

KING'S COLLEGE
PURPOSE AND ACCOUNTABILITY IN HIGHER EDUCATION:
THE DILEMMA OF KING'S COLLEGE, 1827-1853

by

Elizabeth Helen Pearce

A thesis submitted in conformity with the requirements
for the degree of Doctor of Philosophy
Department of Theory and Policy Studies in Education
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ABSTRACT

The first university in Upper Canada to receive a royal charter was King's College at York. Although petitions for a university in the colony are recorded in the late eighteenth century, it was not until 1827 that a charter was actually acquired and it was only in 1843 that the university opened its doors to students for the first time. In the meantime, three other universities had opened in the province: Victoria, sponsored by the Methodists, in Cobourg (1842); Queen's sponsored by the Church of Scotland (1842) and Regiopolis by the Roman Catholics (1837) both in Kingston.

The story of King's College has been told in part and in varying ways by a number of writers and historians. W. J. Alexander and Stewart Wallace have provided brief, objective, chronological outlines of the major developments in their histories of the University of Toronto in 1906 and 1915 respectively. More recently, historians such as John Moir, Gerald Craig, William Westfall, and Brian McKillop have dealt with the history of King's College in connection with denominational history, the economic, social and political development of Upper Canada, and the transition from constitutional to responsible government. No one, however, has written a full book or dissertation with a primary focus on the history of King's College.

This paper is presented in an attempt to provide an account of the founding of King's College and the quandary surrounding its development and ultimate transformation into the University of Toronto. The chronicle is focussed primarily on the political and denominational context and on legislative attempts to resolve the university dilemma. It also examines the roles played by leading political, religious and provincial administrators touching on the university question. The paper traces the history of King's College through the adoption of three university models: John Strachan's pedagogical model, Robert Baldwin's political model and Francis Hincks' compromise model. The discussion encompasses the rationale for the adoption of each and the rejection of the Strachan and Baldwin options.

TABLE OF CONTENTS

CHAPTER ONE

| | |
|--|----|
| THE UNIVERSITY QUESTION THE MODELS AND THE REALITY | 1 |
| The University Question: What Was It? | 4 |
| The Models | 5 |
| The Realities | 14 |
| The Literature | 20 |

CHAPTER TWO

| | |
|---|----|
| EARLY CONSIDERATIONS OF A UNIVERSITY FOR UPPER CANADA | 24 |
| The Simcoe Legacy | 24 |
| An Endowment Granted | 31 |
| The Endowment and its Legacy | 35 |

CHAPTER THREE

| | |
|--|----|
| THE UNIVERSITY CHARTER PROPOSED AND ACQUIRED | 45 |
| Sir Peregrine Maitland and the Charter of the University | 46 |
| The General Board of Education and the University: 1823-1833 | 50 |
| The Upper Canadian Response to King's College Charter | 58 |
| Response of the Legislature | 62 |
| Appointment of the King's College Council and Its Activities | 67 |

CHAPTER FOUR

| | |
|--|----|
| THE DECISIONS OF SIR JOHN COLBORNE: A NEW PLAN INTRODUCED: AN EXISTING CHARTER AMENDED | 70 |
| Sir John Colborne and Upper Canada College | 71 |
| The Action of the Legislature on Issues surrounding King's College and Upper Canada College | 80 |

CHAPTER FIVE

| | |
|---|-----|
| KING'S COLLEGE COUNCIL AND AMENDING THE CHARTER | 94 |
| Response to the Plans of Sir John Colborne | 94 |
| Reaction to Goderich's Request for Surrender of the Charter | 99 |
| Once Again Towards Implementation of the Vision | 106 |
| Financial Considerations | 109 |

CHAPTER SIX

| | |
|--|-----|
| KINGS' COLLEGE COUNCIL AND THE OPENING OF THE UNIVERSITY | 114 |
| King's College Council and Upper Canada College | 116 |
| King's College Council and the District Grammar Schools | 119 |
| King's College Council and King's College | 122 |

| | |
|---|-----|
| King's College Council and the Faculty of Medicine | 126 |
| Statutes of the University and the Office of Vice-President | 130 |
| King's College Opens Its Doors | 132 |
| CHAPTER SEVEN | |
| POLITICAL MACHINATIONS: | |
| LEGISLATION ATTEMPTED BY REFORMERS AND TORIES | 135 |
| The Role of Victoria, Queen's and Regiopolis Colleges | 137 |
| Legislative Attempts to Solve the University Problem | 144 |
| CHAPTER EIGHT | |
| A RESOLUTION TO THE UNIVERSITY PROBLEM FORMED AND QUESTIONED | |
| | 163 |
| Baldwin Legislation 1849 | 165 |
| Reaction to the Baldwin Model | 169 |
| The University of London Model Considered | 176 |
| Hincks Legislation 1853 | 184 |
| CHAPTER NINE | |
| REFLECTIONS ON THE UNIVERSITY QUESTION | |
| Philosophy | 190 |
| Curriculum | 195 |
| Governance and Accountability | 198 |
| ENDNOTES | 207 |
| BIBLIOGRAPHY | 227 |

Neither the sick nor the destitute have higher claims on the public than the ignorant. The want of knowledge brings all other wants in its train, and, if education is to be regarded as a charity, it is a charity of which the blessings are without alloy. It demands no jealous scrutiny of the claims of its applicants, nor does it require to be so stinted as not to multiply their number. The obligations, therefore, which rest upon every Christian government to promote this great interest are sufficiently obvious and imposing; nor is it enough that the children of settlers know how to read and cast accounts. They ought likewise to enjoy the pleasure as well as the advantages of intellectual employment, to understand and admire the beneficence of their Creator in the works of his hand, to feel that they are immortal and accountable beings, that Christian virtue is the first distinction among men, and that useful knowledge is the second.

John Strachan

CHAPTER ONE THE UNIVERSITY QUESTION: THE MODELS AND THE REALITY

For over half a century, until 1853, the “university question” plagued the young colony of Upper Canada. Like all questions of education, the issue of establishing a university for Upper Canada raised a broad and divergent range of views and, as happens frequently in such cases, transformed itself into a particularly contentious challenge. On the surface, the debate appeared to be sectarian, a question of equal opportunity in education. Below the surface, however, it was much more than a sectarian debate as evidenced by the fact that the sectarian solutions which were proposed pleased a minority of the population while the completely non-sectarian solution adopted in 1849 proved to be unworkable. The history of the university debate and its attendant issues is complex and confusing and it requires a clear framework for an analysis of what was occurring. It is thus appropriate to examine how the stage was set for the university debate and what factors contributed to the adoption and rejection of successive models for King’s College over the period of twenty-five years, from the founding of the university in 1827 to the rejection in 1853 of Robert Baldwin’s legislation passed only three years earlier.

Although the need for a university in Upper Canada was raised originally in the late 1700s by John Graves Simcoe, the first governor of Upper Canada, it was not until 1827 that a royal charter was issued for King’s College at York. Over the next twenty-six years religious leaders, politicians, residents and no fewer than eight Lieutenant-Governors and Governors played

varying roles in the drama. At least ten proposals for legislation, some consisting of as many as three separate bills, were put forward, and three acts were passed to amend the original charter for King's College. By 1853 the original charter was still the founding document for the university in spite of the fact that amendments had changed the institution's name from King's College to the University of Toronto, altered its nature significantly and divided its functions between two separate institutions, one for teaching and the other for examining and granting the degrees. At the heart of the debate over the purpose and structure of a university lay several factors: the sweeping move in Europe and in Upper Canada towards responsible government, the denominational character of Upper Canada, and the financial stringencies which faced governments in both Westminster and the colony.

The cast of characters involved with the university story is lengthy but only a fleeting sketch of the major participants need be introduced here. John Strachan, one of the strongest proponents of the university, has subsequently received far more criticism than acclaim for his achievements in spite of the fact that most of his contemporaries, even those who strongly disagreed with him, developed a remarkable respect for his honesty, determination and energy. Strachan, a Scottish immigrant to Upper Canada, strenuously supported the cause of education both in his own classroom and through the political and religious offices to which he was appointed. Unfortunately for the university, he also strenuously supported the principle of a state church. It was this increasingly anachronistic political view rather than his educational views which marked his efforts on behalf of King's College for rejection.

Egerton Ryerson, the Methodist son of a Loyalist immigrant family was almost doomed to disagree with Strachan since the two men differed in many significant ways. Ryerson was about half Strachan's age when the charter was granted to King's College. Where Strachan supported a rational faith based on ritual, history and prescription, Ryerson experienced a conversion to Methodism at the age of sixteen as the result of an extraordinary emotional encounter. Strachan believed in an established, state supported church; Ryerson supported both the emotional element of Methodism and voluntarism.¹ Ryerson became a leader in the Wesleyan Methodist Church, a founder of Victoria College and the primary educational administrator in Upper Canada for three decades and more. During the 1840s he served as an informal consultant to William Henry Draper and John A. Macdonald on matters connected with their proposals for university legislation.

Robert Baldwin was a leader in the movement for responsible government and his successes in that arena reached their zenith in 1849 to 1850 when particularly significant legislation including the elusive university Act was passed. Baldwin, the son of a well-to-do Irish immigrant, was born in Upper Canada and raised in the close network of friends and family. He was educated in law and worked with the reformer John Rolph as a young apprentice lawyer. Baldwin was a humourless man, prone to depression and illness but passionate about his principles and his dedication to public welfare.² Baldwin worked steadily towards the goals of the reformers but ill health and depression led to his resignation from the government and almost completely from politics by 1851.

Baldwin's significant contributions to the reform movement had led to the apex of its power. On his retirement, Francis Hincks, an Irish immigrant and entrepreneur, publisher of the *Examiner* newspaper, moderate reformer and, to a degree, the protege of Baldwin, became the somewhat unwilling leader of a fragmented party which included both moderate and radical reformers, the "True Grits" under the informal leadership of Brown, publisher of the *Globe*. Hincks' instinct for political compromise and pragmatism and his perception that the Baldwin legislation was unworkable led to the changes in the university's constitution enacted in 1853. Baldwin, however, was never reconciled to the recognition given in that bill to the other existing colleges in the province. King's College, now the University of Toronto, was, however, set after 1853 to face the second half of the nineteenth century under a modestly workable constitution.

With this fleeting reference to the key issues and characters in the story of King's College, the logical question becomes, "What was the problem with establishing a university?"

The University Question: What Was It?

The "University Question" was essentially a question of how to find a model for King's College to which all of the interested parties in Upper Canada could subscribe. The problems inherent in the struggle had little to do with the pedagogical theory or practice of the institution, but they had a great deal to do with its underlying philosophy and the political realities of the province in the first half of the nineteenth century. The original intent of this study was to investigate the reasons for the choice of the University of London model selected in 1853, but research has indicated that the real question is both broader and more specific. It is broader

because three very different models were adopted between 1827 and 1852 and each demands examination. The question is more specific in requiring analysis of how reality impinged on each of the first two models to force a fundamental change in the university. While the passing of new legislation for a third model for King's College in 1852 provides a suitable end point for this study of King's College, the way in which that model functioned is outside the scope of the study, first, because the separation of teaching and examining functions in the university began a new period with fresh problems in the history of the University of Toronto, and second, because the 1853 legislation actually sounded the final death knell for Baldwin's model for the University of Toronto. This discussion, therefore, focuses on the period leading up to the charter of 1827 and on the period between 1827 and 1852 and reflects the relationship between educational visions and the context of purpose and accountability within which those ideals were implemented, played out and transformed.

The Models

Two models based on quite different philosophical foundations were adopted for King's College during its relatively short lifetime while a third model was legislated to eliminate the problem created by the unworkable characteristics of its predecessor. The first vision for the university arose from the pedagogical vision of John Strachan, the second from the political vision of Robert Baldwin, and the third from the pragmatic proposals of Francis Hincks for a compromise based on the model of the University of London.

Strachan's Model

The original royal charter for the University of King's College was granted in England in 1827 and entrusted to the Reverend John Strachan who had been commissioned to travel to London to negotiate with the Colonial Office on several matters including the university charter. Strachan was an educated Scotsman who had emigrated to Canada in 1799 to tutor the children of Richard Cartwright and others of Kingston. He was ordained three years later in the Church of England and appointed to Cornwall where he set up a grammar school to provide a classical education for his pupils. Persuaded by Sir Isaac Brock to move to York as vicar of the town and Chaplain to the garrison there and to open a school in Toronto, Strachan obliged in 1812 by moving his family to York where he subsequently became deeply involved with the work of the Church of England, pastoral responsibilities, education, and increasing responsibilities in the legislature of the province. Having struggled to obtain a more liberal charter than he was actually able to wrest from the British government,³ Strachan had to be content with a document which was, at least, the most liberal university charter ever signed by the King. Ironically, Strachan, who had worked strenuously for the founding of an institution more relevant to Upper Canada than the Oxford and Cambridge models,⁴ was greeted with instant criticism when he returned to Upper Canada with the new charter. He was accused of attempting to establish Oxford in Upper Canada, and of wanting to convert the matriculants at the university to the Church of England. Although neither of these goals can legitimately be attributed to Strachan, his determination, energy, and directness undoubtedly contributed to the long life of the agonizing debate.

John Strachan's views on education, as will be demonstrated in subsequent chapters, were based both on his concern for the welfare of his students and on his perception of the needs of the state. He expounded his views practically, as a teacher in his schools at Cornwall and York, and administratively in his plans for McGill University and King's College at York, as well as in other notes and letters. He believed in a curriculum comprising rigorous intellectual discipline in politics, logic, science, mathematics and language, combined with experience and practical application of theoretical concepts. He believed that religion should infuse education but he was never committed to the view that only one religious persuasion was correct. The Achilles' heel of his educational philosophy was not pedagogical, for Strachan was universally acknowledged as an outstanding educator. It was his commitment to the principle of an established church which led to the debate that drew almost every important political figure in Upper Canada and the Colonial Office in London for the next quarter century.

Baldwin's Model

Robert Baldwin differed in many ways from John Strachan. He was born in Upper Canada in 1804, almost twenty-five years after Strachan was born in Scotland. Baldwin was a pupil in the "Old Blue School" in York when Strachan was teaching there, and thus was exposed to Strachan's teaching practices and educational philosophy. There is no reason to suppose that Baldwin was critical of Strachan's pedagogy, but he was most certainly critical of Strachan's political philosophy and it is on this point that the educational models of the two men differed widely. Although Baldwin was Anglican, family and professional experience had prepared him

for his sympathies with the reformers of Upper Canada and, ironically, his education in Strachan's school had prepared him very well to defend his reform position with logic, energy and skill. Baldwin was a shy, sensitive and self-conscious man with what one of his biographers has defined as a an "obsession with being right."⁵ As a child and young man he was imbued with a legacy of uncompromised dedication to principle and action. As a young professional, he worked with John Rolph, an ardent reformer and supporter of action for responsible government and an opponent of the conservative hierarchy of the province. These experiences and characteristics led Baldwin into a political career imbued with dedication to the cause of reform, the principle of self sacrifice, and the determination to succeed. His model of a university may well have assumed the underlying pedagogical principles and liberal curriculum espoused by Strachan, but it was articulated in terms of political objectives and control. In Baldwin's view, the ideal model of a university for Upper Canada was an institution without connection to any religious institution or practice, funded by the government, and serving the needs of the entire province. His view that links between church and state should be completely severed was directly opposed to the position taken by Strachan and therefore virtually precluded any compromise position between the two. Baldwin worked steadily to implement his model through legislation from about 1842 to 1849 when he was, at last, successful although his legislative success did not translate into practical success.

The University of London Model

Because Baldwin's 1849 legislation was not a practical success, a new model for the university was required and both politicians and educators in Upper Canada began to speculate

about the model of the University of London. Their interest in the University of London undoubtedly stemmed from the fact that, founded at about the same time as King's College, it had not only gained rapid recognition for academic excellence, but had also been at the centre of political difficulties in England as serious and demanding as the university question in Upper Canada. Those difficulties had been resolved in about 1835 with the imposition of a political compromise which politicians in Upper Canada saw as a potential resolution to the perennial dilemma of King's College.

The University of London was founded in 1826 on the model advocated by Thomas Campbell, a teacher and a poet of international repute, to fulfill the need for a university in London and to provide an institution of higher learning for students who were not members of the Church of England. Up until that time, Oxford and Cambridge, both requiring adherence of students and faculty to the Thirty-Nine Articles of Faith of the Church of England were the only two universities in England. As a consequence of this circumstance, non-conformists, Dissenters, Jews, and Catholics were unable to earn a university degree in England and were, therefore, required to study elsewhere or excluded from a career in the civil service, from membership in the Royal College of Physicians and from other paths to interesting and satisfying careers.

Campbell had graduated from Glasgow University, taught at Edinburgh, and spent considerable time on study leave at several German universities and so he was thoroughly familiar with the philosophy and the spirit of open discussion at these institutions. The Scottish universities which Campbell knew best were lively centres of intellectual debate and discussion. Edinburgh's medical school was internationally renowned and probably had already provided a

model for laboratory teaching and learning in universities around the world. Adam Smith and David Hume were active in writing, and philosophical debate in the *Edinburgh Review* was flourishing. The Scottish universities provided a contrast to Oxford and Cambridge in several significant ways: they were open to the children of the working and middle classes and regarded academic merit as the singular measure of admission; they required no profession of religious adherence and provided for non-sectarian admission and graduation; they provided evening classes for working people and regular degree programs for day students. Campbell was greatly impressed by the extended range of the subjects taught, the lecture system, the non-residence of the students, the admission of students to single courses, the absence of religious tests, and the democratic character of the institution.⁶

The work of Thomas Jefferson in establishing the University of Virginia and his vision of higher education also had an impact on Campbell.⁷ Jefferson, too, proposed a broad range of studies to include medicine, the physical sciences, modern languages, law, politics, economics, and history. Instruction was to be given by lectures; curriculum was designed to be flexible; students were free to attend the courses of their choice; and all sects and denominations were to be on equal footing, with every sect left to provide, as it thought fittest, for its own students.

The model drawn from these foundations and proposed by Campbell was implemented primarily through the combined efforts of a group of energetic men including Henry Brougham, James Mill and a group of business men who established a joint stock company to constitute a Board of Trustees and to finance the new London university. Soon the curriculum

was established, the professors hired, and the university was in operation. What the university lacked was the right to grant degrees. What it gained was almost immediate criticism of its existence which was swift and strong. One of the fundamental arguments against it was the impropriety of a joint stock company establishing a university without the authority of a Royal Charter and without a divinity program in its curriculum.

Soon a plan which had been under discussion for some time was implemented and a second university was founded in London on principles similar to those of Oxford and Cambridge. The groundwork for King's College London was laid in a series of letters and conversations which culminated in a meeting on June 21, 1828 where resolutions to found a college, to petition for Royal patronage and to secure funding were unanimously passed. On the fourteenth of August, 1829 the royal charter of incorporation of the new college was sealed and the operation of the college was formally begun. No attempt was made then or subsequently to secure the right to confer degrees.

Difficulties for the government developed when the London University, seeking confirmation of its university status, put forward a request for legislation permitting the institution to grant degrees. The government realized immediately that it would not be possible to confer such a privilege on one of the London universities without conferring it on both. The problem was, however, rather more complex than whether or not to legislate degree-granting rights to both London University and King's College. By 1830 both the London universities had established a medical curriculum and something of a power struggle had emerged over control of curriculum because all of the London hospitals were very much older than the universities and believed

themselves at least as qualified to grant medical credentials as the new universities. The universities of Oxford and Cambridge were also resoundingly opposed to the request of the new university and were jealously guarding the exclusive right to grant degrees in England. The medical profession argued that no fledgeling, upstart, joint stock company should be given authority in matters of medical education.

Between May of 1825 and early 1835 various legislative attempts were made to secure degree granting rights for the university. Some were withdrawn for lack of support, others were quietly subverted. For the most part, the Commons exhibited considerable sympathy for the cause of the Dissenters and the London University while both the Lords and the Privy Council stood opposed. Sir Robert Peel and the Duke of Wellington were deeply involved in the matter and together with the representatives from Oxford, Cambridge and the medical professions carried great credibility and, therefore, their views usually prevailed by one means or another. By late summer of 1834 a bill to grant Dissenters admission to Oxford and Cambridge which had carried with a large majority in the Commons had been rejected by the Lords. The Committee appointed to receive and consider evidence on the matter had reported back that it had been unable to find a solution and suggested reappointment of the committee but with new members.

By 1835 the issue was continuing unresolved but in March of that year university officials decided to attempt another route. Having applied without success both to Robert Peel and to the Home Secretary, a member of the Commons on behalf of the University made plans to request a charter for the university. On March 26 a motion to submit the matter to the Crown carried by a

majority of 110⁸ and by April 1 a response had been received from the King. Surprising in the face of a reluctant Privy Council, the reply indicated the Crown's strong concern for settling the matter and his clear intention to direct the Privy Council to find a way for "carrying into effect the wishes of His faithful Commons in respect of a grant of a charter to the University of London, and what may be the conditions with which such a grant ought to be accompanied."⁹

The final resolution was a compromise. Members of the Commons were informed in the House on July 17, 1835 that not one but two Charters had been prepared. The first was a charter in favour of the London University in the precise form recommended by that institution and agreed to by the Commons in 1831 with one exception: the university would be reduced to College status, and thereby its need for granting degrees would be eliminated. The second charter constituted a Metropolitan University, comprising a Board with power to examine for and confer degrees on Students from the existing chartered colleges in the Metropolis and its vicinity, and from other Colleges which might later be chartered.¹⁰ On the 28th day of November 1836 the great seal was set upon both charters¹¹ and a new entity was created:

a body to be known as the University of London, empowered to grant degrees in Arts, Laws, and Medicine, after examination, to candidates holding certificates of having completed a course of instruction at University College, King's College, and such other institutions as might hereafter be approved for the purpose.¹²

It is easy to understand why such a political compromise ending a period of both open confrontation and subterfuge and providing a solution to the dilemma of a deadlocked legislature beckoned warmly to colonists weary of the prolonged university debate.

The Realities

The context which stimulated the debate over King's College at York consisted largely of issues of time, place and circumstance. The same university model proposed much earlier in the history of Upper Canada might have succeeded, but proposed much later would almost certainly not have been granted a charter. The factors which provide the context for understanding what did happen include those conditions under which Upper Canada was settled, the move from the principles embodied in the constitution Act of 1791 towards responsible government, the demography and religion of the province, the economy of the province, and the political climate in Britain. All of these factors combined to force the charter of the new university into the role of catalyst for a prolonged and dynamic debate.

The first major European settlements in Upper Canada were made by United Empire Loyalists, emigrants from the United States after the American War of Independence. In demonstrating their loyalty to the Crown, most of these settlers had given up their land and many of their possessions to make the move to a British colony. While the government in England was happy to see the loyalists settle in British North America, the Ministry of War and the Colonies viewed the territory primarily as an important line of defence against possible invasion, and formulated its policies in that light. Consequently, the needs of the colonies were often in conflict with the needs of the home government. For example, while the colonists wanted to develop roads and canals for commercial transport, England was hard pressed for money to invest in her colonies and was reluctant to use such funds for projects unconnected with defence. As a result,

England sent troops to plan and supervise the building of the Rideau canal while the colony needed the Welland canal to transport commercial goods to the sea.

Politically, the Constitution Act which divided the predominantly French Catholic colony of Lower Canada from English Upper Canada was not predictive of responsible government because it institutionalized British anti-revolutionary reaction to events in North America and France. The inclusion of a representative assembly was based merely on the decisive argument that “the new government must possess the power to levy internal taxes in the province.”¹³ In the tradition of Parliament the Act established three levels of government: the governor and his Executive Council, the Legislative Council and the House of Assembly.¹⁴ The governor was responsible directly to the British colonial office from which, in turn, he received counsel, consultation, and instruction. The governor could also receive advice from his Executive Council whose members were appointed by and, therefore, responsible directly to the governor himself. He had the authority for summoning the members of the Legislative Council, the appointment of a Speaker for the Council, the giving (or withholding) of conditional royal assent to legislative acts passed by the Assembly and the Council, the calling and the proroguing of the Legislative Council, the dissolution of the Legislative Assembly, the calling of an election, the division of the province into electoral districts and for other provisions regarding the election of members to the new Legislative Assembly. Much of this authority for decision-making was either forgotten or resented as the ground-swell for control of financial matters and decision-making by representatives of the people grew stronger. Governors were increasingly criticized for exercising the very anti-revolutionary and anti-democratic authority which had so carefully been allocated

to them by the Constitution Act. For example, one of the first questions asked about the university charter after its acquisition was whether such a charter could be given by the king in Upper Canada without the consent of the Upper Canada legislature.¹⁵

On the other hand, the governor who had power to reject legislation which had been passed by both houses, could have his own recommendations and approvals reversed by the parliament in London within two years of their passage. A common complaint of governors was that they had no way of knowing how clearly their intentions and proposals were set before the Assembly because they had no representatives in that body. In addition, it was often the practice of Assembly members to tender appeals over the head of the Lieutenant-Governor directly to the throne, to the Colonial Office and/or to Members of Parliament in Westminster who more often than not, entered into discussion about the colonial disputes.

The Legislative Council was designed to function much as the House of Lords in England. Its members were to be appointed by the Crown to life membership on the Council, an approximation of the aristocracy of the House of Lords in Britain, while the Legislative Assembly was comprised of members elected by the population of Upper Canada according to the districts and numbers of representatives determined by the governor. The powers of these three branches of the legislature were set out in the Constitution Act. An executive committee was named but its powers and responsibilities were not clearly outlined in the Act. Historian Gerald Craig points out, however, that anyone with a knowledge of the British government would probably understand it to mean that the members of the Executive Council, appointed by the Governor, were exclusively advisory to him.¹⁶ These vague references, however, harboured

an element of perceived elitism which provided impetus for the move towards responsible government. Nathanael Burwash, in his biography of Egerton Ryerson, has outlined some of the problems which he perceived in this system and in the way it was translated into action:

He [the governor] stood not simply as the representative of the sovereign, maintaining the constitution and seeing that it was obeyed by all subordinate branches of the government, but he became the political leader of the government, making appointments and controlling policy in the great executive departments, though without control of the legislation necessary for the execution of that policy except in the upper chamber. On the other hand, it lay in his power to prevent any legislation intended to obstruct the successful event of his executive policy....A constitution with such inherent liability to abuse could scarcely be expected to work to the satisfaction of an intelligent people who had continually before them the example of the operation of a more thoroughly responsible system of government immediately to the south, and who were many of them but lately immigrants from the parent land, where already the principles of responsible government were being far more effectively carried into practice...the spirit which framed this colonial constitution was evidently still jealously tenacious of imperial prerogatives, and determined to govern the colonies for the good of the colonists, as they viewed it, but at the same time in subordination to what they considered of paramount interests of the mother land.¹⁷

During the early period of this government, members of the House of Assembly were sometimes seriously at variance with each other on matters of purely local interest although, gradually, over the period of three or four decades the problems defined by Burwash became more and more real as the struggle for responsible government gradually began to gain strength and express itself in party politics. By the time the university legislation was passed in 1849 the reformers had achieved great strength in the combined government of Robert Baldwin from Upper Canada and Louis-Hippolyte Lafontaine from Lower Canada with the constitutional support of the Governor, Lord Elgin and Kincardine.

In this climate of change university issues sometimes became mired in disagreements between the Legislative Council and the House of Assembly. These disagreements were often based on a number of conflicting premises about the political reality of Upper Canada. Some, of conservative outlook, believed the Church of England had the same stature and significance in the colony as it had in England. That is, they regarded the Church of England as the sole Established Church in Upper Canada. This premise was reinforced by the views expressed in the correspondence of John Graves Simcoe and in the terms of the Constitution Act which stipulated in a particularly contentious clause that a permanent appropriation of lands for the support of a “Protestant clergy” should be set aside in each township. In Upper Canada the argument was adopted by the Church of Scotland that it, too, being an established church in Britain, deserved equal consideration and status in the colony.

While the Churches of England and Scotland were claiming status as established churches, the Roman Catholic Church remained almost silent on matters surrounding the establishment issue. Opposition to such claims, however, would be entered by a variety of denominations claiming status as Protestant churches because the colony was populated by immigrants who brought with them a diversity of associations in addition to those identified above, and included Congregationalists, Baptists, Methodists and Quakers. With such a demography, it would have been virtually impossible for any church to become established since the adherents of any one denomination were outnumbered by the aggregate of communicants of all other denominations. Hence it was in the context not only of the move to responsible or cabinet government, but also of this religious pluralism that the charter of King’s College was received and debated. The

university was the ground on which the fight, not for religious freedom which was never in doubt, but for rejection of the principle of church establishment was fought.

Financial issues were always critical for a colony, but for Upper Canada issues of money were even more binding and complex than in any other British colony because Upper Canada was Britain's only land-locked colony. Without access to the sea, trade, transportation and development were difficult, a situation whose rigours were exacerbated by Lower Canada's control of duties and the St. Lawrence water route and by the fact that banking was slower to develop in the Canadas than in the United States. In Britain the focus was on defence and on how to maintain distant colonies without major infusions of capital. Thus land, the major resource for Upper Canada, became the payment for certain services, a commodity for trade and development, and the endowment for education in the colony. The combination of the endowment, the terms inherent in its donation, and the anti-establishment feeling among residents of the province led, in great part, to the long debate over the founding and character of King's College.

This discussion examines the ways in which the models for higher education intersected with the reality of a rapidly changing political climate over the span of twenty-five years. In a sense, the point of intersection was a moving target between the political and educational vision of John Strachan which was rapidly becoming anachronistic and the political philosophy of Robert Baldwin and the reformers whose time had not yet come. This twenty-five year debate over the university question not only provides material for an interesting story, it reveals early concerns about critical issues for higher education which are still being faced today by colleges and

universities. Contemporary faculty, students, administrators, politicians and professional educators are still debating how best to balance direction and control in college and university affairs between those internal to the institution, and those external to it; how a satisfactory governing structure can be devised; to whom, for what and how colleges and universities are or should be accountable; how to achieve satisfactory curricula and academic standards; as well as how to define the fundamental philosophy of the institution in other than purely descriptive terms.

In a sense these questions are not capable of permanent resolution since the context for responding to them is constantly changing. Perhaps it is the nature of a university to review and restate its philosophy and *raison d'être* regularly, accepting the fact that constant reassessment is a normal process for maintaining a healthy institution. This study examines the ways in which the university models were adopted to respond to such questions and how they intersected with the reality of a rapidly changing political climate over half a century.

The Literature

The most basic documents for this study are contained in John George Hodgins' collection of the *Documentary History of Education in Upper Canada from the Passing of the Constitutional Act in 1791, to the Close of the Reverend Doctor Ryerson's Administration of the Educational Department in 1876*. Virtually all of the documents connected with the establishment and conduct of King's College are contained in the first ten volumes of this twenty-eight volume collection. A close comparison of various documents recorded by Hodgins with the originals protected in several archives reveals almost perfect correlation. In cases where only a portion of

the original document has been used, the excerpts have been taken in a way which retains the clarity, relevance, and implications of the original. Any very small differences are in minor typographical or punctuation errors. As a complement to Hodgins' collection, the University of Toronto houses the main collection of material on King's College in its archives where detailed information on some of the financial transactions and reports as well as the minutes of College Council meetings and other relevant documents are available.

One work is missing from the literature on King's College since, although several partial biographies of John Strachan do exist, there is no complete and satisfactory biography of the man who was the key figure in much of the history of King's College. A. N. Bethune's memoir of Strachan is useful for its interesting perspective on his teaching methods and as a sympathetic profile of Strachan written by a former student and lifelong friend and colleague. J. L. Henderson's biography focuses more on Strachan's church activities than on his work with King's College and the few other biographies in existence are even more limited in their scope. On the other hand, a wealth of useful material on Strachan is available. The Strachan papers and letter books in the Archives of Ontario provide extensive and fundamental information about Strachan's views on education and King's College as well as his relevant ideas on other matters. His handwriting is difficult to decipher and the work of George Spragge in transcribing Strachan's 1812 to 1834 letterbook makes reading this part of the collection very much faster and easier. Additional early material by and about Strachan exists in the archives of Trinity College but these papers are mainly connected with the early period in Strachan's life before King's College.

There are several histories or partial histories of King's College in accounts of the University of Toronto. Stewart Wallace's history of the University of Toronto contains detailed records as does the history published by the Chief Librarian of the University in 1906 although in both cases the section on King's College comprises only a segment of the entire book. Both works are, nevertheless, very useful for basic information. Burwash's history of the University is useful in providing a Methodist perspective on the story of King's College. Chapters on the history of King's College in Gerald Craig's *Upper Canada: The Formative Years, 1784-1841*, John Moir's *Church and State in Canada West: Three Studies in the Relation of Denominationalism and Nationalism, 1841-1867* and Brian McKillop's *Matters of Mind* all provide valuable insights into the university question. Craig's story is brief and told in the context of the economic and political development of Upper Canada. Moir's account is based on the issue of how church and state in Upper Canada came to define their separate roles and is related in the context of denominational accounts with strong reference to public reports in the newspapers of the day. McKillop sets the university debate in the context of the emergence of the power of responsible government under the leadership of Robert Baldwin. This paper attempts to complement such accounts by presenting an objective, coherent and detailed account of the complex story of King's College based on the education documents of the period from the passing of the Constitution Act to the passing of Hincks' legislation in 1853.

For information related to Hincks' compromise model, Hale Bellot's history of the University of London and F.V.C.Hearnshaw's history of King's College London provide ample background. The histories of University College and King's College London are easy to access

through the archives at the colleges where all of the early correspondence, catalogues and publications of the university are available. Papers and document collections which are related to the study of King's College include the Simcoe and Baldwin papers at the Archives of Ontario, the Cartwright papers in Queen's University Archives, the Ryerson papers at Victoria College, the Baldwin and Arthur papers in the Metro Toronto Library and the collections of the Bagot papers made by G. P. de T. Glazebrook and more recently by John Slater at the University of Toronto.

As a footnote to the comments on available resources, reference should be made to the fact that Gerald Craig agreed several years before his death, to write the early history of the University of Toronto including the history of King's College. The notes which he compiled for the project are now in the University of Toronto archives. It is clear that unless other materials exist, Craig was in the preliminary stages of collecting material at the time of his death and his notes on the King's College portion of the university's early history are fragmentary.

CHAPTER TWO EARLY CONSIDERATIONS OF A UNIVERSITY FOR UPPER CANADA

The Simcoe Legacy

The earliest request for a university for Upper Canada was made by loyalists arriving from New England. At least two references exist to such petitions. John Strachan noted in his speech at the opening of King's College that these loyalists, inspired by their British love of learning, had requested support for a university in 1789, even before the passing of the Constitution Act. About five years after their arrival in Upper Canada, Loyalist settlers requested that Lord Dorchester, Governor General of British North America, establish a university at Kingston. Strachan reported that Dorchester paid immediate attention to this request, and gave directions to the Surveyor-General to set apart eligible portions of land for the future support of Schools in all the new settlements.¹

A reference to Richard Cartwright made by the Ministry of Education in a publication of 1896 is undoubtedly a more specific allusion to the petition that Strachan was referring to. It indicates that Cartwright, a Kingston merchant, requested in a 1789 letter to Dorchester "that an appropriation of public lands should be devoted to the establishment of a decent Seminary of Education."² Dorchester's response was positive, but before anything could actually be done to implement the suggestion, the Constitution Act was passed by the Imperial Parliament and action on the matter was suspended. Since it was Richard Cartwright who hired John Strachan as tutor

for his children in 1799, it seems likely that the anecdote in Strachan's speech at the opening of King's College was derived from his conversations with Cartwright, and refers to the same petition.

If the reports about the efforts of the early settlers to found a university in Upper Canada are sketchy, the position of the first Lieutenant-Governor of Upper Canada is not. John Graves Simcoe, a conservative man whose views on the relationship between religion, state and education were very much those of a staunch Anglican, made determined efforts to establish a university in the province of Upper Canada. Even before he arrived in 1792, Simcoe had begun his work on behalf of a seminary of higher learning for Upper Canada. In January of 1791 he had written to the President of the Royal Society in England suggesting that a "college of a higher class would be eminently useful" to Upper Canada and should soon be considered because it "would give a tone of principle and manners that would be of infinite support to government."³ What Simcoe meant by an appropriate "tone of principle and manners" was that suitable education facilities and programs would provide the colony with leaders who could nurture its ties with the mother country and avert sympathetic responses to the republican ideals of the breakaway states to the south. In fact, W. R. Riddell argued in his biography of Simcoe that, in spite of the fact that Simcoe was a pious and well-read man who clearly understood the value of education, his ideas about church and university in Upper Canada were based exclusively on a political rationale.⁴

Shortly after he arrived at Quebec almost two years after his letter to the Royal Society, Simcoe wrote to the Secretary of State in England, Henry Dundas, contending that although

primary education might be accommodated, at least in the short term, by parents and relatives, higher education, of greater importance to the leadership of the colony, required a much greater investment by the government. A university in Upper Canada would prevent the subversion of the youth of the province at universities in the American colonies where “owing to the cheapness of education in the United States, the gentlemen of Upper Canada will send their children.”⁵ There, the British sympathies and principles of the students were bound to be perverted. The return on investment in university education would, in Simcoe’s view, benefit not only the colony but the imperial government as well by providing education for the former, and loyalty for the latter.⁶

Simcoe’s views on the need for the integration of church and state are reflected in his request to Dundas that two schools be established, one at Kingston, the other at Niagara and that a university be established in the capital. Simcoe excepted only the Professor of Medicine from the restriction that every faculty member at the university should be a clergyman in the Church of England. The schools at Kingston and Niagara were to be modelled on the English public school system and were to be taught by clergy of the Church of England. The schools and university, thus uniting religion with education, would comprise an integrated educational system for cementing the relationship between Great Britain and her colony.⁷

The response from Dundas was not encouraging. He endorsed the establishment of the schools and recommended strongly that the founding of at least one excellent school should be a first priority for Simcoe. Of the university, however, he noted only that any plans for establishing a university were to be submitted to the Secretary of State for consideration and determination of

support.⁸ Simcoe understood this to be a clear indication that the matter was being shelved. Oddly, Simcoe did not proceed immediately with the establishment of the schools. But he did reply to Dundas's letter calling the latter's attention again to the need for providing for the education of the future professional practitioners and leaders of the colony. He referred Dundas to his earlier despatches on education and restated his strong concern that higher education was not only the surest way to make Upper Canada appealing to immigrants, but even more importantly, that it would "chiefly contribute to that intimate union with Great Britain which if duly improved & properly supported" would render the loyalty of the province permanent.⁹ He received no encouragement from London.

