dr. McCaul proceeded to Kingston, "Sir Charles Bagot was evidently too ill to attend to business," and that he did not insult the death bed of the late Chancellor, by exhibiting the mutilated statutes as the evidence of his frustrated schemes, but it is at least equally true, that Sir Charles Bagot was then no longer Chancellor of the University. It may be true that Dr. McCaul did not "introduce the subject to his Excellency;" but it is also true, that the last act of his Excellency as Chancellor, performed on the very day of his successors arrival at the Seat of Government, was to issue letters of appointment on the basis of these very statutes, and under the full conviction, that they had been adopted and passed by the Council. It may be true that Dr. McCaul handed the mutilated statutes "and, I believe, some memoranda relative to them," to Captain Bagot, although it is hard to believe that that estimable gentleman would feel himself justified in receiving such documents after Sir Charles Metcalfe as Chancellor of the University had undertaken the administration of its affairs. It may be true that the mutilated statutes were placed before Sir Charles Metcalfe, and that *two months* were occupied by that Chancellor before he decided which of the arrangements he should adopt; but it is also true, that Dr. McCaul's successful operations on the new Chancellor were reported among his own friends in Toronto, within *two weeks* after Sir Charles Metcalfe's arrival in this

country. It may be true, that Sir Charles Metcalfe transmitted the mutilated statutes of Sir Charles Bagot to the President, and that they were accompanied by a "long and able letter," relative to the difficulties that had occurred, but if there is one line or letter of that document which will justify Dr. McCaul's suggestion, for an enlargement of his salary as Vice-President, or Sir Charles Metcalfe's adoption of that suggestion, why is the letter withheld? Why does Dr. McCaul withhold the only evidence on which *his case* must ultimately be judged.

Dr. McCaul has appealed to the public on a charge of having obtained, by deception practiced on Sir Charles Metcalfe, an enlargement of his salary beyond that promised and solemnly settled by his predecessor. In this appeal he has admitted that his salary *was* enlarged by Sir Charles Metcalfe, but he has produced no evidence stronger than his own very ambiguous assertions that Sir Charles Metcalfe was cognizant of his predecessor's views and arrangements. He has nowhere asserted that Sir Charles Metcalfe ever saw the Statute of 1840, which was subverted by Dr. McCaul's arrangements, or that he knew that that Statute was "then in force"—nor does he assert that the Estimate of Income and the Schedule of Salaries and Duties, which were prepared for Sir Charles Bagot's guidance, were before Sir Charles Metcalfe when he "adopted" Dr. McCaul's suggestions. "I am entitled then to conclude that the grounds upon which Dr. McCaul claimed from Sir Charles Metcalfe an enlargement of his salary as Vice-President must have been the same as those upon which he has since attempted to justify that enlargement to the public: for if he urged other and different grounds upon Sir Charles Metcalfe than those which he has maintained in his public justification, it follows, either that his present defence is incomplete, or that Sir Charles Metcalfe was deceived.

Now, it is somewhat remarkable that you will search in vain through this part of Dr. McCaul's letter for the shadow of a reason justifying either the suggestion or its adoption: and if Dr. McCaul's defence to "the third and most serious charge" were confined to the specific answer which he has made to it, the charge would be substantiated by his tacit admission; for unless Sir Charles Metcalfe had been convinced on grounds substantially or apparently good, that his predecessor's arrangements were unjust, it must be presumed he would not have interfered to disturb them. But notwithstanding Dr. McCaul's utter silence on the only grounds upon which he could have met this part of the charge, I am willing to give him the benefit of every thing he has urged in *any* portion of his letter, whether directly or indirectly, whether by way of assertion, insinuation or implication, which can in any way be supposed to screen him from this "most serious charge."

The first circumstance recorded in the letter which could be supposed to justify the enlargement, is contained in the soft insinuation apparently intended only to uphold Dr. McCaul's peculiar "delicacy"—but really urged for a less illusory purpose. Two years before Dr. McCaul had prepared the schedule in which he assigned £400 to his Professorial duties and £250 to the office of Vice-President, and before Sir Charles Bagot's reduction of the last-mentioned salary to £150, "the salary of the Vice-President had been fixed by the Council

at £750 per annum." And "in the estimate furnished by me, the salaries of all the offices which I held were placed £100 below the sum which had been fixed by the Council for one of them." I have already explained the manner in which the resolution referred to was passed, and the subsequent action taken upon it by the College Council, and perhaps the fact that the office had been declared illegal by one of the Judges and the Law Officers of the Crown, would to most minds have amply justified either Sir Charles Bagot or Sir Charles Metcalfe in depriving Dr. McCaul of both the rank and the emolument. But if Dr. McCaul's "delicacy" was satisfied by attaching to this office a salary of £250, when his Professorial duties were compensated, also to his own satisfaction, by the sum of £100, how can this discreditable Resolution avail him *after* the enlargement of his Professorial salary to £500 by Sir Charles Bagot, in consideration partly of the very uncertain tenure by which the office of Vice-President was held, and *after* the reduction of the Vice-President's salary to £150 in consideration of the very enlargement referred to.

