

THE
UNIVERSITY QUESTION

CONSIDERED:

BY A GRADUATE.

Multi dubitabant, quid optimum esset ; multi, quid sibi expediret ; multi, quid deceret ;
nonnulli etiam, quid liceret.

CICERO.

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THE UNIVERSITY QUESTION.

THERE can be no doubt that the discovery of a satisfactory mode of settling the University question is the most important and difficult subject, to which the Legislature is expected to direct its attention, during the present session.

Its importance must be evident to every one, who is sensible of the value of education, and can appreciate the influence, which the University must exercise on the future welfare of the province, by the manner in which it discharges the high duty, which devolves on it, of forming the religious, moral, and intellectual character of those, who are destined hereafter to give a tone to society, and direct the public mind. The subject, intrinsically momentous, derives additional importance from the circumstances of the institution which it is proposed to modify;—King's College having been the first University established in Western Canada by royal charter, and enjoying an endowment of considerable value, conferred on it by royal grant—and from the consideration, that a vast amount of property may be affected by the decision in this case to be pronounced.

Nor is the difficulty of the question less apparent than its importance. The best mode of adapting public educational establishments to the wants and wishes of a mixed population is a problem, which has never yet been satisfactorily solved; and one of the peculiarities of the present enquiry, which causes additional doubt, is, that the legislature have to consider not merely *what* is to be done—but *how* it is to be done.

Every one, it may be presumed, will admit, that the essential requisites of a satisfactory settlement of the question are, that strict regard should be paid to justice—that the greatest amount of benefit to the community should be secured—and that the settlement should be final.

It is impossible that any arrangement, which does not possess these characteristics, can be regarded as satisfactory.

Nothing can be really expedient, or produce permanent content, whereby the great principles of justice are contravened—neither can any public establishment possess or retain that hold on the favour of the community essential to its continued prosperity, which is not so constituted as to warrant its efficient operation, and to ensure the attainment of its peculiar objects—nor yet, even if the demands of justice should be satisfied, and efficiency secured—can any measure be considered complete, which admits subsequent modifications, whereby these equitable arrangements may be disturbed, and the practical working interrupted or stopped.

It is proposed in the following pages to consider the University question under these heads, and inquire whether any settlement can be devised, which will at once satisfy the just claims of the parties interested,—secure to the community the advantages which ought to be expected, and ensure to posterity the enjoyment of the benefit.

But previously to entering on this, it is proper to consider whether the present state of affairs in the University is such as to require or justify change. It might reasonably be supposed, that as the charter has already been the subject of discussion in the legislature, and the bill in which the modifications, which appeared to them desirable, were embodied, received the royal assent, and is now the authority under which the institution is conducted, nothing further remained to be done. And yet speeches, editorials, pamphlets, and petitions, might be adduced as evidence of the existence of a feeling of dissatisfaction, either with the principle, or with the working of the charter as thus modified. Before considering the validity or invalidity of the alleged causes of this dissatisfaction, it seems expedient to trace the progress of the feeling during the last two years.

In February, 1843, a deputation from the trustees of Queen's College, Kingston, visited Toronto, for the purpose

of ascertaining the views of the members of the Council of King's College, relative to a union, which they were authorised to propose, of the two Institutions. The project was received with no favour, and the deputation returned without having accomplished the object of their journey, but not until it had been intimated with sufficient clearness—*alia aggredimur via*—and the outlines of a general plan had been communicated. In the autumn of that year, appeared the statement of the trustees of Queen's College, in which the claims of all denominations to equal participation in the benefits of King's College were urged, and systematic agitation of the subject recommended.

The movement, which was thus commenced, was kept up, with more or less spirit, until it received additional impulse from the resignation of the late Executive Council, and the necessity for appointing a new administration. Since that time, the University question has been viewed more in its political than in its religious bearings, and is now regarded by the opponents of the present government as a most powerful instrument for producing embarrassment, and causing disunion amongst its members and supporters. Much of the excitement, then, which exists on the subject, may be reasonably ascribed to the agitation got up by those, whose interest it was to disturb the existing state of things in the Institution, or who regarded the introduction of the topic as useful for electioneering manœuvres and party purposes. But, however, the principal point is, the justice or injustice of the complaints, which have been and still are made, relative to the Institution. It is not intended at present to pursue a detailed investigation into all the charges which have been advanced. Some are so absurd that they require no refutation, and others so minute that they do not deserve notice. Some, again, shew nothing but personal antipathy; others betray total ignorance of the subject; whilst all these, if well founded, are capable of being remedied by the authorities under the existing constitution. Those, however, which are

generally advanced as the grounds for the interference of the legislature, and to which all others are merely auxiliary, shall be as fully considered as the limited space, which can be at present given to the subject, will permit.

It has been asserted, that the University is merely theoretically, and not really, open to the community at large, and that the provisions of the Act of 1837 have not been carried out.

To this, the obvious reply is derived from reference to facts, whereby it will appear, that of the professors of the Institution, there are two not members of the Church of England, one being a Roman Catholic and the other a Presbyterian minister; and that of the students, being in all about sixty, twelve are not members of that church, but belong to different denominations, comprising the Church of Rome, the Established Church of Scotland, the Free Church, the Congregationalist and Lutheran persuasions. Nor is any of these required to make any declaration, or engage in any religious duty which he may esteem inconsistent with the articles of his belief, or the usages of his denomination. But, it is said, the majority of the members of the University—officers, professors and students—are of the Church of England, and it is in this that the exclusiveness consists.

As it is absurd to apply this objection to those who are connected with the University merely *ex officio*, and who may be members of any denomination; the observations on this point may be limited to the president, professors, and students, of whom it is admitted, that the majority are members of the Church of England. But who is responsible for this? Certainly not the council or managers of the institution, who had not even a voice in the appointment of the president and professors, and whose duty it was to receive any students who presented themselves, without reference to their religious opinions.

The Lord Bishop of Toronto is president of the University, but not as Bishop, but because he was named by the Sove-

reign, in the original charter; and the tenure of his office was not affected by the act modifying that charter. The right of appointing professors, is vested by the charter in the Chancellor; and in pursuance of that right, Sir Charles Bagot appointed eight professors, and Sir Charles Metcalfe four. If there is blame to attach to any one for the preponderance of members of the Church of England, amongst the professors, that blame must attach to the Chancellor. And yet it is certain, that of the twelve there was but one case (exclusive of the Professor of Divinity) in which selection was made with any regard to religious tenets—that case being in favour of the Church of Scotland; and—even if this be questioned—it is easy to prove that the preponderance was not the effect of design on the part of any one, but of circumstances which necessarily produced that result.

Without meaning in the least to disparage or depreciate the ability or attainments of members of other denominations, or to withhold the praise, which is justly due to the distinguished men, who have adorned or still adorn their ranks, it is beyond question, that the greater number of those, who are known to be highly qualified in the different departments of academic study, belong to the Church of England. Many causes contribute to produce this result—of which the most obvious are, the immense number of students educated in Oxford, Cambridge and Dublin, (the two former exclusively—the latter almost exclusively—limited to members of that Church), and the high reputation in which the distinctions, acquired in those universities, are held as criteria of qualifications. Even in this province, it is believed, a corresponding disparity of numbers exists amongst those who have taken degrees or enjoyed the advantages of a university education. If then the Church of England universities have educated the greater number of students, and sent forth the greater number of graduates—the reason must be evident (without entering into particulars) why the greater number of professors in an open university, particularly one situated

in a region, in which her members form more than one-fourth of the whole population, should belong to that church. And this view is strongly supported by adverting to that one department in which the majority of graduates is supplied by the Scotch universities,—that of medicine. Amongst the professors of the school of medicine attached to the University of King's College, there are but three who have taken university degrees; and of these one is a graduate of Dublin, the other two of Edinburgh; and of the two gentlemen (not professors) who were admitted to degrees in medicine, at the recent convocation, one was a graduate of Edinburgh, the other of Aberdeen. The fact is, that even at home the charge of the literary and scientific departments is confided to the graduates of Oxford, Cambridge and Dublin, in institutions from which it might be supposed that their episcopalian tenets would have excluded them. It is sufficient, in elucidation of this, to observe, that one of the greatest ornaments of the University of Glasgow, was a member of the Church of England, son of the Bishop of Edinburgh, and educated in Oxford—Sir Daniel Sandford, professor of Greek;—that the chair of Mathematics in Edinburgh is filled by the Rev. P. Kelland, a clergyman of the Church of England, and educated in Cambridge; and that in the Belfast institution, (a Presbyterian establishment), the department of Natural Philosophy is conducted by the Rev. J. Stevelly, a clergyman of the Church of England, and educated in Dublin. But it is unnecessary to dwell on this point. In a pamphlet, recently published under the title of “Thoughts on the University Question, &c.” by a Master of Arts, who is evidently not a member of the Church of England, nor a graduate of Oxford, Cambridge, or Dublin, it is admitted with great candour, that it is “most probable”—even under the new constitution of the university, which he recommends—that the majority of the professorships, if unrestricted and open to all denominations, would be filled by adherents of the Church of England—nay more—that it is even “desirable.” On what grounds, then, can he reasonably complain of the majority at present

existing, which, it appears, is almost the necessary result of circumstances beyond the power of legislation to alter,—unless, indeed, special provisions were made for the proscription of that church—and which he himself acknowledges to be a result, that even when the Charter shall have been modified according to his wishes, is more to be desired than deplored?

But it is urged, the establishment of Divine service according to the rites of the Church of England and Ireland, is convincing evidence of the exclusiveness of the institution.

Now there are two points to which this objection may be applied—to the establishment of Divine service at all, or to its being according to the ritual of that Church. There are, it is hoped, very few who would advocate the entire removal of religious duties from an institution designed for the education of the young. There are, it is believed, very few christian parents who would desire to send their sons to an establishment from which every acknowledgement of Christianity was systematically proscribed. Nor does the charter of the University leave the views of the royal founder on so important a matter in doubt. The preamble states that one of the objects contemplated in the establishment of the College, was “the education of youth in the principles of the Christian religion;” and the making provision “concerning the performance of Divine service therein,” is specially stated as part of the duties of the College Council. Nor have those clauses been repealed or modified by the act of 1837. If then it appeared to be essential, that Divine service should be established, surely all the different forms, in which it is celebrated by the different denominations, could not have been adopted; and if any one was to be preferred, undoubtedly the United Church of England and Ireland had a right to the preference, as the church to which the founder of the University belonged; and which is the established church in two of the three kingdoms of which the parent state is composed; and that, also, to which it was most probable that the majority of the members of the University would belong.

But another evidence of the exclusive character of the institution, has been derived from the appointment of a professor of Divinity belonging to the Church of England. As it is evident that the University could not support a professor in that department, belonging to each denomination, nor is there any satisfactory principle, on which some should be preferred to others, the question relative to this may be reduced to an enquiry, why the Presbyterians, claiming as the established Church of Scotland, should have been excluded. To this the plain reply is, that by establishing Queen's College, they excluded themselves. There was, there is reason to believe, an intention in certain quarters, of establishing a chair of divinity in King's College for that denomination, but the necessity of making any such provision was removed by the foundation of a University entirely under their management. Indeed it has been asserted, that during the progress of the bill for the establishment of that institution, a stipulation was entered into that a certain sum should be appropriated from the funds of King's College, for the support of a professor of divinity in their college.

It appears, then, that the charge of exclusiveness which has been so repeatedly advanced against the University, is to be taken in a limited sense—for no one can, with truth, say, that it is entirely in the hands of any one denomination—and that the influence, which the Church of England is admitted to possess in it at present, arises from these circumstances; that the legislature confirmed the President in the office, to which he had been appointed by the Sovereign, and scrupled to repeal the provision of the charter relative to the performance of divine service—that the Chancellor, in appointing the majority of the professors, was not influenced by regard to the difference of their creeds—that the members of the Church of England are generally better able or more willing to give to their sons the advantages of a university education—and that the Presbyterians had established a university for themselves.

Another charge, which has been urged as furnishing grounds for legislative interference, is, that the funds of the University have been wasted and misapplied by those who have had the management of them.

Before entering into particulars, it is proper to consider who the parties were or are, against whom this charge has been advanced, as the probable truth or falsehood of it must in a great degree depend on their characters.