In April 1795 and again the following year, Simcoe wrote to Jacob Mountain, the first Church of England Bishop at Quebec, expounding on the need for schools and a university in Upper Canada:

Liberal Education seems to me, therefore, to be indispensably necessary; and the completion of it in the establishment of a University in the capital of the country—the residence of the Governor and the Council, the Bishop, the heads of the Law, and of the general quality of the inhabitants, consequent to the seat of Government, in my apprehension would be most useful to inculcate just principles, habits, and manners, into the rising generation; to coalesce the different customs of the various descriptions of settlers, emigrants from the old Provinces of Europe into one form. In short, from these distinct parts would there establish one nation—and thereby strengthen the union with Great Britain and preserve a lasting obedience to His Majesty's authority. The income contemplated for such an establishment is certainly, of itself, too contemptible to be withheld from the prosecuting of so great an object on any view of expense.¹⁰

In Simcoe's view, the cost to Britain of investing in higher education in Upper Canada was paltry in light of its potential gain. In comparing the prospect of the university which he was recommending for Upper Canada, to one already considered for Bermuda, Simcoe argued that

the *quid pro quo* of providing investment in Upper Canada far outweighed that of investing in Bermuda. His argument was presented to no avail.

Simcoe believed that the university should, in the first instance, be staffed by professors from England, but only as an initial step, for he perceived, astutely, the failure of the authorities in England to comprehend how very different the needs, manners and habits of North American settlers were from those in Britain. He suggested in his letter to Bishop Mountain that the few men who should be encouraged to come to Upper Canada to teach at the university should be “pious, learned men, of just zeal and primitive manners” who would be offered “sufficient inducement to make them support this honorable banishment with cheerfulness.”¹¹ The Bishop, therefore, he believed, should not be too insistent on the academic qualification of early candidates for ordination, but should place great emphasis on “marks of religious disposition and proofs of morality.”¹²

It is interesting to note that although Simcoe was quite clear about some of the significant differences between Britain and Upper Canada, he apparently never perceived that it was not only the needs, manners and habits of the settlers which were different, but that there was a fundamental difference in the lack of parallel institutions and class structure which would prove impossible to replicate in the new colony. Perhaps he also failed to recognize the powerful and sweeping winds of change leading towards the establishment of fundamentally different democratic ideals and practices. This tension between conservatism and democratic reform and the absence of a social structure and established Church which could provide parallels to the

House of Lords and the university system in England remained “difficulties” during the entire history of King’s College and impediments to its early progress.

Late in 1795 Simcoe applied to the Duke of Portland, then Secretary of State, for a leave of absence on grounds of ill-health, and arrangements for his leave were completed in the middle of the following year. In August 1796 Simcoe left Canada—not, as he intended in requesting a leave, for a temporary respite, but, as events developed, never to return to Upper Canada. Towards the end of his tenure, Simcoe expressed great disappointment with the inaction of the Imperial Government on the establishment of a university for Upper Canada. In February 1796, he wrote to the Bishop of Quebec stating that he had “scarcely the smallest hope” of the government of the province finding essential support for a university from the British Government and he lamented that although he had no hope of seeing a University established, he was “daily confirmed in its necessity.”¹³

Simcoe’s gloom was reinforced by a despatch from the Duke of Portland two months before his departure. In it, the Colonial Secretary offered limited provision for the maintenance of school masters in the province, but indicated the view of the home government that the current state of Upper Canada required only that students learn reading, writing, accounting and mensuration. In the same despatch, Portland wrote that “with respect to a public school of a higher order, where the Greek and Latin languages, and some other branches of learning may be taught,” suitable establishments were already available in Montreal, Quebec and Nova Scotia.¹⁴ This position only emphasized further the British lack of understanding of the tremendous difficulty of travel in the young colonies and the significant difference of opinion regarding the

role which the colonies should play. The British government, intent upon the military value of the Canadas, not only remained unconvinced of the need for a university in Upper Canada, but viewed the educational needs of the province as being merely rudimentary.

Although, during his brief term of office, Simcoe had established the rationale and put forward the reasons for establishing a university immediately, he had also contributed to the confusion over its role and function. The Constitutional Act of 1791, had left open the interpretation of its term "Protestant Church." Simcoe had assumed that the Church of England was to become the established church in Upper Canada and some of the despatches sent to him from the colonial office had tended to reinforce his view. Simcoe was convinced of the immediacy of the need for a university. But despatches from Westminster indicated that a university was less important to the colony than the development of elementary and grammar schools, a perception which was growing in the colony as well, and Simcoe had been unable to persuade the Colonial Office to the contrary.

In fact, the history of the legislative attempts to establish a university is closely interwoven with efforts to establish common and grammar schools. Questions of church establishment versus religious pluralism, conservative politics versus reform, the fundamental role of a university versus demands for universal education, the funding of centralized excellence versus the right to local access, plus perplexing questions regarding the equitable distribution of available funding plagued the colony for decades after Simcoe's departure. The attempt to determine a satisfactory and commonly acceptable philosophical foundation for the proposed

university involved a wide variety of contenders with very limited progress in the ongoing debates.

An Endowment Granted

The next step in the history of Kings College was taken by the Upper Canada Legislature shortly after Simcoe had departed. Concerned about the future of education in their province, the members of both Houses of the Legislature formulated and despatched an address to the Crown recommending that a fund be established for education in the province.¹⁵ The address proposed that the King, in view of the substantial benefits to be gained by the province, direct the legislature of Upper Canada “to appropriate 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.”¹⁶ In formulating this recommendation, the members of the legislature were reflecting expressions of growing concern for education in the colony. This concern would eventually manifest itself in an Act which provided for the establishment of at least one grammar school in each district of the province, an act that was the first in British North America to begin creating the infrastructure for a government-supported provincial system of education, from elementary schools to university.

The response to the legislature’s request from the Duke of Portland, Colonial Secretary, on November 4, 1797, indicated the willingness of the Imperial Government to comply with the wishes of the legislature and set the stage for discussions about the endowment. Since the

wording of Portland's despatch is critical to an understanding of much of what transpired regarding the development of King's College, it is important to examine the text of his message. It began by stating that the request of the legislature for an endowment to support education had been granted and continued as follows:

In the furtherance of so important an object as the instruction of youth, and to assist and encourage the exertions of his Province in laying the foundation for promoting *sound learning and a religious education*, [His Majesty] has condescended to express his most gracious intention to comply with the wishes of the Legislature of his Province of Upper Canada in such a manner as shall be judged to be most effectual—

First by the establishment of *free* grammar schools in those districts in which they are called for; and

Secondly, in due course of time by establishing other *seminaries* of a larger and more comprehensive nature, for the *promotion of religious and moral learning*, and the study of the Arts and Sciences.¹⁷ [my italics]

With respect to the details of the endowment, Portland deferred a decision pending recommendations from Upper Canada. He advised Peter Russell, Administrator after Simcoe's departure, to consult with the Executive Council and the Law Officers of the Crown to prepare advice about how much land should be appropriated and how the appropriations might be determined. A committee of the Executive Council and the Law Officers was appointed in November 1798 and began its deliberations immediately¹⁸. Concluding that it was preferable to overestimate their needs rather than to underestimate them, the committee set about developing a suitable proposal and their report recommended that four schools and a university be established in the province. Although there was some disagreement about whether all four schools identified in the report should be undertaken at once, the position ultimately agreed to was that two schools should be opened as soon as possible, one at Newark and the other at Kingston. The two others,

at Cornwall and Sandwich were to be begun as soon as the Lieutenant-Governor in Council agreed that they were necessary and the requisite funding was available. General agreement was reached that a sum of £3,000 per school would provide for the required structure, apparatus, and books and that an annual income of £180 would provide sufficient funds for each school. Two or three supplementary reports argued for the establishment of all four schools at the outset and for a greater sum of money for each school. It seems, in the wisdom of hindsight, somewhat peculiar that the committee seemed to take so little notice of future immigration, expansion, and population growth, and the much increased need for educational facilities these factors would produce. It is not entirely clear whether the members of this advisory group assumed that grammar schools would meet the needs of students from their first instruction to university entrance, or whether they simply overlooked the need for local common schools for very young children.¹⁹

On the matter of the university, committee members were unanimous. York was the most suitable location for a provincial seminary. Several reasons for this choice were presented in the report: York was the seat of the Executive Government, the legislature and the courts of Justice; York was the most convenient spot in the Province for all general purposes, on or very close to the proposed high road leading from one end of the Province to the other, and easily accessible by water. Most important for the history of King's College, the Committee was unanimous in recommending that the provision made for the university should "be at least equal to that for the four schools taken together."²⁰ It should be noted at this point, that the committee, in determining that half of the endowment be directed to support schools while an equal amount be

dedicated to the university, implicitly reinforced the original request of the legislature for funding for one university, while ignoring the wording of the despatch from the Colonial Office offering an endowment for more than one college.

The committee considered a number of alternatives for raising the necessary subsidy for the schools and the university. Four scenarios were considered: first, the sale of enough land to produce an annual income of £180 in interest; second, reserving enough land to produce £180 annually in rent; third, appropriating enough Crown reserves to yield £180 immediately through rental income; and fourth, selling a portion of the waste lands and using the money to purchase lands which would begin to yield annual rental income immediately.²¹ In the end, members agreed that the first option had the clear disadvantage of providing decreasing value from an income required in perpetuity and would require the sale of a huge quantity of land to provide £180 annual interest at an investment rate of 5% per annum. Their concern with this option was based on the fact that the real value of interest income would decrease and so this option was discarded.

Of the remaining three options, the Committee concluded “that of reserving a portion of waste lands and leasing them at a rack-rent [was] incomparably the best both because it [was] the cheapest and because it [left] the fund of Crown Reserves from which other public purposes of the Province may later be supplied untouched.”²² The problem with this option, however, was that because of the remote location and lack of development of much of the waste land, there was very little probability of deriving any substantial income from the sale or rental of any of the lands in the near future. To serve the immediate needs of their proposals, therefore, the

Committee suggested the appropriation of more valuable Crown lands which would yield sufficient sale and rental income in the short term to permit schools to be established. In case of a shortfall, the fourth option could provide an immediate solution.²³ This discussion of how to convert the endowed land which was actually available into effective use for the university was the precursor of many such discussions to follow.

The final recommendation of the Committee was that an appropriation of 500,000 acres of the waste lands of the Crown (or the land in the equivalent of ten townships after deduction of the Crown lands and Clergy Reserves) would provide sufficient income for the establishment of the four grammar schools and the university.²⁴ Peter Russell forwarded the report immediately to the Duke of Portland, ordered that the Surveyor-General select ten suitable townships and the Engineer attend to the valuation of a property for a school to be established at Newark. Thus, the first practical step in transforming the university vision into reality was taken. Income from the sale or lease of approximately 250,000 acres of land was expected, in due time, to provide funding for the establishment of a university and its perpetual support.

Thus, by 1797 authority for the development of a relatively complete system of education and the source of funding for it were in place. But despite these auspicious developments, it was almost thirty years before any practical proceedings to found a university were initiated.

The Endowment and its Legacy

The words which have been italicized in the quotation from Portland's despatch cited above contributed to the ongoing delay, controversy, interpretation, and misinterpretation of the

message for many years afterwards. The concept of combining “religious and moral learning,” with education in arts and science, questions about whether more than one seminary should be established, the issue of whether grammar schools should or could be “free,” and the assumption that “first” and “secondly” necessarily required sequential action prompted discussion and debate for decades.

The concept of combining “religious and moral learning” with education, as recommended in Portland’s despatch, was almost universally supported by the colonialists. The problem was how to institute such a program. Unlike the situation in Great Britain, where Benthamites and Dissenters had for some time sought to disentangle religious commitment from education, the vast majority of comments recorded about the university in Upper Canada expressed a profound conviction that the Christian religion should permeate society and most particularly that it should infuse all levels of education. It is not, therefore, too surprising that when the Baldwin Act of 1849 separating education from religion was passed into law, the early proponents and founders of King’s College found it completely unacceptable. Moreover, that solution soon proved unworkable as Methodist, Church of Scotland and Church of England authorities all objected to its terms and refused to participate. At the same time, other religious groups wanted to see higher education separated entirely from religion if it could not be integrated with their own particular denominational views. The problem was exacerbated by the divergence of views among sectarian interests over the most effective and equitable way of distributing the funds available for higher education.

What occurred was a great deal of debate, some of it quite acrimonious. From 1827 on, opposition to the charter, based on hostility toward what appeared to be the control of the university endowment by an established church increased steadily. Over a dozen proposals for resolving the university question claimed to satisfy the requirements set by Portland for the promotion of “sound learning and a religious education,” though not all did. Some initiatives attempted to incorporate a variety of denominational approaches to the religious and moral education of students. Others aimed to eliminate the contentious religious factor almost entirely from the university. The latter argued, not that religion ought to be excluded from the education of students, but that religious education could be provided on the periphery of the institution by parents and the clergy of all denominations as was argued by the founder of the London University. Denominational control of religious education was opposed by many while at the same time, interdenominational rivalry for overall equality of financial support flourished. Yet when a logical division of support was proposed, both the smaller religious denominations and the population at large rejected it vociferously. How the concept of “promoting sound learning and a religious education” was to be structured and funded became the most contentious and durable issue emanating from the terms of Portland’s despatch.

The argument was further confused because of the singular use of the word “seminary” in the original request and response as opposed to the use of the plural “seminaries” in Portland’s reply. In expressing appreciation for the generosity of the Crown, on July 21, 1797, the legislature again referred to “a College or University, where the youth of the country may be enabled to perfect themselves in the different branches of liberal knowledge.”²⁵ Vigorous dissent

flourished about whether it was possible that one university could support all denominations with a generic approach to Christianity, or whether one non-sectarian university where the teaching of religion was proscribed would serve the community best, or whether a series of independent or associated institutions representing a variety of denominations would be the most appropriate model. Unanimity on this issue was never achieved largely because of the failure of the politicians, religious leaders and general population to examine the meaning which Portland may have had in so carefully using the plural “seminaries” in his despatch.

Yet another controversial issue couched in the wording of Portland’s despatch was the use of the terms, “first” and “secondly.” By as late as 1843, the importance of the sequential development implied by “first” and “secondly” as well as by the phrase “in due course of time,” was still causing dissension among supporters and opponents of King’s College.²⁶ Arguments centred on the fact that although the intention of the Crown had been to establish free schools throughout the province before turning attention to the establishment of a seminary of higher learning, no *free* system had yet been established. In addition, a further complication arose when it became apparent to the legislature through petitions from the inhabitants of the province that common schools were of equal, if not greater, importance than the grammar schools referred to in Portland’s despatch. Hence, attention was focussed for many years on the issues surrounding the founding of grammar and common schools, leaving the university question largely unresolved for some two decades.

Some of the contentious views about common and grammar school education arose because early schooling in Upper Canada had been initiated and based on very informal and varied

standards. By the year 1800 an act to provide for the education, support and apprenticeship of orphaned children had been passed and it is probable that about twenty-five schools had been founded. The author of a review of British North America published in Baltimore in 1814, however, listed only three efficient and effective grammar schools in Upper Canada, those of Barnabas Bidwell at Bath, John Strachan at Cornwall, and the Reverend John Burns at Niagara.²⁷ Schools were advertised in the local newspapers and initially required no authority other than the willingness and innate ability of the teacher. They were established not by the communities, but by individuals who developed programs according to two main criteria: their own perception of the needs of the community, and the experience and expertise of the available instructor. Consequently, a wide variety of standards existed in an equally wide variety of schools as reflected in newspaper advertisements of the period referring to evening schools, liberal arts schools, Sunday schools, boarding schools, girls' schools, boys schools, coeducational schools and others.²⁸

As might be expected, concern for standards of instruction for the pupils and certification of expertise for the teachers soon became a focus for attention among many of the inhabitants of the province. Such concerns led some to conclude that a university providing education leading to certification of teachers was as essential to the province as the schools themselves. There was criticism of many of the peripatetic and poorly qualified teachers, and of the great variety in the quality of instruction and fees charged. By 1804 various proposals for a bill to provide grammar schools in each district of the province were being considered and eventually, in March of 1807 the Public School Act was passed. The Bill contained provision for a sum of £800 to be paid

annually towards the establishment of Public Schools, and a sum of £100 to be paid annually to every teacher in those schools.

Oddly and ominously, no mention was made of using the income from the lands endowed for the purpose of education to support the legislation passed in 1807. Teachers were to be paid out of the provincial treasury either annually or semi-annually on the authority of the Lieutenant-Governor. Ultimate control of school development fell into the hands of the Imperial Government through the office of the provincial Lieutenant-Governor who was responsible for the appointment of school trustees and had ultimate authority for the appointment of teachers nominated by the trustees. This principle of authoritarian control vested in the Lieutenant-Governor was to be very seriously challenged by the time the first charter for a university was acquired.

By the beginning of the War of 1812, the province had a Grammar School Act, but still had no provision for common schools to prepare students for the grammar schools or a university to receive matriculants and to train teachers. The war and the recession which followed temporarily deflected both resources and attention from the issue of education. But the subject soon regained the interests of both politicians and local inhabitants as a result of weaknesses in the Grammar School Act of 1807. The few grammar schools which had been founded were often far distant from many of the settlements they were designed to serve, and, therefore, precluded attendance by many, if not most, of the children in the province. Since the focus of grammar schools was on preparation for the professions and further education at a university, they were often seen as benefiting only the well-to-do inhabitants while the poor remained without educational facilities

for their children. No provision had been legislated for establishing local elementary schools to provide basic education in reading, writing and arithmetic in preparation for the grammar school curriculum. Moreover, the endowment remained idle while education required vital support and the grammar schools were still not *free*. The failure to establish free schools was raised regularly by those opposed to the university charter issued in 1827. They argued that as long as the grammar schools were not free, one of the fundamental preliminary requirements of Portland's despatch had not been fulfilled. Hence, the second proposition, that of establishing a university, could not properly be implemented.

Sharp differences of opinion between the Assembly and the Council further slowed progress towards the establishment of a university. While the Assembly favoured complete repeal of the grammar school legislation and the substitution of a new common school act, the Council favoured extending and broadening the legislation already in place, perhaps for fear of losing the grammar schools altogether in the exchange. As a result, no satisfactory solution to the school question was arrived at, and no proposal for a university was put forward. Worse still, the philosophical division between the Assembly and the Council over the issue of grammar schools created, in the minds of many, an erroneous perception that there was an irrevocable division between the elite who were interested only in the grammar schools and a university, and the interests of the common inhabitants of the province. The corollary to this view was an interpretation that the so-called "elite" could not and would not support the needs and interests of the majority of the inhabitants of Upper Canada.²⁹ It remained for Sir Peregrine Maitland, Lieutenant-Governor from 1818 to 1828, to attempt to overcome these obstacles by confirming

the university's right to the endowment granted in 1797, establishing a General Board of Education with a mandate to consider educational issues, and proceeding with the university project. But the manner in which he proceeded, tended more to confirm the suspicions of elitism than to allay them.

There are two peculiarities about the report of Russell's Committee. The first is that the committee apparently paid little attention to the wording of Portland's reply. No evidence exists that the committee examined issues of immigration and expansion in their deliberations. Nor is there any evidence that its members even considered the idea of developing more than one university in the province. Although the members of the committee were clearly looking to the future and specifically determined not to underestimate the province's need, the report was predicated on funding only four schools and one university. One half of the endowment was to be dedicated to the support the four schools and the other half to finance a university, leaving nothing for future expansion. It remains difficult to understand why the committee did not foresee that schools would soon be required in more than four districts and why they did not make provision for that eventuality.

The second peculiarity is that there is no evidence beyond the recommendation for establishing two schools immediately and two when required, that any further action was taken regarding the endowment. For example, no plan was prepared for using it to provide *free* grammar schools; no resolution was attempted between the terms of the provincial request and the terms of the grant; no plan was developed using Portland's despatch as a guideline, or alternately, requesting suitable alterations to the conditions from the Colonial Office; and no plan

was sketched for the founding of a university, or the vision of integrating “moral and religious learning” with the study of arts and sciences. The Imperial Government, therefore, had no reason to anticipate the controversy over the university in which it was about to become embroiled. It was ten years before the colonial legislature enacted grammar school legislation and longer before the university charter was acquired, sufficient time for institutional memory to have faded.

When Sir Peregrine Maitland took office in 1818 Peter Hunter and Francis Gore, the Lieutenant-Governors who followed Simcoe, had done nothing to advance the cause of the university, although they did contribute indirectly to some of the difficulties faced by Maitland. Hunter had left office having reformed many of the administrative procedures and increased the efficiency of many of the administrative officers. He did so, however, largely as a result of his brusque peremptory and military manner and at the expense of his popularity.³⁰ Francis Gore inherited the animosity engendered by Hunter and set out to play the role of peacemaker. He, too, however, tended to bestow privilege autocratically and, in spite of advancing the province in a number of areas, including the passage of four education bills, he incurred the anger of prominent and sometimes influential enemies such as Robert Gourlay and William Lyon Mackenzie.³¹

Consequently, when Gore departed for England, he left behind an unsettled environment which may have played itself out in some of the difficulties encountered by his successor, Sir Peregrine Maitland. During Gore’s tenure there had been some difficulties between the two Houses of the Legislature over questions of monetary control. In the minds of many of the Assembly members, members of both the Legislative Council and the Executive Council were closely associated with the Lieutenant-Governor’s views and opinions and prepared to support

his views. Assembly members believed, therefore, that it was of the utmost importance that the Assembly, composed of representatives of the people, be given authority to make decisions especially with regard to financial matters. The Lieutenant-Governor, on the other hand, had no representative in the House of Assembly, and, therefore, no way of ensuring that his views were clearly stated or appropriately interpreted in the House. Communications concerning difficult issues were often tense and required interpersonal skills of the highest order. Often, Lieutenant-Governor Gore had seemed unequal to the task and, finally, rather than accepting a set of legislative decisions disagreeable to him, Gore prorogued Parliament to thwart offending legislation.³² He thus departed Canada leaving his close associates and his successor a troubled legacy, and leaving the university question no further along in its path to resolution.

CHAPTER THREE THE UNIVERSITY CHARTER PROPOSED AND ACQUIRED

During the ten years from 1818 to 1828 that Sir Peregrine Maitland was the Lieutenant-Governor of Upper Canada, it appeared that plans for a university in Upper Canada would come to fruition. Although Maitland instigated some strong initiatives, however, the university did not come into being during his term of office, partly for reasons having to do with the Lieutenant-Governor himself. Early in his term of office, Maitland became a prominent and popular figure. He took steps to improve the province's infrastructure, worked towards the development of provincial resources, and established a system of education and a general hospital at York. Later, however, several factors conspired against him. Some of his efforts were curtailed by economic recession and some by a growing tendency to carry out his responsibilities in a way increasingly perceived as autocratic. Sometimes biting criticism from radical reformers such as Robert Gourlay and William Lyon Mackenzie prompted a response which sounded extremely authoritarian and generated further animosity and criticism. For example, Maitland's response to the resolutions presented to him from a convention organized by Robert Gourlay was to refuse to deal with any of the recommendations, on the grounds that the only legitimate input from the inhabitants of the province must be derived through their representatives legislature.¹

On the other hand, Maitland was much more open with both houses of the legislature than either his successor or his predecessors. Whenever he was asked for information, copies of

despatches, and other documentation, he regularly furnished the information quickly and in full. It was, perhaps, his conservative disposition combined with his understanding of the British encounters with vociferous and even violent reform activities which led him to overreact to confrontation with the likes of Gourlay and Mackenzie and to align himself very closely with the conservative leaders in the community. On the whole, however, Maitland was a concerned administrator whose objective was to support progress in the province and to protect its inhabitants from disruption and disloyalty. Certainly, he made some errors in judgement, but it was under his leadership that the university charter was requested and acquired, the university endowment confirmed, the waste lands of the original endowment exchanged for more valuable crown lands, and the site for King's College acquired.

Although Francis Gore had left a legacy of discord and discontent, particularly in the House of Assembly, he had also left a more positive legacy in the education bills which were passed during his tenure. Enacted in 1807, 1808, 1816, and 1817 these bills provided the much needed foundation for a provincial system of grammar school and common school education. Hence, Maitland, though challenged by some aspects of these bills and related controversies was freer than his predecessors had been to turn his attention to the university question.

Sir Peregrine Maitland and the Charter of the University

Early in his tenure, Maitland decided to support the projected university. Soon after his arrival in Upper Canada, he recommended that provision be made for representation in the Legislature for the anticipated university constituency. The recommendation was approved by

both Houses although, because the legislature was prorogued, the bill did not become law until 1820.² The university's right to representation in the legislature legally existed for twenty-one years, although it was never actually implemented since the provision for a university seat was eliminated in the Act of Union of 1841, two years before the university actually began operation. Although this particular legislation remains unimportant in the history of the institution, it does provide an indication that Maitland's basic assumptions were that the provisions for a university should be patterned on the British model of Oxford and Cambridge where representation in the legislature was an embedded right. Three decades later, the university was to be transformed completely into a model of the University of London in a way which would have astonished Maitland.

After the success of his first initiative towards establishing a university, Maitland addressed two more issues: the state of the grammar schools which would supply students to the university and the acquisition of the necessary endowment for the university. In 1822, he submitted a plan for a general system of education to Westminster. The system was to be funded out of income from the endowed lands³ and it is interesting to note that this was the first official attempt to make use of the twenty-five year old 1797 grant of lands for the support of schools in the province. Maitland, however, was not entirely certain that the despatch from the Duke of Portland in 1797 was specific enough in its directions to sanction particular grants to the new university and he had already raised this matter with his Executive Council and requested that a Committee study the issue and give him their recommendations. The Chair of the committee, Chief Justice, William Dummer Powell, reported to Maitland on January 7, 1819 that the

committee had had no difficulty in deciding that Maitland was correct. Because no specific response to the request for university endowment had been received from England, there was, indeed, no specific sanction for the sale or rental of waste or Crown lands on behalf of the proposed university. The grammar schools had already been provided for by the legislature, and, therefore, the committee also concluded that no further provision for them was required from the 500,000 acres of endowed land. While the committee was quite correct in their assessment, they failed to consider or report on the fact that although the 1797 despatch from the Colonial Office had indicated that *free* grammar schools were to be established as the first step in the development of an educational system, there were still no free grammar schools. Nor was there any immediate prospect of establishing them. This failure to execute the letter and the spirit of Portland's despatch continued to haunt the university and, had the entire 500,000 acres foolishly been devoted to the university, the opposition of the Assembly would undoubtedly have been even more fierce than it actually became.

The amount of money thought reasonable by Peter Russell's Advisory Committee in 1798 was deemed very inadequate by Maitland's 1819 Executive Council whose estimates of cost included "a sum not less than ten thousand pounds (£10,000) to erect a suitable building and provide a library, philosophical apparatus and a botanic garden."⁴ They calculated that the operating expenses would require £4,000 annually and that it would be proper that "a sale of land should be made from time to time to meet with security, the exigencies of the establishment, until the revenue will supply the annual expenditure."⁵ Possibly foreseeing the difficulty of managing the endowment, the Executive Council recommended the formation of a permanent

commission “to sell and lease the land, and manage its revenues, under the direction of the Executive Government.”⁶ Unfortunately, this recommendation was not acted upon and the burden of land management was left to encumber the university Council and the Bursar’s office.

By 1822 Maitland had drafted a letter to the Colonial Secretary, Earl Bathurst, suggesting that “much good might be effected by the organization of a General System of Education, an object to which might be applied the proceeds of the sales of some portion of the lands set aside under the title of “School Reserves.”⁷ Bathurst’s reply of May 1823⁸ indicated willingness to comply with the recommendations outlined by Maitland and requested that the Executive Council give the matter their early attention. Immediately, Maitland set out to name a board, to assign it the task of general supervision of education in the province, and to fund its operations out of the university endowment. The members of the General Board of Education so appointed were John Strachan as Chairman, Joseph Wells, George Markland, Robert Addison, John Beverley Robinson the Attorney-General and Thomas Ridout the Surveyor-General, and the Board’s first meeting was held on June 14, 1823.

In Maitland’s view, the purpose of the Board was to superintend education in the province by integrating the work of the entire school system and making recommendations to Maitland for a program of higher education. The Chairman was to function as general superintendent, visiting the schools, conducting the correspondence of the Board, preparing reports and policy plans and generally undertaking the administrative responsibility for the Board’s activities⁹ and in return for carrying out his onerous responsibilities was to receive an annual stipend of £300. In addition to its supervisory responsibilities, the Board was faced with the fundamental issue of how to

finance the capital expenditures and annual operating budget required to establish a university. Since the waste lands of the Crown which had been set aside for the university were, for the most part, unproductive and remote lands, no significant income would be available from them in the near future. Therefore, on December 19, 1825, Sir Peregrine Maitland applied to the British government for permission to exchange the waste lands of the endowment for some of the more productive Crown lands as had been recommended in 1798 in the Legislative Council's report to Peter Russell.¹⁰ Specifically, he noted that about 450,000 acres of the endowed lands were either so remote or of such poor quality that there was no possibility of selling them to produce income for the university and he requested an exchange of these lands for 200,000 acres of Crown reserve land already occupied and productive.¹¹ No formal reply to Maitland's request was received for almost one and one half years, until the end of March 1827, just after the royal charter had been granted.¹²

The General Board of Education and the University: 1823-1833

At the first meeting of the General Board of Education, members reviewed relevant documentation and began to formulate their objectives and plans. Maitland's request to Bathurst had outlined a general plan for the Board¹³ and the prospect of exchanging some waste lands of the endowment for more productive crown lands had engendered the possibility of bringing the long discussed university into being. In March 1825 with this objective in mind, John Strachan, as Chairman of the General Board of Education, submitted on behalf of the Board a proposal for establishing a university in Upper Canada, noting that although the province certainly required

more common schools, the 340 schools already established had begun their job of providing sound primary education to the province's young children and that the grammar schools then functioning were sufficient to provide a reasonable number of well-qualified students for a university.

Strachan and his Board believed passionately in the power of education to shape the lives of its students and to shape the future of the community. Like Simcoe they believed that suitable educational programs could provide the colony with leaders to nurture its ties to Britain and avert sympathetic response to the republican ideals of the United States. They believed that the mandate of the General Board of Education was to provide the province with a complete and integrated system of education including a university. The report argued that serious consequences could be anticipated from the fact that there was no "English Seminary above the rank of a good school, at which a liberal education can be obtained" in either Upper or Lower Canada.¹⁴ Lawyers destined to hold public office and exercise leadership roles in the colony were being trained elsewhere, often in the United States, and at least three-quarters of the doctors in the province had been trained elsewhere. The enormous cost of sending students to university in Great Britain and the danger of American republican influence at schools in the United States combined to daunt both parents and scholars. By way of contrast, the report pointed to Nova Scotia, a colony with almost the same population as Upper Canada, where two colleges were already in operation.¹⁵

Strachan's convictions about university education were founded on several principles. Students should receive a broad liberal education to prepare them not only for specific

professions like law and medicine, but for citizenship and responsible leadership as well. Such an education would also provide “a line of discrimination between the Canadians [Canadas] and the United States founded upon different manners and modes of thinking.”¹⁶ As early as 1812, he had expressed the view that “there should be no religious test imposed upon the students, that Catholics may attend the lectures.”¹⁷ Strachan was convinced that the Scotch and German university models were more suitable to Upper Canada than the English because they were more efficient in the delivery of education and better suited to the economic conditions of Upper Canada¹⁸ and that the first professors and instructors in a university in the Canadas should be from Upper or Lower Canada. In this respect, he commented that “gentlemen” accustomed to the English universities might have an abundance of learning, “but the industry, the labour (I may say drudgery) and accommodation to circumstances cannot be expected from them.”¹⁹ Strachan had always had a concern for the poor and frequently insisted that scholarships not only at the university level, but also at the grammar school level should be instituted to ensure university access to capable children of families unable to afford education for their children. Both grammar school and university curriculums should be broad enough to provide for a liberal education and to provide a sufficient range of courses that each student would be able to find a subject particularly attractive and one at which he could excel.

A brief sketch of Strachan’s modest plan for the university was attached to his report to Maitland in March 1825. Provision for six professors, a library, a botanical garden, laboratory equipment, scholarships and staff was included and the proposed budget was unpretentious.²⁰ In commenting on his draft budget, Strachan noted several interim possibilities. He acknowledged,

reluctantly, that the scholarships, though urgent, might have to be deferred until satisfactory funding could be obtained. The functions of a librarian might be temporarily assumed by some of the senior students, although the library allocation itself was essential. Because the responsibilities of the President would not be onerous for some period Strachan suggested that in the interim, the President could assume the responsibilities of a professorship and, in this way, a salary could be saved.

The course of study outlined in the prospectus was intended to be merely suggestive of what might be offered. The list of possible courses included classical literature, English composition, both practical and theoretical mathematics, science including botany, chemistry and physics, moral philosophy, divinity, surgery and anatomy, civil and public law. Unfortunately, for the future of the debate, Strachan recommended that the university “be made to assimilate as much as possible with Oxford and Cambridge,”²¹ a reference which helped to cast grave doubt upon Strachan’s subsequent and frequent defence of the open policy of the institution. Taken in context, the statement must be regarded simply as a measure of the excellence he envisioned for King’s College. It is congruent with this position that the proposed seminary be established by a royal charter which would not only lend dignity to the university, but also permit the awarding of academic degrees according the standard of the chartered universities in England. That is, Strachan was simply acknowledging an internationally respected standard of excellence with his reference. Perhaps the same reference from a source other than Strachan would have been less suspect and less odious to the majority of the population.

One of the major difficulties in Strachan's discussions of the university, both before and after its establishment, lies in his twin assertions of what others considered conflicting qualifications for the university. The first of these convictions was that the institution must have a coherent and consistent philosophy in order to operate effectively. This coherent and unifying philosophy was to be achieved through the implementation of a regulation that the President and members of the College Council should all be members of the Church of England. The second and underlying principle was Strachan's view that the state and its established Church were the two solid pillars on which society was founded, and that their roles were of necessity mutually supportive. He believed that "in every well-ordered state there should be an established church to perform certain functions,"²² and that one of those functions was education for citizenship. This principle was consistent with Strachan's view that one of the primary functions of a university was to prepare its students for leadership roles in the colony by to inculcating and reinforcing through education a respect for the constitution and the traditions of Great Britain.

A few months after delivering his report to the Lieutenant-Governor, Strachan was delegated by him to travel to London to negotiate with the colonial office and the imperial government on several matters of provincial concern: immigration, the exchange of endowment lands as recommended by Maitland several months earlier, and the acquisition of a royal charter for a university in Upper Canada. The specific catalyst for this trip, according to Strachan's biographer, Alexander Neil Bethune, was the failure of the colonial office to reply to Sir Peregrine Maitland's request of December 1825 for the exchange of the unproductive university lands for crown lands.²³

Strachan set off from York in mid-March 1826 and arrived in London at the end of April. There he immediately began discussions with Earl Bathurst, Colonial Secretary, Robert Wilmot Horton, the Undersecretary of State for the Colonies, and James Stephen, the legal adviser to the Colonial Office. At the opening of King's College in 1843, Strachan referred specifically to the prodigious contribution each had made to the granting of the charter, noting that "it [the matter of the charter] was not hastily settled. It was nearly a whole year under deliberation. It was repeatedly referred to the Archbishop of Canterbury, the Most Reverend Dr. Manners, who doubted the propriety of assenting to an instrument so free and comprehensive in its provisions."²⁴ The charter which Strachan wanted was not the charter of Oxford and Cambridge, it was a charter much more suitable, in his view, to the colony of Upper Canada, the charter of an institution imbued with Christian principles, congruent in the views of its management, but absolutely open to every student in the province who demonstrated the ability to matriculate. It was a charter more liberal than any before granted, too liberal in the views of Canterbury, yet, as events would soon demonstrate, too narrow for Upper Canada.

What probably led to more intense controversy than the religious requirements, however, was the letter which Strachan wrote soon after his arrival in England to appeal for support of the prospective university. The opening sections of his appeal were innocuous. They outlined the current state of education in Upper Canada and the rationale for founding a university there. What caused the difficulty was the closing statement and the appended "Table of the Religious State of Upper Canada as it Respects the Established Church." The table, copied from Strachan's earlier chart made in Britain in 1824, provided statistics representing a larger proportion of the

population of Upper Canada as belonging to the Church of England than was accurate. The appeal for support closed with these words:

It is chiefly on religious grounds that this Appeal for the University of Upper Canada is made, which, while it offers its benefits to the population, will, for a century to come, from the peculiar circumstances of the country, be essentially a Missionary College, and the number of clergymen which it will be called upon to furnish will be more than double what any other profession can require.²⁵

The uproar which resulted from these words and the chart which accompanied them indicates that Strachan was extremely unwise to use them. It seems only fair to him, however, to note that interpretations other than the conclusions drawn by Strachan's critics are possible. Only if one assumes that Strachan was extremely self-serving or dishonest is it possible to conclude that he was merely concealing the fact that what he had planned all along was simply a missionary college at public expense. The facts do not bear out such an interpretation of Strachan's motives. In the first place, he was always open about his intentions and direct in his confrontation of adversarial views. He undoubtedly believed the figures he copied from his 1824 chart to be correct and a useful adjunct to his fund raising letter. In the second place, Strachan actually visualized a university which would provide an excellent liberal arts education for all of its students while providing at the same time and in the same institution, religious training and education for missionaries and other clergy. In his letter of appeal for funds, Strachan noted that the university in Upper Canada would have to fulfil in one institution the roles supported by two distinct Indian universities. He pointed out that Bishop's College at Calcutta for the education of the clergy, was able to confine its program to divinity because of the existence of "another

seminary supported by the East India Company, where laymen can acquire an academical education.”²⁶

The Royal Charter for King’s College at York granted March 15, 1827 was the most liberal university charter which had ever been issued at Westminster. Previous charters granted by the British Crown to North American colleges had required both faculty and students to subscribe to the Thirty-Nine Articles of the Church of England. The charter for King’s College did not contain such requirements. On the other hand, it did appoint the Reverend John Strachan as President, the Bishop of Quebec as Visitor, and fixed a requirement for all members of the College Council, including the professors who served on it, to subscribe to the Thirty-Nine Articles.