As some new ground must therefore be sought on which Dr. McCaul's claims to "delicacy" can be sustained, I shall allow him to speak in his own words. On referring to the intercepted statutes, he found that the "Professorship of Rhetoric and Logic was added to those for which the salary of £650 had been proposed in that document" (the schedule.)—"I felt, I admit, that the arrangement relating to myself was unjust, but the proposal to alter it did not originate with me." But the Professorship of Rhetoric and Logic had in "that document" been separated from the Professorship of Belles Lettres illegally and improperly and in violation of "statutes then in force." And if in reverting to those statutes and re-uniting the Chairs, Sir Charles Bagot had considered that any additional duties thus imposed required additional compensation, were these considerations not recognised in the enlargement of his Professorial salary from £400 as proposed by Dr. McCaul in his schedule to £500 as established by Sir Charles Bagot in his statutes? On referring to the University calendar, I find that the time devoted by Dr. McCaul to the discharge of his duties as Professor of Belles Lettres, Rhetoric and Logic, is three hours per week—being one hour to each of these Arts. For the performance of these laborious duties, Dr. McCaul was entitled under Sir Charles Bagot's statute, which he "felt to be unjust" to the sum of three hundred pounds per annum. By the same document it appears that Mr. Blake lectures two hours per week for a salary of £100, which Dr. McCaul did not "feel to be unjust," and that the several Professors of Anatomy and Physiology, Practical Anatomy, Medicine, Surgery and Materia Medica, each of whom gives five public lectures per week, receive respectively £200 per annum—and yet so far from Dr. McCaul complaining of the injustice which may have been felt by any of these gentlemen, their diminished income was the result of his own "delicate" suggestions to Sir Charles Metcalfe.

My desire to give to Dr. McCaul the benefit of every thing he has said by way of extenuation has perhaps led me to dwell upon a ground of defence which he has urged, more by insinuation than by direct assertion, longer than its importance seems to demand. For, after all, the charge had no reference to the enlargement of Dr. McCaul's Professorial salary recognised by Sir Charles Bagot

as well as by Lord Metcalfe—but to the means which were taken by Dr. McCaul to procure an enlargement of his salary as Vice-President—and he has only succeeded in giving colour to the insinuation by attempting to establish, in the first instance, his claim to £650 under his own schedule and estimate, which, independent of its intrinsic deception, can have neither weight nor authority, and then urging his claims to additional remuneration on the ground that the Chair of Rhetoric and Logic had been added to the duties estimated in that schedule. He thus attempts to leave out of view the admitted facts that Sir Charles Bagot had assigned the salary of £500 to *all* the Professorships which he now holds, and that Sir Charles Metcalfe never deviated from that arrangement.

What justification, then, of the *new* arrangement of the salary of Vice-President has Dr. McCaul made? What *new* combination of circumstances had arisen which could have induced Sir Charles Metcalfe, within a few weeks after his arrival in the country, to subvert arrangements completed with so much anxious solicitude by his predecessor? Dr. McCaul has failed to show that any additional Professorial duties have been imposed on him beyond those specified in the statutes of 1840. He has failed to show that the addition made to his duties as specified in his own schedule was not amply compensated by the additional allowance of £100 per annum given by Sir Charles Bagot. He has failed to show that any additional duties were imposed upon him by Sir Charles Metcalfe to those previously assigned by Sir Charles Bagot. He has failed to show that he has even devoted the same amount of time which he estimated in his own schedule at £400 to the discharge of those duties for which he now receives £500 per annum. And, above all, he has failed to shew even the shadow of reason or pretence upon which he could have claimed from Sir Charles Metcalfe, the addition of £100 to his salary as Vice-President, beyond the sum at which it had been previously settled, after mature deliberation, by Sir C. Bagot. If Dr. McCaul was in the position to convince Sir Charles Metcalfe of the propriety of enlarging his salary, the same reasons which were urged successfully then, must avail him now. He has come before the public to justify both his own suggestion and Sir Charles Metcalfe's act. If the public justification is incomplete, the private suggestion must fail, and the irresistible conclusion must be—that *Sir Charles Metcalfe was deceived*.

I have now, Sir, I trust, satisfied you that you were amply justified in bringing before the Honourable Gentlemen of the Legislative Council and the country, the very grave charge originally advanced by me; and that its substantial truth may have, in some measure, atoned for the absence of that literary grace under which it unfortunately suffered in the estimation of the learned Vice-President of the University.

I have the honor to be,

Sir, your very obedient servant,

J. JOHN MACARA.

Albany Chambers, }
Toronto, 9th March, 1848. }