In a publication, bearing the title of "Proceedings at the Ceremony of laying the Foundation Stone, &c." which appeared in 1843, from the press of Messrs. H. & W. Rowsell, Toronto, there is a list of all the members of council, from the foundation of the institution. From it the subjoined synopsis has been framed.

1828.

His Excellency Sir Peregrine Maitland, Lieutenant-Governor, &c.
 The Hon. and Ven. John Strachan, Archdeacon of York.
 The Hon. Sir Wm. Campbell, Chief Justice.
 The Hon. Thos. Ridout, Surveyor-General.
 The Rev. Thos. Phillips, D.D., Head Master of Royal Grammar School.
 John B. Robinson, Esq., Attorney-General.
 Henry J. Boulton, Esq., Solicitor-General.
 Grant Powell, Esq.

1829.

His Excellency Sir John Colborne, Lieutenant-Governor, &c.
 The Hon. and Ven. John Strachan, &c.
 The Hon. Sir Wm. Campbell, &c.
 The Rev. Thos. Phillips, D.D., &c.
 The Hon. J. B. Robinson, Chief Justice.
 Henry J. Boulton, Esq., Attorney-General.
 Grant Powell, Esq.
 Christopher Widmer, Esq.

1830.

The same as above, with the exception of Rev. J. H. Harris, D. D., Principal of U. C. College, in place of Sir Wm. Campbell.

1831.

As above.

1832.

As above.

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1833.

As above.

1834.

As above, with the exception of R. S. Jameson, Esq., Attorney-General, in place of H. J. Boulton, Esq.

1835.

As above.

1836.

As above, with the exception of Sir F. B. Head, &c., Lieutenant-Governor, in place of Sir John Colborne.

1837.

His Excellency Sir F. B. Head, &c., Lieutenant-Governor.
The Hon. and Ven. Archdeacon Strachan.
The Hon. J. B. Robinson, Speaker of the Legislative Council.
The Hon. Sir A. N. Macnab, Speaker of the House of Assembly.
Christopher A. Hagerman, Esq., Attorney-General.
The Hon. W. H. Draper, Solicitor General.
The Rev. Dr. Harris, Principal of U. C. College.
The Hon. R. S. Jameson, Vice Chancellor of Court of Chancery,
The Hon. R. B. Sullivan, President of Executive Council.
The Hon. W. Allan, Member of Executive Council.
The Hon. John Macaulay.
The Hon. J. S. Macaulay.

1838.

As above, with the exception of Sir George Arthur, &c., Lieutenant-Governor, in place of Sir F. B. Head.

1839.

As above, with the exceptions of the Hon. J. Jones, in place of Hon. J. B. Robinson, and of Rev. Dr. McCaul, Principal of U. C. College, in place of Dr. Harris.

1840.

As above, with the exceptions of the Right Hon. C. P. Thomson, &c., Governor-General, in place of Sir George Arthur, Hon. W. H. Draper, in place of C. A. Hagerman, Esq. as Attorney-General, and Hon. Robert Baldwin, as Solicitor-General.

1841.

As above with the exceptions of Hon. R. S. Jameson as Speaker of the Legislative Council, and Hon. A. Cu villier as Speaker of the House of Assembly.

1842.

His Excellency Sir Chas. Bagot, &c., Governor-General.
 The Right Rev. John Strachan, D.D., Lord Bishop of Toronto.
 The Hon. R. S. Jameson, Speaker of Legislative Council.
 The Hon. A. Cuvillier, Speaker of the House of Assembly.
 The Hon. Robert Baldwin, Attorney-General.
 The Hon. J. E. Small, Solicitor-General.
 The Rev. Dr. McCaul, Principal of U. C. College.
 The Hon. W. Allan.
 The Hon. J. S. Macaulay.
 The Hon. L. P. Sherwood.
 The Rev. H. J. Grasett, B.A.
 Christopher Widmer, Esq.

From this list it appears, that those who have had the management of the funds have been amongst the most distinguished in this portion of the province by rank or ability, nor can their integrity be questioned. But perhaps they may have been guilty of some errors of judgment, or may not have been able to give to their trust the requisite time and attention. That some evil may possibly have resulted from one or other of these causes, no one, conversant with boards of management, would deny; but that the state of things has been such as to justify the language which has been used relative to the misapplication of the funds, the mere character of those to whom they were entrusted, is of itself sufficient to refute, and an examination of particulars will fully disprove.

The charge of waste and misapplication of funds implies, not merely needless and unprofitable expense, but application to objects for which they were not intended.

The real questions, then, which are to be considered are, why those who had the management of the funds did not bring the institution into active operation at a much earlier period; and if it should appear that it was necessary or expedient to apply the funds to other objects, whether such expenditure was extravagant and unremunerative? Now, it is very easy to prove (indeed it is almost universally known), that no blame whatever can justly attach to the council for the lateness of the period at which the University was brought into operation.

They made a succession of attempts to render the funds available for the objects for which they were granted, but were thwarted in all their efforts, until Sir Charles Bagot—himself a distinguished member of the University of Oxford, and alive to the importance of such institutions—took up the subject with the zeal which became a governor and a chancellor.

If the council previously failed in their attempts to make a commencement of the actual work of instruction, it was their misfortune, not their fault; for they did every thing which could reasonably be expected of them. Up to 1837, the determined opposition of the Chancellor, Sir John Colborne, and the clamour for changes in the constitution, impeded all action; in the spring of that year, when the Act altering the Charter had been passed, great exertions were made to complete the arrangements for commencing, but the proceedings were stopped by the troubles of the winter; and the attempts to give at least partial efficiency to the institution, under Sir George Arthur, and Lord Sydenham, whilst in progress, were suspended by the Chancellor, amidst the excitement of the Union, and finally laid aside on the passing of the Bill for establishing a Presbyterian University. But to what, it may be asked, were the funds applied during this period? It appears from a parliamentary document, published in Vol. 3, Sess. 1843, that the disbursements during the fifteen years of the existence of the institution, amounted to 76797*l.* 11*s.* 9*d.*, and yet the University had then been in actual operation but six months. On what objects, then, was this large amount expended? In the same document, the items are thus stated:—

“Assistance given to U. C. College	£40130	4	4½
Purchase of site for the University, and College Avenue and grounds, with improvements in the fourteen (fifteen) years	£13148	1	9
Management and incidental expenses...	£14787	15	2½
University buildings, outfit, &c.	£ 8731	10	5”

Here two enquiries present themselves—why the funds of the University were expended on Upper Canada College? and whether the outlay on preparations for the University is to be regarded as waste of its means?

With reference to the first, although it would be sufficient to observe for the justification of the council, that the support of that institution was forced upon them by a Chancellor, whose favourite project was its establishment, it may be as well to shew that the efficiency of that school was closely connected with the success of the University; and, that the good, which it has effected for the province and for the University, more than compensates for the sum expended on it.

Every one acquainted with the studies pursued in a university must know, that an essential requisite for the successful prosecution of those studies is the preparation, which the students have made previously to admission. That essential requisite has been supplied by U. C. College, and the University is now deriving the benefit of it.

It would, in fact, have been impossible for the authorities of King's College to have conducted any course of instruction, deserving the title of university education, if that institution had not been previously in operation. Almost all the students in the faculty of arts were pupils of U. C. College; and the extent to which it has been found practicable to carry them in the study of the higher branches of literature and science in the University, is indisputable evidence of the attention which had been paid to their progress in the preparatory seminary.

Of the advantages which have flowed to the community at large from that College, it is scarcely possible to speak in adequate terms. The number of young men, who have been qualified in it for the discharge of the various duties which devolve on them in the different stations which they now occupy, affords the highest practical testimony to its value; nor should it be omitted, that it has contributed in no small degree to the formation of a literary taste—to the

elevation of the tone of the public mind — and, above all, to the production of a general conviction that education is the great instrument for securing to the humble and the poor their due participation in the honours and emoluments of the state.

But the College has been beneficial to the community in another way. The lowness of the charges for tuition and for board, is such, that the public have really been gainers to a very large amount. The course of education includes, in addition to the ordinary branches of English, the Greek, Latin and French languages, Mathematics, Mensuration, Surveying and the principles of Perspective—all taught by able masters, and the whole system and arrangements as solid and complete as those of the great public schools in England; and yet the quarterly charges for day pupils are, for the preparatory school, but £1 10s., and for the forms, £2 5s.—without any extra whatever; whilst the terms for board and tuition are only £30 per annum. Let this scale of charges be compared with that of any establishment, in which equal advantages are afforded, and it will be immediately apparent to how great an extent the community have profited. It is very doubtful, indeed, whether it would be going too far to assert, that the amount lost by the institution, but gained by the public, by the adoption of charges so unusually low, would cover the whole of the pecuniary assistance afforded by King's College.

The enquiry remains, whether the outlay on the preparations for the University should be regarded as waste of its means?

From the document, to which reference has been before made, it appears that 36667*l.* 7*s.* 4½*d.* have been expended during fifteen years, and that of this sum 8731*l.* 10*s.* 5*d.* were spent on buildings, outfit, &c. The latter item, it is to be presumed, comprehends payments on account of the building erected on the University grounds, and also on account of books, apparatus, furniture, fittings, &c., at present in use. Now, without investigating whether there

has been extravagance or not (which can be but a matter of opinion, even amongst those who are best acquainted with the nature and wants of such an institution), it can be easily shewn that the funds have been judiciously expended, even according to the mercantile view of such transactions.

The sum expended on the purchase of the avenue, and ground for the site of the University, with the cost of improvements, is 13,148*l.* 1*s.* 9*d.* Every one, who has seen that property, must admit the taste and judgment of those, who selected it, for the situation is at once beautiful and convenient. An avenue $\frac{7}{8}$ of a mile in length, bordered with plantations, leads from one of the public streets of the city to a park, containing about 160 acres, most appropriate for all the purposes of a University, and communicating also with the great northern road by another shorter avenue. But it may be said, the question does not relate to the beauty or the convenience of the property—but merely to its value. Let this then alone be regarded, and there is no doubt that the purchase was most judicious even in this point of view, for more than double the whole amount that has been expended on that property (and according to some estimates, even more than that) could be readily obtained by its sale at present.

The management and incidental expenses, i. e. salaries of officers, surveys, inspections, law expenses, and other contingencies, during fifteen years, are set down at 14787*l.* 15*s.* 2 $\frac{1}{2}$ *d.* Now, the amount of landed property, which was to be managed, was about 300,000 acres. It appears then that the whole property has been managed at an expense of little more than 0 $\frac{3}{4}$ *d.* per acre per annum. Again, the amount of money actually received at the bursar's office was little short of 170,000*l.*, from which it is evident, that the expense of the management—including the disbursement of that sum, has been less than nine per cent. per annum. Nor is any account here taken of the school funds, which were managed by the College Council for about two years, nor yet of the large amount of purchase money outstanding (about

60,000*l.*), the details of which form no trifling portion of the business transacted in the bursar's office, and which, if added to the sum already stated, would considerably reduce the average cost of managing the pecuniary concerns of the establishment. With regard to this also, it is proper to observe, that the largeness of the balance remaining unpaid is the necessary result of the system almost universally adopted throughout the colony in the sale of lands, of receiving the purchase money by instalments, at fixed intervals with interest. The last item, 8,731*l.* 10*s.* 5*d.*, the cost of the University buildings, outfit, &c., up to 1843, it is difficult to treat with accuracy, for there is nothing stated from which the amount expended on each of the objects, which may have been included under this head, can be inferred, and it is impossible to decide whether the expense was too great or too little, without knowing the particulars. It therefore presents nothing for the enemies of the Institution to attack, nor for its friends to defend.

But, however, if it even were total waste, and if the sale of everything included under those heads would produce nothing, yet the increased value of the grounds would cover the whole of that loss, and even give a considerable surplus. It is proper to add relative to this item, that since the time, to which those returns of expenditure extend, the building then in progress has been completed, and is both a substantial and elegant structure, and that the expenditure on apparatus, instruments, books, furniture, &c., with which the University is suitably provided, has been no more than regard to efficiency would require, in any respectable institution of the kind.

It appears, then, from an examination of particulars, that the charge of waste and misapplication of the funds cannot be sustained, inasmuch as they have been expended on objects, of which either the utility has been commensurate to the expenditure, or the sale would realise more than the outlay, or which have been essential to the efficiency and respectability of the establishment.