Strachan himself expressed doubts about the restrictive clauses in the charter he had acquired. Neil Bethune, Strachan’s friend, student, associate, and protégé made note of these concerns in his memoir of the Bishop. On his return from England, Strachan confided to Bethune that there was an “unwise and needless stringency in some of the provisions of the charter.”²⁷

Dr. Strachan himself affirmed, on his return from England, that he had expressed to Lord Bathurst his objection to the provision that the Archdeacon of York, for the time being, should be *ex officio* President of the University; and he stated also his doubts as to whether it was judicious to require from members of the College Council, subscription to the Thirty-Nine Articles.²⁸

In his personal copy of the charter, Strachan noted amendments made to the official wording in 1837 and which parallel the concerns outlined by Bethune. If Strachan was unhappy with the clauses as indicated, however, it is curious, though not out of character, for him to have defended the charter as issued in the face of so much opposition.

By the time Strachan sailed for home, even the matter of a grant for capital costs was settled. In a despatch to Peregrine Maitland²⁹ Bathurst expressed satisfaction that a royal charter had been granted for the university, that the new institution had been named King's College, and that a grant of one thousand pounds per annum had been allocated from the income of the Canada Company for the capital cost of the buildings. In addition, Bathurst's despatch authorized Maitland to exchange such Crown Reserves as had not already been ceded to the Canada Company for an equal portion of the lands set apart for the purpose of education and foundation of a University³⁰ as had been suggested in Maitland's message to Bathurst in December 1825.³¹ Further, Bathurst authorized Maitland to endow King's College with these crown reserves as quickly as possible. Strachan, therefore, returned home from his mission expecting to proceed immediately with arrangements for the university, but what transpired was significantly different from what he had imagined.

The Upper Canadian Response to King's College Charter

In the fall of 1827 a small announcement appeared in the *Upper Canada Herald* noting the granting of a university charter and listing some of its clauses.³² The article, headed "The University" appeared in a half column on page three. Noting that the editor had been "politely favored with a copy of *The Charter of the University of King's College, at York, in Upper Canada,*" the column listed thirteen points of interest. These included the information that the Bishop of Quebec was to be Visitor, the Lieutenant-Governor the Chancellor, and the Archdeacon of York the President. Members of the College Council were to sign the Thirty-Nine

Articles, but there were to be no religious tests required of matriculants except for candidates in Divinity. Several of the other points reported concerned the name of the new university, its corporate functions, quorums and the like. No commentary or notation accompanied this article.

A few days later a similar article appeared in William Lyon Mackenzie's *Colonial Advocate*, with the same thirteen points of information about the charter.³³ This time, however, there was implied editorial condemnation. The article began with a question: "Can such charters be given by the king in U[pper] C[anada] without the consent of parliament?"³⁴ Various phrases were italicized, among them, *The President to be a Clergyman in Holy orders of the Church of England; The Archdeacon of York, by virtue of his office, to be at all times President; the Chancellor to appoint seven discreet and proper persons; College Council to make Statutes, Rules, and ordinances for the good government of the College; and, save only that all persons admitted to any degree of Divinity, shall make the same declarations &c. And take the same oaths, as are required of persons admitted to any degree of divinity in the University of Oxford.* One passage was capitalized: *The College Council to consist of the Chancellor, President, and seven Professors, ALL OF WHOM MUST BE OF THE CHURCH OF ENGLAND, AND PREVIOUSLY TO THEIR ADMISSION INTO THE COUNCIL THEY MUST SIGN THE 39 ARTICLES.*³⁵ The clear intent of the article was to raise concerns about the role of the Lieutenant-Governor and the Church of England in the founding and control of King's College.

A few weeks later more direct commentary appeared in Mackenzie's *Advocate*.³⁶ In a letter signed "Everybody," a personal tirade against Strachan and a proposal for a campaign of petitions against the university appeared. The column was couched in emotional language

exploiting extreme hypotheses. In it, Strachan was accused of manoeuvring the Lieutenant-Governor into awarding him control of almost endless patronage. Moreover, the column alleged that through these multiple appointments, Strachan had also been granted power to exercise personal discretion. The powers allegedly consigned to him included selection of a candidate to represent the university in the legislature, appointment of teachers for all of the district schools, and professors for the university, and the power to exclude all but Church of England members for all offices.³⁷

Although the article was emotional and overdrawn, it did focus on several demonstrable facts. First, Strachan *was* an active participant and leader not only in the General Board of Education, and in the administration and governing body of King's College, but he was also a member of the Legislative and Executive Councils, an active participant in the development of policy issues respecting banking and trade, and a leader in all matters of the Church of England. He was a trusted adviser to Sir Peregrine Maitland and had earned the admiration and respect of virtually all of his former pupils from the Cornwall school, many of whom, like John Beverley Robinson, were active in government and commerce. Second, he reputedly *had* vacillated between the Church of Scotland and the Church of England, although the accusations thrown at him for his perceived abandonment of the one denomination for the other, such as the desire for self-aggrandisement, or an interest in public profile versus private worship, etc., do not really stand up against the facts.³⁸ Rhetoric such as that from "Everybody" asking "what can be expected from men so awfully inconsistent, except that Judas like work of carrying the bag and betraying their master" belittles the writers as much as, or more than, the object of their criticism.

The third point on which Strachan's critics were correct, was that the Ecclesiastical Chart contained incorrect numbers. Although several versions of this chart existed, all tended to serve Strachan's purpose in fund-raising from episcopal sources by exaggerating the percentage of Anglicans and downgrading the role of other denominations in the province. This submission of erroneous material by Strachan was either an egregious error, an exaggeration, a failure to update the facts, or a misrepresentation.

Three issues highlighted in the *Advocate's* column provided the material for the petitions which it solicited. The first was objection to the perceived control of the Church of England, exacerbated by the possibility of that Church controlling the appointment of a representative to the House of Assembly. The second was objection to the errors in the Ecclesiastical Chart(s) and accompanying letter soliciting support. And the third was the objection to the danger of children being suborned in their religious convictions. The rhetoric was strong and clear, "Against such an unjust monopoly, and such a prostitution to the exclusive benefit of one sect and party, of funds and means which ought or be applied to the general benefit of the whole province, the people and their representatives ought to remonstrate to the imperial government."³⁹ Thus, by early 1828, two radically different views of King's College existed: the view held by Strachan that the university would be open to all, would provide an excellent classical education, and also, but separately, would serve as a theological college for candidates for ordination in the Church of England; and the opposing view that Strachan had manoeuvred all participants to found a Church of England university, prejudicial to the interests of all inhabitants of other denominations.

The criticism of public funding for King's College purported, like many controversial political questions, to be a simple one: no public funding for a denominational college. Like most controversial political questions, however, the position was far more complex than the opposition to King's College acknowledged. The origin of the problem lay in the wording of Portland's despatch and in the lack of precise follow-up by Peter Russell's advisory committee in 1798. Perhaps, at that early stage, the participants simply assumed that the Church of England was the sole arbiter of how to integrate sound religious and moral learning with study in arts and science. In any case, the Russell committee bequeathed a difficult conundrum to its successors, one which became exacerbated by the increase in the number of denominations represented in the province, the number of vocal representatives of those sects, the founding of several universities, and the drive for representative government.

Response of the Legislature

On January 18, 1828 Sir Peregrine Maitland opened the legislature referring, in the speech from the throne, to the university charter and the endowment confirmed in Bathurst's despatch of March 31, 1827. As there are no records of the activity of the Legislative Council for 1828, the response of the Council to Maitland's speech remains unknown. The response of the Assembly, however, was a clearly guarded one, noting the generosity of the endowment grant but reserving its enthusiasm over the founding of the university pending investigation to determine whether "the principles upon which it has been founded shall, upon enquiry, prove to be conducive to the advancement of true learning and piety, and friendly to the civil and religious liberty of the

people.”⁴⁰ This cautious reaction was followed within two weeks by a petition requesting the Assembly to investigate the terms of the charter. This petition was submitted by a Mr. Bulkley Waters and 219 others “of different denominations of Christians in the counties of Lennox and Addington.”⁴¹ Their request was that the Assembly

inquire into the principle upon which an University is to be established in this Province, so that no power to hold lands, or other property, be granted to, nor any addition to the number of Members composing the House of Assembly be made from, or out of any ecclesiastical, or literary, body corporate, at whose hands danger could or might be apprehended to the constitution, or to their religious liberties; and also that the House would inquire into the truth of certain charges and statements therein mentioned, and to take such steps as to the House may seem meet to preserve the petitioners and their children from ecclesiastical domination etc.⁴²

Within three weeks 45 more petitions identical to the one from Bulkley Waters, and signed by over 4,500 inhabitants of Upper Canada were received by the House of Assembly. Almost half of the petitions came from the Home and Newcastle districts combined, with the bulk of the others coming from the London, Midland and Niagara districts.⁴³ Whether or how these petitions were coordinated is not clear. It is certainly probable that articles in the *Colonial Advocate* played a significant role in stimulating reaction. Other activists interested in the establishment of governmental reform and representational government may also have been participants in soliciting petitions. Among those serving in the House of Assembly were John Rolph from London, William Lyon Mackenzie and Jesse Ketchum from the Home District, Peter Perry and Marshall Spring Bidwell from Lennox and Addington, and Robert Randal from Niagara.

The Assembly’s reaction to the petition of Bulkley Waters was immediate. On motion of members Peter Perry and John Rolph, the House established a committee to handle this and

subsequent petitions and to make appropriate inquiries into the university matter. After more than a month of deliberation and consultation, the Committee reported on March 17, 1828 recommending that the Lieutenant-Governor transmit their report to the Imperial Government in Westminster. The report refuted the information in Strachan's Ecclesiastical Chart and repudiated its use as an attempt to influence the Colonial Office on the matter of the charter. It provided a brief summary of clauses in the charter which were considered offensive. Some of the more contentious clauses listed included those covering the *ex officio* offices of Visitor, Chancellor and President, the requirement that Council members subscribe to the Thirty-Nine Articles, and the power of the corporation over College regulations and real estate valued at £15,000.⁴⁴

The Committee registered strong objection to the implications of the charter and the practical Church of England presence in the university in view of the fact that virtually all of the *ex officio* members were members of that church. In the letter which accompanied Strachan's Ecclesiastical Chart, he had maintained that the consequence "of establishing this university will be ultimately to make the greater portion of the population of the Province, members of the Church of England."⁴⁵ The committee were thus convinced that the institution would operate essentially as a training college or seminary for ministers of the Church of England and suggested that "alarm and jealousy" were already surfacing throughout the province and would prevent parents from permitting their children to go to the university thus limiting the benefits which should accrue to the whole province to a small proportion of the population.⁴⁶ The conclusion of this report was that a successful university in Upper Canada would have to be in greater harmony with the ideas

and religious persuasions of a majority of the population than King's College currently was. The report concluded with an 'out' for the Imperial Government in a note that it "could not have been aware of the insurmountable objections to which, from the circumstances of the country, and the sentiments of the people, some of the provisions of the Charter were liable."⁴⁷ To strengthen the committee's report, the House of Assembly decided to convey the dismay of the House about the status of the university through an additional report giving further recommendations on the matter to the government in Westminster. The Assembly's report reinforced the committee's recommendations making a strong request for cancellation of the existing charter and the granting of a new one.⁴⁸ And so, one year after the date of issue, the royal charter of King's College was subjected to demands for its recall.

In England the matter was referred to a committee of the Commons which had been appointed by the Colonial Secretary, William Huskisson, to inquire into the civil affairs of government in the Canadas.⁴⁹ Its report, July 22, 1828, made several recommendations concerning King's College. On the positive side, it confirmed the view that the charter was the most liberal ever granted to a university in a British colony, noting that the charter did "not impose on the students an obligation to subscribe to the Thirty-Nine Articles which was done in the case of the other North American colleges."⁵⁰ In commenting on the requirement that the Archdeacon of York be President and that members of the Council be required to sign the Thirty-Nine Articles, however, the Commons' report referred to the probability that "in the election of Professors a preference would inevitably be shown to persons of the same [Church of England]

persuasion; and [that] in a country where only a small proportion of the inhabitants adhere to that Church, a suspicion and jealousy of religious interference would necessarily be created.”⁵¹

The Commons Committee made several recommendations. First, they proposed the appointment of *two* theological professors, one from the Church of England, the other from the Church of Scotland. Each professor would lecture to the students who were candidates for holy orders in his own church. Their second recommendation was the elimination of all religious tests for the president, professors, and anyone else connected with the college and that the primary concern in the hiring of professors be limited to their excellence and discretion. Professors “should be required to sign a declaration that, as far as it is necessary for them to advert in their lecture to religious subjects, they would distinctly recognize the truth of Christian Revelation, but would abstain altogether from inculcating particular doctrines.”⁵² Although making these changes would have been a major step in adapting the charter of King’s College to the conditions in Upper Canada, it would have fallen short of the even more dramatic move taken at about the same time by the founders of the London University to establish a College free of such declarations altogether, one completely open and unrestricted to all. It would be nine more years before similar amendments were added to the King’s College charter.

The distance between the views of the Lieutenant-Governor and the House of Assembly on university matters was not lost on the Imperial Government and probably constituted one factor in the recall of Maitland after ten years of service to the colony. The discontinuity between positions was noted by the Colonial Secretary in his early instructions to Maitland’s successor, Sir John Colborne.

Appointment of the King's College Council and Its Activities

Before his recall, however, Maitland created a Council for King's College and appointed members with the variety of expertise and authority essential to the process of establishing the university: Robert Sympson Jameson, Vice-Chancellor of Upper Canada; William Campbell, Chief Justice of Upper Canada; John Beverley Robinson, Attorney-General; Thomas Ridout, Surveyor-General; Henry John Boulton, Solicitor-General; Grant Powell, Official Principal of the Surrogate Court; Christopher Widmer, Doctor of Medicine; and Thomas Phillips and Joseph Hemington Harris, Doctors of Divinity.⁵³ In addition to the appointed members, there were two *ex-officio* members, Sir Peregrine Maitland, Lieutenant-Governor and Chancellor of the University and John Strachan, President of the University, and two appointees named by the Lieutenant-Governor: Mr. James Givens, junior, Registrar, and the Honourable Joseph Wells, Bursar.⁵⁴

The first meeting of the King's College Council took place on January 8, 1828. The documents critical to King's College were reviewed at the meeting: the Charter dated March 15, 1827; the Thirty-nine Articles of Faith of the United Church of England and Ireland, 1562; the commission appointing the members of the Council; and the despatch of Earl Bathurst, dated March 31, 1827, providing the official notice of the granting of the charter, the authority for the exchange of lands, and the grant of a capital endowment of £1000 per year for sixteen years.

By the second meeting of the Council, the focus was on forging ahead with a building plan, the most important item of business being the question of obtaining a site for the university. A tract of land near the Humber River had been proposed to Council, but the ground plan

convinced members that it would prove quite unsuitable. It appeared to them that the ground was “so broken as to afford no convenient place for a building” and that the situation “would be found insalubrious.” Apparently “Medical Gentlemen who have been referred to, express[ed] an opinion, decidedly unfavourable” to the Humber River proposal.⁵⁵ Council had learned in the meantime “that the Honourable John Elmsley was prepared to dispose of his tract of one hundred and fifty acres, near the Town Line” for £25 per acre and there was unanimous agreement that the Elmsley site would be excellent. The location was convenient, and the landscape suitable, and the site was adjacent to a meadow which Council might be able to obtain at a reasonable price. The lots were situated so that it was possible to build a road which could provide good access to the campus so that it would be easy for law students to attend the courts of law at York and medical students to attend lectures and wards at the hospital. In short, the board resolved unanimously to submit this site to Sir Peregrine Maitland for approval.⁵⁶ Because negotiations with Elmsley did not proceed as anticipated, Council was forced to return to the question of a site for the university and soon settled on an equally fine site at the core of the location where the University of Toronto now stands. Members of King’s College Council continued to meet regularly to work on plans for the new university until July 1828 when meetings appear to have ceased for about three or four months, probably pending the departure of Sir Peregrine Maitland and the arrival of Sir John Colborne.

In his farewell report and tribute to the departing Lieutenant-Governor, the Chairman of the General Board of Education and President of King’s College, John Strachan, reviewed the state of education in the province in the summer of 1828. Between 7,000 and 12,000 children

were acquiring an education at 368 common schools across Upper Canada while about 350 students were engaged in more advanced studies at the grammar schools. Efforts were being made towards standardizing the curriculum and communities were participating in founding their own schools. In short, it appeared that progress was being made on all fronts in the system and that the timing was excellent for realizing the plan for a university. His review concluded, no doubt with enthusiasm, by noting that with its Royal Charter in hand and an excellent site acquired, King's College was "on the threshold" of opening its doors to the promising youth of the province. The House of Assembly and the King's College Council were not, however, in agreement for, as history has demonstrated, the university was fifteen years from becoming a reality.

CHAPTER FOUR
THE DECISIONS OF SIR JOHN COLBORNE: A NEW PLAN INTRODUCED: AN
EXISTING CHARTER AMENDED

The turbulence surrounding King's College had already begun before the departure of Sir Peregrine Maitland and with the arrival of Sir John Colborne, matters altered but did not improve for the university. Colborne arrived in Upper Canada shortly after the election of an Assembly with pronounced tendencies toward democratic, representational government. Members included William Warren Baldwin and his son Robert Baldwin, both of whom had a strong interest in government reform and education. Both were Anglicans but both were concerned with altering some clauses in the Charter of King's College which they believed were restrictive. Other prominent members included Marshall Spring Bidwell, one of many loyal American-born immigrants who had suffered the challenges of suspicion regarding their loyalty and dependability in Upper Canada, and William Lyon Mackenzie, the acknowledged leader of a radical faction struggling to dominate the Assembly.

The Legislative Assembly's relationships with the Colonial Office and the home government were strained by a number of factors. The reform movement was on the rise in Britain and reform activists were interested in grievances from Upper Canada and elsewhere as grist for their own political agendas. Arguments for representative government were leading towards the successful passage of the reform bill of 1832 and all of this was lending philosophical, if not

practical support to the importance of representational government and the exercise of the will of the people in Upper Canada. Moreover, the instability of government at Westminster led to frequent changes of office so that Colborne served six colonial secretaries during his eight years as Lieutenant-Governor of Upper Canada.

Although the Legislative Council, like Colborne, was more conservative in outlook and activity than the Assembly, Colborne did not confide in its members or associate himself with their views. His views, however, were not very different from those of the leading conservatives of the period. He was committed to the concept of an established church, respect for the authority of the sovereign state, and observance of constitutional rule and its obligations. He chose to function independently from both houses of the legislature, and, to a surprising degree, at least in educational matters, independently from the Colonial Office.

Sir John Colborne and Upper Canada College

Colborne made an impression early in his tenure by not openly associating himself with the conservative leadership of the province, by supporting legal and constitutional action on one or two matters of specific concern to the radical factions in the Assembly,¹ and by making sound use of the experience he had gained as Lieutenant-Governor of Guernsey. His early efforts to work with the Assembly resulted in sound legislation in matters of practical concern such as road building and measures for the support of agricultural communities. In education, however, his apparent determination to avoid supporting the fundamental concept of King's College, his determination to find a solution to the university question, and his apparent unwillingness to

follow all of the instructions from the Colonial Office led the province into some surprising, expensive and controversial measures precipitated by Colborne's founding of Upper Canada College.

When the new Lieutenant-Governor opened his first session of the colonial legislature in January 1829, several months after his arrival, he made no mention of the instructions he had received in a despatch from the new Colonial Secretary, Sir George Murray, regarding the willingness of the Imperial Government to receive proposals from the Upper Canada legislature for changes in the charter of the university.² In the despatch, Murray referred to the report submitted by the House of Assembly in March 1828, during Peregrine Maitland's tenure, and noted the response of the Commons Committee outlined in the preceding chapter. Murray regretted, on behalf of his government, the incongruity of the terms embedded in the Charter with "the general feelings and opinions of those for whose advantage it was intended," and he observed that the views of the House of Assembly "with hardly any dissentient voices, must be considered to express the prevailing opinion in the Province upon this subject."³ The despatch concluded with the following paragraph:

In the event, therefore, of its appearing to you to be proper to invite the Legislative Council and House of Assembly to resume the consideration of this question, you will apprise them that their representations on the existing Charter of the University have attracted the serious attention of His Majesty's Government, and that the opinions which may be expressed by the Legislative Council and House of Assembly on that subject will not fail to receive the most prompt and serious attention.⁴

But Colborne did not extend Murray's invitation to the legislature. In notes sent a few days later to the Assembly and the Council, he merely outlined a portion of the content without identifying either the spirit of this rather direct message or its apparent purpose.

Instead, he gave notice of his plan for the establishment of a preparatory college at York. It is not entirely clear whether Colborne intended from the outset that Upper Canada College would replace King's College as the university for Upper Canada, or whether he intended merely to establish a strong preparatory school and then to re-introduce the university when the students from Upper Canada College were ready to matriculate and required the university. Since the proposed bill for establishing Upper Canada College contained a clause clearly stipulating that the college was expected to function as a university,⁵ it is not beyond reason to conclude that Colborne simply intended to substitute Upper Canada College for King's College.

On the other hand, it is very clear from Colborne's experience in Guernsey where he had restructured and revitalized St. Elizabeth's preparatory school so that it had become a first class institution preparing its students for matriculation into excellent universities that he was more than familiar with the qualities of an excellent preparatory school. Thus, he might have believed that by adapting the Royal Grammar School as Upper Canada College,⁶ he could create a situation in which King's College would obviously be required. Moreover, the population would be able to observe how an institution operated and administered almost exclusively by Church of England clergy could prove successful in educating students of all religious persuasions, thus paving the way for a university based on the same principles. Colborne seems to have endorsed the latter scenario on at least two occasions. First, in reply to criticisms of the Upper Canada College curriculum presented in the early 1830s Colborne noted that the program was well suited to students who would soon matriculate into King's College.⁷ Later, in 1835, he submitted to

Lord Glenelg, the Colonial Secretary, a draft of a university charter for King's College proposing it to the Colonial Office as his own a solution to the University question.

In announcing his decision to establish Upper Canada College, Colborne indicated his view that although the grammar schools of the province seemed to be increasing in size, number and usefulness, their organization still required improvement. He singled out the Royal Grammar School for particular attention, outlining his intention "to incorporate it with the University" and "to introduce a system in that Seminary, that will open to the youth of the Province the means of receiving a liberal and extensive course of instruction."⁸ Whatever Colborne's ultimate plan may have been, his actions were taken unilaterally and his immediate goal was to secure suitable professors for Upper Canada College. In a letter to Oxford University he requested that the Vice-Chancellor hire a principal and four teaching masters, three for classics and one for mathematics. The Principal was to be paid a salary of £600 per annum and provided with a house on campus suitable for taking in boarders. Each of the teaching masters would receive a salary of £300 per annum and would also be provided with a house on campus which could accommodate boarders.⁹ Colborne expected the Principal to "regulate the students of the whole school" which was, according to this letter, to "consist of four Classical Masters, a Mathematical master, two French Masters, two Writing Masters and a Drawing Master."¹⁰ Colborne's choice for Vice-Principal at Upper Canada College was the Reverend Doctor Thomas Phillips, current principal of the Royal Grammar School who had, apparently, already accepted the position, for Colborne noted to the Vice-Chancellor that the second master was already residing at York and agreed to the position.¹¹

By May 27, 1830, a site for the college in Russell Square on King Street West had been selected and a call for tenders for the construction of the buildings published and Colborne had successfully diverted the energy and attention of King's College Council from the university to his own plans for Upper Canada College. As a temporary measure, the Old Blue School, the school house for the grammar school of the Home District, was moved, painted and furnished for use as an interim school house. A newspaper notice placed just prior to the opening of the college described its profile: the Lieutenant-Governor was Visitor. The masters appointed at Oxford included Reverend J. L. Harris, Cambridge; Reverend T. Phillips, Cambridge (recent headmaster of the district school); Reverend Charles Matthews, Cambridge; Reverend W. Boulton, Oxford; Reverend Charles Dade, Cambridge; Monsieur J. P. de la Haye, France; Mr. George Anthony Barber, Mr. James Padfield (who later became Reverend Padfield) and an eminent artist whose name was Drury.¹² The budget for faculty salaries was £2,200 per annum and was allocated as outlined in the chart below.

| Position | Salary |
|--|---------------|
| Head Master | £600 |
| Assistant Head Master | £300 |
| 2 Classical Masters (The Assistant Headmaster was also to teach classics) | £600 |
| Mathematics Master | £300 |
| French | £100 |
| English, Writing and Arithmetic (2) | £200 |
| Drawing | £100 |

The total cost of Colborne's college, however, required an annual expenditure which included not only the salaries as noted above, but the cost of upkeep, staff, library and equipment, plus the capital cost of the temporary and permanent school buildings and residences for the masters and students. In other words, the expenses of Upper Canada College were, from the outset significantly greater than those of King's College as proposed by Dr. Strachan in 1826 and would certainly deplete the endowment by as much. At that time, Strachan calculated the annual expenditure required to begin King's College operations as £2,050. That sum included salaries of professors and staff, a library, a laboratory, equipment for science, a botanical garden, scholarships, and repairs.

Apart from the budget, several oddities are inherent in the founding of Upper Canada College. Sir Peregrine Maitland had been criticized by the Assembly for taking what the members of the Assembly regarded as autocratic and elitist action. He was also criticised by the Colonial Office for not having greater regard for the views of the Assembly. John Strachan was subject to strong, sometimes vicious criticism for his attempt to establish a Church of England university, but Sir John Colborne consulted neither the local legislature, the Colonial Office, nor his own Executive Council regarding his plans for Upper Canada College. In practice, the college was every bit as much Church of England, if not more so, than the proposed King's College. Virtually all of the faculty were members of the Church of England with only the French teacher, one of the writing teachers and the drawing master excepted. That is, six of the nine teachers were members of what many considered to be the established church and recipients of financial support from the endowment for King's College. Yet, at least initially, Colborne escaped the

calumny heaped on Strachan and Maitland for having attempted to institute very similar plans. It may be that he believed working alone to be, if not the only satisfactory way, at least the most expedient.

It was in a message of January 17, 1829 to the legislature that Colborne made clear his intention to use the endowment of King's College to support Upper Canada College. His plan was to connect the preparatory school to the university "in such a manner that its exhibitions, scholarships and chief support may depend on the funds of that [King's College] endowment."¹³ The College was to be managed by a board composed of the President, directors and trustees of the college, an arrangement that was continued for four years until March 1833 when the management function was transferred to King's College Council. The total endowment for Upper Canada College was considerable. It included the nine-acre site in Russell Square, granted to the college in 1829; 20,000 acres of land scattered through three townships, granted in December 1832; 1,080 acres in the township of York, granted in July 1834, 42,188 acres of land in a variety of townships, granted in May 1835; and the site of the Old Blue School.¹⁴ The college had cash income as well as endowed lands. The cash accrued largely from a variable nine year grant from government. This subsidy increased gradually from £200 in 1830, to £500 the following year, and to £1000 per annum from 1834 to 1838.¹⁵ In addition, the actual cost of erecting the new college buildings was offset by income from the sale of the site of the "Old Blue School" in the summer of 1830.¹⁶ It is difficult to understand Colborne's autocratic action in selling this institution without consultation since Strachan had been its teacher for a number of years and had himself delivered a series of public lectures to raise the funds for painting the school.

What was particularly distressing to Strachan and the other members of the King's College Council was the parasitic nature of the financial arrangements for Upper Canada College in combination with the complete lack of consultation on the part of the Lieutenant-Governor. Questions of financial accountability were to plague King's College for many years not only regarding King's College's own accounts, but also regarding the accounts of the preparatory school whose funding had been arbitrarily attributed to the university endowment. As John Strachan pointed out at the opening of King's College in June 1843, Council believed that Colborne was acting under special instructions from the Colonial Office in declaring "that one stone should not be put upon another, until certain alterations had been made in the Charter," and yet he refused as Chancellor of the university to deal with any measures connected with its establishment.¹⁷ Under that circumstance Strachan and the other members of the King's College Council "could but submit [to Colborne's agenda for Upper Canada College] in the earnest hope that a more correct consideration of the subject would lead to a removal of a prohibition for which there was not, in my judgment, and I believe in that of any Member of the Council at that time, adequate cause."¹⁸

Upper Canada College was opened to pupils on January 8, 1830. Classes were held in temporary quarters until the new building was completed early the following year,¹⁹ and the college's reputation as an excellent grammar school quickly began to emerge. That strong reputation, however, caused greater difficulty for Upper Canada College than might have been expected. John George Hodgins, documentary historian of education in Ontario, in describing the prevailing conditions in the grammar schools of the time, noted that in view of the "state of the

chief Grammar School Houses in other parts of the Province, it was no wonder that something like a feeling of jealousy should be awakened” against Upper Canada College and, by association, against King’s College and “the immense advantages thus conferred upon the Capital of the Province, by the establishment in it, at the public cost of a School so superior to any which the Province had hitherto possessed.”²⁰

In July 1831 the first formal questions about the value and usefulness of Upper Canada College were raised in a petition to Sir John Colborne. The petition was signed by twelve prominent residents of York including Robert Baldwin, who was later to present successful legislation for transforming King’s College into the University of Toronto.²¹ Their complaint was that many children were not benefiting from Upper Canada College because they had no need for a classical education. Their request was that the college offer an education designed to prepare students for “discharging with efficiency and respectability, the scientific and other business of Tradesmen and Mechanics.”²² Apparently the campaign of those who signed the petition was more vigorous than the mere submission of a petition to the Lieutenant-Governor. In response to questions put to him by a Committee of the Assembly in 1832, the Reverend Dr. Harris, Principal of Upper Canada College outlined its impact on the College when he noted the “considerable effort and influence [that] were exerted, by some individuals in the town, to produce an expression of dissatisfaction at the system of Education pursued” with the objective of having the college curriculum altered to conform to their own ideas.²³ As a result, the enrolment of Upper Canada College temporarily dropped almost 14%, from 126 to 109, but, in light of some additions to the curriculum as suggested by the petitions, was, by 1832, regaining

its original level. In all, the issues surrounding Upper Canada College had the peculiar impact on King's College of at once removing the direct spotlight of public criticism from it, while at the same time associating it with the criticisms directed at Upper Canada College.

The Action of the Legislature on Issues surrounding King's College and Upper Canada College

During this early period of Sir John Colborne's tenure, the provincial legislature had been equally active on educational matters. As noted in the previous chapter, the first official objection to the charter of King's College, was registered by the Assembly in March, 1828. It had arisen from a variety of complaints about the university, most particularly from the series of petitions, probably fostered by a column in the *Colonial Advocate* suggesting that petitions be submitted to the legislature and beginning with that of Bulkley Waters and 219 others from Lennox and Addington counties. Twelve months later, no satisfactory response had been received to the recommendations of the Assembly regarding King's College and the withdrawal of its charter and yet another Committee on Education presented a similar series of resolutions on the matter of the university.

Like its predecessor, the 1829 report objected to the misinformation given to the Imperial Government and to the fact that the issue of the charter had been based on such information, argued the inexpediency of the Lieutenant-Governor serving also as Chancellor, the inappropriateness of having a clergyman of the Church of England as President in view of the fact the King's College would be the only university in the province, and the inappropriateness of

Councillors being required to sign the Thirty-nine Articles of the Church of England.²⁴ In addition, the 1829 report argued the importance of moral and intellectual merit over sectarian commitment in the matter of choosing a President, suggested that the tenure of that office should be limited rather than at the pleasure of the Crown, recommended the establishment of a Senate through which professors might be appointed to the faculty, argued that the Divinity degree should be open to all students demonstrating classical, Biblical and other learning and that theological education should be provided only on the basis of Biblical criticism, theology connected with evidences of Christianity, and sacred history. Ironically, the report mimicked Strachan in suggesting that, with the exception of the sectarian principles prevailing at Oxford and Cambridge, it would be “highly expedient to follow their institutions and modes of instruction.”²⁵

During the same period, the Legislative Council had requested copies of the information which had been communicated to the Lieutenant-Governor from the Imperial Government about the charter. Colborne, in what was, for him, a fairly typical response, indicated neither the number of despatches he had received on the subject, nor the content of any of the appropriate despatches noting that the educational content in them could not “with propriety be separated from other topics which the despatches from His Majesty’s government embrace.”²⁶ In his memo, Colborne did notify the Council that despatches from Westminster indicated very serious concern on the part of the Imperial government, and complete assurance that the views of the Legislative Council and the House of Assembly would receive prompt attention from that quarter

but he still did not reveal the fundamental purpose or complete content of the Colonial Secretary's despatch.

The ad hoc committee charged with making recommendations to Council about possible amendments to the charter proposed three resolutions: first, that it was not necessary to identify the Archdeacon of York as President of the university and that simply appointing a Church of England clergyman would be satisfactory; second, that to put the institution on a more open and liberal footing, it was desirable that no test should be required for members of Council; and third, that to facilitate arrangements for the preparatory seminary, it would be expedient to connect the Royal Grammar School with the university as a minor college. The Committee also recommended, however, that in so doing, the endowment for the university should not be invaded. After deliberation, Council rejected the first recommendation of its Select Committee, but did adopt the second and third resolutions and forwarded them in a memorandum to the Lieutenant-Governor on March 20, 1829.

By 1831 the Assembly was questioning the roles of both Upper Canada and King's Colleges. Neither was exempt from criticisms of elitism, catering only to the local population and eating up an endowment intended for the use of all inhabitants of the province. Everything connected with the university and its supporters was fair game for investigation. For example, at the outset of the legislative session of 1831, William Lyon Mackenzie moved that the Assembly request complete information from the Lieutenant-Governor on the estate of William Weekes and that he be asked to provide an explanation of the reasons why his will had not been executed. Weekes, a lawyer and politician, had died in October 1811 as the result of being wounded in a

duel to which he had challenged a fellow lawyer. His will provided that the residue of his estate, after the payment of debts, should be dedicated to the establishment of an academy at York. In late 1821 the Assembly had appointed three trustees to carry out the intent of the will: John Strachan, John Beverley Robinson, and Henry John Boulton, all coincidentally, supporters of King's College.²⁷ As matters turned out, however, a series of law suits were filed against the estate during the following ten years and so the appointed trustees were forced to report in February 1831 that the estate was insolvent and the establishment of an academy, therefore, impossible.²⁸ In raising the issue, however, Mackenzie probably hoped to suggest impropriety on the part of the trustees and by implication on the part of King's College Council.

Discussion of educational matters continued in the Assembly with questions once again being raised about the granting of the original endowment and its subsequent use. Implied and direct criticism of the use of the funds for King's and Upper Canada Colleges was made and another *ad hoc* committee appointed to examine funding issues and use of the endowment and to issue a report to the Assembly.²⁹ This report reviewed, yet again, the history of the endowed lands from 1797 onwards, observing once more in the Assembly that the original intent of the grant had apparently been lost sight of, and suggesting that the reason may have been that the 1807 Grammar School Act provided for the funding of the district grammar schools out of provincial funds. On the other hand, the available funding of £100 per grammar school was proving totally inadequate support for that level of education. The report recommended a series of changes: a significant increase in the level of support for the grammar schools; an annual grant of £2000 for the support of a provincial seminary, either Upper Canada College or another;

financial support for building grammar schools; and financial support for teachers in common schools. The committee's rationale was that if the entire reservation of 549,217 acres were sold at a price of 10s. per acre and invested at 5% per annum, the income could support all of these projects.

The report objected (erroneously) to the "manifest injury" inflicted on the province by the endowment of the best half of the school reservation for the establishment of a seminary which, in the opinion of the committee, far exceeded the current need of the province.³⁰ In fact, about twelve percent of the endowment had been given to Upper Canada College on the arbitrary authority of Sir John Colborne and less than forty-five percent had been endowed to King's College. The remainder was available for schools and had not been drawn on to any serious extent and, as later action demonstrated, the Imperial Government was very willing to commit one million acres of the waste lands of the province to the support of common schools as soon as requested to do so.³¹ Included in the series of resolutions which accompanied the report, and designed for submission to the Imperial Government, were two intended to alter the course of King's College in a major way. The first was a request that the charter of King's College be cancelled and a new charter free from the objectionable stipulations be issued. The second was a request that monies arising from the sale of school lands be paid into the hands of the Receiver-General rather than the General Board of Education, the forum appointed by Maitland to oversee education in the province and to make recommendations regarding the proposed university, and placed at the disposal of the legislature.³²

In responding on January 4, 1832, to the Assembly's request that he forward their resolutions to Westminster, Colborne suggested that he had reason to believe that the problems with the charter were subject to imminent resolution, although he presented no evidence for his conviction. At the time, however, Colborne had been in possession of a despatch from the Colonial Secretary, Lord Goderich, dated November 2, 1831 for over a month, and his reason for concealing that fact is not at all clear, particularly in light of its critical content. Goderich had written that he considered removal of the offensive clauses of the university charter as the easiest solution to the problem. He expressed regret that the recommendations of the Committee of the House of Commons in Westminster, suggesting that a professor from the Church of Scotland be appointed to the faculty of King's College, and that some of the charter restrictions be removed, had not been adopted. He was forthright in stating his view that a restrictive charter would be totally inappropriate in Upper Canada and would render the university virtually inoperative. In concluding, he directed the Lieutenant-Governor to ask King's College Council to surrender the charter. One of the peculiarities of the history of King's College is Colborne's decision not to take Goderich's request directly to King's College Council.