But, it may be said, misapplication of the funds is proved by the fact, that a loan was granted to St. James's Cathedral; and the most absurd misrepresentations have been circulated on this subject.

Now, it is plain that the funds must be in some way invested, in order that the charges may be paid out of the income, and not the capital; and the real question is, whether the investment was secure and profitable? As to the charge of favouritism, which it has been attempted to found on this; before advancing this, it would be necessary to prove that the Council ever refused a similar application made by any other religious body, and that the security which others can offer is equal to that given by those who effected that loan.

It is scarcely necessary to advert to the calumny, that the Council were obliged by this transaction to borrow £4,000 from the Upper Canada Bank; as the statement in the Parliamentary returns proves that they probably had at the time nine or ten times that amount in debentures and cash.

But gross mismanagement has been inferred, from the amount of arrears, on account of the U. C. College dues. An examination of the returns up to December, 1842, will show what exaggeration there has been in the statements made relative to this.

The total amount of arrears during fourteen years is returned as £6,402 0s. 4d., but it appears that, before the returns were sent in, a considerable portion of this sum had been paid, and that many of the accounts included in it were only one or two quarters due, whilst the collection of the others was in progress. Now, on the supposition that £1,400 cannot be recovered, the worst that can be proved is, that the bad debts of the institution amounted annually to about £100. It has been also asserted, that partiality was shewn, in requiring some to pay—but allowing others to delay settlement, and yet a mere glance at the names of the debtors, will prove that they are of almost every rank, party, and denomination. Nor are bad debts a peculiarity of U. C.

College—other institutions in Canada have doubtless suffered in the same way. But, however—whatever loss may have arisen formerly, or to whatever cause it should be attributed—a system has been since then adopted, whereby accumulation of arrears is effectually stopped; and active measures have been taken for collecting those which, at the period of the returns, were unpaid.

But it is unnecessary to pursue this part of the subject further, inasmuch as it cannot be denied, that, after fifteen years of what has been designated wasteful expenditure and reckless disposal of the endowment of the institution, the assets at present would realize considerably more than double the value of the whole endowment when it was granted. The only additional fact which it seems proper to state is, that of the gentlemen, who have had the labour and responsibility of conducting the affairs of the institution during the period comprehended in those returns, there was but one who received any emolument whatever for discharging the duty, and even he not longer than two years and a half.

As far, then, as the grounds for change commonly advanced, they do not warrant the interference of any authority in altering the present state of things.

But are there no other grounds for change than those publicly urged? Is there nothing in the act of 1837 which requires alteration? In short, have the legislature of Upper Canada succeeded or failed in the discharge of the novel duty which was confided to them, of modifying a royal charter?

The act undoubtedly is not such that it should be permitted to continue in force, nor is it a difficult task to prove that the whole measure is a failure. In fact, it not only leaves untouched the prominent defects in the original charter, but adds others much worse. The provision, that the Governor of the province should be the Chancellor, was an arrangement which no one acquainted with the character of such an institution, and the circumstances of the colony, could approve. It was

both embarrassing to the Governor, by involving him in responsibility for the acts of the corporation, and most injurious to the University by subjecting it to the operation of political influence; yet not merely was this retained, but the introduction of such influence actually ensured by the addition to the Council of the Speakers of both houses of the Legislature, and the Attorney and Solicitor-General. Again, by the original charter, the Bishop of Quebec or of the diocese in which York might hereafter be situated, was constituted the visitor; and very reasonably, the government of the University being in that instrument limited to members of the United Church of England and Ireland. Of course, so exclusive a provision could not be permitted to remain by those whose object was to divest the institution of any distinctive religious character. Accordingly the Bishop was removed, and the Judges of the Court of Queen's Bench substituted in his place.

What is the effect of this arrangement? The Judges are constituted a court of appeal for the University, and are also a court of appeal from their own decisions, for they may be called on to reverse in Queen's Bench the judgments which they have pronounced as visitors. In the construction of the Council, also, there are other defects than that which has been noticed above. The members of the College Council are declared to be—besides the Chancellor and President—“the Speakers of the two Houses of the Legislature of the province, and his Majesty's Attorney and Solicitor-General for the time being; the five senior Professors of Arts and Faculties of the said College, and the Principal of Minor or Upper Canada College.”

Who can expound the meaning of the words “the five senior professors in Arts and Faculties?” or who can decide what constitutes seniority? Is it the department, or the date of appointment? If the former, according to what precedent and on what authority are those five professors to be arranged? If the latter, what security is there that

they may not all belong to the same Faculty; and thus the other Faculties be left without any representative in the governing body? The authorised interpretation of these words, is said to be that which makes the seniority dependant on the date of appointment; and this is at present acted on in the succession to seats in the Council. Is it possible to invent any means more efficacious for the ruin of a University than such an absurd arrangement, whereby the Professor of Fencing (if ever such a professorship should be established) might take precedence of all others, and even be authorised in the absence of the President to discharge his duties? But there were other provisions in the Charter, which seemed to require amendment. The Council, as constituted in it, was, it has been already stated, limited to members of the United Church of England and Ireland, and subscription to the Thirty-nine Articles was required previously to the admission of either permanent or temporary members. How was this improved? It was enacted that "in case there shall not at any time be five Professors as aforesaid in the said College and until Professors shall be appointed therein, the Council shall be filled with members to be appointed, as in the said Charter is provided, except that it shall not be necessary that any member of the College Council to be so appointed, or that any member of the said College Council, or any Professor, to be at any time appointed, shall be a member of the Church of England, or subscribe to any articles of religion, other than a declaration that they believe in the authority and divine inspiration of the Old and New Testaments, and in the doctrine of the Trinity." What Oedipus could satisfactorily explain the meaning of the words, "any member of the said College Council, or any Professor to be at any time appointed?"

As to the terms "any member of the College Council to be so appointed," they indicate with sufficient plainness those temporary members with whom the Council was to be filled,

according to the provisions of the Charter, under specified circumstances. But what is the meaning of the clause, "any member of the said College Council?" Does it denote all others than temporary members and Professors, viz. Chancellor, President, Speakers of the two Houses, Attorney and Solicitor General, and Principal of U. C. College? or is it to be limited to *ex officio* members, otherwise unconnected with the University, viz. Speakers, Attorney and Solicitor General, and Principal? or is it to be referred to those graduates, who, in case there should not be the required number of Professors, are, according to the Charter, to be appointed by the Chancellor to seats in the Council? Again, in what sense are the words "any Professor, to be at any time appointed," to be understood? The author of the marginal notes gives the following interpretation of the whole clause: "No member of the College Council, or Professor of the University, need be a member of the Church of England." But, in the Charter, there is no restriction whatever as to the religious opinions of those to be appointed Professors. The only limitation is as to their being members of Council. This interpretation, therefore, must be regarded as incorrect. Another, however, may be proposed, whereby the words "to be at any time appointed," might be referred to seats in the Council. But this, again, is inconsistent with the former provision that the five Professors, who are to be members of Council, should take their seats by virtue of their seniority, and not by virtue of any appointment thereto.

But the blundering does not stop here. It is enacted in the clause with which the University improvements terminate, that "no religious test or qualification be required or appointed for any person admitted or matriculated as scholar within the said College." For the introduction of these words, it is impossible to assign any reason, unless they were intended to denote the ratification by the legislature of the provision made by the royal founder of the University, inasmuch as in the charter no religious test or qualification *was* required or

appointed for any person admitted or matriculated (whatever be the distinction intended by these terms) as scholar within the said College. The framers of the Act have no claim whatever to any commendations for liberality in this point; all the merit (whatever there may be supposed to be) belongs to the framer of that charter, which has been stigmatised as so intolerably exclusive. The concluding words of the final clause are, "or of persons admitted to any degree or faculty therein." How far have the provisions of the charter been liberalised here? Did *it* require or appoint any religious test or qualification for persons admitted to degrees in the Faculty of Arts? No. In the Faculty of Medicine? No. In the Faculty of Law? No. All persons were admissible to degrees in Arts, Medicine, or Law, without any religious test or qualification whatever. The whole merit then which can be claimed in this particular by the authors of the amendments of the charter, is, that they proposed one of two changes relative to Divinity (but which of the two does not appear): either that degrees in *religion* should be conferred without any *religious* test or qualification (which seems to be as wise and expedient as if they had enacted that degrees in Arts should be conferred without any literary or scientific test or qualification; or degrees in Medicine, without any medical test or qualification; or degrees in Law, without any legal test or qualification) or else that no degrees should be conferred in that faculty.

From what has been stated, it must be evident that some of the provisions of the Act, however consistent at present with the efficiency of the institution, must sooner or later produce the most serious injury. They, therefore, constitute ground for change. But who is to remedy the evil? With whom does the introduction of the changes admitted to be necessary rest? With the Crown, or with the Legislature? The question is one of the greatest importance, involving high constitutional principles, touching not merely the prerogative of the Sovereign, but the rights of the subject. It is,

however, unnecessary for the author of these pages to discuss it. The subject has been brought under the notice of the Legislature in the speech from the throne; and his proper course is, to assist, if possible, the deliberations of those who are, doubtless, deeply impressed with the importance and difficulty of the task which has been confided to them, and whose only object in any modification which they adopt, must be to render the institution more efficient and useful.

The preliminary enquiries having now been disposed of, the main question may be considered, under the heads originally proposed.

As the question involves the consideration of religion, the principal parties interested in its settlement are, 1st, the Church of England; 2ndly, the Church of Rome; 3rdly, the Church of Scotland; 4thly, the Methodists; 5thly, different religious denominations, not connected with those already named.

The claims of the Church of England are mainly based on the following facts:—that the Charter and endowment were obtained by a member of her communion; that the government of the institution, established by that instrument, was in its provisions limited to those who professed her tenets, and that the divinity to be taught was that conformable to her articles.

Of these privileges, secured to her by royal charter, under the great seal of England, she complains that she has been unjustly and unconstitutionally deprived by a measure to which a majority of the members of the College Council were constrained to give a reluctant assent. In opposition to these claims, it has been asserted, that the Church of England acquired these advantages “by stealing a march upon the rest of the community, in selfish disregard of every interest but its own,” and that “half of the endowment of King’s College consists of property destined for another purpose.”

To the first of these assertions it may be replied, that the

object of the journey of the Archdeacon of York, in 1826, and the nature of the commission entrusted to him by the Lieutenant-Governor of the province, were well known previously to his leaving for England; that the length of time during which he remained there (almost eighteen months), rendered it impossible (if even he contemplated such a stratagem) to take any party by surprise, and that the pre-eminence given to the Church of England, in the instrument which he then obtained, was not only not a peculiarity of it, but the invariable characteristic of all such charters previously granted by British sovereigns since the Reformation.

In fact, the principal difficulties in obtaining the charter were caused by the unprecedented openness of the provisions, which it was proposed to introduce into it.

It has been asserted, also, that the superiority granted to the Church of England was obtained on false pretences and by erroneous statements, relative to the numbers of the different denominations in this portion of the province. The simple answer to this is, that the charter could never have been obtained at all without that distinctive feature. Even as late as that year, the principle was received and acted on, that there was such a thing as a Church of the Empire, and that it was the established form of Christianity throughout the British dominions. The idea of separating intellectual and religious education had, indeed, been introduced; but it had been received with little favour, and no charter had ever been issued, or thought of, sanctioning this innovation.

In answering the second assertion, it will be necessary to enter minutely into details, for the statement, that the University was endowed at the expense of the grammar-schools has been so repeatedly made, that there are doubtless some who regard the fact as admitted. In the year 1797, the Legislative Council and House of Assembly of Upper Canada passed a joint address to his Majesty King George III., "imploing that his Majesty would be graciously pleased to direct the appropriation of a certain portion of the

waste lands of the crown, as a fund for the establishment and support of a respectable grammar school in each district thereof; and also of a College or University for the instruction of youth in the different branches of liberal knowledge." The results of this address were, a despatch from his Grace the Duke of Portland, communicating his Majesty's assent to the petition, and consequent thereon, a report of the Executive Council, Judges, and Law Officers of the Crown, in Upper Canada, recommending the appropriation of 500,000 acres or ten townships, after the deduction of the crown and clergy reserves, for the purpose of establishing a Grammar School for each of the districts into which Upper Canada was then divided, and a University. The report concluded with a recommendation, that the portion set apart for the University should be at least equal to that for the Schools.