Much was going on in the background of the Assembly's deliberations during this period. William Lyon Mackenzie had developed a particular vendetta against John Strachan and was taking every opportunity both in the Assembly and through the *Colonial Advocate* to cast barbs at the Archdeacon. Robert Baldwin and a group of his associates were becoming critical of Upper Canada College and, as noted above, had submitted a petition objecting to the classical curriculum of the College. The Assembly itself had made, and continued to make, attempts to

have the disposition of the Jesuits' Estates (land confiscated by the state at the disappearance of the Jesuit order) and the Clergy Reserves (the land set aside by the Constitutional Act for the support of a Protestant clergy) settled in favour of education. And so, what surfaced in the legislative debates sometimes arose in response to events which were taking place not only inside the council and the Assembly, but outside as well.

The response to the Assembly's request for control of the school funds came in the summer of 1832. Two despatches, one official and the other confidential, both dated July 5, 1832, were sent by Lord Goderich to Sir John Colborne. The first, and official despatch, acknowledged the request which had been forwarded by Colborne on February 13, 1832 and indicated the agreement of the Crown and the government to the request for income from the sale of school lands to be directed into the hands of the Receiver-General and applied to educational purposes by the decision of the legislature.³³ A confidential despatch bearing the same date accompanied the official despatch, and in this longer and more detailed letter, Goderich made clear the reasons for the decision which had been taken. He directed that the General Board of Education be dissolved, but indicated clearly that his rationale for altering the system so significantly was not in any way related to an "impression that they [members of the General Board of Education] have imperfectly, or improperly, performed the task assigned to them, but upon grounds quite independent of the consideration of the manner in which they have acted."³⁴

These reasons were, first, the importance to education policy of having strong support from those for whom the benefits of the policy were intended. It seemed evident to Goderich that the support of the Assembly for an altered course was particularly important to the future of

education in Upper Canada. His opinion was reinforced by his belief in the moderate nature of the Assembly's position. He saw their resolutions on the matter as reflective of their desire to alienate some of the control of education from the executive branch of the government, while at the same time, resisting the excesses of William Lyon Mackenzie and his associates. The resulting position appeared to Goderich to provide "to their opinion a weight which it would not otherwise possess."³⁵ He directed Colborne to enlist the assistance of the law officers of the Crown to effect the dissolution of the Board of Education and reinvest the income from the school lands which the Board had been managing. No mention was made in Goderich's despatch of the pedagogical, supervisory or co-ordinating roles which had been among the responsibilities of the Board of Education. But, as a kind of footnote, he suggested that the legislature would find the commitment of educational funds by annual vote a very difficult procedure and he indicated that his own proposal would be for the creation of a Board of Commissioners, thus seeming to suggest the recreation of the institution he had just abolished.³⁶

The Assembly, with its gradual move towards representative government was, step by step, gaining concurrence to the terms which they were requesting. By the summer of 1832, they had clearly achieved agreement that the terms of the charter which they found offensive would be changed. Goderich's despatch of November 1831 requesting surrender of the charter had effectively decreed that its terms would have to be amended, and be amended by the Upper Canada legislature. Once the charter had been surrendered, the legislature would be able to produce new legislation which would almost certainly be endorsed at Westminster.³⁷ In addition, they had succeeded in having the General Board of Education abolished, although without any

apparent concern for its educational responsibilities apart from the financial ones. They had also succeeded in gaining legislative control of the income from the endowed lands. The position of the House of Assembly on the need for a university was not, however, always consistent.

Although earlier reports of education committees had bemoaned the fact that the university had been founded at the expense of establishing free grammar schools and was, at the time, quite unnecessary to the province, the report of a similar committee of the Assembly in November 1832, perhaps in hope of increased immigration in the wake of an improved economy, lamented the delay in implementing plans for a university and recommended that the House “take the matter into immediate consideration, and make such alterations in the said charter as may be deemed fit and expedient”³⁸

In many ways, this 1832 report was one of the fairest and clearest on the matter of the university that had been produced in the House of Assembly. Committee members had reviewed the resolutions produced by its predecessor in 1829, and recommended the same resolutions with slight modifications as being most appropriate for gaining the advantages of a university for the province. The Committee saw significant value in the retention of a modified royal charter, because being a “royal” institution endowed the university with a dignity not otherwise available. The report clarified and emphasized the fact that under the existing charter, the university of King’s College *was*, in fact, open to students of all denominations, and that the professors, excepting those appointed to College Council, could be of any denomination and that, therefore, no one was actually excluded from the benefits of the university. The Committee was concerned with the removal of some objectionable sections of the charter and recommended the adoption of

a bill revising the charter.³⁹ The alterations they proposed as amendments to the charter included a change in the appointment of Chancellor from the Lieutenant-Governor of the province to a person elected by the Convocation of the university, and the Visitor from the Lord Bishop of the Diocese of Quebec to the Judges of the Court of King's Bench, of the President from the Archdeacon of York to an appointee who would not, as a condition of appointment, be required to be an incumbent of any ecclesiastical office. Other changes included increasing the size of the College Council to twelve members with, as additional members, the Speakers of the two houses of the legislature, the Attorney-General and the Solicitor-General, to serve with the six senior professors. Particular importance was attached to the change proposed to remove the requirement that members of the Council be members of the Church of England or subscribe to any articles of religion, and the report strongly re-emphasized the stipulation that no religious test or qualification be required for any person admitted to or matriculated in the college. It was subsequently recommended that Upper Canada College be incorporated with and form an appendage to King's College, and, consequently, that its Principal be appointed by the Crown and serve as a member of King's College Council and that the Vice-Principal and teachers be nominated by the Chancellor of the university.⁴⁰ Gradually the model instituted by Strachan, Maitland and the Imperial Government was being reshaped and remoulded by the political forces surrounding it.⁴¹

The Bill to amend the charter continued in the hands of the House of Assembly through January 25, 1833, when the House went into Committee of the Whole. On the following day the discussion continued in Committee of the Whole, and its chair reported progress; obtaining leave

to sit again on the following Monday. The Committee did not, however, sit again during the remaining three days of that session and so the bill failed to pass the House.⁴² It was, however, taken up again during subsequent sessions and passed in 1835.⁴³ In the meantime, two further reports were submitted by the Education Committee on December 14, 1832⁴⁴ and January 15, 1833.⁴⁵ One portion of these reports was based on a series of interviews with those experienced in the field of education, including John Strachan and John Beverley Robinson. The report included the requisite historical retrospective and survey of land grants, but much more important, included a set of recommendations for a provincial Board of educational commissioners as suggested by Goderich. This set of recommendations was acknowledged by the report to be an almost verbatim account of the committee's invaluable interview with John Strachan.

Strachan's comments⁴⁶ and the committee's recommendations range over a variety of educational issues faced by the province. Regarding land grants, Strachan indicated that the present government in Westminster was undoubtedly as willing as Portland had been to assist with grants for the needs of an increasing population and that no better use could be made of the waste lands than support for general education. As the first inland colony in the British Empire, Upper Canada had few means for supporting education except through the revenue which could be acquired from land grants. Strachan strongly endorsed the appointment of a Board of Commissioners, recommending that each district board of trustees be incorporated with the General Board through either its chairman or its secretary, arguing that such a board would incorporate the knowledge and experience of all of the district school boards. In this way, it

would be able to make intelligent and informed decisions, provide a high level of quality and uniformity across a province with many isolated communities, and face satisfactory accountability measures through its responsibility to the legislature. He drew parallels to the Regents of the State of New York who had under their superintendence all grammar schools and academies between common schools and chartered universities. Strachan also proposed that only interest income be expended and that grammar school funds be gradually accumulated with the objective of creating a massive investment in public education. One of the interesting threads in the educational history of this period is the validity attributed by the majority of participants to Strachan's views on everything except the concept of an established church. In fact, his views on the need for endowment funding and for an integrated provincial system of education have demonstrated their validity over more than a century of educational history.

Although the original plan of the committee had been to reserve comment on Upper Canada College to a later report, their concern for addressing some of the issues connected with the Home Grammar School, led them to introduce some consideration of Upper Canada College and to conclude with a recommendation that the College should be incorporated with the university of King's College, leaving the Home District Grammar School as a completely separate institution and the inhabitants of the Home District with the same advantages, and, presumably, the same disadvantages, as those in the other districts. The third stage of the report was devoted entirely to a financial review of the condition and prospect of grammar and common schools. This portion of the committee's work focussed on the emerging criticisms of Upper Canada College by censuring the executive government and the King's College Council for devoting so

much of the proceeds of the original royal grant of 1797 to the establishment and maintenance of Upper Canada College, a project, considered by the committee as not only non-essential, but also as a project never contemplated by the Crown in connection with the original grant. The report directed attention to the parsimony of the legislature in the support of common schools, calculating that approximately one shilling per annum per scholar had been dedicated to the support of those schools. It endorsed the proposals of previous committees, by suggesting that a request to the Crown be made for one million acres of the waste lands of the Crown for the support of common schools. The resolutions included the annexation of Upper Canada College to King's College and a proposal that the legislature request from the Crown an appropriation of land for the support of common schools. Both of these recommendations were implemented. The response from the Imperial Government was positive and Upper Canada gained one million acres of waste lands of the Crown for the support of common school education.

By 1835 proposals for amending the charter were laid before the House of Assembly and approved, though rejected by the Legislative Council. It was not until 1837 that the Assembly, the Legislative Council and the Council of King's College were all able to agree on and approve an amended charter which finally passed into law March 4, 1837. The key alterations in the new charter were close to those proposed by the committee of the Assembly in late 1832 and early 1833. They included a change from the Bishop of Quebec as Visitor to the judges of the Court of King's Bench, removal of the requirement that the President be the archdeacon of York to the stipulation that he need not hold any ecclesiastical office, an increase in the size of the Council to 12 members, the Chancellor, the President, the Speakers of both Houses, the Attorney-General

and the Solicitor-General, five senior professors of the College, and the Principal of Upper Canada College, and a provision that no member of the College Council or Professor of the University need be a member of the church of England, but should swear, instead, “a declaration of belief in the authenticity and Divine Inspiration of the Old and New Testaments and in the doctrine of the Trinity.” By the same set of amendments to the charter, Upper Canada College became incorporated in the University of King’s College and subject to its jurisdiction and control. After ten years of wrangling and debate, King’s College appeared to be on the brink of success because of initiatives taken during the period of Colborne’s tenure as Lieutenant-Governor.

CHAPTER FIVE KING'S COLLEGE COUNCIL AND AMENDING THE CHARTER

The last meeting of the General Board of Education for Upper Canada occurred on March 11, 1833 at which time the clause in the confidential instructions of Lord Goderich directing the dissolution of the General Board of Education was effected.¹ However, although the operation of the General Board of Education was formally ended, a number of its responsibilities continued. Its membership was, to a very large extent, the same as the membership of the Council of King's College and, as will be noted elsewhere, many of the General Board's responsibilities devolved in various ways and at various times onto that Council.

The meetings of King's College Council, suspended for a few months at the conclusion of Peregrine Maitland's term of office in 1828, resumed with the arrival of Sir John Colborne as the new Lieutenant-Governor. It is clear from a glance at the Council minutes that Council understood its mission to be that of continuing to make arrangements for the opening of the university. That evidence comes in part, from the concern of members about selecting the proper stone for the buildings, clearing and fencing the avenue leading to the grounds and seeing to the construction of a roadway and footpath to the premises.²

Response to the Plans of Sir John Colborne

Council members were, however, abruptly disabused of their assumptions at the Council meeting of December 13, 1828 which the Lieutenant-Governor attended for the first time as

Chancellor of the university. Strachan spoke of that meeting at the opening of King's College saying that there could be no misinterpretation of Colborne's intention. His reason for summoning the Council was to make known his desire to improve the state of education in the province by developing "more efficient preparatory seminaries as he considered a change from their present state absolutely necessary."³ Colborne "deemed it of so much importance that he could not consent to begin construction of the building of King's College before some mode was devised of attaining this object."⁴ At the same time, Colborne made clear to the Council that he intended to submit the university charter to the attention of both houses of the legislature and requested that Council submit its suggestions for modification of the charter.⁵ Nor was Colborne inclined to be drawn into any further discussion of his proclamation. Having been delegated to discuss the university question with the Chancellor, Strachan reported to Council that all he had been able to wrest from Colborne was a statement that he would signify his intentions at a future period. Six months later, he was true to his promise.⁶

In the months between the Lieutenant-Governor's promise to clarify his position and his actually doing so, the architectural model of the university was completed in England and approved by the Colonial Secretary, Sir George Murray. The cost of the model was to be cause for criticism at a later date. Meanwhile, the Assembly requested Colborne to obtain information respecting the receipts and expenditures of the proposed university and to submit all information to the House.⁷ Colborne passed the request to the members of College Council who quickly returned the information. At the same time, Council submitted, for future reference, a question about how far the legislature had the right to investigate financial or other concerns of an

institution which rested totally on royal foundations. There was no immediate response to this question but it was an issue fated to raise its head a number of times.

As he had promised, Colborne provided the university Council with a clarification of his plans introduced at Council's meeting of June 17, 1830.⁸ His clarification included six central points. First, was that no university building should be constructed at present in the province of Upper Canada. Under the prevailing mood of dissatisfaction with the exclusive character of the charter, no legislation leading to the construction of buildings to carry out any part of the charter was to be considered.⁹ He did, however, note that although it would be at least three years before any students from Upper Canada College could matriculate, it would be prudent to consider the establishment of a medical school as soon as possible. He also suggested that a good professor of classics, with a suitable religious character, discretion and judgement, could represent the university for some years, and could also serve as the guardian of the young men attending the university from scattered settlements. Finally, he indicated that Council should be considering the matter of scholarships for the encouragement of scholars at Upper Canada College and the district grammar schools.¹⁰

Although Council members were better prepared for the directness of Colborne's statement of position regarding Upper Canada and King's Colleges than they had been six months earlier, they were certainly far from being in agreement with him. Their position required, of necessity, that they support his activity with Upper Canada College. In the view of the Board, however, that co-operation by no means meant abandoning the plans for King's College. In fact, they disagreed quite directly with the Chancellor in his view that no injury would be incurred by delaying the

opening of the university for three years or more, arguing that students from provincial grammar schools had already been attending universities in England and the United States, and that the grammar schools had been in operation quite long enough to produce a body of scholars whose chance for a local education would be missed if the university were delayed at all. They argued that it was perfectly possible to proceed with both projects at the same time and indicated that satisfactory financial conditions would permit proceeding with the university. They concurred strenuously in the matter of establishing a program of scholarships, but were profoundly concerned about Colborne's position on a school of medicine, arguing that the lack of opportunity for practical experience and application of the theory made medicine, in effect, the area where there was least hope of achieving satisfactory instruction within the province. Members did agree that consolidating teaching during the early period of limited means would help to preserve the usefulness of the university endowment. Overall, Council identified clear benefits to a change in the Lieutenant-Governor's plan and requested that he discuss with them all matters related to the university before considering any further changes in policy or direction.¹¹

In the same month, the Colonial Office responded to the petitions it had received from the House of Assembly. In a communique dated June 14, 1830, the Colonial Secretary, Sir George Murray, asked for an account to be submitted to the House of Commons in Westminster, citing all grants of land made for the support of any college in Upper Canada under the Charter of King's College as well as all evaluations and estimates of the endowed lands.¹² Once again, Council's responded with alacrity submitting its response in September. After a historical

reminder of the terms under which the grants had been made and the charter granted; the reply listed information about the £1000 awarded from the Canada Company's income for the construction of the university buildings, the grant of 225, 944 acres of Crown reserves, and a notation that the rental accruing from the lands which had been leased at the time of transfer was probably to "be estimated at less than £1000 per annum."¹³ Although Council's reply had been delivered promptly, the Colonial Secretary's response to it was rather indecisive and it remained for his successor, Lord Goderich, to deliver a decisive response to the Lieutenant-Governor about the university's dilemma.

During a good portion of 1831, College Council was occupied with responding to requests and recommendations from the Lieutenant-Governor on the management and endowment of Upper Canada College. In April, Colborne wrote to the Council proposing that the President and Council of King's College consent to manage the land with which Upper Canada College had been endowed, indicating that he would consider it expedient to sanction such an arrangement in light of "the important advantages which the province and King's College will derive from the prosperity of a seminary which is raising in a great degree the standard of education in this country."¹⁴ On the basis of this rationale, Colborne ordered that income from the sales of land endowed for Upper Canada College be paid to the Bursar of King's College, an arrangement which he evidently intended to pursue until the revenue of the college was sufficient to bear the entire expense of its establishment and operation. It is not clear whether Colborne had simply assumed the agreement of King's College Council or whether he had verbal agreement to his proposal on June 2, 1831 when his secretary informed both the Commissioner of Crown Lands

and Council that income from the Upper Canada College lands was to be paid to the Bursar of King's College. Council agreed generally to the proposals made by the Chancellor and after one or two letters back and forth¹⁵ the agreement was reached that King's College Council would assume the role of trustee for Upper Canada College, holding in trust 20,000 acres of land set aside for Upper Canada College until all sums advanced by King's College to Upper Canada College had been repaid. Agreement was reached that Council should supervise the use of the 66,000 acres of endowment and that both Strachan and Wells who had been forced to accept a degree of personal liability for loans to Upper Canada College, should be relieved of that liability. Colborne's determination that the trusteeship of his college should be managed by the Council of King's College was accepted by the Council primarily in an attempt to facilitate the forward movement of education and the ultimate founding of the university.¹⁶

Reaction to Goderich's Request for Surrender of the Charter

Early in 1832 the Council received Goderich's request for surrender of the charter. Once informed of the request, Council responded quickly, submitting a reply to the Lieutenant-Governor for transmission to Goderich giving a series of technical reasons for concluding that surrender of the charter was not within the powers of Council. The seven members of Council (apart from the Chancellor and President) were merely interim members whose only duty was managing the college properties *in the interim* and, therefore, they believed it improper for them to join in annihilating the corporation. Even had the request for surrender been intended only for the Chancellor and the President, Council could not have concurred in the surrender because

there was insufficient assurance that, having consented to destroy the college which was constituted under the most open royal charter ever granted, the endowment would be used to found another university, and there was absolutely no assurance that the various branches of the legislature would ever be able to agree on the terms for establishing one. Council saw its role as protection for what amounted to the proverbial “bird in the hand” in contrast to the uncertainty involved in removing the only foundation which did exist for a university in the province.

At the same time, Council, recognizing the seriousness of the situation, did recommend some possible modifications to the existing charter. They suggested that the Visitor need not be the Bishop of Quebec, and that precedents existed for members of the Court of King’s Bench to serve as Visitors to the university. They suggested alterations similar to those recommended by the Education Committee of the Assembly in 1832 as noted in a previous chapter: specifically, they suggested that future appointments to the Presidency might be made from among the clergy of the Church of England and need not be restricted to the Archdeacon of York; that subscription to the thirty-nine articles of the Church of England by members of Council be dispensed with, and that conditions for admission to a degree in divinity be left open to the development of new regulations appropriate to the university and to the province.

In addition to giving its reasons for refusing to surrender the Charter and its suggestions for altering the charter, Council questioned some of the assumptions made by Goderich in favour of the surrender. Noting that the charter was not exclusive by comparison with any other college in the dominions of the Crown, the reply argued that the charter had not had the effect of defeating the design of the institution. Although admitting that much representation complaining of the

charter had been made and that, in response, the government had suspended the operations of the College Council, in part, by suspending the £1000 per annum grant,¹⁷ and by diverting Council's attention to Upper Canada College, they proposed that the only foundation on which Council could actually cease in its operation would be a direct order of His Majesty's government. Since the progress of King's College had been obstructed by direct fiat of the government under the authority of the Secretary of State for the Colonies, Council members believed that they had been deprived of any opportunity to demonstrate whether or not King's College might, in fact, have attracted students.¹⁸

The question of the £1000 grant from the income of the Canada Company referred to in Council's reply, its cancellation, and its impact on King's College comprise something of a mystery in the history of the university. John George Hodgins reported after an exhaustive search for evidence of what happened to the grant, that there is no actual evidence of its suspension, although there are a few references to it. One comes from the pamphlet of John Macara¹⁹ where he refers to the fact that Sir John Colborne's attempts to convince King's College Council to surrender the charter had proved to be of no avail. Macara noted that, as a result of this failure, Colborne was compelled to suspend the operations of the charter.²⁰ Elsewhere in his pamphlet, he noted that the grant was suspended by Goderich in a confidential despatch dated July 5, 1832. According to Macara, Goderich's reason for suspending the grant was to prevent College Council from maintaining their position and continuing to function under the charter which they had refused to surrender.²¹ One must remember, of course, that Macara was particularly ill-disposed to the university and all of its officials.

Reference to the suspension of the grant also appeared in a memo from King's College Council to the Honourable Samuel Harrison, Assistant Secretary, Canada West, noting with respect to the money accruing from the land sales of the Canada Company, that the grant "was regularly paid from the first of January 1828 until the last day of June 1832, — being four and a half years. It was then suspended by a despatch from the Colonial Office pending approval of suitable amendments to the original charter of the university."²² In fact, there appears to be no direct evidence in the documents either to the suspension of the charter, or to the suspension of the £1000. According to Macara's account, however, the suspension of the charter was referred to by Sir George Murray himself in 1831 when he commented, "while I was in office I suspended the operations of the charter, having it in contemplation to abolish entirely the distinction [on the score of religion]; and, had I remained in office, I certainly should have done so."²³

No copy of a confidential despatch of July 5, 1832, or any other, has been discovered containing authority for the suspension of the £1000 grant. Hodgins, in a hunt for evidence of this suspension reported that a search for such a confidential memo was conducted among the archives of the Colonial Office, the Public Records Office in London, the offices of the Governor General, the Secretary of State and the Chief Archivist in Ottawa, but "no despatch —confidential or official is on file in any of the offices mentioned, not can any trace of such a despatch be discovered after the most careful searches."²⁴ A confidential despatch from the Colonial Secretary to Sir John Colborne on July 5, 1832, does exist but contains no reference whatever to the £1000.²⁵ It is, therefore, a matter of speculation of how and by whom the £1000

was suspended. Nor was the grant renewed under the terms which appear to have been attached to its mysterious suspension. Much later, in 1838, after the 1837 amendments to the charter had been passed, the Bursar of King's College wrote a note directing Strachan's attention to the non-payment of the grant. Since the terms under which renewal of the grant was to have taken place had been met by the amendments, the grant ought to have been renewed. The five and one half years of arrears, amounted at the time to £5500.²⁶ No further record appears to exist with respect to the Canada Company grant and the balance of the amount owing was never paid to the university.²⁷

It appears that King's College Council met infrequently, if at all between the middle of June 1832 and the middle of March 1833. Their refusal to surrender the charter and the preoccupation of Colborne with Upper Canada College may have been reasons for the hiatus. Hodgins speculates that the suspension of the Canada Company £1000 per annum may also have been a major contributing factor.²⁸ Once meetings resumed, King's College Council agreed to the transfer of Upper Canada College to its authority as recommended by Colborne in March 1833 but Council members insisted on the fact that the preparatory college would be "mainly subsidiary to the chartered university of King's College,"²⁹ and emphasized that accepting this responsibility in no way implied that the interests of the Upper Canada College should supercede the need for the university to be established as soon as possible. With the understanding that the importance of Upper Canada College lay in the provision of an efficient preparatory system for the university, Council accepted the expediency of its new role on the clear understanding the two colleges were to have different functions and were to be clearly differentiated.³⁰

Through the next four years until March 1837, the meetings of King's College Council dealt largely with details of business matters connected with the endowment of the university, the sale of lands, appointments to Upper Canada College, regulations for Upper Canada College and improvements to the grounds of both colleges. The important matter of the university charter, however, continued to hang in the balance. The House of Assembly continued to question the terms of the charter and to propose amendments for transforming the charter into a form acceptable to the Assembly while the Legislative Council continued to question the wisdom of what was recommended by the Assembly.

Sir John Colborne was also making attempts to revise the Charter. He had submitted a draft charter to the Colonial Secretary, Lord Goderich in 1832 and apparently repeated the attempt by submitting what was probably the same draft to Glenelg in 1835. Goderich's reply to Colborne was written on November 8, 1832 and indicated in the most direct terms that "every possible measure has been take to refer to their [Upper Canada] representatives the decision of the question, in what form and upon what principles the college should be founded."³¹ He left no room for doubt that the Imperial Government had absolutely no intention of imposing a solution to the university question on Upper Canada or of allowing Colborne to do so. It was a problem which could only be worked out by the colonial representatives themselves.

The reply of Glenelg came after Colborne had submitted the same suggestion to him when the amendments suggested by the House of Assembly in 1835 failed to pass the Legislative Council. Glenelg's reply in a despatch dated June 17, 1835, stated adamantly that it was completely impossible to act upon Colborne's recommendation. He indicated that he could not

imagine the grounds upon which the Lieutenant-Governor might have assumed that the legislature of Upper Canada would ever agree with the proposals he had apparently submitted, and indicated that, in his view, Colborne's suggestions for the charter differed in every possible way from the recommendations of the House of Assembly. He also made very clear that since his predecessor, Goderich, had referred the matter to the discretion of the Upper Canada legislature, the legislature would certainly be horrified to have the Imperial Government reassume that prerogative arbitrarily. Glenelg's view was that in such a case, the provincial representatives would be entirely justified in regarding the move as needless meddling and interference in the internal affairs of Upper Canada. The despatch was strongly worded and it was very probably on the basis of this response that Colborne solicited his own recall almost immediately afterwards,³² leaving the fate of the university to yet another Lieutenant-Governor of the colony.

Meanwhile, King's College Council, was caught in a challenging dilemma. Because Goderich had requested surrender of the charter and the College Council had refused that request, Council was effectively faced with two options: surrendering the charter, which they had refused to do, or supporting some modifications to it. Council had already suggested in 1832 some modifications to the appointment of Visitor, and President, and an agreement to drop the requirement for Council members to sign the Thirty-nine Articles of the Church of England.³³ They now, in the words of Hodgins, "wisely, yet unwillingly, suggested such modifications of the charter, as would take away its alleged objectionable character of denominational exclusiveness."³⁴

These modifications included those that had been proposed in the Assembly in 1832 and went further than those recommendations had. In addition to their earlier suggestions, Council extended their view of the Presidency to encompass the recommendation that the President not only need not be the Archdeacon of York, but that he need not hold any ecclesiastical office. The membership of College Council was to increase to twelve, expanded to include the Speakers of both Houses of the legislature, the Attorney-General and the Solicitor-General.

There were also recommendations that Upper Canada College be incorporated and become part of King's College with arrangements for appointments of the Principal and Vice-Principal precisely as had been agreed to earlier. Thus, sensibly, if somewhat reluctantly, King's College Council under the leadership of John Strachan became party to the first successful modification of the original charter which was approved by the legislature and proclaimed law on March 4, 1837 in the form outlined in the preceding chapter, a form very close to the recommendations of Council. The only objections to these amendments were registered by the Honourable William Morris and the Honourable James Crooks. Their objections, though slightly different, were both based on the grounds cited earlier that no free grammar schools as prescribed under the grant of 1797, had been established and it was, therefore, improper to look to the establishment of a university before the more elementary levels of education were properly in place.

Once Again Towards Implementation of the Vision

The first, and most logical step taken by Council following the passage of the amended charter was to request the support of the new Lieutenant-Governor, Sir Francis Bond Head, for

proceeding as soon as possible to put the university into operation. Head readily concurred with this recommendation and replied that Council should assemble as soon as convenient in order to develop an effective strategy for implementing the amended charter.³⁵ Council immediately set about working on the matter and by early June had produced, adopted, and submitted a plan to the Chancellor, Sir Francis Bond Head, for approval.³⁶

The plan itself provided for restricted resources that would prevail during the initial phases with a small group of students and a limited number of professors. The proposed arrangement was a departmental structure which, in the view of Council, could be easily limited and easily expanded as the requirements for the university became clearer. The overall academic plan was classical, and included Latin and Greek, ancient and modern history, geography, English literature, rhetoric, grammar, composition, mathematics, both practical and pure, science, both natural and mechanical, the application of science to the arts, astronomy, geography, both moral and natural philosophy, Christian ethics, political economy, Hebrew and oriental languages, civil, English and constitutional law, the history and principles of the British constitution, chemistry, geology, mineralogy, anatomy and physiology, the theory and practice of physic surgery, materia medica, botany, midwifery and the diseases of women and children.

The budget for the university was much as Strachan had originally recommended it and included allowances for salaries of professors and teachers who were professional practitioners in the fields of law and medicine, the services of a librarian and a gardener, the cost of a library, the cost of laboratory equipment and the services of support staff as well as the cost of operating Bursar and Registrarial offices. The notable change from the earlier budget proposal was the

inclusion of the annual support still required by Upper Canada College. The estimated budget showed a small surplus of £400, exclusive of any fees which might be paid by students. It also contained recommendations regarding the use of capital funds particularly for the construction of buildings and proposed an immediate start on the planning phase for the buildings, the acquisition of library materials, the accumulation of bridging funds, and the adoption of basic statutes, rules and regulations for the academic year.

The proposal for registering students was based on the method used by King's College, London and was structured into three categories. Classical students were to be admitted to a prescribed course of studies but allowed to attend any lectures which interested them and were not part of the prescribed course. Medical students would enter on a prescribed course of studies in that field but would be permitted, like classical students, to attend other lectures. Occasional students would be those who chose to attend a particular course or course of lectures or even private instruction delivered in the college. There were also suggestions for the establishment and administration of scholarships and the supervision of curriculum, and departmental reporting.³⁷

Council's report was submitted to the Chancellor on April 26, 1837. A few weeks later, in May, the Lieutenant-Governor appointed a new Council for King's College according to the terms of the amended charter passed in the previous January. The appointees included the Honourable Robert Sympson Jamieson, Vice-Chancellor of Upper Canada, the Honourable Robert Baldwin Sullivan, the Honourable William Allen, the Honourable John Macaulay, and John Simcoe Macaulay as the appointed members, and the Chancellor, the President, the Speakers of the two houses of the legislature (John Beverley Robinson and Alan MacNab), the

Attorney-General, (Charles Hagerman), the Solicitor-General, (William Henry Draper), and the Principal of Upper Canada College (Joseph Harris) as the *ex officio* members.³⁸

It was, no doubt, with considerable enthusiasm about developments that the newly appointed members signed the required declaration of belief and set about the business of establishing the university. Their enthusiasm was, however, to be tarnished very soon, for the clouds of rebellion were gathering on the horizon. With the advent of the Upper Canada rebellion in December 1837, the founding of King's College was once again postponed.

Financial Considerations

Until April 20, 1839, Council's activity was limited to finding a new Principal for Upper Canada College, and authorizing a variety of appointments and details connected with preparation for the building of King's College and the ongoing operation of Upper Canada College. On April 20, 1839, however, a meeting of Council was summoned by the new Lieutenant-Governor and Chancellor, Sir George Arthur, appointed to succeed Francis Bond Head who had been recalled to England after the rebellion. Arthur indicated that, in reviewing the financial records and documentation which had been requested by the House of Assembly, he had been somewhat surprised to discover incomplete and anomalous statements. Consequently, he believed it to be extremely important that a committee of Council be appointed to inquire into the facts and then compile a report on the accounts of the university Bursar, including detail on all major items of expenditure, the authority under which the expenditures were incurred, information about all of the salaries paid, the debt incurred on account of Upper

Canada College, the prospects for repayment of that debt, the general expenses of Upper Canada College, a detailed statement of the resources of King's College, with a clear indication of available and unavailable resources, a budget indicating the probable operating income, expenditures and other relevant detail. The committee which was appointed in consequence of Arthur's recommendation comprised John Macaulay, John Simcoe Macaulay, Jonas Jones and the Reverend John McCaul.³⁹

Considerable discussion ensued leading to a consensus that it was not, at that time, advisable to commence the university buildings. It emerged that both the Bursar and the Collector for Upper Canada College were indebted to the university and the Committee was further authorized to investigate both the degree of indebtedness, and to consider what reasonable courses of action might be taken to remedy the problems. The committee moved with despatch, an accountant being hired to assist in the investigation, and the reports of both the committee and the accountant were submitted a few months later in July 1839. The reports of this investigation were reviewed in remarkable detail by the university's subsequent Commission of Inquiry in 1848. A complete analysis of both this inquiry and the later one must, however, remain sources of material for a subsequent analysis, perhaps a topic for a future dissertation. Only the surface details can be addressed within the scope of the current study.

Basically, both reports indicated that the total receipts of the university from 1828 to 1839 had amounted to £82,729 plus a few shillings. Disbursements over the same period had amounted to £54,925 plus a few shillings, leaving a disposable balance of £27,803-17s.-9d. This balance was comprised of £10,000 in government debentures held in the Bank of Upper Canada,

£250 in Upper Canada Bank stock, £4,300 on loan to Dr. Strachan and others, leaving a little more than £13,000 in the hands of the Honourable Joseph Wells, Bursar and Registrar of King's College. The money in the hands of Joseph Wells was ordered to be repaid. In a letter accompanying the Committee's reports, the Bursar acknowledged his own censurable conduct "in affording aid to various individuals out of the funds in my possession without sanction for doing so."⁴⁰ Over the next period, not only did Bursar Wells attempt most seriously to pay off his debt to the College, but many of his friends and associates assisted in repayment of his debt, sometimes in land, sometimes in stock.

The explanation of what had occurred was contained in the report of the accountant, T. C. Patrick. The endowment consisted almost completely of lands which produced little income until they were sold, and rental amounts from numerous tenants. The "bulk of business in the Bursar's office, therefore, required knowledge, experience, diligence and labour to organize and check the myriad details of the accounts and the accounting methods."⁴¹ Speaking of the work which the Bursar's office had been conducting, Patrick reported that there was ample proof of sound and honest intent in the correspondence on file, the records of verbal communications, and the entry of the Bursar himself of every payment received. "But, in the absence of a better system, there has been much superfluous labour without the attainment of the object desired."⁴² Several important deficiencies were specifically noted by the accountant: a register of tenants of leasehold properties, indicating the name of the occupant, the registry of the land leased, the annual rent due, and any arrears owing. The use of such registry books could, in the opinion of the accountant, have helped in producing greater income for the university. The lack of

connection of one account book with another, meant that no advantage could be produced by comparing one account book with another as a test of accuracy. The strong recommendation of the accountant in concluding his report was that it was essential to revise all of the accounts from their origin in 1828 under a more satisfactory system which could provide for cross-checking and the application of suitable accountability measures.⁴³

In a second report to Council, the special committee on the Bursar's accounts indicated that the excess of expenditures over receipts in the matter of Upper Canada College amounted to almost £34,500, that £12,000 was due to the accounts of Upper Canada College by the former Bursar of King's College and two Collectors for Upper Canada College, as well as arrears on the proceeds of some land sales and College dues. This report recommended that additional assistance be hired to set up accounts with all purchasers of lands endowed for the college, as well as with those leasing properties. The person hired could also prepare a registry of university and college lands and statements of all accounts still open with those institutions with the objective of collecting, as soon as possible, payment of arrears. The need for implementation of sound accountability methods as regular procedures in the Bursar's office was reiterated and a procedure for reporting at monthly meetings of Council was recommended. Council was advised to come to an agreement with the Bank of Upper Canada, so that the latter might receive payments on account of the university and issue receipts for same on the recommendation of the Bursar, under regulations approved by Council.

The recommendations of both the committee and the accountant were adopted almost entirely and, for a number of years following this episode, the records of the university were carefully

accounted for. No complete reconstruction of the accounting books from the origins in 1828 appears to have been undertaken, since the Commission of Inquiry of 1848 decided to undertake that mission itself. All in all, the decade ended as well as could be expected for King's College. Its financial house had been put right, an excellent site awaited construction of university buildings, approval had been received to proceed, and amendments to the charter had been approved by all. Then the rebellion of 1837 and the preparations for the Act of Union of 1840 intervened and the disruption delayed further progress for another five years.

CHAPTER SIX KINGS' COLLEGE COUNCIL AND THE OPENING OF THE UNIVERSITY

If the late twenties and the thirties presented challenges for the new university, the eighties and forties was an even more tumultuous decade. The new act of union had been passed and the parliaments of Upper and Lower Canada converted into a single legislature in 1841. This merger contributed to a new diversity of issues and diversity of opinion which often made progress somewhat difficult. Legislators were facing not only the university question but serious challenges from many other sources including the Rebellion Losses bill which later sparked vigorous and sometimes acrimonious debate.¹ Early in the decade, however, the legislature turned its attention to finding a satisfactory way to alter the College's constitution.

Ironically, although the university was experiencing increasing academic success through this decade, it continued to be the subject of ongoing legislative and public opposition. Although King's College opened its doors in 1843 with a strong academic program offered by well-respected professors, progress was slow and difficult. The first matriculants, from four religious denominations, enjoyed the resources of a well-rounded curriculum while their professors worked effectively to promote the principles of sound teaching and learning. Although the academic program was operating smoothly, internal dissension appeared in the Council. Two members submitted a series of letters and minority reports to the legislature and the Governor

General, creating grounds for accusations from the legislature and frustration for Council. Their concerns included both financial and constitutional matters.

If the function of Council had been merely to manage the opening of King's College, its task would have been more easily achieved, but that was not the only task of the Council. Legislation had also imposed responsibility for managing the distribution to the district grammar schools of income from the interest on sale of school lands. John Colborne had made the Council responsible for the operation of Upper Canada College, and, early in the 1840s, Council was directed to supervise the opening of Upper Canada College as the province's temporary university. During this decade, there was also a significant change in the leadership of King's College. Convinced of the ultimate fate of the university in the face of increasing legislative attempt in 1848 to make profound alterations to its constitution, John Strachan resigned as President. He had come to believe that he had contributed all he possibly could to King's College and so turned his attention to the founding of a Church of England university and the fate of the episcopal seminary he had established earlier at Cobourg. His successor, John McCaul, though eminently qualified to be President, differed from Strachan in both style and attitude and he offered the college a very different kind of leadership.

The difficulty with discussing the activity of King's College Council, particularly during the period of the 1840s is that of sorting the material into segments which not only make sense in themselves, but which help to clarify the overall history of the university. The following discussion of Council activity is divided roughly into academic, financial and political categories. The academic history includes the work of King's College Council in managing

Upper Canada College, supervising the grammar school income interest, and managing the operation of King's College itself.

King's College Council and Upper Canada College

In 1840 the first meeting of King's College Council, held on January 29, was engaged primarily with concerns of financial integrity and with the agreement to situate a magnetic observatory on university property as had been suggested by the Lieutenant-Governor.² The academic work of the Council for the year began in earnest with its meeting February 29 when Messieurs William Henry Draper and Robert Baldwin, Attorney and Solicitor General respectively, took their seats on the Council. Both Draper and Baldwin were destined to become much more deeply involved with King's College on political rather than academic grounds in the near future. At this stage, however, the Council was concerned on the academic front primarily with the opening of Upper Canada College as a temporary university.

To meet this objective, Council developed and approved a variety of resolutions designed to expedite the opening of that institution. Council members were in complete agreement that the temporary university should be prepared to receive students without further delay. Since Upper Canada College already had facilities for instruction, it was agreed that the buildings already in use should be repaired, altered as required, and fitted out so that classes at the temporary university could be accommodated as conveniently as possible. A new building was to be erected for the use of Upper Canada College itself. Limits were set on the expenditures for these projects at a total not to exceed £2000. In light of previous financial difficulties with such ventures,

Council appointed five members to contract for and superintend the repairs, alterations, and construction to ensure that the business was conducted in the most efficient matter possible.³

During the next few months work was connected largely with development of plans for the new building, revisions where required, and approvals. One issue was paramount in the minds of the Councillors: that the distinction between Upper Canada College and King's College be clearly retained and that the vision of King's College not be obscured by the temporary university which they were working to establish. To that end, the Council passed a resolution:

That in such arrangements as shall be made for the erection of the [temporary] university upon Upper Canada College grounds, the same are to be made solely with a view to put the [temporary] university into speedy operation and not to affect the buildings or future establishment thereof (of King's College), on the original Site purchased by the Council.⁴

No matter what Sir John Colborne's intentions may have been in establishing Upper Canada College, the intention of King's College Council was to ensure not only that a strong and viable university appeared in the province, but that Upper Canada College should be a leading preparatory school for that university although, most definitely, not the university itself.

Council was looking not only to physical accommodation for students and faculty, but also to the development of resources for the incipient university. Strachan had already identified the need for a library, botanical garden (already begun on university property), laboratory equipment, and a museum. In addition, therefore, to arranging for the transference of two acres of King's College grounds to the Crown as a site for the proposed observatory, Council also was proceeding with plans to establish a natural history museum and a library through the acquisition of a collection of a late resident of the province. Mr. Charles Fothergill's collection contained a

wide variety of North American specimens. Relics of the aboriginal inhabitants of North America as well as specimens of indigenous plants and animals had often been transferred abroad but no collection was being formed within the province itself. Not only, then, would this collection provide a resource to the university, but it would, like the university itself, also provide a valuable resource for the province itself. The collection consisted principally of birds (about 800 specimens), animals (about 60 specimens), fish, reptiles, insects, and shells. It also included some skulls and bones, both human and animal, some Indian ornaments wax castings, paintings of Indian chiefs and a variety of North American publications on ornithology. The entire collection was procured by the university for the sum of £175.⁵

Some time later, in 1842, the Council received an offer from Peter de Blaquièrè, who would later become the first Chancellor of the University of Toronto. He offered his complete library to the university for the sum of £1,200. Since, however, the new buildings for the institution were under construction and cash flow was a serious consideration, the matter was deferred for want of full study of the money available for such purchases. Ultimately, the university offered to purchase a few of Mr. de Blaquièrè's books at an affordable cost of £100. The offer was rejected and the university was left to assemble its library gradually by other means.⁶

As matters turned out, however, plans for the temporary university were ultimately set aside due in some measure to the accidental death of the Governor General, Lord Sydenham and Toronto. His successor, Sir Charles Bagot, found more reason than his predecessors to support the opening of King's College and rescinded the legislation for the temporary university, and so Upper Canada College was never opened as the temporary university.

King's College Council and the District Grammar Schools

Although the university Council would likely have been delighted to commit themselves exclusively to providing resources for and establishing the university, they were proscribed from doing that by a stipulation in the 1839 "Act for the Advancement of Education in the Province." According to the Act, Council was responsible for the distribution of the income from the interest on the sale of lands endowed for the use of schools. Consequently, it was necessary to establish a committee to develop regulations appropriate to the organization of these schools.⁷ In a sense, this Council initiative was doomed from the outset. The original act had been prepared by a committee of the legislature, unlikely to be supportive of anything devised by the university Council. The amount of money available for distribution was small (about £275), while applications for grants were numerous.

After several months of discussion, the committee, chaired by John McCaul, produced a series of recommendations focussed on accountability measures for schools that were receiving provincial grants. All grammar schools receiving the annual grant of £100 were expected to conform to a standard academic system, uniform across the province and based largely on the system and texts in use at Upper Canada College, measures earlier recommended by the General Board of Education before its dissolution. Procedures for establishing minimum qualifications for teachers and examining the qualifications of potential Head Masters and Assistant Masters were outlined and Council recommended the appointment of an inspector (or inspectors) whose duty would be to ensure that the appropriate regulations were properly observed and to report on the progress of the students.⁸

The following March, Council approved further detailed regulations for accountability measures in the operation of the grammar schools. These additions specified the general daily duties of the Head Master, and such matters as the time of attendance, regular maintenance of a daily register of absences, general dates for vacations, prayers to be used at the end of the school day, various reports to be submitted to parents and to King's College, and instructions for certificates of graduation. The basic curriculum was prescribed in two forms, one for students studying the classics and probably heading towards university and professional life and a second for students who had no need to receive instruction in the classics.⁹

The intent of Council was that the suggestions for the operation of grammar schools established by the legislature should have adequate provisions attached to them to ensure their observance. Eventually these stipulations, reasonable though they may seem, were condemned in the Assembly by opponents of Strachan and King's College, who interpreted the recommendations which McCaul had made as a further power grab by Strachan and the university. In addition, many of the trustees of district grammar schools were facing costly repairs to schools and properties, criticism from local constituents, and increasing and inaccurate rumours that King's and Upper Canada Colleges were devouring far more than their share of the 1797 endowment for education. These were issues and problems which stirred resentment against the two institutions at Toronto and fostered resistance to their progress although, as noted earlier, only slightly more than 50% of the original endowment had been dedicated to King's College and Upper Canada College together.¹⁰ The inaccurate view of the university's use of the

endowment was given unfortunate credence a little later by similar and equally inaccurate observations made by Lord Durham in his report on the affairs of the colony.¹¹

Eventually, the act requiring King's College Council to regulate the grammar schools was repealed in the fall of 1841 and replaced by "An Act to Make Temporary Provision for the Appropriation of the Funds Derived from the Sales of School Lands in that Part of the Province, Formerly Called Upper Canada, and for Other Purposes." Continuing confusion of legislators about the role of King's College Council regarding school lands was evident in the second provision of this act which stipulated that "the management and sale of said School Lands shall continue to be conducted by the said Council of King's College, until further provision shall be made in that behalf, at any future session of the Legislature." This clause seems to presuppose that the School Lands had been under the actual management of King's College Council, although that had never been the case. Hence the problems of King's College Council with respect to grammar schools continued unresolved and confusing and the proper role of the College Council in regulating them was obscure.

Fortunately, this confusion was cleared up relatively quickly once Council requested the Governor General's opinion about how to proceed in the matter. His response, received early in 1842, clarified the matter to the satisfaction of all. He requested that Council transfer to the Receiver-General all outstanding debentures and moneys connected with the income from the school lands so that all appropriations for education could be consolidated under one government department, thus ending the challenges to and responsibilities of King's College in the matter of grammar school income.

King's College Council and King's College

By the end of January 1842 John Strachan had written a comprehensive letter to the Governor General, Sir Charles Bagot, requesting a meeting. His letter requested Bagot's support for the immediate commencement of the university. In characteristic style, Strachan began with a detailed analysis of the history of King's College. In meticulous detail he reviewed the protracted delay, the causes which led to the amendments of 1837 and the establishment of Upper Canada College in the meantime. He turned briefly to the existence of Victoria and Queen's universities, both with degree granting rights and both closely connected with their respective churches, pointing out the anomaly inherent in the lack of a similar university with ties to the Church of England, especially in light of the fact that its Royal Charter had been granted fifteen years earlier, before either of its rivals had been founded. Strachan's letter then went on to explain the need for a university in the city of Toronto alone, with its population of 6,000 and to provide an analysis of the steps taken to acquire the charter in 1827. He concluded with the observation that all was now in readiness for putting King's College into operation at the earliest opportunity.¹²

Bagot replied that he had given much thought to the matter and was "most anxious to adopt the course which will be best qualified to bring the institution into immediate and effective operation."¹³ Sir Charles also indicated that in light of the government's move to Kingston, he was prepared to support the university's use of the now vacant legislative buildings of Upper Canada until a permanent building could be constructed. He requested that Strachan bring all of these matters to the attention of the Council. Of course, Strachan did so immediately. On

February 19, 1842, Council appointed a committee to report at the following meeting of Council on the current status of the university and its finances in preparation for developing an implementation plan. The report was to include specifics on the current state of the land endowment with particulars of the lands sold and rented, and particulars of all of the receipts, disbursements, forecasts of annual income, and arrears due on the building fund.¹⁴

Strachan had also written to the Judges of the Court of Queen's Bench as Visitors of the university. In this letter he explained that he had written to Sir Charles Bagot and that he planned to meet with him as soon as possible to urge support for beginning construction on the buildings for King's College. Strachan not only wanted the Visitors to be aware of the course he intended to pursue, but also to ask for their advice and assistance.¹⁵ In response, the Visitors were extremely supportive of Strachan's initiative and indicated their assent to any initiative which could put the university into operation without further delay. They also expressed delight that the college funds were adequate to finance the project and confirmed their own support in stating, "We beg your Lordship to add this expression of our opinions and wishes to such representations as you intend to make."¹⁶

Meanwhile, Council began making provision for the new university buildings. The appropriate statutes were framed and proposed by the Attorney-General and Council member William Henry Draper, and approved by the Council on February 19, 1842. The resolutions approved the expenditure of £16,000 on the buildings, a sum Council agreed would not compromise the ability of the university to pay the salaries of the professors and the other essential operating expenses. An Order-in-Council, passed by the legislature on February 28,

granted Council permission for temporary use of the provincial parliament buildings, public offices and grounds, subject to certain conditions.¹⁷ Council was to be responsible for providing insurance on all of the premises, for maintaining the grounds and buildings in good repair during their use by the university, and for restoring them to their current state at the expiry of the lease period at university expense. The province retained the right to reclaim the buildings on request. And so, after fifteen years of argument, debate and deliberation, the university was finally on the threshold of receiving its first students.

Negotiations with the Toronto General Hospital regarding the use of its facilities by students in the Faculty of Medicine were begun.¹⁸ One draft proposed that medical students be admitted to clinical practice at the hospital in return for an annual payment from the university to cover the cost of maintaining a stipulated number of patient beds. Resolutions passed by Council were forwarded to Bagot for his approval and Council members turned their attention to a detailed examination of the financial statements of King's College with a view to confirming the viability of the funding for the commencement of the new facilities and the renovation and maintenance of the temporary provincial buildings. Bagot's reply was not long in arriving. At the Council meeting of March 30, Strachan laid before the members the response from the Governor General dated March 25, 1842. In it, he enclosed for Council's consideration, a statute repealing legislation for the immediate opening of Upper Canada College as a temporary university, and a draft statute authorizing work on the new university, at a cost not to exceed £18,000, and immediate renovation of the parliament buildings at a cost not to exceed £500.

In light of earlier criticism of King's College, Bagot stipulated that a committee of Council be appointed to contract for and oversee each of these projects with a proviso that all contracts be authorized by the entire Council. Complementary statutes authorized an expenditure of up to £4,000 for the purchase of library books, laboratory apparatus, and materials for a museum and botanical garden. (Some of this work had already been initiated as a result of the prior arrangements made to prepare Upper Canada College to operate as a temporary university.) John McCaul, Henry James Grasett, William Allan, John Simcoe Macaulay and Levisus Peters Sherwood were appointed a committee to superintend building and renovations while Strachan, McCaul and Grasett agreed to comprise a committee to monitor the £4,000 of equipment expenditures.¹⁹ With the building and equipment projects now duly authorized and well in hand, Council notified the Visitors of developments and set about preparing for the laying of the foundation stone as soon as possible. With the consent of Sir Charles Bagot, that official date was set for April 23, 1842.

Following the laying of the cornerstone, Council immediately began to make arrangements for putting King's College into operation. The appointment of professors and the acquisition of appropriate equipment were closely connected, for the Strachan, McCaul, and Grasett Committee strongly recommended that the choice of essential equipment be put, insofar as possible, into the hands of the professors who were to teach the courses. Fortunately, Bagot had already implemented the search for faculty, writing to England to hire professors of theology, mathematics and chemistry. But Bagot believed more serious concerns existed regarding the hiring of a professor of medicine. He suspected that the facilities available at King's College were below the standard necessary to

attract the quality of person required by the university. He suggested, instead, that, in the interim, Dr. Widmer, a noted local physician might assist with the acquisition of a basic medical library.

By September 1843 the complement of professors at King's College included the Reverend John McCaul, Professor of Classics, Belles Lettres, Rhetoric and Logic and senior professor; Reverend James Beaven, Professor of Divinity, Metaphysics and Moral Philosophy; Richard Potter, Professor of Mathematics and Natural Philosophy; Henry Holmes Croft, Professor of Experimental Philosophy and Chemistry; Professor William Charles Gwynne, Professor of Anatomy and Physiology, and William Hume Blake, Professor of Law. Meanwhile, following the untimely death of Sir Charles Bagot, yet another the new Governor General and Chancellor of the University of King's College, Sir Charles Metcalfe, had taken office and begun to respond to correspondence from the King's College Council. On November 4, the Council received from Metcalfe a proposal for statutes regarding professors, their seniority and their salaries. The list of proposed professorships included classics, Belles Lettres, rhetoric and logic; divinity, metaphysics and moral philosophy; mathematics and natural philosophy; chemistry and experimental philosophy; anatomy and physiology; theory and practice of physic; law and jurisprudence; principles and practice of surgery; midwifery and diseases of women and children; materia medica; pharmacy and botany; and practical anatomy to be combined with the curatorship of the anatomical and pathological museum. By the end of the calendar year, most of those faculty appointments had been made.

King's College Council and the Faculty of Medicine

Although the faculty of arts was nearly complete, the faculty of medicine was still being assembled. In the interim, Dr. Widmer, having agreed to contribute his expertise, submitted a

proposal to the Council meeting of June 6, 1842 in which he outlined a program of study and an organizational structure for a medical faculty. The basic components of the program of study were medicine, surgery, chemistry and anatomy. He recommended hiring four professors of equal status, arguing that although this approach would commit all of them to heavy teaching burdens, it would avoid the problem whereby duties divided over a greater number of faculty would necessitate “invidious distinctions of rank and income.”²⁰ Dr. Widmer stressed his view that it would be wise to obtain the professors of chemistry and physic from Britain explaining that “amongst the best educated men in the profession of Medicine are those now sent forth from the London University, and from King’s College in London. The examinations at both these Institutions are of the most severe character, and none but those highly qualified can graduate.”²¹ This comment constituted a remarkable compliment to a university less than fifteen years old.

Shortly after the opening of the Faculty of Arts in 1843, further reports on the Faculty of Medicine provided more detailed direction to its proposed operation.²² The academic year for medical students was to be somewhat longer than that for students in arts and science. Regulations specifying fees and conditions for graduation were instituted. Graduates would be required to certify that they were at least twenty-one years old; that they completed five years of study in medicine, three of those years at lectures in schools recognized by King’s College and one, at least, in the Medical School of King’s College itself; that they had obtained certificates of attendance in courses of theoretical and practical chemistry, anatomy and physiology, theory and practice of medicine, theory and practice of surgery, materia medica and pharmacy, midwifery and diseases of women, and had completed at least eighteen months of clinical practice. Council also recommended the addition of forensic medicine and botany when possible, and the acquisition of an additional wing of

the parliament buildings for the use of the medical faculty. Steps to arrange for recognition of King's College certificates by other universities, the Army Medical Board and selected medical institutions were also initiated.

King's College was open for students in arts and science in the fall of 1843, but the Faculty of Medicine was not yet in operation. Specific steps to put that school into immediate operation had, however, already been approved. Students were to be admitted to lectures commencing on Monday, January 15 with the inaugural lecture of each professor to be delivered during the first week of classes. Work to finalize arrangements for the use of hospital facilities in time for the beginning of the first semester was considered urgent by Council.²³ But before medical students were actually admitted to King's College, the Council received a letter from Doctor Christopher Widmer, Chairman of the Board of Trustees of the Toronto Hospital. The Board was offering to make the entire upper floor of the hospital available to the university's faculty of medicine subject to several conditions: the payment of a fee of £100 for additional equipment; a one shilling and three pence *per diem* charge for each patient in the medical faculty; provision of a list of the members of the faculty of medicine to be appointed individually as medical attendants of the hospital; and an agreement that the members of the university medical faculty be subject to the rules and regulations in force at the hospital. Although no specific reasons were given in the minutes, the Council noted that "after much deliberation on this matter [they] regret they cannot accede to the proposition."²⁴ This and further stipulations regarding the procedures and admissions to the school of medicine and the faculty of arts, discussed and passed in January 1844, provide ample evidence of the care, concern and attention directed to the faculty of medicine by the university Council during the early development of the institution.

Discussions about the terms under which university faculty and their students would be able to make use of the facilities of the Toronto Hospital continued for some time. By the summer of 1844, however, an arrangement satisfactory to the university had been drafted by Dr. McCaul and approved by the Council, and a series of proposals were submitted for consideration by the hospital trustees. Most contentious was the question of who should have the power to appoint faculty and at which location. Less difficult was the agreement for the transfer of £500 from the university to the hospital to cover the cost of making the necessary additions and alterations to hospital equipment for use by university faculty. By the fall of the same year arrangements had been satisfactorily completed and the names of professors in the faculty of medicine who would be attending at the hospital submitted to the trustees.

Progress was not, however, without its problems. For example, with the same objective of providing the best possible resources for the university faculty and students, Council had recognized with alarm a decision by the Governor, Sir George Arthur, in the fall of 1840, to select a site for the provincial mental hospital at Kingston. The location was so far from Toronto that the medical faculty and students would be unable to make use of it for teaching and clinical experience. On October 21, 1840, therefore, Council passed a resolution requesting further information from the Chancellor. Their memorandum included a strong suggestion for reconsideration of the site choice noting the importance of locating the institution close enough to King's College that reciprocal advantages could accrue both to the asylum and to the medical students in the university.²⁵ The matter took a considerable length of time to sort out but early in 1842 Sir Charles Bagot authorized a location in Toronto for the asylum.²⁶ And so, by the

beginning of 1844, seventeen years after the granting of the original charter of King's College, the university was in full operation.

Statutes of the University and the Office of Vice-President

As a footnote to the history of King's College during this period, it should be noted that no record of the complete original statutes of the university remains. Regulations regarding the university term, matriculation, lectures in the faculty of arts, and some offices in the medical faculty are recorded among the documents preserved by John George Hodgins in his volumes on education.²⁷ One or two others, including those concerned with the appointment of a Vice-President appear to have been lost, although something of their content may be inferred from other documents and from John Macara's pamphlet on the history of King's College.

While the majority of existing and missing statutes were undoubtedly intended to authorize and regulate the normal routines and practices of the university, one statute seems to have precipitated a peculiar and unpleasant contretemps. At a meeting on June 20, 1840, on the motion of John Simcoe Macaulay, Council had passed a resolution that "the Chancellor be requested, without delay, to appoint a person to the position of Vice-President of King's College, either by choice within the Province, or as His Excellency shall see fit,—in pursuance of a Statute of this University, Chapter IV."²⁸ It was further resolved that the salary of the Vice-President should be £750 per annum plus a suitable residence.²⁹ In his reference to this matter, John Macara cites a statute which stipulates that because Strachan's living on campus and superintending the day to day running of the university was incompatible with his clerical duties,

a Vice-President was to be appointed for the duration of Strachan's tenure as President. Several conditions of the office were included in the statute: the Vice-President was to be professor in the university and was to be next in seniority to the President. He was to live on campus, preside at meetings of convocation in the absence of the Chancellor and President, examine applicants for matriculation, take responsibility for the regulation and discipline of the college, act *in loco parentis*, serve as academic counsellor to students, supervise support staff, and have general supervision over all things not related to the Bursar's office.³⁰

When, two years later, on November 21, 1842, Governor Bagot responded to Council's request by appointing John McCaul to King's College as professor, member of Council and Vice-President,³¹ his action met with interesting opposition. An intensive discussion ensued, extending over at least two meetings about the legality of the position itself and about Bagot's right to appoint McCaul as Senior Professor since the office of Vice-President had not been identified in the original or the amended charter, but the right to seniority of professors according to their date of appointment had been.³²

McCaul himself became involved in the acrimonious debate, objecting to the way in which various comments and resolutions were recorded in the minutes and generally defending his position.³³ The tempest was resolved by the Attorney and Solicitor Generals' recommendations that nothing be done to appeal or reconsider the matter since doing so would divert the energy and attention of Council from the more valid and demanding tasks of preparing for the opening of the university. In addition, they pointed out that a complete revision of the by-laws would be required in the near future and the issues surrounding the office of Vice-President

could be more sensibly resolved during the course of those revisions.³⁴ Attorney General Robert Baldwin's response is particularly interesting in light of the fact that his own proposed legislation for completely altering the university was before the House of Assembly less than a year following this report to Council.

Although, in many ways this controversy seems was like the proverbial tempest in a teapot since Doctor McCaul was, by the Governor General's letter, appointed only for the term of Doctor Strachan's Presidency, its repercussions continued for some time to daunt McCaul and the university. Popular objections to McCaul's appointment as Vice-President were recorded a full two years later in 1844 by John Macara in his pamphlet on King's College.³⁵ Macara, being an ardent Reformer and supporter of the movement for representative government, sided definitively of course with Baldwin's opinion, and was highly critical of the appointment and of McCaul's response.³⁶

King's College Opens Its Doors

At the time these statutes were being discussed by the Council, preparations were well underway to enable the university to begin lectures on January 9, 1843 with entrance examinations to be conducted on Mondays, Wednesdays and Fridays prior to January 5, 1843.³⁷ The Faculty of Medicine was to open for the fall term 1843. As is the custom with renovations, however, construction work took somewhat longer than anticipated and so it was not until June 1843 that students were actually admitted to the University of King's College. The official opening took place on June 8, 1843 and must have aroused in John Strachan a mixture of

emotions. He would, of course, have experienced the delight and satisfaction of reaching a long sought after goal, pride in his own accomplishment and in the accomplishments and excitement of the newly matriculated students. But he must also have felt keen regret and a deep sadness at the death of the Governor General, Sir Charles Bagot, whose help had ultimately forwarded to the university project to completion.

Once the university was in actual operation, operational plans were put before the Council by the Vice-President. Dates for regular examinations, requirements for printing the examination papers, publication of the dates on which examinations would be held and arrangements for the publication of the results were all examined and approved by Council.³⁸ A series of statutes was passed extending the program of the university to include professorships in Hebrew and cognate languages, political economy, medical jurisprudence, music, history, geography, geology, mineralogy, civil engineering, architecture, painting and agriculture as the circumstances of the institution would permit. The appointment of officers of the institution such as proctors, deans, bedels, grounds keepers, and others was also formalized. Regulations regarding the meetings of Convocation were considered and approved. Such details as the schedule of its meetings, how it should be conducted, how they should conduct votes, the rank and precedence of members, and other such details were settled. Among the most important statutes considered by Council were probably those dealing with the qualifications for degrees. Each degree was set out in terms of the length of time the students were to have been in attendance, the exercises they must have completed, the examinations they were required to have passed and the requirement that payment of fees be completed before graduation: In short, all of

the operating details for the efficient conduct of a good university were taken care of by the Council.

The first Convocation of the University of King's College took place on December 20, 1844. Because the Chancellor was ill and unable to preside, President Strachan officiated at the first granting of degrees in the institution he had struggled so long to establish. Five members of the university were presented for degrees *ad eundem*, and nine students were presented for matriculation. Prizes were awarded for outstanding achievement and the award-winning compositions read aloud to the audience. King's College was firmly set on the road of excellence and success, but there were other factors at work which demand examination.

CHAPTER SEVEN
POLITICAL MACHINATIONS:
LEGISLATION ATTEMPTED BY REFORMERS AND TORIES

On the ninth of February 1841 Sir George Arthur bade farewell to his Executive Council, clearing the way for the Governor General, Poulett Thomson, recently created Baron Sydenham and Toronto, to issue the proclamation of union between the provinces of Upper and Lower Canada the following day. A few days later Sydenham announced his cabinet and the first session of the Parliament of United Canada was called for June of that year. In his speech from the throne, June 15, 1841, the Governor General directed attention to the need for constructive decisions regarding education. He noted that a “due provision for the Education of the People is one of the first duties of the State; and, in this Province, especially, the want of it is grievously felt.” He recognized the difficulties inherent in the project but was convinced that “its overwhelming importance [demanded] that it should be undertaken.”¹ In the decade which followed Sydenham’s brief term as Governor General those “difficulties” to which he referred and their “overwhelming importance” led to the introduction of at least five major pieces of legislation designed to resolve the university question, intensive lobbying from interested constituencies, and the publication of volumes of editorials and newspaper articles as well as a plethora of pamphlets designed to enlighten the public about the university issues.

Some participants proposed complete separation of religion from education; some proposed amalgamation of the contenders for the endowment; some changed sides during the

series of controversies; and some used the question as grist for the mill of party politics. Virtually no one examined or criticized the academic program. All of the debate was founded in religious, political, and financial issues. The whole debate was emotionally charged and sometimes acrimonious. Only limited reference was made to the original grant as it was identified in the Duke of Portland's despatch and the fact that the letter of the law had been observed on neither of its key terms. Hence, great confusion about the implication of Portland's terms raged through the university debates. The problem with conforming to the original stipulation for using the endowment for more than one seminary, of course, was funding. In 1798 Peter Russell's advisory committee had calculated for the support of one university in their recommendations. By the early 1840s Queen's, Victoria and even Regiopolis had already requested assistance from the legislature for their institutions. In the end the university question was essentially a question of money and control and eventually, the terms of Portland's despatch were forgotten almost entirely. Ultimately, the demands of all religious groups in the province led the legislators to understand the question as one of how all inhabitants of the province could benefit most effectively from King's College endowment. The issue was whether the solution lay in centralizing or decentralizing control over the endowment.

King's College and its Council had certainly come into possession of the university and its endowment legally and fairly, but in spite of the fact that the Royal Charter was the most liberal ever granted, it assumed a relationship between church and state which was anachronistic in a frontier colony. It had been acquired under a system of government on the verge of profound change and in reaction to the American Revolution. In England, the Reform Bill of 1832 had

been passed. In Upper Canada the reformers were beginning to influence the development of policy issues along “party” lines, increasing the momentum of the move towards representative government. Newspapers had begun to respond in sympathy with party positions and individuals to petition the legislature to underscore their positions and hasten the advent of representative government. In the midst of these forces King’s College struggled in vain to maintain its position and its endowment.

The Role of Victoria, Queen’s and Regiopolis Colleges

One major difference between the province of Upper Canada in 1827 and that of Canada West in the 1840s is that from 1827 onward, the Council of King’s College was struggling to bring the first university in Upper Canada into operation while by the early 1840s four universities had been established. Early in 1837 the legislature responded to a petition from the Right Reverend Alexander Macdonnell by introducing a bill for the incorporation of a diocesan Roman Catholic Seminary at Kingston. By early March “An Act to Incorporate Certain Persons Therein Named as a Board of Trustees, for the Erection, Superintending and Management of a Roman Catholic College at Kingston to be known by the Name of THE COLLEGE OF REGIOPOLIS” had been passed. The act of incorporation contained no reference to funding or grants and the College was to function with relative independence for most of its tenure.

In 1836 the Upper Canada Academy was opened in Cobourg by the Wesleyan Methodists. Although all of the instructors and trustees of the school were Methodists, there was no denominational entrance test either for students or for faculty. Even as its doors opened,

however, the institution was already deeply in debt.² Having been unable to incorporate the Academy under provincial legislation, its trustees despatched Egerton Ryerson to England where, after nineteen months, he managed to obtain a Royal Charter for Upper Canada Academy, the first granted to a non-Church of England institution. Ryerson returned with some subscriptions for the school and a promise of £4,100 from the Colonial Office³ but Victoria remained on very tenuous financial ground. In 1840 the school was incorporated by an act of the legislature of the Canadas as a college with the rights and privileges of a university and in June 1842, with Egerton Ryerson as principal, Victoria College was formally opened as a university. Victoria was always intended as a literary institution and a facility for the education of ministers in the Wesleyan Methodist Church and the children of Methodist ministers. As a result of these circumstances, funding was a perennial problem for Victoria in spite of the strong Methodist conviction about the importance of voluntarism.⁴

Meanwhile the first mention of a college at Kingston may have occurred as early as 1829 in an annual report of the Glasgow Colonial Society.⁵ Certainly, records indicate that a committee reported to Presbytery in 1830 that the idea of establishing an institute offering a program for candidates for the ministry combined with a literary education was being well received.⁶ By 1839 a bill to establish a college in connection with the Church of Scotland had been introduced and “An Act to Establish a College by the Name and Style of the University of Kingston” was passed into law in February 1840. In 1841 this act was disallowed on procedural grounds, and instead a Royal Charter was granted for the establishment of Queen’s College at Kingston. At the same time, however, the issue of funding for the new university was consigned

to provincial authority⁷ and any question of funding a theological professorship from the endowment of King's College was eliminated.⁸ The institution opened in 1842 with two professors and eleven students under its first President, the Reverend Thomas Liddell. Two years later the movement originating in Scotland with the work of the Reverend Dr. Chalmers took hold in Canada and resulted in the separation of a large part of the Presbyterian Church of Canada from the Church of Scotland. When the Presbyterian Church founded Knox College in Toronto the number of students at Queen's College decreased as did the resources for raising funds for Queen's.

Doubts about the expediency of the Church of Scotland opening anything more than a theological college had already been expressed, and the position of the trustees as they observed preparations for the opening of King's College at York, was that King's College should provide a resource for the whole province. On September 8, 1842, the Board formalized its discussions of the matter. Trustees noted that they had resorted to the establishment of their own college, only when there appeared to be no possibility of gaining "their due influence in the administration of that [King's] College."⁹ Now, in light of the "spirit of Conciliation and liberality [which] pervades the councils of the Provincial Government," they asserted their readiness "to concur in any legislative enactment that shall empower them to limit Queen's College to the department of Theological instruction" and concluded that they were prepared to "authorize the removal of said College to Toronto, provided that the other powers and privileges conferred by the Charter [of Queen's College] shall not be infringed on."¹⁰ Although they protected their right to an independent institution should a satisfactory route for working with King's College not

materialize, Queen's Board resolved to present their position to the Governor General and appointed a commission to pursue the matter and to act on behalf of the Board. About five months later, the commissioners reported that "a decided majority of the council [King's College Council] were unfavourable to the idea of Union"¹¹ but that the Governor General and a number of his Executive Council favoured the principle of union although they were convinced that "the concurrence and hearty co-operation of the Methodist Body in this Country is absolutely essential" to successful legislation on the matter.¹²

What Queen's needed most, of course, was money to provide the means for the education they required of their ministers. Hence, even before this report had been submitted to Council, Thomas Liddell, Principal of Queen's, had initiated such a step himself. In a letter to Egerton Ryerson he had outlined Queen's proposed scheme of union and some important factors about King's College.¹³ His proposal was based on a concept which he had apparently discussed in previous conversations with Ryerson that there should be one university to be called the University of Toronto with as many colleges as required by the province, each with a governing body of its own, based on its own charter or constitution. Full power for matters affecting the university as a whole was to be vested in a "Provincial University Council" on which representatives of each of the colleges and departments would sit. Liddell believed that the concept would permit a wide variety of interests to be represented in the governance of the institution. The university itself would provide excellent literary and philosophical education to all students while graduates of the basic program could receive the particular brand of education required by any one of a variety of communities in the province. In his strenuous argument for

amalgamation Liddell demonstrated an extraordinarily clear sense of the needs, shortcomings, and possibilities for higher education in Upper Canada but his vision would not be realized until almost fifty years later, long after the tempestuous debates of the 1840s had subsided.

By July 1843 it was clear that a bill would be introduced by the fall and that a good many of the legislators were sympathetic to the proposals espoused by Queen's. A good deal of discussion and negotiation had transpired between the delegates of Queen's and various government officials and the correspondence between Liddell and Ryerson was continuing.¹⁴ For the most part, Ryerson's position was to distance himself slightly from the position of Queen's University without divorcing himself entirely from its principles. Although he agreed to put the matter before the subsequent meeting of Methodist Conference, he indicated that it would not only be propitious, but advantageous for the Methodists and the Church of Scotland to work independently. He also urged Liddell to understand that although Victoria was intended to educate candidates for ministry in the Methodist Church, its primary purpose, unlike the primary purpose of Queen's, was to serve as a literary not a theological institute. As a consequence, the proposal projected by Queen's had some disadvantages for Victoria.

By late September, several factors were clear: Queen's was strenuously proposing amalgamation to the government; the government required the support of Wesleyan Methodists to proceed with legislation; and a bill was being prepared for presentation to the House of Assembly. Three options lay before the Methodists: they could leave the matter to the consciences of individuals; they could register a formal petition from the Board of Victoria; or they could lobby informally. No decision had been taken by the time Robert Baldwin introduced

his bill. But two days later, Egerton Ryerson called a special meeting of Victoria's Board of Trustees for October 24 "to take into consideration, among other matters, a Measure now pending before the Legislature deeply affecting the Institution."¹⁵

For Victoria, the key issue was the proviso that each of the colleges associated with the new university would receive a grant of £500 annually for four years in return for giving up its university rights and powers. The intent of the bill appeared to be maintaining the endowment intact while starving the colleges after the expiry of their four year grant. Victoria's Board recorded several compromise resolutions in response to their dilemma. The critical resolution approved of the bill as presented to the Assembly but at the same time, regretted Victoria's peculiar circumstance in having founded its institution in Cobourg and registered an appeal for a grant of "such assistance as our peculiar circumstances suggest."¹⁶ Thus, the government came to believe itself sure, not only of the support of representatives of both the Methodist and Church of Scotland bodies, but also of the advocacy of their supporting newspapers.

For the Church of England, Baldwin's bill was another matter entirely. Both John Strachan and King's College Council petitioned both houses of the legislature against the bill and Strachan also submitted a brief on the matter to Sir Charles Metcalfe. Strachan's petitions reworked much of the ground of former arguments. In addition, he argued that the original intent in obtaining a charter for King's College was twofold: it was to provide a means of educating young men for ministry in the Church of England, the Church of the Sovereign and the empire, and it was to provide a means of secular education for the whole province.¹⁷ He opposed any position which would subject universities to the political expediency of successive governments

rather than to pedagogical and moral principle. In what appears to be an attempt to engage the sympathies of Lower Canada politicians, he pointed to the fact that if the endowment and the terms of the Royal Charter could be altered and reversed for King's College, they could be altered for any institution in the country. Hence, no property was safe from government intervention. At the same time, he pointed out that property endowed to religious institutions in Lower Canada amounted to 2,125,179 acres, many times the amount of endowed land in Upper Canada.¹⁸ The petition was strongly worded and may have been stronger, or more emotional in tone than even Strachan in his more reflective moments might have wished.

If Strachan's defence was impassioned, Council's presentation, delivered at the bar of the House by William Henry Draper, was not. His speech was long and predicated, for the most part, on legal issues and legal precedents. His fundamental argument was that: "the Legislature cannot without infringing on the prerogative of the Crown, erect a new corporation with University powers and privileges" and that the legislature "cannot, (excepting as an act of will and power, unsustained by reason or principle,) deprive a corporation of the rights and franchises which the Crown has legally granted to it."¹⁹ Further arguments focussed on the inequity of leaving Queen's, Victoria and Regiopolis with the property and real estate which they then possessed, while taking everything including private gifts and bequests, scholarships, and buildings from King's College as well as endowment.²⁰

At the same time, both the provincial newspapers and members of the public at large were actively engaged in discussion of Baldwin's bill. The *Patriot*, a Torry paper and the *Church*, an Anglican paper, supported the position of King's College. The *Christian Guardian*, a Methodist

newspaper, originally committed to simply reporting the activity connected with the progress of the bill, eventually became a participant in the debate through the publication of letters from Egerton Ryerson supporting the amalgamation scheme. The *Banner*, the *Examiner* and the *Baptist Register* were advocates of reform platforms.²¹ Public meetings were held throughout the province during this period, the most notable in a Wesleyan Methodist church in Toronto on October 2, 1843. Two resolutions typical of those discussed in the press and at such public meetings were approved. The first noted the evils of sectarian management, and cited the “culpable and extravagant misapplication of its [King’s College] funds” as something “calculated to excite the reasonable jealousy and distrust of other Religious Denominations.”²² The second resolution was a petition for removal of the sectarian character of King’s College, and further modification of the charter to ensure that changes achieved would be permanent.