The whole appropriation made in accordance with that report contained 467,675 acres. Of these 190,001 were alienated to surveyors for percentage, and to individuals by grants. In lieu of these alienations, 272,000 acres were added. Thus it appears, that the appropriation for the Schools and the University contained (including 600 acres in the township of Warwick) 550,274 acres. Of these, then, the University was entitled, according to the recommendation of the report, to 275,137. But, as the appropriated lands were unsaleable, something was necessary to be done, in order that funds might be provided. An exchange was therefore effected, with the full concurrence of the provincial and imperial government, for crown reserves, which might be made immediately available. That portion of the appropriation which was the most unfavourably situated, was selected for the purpose, and thus the residue, which was left for the Schools, contained the most desirable lands. The endowment of King's College, then, consisted of those crown reserves, thus obtained in exchange, amounting to 225,944 acres, being about 50,000 less than the number which might have been justly claimed of the original appropriation.

The statement given above is chiefly derived from a pamphlet, entitled "Proceedings had in the Legislature of Upper Canada, during the years 1831, 1832, and 1833, on the Subject of Lands, &c.," printed by order of the House of Assembly, Toronto, 1837. As much misapprehension has existed on the subject, it is deemed expedient to annex an extract giving the details, as furnished in 1832:—

"The original School townships of Alfred, Plantagenet, Bedford, Hinchinbroke, Sheffield, Seymour, Blandford, Houghton, Middleton, Southwold, Westminster and Yarmouth, were computed at 549,216 acres, but actually contained	467,675
Alienated from the above for surveyors' percentage	19,282
Alienated by grants to individuals ...	170,719
The townships of Java, Luther, Sunnidale, Osprey, Merlin, and Proton, made School townships in lieu of the above alienations, contain	272,000
Also reserved in township of Warwick	600
	<hr/>
	740,275
Re-invested in Crown, in lieu of lands granted to the University	225,944
Re-invested in Crown, in lieu of lands granted to U. C. College	66,000
	<hr/>
	481,945
	<hr/>
School Lands Disposable	258,330

(Signed) S. P. HURD."

But, it may be said, that in the despatch of his Grace the Duke of Portland, "the establishment of free grammar schools in those districts in which they are called for," is

noticed as the first object to which the appropriation should be applied ; and yet, up to the present time, no such institutions have been established from the proceeds of the appropriation. In answer to this, it is sufficient to observe, that there *is* a grammar school in every district of the province, supported by annual grant of the legislature, conformably to an act passed in the year 1807, and in operation since that time ; and that it would have been manifestly absurd, contrary to what must be regarded as the intention of the donor, and highly detrimental to the province, to have neglected carrying out the second object, viz., the establishment of a University, at a time when the youth of the colony were prepared to avail themselves of the benefits of such an institution, on the ground that no portion of the funds had been applied to the first, but that the work contemplated in it had been accomplished by other means.

For the non-application of the School lands to the purpose for which they were intended, the University is in no way responsible. The intention of those who decided on the extent of the original appropriation, was, as has been already stated, that at least one half should be set apart for a University. In accordance with that intention, King's College received her portion, nor was one single acre of her endowment taken from that which was to be reserved for the Schools. In fact, it neither was nor ever can be the interest of the University to enrich herself at the expense of the Grammar Schools, for her success must in a great measure depend on their efficiency ; and so far from having manifested any desire to diminish their too limited resources, she has proved the sincerity of her wishes for their welfare, not indeed by idle and *ad captandum* assertion of their claims to that to which they have no right, but by the care with which she extricated their affairs from confusion, the regulations which she introduced for their good government, and the provisions which she introduced for the more adequate remuneration of their masters, during the period that that portion of the appropriation was committed to her administration.

By the Act 2nd Victoria, chap. 10, (1839), the proceeds of the School lands were placed under the control of the Council of King's College, and were managed by them, during about two years, without any charge for the additional labour thereby imposed on them. It is well known, that in that time a searching scrutiny was conducted into the whole state of the School fund; its actual condition fully developed in an elaborate report; a considerable portion of what was due to it recovered; steps taken to compel the payment of arrears; an uniform system of instruction prepared for all the Grammar Schools; and arrangements made for providing, under certain limitations, each master with an assistant. The progress of these judicious measures was suddenly stopped, by the passing of an Act in 1841, whereby the proceeds of the School lands were removed from the charge of the College Council. On the occasion of making the transfer, as directed in this Act, the thanks of the Executive Council were given to the College Council for their disinterested labours, whereby the whole fund had been so materially benefitted.

Such were the circumstances under which the University of King's College was established and endowed. Is it not astonishing, that any person, acquainted with these facts, could use such language as that employed by the "Master of Arts," with reference to what he designates "the present dominant party in King's College?" "Let that party," exclaims the author, in a burst which strangely combines devotional resignation with an unfair statement of facts; "let that party hold its ill-got advantage, with the assurance that, like the pretended parent [before the tribunal of Solomon], it is indebted for its tenure to the forbearance and piety of high-souled men, whose choice lay between the silent suffering of cruel injustice and the favouring of open irreligion, and who by the grace of God chose the former, 'committing themselves to Him that judgeth righteously.' That there are among the party in possession of King's College *some few* ready to retain their hold even in such opprobrious circumstances, they themselves have left us no room to doubt."

The illustration has indeed the merit of being forcible, but fails in the most material point of being just. If the relation of any portion of the community to King's College is to be represented under the metaphor of parentage, unquestionably the Church of England, to whom the institution owes its existence, should be regarded as the real parent; and the emotions which animate the high-souled men, who are attempting to snatch away from that Church her offspring, are not the yearnings of maternal affection, but the cravings of covetousness and jealousy. But it is asserted, that the members of the Church of England, "the dominant party," have an "ill-got advantage." What! is the term "ill-got" proper to be applied to that which has been received from the King of England, or is it a fitting epithet for the appointments made by the Sovereign's representative, the Governor of the colony? If the Church of England had superiority in the original charter, that superiority was granted by the King; and if the greater number of the professors at present in the University are of her communion, they hold their offices by right of the Chancellor's appointment.

It would have been as well, if the author had taken the trouble of explaining, whom he intended by "the high-souled men, who chose silent suffering of cruel injustice to the favouring of open irreligion," for on this point it is scarcely possible to form the faintest conjecture.

Was "silent suffering" the characteristic of *those*, who proclaimed their wrongs, and published their grievances, in inflammatory speeches addressed to public meetings, and who filled this part of the province with the fierce tones of bitter complaint and declamatory invective? Was it the characteristic of *those* who suggested that mode of agitation, through the medium of an official document? Was "silent suffering" the distinguishing trait of *those* who have poured vollies of scurrilous abuse and malignant misrepresentation through every opening that the press presented to them? Did *they* possess any claims to the designation of "high-souled men," who

availed themselves of the safe obscurity of anonymous communications, to aim against the characters of men, whose position rendered them unable to offer resistance or to put forward defence, the poisoned shafts supplied by craven dastards, who had not the ability to feather, or the courage to discharge them themselves ?

Was mute submission to injury ever, at any period since the establishment of the University, apparent in the conduct of *those*, who have never ceased to manifest their hostility, nor failed to avail themselves of every opportunity of attack ?

Is "silent suffering" the characteristic even of *the author*, who pronounces the eulogy on speechless forbearance ?

But, it appears, that "there are *some few* of the party in possession of King's College who are ready to retain their hold," and this their determination is stigmatised as existing under "opprobrious circumstances."

What are the "opprobrious circumstances" to which reference is made ?

Is it "opprobrious" to have been considered deserving of holding an office in a University, and of receiving it from the constituted authority ?

Is it "opprobrious" to continue to discharge duty, despite opposition, and to remain steadfast to the trust confided, even amidst temptations to give it up ?

The fact is, that the reproach attempted to be thrown on those who have shown their determination to defend their trust, is no more than if a highwayman were to abuse the traveller whom he attacks, for refusing to surrender the property committed to his charge, and stoutly resisting his lawless demands. The characters of the parties differ, but the principle is the same.

In the controversy regarding the opening of the University, the Church of Rome has not taken any part, nor is it likely that she will. Union with other denominations, for educational objects, is contrary to her principles; and it is impossible that she can be a party in the working of any

joint University plan, whereby it may be supposed that an accommodation of the claims of the different religious persuasions may be effected. If the endowment is to be divided, she will, of course, take the portion assigned to her, and apply it in the manner which she thinks most expedient, but she will unquestionably not recognise, nor associate herself with, any institution for education, from which religious instruction is either proscribed, or not exclusively under her controul. That church, therefore, justly claims that no arrangement of the University question shall be made from the benefits of which she would be excluded.

But although the Church of Rome has taken no part in the controversy,—for the discussion of it has been chiefly conducted on principles which she does not approve—she is by no means indifferent to the decision of the question. She feels that her interests are most deeply involved, and trembles for the security of her possessions in Lower Canada. She demands, therefore, that in the settlement of the question, due regard shall be paid to the rights of property; and no precedent introduced, whereby the security of her tenure may be endangered. She reasonably expects protection from the Lower Canada Members, particularly those of her communion, and calls on them to resist any measure which may furnish a pretext for the application of the same principle (or rather want of principle) in that portion of the province, which the destructive party in Upper Canada desire to introduce here. What opinion she has formed of the rights of the Church of England to the endowment of King's College, may be doubted by those who desire to represent her as always in the wrong; but of this there can be no question, that she would much prefer that the claims of that Church should be acknowledged in their fullest extent, than that she should herself be deprived of her own property.

The claims of the Presbyterians are, it is believed, principally founded on the fact, that the form of Christianity,

which they profess, is the established religion in Scotland. This, they conceive, entitles them to be placed on a par with the members of the United Church of England and Ireland, and they are therefore dissatisfied that the latter should have any higher privileges as a body than they themselves have. The endowment of King's College, they urge, consists of public lands granted to it as the Provincial University. They therefore claim participation in the benefits of that institution on equal terms with the members of the Church of England.

The condition of their University,—Queen's College, Kingston,—also furnishes grounds for a claim. The endowment appears to be inadequate for the attainment of the objects contemplated by those who established it, and the institution cannot be rendered as efficient as is desirable on its limited means.

On the claims of the Presbyterians, it will be sufficient to observe, (without entering into the question of the extent of their rights as “the established Church of Scotland,”) that by the establishment of a University for themselves, they virtually abandoned their interest in King's College, and resigned their pretensions; for, of course, it could not be expected that Presbyterian parents would send their sons for education, to any other but their own University. Nor is the assertion, that Queen's College was intended to be merely a Theological Seminary, consistent with the statements openly made, whilst the Bill for its incorporation was in progress, and also whilst preparations were being made for its opening. It was then described as intended to be a Canadian copy of the Scotch Universities, and the donations given to it by members of the Church of England, are evidence that it was regarded as designed to be a literary and scientific Institution, and not solely a school of Divinity.

It is certainly much to be regretted, that its efficiency is impaired by its want of means, but the adequacy of the funds should have been considered before its establishment—or at all events, before it was brought into operation. If the under-

taking has not proved as successful, as was expected, the Presbyterians have no one to blame but themselves. It was at their solicitation, and by their influence that the Act was passed, in lieu of which a Royal Charter was granted; and if they now feel any embarrassment, in having a University, they have brought it on themselves. The proper course to pursue, under their circumstances, seems to be to represent their case to the legislature, and solicit that aid in the prosecution of their laudable objects to which they are justly entitled. But it is manifestly unreasonable, first to found a separate institution, and then, because its success has not been commensurate to their expectations or wishes, to try to force an union with an establishment, from which they had voluntarily separated themselves. King's College regards their establishment with no jealous or unkind feeling. She wishes them success, and would be glad to assist them in maintaining the position, which they selected for themselves. But, according to the most ordinary principles of every day application, no one can justly expect, that when she has made all the necessary arrangements for conducting her own business, and is prospering, she should break up her whole establishment, and endanger her success, for the purpose of receiving into partnership those who had, of their own accord, estranged themselves from her during her struggles for existence, and actually forestalled her. How far their claims may be affected by the recent unhappy division amongst their members, the author of these pages does not mean to enquire. He trusts that the differences, which have broken their unity, will be but temporary, and therefore will not enter on a discussion, which he feels that it would be ungenerous to pursue.