Legislative Attempts to Solve the University Problem

This first attempt to legislate a major overhaul to the university was made by Robert Baldwin in 1843, the very year in which King’s College was opened. Interest in the university question, allayed by the amendments of 1837, had been kept alive by the founding of the new colleges in Kingston and Cobourg and by continued questioning about the finances of King’s and Upper Canada Colleges in the legislature. Baldwin’s role in the post-Union government was a difficult one. Disagreements among the reformers themselves, particularly between Hincks and Baldwin, the death of Poulett Thomson and the terminal illness of Sir Charles Bagot combined to challenge the government of Baldwin and La Fontaine as well as to offer it opportunity to

demonstrate the effective progress of responsible government. With the arrival of Sir Charles Metcalfe, however, serious difficulties arose and came to a crisis over a question of political appointments which caused a massive resignation of the government ministry at the end of November 1843 while the University Bill was before the House.²³

The main features of Baldwin's bill were designed to create a single provincial university and to "end the connection of church and state in higher education, and to destroy King's College as a visible symbol of Anglican privilege and class favouritism."²⁴ The University of Toronto was to be created out of King's College while King's College, itself was to be preserved as a college of the Protestant Episcopal Church, a name chosen to demonstrate the removal of any concept of an established church. Victoria, Queen's, were to be incorporated into the new provincial institution. A representative board would be responsible for the management of the university, a board of examiners for the granting of degrees, and a lay board of control for managing the finances. Although it is probable that Baldwin's bill would have carried, had it been put to a vote, that did not occur. On November 27, three days after Draper's lengthy plea had been heard at the bar of the House, Baldwin's Executive Council resigned from the government. The University bill was lost in spite of its importance to the province.

But the question itself did not go away. A little over three months after the fall of Baldwin's ministry, William Henry Draper wrote to Egerton Ryerson enclosing the skeleton of a sketch for a university bill and requesting Ryerson's comments on it. Draper's draft was predicated on the principles that education without reference to any religious principle was bad, that the original intention of the endowment to King's College could be interpreted as providing

education for the entire province, but limiting the divinity portion of it to the Church of England, and that to conceive of several different theological professorships in one university would be absurd.²⁵ His plan for a solution was that each of the incorporated colleges be given “a fixed share of the endowment now appropriated to the University of King’s College.”²⁶ In this solution Draper saw the possibility of pleasing Victoria, with its buildings at Cobourg and its desire to conduct a literary college as well as a divinity school, Queen’s with its dire need for funding and its need for a theological faculty, and King’s, which would not be totally liquidated, as it would have been by Baldwin’s bill. Regiopolis, having no degree granting rights at the outset, could only benefit from such an arrangement. Draper anticipated, of course, that it would be difficult to sell King’s College on his concept. Ryerson replied promptly to Draper’s letter agreeing enthusiastically with most of the principles outlined in it and offering Methodist support in the form of favourable resolutions from Victoria’s Board.²⁷ In a subsequent letter, Ryerson went so far as to suggest that the matter might most satisfactorily be settled in England.²⁸ Ryerson’s support for Draper’s proposals was limited, however, by his appointment as Assistant Superintendent of Education for the province on September 28, 1844 and his departure for Europe to observe the educational systems there for almost eighteen months.

On January 7, 1844 the Trustees of Queen’s College appointed Principal Liddell to go directly to Montreal, by this time the seat of the government, to lobby on behalf of the resolutions passed by Queen’s before Baldwin’s attempted legislation over a year earlier. Liddell’s commission was all encompassing, for it authorized him, if he believed that the Board’s resolutions were not acceptable, to urge on the government the “justice of their no longer

delaying to appropriate to Queen's College such a separate endowment as shall enable the Trustees to set that institution on a foot efficiently, as a university, with at least, a Faculty of Arts and a Faculty of Divinity."²⁹ Thus both Queen's and Victoria had each adopted resolutions supporting both amalgamation and independence.

On March 4, 1845 William Henry Draper introduced his three university bills: "An Act for Erecting a University, by the Name and Style of the University of Upper Canada, 1845"; "An Act to Repeal a Certain Act Therein Mentioned, and to Alter and Amend the Charter of the University of King's College"; and "An Act to Vest the Endowment Granted by the Crown for University Education in Upper Canada, in the University of Upper Canada, and for Other Purposes Therein Mentioned." Thus the man who had so recently defended the position of King's College presented his own version of a solution to the university question. The three acts put together comprised only half the length of Baldwin's earlier intricate and detailed bill. The legislation would have created a University of Upper Canada with provision for King's, Queen's and Victoria colleges to be affiliated colleges, assuming the surrender of their rights, powers and privileges as universities. Notably, no mention of Regiopolis appeared in Draper's bills but other colleges as they came into existence could apply under their corporate seal and with proof of their charter of incorporation for admission to the university. Students were to be admitted to the college of their choice within the university. As a proviso for those applicants belonging to denominations not represented among the colleges, however, power was granted to the university to admit such students directly to the university and to require no college affiliation from them.

Financially the arrangement for the colleges was more complex than that proposed by Baldwin. Draper's bills provided that out of the annual income of the university, each college be paid an annual sum of not less than £300 and not more than £1000. The amount awarded each year, perhaps, predictive of funding formulae a hundred years later, was to be based purely on head counts. A college with fewer than 10 students would be entitled to no allowance from the university. A college with ten students would receive £400, with fifteen students £500, with 20 students £600, and with 30 students £750. The maximum of £1000 was never to be granted to a college with an enrolment of less than 50 students. Special provisos were included for the University of King's College, making the Bishop of Toronto the Visitor and eliminating the posts of Chancellor and Vice-Chancellor. The academic professorships in King's College were to be retained in the new university with the single exception of the professor of divinity who would become the first President of King's College as well as the professor of divinity in it.

The third of Draper's bills established the proviso that the property of King's College at York was to be vested in the University of Upper Canada. Debts and liabilities of King's College were to be transferred to the new university and discharged by its officers. In order, presumably, to avoid one of the arguments he himself had made on behalf of King's College against the Baldwin bill, Draper included the stipulation that only the endowment property was covered by this act. Any private donations included in King's College were to be retained by the college under the new system.³⁰

Strachan's views were outlined first in a column in the *Church* newspaper in a letter from "Amicus" and to Governor General Metcalfe in a letter dated March 6, 1845³¹ where he

identified two acceptable solutions. The first was to leave the university untouched in its endowment and to repeal the 1837 amendments. Having done so, the government could provide a liberal endowment to colleges of other denominations out of the remaining Clergy Reserves, about 900,000 acres, or over three and one half times the endowment of King's College. He proclaimed no desire to interfere with the operations of other denominations, a position which undoubtedly reflected his genuine belief. Nor would he begrudge them any endowment, no matter how large the government might determine to award. All he asked in this plan was that King's College take up the charter as originally intended, while others do the same with their own colleges, funded out of the Reserves. The reserve from this fund was, he asserted, quite ample for the purpose.³² With some reluctance, Strachan identified the second but less acceptable method as one which would divide the current endowment of King's College on the same principles as those employed in the division of the Clergy Reserves. He was clear that approximately 42% of the endowment should be left with the Church of England, approximately 20% to the Church of Scotland, leaving just under 40% for the endowment of other colleges of other denominations, a medical school and other needs.

Among the petitions that continued to arrive at the legislature was a request from the King's College Council to be heard at the bar of the House and agreement was reached that the presentation could be made on second reading of the bill, that is, on March 18, 1844. The presentation was similar to that presented by Draper against the Baldwin bill and was founded on the same arguments.³³ A second petition on behalf of King's College came from the Visitors of University and was read before the House of Assembly on March 17, the day preceding the

presentation of the King's College Council brief. The Visitors expressed concern about the legislative retraction of powers and privileges granted by the Crown, about the removal of the President appointed by Royal Charter and his replacement by another of their own choosing, and the removal from King's College of the property conferred upon it by the original Royal Charter pointing out that the 1837 amendments had carefully avoided all interference with the property of the college. They also identified a major concern about the absence of any religious observance in the new university and requested the defeat of the bills about to be introduced on the oft repeated grounds that an invasion of chartered rights was unprecedented in British history except in times of civil uprising. No laws known to them authorized such an invasion of corporate rights. Endowments by British monarchs had been protected at all times, even during the violence and disruption of the revolutionary war of the United States and remained intact.

Once counsel for King's College had been heard in the House of Assembly, Draper rose to present his bill for second reading. His speech was extremely long but appears to have been delivered on a more personal and vigorous tone than was his defence of King's College almost eighteen months earlier.³⁴ It began with a lengthy and detailed review of the history of the charter and its amendments and was interwoven with references to the need for observance of the views of the majority of the public and their representatives in the legislature. To the surprise of the legislature, Draper revealed what Colborne had concealed: the despatch sent to Colborne from the Colonial Office indicating that no charter contrary to the wishes of the colonists would be granted. He referred also to Goderich's request for the surrender of the charter in 1831. He argued that the expense of running a school of medicine, urgently required by the province, could

best be afforded according to his proposals and he argued for the approval of the principles embodied in his bills.

Robert Baldwin rose to oppose the measures proposed by Draper. His criticisms reflected his own views on the matter as proposed in the legislation of 1843. He objected that the bill was not calculated to achieve the objective of providing “a liberal education of the highest order” as, instead of providing for one outstanding university, Draper’s bills were “quite uncertain whether we should not have three, or more, small and indifferent Universities.”³⁵ He believed that the financial arrangements for the colleges “would necessarily encourage a multiplicity of small Colleges, instead of large well endowed ones,” arguing that it would be possible and expedient for the Church of England to establish a series of smaller colleges to increase their income from the defined maximum of £1000 to what Baldwin suggested could become £2,100 under the Draper terms. The proposed Caput would continue, in Baldwin’s scenario, to be controlled by the Church of England since the incumbents of the majority of the *ex officio* offices were members of that Church and that the method of appointment would be based on political patronage, thus contributing to the denominational character of the institution. Arguing that the measure could not possibly provide a final solution to the debate, he suggested that the measure “offends the Religious scruples of some; [and] excludes others from the benefit of an Institution intended for the common benefit of all” while it offered no provision for a professor of agriculture or “a thorough investigation of the accounts of the University,” as had been contained in his own bill.³⁶

In rebuttal, Draper sought to focus attention on the two principles which he believed fundamental to the bills: the right of the House to legislate in this matter and “the removal of

everything of an exclusive character which had existed in the original foundation.”³⁷ Of greater significance, however, was Draper’s acknowledgement that the majority of government members, though they supported “the propriety of legislation and adopting the principles of the Measure,” nevertheless had declared themselves “compelled to call upon him to postpone it.”³⁸ When he stood to present his bills for second reading, Draper knew in light of his party’s reaction, that he was speaking in the face of defeat. Solicitor General Sherwood and Inspector General Robinson had both threatened resignation in the face of the bill. In an attempt to prevent the bill from dying entirely, W. H. Boulton, a proponent for King’s College, proposed an amendment that third reading of the bill be postponed to the following session in order to “take the sense of the country again.”³⁹ Draper had no option. He closed his remarks, with a stern proclamation: “to allow the Bill to be stopped, before its second reading, and to permit the whole proceedings of the House to be stultified— never, Sir, will I hold office on such terms.” With the vote which followed immediately, the Draper University Bills were lost, and the government weakened significantly by the resignation of Robinson, the reversal of Sherwood, who did not resign, and the loss of the university measure to which they had so firmly committed themselves. Now both political parties had failed in attempts to find an acceptable solution to the political conundrum. But the matter refused to die; petitions concerning the need to alter the charter continued to flow to the legislature, newspapers were taking sides on the debate and in the four or five years from 1841 to 1846 at least six important pamphlets were published on the matter.⁴⁰ Of these, only John McCaul’s pamphlet was strongly supportive of King’s College.

Metcalfe's successor, Charles Murray, 2nd Earl Cathcart, assumed the post of Governor General on November 26, 1845. He was, by training and by nature, a military officer, appointed precisely for military reasons and he served for about one year in office, yielding his position to Lord Elgin at the end of January 1847. Although there was no shortage of material and information on the university question during his short term of office, Cathcart, in somewhat pedantic, administrative fashion, requested official statements from each of the major church authorities in the province on the university question. In letters despatched on the fifth and ninth of March, 1846, he requested from King's, Queen's, Victoria and Regiopolis "to be furnished in a definite and official form"⁴¹ with the views of the various college councils on the current state of King's College Charter. He indicated that there was a large body of opinion advocating change to the charter of King's College and requested specific information about the kind of change and the amount of change which would remove reasonable objections, suggesting that receiving this information from all four bodies would "facilitate his arriving at a clear understanding of the whole subject."⁴²

Both Queen's and Victoria submitted reports reviewing their previous positions on the matter and King's College did much the same by calling Cathcart's attention to Strachan's address at the opening of King's College in 1843, and the earlier reply of King's College Council to Lord Goderich's despatch. The former was advocated for the historical perspective, the latter for the political and legal arguments against surrendering the Charter. Their briefs also pointed to two serious problems in the appointment of the Governor General as Chancellor: first, that it gave a peculiarly political character to the institution as had been predicted by John Strachan in

1827, and second, that because the seat of government had moved to Montreal, easy communication with the Governor General about university issues was extremely difficult. Other proposed amendments included suggestions regarding financial, appointment and operating procedures.

A personal letter was submitted by John Strachan in which he reiterated his views on the matter and presented the history of the institution not covered by Council's brief in a strong, positive, courteous and fair letter. Though not new in its arguments, the submission is notable for its reflection of Strachan's own vision of education for Upper Canada:

the public character of the people, the soundness and permanency of their civil institutions,—in short, the probability of their pursuing hereafter the course most conducive to their prosperity and happiness, and to the welfare of those, to whom they are by any relation connected, — must depend mainly on the education and training of those who are to fill the several professions, the halls of legislation and the courts of justice, and upon whom, from their position in society the interests of Religion, Commerce, and of the Arts, and the maintenance of a just and free government must always chiefly depend.⁴³

Strachan's arguments in the letter for the husbanding of the endowment and the importance of looking to the needs of the future was an argument which would, ironically, be used against him by Baldwin in his successful bill of 1849 when he argued that the endowment of King's College must be retained and protected for a single institution.

In closing, Strachan returned to his own vision of education for Upper Canada, pointing out what was frequently omitted from discussion, that the King's College Council had carefully provided a means of providing religious knowledge according to the tenets of the Church of England, but that neither constraint nor influence was used in any way to compel any student not

a member of the Church of England either to receive instruction in those doctrines, or to join in worship under those principles. This was always a critical principle for John Strachan, both in his views of religion and in his vision of education, and one which was often lost sight of or countered with disbelief in the emotional debate that surrounded university legislation.⁴⁴ In defence of Strachan's position, it might be pointed out that the original class at King's College was comprised of 26 students, 22 of whom were Church of England. The other four included one Roman Catholic, two Congregationalists and one member of the Church of Scotland. In other words, about 15% of the students were not members of the Church of England. By 1845, the enrolment at King's College had increased to almost 60, of whom 20% were not members of the church of England.

The fact that Cathcart had made no overtures to any organization other than the religious bodies associated with the four existing colleges prompted the organization of several public meetings on the university question, one of which was held in Toronto in February 1846. At that meeting, a number of resolutions were passed. Motions for their approval were put by Baptist, Congregationalist, United Presbyterian, Free Church Presbyterian, Anglican, Wesleyan Methodist, Church of Scotland, and Methodist Episcopal representatives, clear evidence that the public meeting had attracted a wide variety of participants. The resolutions adopted indicate that the mood of the meeting was strongly opposed to partition of the endowment, to the teaching of religion, and to the existence of any religious test whatsoever for faculty. They recommended that management of the university estate should be vested in a body appointed by the legislature and quite distinct from members of the faculty or other officers of the university and that chairs

should be established to meet the agricultural, economic, and commercial needs of Upper Canada.⁴⁵

Clearly, there was no province wide consensus and no clear path for action. Consequently, it came as something of a surprise in May, 1846, when Mr. George Baker Hall, requested leave to bring in a university bill proposing to erect a University of Upper Canada. The bill, as it turned out, was almost identical to that presented a year earlier by William Henry Draper. The only distinction was that the allowances established for the colleges, provided for as in Draper's bills, were increased to range from £300 to £1500.⁴⁶ The fact that the second and third bills, presented originally by Draper, were not introduced by Hall on the same day, but by Draper himself four days later, suggests that the introduction of these bills may have come as something of a surprise to Draper and it is possible that his introduction of the second and third bills was an attempt to make the best of a questionable situation. It is not surprising that Hall's attempt to produce a satisfactory solution by reintroducing Draper's measures met the same fate in almost the same way as their predecessors the previous year. At second reading a motion was put that it was inexpedient to debate the matter further at such a late point in the session and the bills were dropped.⁴⁷ Hence, both the Reformers under Baldwin's leadership and the Tories under Draper's leadership had proposed abortive legislation in an attempt to resolve the university question and to temper vision with the reality of public accountability.

Although neither petitions on the matter, nor the discussion of the question was dropped, formal consideration of the matter was not resumed until July 9, 1847 when the Honourable John A. Macdonald introduced his bills "An Act to Repeal a Certain Act Therein Mentioned and to

Alter and Amend the Charter of the University of King's College," and "An Act to Incorporate the 'University Endowment Board,' and to Vest Certain Estimates therein and for Other Purposes therein Mentioned." Of all the university legislation introduced in the 1840s, Macdonald's was certainly the simplest and briefest, comprising, in the two bills combined, only thirteen clauses. The first of the acts repealed the amendments of 1837, restored the institution to Church of England control and provided for the election of both Chancellor and President by the members of Convocation.

The second bill provided for the disposition of the endowment through the appointment of an Endowment Board on which one government appointee and one representative from each of King's, Queen's, Victoria and Regiopolis colleges would sit. The function of the Endowment Board was to acquire and hold the property of the corporation, with the exception of the property on which the university itself stood and the contents of the university buildings. The Board was to assume the debts and responsibilities of King's College and to deal with its liabilities. The most significant responsibility of the Board was to be the annual payment of each of the member colleges from the endowment, £3000 to King's College in acknowledgement of its historical and vested interests, and £1500 to Queen's, Victoria and Regiopolis. Any surplus from the annual income administered by the Board was to be paid to the Receiver-General for the benefit of grammar schools in Upper Canada, either the whole of the remainder of the income or £2500, whichever was the lesser. Remaining funds were to be invested until required for the endowment of any additional colleges.⁴⁸

In assembling his bills, Macdonald achieved several key objectives: recognition of the inherent relation of religion and education, and the principle of collegiate establishments under denominational control.⁴⁹ At the same time, the bills were responsive to the financial needs of the colleges that were struggling without endowment to maintain their operations and to make ends meet. Any additional money generated was to be distributed among the grammar schools of the province and was intended to provide not only additional income, but to allow for the establishment of a model farm to be attached to each.⁵⁰

Baldwin responded to the proposals, predictably opposing Macdonald's bills vigorously. He complained that Macdonald was "sweeping the university from off the face of the earth, and giving the country, in its stead, a few paltry Institutions, in none of which could there be any possible pretension to those attributes which it was the highest behest to a university to possess."⁵¹ The Canadian Baptist Union, representing over 60 congregations, petitioned the House of Assembly immediately objecting to the disproportionate fraction of the endowment awarded to the Church of England college, and complaining of the unfairness of an act confined to the interests of only four religious denominations. The petition complained of the inequity that would result from state support for the training of some clergy and yet not for others and objected that smaller denominations were penalized by the bill, and would find it extremely difficult to found their own educational institutions. In short, the petition recommended the establishment of one excellent publicly funded non-sectarian university.⁵² A number of similar petitions were submitted from Congregational churches in Canada West, and a petition from "Certain Inhabitants of the City of Toronto" was received within days of the presentation of

Macdonald's bills⁵³ and petitions from the citizens of Hamilton and Kingston (Macdonald's own constituency) followed quickly.

The role of John Strachan in relation to the Macdonald bills is less clear. There is little doubt that Macdonald had convinced Strachan to lend his support to the legislation but there is no evidence of such support being offered. It has been suggested that since no previous discourse had prevailed upon Strachan to alter his course in matters of King's College, "perhaps it took a Scot to persuade a Scot."⁵⁴ It may not, however, have been so difficult a task. Strachan himself had confided clearly in his letter to Metcalfe, that although his first choice was definitely not partition of the endowment, he could, under duress, accept that position. The peculiar element is not so much Strachan's position, but his uncharacteristic silence on the bills and Macdonald's assertion that Strachan had reversed himself on the matter in a letter written to Boulton. Macdonald's position is at least open to question.

Breaking his word and reversing himself on a commitment was totally uncharacteristic of Strachan. His position of reluctant agreement to partition of the endowment was already on record, even before the Macdonald bills were introduced. In an edition of the *Church* newspaper, the editor, closely in touch with Strachan's views, noted little doubt "that the Church, though deprived of her due, would yield to the Measure for the sake of peace, with the same un murmuring acquiescence with which she submitted to the settlement relative to the Clergy Reserves."⁵⁵ In addition, no such letter to Boulton has been discovered. For a man so completely dedicated to documenting his position and his correspondence, such an omission would seem at

the very least, most peculiar. In any case, it appears that significant movement towards compromise had been taken by Strachan.

The position taken by King's College, on the other hand, was strenuous opposition to Macdonald's bills on the usual grounds that they were not at liberty to consent to the alienation of any endowed property, nor could they sanction any application of that endowment to purposes other than those originally intended. Additional objections included disagreement with the calculations made for funding, lack of provision for the expenses of management of the college, lack of clarity on the source of funding for a medical school, the manner of appointment of the President, arrangements for Upper Canada College, and the use of the endowment for grammar schools.⁵⁶ Strachan offered neither historical justification, nor outright opposition, nor clarification for his own, Macdonald's or King's College's positions.

Although the Macdonald bills were introduced into the House of Assembly on July 9, it was not until July 21, five days before they were withdrawn that a defence of his measures appeared in the *Christian Guardian*.⁵⁷ In it, Egerton Ryerson defended the bills as being of comparative equity and liberality and for recognizing the connection between science and religion and argued that the collegiate nature of the proposal was in conformity with examples from "the most enlightened Christian nations both in Europe and America."⁵⁸ He pointed out that the recommended annual endowment was greater than that of either Yale or Dartmouth, as well as being greater than that of the Scottish universities which had produced Dr. Chalmers and Dr. Strachan among many other notable graduates. With somewhat uncharacteristic irony, he

inquired whether university education in England would be improved by the exchange of over 50 colleges for one “nondescript Hume-and-Brougham London University College.”⁵⁹

The Wesleyan Methodist Church, like Ryerson, supported Macdonald’s scheme and solicited signatures for petitions submitted to the Wesleyan book room in Toronto for submission to the legislature.⁶⁰ The position of the Church of Scotland at the end of 1847 was that although it had invested every effort to achieve a union of King’s and Queen’s, no such union was likely to come about and that members were “content to acquiesce in that principle [partition of the endowment]; and only trust that the measure recently introduced into the legislature will fully achieve the just rights of that large and influential body represented by this Synod.”⁶¹

The Presbyterian of Free Church, and denominations without colleges of their own, took a much different view of the matter. Resting their arguments on the principle that the endowment of King’s College was designed for the benefit of the whole province, without distinction, they viewed partition as a violation of public faith, as well as a decision which would ultimately lead to a decrease in the quality of education, since with such limited funding, not all colleges could maintain a high level of excellence. They regarded the measure as containing exclusion from the endowment of all but four denominations and as a consequence, they strongly recommended the defeat of any such bill as might be introduced.⁶²

When the Honourable John A. Macdonald rose on July 26 according to the orders of the day for second reading of his bills, he announced that the government did not intend to proceed further with the bills during the present session. He explained that while the principles of the bills had met with the approbation of many supporters of the government, a majority of those

supporting the measure were in favour of a postponement in dealing with it. Their views were based on the timing, as it was late in the session and on their perceived need for further expression of public opinion. And so the eighth and ninth university bills of the decade failed as had their predecessors. Both political parties had played their innings but failed to achieve consensus of university legislation.

CHAPTER EIGHT
A RESOLUTION TO THE UNIVERSITY PROBLEM FORMED AND QUESTIONED

After the failure of Macdonald's amalgamation bill, there could be no doubt that the university question would raise its head again soon. In the general election at the end of 1847 the matter constituted a major issue for all candidates. It became necessary, in light of the previous political machinations and growing concerns with responsible government, for candidates to declare themselves clearly on the university question. A sampling of such declarations provided by Hodgins in his collection of documents of the period gives evidence, not only of the strength of the views held both for and against the partition scheme, but also of the problems experienced by non-committed candidates. The latter were required by constituents to define at least the principles upon which their decision would be based.¹ The arguments pro and con simply reviewed all that had been said in the debates over the Baldwin, Draper, Hall-Draper and Macdonald bills. The established colleges, with the exception of King's, remained strongly in favour of partition while the Free Presbyterians and the numerous other denominations without arts colleges stood in decided opposition to the division of the endowment. In the presentation of yet another university bill in 1849, the task that lay before Robert Baldwin and the Reformers who had swept the election was to secure the support of Victoria, Queen's and Regiopolis, or to devise a way of succeeding with his bill in spite of their objections.

Petitions and responses continued to descend upon the government and Baldwin faced the challenge of accommodating or overcoming their positions. By late 1848, it was clear that a new university bill was being prepared. In Canada West strong reform representation had been elected in the western parts of the province, while the Conservatives had swept the east. The heavily decisive vote in favour of Reform came from Lower Canada. The speech from the Throne delivered to this government in January 1848 by the Governor General, Lord Elgin, referred very clearly to the university question, noting that the constitution of the university of King's College would soon be considered by the legislature.² Newspaper reports suggested that the bill under preparation would ensure that no religious tests or denominational distinctions would be tolerated and that management of the institution would be executed through a representative Board.³

Although no action related to university legislation had transpired during the parliamentary session early in 1848, a statute passed by the King's College Council on July 20, 1848 appointing a Commission of Inquiry into the financial affairs of King's College aroused interest in the House of Assembly. The appointment of the Commission led to a protracted investigation lasting until 1851 when the Commission reported to the Chancellor on its findings. The report was not placed before the House of Assembly until 1852 but questions about it were raised in the House much earlier. Among the first references to it is one occurring in February 1849 when a member asked for information about the terms of the Commission. In correcting the questioner's assumption that the Commission had been appointed by the government, Baldwin stated that "the reason the Government had not yet laid another university bill before the House,

was that they were expecting a preliminary, perhaps even a final, report, which would provide some idea of the current financial situation of the College."⁴ After making this announcement, he asked the Honourable John Wetenhall, one of the three commissioners and a member of the Assembly, to provide information about the progress of the inquiry.

Having foreseen such a possibility, Wetenhall had consulted with his partners on the commission about the propriety of making an interim comment to the legislature on the work of the commission. Together they had agreed that no statement should be made which conveyed any opinion on matters still under consideration and so Wetenhall presented only a brief, informal account of the work of the Commission. He reviewed the appointment of the commissioners and commented on the full, courteous cooperation they had received from the President and other officers of the university. He went so far as to note that after an accountant had been hired to make a careful examination of the college account books, the decision had been taken to recompile the accounts using approved accounting principles of double entry. Wetenhall suggested that the accounting books produced during the inquiry would not only provide useful financial records, but would also provide a sound model for the university's bookkeeping in the future.⁵ For further information Assembly members had to wait for the Commissioners' report.

The Baldwin Legislation 1849

On April 2, 1849, Attorney-General Baldwin introduced his bill to the House of Assembly. It was more radical in its treatment of the denominational colleges and in its rejection of religious observance than his bill of 1843. One of his main objectives was to eliminate

denominationalism entirely from the University and to that end, he “proposed to abolish the Chair of Divinity altogether,” and, by that means, and, “by the abolishment of every Religious Observance, which could possibly prove offensive to any portion of the students attending the University, they thought they would be able to divest the Institution of any Denominational characteristic.”⁶ Even a clause providing for the return, on request, of the theological library of King’s College was included. The single concession to the teaching of divinity was a grandfather clause covering the right of students currently enrolled in divinity programs to earn their degrees before the professorship was terminated.

Victoria, Queen’s and Regiopolis were to appoint one member each to the Senate of the recreated university but they were to receive no allowance from the endowment. In addition, Queen’s and Victoria would be required to give up their degree-granting rights. Unlike its predecessor, Baldwin’s bill provided decisively for a *university* professorial system which would further reduce the role of the colleges. There could be little doubt that Baldwin’s intention was to create *one* provincial university of non-sectarian complexion. Other conditions of the bill included renaming the institution the University of Toronto, appointing the Governor as Visitor, providing for the election of the chancellor by Convocation and the appointment of the President by the Crown. A Caput was created to manage the day-to-day discipline and government of the university while the Senate had the ultimate authority in all matters except control of the university finances. These were to be regulated by a three-man Endowment Board whose chairman was appointed by the Crown and whose operations with respect to the alienation of property and investments were closely circumscribed. Upper Canada College was to be retained

in association with the university, but given more power through its incorporation and under the leadership of a Crown-appointed principal. The whole of the proposed act was filled with overwhelming legal detail and minutiae.⁷

The response to Baldwin's proposed legislation was not unexpected. Staunch adherents of the original charter were opposed; the Free Church and denominations without colleges of their own were strongly supportive. Victoria petitioned for financial support, arguing that its record for education since its inception demonstrated the merits of its case. Queen's made strenuous objection to the deliberate elimination of all traces of religion, citing Portland's despatch on the matter, and its reference to the establishment of seminaries "for the promotion of Religious and Moral Learning, and the Study of the Arts and Sciences."⁸

Strachan, as noted above had committed to support for partition of the endowment and petitioned the legislature in opposition to Baldwin's bill. He argued that the bill was not a mere amendment to the original charter, but constituted new legislation for the establishment of a new institution. He pointed to the strength and successful operation of King's College over the past six years and argued that no ground existed for the forfeiture of its very existence. Strachan also predicted, correctly, that the Baldwin bill would not settle the university question and that its terms would prove to be "cumbersome, expensive and unwieldy."⁹

What may, perhaps, have been surprising, was the petition from King's College strongly, although not unanimously, supporting Baldwin's measures. One of the central principles on which their petition was argued was "the expediency of abandoning the ground of strict legal right, and yielding to the expression of Public opinion, through the medium of the Government

of the day.”¹⁰ Both Professors Gwynne and Croft who were members of King’s College Council had offered support for Reform proposals on earlier occasions but the preponderance of the Council had always stood opposed to such drastic changes. In this case, strong and formal dissent from the petition was recorded by its new President, John McCaul, at the Council’s meeting on May 9, 1849. How far the Council’s position was from Strachan’s convictions regarding the need to answer to one’s own conscience above all, and his profound concern lest King’s College fall subject to the agendas of the various political parties with little regard for the intrinsic responsibilities of a university!

On second reading in the House of Assembly, five amendments intended to delay or alter the progress of the bill were placed before the House by William H. Boulton, and W. B. Robinson.¹¹ The amendments were first, to delay second reading until after the submission of the report of the Commission of Inquiry into the Finances of King’s College; second, to delay second reading for six months to provide time to consider that principle of separating religion from literary and scientific education; third, to direct the committee to insert a clause to provide for the establishment of a Professor of Divinity of the church of England; fourth, to restore the original charter to King’s College in order to place the college on an equal footing with other denominations; and fifth, that in conformity with the original intention of the endowment a clause be inserted to provide for the religious and moral learning of students. All of the amendments were defeated with only two members voting in favour of all but the first, which attracted 11 supporting votes.¹²

John A. Macdonald made an additional but unsuccessful effort to modify Baldwin's bill in attempting to delay third reading by recommitting the matter to a Committee of the Whole House with instruction to consider two matters: the restoration of the original charter to King's College and a reexamination of the way in which the endowment would be handled, specifically, to consider a grant to each of the established colleges, a grant to the district grammar schools, and a grant for the establishment of an agricultural school and farm in each district in Upper Canada. His amendment was defeated by a vote of 43 to 14.¹³ The university bill was passed by the House of Assembly, May 18, 1849, read for the first time on the same day by the Legislative Council and passed three days later. The only formal dissent recorded in the Legislative Council was registered by William Morris supported by a fellow member. Morris argued that the proposed University of Toronto would benefit only those who lived in proximity to that city, that providing all of the endowment for one institution and that eliminating all religious principles from the institution were not in conformity with the terms of the original grant.¹⁴ The bill became law on May 30, 1849 and the University of Toronto came into existence on January 1, 1850. The university endowment passed from one extreme to the other, from the aegis of the Church of England into the hands of a purely secular Board.

Reaction to the Baldwin Model

Any satisfaction which Baldwin might have felt at the passing of his legislation must have been extremely short-lived. His bill, clearly designed to promote one strong, central, secular institution by eliminating the Church of England college completely and financially strangling

the other denominational colleges had passed both houses easily and had finally provided a legal resolution to a twenty-two-year-old question. It had not, however, caused the issue to vanish. Victoria, although applying for and receiving provincial authority for moving the site of the college to Toronto, remained in Cobourg. Queen's affirmed her resolve not to surrender her Royal Charter or any portion thereof. Regiopolis, by this time challenged by the new College of Bytown which was incorporated on the same day as the University of Toronto, continued its financial struggle for independence. Both Queen's and Bishop Strachan petitioned the Imperial Government for disallowance of the bill, although the Colonial Office acknowledged the principle of responsible government in refusing to reverse the measure.¹⁵

The *Christian Guardian*, the *Church* and at least eight other newspapers opposed Baldwin's university act.¹⁶ On February 13, 1850 The *Christian Guardian* estimated that easily three-quarters of the population were opposed to the bill. Startled by the reaction to his legislation, Baldwin set about providing, if not a remedy, at least an explanation of matters by introducing a second act designed to clarify matters. His own rough draft of the bill began with the declaration that it was "An Act to Declare Groundless Certain Doubts Respecting the Intentions of the Act of the Last Session of the Parliament of this Province for Amending the Charter of the University of Toronto, and to Provide for the Institution an Endowment of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, in the said University."¹⁷ The bill was short and altered very little in providing assurance that the university could make arrangements for students to attend worship services

and lectures by their respective ministers, provided that no part of the cost of these functions was borne by the university. The bill was enacted August 10, 1850.

Bishop Strachan challenged Baldwin's legislation in a way entirely different and certainly more dramatic than his petition to the Imperial Government. Not only was he convinced of the wrong-headedness of the new legislation, he was confronted with his own uncompleted vision of higher education. Consequently, he set about with his usual vigour to found a university connected with the Church of England. This feat he accomplished with astonishing speed, out of private subscriptions. In the space of three years, Trinity College had been funded, chartered, founded, built and opened, a remarkable achievement for the seventy-two year old John Toronto, and a further complication in the already complex university scene.

Strachan's efforts were not without opposition.¹⁸ Since Baldwin's intention was to have only one strong provincial university, the establishment of yet another sectarian college threatened his objective. While he was attempting, by cutting off funds from them, to persuade Victoria and Queen's to participate in the University of Toronto, Strachan was countering his vision, not only with words but also with action, but Baldwin found support for his position in the Chancellor of the University of Toronto, Peter Boyle de Blaquièrre. Knowing that the Colonial Office in England would "refuse to consider granting a charter until the matter had been referred to the provincial government in conformity with the usages of responsible government,"¹⁹ Strachan found himself in a particularly difficult position. Since the intention of the legislature was clearly to eliminate rivals to the University of Toronto, Strachan saw no use in requesting government cooperation and regarded the Colonial office position as a form of

refusal but he did not reduce his efforts although his progress was impeded by events closer to home.

In Canada, the Senate of the newly transformed university was not managing to function without difficulties and challenges. Apart from the public outcry respecting the absence of religion, there was difficulty over the appointment of a Vice-Chancellor, challenges and prolonged debate over the payment of the members of the Commission of Inquiry, plans for and negotiations on behalf of the Faculty of Medicine, the sorting out of a new relationship with Upper Canada College and the establishment of satisfactory accounting principles. In addition, the submission of the final report of the Commission of Inquiry into the Affairs of King's College was submitted in July 1851, yet another reminder of the shaky financial history of King's College.²⁰

The Commission Report is very extensive, extending to 366 pages in all and requires extensive knowledge of King's College and its financial affairs to be clearly understood but a quick survey of some of its content is useful to an understanding of its importance. The Commission was both critical and supportive of King's College, even laudatory in a few of its observations. In addition to a fundamental criticism of the lack of guiding principles for disposal of the endowed lands and investment of its income, the commission was critical of the overloading of the Bursar's office, a few specific details of disbursements such as the expenditure of £430 for an architect's model of the new building, and the agreement with the Toronto hospital which stipulated a greater fee for student attendance at the hospital than for medical students from other schools. The commissioners were dismayed by the lack of clear

regulations and fixed principles governing the payment of salaries. For example, the determination of Council to pay the Chaplain of the university for extra services performed in his line of duty contrasted sharply with their refusal for some considerable period of time to pay the curator of the medical museum and anatomy laboratories on a similar basis. The concern of the commissioners was not so much that one had been paid and the other not, but to the fact that there was no clear guideline for what salaries should be paid to whom and no guidelines for increases and emoluments. Although they commented on a large number of oversights and omissions throughout the report, at no time did the commissioners' report suggest even the slightest hint of deliberate dishonesty.

On the other side of the equation, the commissioners made some very laudatory observations on the work of the Council. They commended the purchase of the university site which they regarded as a most valuable investment. They calculated the net capital expenditure at just under £14,000 with an annual expenditure of £350 for management of the grounds. Commenting that the college grounds were at the time "the most beautiful public enclosure in British America," they noted that "no investment, ever made by the university authorities, can be regarded, as equal to this, either in present, or prospective, value."²¹

On the controversial matter of the President's salary the report noted, "the duties of this officer, if adequately discharged, certainly deserved compensation." It noted that for examining and signing every deed related to land transactions, the payment of almost £695 was "surely no overpayment for this labour alone." The most significant clarification of the salary matter, however, was the note of the commissioners that the salary of the President was ordered by

despatch from the Colonial Secretary to be paid as soon as the funds of the university would warrant, and was first charged at the beginning of 1837 and suspended by Lieutenant-Governor Arthur in 1839. That is, the entire period for which Strachan received the salary of President was two and one half years.²² In also commending the survey account of the university, the commissioners, rather regretfully, suggested that had more been spent on surveyors and land management agents, the land records and the collection of accounts would have been in considerably better shape than that in which they were discovered. On the matter of salaries, the report commends Strachan's strong argument against Council's increase of its own salaries through the manipulation of the exchange rate, indicating that it appeared to them to be "exceedingly forcible and pertinent; and should have served the Council as a useful admonition against every word of augmented expenditure."²³

In the midst of discussions on these and other testy matters, Chancellor de Blaquièrè placed before the new Senate the draft of a letter he was proposing to submit to the Governor General about Strachan's attempt to obtain a charter for Trinity College.²⁴ The letter denounced Strachan's criticisms of the irreligious nature of the university, declaring that religious instruction continued to form a part of University studies, presumably under the vague concessions offered by Baldwin in the act to remove doubts respecting the 1849 changes.²⁵ De Blaquièrè's motive for submitting this message is incorporated clearly in its text:

...it is highly injurious to the great interests involved in this question and which embrace the present, as well as rising generations of Canada, to permit the revival of an Institution, wholly exclusive in its nature, and, therefore, unsuited to the well-being of this Province, and which is intended to withdraw from the University of Toronto a large and influential

portion of the community, many of whom are actually reaping great benefits from this Institution, and others are preparing to enter it ...²⁶

The petition requested the Governor General to propose that the Imperial Government merely grant Strachan a charter for a theological college to be affiliated with the University of Toronto, a condition which was, of course, absolutely unacceptable to Strachan.²⁷ In support of his request, the Chancellor noted, incorrectly (although his report was not far from the truth), that Victoria had already closed her doors for want of funds and that the poor condition of Queen's constituted an "insurmountable objection" to the granting of further charters.

A debate, acrimonious on both sides, developed between Strachan and de Blaquière. Strachan refused the option of a theological college and argued that he wanted nothing more or less than the same privileges as those enjoyed by Victoria and Queen's. Governor General Lord Elgin corresponded vigorously with the Colonial Secretary in Westminster, recommending refusal of a charter first, because no provincial authorization had been obtained, and second, because of the ongoing negotiations with Victoria and Queen's. De Blaquière's motive was to eliminate the founding of one more university in the province, particularly one so close to the University of Toronto where it might easily attract students away from the new provincial institution.

Eventually, the matter was resolved. With the help of Sir Allan Macnab and John A. Macdonald, a bill for the incorporation of Trinity College Toronto was introduced in the House of Assembly on June 9, 1851 and, after much discussion regarding several amendments proposed by William Lyon Mackenzie, passed third reading on June 15. Immediately, Strachan appealed

again for a royal charter, but negotiations with the denominational colleges were not yet complete. At this point in the controversy, Elgin did admit to Strachan “that he would consider it the lesser evil to multiply colleges rather than submit his own church [Church of England] to injustice although he concurred in refusing a charter before negotiations had concluded with Victoria and Queen’s.²⁸ Eventually, those negotiations were complete. In 1853, when both Victoria and Queen’s had firmly declined to surrender their charters, a Royal Charter was granted to Trinity College.²⁹

While the founding of Trinity is, in itself, not directly germane to the history of King’s College, it sheds considerable light on the level of the tensions and conflicts which had arisen out of disputes over the university question as well as on the determination and commitment of John Strachan. The correspondence between the Governor General, Elgin and Kincardine, about the reasons against granting a royal charter to Trinity College³⁰ reveal the determination with which Baldwin was pursuing the commitment of Queen’s and Victoria to participation in the University of Toronto and the extent of his commitment to having only one provincial university. Ultimately, the granting of the charter Strachan so dearly desired marked a clear defeat for Baldwin’s vision of unifying the institutions.

The University of London Model Considered

The Baldwin Act, however, had proved unworkable. Even the second bill to reclaim the first, was unsuccessful in doing so. The next step was a puzzle. Allusions to the University of London had appeared in a number of newspaper articles about the university question and in

debates about its future. One of the earlier formal references to London appeared in 1837 in the report of the legislative committee on amending the charter of King's College.³¹ The committee had concluded that no real parallel existed between an institution which was to operate as a day school, in which parents and guardians could provide for the religious welfare of their sons, and King's College, which would be a residential institution where officials would be required to act *in loco parentis*. Both Draper and Ryerson had made minor references to the charters of the University of London in defending their views regarding Baldwin's 1843 measure.³² It appears to have been only McCaul who provided any degree of explanation about London. In his pamphlet on the university, McCaul argued that the parallels alluded to by "admirers of the new plan of consolidation" in connection with the University of London, did not actually exist.³³ One of the chief characteristics of the University of London was decentralization, while the point of the proposed Canadian legislation was centralization. As evidence of his facts, McCaul noted that students completing their courses of study in over twenty-one colleges and institutions throughout England, Wales and Ireland, were recognized for degrees in arts and in law by London, and that students for degrees in medicine were recognized from over sixty colleges and universities in various parts of the world. In addition to the decentralized nature of the university, London made no attempt either to proscribe theological studies or to provide denominational religious instruction as such instruction was regarded as unnecessary and the very point of its existence rested on its non-denominational character. Perhaps most compelling from the point of view of education, was McCaul's assertion that London's governing body was "not composed of individuals selected because they confess particular religious tenets, but wholly without reference

to whether they either profess or have any or not.”³⁴ In the absence of evidence to the contrary, it would seem that detailed and comprehensive knowledge about the University of London was largely unavailable to even many of the best informed inhabitants of Upper Canada.

John Strachan seldom alluded to the London situation. He did note one or two minor instances in which he had drawn upon the statutes of King’s College, London, primarily for determining the schedule of academic terms and for establishing categories for admission.³⁵ He also made a somewhat contemptuous and certainly erroneous reference to King’s College, London, in his address at the opening of King’s College, Toronto, when he remarked that “the infidel attempt called The London University has signally failed as all such godless institutions of Babel ever must.”

Upon his return from his trip to London in quest of a charter for Trinity College, however, Strachan demonstrated greater knowledge of the University of London. In a report to the members of the Church of England and Ireland, he suggested that, if a scheme of college affiliation was an urgent need for the province, the model of the University of London might well be considered. In explaining his suggestion, Strachan noted that London had been established as a university for the sole purpose of examining students and awarding their degrees. He described the system as follows:

It [the University] consists of a Visitor-Chancellor, Vice-Chancellor and Senate, with a body of Examiners, selected from the most eminent scholars of the different faculties. To this University all the Collegiate Institutions for education, in the United Kingdom and the Colonies, corporate, or unincorporated, are affiliated, or, on application, may be affiliated. This affiliation entitles such Colleges and Institutions to send up their Students who have passed through their respective prescribed courses of study to the University, with certificates of proficiency, and to request examinations for a Degree....

If, instead, of the foolish Act of last Session [Baldwin, 1849], a Measure had been passed on the model of the London University, and then sent home to be converted into a Royal Charter, that its Degrees might extend through all the Dominions of the Crown, and not be confined to the Province, as are these conferred by the Toronto University, a substantial good would have been effected. In such case Queen's College, Victoria College, Knox's College, Regiopolis College, etcetera, on being affiliated could send up their students with certificates of proficiency, for Degrees, and, if such proficiency was confirmed by examination, the Degrees, requested would as a matter of course, be conferred.³⁶

This comment by Strachan was not radically different from the ones he had communicated to Metcalfe in 1844 and those which had been printed in the *The Church*, February 28, 1845. The earlier suggestions had provided for the financial support of a complement of denominational colleges through either the Clergy Reserves or the King's College endowment. This proposal provided for support of denominational colleges with the addition of a relatively small expenditure for a central examining and degree granting body.

On June 5, 1851, about six months after Strachan had submitted these comments to members of the Church of England, further precise references were made to the University of London when the Honourable Henry Sherwood presented yet another university bill to the House of Assembly. The preamble to the bill noted "that the principles embodied in Her Majesty's Royal Charter to the University of London, in England, are well adapted to remove the difficulties and to promote the attainment of the objects aforesaid."³⁷ The difficulties referred to included the lack of agreement of the denominational colleges to give up their rights and attach themselves to the University of Toronto, the cost incurred by parents wishing to send their sons to Toronto to college, the reluctance of parents to send their sons to a college where no particular provision is made for religious instruction, and the probability that many students would want to

continue their studies at Victoria or Queen's. Sherwood's proposal was that portions of both the 1849 and the 1850 Acts be repealed and that certain provisions be added to the remaining sections. First, a significant number of sections was to be repealed including sections one, three, four and five of the 1850 Act covering the permission for students to participate in denominational worship and instruction, quorum of the senate, power of the governor to appoint distinguished scholars to the faculty, and the power of the Crown to appoint Regius Professorships; sections 5 to 20 of the 1849 Act covering the election of Chancellor, Vice-Chancellor and Pro-Vice-Chancellor, the appointment of the President, the power of the faculty to confer degrees, prohibition on the appointment of ecclesiastics, and membership on the Senate, Caput and Convocation; sections 24 to 28 of the 1849 Act covering the manner of appointment and suspension of faculty, and the abolition of degrees in divinity, and section 43 of the same Act, covering the right of colleges to surrender their degree-granting power and appoint a member to the Senate.³⁸

Of even greater significance, however, were the sections which Sherwood proposed to add to his statute, proposing the abolition of professorships in the university, the appointment of examiners, and a complete alteration in the function of the institution. Instead of teaching, examining, and granting degrees, the university would now be restricted to administering examinations and, on the basis of the results, granting degrees. The teaching was to be done in the denominational colleges with the current students of the University of Toronto being grandfathered in that institution to the end of their first degrees. An allowance was to be paid to the teaching institutions according to the number and level of their students successfully

completing examinations for degrees. A student achieving honours would earn a higher award for his college than students simply passing the examinations. Students earning a Master of Arts would bring a higher award than students earning a Bachelor of Arts. The constitution and the responsibilities of the Endowment Board created in 1849 were not to be altered.³⁹

Although no explanation regarding this bill appears to exist in correspondence of the period, Sherwood did undertake to publicize his rationale for making the proposals in a letter to the *British Colonist*. The opening paragraph provides evidence that, although temporarily obscured by major debates over such issues as the Rebellion Losses legislation, the university question remained a thorny issue. Believing that Baldwin's plan was unworkable as none of the existing universities was likely to participate and recognizing that the founding of Trinity College by royal charter, if successful, would offer the final blow to Baldwin's plan, Sherwood was offering a potential solution in hopes of promoting full and free discussion of the matter.⁴⁰

The University of London model seemed to him to offer a most congenial solution to the long debate over the university. It provided for examinations designed to maintain a high level of excellence among graduates, and to promote fine courses of study in all of the colleges that were sending students for examination. It provided for a wide range of diversity in philosophy, and hence, a solution to the plaguing question of equity for the various religious denominations of Upper Canada, as well as an opportunity for solving the endowment conundrum. One glaring difference between London and Toronto was that London offered the opportunity for all students of every creed to graduate. Under a system in which the existing colleges in Upper Canada would send students for examination, little provision would be available to those not connected

religiously with Victoria, Regiopolis and Queen's, at least, until other denominations could erect their own colleges. Although Victoria had no religious restrictions on admission, it was not possible for her to accommodate all students who might wish to attend college in the way that University College, London provided for them. To remedy this weakness, Sherwood suggested that Upper Canada College become the non-denominational college under the proposed plan, thus providing immediately for all of those such as Baptists, Congregationalists and others, who had protested so vigorously against the exclusivity of King's College and in favour of Baldwin's bill. Although Sherwood's bill which had no hope of passing the Reform majority was withdrawn on second reading, it served a purpose in the tortuous attempt to find a stable solution for the university. It focussed attention more clearly than any previous commentary on the merits of the University of London as a model for solving a thorny problem, a focus which was taken up by the author of the next bill proposed on the matter.

On July 23, 1851, a month and a half after the introduction and withdrawal of Sherwood's bill, William Henry Boulton introduced the next university measure to the House of Assembly. It, too, was predicated on the University of London model, but with some significant differences from Sherwood's bill.⁴¹ Like its predecessor, Boulton's plan proposed a university which would be exclusively an examining and degree-granting body, although Boulton proposed that the institution be named the University of Upper Canada. Instead, however, of using Upper Canada College as the institution for those who did not wish to attend Regiopolis, Victoria, Queen's, or Trinity, whose Act of Incorporation had passed the House only five days earlier, Boulton proposed the transition of the University of Toronto into a revised corporation of

University College which would retain the endowment and teaching functions of the existing university. From the endowment the cost of maintaining the University of Upper Canada was to be provided until suitable government financing could be arranged. Like the University of London, the institution contemplated by Boulton would recognize candidates from a variety of universities, both in Canada and in the dominions of Her Majesty. It is an interesting reflection on the progress and achievement of the University of London over only fourteen years that Boulton and others sought for the institutions of Upper Canada the standard of that university.⁴²

Boulton's bill made special provision for the granting of degrees in divinity. Every candidate awarded such a degree in the University of Upper Canada must have earned previously a degree in arts "as a guarantee to the Senate of his literary attainments."⁴³ In addition to a degree in arts, students were to be examined for a degree in divinity and declared entitled to receive such "by, at least, three Priests, Ministers, or Ecclesiastics, appointed for that purpose by the College [to which the candidate belongs] in connection with the University of Upper Canada."⁴⁴ With this compromise, Boulton clearly hoped to end the cantankerous wrangling over the ideal relationship between education and religion. This bill, however, met the same fate as its immediate predecessor; it was withdrawn before second reading. There is no evidence to explain why the two university bills were introduced by Sherwood and Boulton in such rapid succession and as quickly withdrawn. No correspondence has surfaced to shed light on the matter which remains "shrouded in mystery."⁴⁵ They did, however, demonstrate potential solutions to two questions. They provided tentative solutions to the dilemmas of how to integrate degrees in divinity, and

how to fulfil the needs of students from religious denominations other than Wesleyan Methodist, Church of England, Roman Catholic and Church of Scotland.

Hincks Legislation 1853.

By 1850 the Reform party had reached its zenith and life for the Reformers had become increasingly difficult since the passing of Baldwin's university bill of 1849. Reaction to the death of his father several years earlier and his wife in 1836, acrimonious relations in the party between Baldwin, Francis Hincks and George Brown emanating from conflicts between Hincks' paper the *Pilot* and Brown's *Globe*, plus vehement debate over the Rebellion Losses bill and annexation had resulted in the virtual disappearance of Robert Baldwin from the scene and the emergence of Francis Hincks as leader, albeit with the continuing opposition of George Brown who was becoming the centre of the more radical Clear Grits. By the summer of 1851, Baldwin's influence had virtually disappeared from Reform activities while Hincks' leadership was becoming modestly effective. Two university bills had been presented and withdrawn by Sherwood and Boulton and both Victoria and Queen's had finally refused to participate in Baldwin's plan for a centralized university while Strachan's university had received provincial incorporation. In the midst of such ominous conditions, Hincks determined upon a bold step. He impugned the university legislation of his predecessor by introducing legislation of his own to overturn the centralist plan which had clearly failed to materialize. Like William Henry Draper about a decade earlier, in preparing his proposal Hincks consulted with Egerton Ryerson, now Superintendent of Education for the province.

Ryerson responded to Hincks' request in July, 1852, in a letter to which the sketch of a university bill was attached.⁴⁶ After some preliminary remarks about the nature of education and of the university question in particular, Ryerson identified the question as one of how the university endowment could most efficiently and effectively be expended, noting that the real question for consideration was in what way the University Fund could be used to provide higher education for the greatest number of students without impairing or endangering their morals.⁴⁷ His ensuing argument respecting objections to funding sectarian institutions is an interesting one since it might equally have been applied to King's College in 1827. He contended that providing aid to sectarianism "is a very different thing from aiding Sectarians to do what is promotive of the interests of all classes of society."⁴⁸ That is, sectarian institutions might well be funded by the state if their purposes and accomplishments were designed to achieve the good of the state, an argument which had been put forward by Strachan on many occasions.

The remaining portion of Ryerson's letter contained suggestions about how the government might achieve their objectives. He proposed vesting the endowment in the Crown as opposed to a university council, freeing the professors to teach and tutor rather than managing the institution, establishing a non-sectarian college, and removing medicine and law from the university. His argument in favour of the latter was that it would be more efficient to grant a sum of money to the Law Society and a similar medical body along with possible accommodation in the university buildings, than to teach students in either of these professions within the university itself.⁴⁹

The enclosed brief draft of a university bill contained only six clauses.⁵⁰ It provided for the transfer of the university endowment to the Crown, and the establishment of a University of Upper Canada. The objectives of the University were to be four: to examine qualified students, to “impart knowledge in the higher departments of Science, Literature and the Arts, by means of Professors, Lectures, and Publications,” to prescribe the requirements for various academic degrees, and to prescribe courses of study for the grammar, common and normal schools of the province.”⁵¹ No distinction between the teaching and the examining and degree-granting powers was drawn and no mention was made of divinity degrees. Perhaps Ryerson assumed that both lectures and degrees in divinity would be handled by the denominational colleges which the draft assumed would develop appropriate ties with the University.

In a series of letters which followed his receipt of Ryerson’s letter, Hincks communicated his thoughts on a potential university bill.⁵² He confessed that in discussion with unnamed friends and associates, Hincks had determined that agreement on several points was almost certain: 1) the endowment should be vested in the government, 2) the university should be based on the University of London model for examining, rather than on teaching, 3) some subjects such as chemistry and political economy should be taught by the university, although history should be left to the colleges since Catholics and Protestants were unlikely to agree on historical perspective, 4) there should be a teaching College affiliated with the University, with an allowance and buildings, and 5) no provision for professorships in either law or medicine should be made.⁵³ In later letters, Hincks proposed some qualifications for affiliation with the university such as incorporation and receipt of a legislative grant, some niceties of wording, and

expressed concern about the reaction of Trinity College, and the fact that the Chancellor of the University of Toronto was absolutely opposed to any change in his institution.⁵⁴

Hincks' bill was introduced into the House of Assembly on September 21, 1852. It was not intended that the bill should pass during that session of Parliament, but that it should be discussed in preparation for successful passage during the following session. The legislation contained elements of the Sherwood and Boulton bills as well as of Ryerson's proposals.⁵⁵ It retained the name University of Toronto and provided that, like the University of London, the operation of the institution would entail no teaching, but be "limited to the examining of Candidates for Honour in different branches of knowledge, and the granting of such degrees scholarships, prizes and certificates of honour,"⁵⁶ as merited by the examination results. The Chancellor was to be appointed by the Governor who would also be Visitor to the University and have final authority regarding statutes and regulations passed by the Senate. The Vice-Chancellor would be elected for a two year term by the Senate from among its numbers.

Details of examination procedures and scholarship awards were clarified in the bill as were the procedures for the awarding of degrees. A corporation of University College was established to conduct, like University College, London, the teaching of all those who had no wish to attend a denominational college. The professors currently employed by the existing university were to be continued in the new college except as noted. What was noted, was that there was to be no teaching in divinity, medicine or law at University College. Divinity would be taught at the denominational colleges under the auspices of the various denominations. Medicine and law were to be taught at medical and law schools as established throughout the province. For

the granting of degrees in law and medicine, “and the improvement of medical education in all its branches,”⁵⁷ the Senate of the university was to draw up a list of schools in the province and abroad from which candidates for examination might be accepted. The list was to be forwarded to the Governor for approval and might be regularly revised. As a consequence of these provisos, those who were professors of divinity, medicine, and law in the University of Toronto before Hincks’ bill, would find themselves, after January 1, 1854, without teaching appointments, although under a stipulation of the bill, each would receive one year’s salary in recompense.⁵⁸ There would be, of course, no religious test for any student, professor, or officer in University College.

Special attention was paid in Hincks’ legislation to the financial regulations of the new university. Provision was made in the bill for the means of transferring land and capital from the Crown in whom the property was vested to the Bursar’s office where the responsibility for its management was vested. Regular accounting to the government, control of Upper Canada College income funds by the senate of the university, and procedures for making appropriations were all defined by the legislation in an attempt to eliminate the constant barrage of innuendo, accusations and defensive posturing which had so destructively marked the university’s operations over the two and one half preceding decades. Hincks’ bill was passed into law on April 22, 1853.

The anger and frustration of the Chancellor, Peter Boyle de Blaquièrre, at the passing of Hincks’ legislation were quickly transformed into action in October 1852 when he resigned the office of Chancellor.⁵⁹ His letter of resignation was read to the meeting of Convocation,

convened on November 25 of the same year and, in spite of the urging of Senate that he reverse his decision, de Blaquièrè remained adamant. No copy of a letter from the University to the government on the matter of the new legislation appears to exist, and so it is difficult to be certain of Council's views on the matter. What is known is that there was very strong opposition to the elimination of the faculties of law and medicine from professors and many practitioners alike. This episode in the university history remains, however, for future and further exploration.

The response of the Convocation of the university is, however, clearly on record. The hostility of its members to the terms of Hincks' bill is evident in the resolutions adopted at its meetings in November, 1852. Strong objection was registered to the proposed repeal of clauses providing for the existence and function of the House of Convocation and to the elimination of the rights and privileges of the graduates in their university, including the right of electing the Chancellor, Pro-Vice-Chancellor, and a member of the Caput. The petition agreed upon by members of Convocation included a final recommendation that the university's right of representation, abolished with the Act of Union, be restored. The Act, however, had already been passed: examining and degree granting responsibilities now lay with the University Toronto; teaching responsibility was vested in University College (created by the legislation), the denominational colleges and, theoretically, with educational institutions throughout the British Empire. The University of London model had engendered a compromise solution which altered the vision of the institution but provided, at least for a time, a realistic concession to the political and sectarian context of Upper Canada.

CHAPTER NINE REFLECTIONS ON THE UNIVERSITY QUESTION

Although the story of King's College is unique in its historical detail, it embodies the fundamental questions faced by the University of Toronto today and, in fact, perennially by all universities. Questions of the university's underlying philosophy and how that philosophy is implemented, as well as issues of governance, accountability, and finance continue to challenge the university. One of the lessons of King's College is that the juxtaposition of the university's ideology and the reality of its context in society must always be the catalyst for satisfactory resolutions to these challenges. It was in failing to recognize this factor - or, more probably, in failing to understand the reality of the changing political climate that Strachan failed in his attempt to save King's College. It was in failing to understand the underlying premises of educational philosophy in the province that Robert Baldwin failed to transform King's College into a viable institution of higher education.

Philosophy

Strachan's fundamental concept of education was that it should prepare students to contribute their talents and abilities most effectively to the welfare of the community. To prepare for this practical goal, students needed not only to learn about the past and the present, but to explore the ideas spawned by what they were learning in order to develop an ability to use their

knowledge successfully and to integrate their own experience with what they were learning. He would have agreed with Alfred North Whitehead's objective of equipping students for the present, not with disconnected scraps of information, but with integrated and useful knowledge.¹ One of Strachan's successful techniques was to combine the theoretical with the immediate and the practical in ways that were interesting and amusing for his pupils. For example, Bethune records that at the Cornwall schools about every eight weeks or so students recreated a debate which had taken place on a significant issue such as the slave trade. The excitement as recorded by Bethune was intense, not only on the part of the debaters, but of the whole school as students learned and analyzed the roles taken by the original participants in the parliamentary debates.² In the pursuit of mathematics and mensuration, Strachan, finding no suitable text book, created his own, incorporating assignments with practical applications and encouraging the pupils to create tools where none currently existed for executing particular tasks. In one closing address to his graduating class Strachan came close to defining a philosophy of the personal development he believed students should experience in a satisfactory education. His list of requirements for success included self-control, diligence, application to the task at hand, logic, independence of mind based on honour and integrity, motivation to achieve excellence, professionalism, kindness, and respect. In addition, he encouraged his graduates to nurture and cherish their friendships and to respect and appreciate their Creator for he believed the Christian religion to be the foundation stone of education.³

The critical weakness in Strachan's attempts to keep King's College as it was initially chartered, however, was his failure to recognize the fundamental political and social changes

taking place in Upper Canada. Apparently largely unaware of the sweeping move towards representative government, committed almost blindly to the concept of a state church, and opposed with equal lack of appreciation to the Methodists and hence to their concept of voluntarism, he continued to argue the case for the university of King's College. Had he been more philosophical in bent, he might not only have recognized the fact of change and the necessity for it, but he might have been able to mould the university into an institution more acceptable to the surrounding community. He could have made clear a distinction between separate functions of the institution: the mission of the university to produce candidates for ministry in the Church of England and its mission to educate students of all denominations. He might have agreed much earlier to a change in the requirement for Council members to subscribe to the doctrines of the Church of England (which he himself had expressed reservations about at the time the original charter was granted) and agreed to the substitution of a more general Christian creed and/or agreed to partition of the endowment.

A fine irony regarding Strachan's pedagogical expertise and his crusade to save King's College, may be that his success in teaching contributed to the ultimate loss of his mission. Evidence of the respect both parents and pupils had for Strachan abounds in the available documents and reveals itself in the lifelong associations and friendships which developed between master and pupils. Strachan's acknowledged ability to teach, and to influence his pupils had, however, two sides to it. On one hand, his pupils made enormous contributions to the welfare of Upper Canada, serving the needs of the colony in law, theology and the civil service. On the other hand, it may be that one of the reasons for the intense opposition to Strachan's

position in the university debate was the very fact of his ability to teach and influence his students so effectively. Strachan's commitment to church and state and to the future welfare of the colony thus may have become liabilities rather than assets to his university mission. While his strong leadership led to the creation of a university with a strong viable academic program suited to the needs of the community and the students, what confounded its development was the conflict between its underlying philosophy and the political realities of its community.

One might be tempted to conclude, as a result of such observations, that the success of King's College might have been greater had it been constructed out of the political reality of the province but the facts surrounding Robert Baldwin's attempt to do just that will not support such a conclusion. Little is available about Robert Baldwin's educational philosophy apart from the fact that he benefited from Strachan's school at York and that he believed that education, at least at the grammar school level, should be directed as much to students who would enter business, agriculture or commerce as to students headed for university. There can be no doubt, however, about the fact that Baldwin believed that the university in Upper Canada should be devised to satisfy all residents of the province (members of all religious denominations), and be subject to control by a representative political process. Translated into legislation, Baldwin's ideas produced not only the University of Toronto, an institution "free" from sectarian influence, but also the prospect of financial strangulation for the existing universities.

Hence it is clear that Baldwin, like Strachan, had his blind spots. He failed to take into account the fundamental premise broadly assumed in the province that education was popularly expected to be founded in Christian religion and practice. He was unable to recognize that, by

extension, the right of the populace to have their views heard and acted upon, must logically extend to the universities of the province struggling into existence under the leadership of at least four religious denominations and most particularly to the supporters of those institutions whom the members of the Assembly represented. To choke those institutions to death through financial strangulation trampled on the principles of the adherents of those religious denominations and the supporters of those universities, that is, on the very democratic principles Baldwin was espousing. His singular concern for a political solution to the twenty-two year upheaval over the university question led him to ignore the underlying philosophy of the academic institutions and to overlook the fact that in the end that philosophy was more important to the institutions than a share in the spoils of King's College. The establishment of Trinity College merely magnified the fact that Baldwin's political solution was unworkable.

If questions of philosophy were difficult for the university of King's College with an enrolment of fewer than thirty students, defining the philosophy and organization of the multiversity of Toronto is a virtually impossible task. Although the university has a mission statement which is regularly updated, the mission reveals very little about why the university does what it is doing. Like other mission statements, the current University of Toronto mission statement provides description couched in politically acceptable terms rather than philosophy. The current mission statement identifies the fact that the university is "committed to being an internationally significant research university" without identifying why doing so is important. It identifies the importance of its undergraduates "achieving the highest academic standards" without identifying what the criteria for academic excellence are. It identifies the need "to ensure

that its graduates are educated in the broadest sense of the term, with the ability to think clearly, judge objectively, and contribute constructively to society” without identifying how such criteria for success might differ from the same criteria espoused by IBM or Ford Motors, both of whom would like their employees to develop the same set of qualities.

The reasons for migrating from identification of the basic philosophy to defining a mission are simple to understand because the latter is easier to do than the former, is usually easier to understand and serves more direct practical purposes. Neither John Strachan nor Robert Baldwin identified a vision of the university in philosophical terms. The former described the pedagogical approach and the administrative structure; the latter described a political structure and its legal framework. Like Strachan and Baldwin, the contemporary multiversity finds it easier to describe what it is or plans to be doing than to analyze and articulate its *raison d'etre* in philosophic terms. In addition, issues of accountability, as will be noted below, have led the contemporary university to develop a mission statement for use as its fundamental tool for developing accountability measures. Although such mission statements are valuable in their own right, it is, nevertheless, impossible to escape the conclusion that the multiversity devotes more time to describing and defining what it is doing in order to meet demands from government and stakeholders than to analyzing its basic philosophy and identifying the fundamental reasons for its mission.

Curriculum

Curriculum is one of the fundamental expressions of a university's philosophy and King's College with its appendage, Upper Canada College, faced a minor sampling of the major

curriculum debates held a century later. The distinction between education for its own integral benefit, education for the professions, and education or training for the workforce was questioned by Robert Baldwin as early as the 1830s when he and some of his colleagues petitioned Lieutenant-Governor Colborne for alterations in the course of studies at Upper Canada College. Their point was that public education funded by the province should be available to students headed for the workforce in commerce, industry or agriculture as well as for those headed for university. This is an issue which has haunted contemporary educators, administrators, and politicians. The result of Baldwin's petition was the inclusion of a few additional courses in the program of the preparatory College to accommodate those students who were not planning to attend the university. The solutions applied much later to resolve the issues of access to publicly funded institutions have been decidedly more complex and more costly. Beginning in the late 1950s one political solution was the expansion of the Ontario university system instituted to relieve the pressure on the few existing universities, to provide local access to higher education for provincial taxpayers and to reduce the cost to students and their families of travel to and accommodation in Toronto, London, Hamilton or Kingston (a problem identified originally with the establishment of King's College in Toronto). Each of the "new" universities has struggled to develop a distinctive academic sphere of excellence in order to justify its existence and to attract students. Each has worked to develop distinctive programs to prepare their students for thinking logically, analyzing critically and adapting to the demands of the job market.

A second contemporary wave of response to the issue of increasing demand for access to publicly funded higher education for Ontarians was the creation of the Ontario Community

College system comprising twenty-two colleges across the province. Even in the institution of what seems on the surface two complete systems, one for education and one for training, the question has not been resolved. In the Community College system the practice of abolishing departments of both English and General Studies, dividing the faculty teaching those subjects into various program fields, and subjecting their courses to the authority of coordinators concerned with training and practicum for their students is indicative of an unarticulated philosophy in which a broad or liberal education, or even fundamental skill in basic communication, is entirely secondary to the training and job preparation functions of higher education.

On the other hand, contemporary students, exerting independence not available to the students of King's College in the 1840s who were subject to control *in loco parentis*, have assumed the right to move from one isolated system to another, from community college to university and from university to community college. Thus, the two systems, specifically designed to function in isolation from each other have been drawn together to such a degree that over twenty-five joint programs leading to both a college diploma and a university degree have been initiated over the past thirty years. Integration of the systems demanded by a dramatically changed student population, has been implemented despite opposing views voiced in both the academic and political arenas. The concept of *in loco parentis* so strongly assumed in the context of King's College and early university experience throughout Upper Canada began gradually to disappear and fell dead with the appearance of an adult student population following World War Two and the developing concept of lifelong education which followed. In this way, the academic

and political balance, teetering dramatically from side to side in the case of King's College, has been influenced by a third force, the student body. In this movement neither the political nor the academic forces moved with alacrity. Many university faculty and administrators strenuously opposed the rapprochement of the two systems perhaps demonstrating that one of the major challenges for academia continues, as it was in King's College days, to look forward as well as backward for the rationale and philosophy fundamental to its mission.

Governance and Accountability

The University of Toronto and her sister institutions everywhere continue to face the dilemmas posed by the need for strong and consistent internal leadership, the requirement for functioning within the context of an ever changing environment, and the constraints of a demanding political system. Strachan foresaw the difficulties of this position when he attempted so strenuously to secure the full original endowment for King's College, noting that if the university were not financially independent, it would be forever subject to the changing agendas of successive political parties. Over a century later, Claude Bissell recognized similar problems when he attempted to initiate a useful working interface between the political system and the academic faculty, an attempt which resulted in a new Governing Council for the university.⁴ A study of how the balance between the internal workings of the university and the political context of its life and work have functioned over the years would provide both useful and interesting material for its institutional leaders. The example of Martin Heidegger demonstrates clearly the damage which can be perpetrated by allowing the political system to dictate the mission of the

university. The example of John Strachan demonstrates clearly the weakness of academic leadership out of touch with its political context.

Every new piece of legislation regarding King's College and several subsequent University of Toronto Acts have indicated the importance of formulating an acceptable governing body for the university, one which would permit sound contributions from the university community while establishing clear external government and community controls. The original charter struck a happy balance between the university and the community. The Lieutenant-Governor was the Chancellor, the Bishop of Quebec was Visitor, and John Strachan was the President. That is, government, community and professors were all equally represented. Unfortunately, the community which was represented, not only in the person of the Visitor, but also in the religious commitment of the Lieutenant-Governor and all of the Council, was limited to the Church of England Community, completely eliminating input from the majority of the population of the province while retaining control over the entire endowment. As a consequence, efforts were launched on two fronts, to wrest control of the endowment from the hands of King's College and to organize the university so that control of its activities was more widely and equitably distributed.

Early attempts to amend the governing structure of the university were limited to altering the terms for the offices of Visitor, Chancellor, President and College Council. The problem which appeared to be resolved by these changes, however, continued to prevail in practical terms because although the appointments were altered, the incumbents were virtually all members of the Church of England and so little actually changed after the amendments of 1837 were

implemented. A slight amelioration of the problem was implied in the alteration from the requirement for Council members to subscribe to the Thirty-nine Articles of Faith to a requirement that they subscribe to the authenticity of the Old and New Testaments and the doctrine of the Trinity but still the reality was that the university remained a Church of England community.

Between 1827 and 1849 King's College moved through a complete transition from perceived church control to government control. One of the first moves towards greater public accountability was the alteration in the membership of the College Council to include the speakers of both houses of the legislature, and the attorney-general and the solicitor-general. Although all of the new members were members of the Church of England and so *de facto* continued the church presence, the appointment of four political figures established a clear link between the legislature and King's College. It would take Robert Baldwin twelve more years to remove religious instruction and sectarian direction and place the key university functions almost directly under the control of a representative government and, thus, to change the perceived point of control from church to state and establish a condition which would prevail for decades.

Closely linked with questions of governance and control is the issue of accountability. Perhaps no issue has generated more discussion and controversy, demanded more of the university's time outside of the teaching and research commitments, and filled more reports than this one. The determination of the provincial legislature to establish the fact that King's College was accountable to the Assembly and to the residents of the province who were represented by the legislators was evident in the legislation of 1849. The need to demonstrate accountability of

the university for its resources led King's College to appoint two important committees to investigate its finances. The first, appointed by the College Council at the end of the 1830s came to the conclusion that although the Bursar's office had been meticulous in recording transactions, it had lacked a satisfactory accounting system. The second, the Commission of Inquiry into the Affairs of King's College established by the College Council in 1848 reported conclusions very similar to those of its predecessor, that the contentious financial issues stemmed mainly from the lack of adequate accounting and financial systems rather than from mismanagement or dishonesty.

The issue of where control of our universities should be lodged and how accountability should be demonstrated and to whom are issues as current today as they were during the tenure of King's College and are no more readily soluble. A more complex university lodged in a more diverse society, the University of Toronto has been forced to develop more sophisticated ways of addressing the challenges of responsible governance and accountability and of developing an interface between the university and its surroundings. Each Act passed by the legislature has represented, at heart, an attempt to lodge the governance of the university in the hands of those thought to be most appropriate at the time. In April 1853 control of both the university and University College was lodged with the government of the province. The Governor had the power of appointment of key officials in both the university and University College and both institutions were obliged to report annually to the Governor and the legislature as well as having all statutes approved by the Governor. It was not until the legislation of 1906 that this power of government was abrogated. Even after the 1906 Act was implemented the balance of power lay

in the hands of the government and a Board comprised exclusively of external members. Even during the relatively recent tenure of Claude Bissell as President, the Vice-President, Finance was reporting directly to the Chair of the Board of Governors without necessarily referring financial matters to the President.

It was the need for the President to consolidate his role, particularly as the move towards serious planning for expansion of both the university system and the University of Toronto was taking place which, in large measure, prompted the major discussions about the governance of the university and, ultimately, the University Act of 1971. More than any previous act had done, the legislation of 1971 attempted to resolve the gulf between institution and government which had led to so much debate surrounding King's College and the early years of the University of Toronto. In bringing together the debates about academic issues, the planning and budget processes and other business affairs of the institution, the Act attempted to address the long standing question of where the authority for university affairs should reside. In its fifty-member Council, all constituencies of the university were represented: government appointees, faculty, students and support staff. Although the size of Council was unwieldy, the need for academic vision, real financial limitations and political agendas was met as was the need for the governing body of the university to establish credibility with both the internal and the external communities. The course of the Governing Council's adventures has not run more smoothly than the affairs of King's College but unlike the situation in the 1830s and 1840s, the forum for addressing the differences was available and functioning. Alterations to its by-laws have been made regularly in response to its needs. Such developments as the satisfaction of internal

constituencies at the expense of external credibility have been met with almost immediate analysis and proposals for change in the way Council functions. The existence of an appropriate and available forum for analysing the problems encountered in governance, the determination of the majority of its members to find mutually acceptable solutions and the willingness of the government to accept the will of that forum allows the contemporary University of Toronto to resolve its problems in a way the King's College could not have managed. The result has been regular refinements, alterations and updating of Council's modus operandi over a period longer than the entire life of King's College. Whether such modifications translate into appropriate philosophical considerations and a better university is not clear.