But, however, it is to be presumed, that the peculiar claims of this body may be satisfied by granting to Queen's College an endowment, proportionate to that appropriated to the University of the Church of England.

The Methodists and other religious denominations, in advancing their claims, cannot take as high ground as the Presbyterians. They assert their right to participation in the benefits of King's College, on the broad principle that an Institution endowed with public lands, should be equally open to all classes of the community; a principle, which has also been fully recognised and warmly advocated by the Presbyterians.

The Methodists possess, moreover, the claim, that they have a University, and so inadequately provided for, that it requires some permanent arrangement for its support. The peculiarity of their circumstances is, that their buildings have been erected, and they therefore do not desire to leave their present position.

Justice to them evidently requires, that no arrangement shall be made, the benefits of which they could not enjoy, unless they abandoned the establishment which they have, and incurred the heavy expense of providing new buildings.

Their claims may, probably, be satisfied by granting a suitable endowment for their institution, and permitting the establishment to remain where it is; but those urged by other denominations, on the principle that the members of every religious persuasion shall be placed on a perfect equality, and that there shall be no pre-eminence, would require such a constitution of the University, as would be either universally condemned, or wholly incapable of being worked.

The principle, in fact, is *prima facie* inadmissible, for it would be manifestly unjust to place bodies on an equality, between which there are so great differences in numbers and influence. Nor would it be possible to adhere to any proportions, whereby it might be expected to get over this difficulty. If all denominations are to be placed on a footing of equality, both *de jure* and *de facto*—one of two plans must be adopted. Either all tests and declarations, and with them all forms of religious instruction must be abolished, and infidelity recognised as the dominant principle of the University;

—or all denominations must be adequately represented, not merely amongst the professors but in the governing body, which is obviously impracticable, as it would require a greater number of professors than would be either necessary or capable of being supported by the funds of any one University, however liberally endowed—would ensure their appointment, not on the grounds of being competent to discharge the duties, but of belonging to some particular denomination—and would flood the Council with so great a number of members, that it could neither decide with promptitude nor act with vigour, even if it were possible by any means to hold together so heterogeneous a mass.

The second characteristic of a satisfactory settlement of the question is that the greatest amount of benefit to the community should be thereby secured.

It is plain that this condition cannot be satisfied by any constitution of the University, which does not secure for it the confidence and favour of at least the majority of the intelligent and enlightened members of the community. Consequently it is unnecessary to say more, relative to the idea entertained by some, that religion should be wholly proscribed from the Institution, than that the province has not yet been so far unchristianized as to give any countenance to infidelity, and that by far the greatest number of the members of all denominations would look upon such a project with distrust and aversion, and regard it as the surest means of effecting the greatest amount of evil.

Another essential to the fulfilment of this condition is, that the establishment should be so constituted as to secure the greatest efficiency in its operation, and the most successful attainment of its objects.

As the efficiency of its operation must depend almost wholly on its government, the question which presents itself here is—according to what principle should the governing body be constituted? The plan which has been suggested, of rendering it an assembly of the representatives or delegates of the dif-

ferent religious denominations, which it is proposed to combine under one University, is liable to the fatal objection, that the unity of purpose and action, which is essential to the good government of the Institution, can never exist. The inevitable result of such a formation of the governing body would be strife amongst its members, and faction amongst the Professors. The grounds of disagreement in an assembly, the constitution of which is based on the principle of a necessary difference of opinion amongst its members, must be sufficiently apparent. The best which could be expected is, that the different parties would gradually settle down into but two, and the experience of the past two years renders it no difficult task to conjecture of whom those two parties would be composed, or to predict the certainty of a general combination against one. Nor would this gladiatorial conflict be restricted within the limits staked out for it by authority, or confined to the combatants privileged by law. The war-cry of their party would be soon taken up by the Professors, not members of Council,—they too would marshal themselves for battle,—ere long the students would join in the affray, and general anarchy and confusion would be the issue of an arrangement designed to promote harmony and peace.

But in what way are the objects of a University to be most successfully attained?

Every one will admit that this cannot be effected without having competent instructors in the different departments. How then is this to be secured? Certainly not by vesting the appointment of the Professors in such a board as that proposed in the University Bill submitted to the Legislature by the late provincial ministry,—the effect of which would have been to have filled the chairs with dextrous intriguers, or violent partisans, without reference to their literary or scientific qualifications. Certainly not on the principle of having a due representation of the various religious denominations, for the appointments would then be made, not with a view to the competency of the candidates, but to the articles of their

creed. Certainly not by allowing political considerations to have any weight, for this would ensure disregard to the capability of discharging the duties, and would induce candidates to exchange the quiet seclusion of their library for the tumult of public meetings, and endeavour to establish their claims rather by services rendered to a party, than by the extent of their attainments.

Undoubtedly some literary or scientific test should be required, as a security against the appointment of incompetent persons.

But there should be not merely qualified instructors, but a sufficient number of them; and the library, museum, apparatus, &c., should be on an adequate scale. The charges also should be so low as to render the benefits generally accessible to the community. Now these requisites cannot be obtained without sufficient funds, nor can it be expected for some years that the receipts from dues and fees will supply the necessary amount. It appears, then, that the institution should have some fixed income derived from endowment or parliamentary grant.

Here, it may be urged, is the strong argument in favour of having but one University, for it cannot be denied that resources can be more easily provided for one than for several such institutions. It is not the intention of the author of these pages to discuss what might have been most advantageous to the country, but to consider what is best to be done under existing circumstances. He doubts not that it would have been much better, if there had been no other University in Upper Canada than King's College, but the fact is that there are two in addition to it, and of these one is so circumstanced that it probably must continue to exist as a separate establishment. Nor is it possible to construct any one Institution, which would satisfy the present wishes of the community.

The avowed object of those, who demand that the constitution of King's College shall be changed, is, not that every

one shall be permitted to receive the benefits of the education afforded in that establishment, or that its honours and emoluments shall be open to all—for at present there is no bar whereby any one is excluded, except as to the admission of members of the Council—but that all religious denominations shall be equally, or at least fairly, represented in the Institution, and that their relative influence shall not be, as at present, accidental or liable to fluctuate, but fixed and determinate, or varying within prescribed limits. Does any reasonable man believe that any arrangement could secure the attainment of such objects as these? The first question to be settled would be, How many, and what religious denominations are there? for the omission of any one will mar the accomplishment of the project. The next, What is the number of the members belonging to each? for this criterion of representation might probably be the most generally satisfactory, although it certainly could not be regarded as just by those who might advance the claims of an established church. Let it be supposed, that those questions have been decided, and the ratios determined—what is the next thing? The number of officers and professors, the constitution of the governing bodies, and the mode of appointment, are to be such that it shall be not merely possible to preserve those ratios, but that it shall be impossible to disturb them.

If religion is to be wholly excluded from the establishment, care must be taken that infidels shall enjoy their due proportion of influence; and if religion is to be preserved, then all denominations (admissible under the test, whatever it may be) must have each their Professor or Lecturer in Divinity. No one in his senses can believe that such a scheme is practicable. Nor do even those, who are so clamorous for equal justice, either expect or desire, that that equal justice which they have chosen for a watchword to rally around them a party, should be meted out indifferently to all religious denominations. They know that the scheme can be but partially carried out, and those who are most noisy and pertinacious

about the rights of others, are very surely, though very silently, promoting their own private interests.

Of the religious bodies in Upper Canada, the four which are most numerous are the Church of England, the Methodists, the Church of Scotland, and the Church of Rome. Now, without considering other denominations, even of those there are but two who could be united, and of these two the desire for the union is wholly on one side. In a plan for joint education, the Church of Rome will not unite from principle; the Methodists, from fear of the additional expense, which they will be obliged to incur, if they abandon their present buildings. Let it be supposed, then, that the clamour for equal justice to all sections of her Majesty's subjects is pacified by the union of King's and Queen's Colleges, and the grant of an endowment or allowance to Victoria College; another clamour will be raised, and justly too, on account of the unfair superiority which the Methodists will enjoy, of having a University exclusively their own; and then either it must be constrained into union, or a divorce must be obtained for the parties uselessly forced into an unhappy alliance.

But, before this part of the subject is dismissed, it is necessary to advert to another circumstance, materially affecting the amount of the benefit which may be derived from the University.

Every one, at all acquainted with the subject, must know that there exists a difference of opinion (and of practice, too, in different Universities), relative to the residence of students, some believing that it is impossible that the real advantages of a University education can be enjoyed without domestic discipline; others regarding this as unnecessary, if not injurious.

How are those, in this province, who hold the latter of these opinions, to be satisfied? If all the colleges belonging to different denominations are to be clustered round a central institute at Toronto, and this group is to form the

only University in this portion of the province, then residence, if not within the walls of the colleges, at least within the city, will be required; for those who desire to avail themselves of the benefit of University education, must come to Toronto, and be at the expense of remaining there during the prescribed number of terms. There can be no doubt, that there are many parents, who would not merely complain of this as a heavy tax, but would regard with aversion any plan, whereby their children would be removed from their care, and left without their supervision amidst the temptations of a large town. Nor can it be questioned, that many would thus be wholly excluded, by the narrowness of their circumstances, from affording to their sons the advantages of the University—whilst some would prefer foregoing them to running the risk necessary for their enjoyment.

This argument alone must be regarded by those who believe academic residence to be either useless or pernicious, as decisive against any scheme of consolidating the Universities. But there are other interests, also, which would be injured by this scheme. The citizens of Kingston would very reasonably feel aggrieved, if almost the only institution of a public character left to them should be taken away, and the expectation, that the University established there would be the means of attracting an influx not merely of occasional visitors, but of permanent residents, should be disappointed by its removal.

Nor would Cobourg, it is presumed, be backward to advance its complaints of being deprived of the advantages which the possession of Victoria College confers on it, if the authorities of that Institution shewed any desire to extend to some more favoured town, the benefits arising from their establishment.

But, it may be said, centralisation is absolutely necessary; and to this necessity all other considerations must yield. Now although it must be admitted, that it would be impossible, under existing circumstances, to support, in efficient and successful operation, more than one School of Medicine, and

one of Law, yet this admission should undoubtedly not be extended to Schools of Arts and Divinity.

As to the latter, it is admitted even by the advocates of centralisation that there *must* be several, one for each denomination; and as to the former, it can be easily proved, that there *may* be several with great advantage. But, as this is anticipating, it is better to proceed to the next and last head, under which it was proposed to consider the question, viz., that whatever arrangement may be adopted, it is essential that it should be final.

Frequent changes are injurious to any establishment, but ruinous to a University. It is impossible that the objects of such an institution can be attained, if it be subjected to repeated modification.

Alterations, if often introduced even by its own authorities, are most prejudicial to its welfare; but the very anticipation of external interference in its management would produce the most mischievous effects. *Non solum adventus mali, sed etiam metus ipse affert calamitatem.* Repose is absolutely essential to its success; if disturbed, or even liable to be disturbed, it must fail.

Its pursuits are such, that they cannot be successfully prosecuted without peace and tranquillity. They require a devotion of the mind, which cannot exist if apprehensions of change are constantly obtruding themselves, and every member of the establishment would feel the pernicious influence of this dread.

The governing body would shrink from the responsibility of adopting any system as permanent, which they knew not when they might be compelled to change; the Professors would be paralysed in the discharge of even their routine duties, and instead of enjoying the liberty, or feeling the inclination to prosecute the favourite subjects of their study, during their leisure hours, would be reduced to the miserable necessity of employing them in efforts to conciliate, or struggles to resist the spirit of innovation; whilst the students would refuse

to submit to discipline, attempted to be enforced by those whose authority they knew might be abrogated or superseded by a power, capable of revolutionising the whole system and establishment. Such must be the result, if the modifications, which it is intended at present to introduce into the Charter, should be effected by means of a legislative enactment. Such a course of proceeding will, unquestionably, ruin the efficiency of the University, in whatever way its constitution may be altered. The Act of this session will appear, before the commencement of the next, to require some amendments; or, what is almost the same, it may promote the success of some religious or political speculation to open the question again by suggesting alterations. The well-known means of producing popular excitement will be resorted to—the legislature will then be implored to pacify the country, which will of course be represented as demanding the proposed changes—these improvements must be introduced—and thus the process of annual agitation and annual modification will go on, until at length, by incessant irritation and constant depletion, the vital principle of the patient is worn out and exhausted, and the wretched victim, ever in want of rest, yet never allowed repose, ever drenched with remedies, but never cured of disease, dies under the empirical treatment.

Whatever then is to be done, all must pray that it may not be done by an act of the legislature. The attempt which was made in Upper Canada, ought to be a warning for ever.

It was not only a failure, (and one admitted to be so now by men of almost all parties and denominations), but has been the source of all the troubles which have existed relative to the question. It despoiled the Church of England, without benefitting other denominations; it offended the friends of constitutional principles, without satisfying the advocates of revolutionary movement.

In short, if the intention of the present generation in this portion of the province, be to transmit to their posterity, the

difficulties at present existing, and to ruin the University, the surest way of obtaining their object is, to petition that the present act may be modified by another; for then will be commenced a succession of measures, each following the other, as surely as *unda supervenit undam*, until at last the crippled institution, borne here and there, as the storm of agitation blows, stripped by every gust and shattered by every wave, drifts down the stream of time—an abandoned and useless wreck—having nothing to be plundered, nothing to be saved.

But the most important questions remain, to which all that has been hitherto advanced is but prefatory; first, *what* is to be done; and when that shall have been disposed of, another, scarcely inferior in importance, *how* is it to be done?

Some propose that there shall be but one University; others, several; and the enquiry into which the legislature will be required to enter, in the discussion of the subject, is, which of these propositions is the more practicable, and more likely to be beneficial to the community?

In the preceding pages, notice has been taken of some objections to the first plan, which it seems expedient to recapitulate here.

First, It is impossible to carry it into effect, for of the three Universities two are averse to the project; and, it is to be presumed, will not voluntarily surrender their Charters. If two of these are forced into union, and the other allowed to retain its privileges, with improved means, a manifest act of injustice will be committed, the effect of which must be to perpetuate agitation.

Secondly, If it were practicable, it would yet be unjust and unconstitutional, for it would be in reality but dividing the property of one of those institutions amongst the three, (or sharing it with one of the other two), and diverting it from the purposes to which it was to be applied, and from the Church to which it was granted. And this too, in direct opposition to the constitutional principle, that the grants of a Charter cannot be taken away, even by an exertion of

Royal prerogative, without the consent of the party to whom that Charter was given. If the powers be left to Victoria College, which it at present enjoys, it would be unjust to those who would be compelled to have merely a joint University, and if that institution were constrained into union, it would be unjust to it, as its authorities have expressed their wish to remain where they are, and this constraint would entail upon them the expense of erecting new buildings.

Nor would the Church of Rome be exempt from injury, for her principles would debar her from enjoying any of the benefits of consolidation, and if regard to her apparent interest should induce her to unite, a precedent would be established for a similar partition of her property in the Lower Province.

Thirdly, It would be a useless violation of justice and constitutional principle, for it would not attain the only object which can recommend it, scil. satisfying the wishes of the community. It is unnecessary to say that it would cause the greatest dissatisfaction amongst the members of the Church of England, for that result must be obvious. To the Church of Rome it is impossible that it could be satisfactory, for it at once proscribes and threatens her. Neither would it satisfy the different denominations, now clamouring for change, on the ground that all have equal rights, and should have equal privileges, for it would be impossible to give or secure to them what they demand, and they would very soon discover, with as much vexation as surprise, that they had assisted in destroying one monopoly merely to set up another of a different and more formidable character, and that in their efforts to get rid of one superior, they had established the supremacy of two.

The property of King's College is insufficient to satisfy one half of the claimants, if the principle that all religious denominations have equal claims to participation in the benefits of a public endowment, be that according to which the distribution is to be regulated. If that be not the principle, then a selection must be made, and the confiscation must be con-

ducted for the advantage of a favoured few. But such a course cannot produce peace or contentment. It is a difficult task to make such a division of spoil as will satisfy even those to whom portions are given—still more difficult to silence the complaints of others, who believe that they have been unfairly omitted—but of all most difficult to stifle the indignation of those from whom the spoil was wrested.

Fourthly, Even if it were possible to get over all these difficulties, another remains, arising from the objection entertained by many of the community to the system of residence (which would thus be virtually enforced), and from the dissatisfaction which would be produced by the additional expense, the necessary result of centralisation.

Those who at present enjoy the privilege of having a University in their immediate neighbourhood, would be the first to complain of any plan requiring its removal, for not merely would the expense of education be increased, but the ability to meet that expense diminished, inasmuch as the advantages arising from the necessary expenditure of the institution, its officers and students, and their friends, and the increased value of land in its vicinity, would be taken from them and conferred on others.

Fifthly, Even on the supposition, that the three Universities at present in existence would surrender their charters and agree to consolidation, and that some denominations would unite in carrying out the scheme, by establishing colleges and halls for themselves round a literary and scientific institution in Toronto, and that all former objections were met, the scheme would totally fail in that which is most desirable and essential—practical efficiency; for that cannot exist if there be a want of unity of purpose and action in the governing body—a defect, which must sooner or later be the characteristic of any assemblage of persons of different religious tenets, under the most favourable circumstances; but which at present, after the heat and excitement of protracted agitation, would be apparent at the very first meeting.

But there are other objections of a general character, besides those which have been previously noticed.

Such a plan, in order that there might be even a chance of its working, would require that the principal governing body of the University should be shorn of its highest privileges, if it would be safe to allow it to exist, even in name.

The convocation, or, as it is denominated in Cambridge, the senate, is the body by which the University statutes and ordinances, binding on all the colleges, are passed. To a University, having several colleges under it, it appears to be almost essential; although in the case of one college having University privileges, it may be dispensed with except for mere matters of form. This body in Oxford and Cambridge, is composed of all those who are Masters of Arts or Doctors, and keep their names on the books or boards, and the number of those there entitled to vote relative to the statutes and all University matters, amounts in each of those Universities to some thousands.

It must be evident that such a body, composed of the members of different religious denominations, would be wholly unmanageable and inefficient as the legislative assembly of a joint University, and could not be retained without the strongest probability, even certainty, of hopeless delay and utter confusion. And yet it is absolutely necessary, that all the colleges should be duly represented in that body, which has the power of making statutes affecting them all. How, then, is this to be effected? It must be by depriving the University wholly of its democratic element, and confining the right of making statutes as an exclusive privilege to a University Council, Board, or Caput, composed of a few officers selected from the different colleges, whereby the majority of those, fully entitled to a voice in the matter, would be disfranchised, and the effect of this high-handed limitation would be not to diminish discord, but to increase its intensity by confinement.

The "Master of Arts," who cannot be supposed to have

been ignorant of this difficulty, seems to have been so sensible that nothing could be done to meet it, that he never even mentions the name of convocation. Indeed he has offered no suggestion whatever relative to the details of the arrangement, although these are the points which it might be expected would be most fully considered by a gentleman, having University experience. For the construction of the Council, he proposes a definite plan, but only as to the members who are to compose it. It must be borne in mind, relative to this body, that nothing resembling what it is designed to be, exists in any University. The only bodies in Oxford, Cambridge, and Dublin, with which it can at all be compared, are the Hebdomadal meeting of the Heads of Houses in the first, the Caput in the second, and the Board in the last; but it certainly bears no resemblance to any one of these. Nor is it similar to the Town Councils of the Scotch Universities, or the Council of the University of London.

But, however, what are the merits of the proposed construction of the Canadian Council? According to the scheme suggested by the "Master of Arts," it would consist of the senior Professors in the Faculties of Arts, Law, and Medicine, one or two Professors of those Faculties, according to the number in each, elected by their colleagues, and the Head and one of the Officials of each of the Colleges attached to the University, to which should be added, it may be presumed, the chief officers of the University itself, the Chancellor and the Vice Chancellor or President.

How will this work? Let it be supposed that the number of denominational Colleges is five, and that each of these has on its establishment a head, and one or two subordinate officials; the least number of members of the Council (exclusive of the Chancellor and Vice-Chancellor) would be about fifteen, too few for the legislative body which is to be substituted for convocation—too many for the executive. And the nearer the approximation of the general scheme to perfection, which must of course be the co-operation of all religious deno-

minations in carrying it out, the more sensibly would these evils be felt. Indeed, it is almost beyond possibility that the government, administered by a body of which there must be so many members, and those members professing not merely different but contradictory religious tenets, several of them also by profession the teachers and propagators of those tenets, could be conducted with harmony or even propriety. Nor could the balance of power be thus preserved, for the Church of England would certainly have the majority of the Professors of the Faculties, whilst the number of its College representatives would be at the least equal to that of any other associated body.

But there is another objection to this mixed Council, which may be urged against any scheme for constructing it on the principle of representation, viz., the absurdity of making religious tenets a qualification for admission into the governing body of that, whose characteristic is to be the total absence of distinctive religious character. Can there be any greater inconsistency than first to provide that an institution shall not have any Professor of Divinity, and then summon for its government the Professors of that very department which has been separated from it?

Nor is the Convocation the only feature of a University which must be obliterated.

The Faculty of Divinity must be abolished, at least as an appendage of the University, or else retained under circumstances which either no conscientious member of any denomination could approve or which would deprive its degrees of all value and claim to respect. Different arrangements may be proposed, whereby the pressure of this difficulty may appear to be lightened, but it is impossible to remove it. Candidates for the ministry, it must be admitted, will form a very large portion, if not the largest, of the students in the University, if its constitution should be such as not wholly to exclude them. Now they are to be regarded as candidates for degrees not merely in Arts but in Divinity. How unjust,

then, would it be to deprive them of the opportunity of obtaining the distinctions, which they most highly value ; how unwise to compel them to seek them in other Universities, and to alienate so large and influential a body ! For this and other reasons the faculty should not be abolished. But how is it to be retained, or rather how are degrees in it to be conferred ? The proposition, that one Vice Chancellor should confer all, to whatever denomination the candidate may belong, is revolting ; the scheme of appointing a Pro Vice-Chancellor for each denomination is unquestionably much less objectionable ; but the anomaly, from which Christian feeling shrinks, remains unsoftened and unmitigated, viz., the monstrous inconsistency of having degrees in Divinity conferred by one university on persons belonging to different denominations, and thus authorising the promulgation of contradictory tenets on the most important of all subjects.

It must be borne in mind, also, that the plan is the result of mere theory. Nothing which can be justly regarded as analogous to it has ever been attempted, and anything which might be adduced as parallel, has either failed or produced disastrous results. In the United States, union colleges have been commenced on the principle, but have ended in one denomination gaining the superiority. In some of the German universities, there are two faculties of Divinity, and to this as much as to any other cause is to be ascribed the spread of neologian and infidel principles in that country.

The London University, which some of the admirers of the new plan of consolidation regard as a model, has scarcely any point of agreement with the institution which they recommend. In the first place, its characteristic is dispersion, not centralisation, for it recognises for degrees in Arts and Law the certificates of not less than twenty-one colleges or institutions scattered over England, Wales, and Ireland ; whilst those which it receives for degrees in Medicine, embrace the students of more than sixty establishments in different parts of the world. In the second place, it does not profess to give

religious instruction according to the tenets of the different denominations, but regards none as necessary; and its governing body is not composed of individuals selected because they profess particular religious tenets, but wholly without reference to whether they either profess or have any or not.

The objections, which have been advanced in opposition to the principle, on general grounds, render it unnecessary to dilate on those which are special, and directed against details. It will be time enough to urge these, when any definite plan, based on the principle, shall have been formally brought forward.

And yet it may be as well to glance at the heads of a plan, which have been noticed in the public papers as the chief provisions of an intended bill on the subject, and offer a few brief observations on them, adopting the order in which they have been arranged.

I. The erection of a new University is an act which unquestionably exceeds the powers of any legislative body, inasmuch as it is peculiar to royal prerogative.

II. This abolishes the Faculty of Divinity as a department in the University, and yet there is a provision that degrees in Divinity shall be conferred. Now degrees are University, not College, distinctions; and all those, who may hereafter receive the title of B. D., or D. D., from the University of Upper Canada at Toronto, (to whatever denomination they may belong), will be regarded as graduates not of any College or Hall in that University, but of that University. The effect of this will be to lower and degrade those degrees, if indeed any conscientious men would wish to accept a badge conferred indifferently on truth and falsehood.

III. The power of conferring degrees in any Faculty can be granted but by the sovereign.

IV. The arrangement for the admission of students as members of the University, whose names are not on the books of one of the Colleges, must produce dissatisfaction and disorder; for they would have an unfair exemption from the College duties,

and College fees, imposed on the others—and no provision whatever seems to be made for their discipline. The provision, that the certificates to be required of such students, must be given by some Clergyman or Minister residing in Toronto, would exclude many, who might desire to be admitted. The effect of this arrangement would be to discourage different denominations from establishing a College or Hall in the University, for their members would be more favourably circumstanced, as far as regards expense, without, than with one; and to induce young men, whose religious principles were not settled, to prefer one of those denominations, by adhering to which they might obtain degrees with less trouble and at less cost.

V. The provisions under this head are almost inconsistent with each other. If the allowance to each College is to depend on the number of the students on the books, who have attended the University during the two years preceding, there should be no arbitrary maximum limit, but a graduated scale, according to which the allowance might rise. This will at once appear, on attempting to fix the number of students, to which the minimum limit will apply. Let it be supposed, that that is fixed at 20, and that this number will entitle a College to receive £300 per annum. If another College should have 100 on its books, it should reasonably be entitled to an amount proportionably larger, i. e., to 1500*l.* per annum, and yet the maximum limit is 1000*l.* The effect of this restriction would be that the Colleges would take care not to have a greater number of students, than that which would entitle them to the highest allowance. But the scale is much too low for the support of any thing having any claim to be denominated a College, nor are the funds of King's College adequate even for it, if the present establishment of Professors be retained in the new University. If it should be said, that it is expected that the principal support of those Colleges will be derived from donations, it is plain that King's College, as the Church of England institution, will be placed

in most unfavourable circumstances; being first deprived of the property which was granted to it as the Provincial University, and possessing no land or pecuniary resources as an exclusive establishment, whilst Queen's College would, of course, retain the means which she at present possesses, derived from private donations. The restriction relative to the attendance of the students during the two years preceding, although well intended, would in practice be found injurious, for on the addition of any new College, it would be without assistance during the very period, in which it most required aid.

VI. & VII. It is unjust that Victoria College should be allowed to remain a separate establishment; and the partiality, shewn to it, is apparent in the provision of the next head, whereby that College (for although Colleges are mentioned, it alone can be intended,) is granted an option as to joining in the plan. By the preceding clause, King's College is to be forced into union by the mere declaration of the pleasure of the Legislature, but Victoria College is permitted to doubt whether it will surrender its charter or not.

VIII. The object of this clause appears to be merely to give the appearance of a general character to that which can have but a particular application, and which is specially adapted to the wishes of a particular denomination.

XI. The Council, as here constituted, will certainly not satisfy those, whose avowed object in seeking a change of the existing state of things, has been, that the influence of each denomination in the governing body shall not be uncertain, but determined—not dependant on accidental circumstances, but invariable, according to fixed proportions.

X. This contains mere allusion to the duties, which, according to the plan, should devolve on *the University*, whereby it is to be presumed that the *University Council* is intended. It is in the discharge of these duties that the impracticability of working a joint University under a mixed Board will be most clearly apparent. The first subject to which it will be required to direct its attention, will be the standard of

qualification for admission; for this must be regulated by the University, lest the provision, whereby the amount of pecuniary assistance to be given to each of the Colleges, is made to depend on the number of students, should operate as an inducement to admit persons inadequately prepared. The necessity for this is further apparent from the difference of the standards at present adopted in the three existing Universities. Then the requisites for degrees must be settled, to which the members of all the Colleges must conform. The questions, which will arise here, will be, whether residence shall be required or not—what is to constitute keeping Term — what subjects shall be compulsory, and what optional—what shall be the duration of residence, attendance or standing before attaining any degree—what degrees shall be conferred—whether with or without the preliminary step to the full degree—whether any or what declaration or oath shall be required, and what shall be the forms. When all these shall have been arranged, the names, duties, and mode of appointment of University Officers, (if not provided for in the Bill) will be the next topic for discussion in the Council—how many Proctors or Proproctors there shall be—how far their authority is to extend—how they shall be appointed so that each College shall have its proper influence—how many examiners there shall be, and how they shall be appointed so as to secure not merely the reality, but the appearance of perfect impartiality.

Special provision will be required for the University students, (not members of one of the Colleges), inasmuch as they will be solely under the charge of the governing body of the University. This will probably require the introduction of a Board of Discipline, subordinate to the Council.

All these, and many other things of a similar kind, are included under the words “the management of the Institution,” and are so difficult to adjust, that it may fairly be questioned whether it would not be better for the Legislature, in order that the plan might have some chance of succeeding, to draw

up a body of statutes on the subject, for the use of the University, as royal statutes were prepared for the government of some of those in the United Kingdom.

XI. This is certainly an improvement on the provisions of the Charter and Act, although, it is believed, the office of Visitor has hitherto been limited to Colleges or Halls.

XII. It seems very doubtful whether it could be safe to introduce the principle of election into a University combining so many discordant elements; as it could not fail to put them all in motion. The fire of religious animosity, if it could be at all kept down, would be soon fanned, by the excitement of a contested election, into a blaze, which would endanger the very existence of the Institution. This result, which is highly probable even if the right of voting were restricted to members of convocation, would be certain if the privilege were extended to the students.

XIII. The propriety of this depends on the rank designated by the title of M. A., and on the provisions to be made in the statutes relative to degrees in Medicine and Law. If the title be that of the only degree in Arts, i. e. if it be not obtained subsequently to that of B. A., the right to a seat in convocation is too much extended, and the arrangement would be unjust to those who have taken both degrees. If the degrees of M. B. and B. C. L., (or LL.B.) are to be conferred, it might not be advisable to exclude from that body those who had taken them, nor are they at present excluded by the charter of King's College.

XIV. Some academic, literary, or scientific test or qualification should be required previously to the appointment of professors. The declaration required of the Members of Council, Professors and officers (although better than none), does not go far enough for some and yet too far for others.

XVI. By this provision the outrage on King's College is completed. First its charter and property are taken away—next, an arbitrary restriction is imposed to stop its growth, and prevent its receiving more of its own revenues than 1000*l*.

per annum,—and then the despoiled institution is required, in bitter mockery, to support a Board of five for the management of the pittance doled out by the Council of the new University, as a *sportula, turbæ rapienda togatæ*.

XVII. It is obvious that Queen's College, retaining its Charter and present organisation, will be more favourably circumstanced even in those respects, than King's College deprived of its Charter and statutes.

XVIII. No notice is taken of the preliminary degrees, which should be required previous to obtaining those in Divinity. It seems absolutely essential, in order that distinctions in this Faculty may not become utterly contemptible, that the Colleges should not be permitted to confer them, without restriction. Otherwise, the desire of those establishments to add to their influence in convocation, might induce them to render those degrees disgracefully common.

XIX. The limits of University and College authority should be clearly defined, for constant difficulties will arise. If a student of any College should commit a breach of discipline within the University, but without the walls of his College, in whom is the right of interference vested? The University Professors will certainly not wish to refer the matter to the College authorities, nor can the latter like the interference of others with regard to those peculiarly under their charge. If the University is to take cognisance of such matters, it will soon be found necessary to have as many Proctors, or as many members of a Board of Discipline, of different religious denominations, as there are Colleges.

XX. By this clause, the whole of the property which King's College holds by royal grant, would be taken away, without the consent of its Council, and transferred to an experimental establishment erected by incompetent authority.

From what has been stated relative to this plan, asserted to be that in accordance with which a bill is to be framed, it is evident that it cannot be regarded as the basis of a satis-

factory settlement of the question, for it is open not only to all the general objections, but even to others derived from details.

But the question recurs, What is to be done? If the previous reasoning has been correct, it has been demonstrated what should *not* be done, but no more.

The plan, then, which the writer of these pages would submit, as in his judgment the best which can be adopted under the circumstances, is to leave the endowment of King's College untouched, and to provide endowments from the crown lands, and residue of the clergy reserves, for the other universities at present existing, and also for those which may hereafter be established by royal charter.

Nor would the expense of carrying out this plan be as heavy as might at first be supposed. It will probably be admitted by every one, that this portion of the province does not require more than one efficient school of either Medicine or Law. Let, then, the expense of supporting these schools for the benefit of all be borne by King's College, and let the nomination of future professors in these departments be made by the different Universities according to a cycle, or in any other way which may be most satisfactory, or most likely to ensure efficiency.

Let Upper Canada College also be supported by King's College for the benefit of all. The other Universities should be endowed so as to enable them to have efficient schools of Arts and Divinity, and also should have good preparatory seminaries attached to them. The Head, with four Professors, would be fully equal, for some years, to the discharge of the University duties. This indeed is a stronger staff than King's College at present possesses in those faculties. The Grammar School connected with each of these Universities might be partly supported out of the Grammar School fund, as the arrangement would in fact be in accordance with the original intention of applying that fund to the support of such establishments in different parts of the province.

Exhibitions might be founded in Upper Canada College,

for the benefit of the pupils of those Schools, so that the most deserving might enjoy the advantages of the higher instruction, which that College affords, as preparatory to entrance into one of the Universities.

What are the superior advantages, which characterise this plan?

First, It not only does not place any of the existing Universities in a worse position than at present, but it ensures an improvement in their circumstances. Peace would more than compensate King's College for the additional expenditure imposed on her.

Secondly, It does not require a violation of the principles of justice or constitutional law.

Thirdly, It neither gives an unfair superiority to Victoria College, by leaving it as the only University having a distinctive religious character, nor yet injures it by forcing the abandonment of its present buildings.

Fourthly, It effectually prevents any combination of the Church of England and the Church of Scotland, or any establishment of a joint supremacy, whereby the other denominations would feel themselves aggrieved, and might actually be wholly excluded.

Fifthly, It would not debar the Church of Rome from the benefits of University education, as she might have one under her own controul; and would not establish a precedent, whereby the security of her property in the Lower Province would be endangered.

Sixthly, It would distribute through the Province the advantages which a University brings to the place in which it is situated, and to the whole country in its vicinity, instead of securing a monopoly of these to any one town or district. It would render the blessings of University education more easily and cheaply accessible to a greater number of the community.

Seventhly, It would remove all difficulties as to the formation of the Convocation or Council, for each University would

be governed according to its own statutes, and it would not be necessary either to abolish or to degrade degrees in Divinity.

But what are the objections to it?

The author of the pamphlet, so often referred to, offers the following, which shall be considered in the order in which they have been advanced.

First, "The enormous pecuniary cost," which would warrant the charge of "approximation to impossibility."

Before considering the validity of this objection, it is necessary to state that the necessity for expenditure (whether small or great) is produced by the existence of the Colleges at Kingston and Cobourg. It is not King's College, but they, which require assistance. The Act, whereby King's College was divested of distinctive religious character, had been passed, before those Universities were established—and yet instead of proposing or endeavouring to carry out a scheme for a joint University, the Presbyterians and Methodists preferred having exclusive institutions for themselves. That was the time for considering "the enormous pecuniary cost" of separate Universities. It is now too late—when the Charters have been obtained and the Institutions are in operation—to urge the expense of such establishments as the ground for incorporation with a University from which they had voluntarily separated themselves.

It is plainly unjust that King's College should suffer for the errors of others. If other Universities, which have been established since she obtained her Charter, cannot continue to exist as they were established, without "enormous pecuniary cost," it is unfair to throw the blame, which attaches to those who were instrumental in founding and conducting them, on others who neither advised nor desired their existence as separate institutions.

But, however, the enquiry relates to circumstances as they at present exist.

There are three Universities, and they must be either consolidated or maintained as they are. If the choice then lies

between these alternatives, the first being unjust, unconstitutional, impracticable, and unsatisfactory, and the latter being only very expensive, there can be no doubt which should be preferred.

Fiat justitia, ruat cælum, is a true though trite maxim, and has never been neglected with benefit either by individuals or by nations.

The expense, besides, will not be so enormous, that provision cannot be made for it by endowments out of the Crown Lands and the portion of the Clergy Reserves remaining. It is asserted by the Master of Arts, that "anything deserving the name or fitted for the purpose of a University, and that too without a Medical School, or with a very imperfect one, would require a sum of at least 100,000*l.*, or one third of that amount in hand, and a yearly revenue equal to the interest of the remainder." The sum in hand, it is to be presumed, is intended to cover the expenses of buildings and outfit. According to this scale, then, (which was certainly not that adopted in founding Queen's College) 33,000*l.* or 34,000*l.* would be required for those purposes, and an annual income of about 4,000*l.* per annum. Of the three Universities, to which the plan would be at first applied, one does not require any addition either to its capital or its yearly revenue. Of the other two, one has buildings, the other, it is believed, a considerable portion of the sum which would be required for their erection, whilst both of these must be, at least in some measure, already provided with those accessories, which come under the head of outfit.

It appears, then, that the amount required for commencing would be by no means as large as might, on first thoughts, have been expected; and the question at present is almost reduced to this, whether the payment of 8,000*l.* per annum, or providing an endowment which will yield that amount, be too high a price for a satisfactory settlement of the question.

The next objection is, that the plan of having several Universities has been tried in the United States, and signally

failed; and the author of the pamphlet most justly censures the results of the system as there developed.

And yet this failure, perhaps, should be imputed rather to the peculiarities of that country, than to any inherent defect in the plan itself. The rivalry, which exists between the different States composing the Union, is doubtless one cause of the great number of such Institutions; and the prevalent taste for pompous designations, and specious appearances, sufficiently explains the too common abuse of the term University, by applying it to a badly appointed school.

But the author seems to have forgotten the examples in Europe, which might be adduced in favour of the plan.

In Prussia, there are six Universities: Berlin, Bonn, Breslau, Greifswald, Halle and Königsberg—in Austria (including her dominions in Italy) ten: Grätz, Innsbruck, Lemberg, Olmütz, Pesth, Prague, Vienna, Mantua, Padua, and Pavia—in Spain, fifteen: Alcala, Cervera, Granada, Huesca, Onate, Orihuela, Oviedo, Palma, Salamanca, Saragossa, Santiago, Seville, Toledo, Valencia, Valladolid—in the Papal States, seven: Bologna, Camerino, Ferrara, Macerata, Perugia, Rome and Urbino—in the Kingdom of Sardinia, four: Cagliari, Genoa, Sassari, and Turin—in Belgium, four: Brussels, Ghent, Liège and Louvain—in Holland, three: Groningen, Leyden, and Utrecht. France, indeed, furnishes a precedent for having but one University; but it must be remembered, that the principle of “the Royal University” in that kingdom is not centralisation, but dispersion, for there are about twenty-six colleges under it, scattered over the country. There are six Faculties of Divinity (conformable to the Church of Rome) connected with six of these colleges; two (conformable to the tenets of the Reformed Church) under two others, and nine Faculties of Law, three of Medicine, and seven of Arts, in different parts of the kingdom. Paris comprehends the Faculties of Arts, Medicine, Law and Divinity (Roman Catholic); Strasbourg and Toulouse of Arts and Divinity (Reformed, the

Lutheran at Strasbourg—the Calvinistic at Montauban); Aix, of Law and Divinity (Roman Catholic); Caen and Dijon, of Arts and Law.

In Ireland, also, there is but one University—in the metropolis—but agitation has already commenced for erecting, in addition, one in each of the provinces.

But, it may be said, the ratio to population has not been considered. It certainly has not, nor does it appear that it should be, for the colony (particularly this portion of it) is receiving annually such large accessions to its numbers, by immigration, and is of such immense extent, that the European standard cannot be justly applied. And yet even if this ratio be taken into account, Scotland supplies a parallel, for when its population could scarcely have been greater than that of this portion of the province at present, there were the three Universities of St. Andrew's, Glasgow, and Aberdeen; and before a century had elapsed from the establishment of the last of these, another was founded in Edinburgh.

Another objection is derived from the small number of students that can be expected in each of the Universities.

Now, it is not certain that this evil would be materially diminished by consolidation, for the expense would be so much increased, that many must be excluded who would have availed themselves of the benefits of University education, if afforded to them in their own place of residence or its immediate neighbourhood.

In the next place, whatever advantages centralisation could afford, would be secured by the plan, recommended by the author of these pages, to the Professors in those departments, in which the evil would be most sensibly felt, viz., Medicine and Law. In the other departments (particularly the Faculty of Arts) the Professors must for some years be content to discharge chiefly the duties of Tutors; and under these circumstances, the smallness of their classes is rather an advantage, inasmuch as it enables them fully

to test the preparation and ascertain the deficiencies of each of the students on every occasion of attendance. In whatever degree the system of teaching by prelection may be supposed to have succeeded in those European Universities which have adopted it, it certainly would at present fail here; and the Professor of Classical Literature or Mathematics, who would limit the instruction, which he gives in his department, to mere lectures, would find on examination that his hearers knew little more about the subject than what he had noticed, if they even could understand or retain all that he had communicated. Undoubtedly, even in these departments, more interest is excited, and more gratification felt, by having a *sufficient* number of pupils; but it will be a considerable time before a *large* number will not be more than sufficient even for the most ardent and energetic Professor. But, it may be said, this evil will be remedied, if the principle of consolidation should be carried out, by the division of labour which may then be introduced. But how can this be, according to any plan on this principle which has yet been proposed? It does not appear that any one of the Colleges, which it is intended to collect around the University, is to contribute anything to its support, but rather to draw considerably on its funds. The whole expense of sustaining the central Institution must, therefore, be supplied from the revenues at present belonging to King's College, burthened with contributions to the separate colleges, and even now not more than sufficient for the present establishment of Professors.

But another objection is advanced, on the ground that "those Universities will be not merely *separate* but *sectarian*."

The same objection is applicable to the Colleges, which it is proposed to attach to the common University, for the very necessity for establishing these proves that the various sections of the religious community will not "dwell together in unity as brethren." But it may be replied, these Colleges are destined for theological education, and the objection was applied merely to the secular departments. If this be the

point to which the objection is directed, the obvious mode of meeting it is to observe, that no one has ever proposed (nor should any individual or body be permitted to effect), that the benefits of education in any one of the Universities should be restricted to members but of one church or denomination.

The governing body, indeed, should be of the same communion, but unquestionably it would be both unwise and unjust to exclude students of any denomination, if they desired to be admitted. It appears, then, that the blending of the youth of different religious persuasions is not a peculiarity of the plan of consolidation, but is also a feature of the other, which recommends separate establishments.

But even if it be conceded, that the plan suggested in these pages is that which presents fewest difficulties, and holds out the greatest advantages, the enquiry yet remains *how* it is to be effected? As the author presumes not to offer any opinion on the details of parliamentary procedure, he will confine his observations on this head to one step—the most satisfactory and beneficial which can be taken.

Let the Act of 1837 be repealed.—Let it be repealed, because it furnishes an authoritative precedent for tampering with vested rights, and menaces the security of private property; let it be repealed—because its tendency is to abolish all religious instruction and to foster latitudinarianism; let it be repealed—because it contains provisions either inefficacious, inexplicable, or pernicious; let it be repealed—because it has utterly failed in effecting the objects for which it was introduced—because its operation has realised the fears of its enemies, and disappointed the hopes of its friends.

The effect of this measure, as tending to a settlement of the question, will be—to reduce necessary legislative action to but two points—the arrangement of the Faculties of Medicine and Law, as departments common to the three Universities, and to the provision of an endowment for the Colleges and Schools at Kingston and Cobourg. King's College would, doubtless, surrender a portion of her funds,

for the first of these objects, nor hesitate to make this sacrifice to peace—whilst the Imperial and Colonial Legislatures would gladly unite in promoting the public good, by manifesting that judicious liberality, whereby ample provision might be made for the second.

The author has now discussed the subject as fully as the limits of a pamphlet permit.

Additional facts and arguments might be advanced in confirmation of the statements, which he has made, and the views which he has taken. These, however, he deems it unnecessary at present to offer, but before he concludes, he desires briefly to revert to some considerations, which it is important to bear in mind in pronouncing a decision on this momentous enquiry.

The interests, involved in it, are not merely those of contending religious denominations, or rival political parties; the preservation of Christianity itself as an ingredient in education, and adherence to constitutional law as an element in legislation, are at stake. The question at issue is not whether the property and privileges held by King's College under a Royal Charter, and by different religious bodies in Lower Canada under a treaty, are to remain intact; but whether the rights formally secured to corporations and individuals can be taken from them without their assent—whether the prerogative of the Crown, and the faith of the Sovereign are to remain inviolate.

The enquiry is not, what is the easiest mode of effecting a lull in agitation; but what is the surest course for producing permanent satisfaction,—not what will silence clamour but what will satisfy justice.

During the eighteen months, in which King's College has been in operation, a degree of success has attended it, exceeding what the most sanguine of its friends anticipated, and much surpassing that of any colonial institution in any part of the British dominions. Every day is adding to the efficiency and completeness of the system. Almost all the

difficulties incident to the commencement of such an establishment in a country, in which no similar institution had ever existed, have been surmounted;—the Professors are engaged in the active discharge of their duties—the students in the successful prosecution of their studies. The institution is even already supplied with most of those appendages which can render it efficient and worthy of the Province; and measures are in contemplation for adding whatever is yet wanting to make the establishment complete, or to ensure its general utility.

Is it wise, to stop the onward progress of such an establishment, merely to try an experiment, invented to meet a particular exigency—an experiment, which is recommended neither by sound policy, nor true principle, and which, there can be but little doubt, would be condemned by the vast majority of University men both here and in the United Kingdom, as a project originating in mere theory, or inexperienced speculation—an experiment, too, the result of which will be, should it fail, to deprive the inhabitants of this portion of the Province of one of the greatest blessings, and noblest privileges which they enjoy; to take from the rich the opportunity of qualifying their sons to enjoy wealth with dignity, or to discharge duty with success, and to rob the poor of the best, the only legitimate, means whereby they may enable their children to overcome all the difficulties of straightened circumstances and humble birth, and raise themselves amidst that aristocracy of talent and learning, before which all the adventitious superiority of rank and wealth and influence must bow?

Is it just, to take away privileges and property solemnly conferred by Royal grant, from the Church on which they were bestowed—that a partial distribution may be made for the benefit of at most but two religious bodies,—to exclude the Church of Rome from all participation in these benefits, and to mock other denominations with delusive hopes of Charters never to be granted, of Colleges never to be built?

Let the measure be disguised as it may by specious generalities, it is virtually nothing more than a plan for dividing the endowment of King's College between the Churches of England and Scotland.

Is it fair, or reasonable, to deprive all portions of the Province but one of the advantages to be derived from the possession of a University, and confine the benefits of education, so that many must be excluded who might otherwise have participated in them?

The principle is the same, as if it were proposed to benefit the lands by turning off the pure clear rills, which fertilize and enrich them, and forcing them to form one turbid and troubled stream.

Is it statesmanlike to construct the most powerful engine for effecting national good and evil, on principles, not only never tested by experience, but directly in opposition to those adopted in the best models, and to clog it with machinery so ill-adapted to work, that the whole power would be exhausted in efforts to overcome mere friction?

Is it prudent to recognise agitation as an element of the colonial constitution, and sacrifice principle and abandon justice for the hope of pacifying clamour?

Is it safe to establish a precedent, threatening the security of private property, and justifying a partition of the possessions belonging to the Church of Rome in the Lower Province?

Nor let it be said that this danger is imaginary, or that there is no intention of invading the possessions of that Church. What mean the petitions which have been recently presented to the House, calling for the application of the same principle to educational establishments in both portions of the province? What means the demand of equal justice for Canada East, which has been urged in the public papers? What means the ominous admission in the conclusion of "Thoughts on the University Question," that "the general principles maintained [in that pamphlet] are in favour of the establish-

ment of *some one* University for Lower Canada on the scheme proposed, as the only just and true one in the case of Upper Canada?"

They are all indications, neither difficult to understand nor possible to mistake, that the spoliation which commences in Toronto, will not end until it reaches Montreal and Quebec; that the spirit of confiscation if once permitted to riot amidst the acres of King's College, will soon desire to revel amidst the more luxuriant domains of the Seminaries—that the power, which shows no respect for the rights of the Church of England, will pay but little regard to those of the Church of Rome, and that if an endowment conveyed by charter, under the great seal of England, can be alienated, a treaty will soon be regarded as furnishing but a weak claim for the permanent possession of revenues, however secured by its provisions.

Ruere illa non possunt, ut hæc non eodem labefactata motu concidant.

THE END.