The role of a Board of Governors or a Governing Council is not only to legislate for the institution, but also to be accountable for the decisions taken by the university. In the 1840s accountability was understood by many in the legislature as the responsibility of the university to adhere to the will of the government. As a consequence, the House of Assembly consistently sought out ways to force the university to bend to its will. One of the ways in which it managed to do that was by passing a series of acts intended to transform King's College into an institution more adapted to the tenor of the times. Changing legislation was not the only tool used by the Assembly, however: regular requests to the Lieutenant-Governor or Governor for King's College Council to submit records of income and expenditure, specifics of land transactions, particulars of expenditures on the offices of its faculty and other details of the university's operation were forwarded with increasing regularity. It was through control of the endowment that the

legislature hoped to exert its control not only over King's College but over the operation of all of the universities in the province.

Accountability is still a major issue for the university although its observance differs greatly. Because the whole concept of accountability has changed, the vehicles for demonstrating accountability have altered dramatically. During the life of King's College, the House of Assembly considered accountability to be adherence on the part of the university to the will of the legislature. Current thinking about accountability and how it should be exercised is inclined to focus on process and indicators which can measure the institution against its own goals and objectives. In one way or another, almost all reports on university accountability focus on the institution's responsibility for meeting clearly established goals and for reporting on how and to what degree it has done so. It is in this context that the university mission statement is most useful. It serves as the basic document in the accountability process as a fundamental statement of institutional goals and priorities against which planning, budgets and progress can be measured.

In a report submitted to the provincial government in 1993, the Task Force on University Accountability set out a series of accountability measures for all provincial universities including Toronto.⁵ The process described in the report including the proposed accountability indicators was examined by the University of Toronto's Governing Council in October, 1993⁶ and later adopted in principle with details still to be finalized. Essentially both the Task Force and the university agreed that a satisfactory accountability process should be "transparent, cost-effective, and responsive to the stakeholders."⁷ The responsibilities of the governing body in implementing

such measures include being properly constituted, organized, supported and empowered and being in close relations with its major internal constituencies: the senior administration, faculty, staff and students. Two major responsibilities should be assigned to governors: “approval of policies and procedures governing institutional performance and the monitoring of them.”⁸

Almost one hundred and fifty years after the transformation of King’s College into the University of Toronto, the clear measures and indicators for ensuring the accountability of the institution, not only to the government but to all of its stakeholders, are in place. Hence, assurance is reasonable, not that the university can conform to the will of the legislature, but that it will conform to its own mission and objectives ensuring that autonomy of operation and accountability are distinct and important institutional characteristics in a way that was inconceivable in the nineteenth century.

With suitable governance structures and accountability measures in place, a university faces at least a strong possibility of handling its relative autonomy and the other issues which face it with success. It is no easier for the contemporary university to set its goals, to interact effectively with its external community as well as its constituents, to find appropriate measures for its progress towards achievement of its objectives, or to ask itself the appropriate questions about its philosophy, its goals, its mission, and its strategies than it was for King’s College to do those things. The difference is, that King’s College and the Baldwin legislation have provided models for analysis and comparison. From them we can observe that confrontation between government and university provides an insecure, even destructive, foundation for progress. The question which remains to be answered is whether we have learned enough about the issues and

about governance to provide a flexible and enduring foundation on which the university can flourish. The answer to that question probably lies not only in the strength of the university's mission, and the indicators by which it measures success, but in its fundamental philosophy of education, teaching and research, just as it did in the case of King's College.

ENDNOTES

Chapter One

1. For a discussion of this element and other aspects of Methodism, see William Westfall, *Two Worlds: The Protestant Culture of 19th Century Ontario*. Toronto: McGill-Queens, 1989.

2. *Dictionary of Canadian Biography*. ed. Frances Halpenny 12 vols. Toronto: University of Toronto Press, [1965-], 8: 45-59.

3. Alexander Neil Bethune, *Memoir of the Right Reverend John Strachan, First Bishop of Toronto* (Toronto: Henry Rowsell, 1870), 110.

4. John Strachan, Letter to Messieurs. Sam Sherwood, Andrew Stuart and James Stuart enclosing a copy of a plan for a college [McGill] and two grammar schools, February 14, 1815 in George W. Spragge, *The John Strachan Letter Book: 1812-1834* (Toronto, Ontario Historical Society, 1946), 67-71.

5. Michael S. Ross and Robert Lochiel Fraser, "Baldwin" in the *Dictionary of Canadian Biography* ed. Frances Halpenny (Toronto: University of Toronto Press, 1985) 7: 46.

6. Hale Bellot, *University College, London 1826-1926* (London: University of London Press, 1929), 220.

7. *Ibid.*, 9. (The report is known as the "Rockfish from Gap Report" in honour of the fact that the meetings of the commission were held at a site called Rockfish Gap in the Blue Ridge Mountains of Virginia.)

8. *Ibid.*, 242.

9. *Journals of the House of Commons*, xc, 189 as quoted in Bellot, *University College*, 243.

10. Bellot, *University College*, 246.

11. *Ibid.*, 248.

12. *Ibid.*

13. Gerald Craig, *Upper Canada The Formative Years 1784-1841* (Toronto: McClelland and Stewart, 1963), 13.

14. *Ibid.*, 17-19.

15. *Colonial Advocate* October 11, 1827, 3.

16. *Ibid.*, 19.

17. Nathanael Burwash, *Egerton Ryerson*, (Toronto: Morang & Co., 1912), p. 31-33.

Chapter Two

1. John Strachan's speech at the opening ceremony for King's College, *University of King's College, Toronto, Upper Canada: Proceedings at the Ceremony of Laying the Foundation Stone, April 23, 1842 and at the Opening of the University, June 8, 1843*. (Toronto: Rowsell, 1843), 33.

2. *The Universities of Canada: Their History and Organization*, Appendix to the report of the Minister of Education, 1896 (Toronto: Printed by Warwick Bros. & Rutter, 1896), 7.
3. Letter from John Graves Simcoe to Sir Joseph Banks January 8, 1791 quoted in John George Hodgins, ed. *A Documentary History of Education in Upper Canada from the Passing of the Constitutional Act of 1791 to the close of the Reverend Doctor Ryerson's Administration of the Education Department in 1876* (Toronto: L. K. Cameron, 1894), 1:11.
4. William Renwick Riddell. *Life of John Graves Simcoe: First Lieutenant-Governor of Upper Canada 1792–96* (Toronto: McClelland & Stewart, 1926), 337.
5. Letter from John Graves Simcoe to Henry Dundas April 28, 1792 quoted in Hodgins, *DHE*, 1:11.
6. Riddell, *Simcoe*, 337.
7. *Ibid.*, 339–40.
8. *Ibid.*, 340.
9. *Ibid.*
10. Letter from Governor Simcoe to the First Church of England Bishop of Quebec April 30th, 1795 quoted in Hodgins, *DHE* 1:12.
11. *Ibid.*
12. *Ibid.*
13. Letter from Governor Simcoe to the Bishop of Quebec February 25, 1796 quoted in Hodgins, *DHE*, 1:14.
14. Despatch from the Duke of Portland to Governor Simcoe June 22, 1796 quoted in Hodgins, *DHE*, I: 14.
15. The Address was approved by both the House of Assembly and the Legislative Council and signed by their respective Speakers, D. W. Smith and John Elmsley, July 3, 1797. It was despatched to the Duke of Portland by Peter Russell with a covering letter July 21, 1797.
16. Letter from President Peter Russell to the Duke of Portland July 21, 1797 quoted in Hodgins, *DHE*, 1: 16.
17. Despatch from the Duke of Portland to President Russell November 4, 1797, quoted in Hodgins, *DHE*, 1: 17.
18. Report of the Executive Council and Its Committee on the Original Royal Grant of 1797 December 1, 1798 quoted in Hodgins, *DHE*, 1: 20-23.
19. *Ibid.*; for a full account of the development of common schools in Upper Canada, see Susan Houston and Alison Prentice, *Schooling and Scholars in Nineteenth-Century Ontario*. Ontario Historical Studies Series for the Government of Ontario. (Toronto: University of Toronto Press, 1988).
20. *Ibid.*, 23.

21. Ibid., 21.

22. Ibid., 22.

23. Ibid.

24. For an account of the development of secondary schools and the growing distinction between common and grammar schools as well as between grammar schools and colleges, see R. D. Gidney and W. P. J. Millar. *Inventing Secondary Education: The Rise of the High School in Nineteenth Century Ontario*. (Montreal: McGill-Queen's University Press, 1990).

25. Ibid.

26. The Honourable William Morris, in opposing one of the many Bills proposed for the amendment of the Charter of King's College argued in 1843 that it was improper to continue the debate about the fate of the university since the free grammar schools required by the Duke of Portland's despatch of 1797 had not yet been established.

27. M. Smith, *Geographical View of the British Possessions in North America*, Baltimore, 1814 quoted in Hodgins, *DHE*, 1: 84.

28. Hodgins, *DHE*, 1: 130–35.

29. Gourley and Mackenzie were two of the foremost proponents of this view.

30. "Hunter" in *Dictionary of Canadian Biography*. Ed. Frances Halpenny (Toronto: University of Toronto Press, 1983), 5: 439–43.

31. Ibid., 8: 336–41.

32. Ibid.

Chapter Three

1. Hartwell Bowsfield, "Maitland" in *Dictionary of Canadian Biography*. Ed. Frances Halpenny (Toronto: University of Toronto Press, 1983), 8: 597.

2. Clause IV of the "Act to Provide for Increasing the Representation of the Commons of this Province in the House of Assembly" March 7, 1820 quoted in John George Hodgins, ed. *A Documentary History of Education in Upper Canada from the Passing of the Constitutional Act of 1791 to the close of the Reverend Doctor Ryerson's Administration of the Education Department in 1876* (Toronto: L. K. Cameron, 1894), 1: 174.

2. Information contained in a memorandum from Sir John Colborne to his Executive Council, May 1830, quoted in Hodgins, 1: 179.

4. Report of the Committee Chaired by Chief Justice William Dummer Powell to Sir Peregrine Maitland, January 7, 1819 quoted in Hodgins, *DHE*, 1: 151. All of the details of the committee report contained in this section are from this source.

5. Ibid.
6. Ibid., 152.
7. Letter from Sir Peregrine Maitland to Earl Bathurst, 1822 quoted in Hodgins, *DHE*, 1: 196.
8. Hodgins, *DHE*, 1: 196.
9. Letter from Sir Peregrine Maitland to Earl Bathurst, 1822 quoted in *DHE*, 3: 2–3.
10. Report of the Executive Council and Its Committee on the Original Royal Grant of 1797, December 1, 1798 quoted in Hodgins, *DHE*, 1: 23.
11. Ibid.
12. Letter from Sir Peregrine Maitland to Earl Bathurst, December 19, 1825 quoted in Hodgins, *DHE*, 1: 205.
13. The material in this section related to this despatch from Maitland to Bathurst and the following one from Bathurst in return are taken from the Board minute book. No complete copy of either despatch is available. The contents noted here are taken from the minutes of the first meeting of the General Board of Education as recorded by Hodgins, *DHE*, 3: 2–3.
14. Statement regarding the need for a University in Upper Canada made by John Strachan to Sir Peregrine Maitland March 1826 quoted in Hodgins, *DHE*, 1: 211.
15. Ibid.
16. Letter to the Marquis Wellesley from John Strachan, 1 Nov^r 1812 in George W. Spragge, ed., *The John Strachan Letter Book: 1812 to 1834*, (Toronto, Ontario Historical Society, 1946).
17. Ibid.
18. Letter to Mr Sam Sherwood, to Andrew Stuart & James Stuart [co-executors of James McGill's education bequest] with a copy of a plan for a College & two Grammar Schools, 14 Feby 1815 in Spragge, Letter Book, 68.
19. Ibid.
20. Ibid., 1: 214. The following table is taken from Strachan's report:

| Item | £ | £ |
|---|-------|-----|
| four professors at £400 per annum, each | 1,600 | 400 |
| one professor of law, per annum | 100 | |
| one professor of medicine, per annum | 100 | |
| To the library, annually | 100 | |
| To a philosophical and chemical apparatus, annually | 100 | |

| | | |
|---|-------|-------|
| To a librarian, annually | 100 | 100 |
| To a botanic gardener, annually | 100 | |
| To a gardener, annually | 100 | |
| To two scholarships for each district, one £60, one £40 | 1,100 | 1,100 |
| To repairs and servants | 250 | |
| <hr/> | | |
| Total | 3,650 | 1,600 |
| Deduct, if necessary the total of column #2 at first: | 1600 | |
| <hr/> | | |
| Basic expenditures | 2,050 | |

21. Ibid.

22. Gerald Craig, "Strachan" in Hodgins, *DCB*, 9: 764.

23. Alexander Neil Bethune, *Memoir of the Right Reverend John Strachan, First Bishop of Toronto* (Toronto: Henry Rowsell, 1870), 108.

24. Speech of the Honourable and Right Reverend the Lord Bishop of Toronto, President of the University in *King's College, Toronto, Upper Canada: Proceedings at the Ceremony of Laying the Foundation Stone, April 23, 1842; and at the Opening of the University, June 8, 1843*. (Toronto: H. & W. Rowsell, Printer, 1843), 39.

25. Table of the Religious State of Upper Canada as it Respects the Established Church quoted in Hodgins, *DHE*, 1: 218.

26. Ibid.

27. Bethune, *First Bishop*, 110.

28. Ibid.

29. Hodgins, *DHE*, 1: 203–5.

30. Despatch from Earl Bathurst to Sir Peregrine Maitland March 31, 1827, quoted in Hodgins, *DHE*, 1: 225–6.

31. Letter from Sir Peregrine Maitland to Earl Bathurst December 19, 1825 quoted in Hodgins, *DHE*, 1: 205.

32. *Upper Canada Herald* October 2, 1827, 3.

33. *Colonial Advocate* October 11, 1827, 3.

34. Ibid.

35. Ibid.

36. *Colonial Advocate* November 8, 1827, 2.

37. Ibid.

38. Strachan's parents had been communicants in different churches, the Episcopal Church of Scotland and one of the Secession churches from the Church of Scotland. As a child, Strachan had been taken to services at both churches and accepted both forms of worship as valid. When the opportunity arose for ordination in the Church of England at a time when no position was available in the Church of Scotland, Strachan resolved to be ordained by Bishop Mountain to the Church of England priesthood.

39. *Colonial Advocate*, November 8, 1827, 2.

40. Address of the House of Assembly to the Lieutenant-Governor, Sir Peregrine Maitland January 21, 1828 quoted in Hodgins, *DHE*, 1: 233.

41. Petition of Mr. Buckley Waters and others February 7, 1828 quoted in Hodgins, *DHE*, 1: 234.

42. Ibid.

43. The information about these petitions has been collated from the records of the House of Assembly, 1828 as reproduced in Hodgins, *DHE*, 1: 232–238.

44. Report of the Select Committee on the subject of the petition of Mr. Bulkley Waters and others, quoted in Hodgins, *DHE*, 1: 240.

45. Ibid.

46. Ibid.

47. Ibid.

48. Address to the King's Most Excellent Majesty from the House of Assembly March 20, 1828 quoted in Hodgins, *DHE*, 1: 242.

49. John Macara, "The Origin, History and Management of the University of King's College, Toronto" (Toronto: n.p. 1854).

50. Report of a Committee of the House of Commons July 22, 1828 quoted in Hodgins, *DHE*, 1: 254.

51. Ibid.

52. Ibid. 1: 254–5.

53. Minutes of the first meeting of the King's College Council January 8, 1828 quoted in Hodgins, *DHE*, 3: 15.

54. Ibid.

55. Minutes of a meeting of the King's College Council May 5, 1828 quoted in Hodgins, *DHE*, 3: 19.

56. Ibid., 3: 20.

Chapter Four

1. Alan Wilson, "Colborne" in *Dictionary of Canadian Biography*, ed. Frances G. Halpenny, (Toronto: University of Toronto Press, 1976), 9: 139.
2. Despatch from Sir George Murray to Sir John Colborne, September 29, 1828 quoted in John George Hodgins, ed. *A Documentary History of Education in Upper Canada from the Passing of the Constitutional Act of 1791 to the close of the Reverend Doctor Ryerson's Administration of the Education Department in 1876* (Toronto: L. K. Cameron, 1894), 1: 257.
3. Ibid.
4. Ibid., 1: 258.
5. See particularly clause #11 in the proposed legislation reprinted in Hodgins, *DHE*, 1: 302.
6. The Royal Grammar School, originally established at Kingston, had been integrated by Sir Peregrine Maitland with the Home District Grammar School by 1825. See Richard B. Howard, *Upper Canada College 1829-1979: Colborne's Legacy* (Toronto: Macmillan of Canada, 1979), 2-3. The school was known by several names, "Old Blue," the Home District Grammar School, the Royal Grammar School and the Royal and District Grammar School.
7. Hodgins, *DHE*, 2: 30.
8. Colborne's speech from the throne, January 8, 1829 quoted in Hodgins, *DHE*, 1: 259.
9. Letter to the Vice-Chancellor of Oxford University from Sir John Colborne March 31, 1829 quoted in Hodgins, *Documentary History*, 1: 286-7.
10. Ibid.
11. Ibid.
12. *Upper Canada Gazette* December 17, 1829 quoted in Hodgins, *DHE* 1: 290.
13. Message from Sir John Colborne to the Legislature January 17, 1829 quoted Hodgins, *DHE*, 1: 261.
14. *Final Report of the Commissioners of Inquiry into the Affairs of King's College University and Upper Canada College* (Quebec: Legislative Assembly, 1852), 339.
15. Ibid.
16. Ibid.
17. Speech of the Reverend John Strachan at the opening of King's College, June 8, 1843 quoted in Hodgins, *DHE* 4: 277-286.
18. Ibid.

19. Hodgins, *DHE* 1: 290.
20. Hodgins, *DHE*, 3: 313.
21. Hodgins, *DHE*, 2: 28.
22. *Ibid.*, 29.
23. *Ibid.*
24. Report of the Select Committee on Education of the House of Assembly March 20, 1829 quoted in Hodgins, *DHE* 1: 274–5.
25. *Ibid.*
26. Note from Sir John Colborne to the Legislative Council February 13, 1829 quoted in Hodgins *DHE* 1: 278–9.
27. Hodgins, *DCB*, 5: 844; Hodgins, *DHE*, 1: 181.
28. *Ibid.*; Hodgins, *DHE* 2: 18
29. *Ibid.*, 2: 18–21.
30. This theme of the need to complete the 1797 prescription for free grammar schools *before* any attention be paid to a university was one which would long be supported by the chairman of this particular committee, William Morris, a Kingston merchant and leading lay member of the Church of Scotland and a founder of Queen's College. We find Morris again, in 1837 objecting to the amended charter of King's College on the basis that there were no free grammar schools in the province. Again in the 1840s, when various amendments to the charter were proposed, Morris continued his campaign demanding the establishment of free grammar schools before any consideration was given to funding a university from the income of the endowed lands.
31. In 1849 legislation was passed endowing the common schools of the province with one million acres of waste lands of the Crown see Hodgins, *DHE* 3: 158.
32. Resolutions passed March 12, 1831 quoted in Hodgins, *DHE* 2: 25, 26.
33. Despatch from Lord Goderich to Sir John Colborne July 5, 1832 quoted in Hodgins *DHE* 2: 72.
34. Confidential despatch from Lord Goderich to Sir John Colborne July 5, 1832 quoted in Hodgins *DHE* 3: 86.
35. *Ibid.*
36. *Ibid.*
37. Despatch from Lord Goderich to Sir John Colborne, November 2, 1831 quoted in Hodgins, *DHE* 2:
38. Report of the Select committee on Education November 21, 1832 quoted in Hodgins *DHE* 2: 76–82.

39. Revised University Charter as recommended by the Select Committee on Education November 1832 quoted in Hodgins *DHE* 2: 77.

40. Proposed amendments to a Revised University Charter Bill accompanying the First Report of the Select Committee of the House of Assembly on Education November 21, 1832 quoted in Hodgins *DHE* 2: 77–8.

41. On each occasion that amendments were proposed to the original charter of King's College objection was raised to the concept that a government could amend or alter a charter bestowed by the Crown. Much discussion was held on the matter both in the colony and at Westminster. For an account of the way in which the home government made the determination to permit such amendments see Paul Knapp, *James Stephen and the British Colonial system, 1813-1857* (Madison: Wisconsin University Press, 1953), 152-9.

42. Hodgins, *DHE* 2: 113.

43. *Ibid.*

44. Hodgins, *DHE* 2: 78–82.

45. Third Report of the Select Committee on Education to the House of Assembly January 15, 1833 quoted in Hodgins, *DHE* 3: 105–111.

46. Hodgins, *DHE*, 2: 86–89.

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1. John George Hodgins, ed. *A Documentary History of Education in Upper Canada from the Passing of the Constitutional Act of 1791 to the close of the Reverend Doctor Ryerson's Administration of the Education Department in 1876* (Toronto: L. K. Cameron, 1894), 3: 15.

2. Minutes of the King's College Council April to July 1828 quoted in Hodgins, *DHE*, 3: 22.

3. Hodgins, *DHE*, 3: 24.

4. *Ibid.*

5. *Ibid.*

6. Comments of Sir John Colborne at a meeting of King's College Council held on June 17, 1830 quoted in Hodgins, *DHE*, 3: 25.

7. *Ibid.*

8. *Ibid.*

9. Communication of Sir John Colborne to the King's College Council, June 17, 1830 quoted in Hodgins, *DHE*, 3: 25.

10. *Ibid.*

11. Resolutions of the King's College Council in response to the communication of Sir John Colborne quoted in Hodgins, *DHE*, 3: 26–29.
12. Excerpt from a despatch from Sir George Murray June 14, 1830 quoted in Hodgins, *DHE*, 3: 28.
13. Reply to a request for information to be supplied to the British House of Commons September 30, 1830 quoted in *DHE*, 1: 317; *Final Report of the Commissioners of Inquiry into the Affairs of King's College University and Upper Canada College* (Quebec: By Order of the Legislative Assembly, 1852), 105.
14. Hodgins, *DHE*, 3: 29.
15. Letter from the Secretary to Sir John Colborne to the Commissioner of Crown Lands June 2, 1831 and minutes of the King's College Council June 18 – July 18 quoted in Hodgins, *DHE*, 3: 29–31.
16. Hodgins, *DHE*, 2: 216 and 228.
17. Response of King's College Council to Lord Goderich's request for surrender of the Charter March 21, 1832 quoted in Hodgins, *DHE*, 3: 32 – 37.
18. *Ibid.*
19. John Macara. *The Origin, History and Management of the University of King's College, Toronto*. [published anonymously], (Toronto: Printed by George Brown, 1844), 36.
20. *Ibid.*; also quoted in Hodgins, *DHE* 2: 216.
21. Macara, *Origins of King's College*, 43, 44 also quoted in Hodgins, *DHE* 2: 228, footnote.
22. Hodgins, *DHE*, 2: 216 and 228.
23. Macara, *Origins*, 41.
24. From a memo from Mr. Thomas Hodgins, member of the Senate of the University of Toronto quoted in Hodgins, *DHE* 3: 85–86.
25. Confidential Despatch from the Colonial Secretary, Lord Goderich to Sir John Colborne, July 5, 1832 quoted in Hodgins, *DHE* 3: 86–87.
26. Letter from Joseph Wells to John Strachan March 19, 1838 quoted in Hodgins, *DHE* 3: 185.
27. Hodgins, *DHE* 3: 185.
28. Hodgins, *DHE* 3: 39.
29. Hodgins, *DHE* 3: 39.
30. Hodgins, *DHE* 3: 40 Letter from the Secretary of Sir John Colborne, May 25, 1833.

31. Hodgins, *DHE* 2: 112.
32. Hodgins, *DHE* 2: 212–214.
33. Hodgins, *DHE* 3: 34.
34. Hodgins, *DHE* 3: 84.
35. Letter from John Joseph, Secretary to Sir Francis Bond Head, to John Strachan, March 30, 1837 quoted in Hodgins, *DHE* 3: 93.
36. Hodgins, *DHE* 3: 93–96.
37. *Ibid.*
38. Hodgins, *DHE* 3: 97–98.
39. Hodgins, *DHE* 3: 187.
40. Letter from the Honourable Joseph Wells to the King's College Council quoted in Hodgins, *DHE* 3: 193.
41. Report of Mr. T. C. Patrick, Accountant to the Committee of King's College Council quoted in Hodgins, *DHE* 3: 191.
42. *Ibid.*
43. *Ibid.*

Chapter Six

1. Losses sustained by the inhabitants of Upper Canada had been dealt with but those in Lower Canada had not. Considerable acrimony developed as the united provinces attempted legislation to compensate for losses caused by the rebellion in Lower Canada. Fear and mistrust were exacerbated by the criticism and sometimes violent action of members of the Orange Lodge. For an interesting perspective on discussion surrounding the Rebellion losses bill of this period see the volume one of the correspondence between Lord Elgin and Kincardine and the Colonial Office.

2. John George Hodgins, ed. *A Documentary History of Education in Upper Canada from the Passing of the Constitutional Act of 1791 to the close of the Reverend Doctor Ryerson's Administration of the Education Department in 1876* (Toronto: L. K. Cameron, 1894), 3: 299.

3. King's College Council Minutes: February 29, 1840; Hodgins, *DHE* 3: 302.

4. Hodgins, *DHE*, 3: 302.

5. King's College Council Minutes, May 27, 1840; June 6, 1840; Hodgins, *DHE*, 3: 303, 305–6.

6. King's College Council Minutes: May 7, 1842, July 2, 1842 and October 19, 1842; Hodgins, *DHE* 4: 193–196.

- 7.Hodgins, *DHE* 3: 307.
- 8.Hodgins, *DHE* 3: 306–309.
- 9.King’s College Council Minutes, February 17, 1841; Hodgins, *DHE* 4: 63–65.
- 10.Hodgins, *DHE*, 3: 314.
- 11.Ibid.
12. John Strachan to Sir Charles Bagot, January 26, 1842 quoted in Hodgins, *DHE* 4: 169-175.
- 13.Hodgins, *DHE* 4: 167.
- 14.Hodgins, *DHE* 4: 166–167.
- 15.Hodgins, *DHE* 4: 167.
- 16.Hodgins, *DHE* 4: 168.
- 17.King’s College Council Minutes March 12, 1842; Hodgins, *DHE* 4: 179–180.
- 18.King’s College Council Minutes February 23, 1842; Hodgins, *DHE* 4: 176-179.
- 19.King’s College Council Minutes, March 30 and April 2, 1842; Hodgins, *DHE* 4: 189–190.
- 20.King’s College Council Minutes, June 8, 1842; Hodgins, *DHE* 4: 195.
- 21.Ibid.
- 22.King’s College Council Minutes, October 9, 1843; Hodgins, *DHE* 4: 294–5.
- 23.King’s College Council Minutes, December 27, 1843; Hodgins, *DHE* 4: 300.
- 24.Canniff, *Medical*, 187–188.
- 25.King’s College Council Minutes: October 21, 1840; Hodgins, *DHE* 3: 308.
26. Letter from Sir Charles Bagot to W. H. Draper in “Letters from the Papers of Sir Charles Bagot First [sic] Governor General of British North America Concerning the Opening of King’s College in 1842-1843,” ed. John G. Slater, University of Toronto, 1998, 25-26.
- 27.Statutes, chapter 7, 8 and 9 are recorded in connection with the King’s College Council Minutes, October 28, 1842 in Hodgins, *DHE* 4; 196–201.
- 28.King’s College Council Minutes: June 20, 1840, quoted in Hodgins, *DHE* 3: 306.
- 29.Ibid.
- 30.John Macara, *The Origin, History and Management of the University of King’s College, Toronto*, quoted in Hodgins, *DHE* 4: 201.

31. Hodgins, *DHE* 4: 198.
32. *Ibid.*, 199.
33. *Ibid.*
34. "Report of the Legal Committee of King's College," 1842 quoted in Hodgins, *DHE* 4: 199–200.
35. Macara, *King's College* quoted in Hodgins, *DHE* 4: 201.
36. *DHE* 4: 200–201.
37. King's College Council Minutes, October 28, 1842; Hodgins, *DHE* 4: 197.
38. Hodgins, *DHE* 5: 143.

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2. "The Founders of Victoria," A. Brian McKillop in *From Cobourg to Toronto: Victoria University in Retrospect The Sesquicentennial Lectures, 1986*, (Toronto: Chartres Books, 1989), 18.
3. *Ibid.*, 19.
4. For a full discussion of Methodism and voluntarism see William Westfall, *Two Worlds: The Protestant Culture of 19th Century Ontario*, Toronto: McGill-Queen's University Press, 1989.
5. Robert, F. Burns, *Life and Times of the Reverend Robert Burns, D. D.*, [n.p.] 1871, 165-7; Hodgins, *DHE* 5: 73.
6. Hodgins, *DHE* 2: 13-14.
7. The Opinion of the Law Officers of the Crown to Lord John Russell quoted in Hodgins, *DHE* 4: 80.
8. Despatch from Lord John Russell to the Governor-General December 8, 1840 quoted in Hodgins, *DHE* 4: 81.
9. Minutes of a Meeting of the Board of Trustees of Queen's College, September 8, 1842 quoted in Hodgins, *DHE* 5: 2.
10. *Ibid.*
11. *Ibid.*, 2–3.
12. *Ibid.*, 4.
13. Letter from Thomas Liddell to Egerton Ryerson, April 21, 1843 quoted in Hodgins, *DHE* 5: 6–7.

14. Minutes of a Meeting of the Board of Trustees of Queen's College, July 10, and July 12, 1843 and Minutes of a Meeting of the Presbyterian Synod, July 10, and July 12, 1843 quoted in Hodgins, *DHE* 5: 9–10.
15. Notice of Meeting issued by Egerton Ryerson, Chairman of the board of Victoria College, October 14, 1843 quoted in Hodgins, *DHE* 5: 19–20.
16. Resolutions passed at a meeting of the Board of Trustees of Victoria College October 24, 1843 and a letter from Egerton Ryerson to the *Christian Guardian* October 28, 1843 quoted in Hodgins, *DHE* 5: 22–5.
17. Petition of the President of King's College, November 4, 1843 quoted in Hodgins, *DHE* 5: 27–31.
18. Ibid.
19. William Henry Draper's speech at the Bar of the House, November 24, 1843 quoted in Hodgins, *DHE* 5: 36–47.
20. Ibid.
21. Moir, *Church*, 87.
22. Record of a Public Meeting in the Wesleyan Methodist Church on Newgate Street, October 2, 1843 quoted in Hodgins, *DHE* 5: 18.
23. Among Metcalfe's primary objectives as Governor General, had been the reduction of party feeling and the establishment of a government representative of the people and of the major interests of the colony without being representative of the extremes of party politics. His attempt to appoint an Executive Council comprised of moderate Reformers, moderate Conservatives and representatives from both Upper and Lower Canada had resulted in great difficulties for him. Because of a number of refusals to serve in his "cabinet," Metcalfe lost some credibility with provincial officials and increased the intensity of the struggle between extremists for control of party platforms and control of the government. Although he experienced modest success in achieving some of his objectives, the recurrence of a serious cancer and the difficulty of the treatments for it, led Metcalfe to resign his post late in 1845 and he returned in extremely poor physical health to England.
24. Michael S. Cross and Robert Lochiel Fraser, "Baldwin" in *DCB* 8: 55.
25. Letter from William Henry Draper to Egerton Ryerson March 11, 1844 quoted in Hodgins, *DHE* 5: 103–4.
26. Ibid.
27. Ibid.
28. Hodgins, *DHE* 5: 105.
29. Resolution of the board of Trustees of Queen's College, January 7, 1845 quoted in Hodgins, *DHE* 5: 155.
30. All of the information about the content of Draper's bill comes from the bills themselves as reproduced in Hodgins, *DHE* 5: 159–66.

31. "Amicus," *The Church*, February 28, 1845 quoted in *DHE* 5: 218–220; Strachan, Letter to Governor Maitland quoted in Hodgins, *DHE* 5: 135–8.
32. Letter from John Strachan to Sir Charles Metcalfe quoted in Hodgins, *DHE* 5: 135–8; 218–20.
33. Hodgins, *DHE* 5: 191.
34. Speech of William Henry Draper in presenting his university bills for second reading, March 18, 1845 quoted in Hodgins, *DHE* 5: 172–87.
35. Notes on Robert Baldwin's response to the University Bills of William Henry Draper, March 18, 1845 quoted in Hodgins, *DHE* 5: 187–90.
36. *Ibid.*
37. The Reply of William Henry Draper to the Speeches of Messieurs Baldwin and Merritt, March 18, 1845 quoted in Hodgins, *DHE* 5: 191–2.
38. *Ibid.*
39. Moir, *Church*, 93.
40. In 1841, a short work on the subject of education had been published by David Burn under the pseudonym of "Scotus;" *The University Question Considered by a Graduate (John McCaul)* in 1845; a pamphlet on the proceedings in the Legislature of Upper Canada during the years 1831–1833 on the subject of school lands published by order of the legislature in 1839 and reprinted in Montreal, in 1845; *Letters on the Condition and Prospects of Queen's College, Kingston, addressed to the Honourable William Morris* by the Reverend Robert Macgill of Niagara, 1842; *Thoughts on the University Question, respectfully submitted to the Members of Both Houses of the Legislature of Canada by a Master of Arts* published anonymously by the Reverend Peter Colin Campbell, M. A., Professor of Latin and Greek in the University of Queen's College, 1845; and *The Origin, History and Management of the University of King's College, Toronto*, written by John Macara but published anonymously in 1844.
41. Letter from Private Secretary Higginson to John Strachan, President of King's College, March 5, 1846 quoted in Hodgins, *DHE* 6: 80.
42. *Ibid.*, 81.
43. Personal letter from John Strachan to Governor-General Cathcart, April 2, 1846 quoted in Hodgins, *DHE* 6: 87–92.
44. *Ibid.*
45. Hodgins, *DHE* 6: 11–2.
46. Hodgins, *DHE* 6: 42.
47. *Ibid.*, 51.

48. Text of the Macdonald University Bills, 1847 quoted in Hodgins, *DHE* 7: 4–6; Moir, *Church*, 97.
49. Moir, *Church*, 97.
50. *Life of Sir John A. Macdonald*, 1: 108–110 quoted in Hodgins, *DHE* 7: 7.
51. Speech of the Honourable Robert Baldwin in reply to the introduction of the Macdonald University Bills, July 9, 1847 quoted in Hodgins, *DHE* 7: 8.
52. “Petition of the Canada Baptist Union Against the Macdonald University Bill” July 1847 quoted in Hodgins, *DHE* 7: 13–14.
53. Hodgins, *DHE* 7: 13–16.
54. Moir, *Church*, 96.
55. *The Church*, July 23, 1847; Hodgins, *DHE* 7: 35.
56. The reply of King’s College Council to John Hillyard Cameron on the matter of the Macdonald bills, July 13, 1847 quoted in Hodgins, *DHE* 7: 40–1.
57. *Christian Guardian*, July 21, 1847; Hodgins, *DHE* 7: 44–51.
58. *Ibid.*, 46.
59. *Ibid.*, 47.
60. Hodgins, *DHE* 7: 52–55.
61. Record of a meeting of the Church of Scotland Synod, September 1847 quoted in Hodgins, *DHE* 7: 50–7.
62. Resolutions of the Presbyterian (Free) Church of Canada, December 28, 1847 quoted in Hodgins, *DHE* 7: 58–9.

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2. Hodgins, *DHE* 8: 110.
3. John Moir, *Church and State in Canada West: Three Studies in the Relation of Denominationalism and Nationalism, 1841-1876* (Toronto: University of Toronto Press, 1959), 101.
4. Report of the House of Assembly, February 13, 1849 quoted in Hodgins, *DHE* 8: 114.
5. Comments of the Honourable John Wetenhall to the House of Assembly, February 13, 1849, quoted in Hodgins, *DHE*, 114–5.

6. The Honourable Robert Baldwin's motion in the House of Assembly to introduce his bill to amend the Charter of the University of King's College, April 2, 1849 quoted in Hodgins, *DHE* 8: 120.
7. An Act to Amend the charter of the University Established at Toronto and to Provide for the More Satisfactory government of the said University, and for Other Purposes connected with the Same, 12th Victoria, Chapter LXXXII reprinted in Hodgins, *DHE* 8: 147–66.
8. Petition of the Board of Trustees of the University of Queen's College, Kingston, April 18, 1849 quoted in Hodgins, *DHE* 8: 127–9.
9. Petition of John Strachan to the Legislative Assembly April 13, 1849 quoted in Hodgins, *DHE* 8: 123–7.
10. Petition of the University of King's College to the House of Assembly of the Province of Canada, April 25, 1849 quoted in Hodgins, *DHE* 8: 130–2.
11. Report of the proceedings of the House of Assembly, May 11, 1849 quoted in Hodgins, *DHE* 7: 133–5.
12. *Ibid.*
13. Hodgins, *DHE* 8: 140–1.
14. *Ibid.*, 145.
15. Moir, *Church*, 106; Hodgins, *DHE* 8: 210–11.
16. Moir, *Church*, 106.
17. Hodgins, *DHE* 9: 9.
18. Hodgins, *DHE* 9: 91–117; 130–3.
19. *Ibid.*, 108.
20. *Report of the Commissioners of Inquiry into the Affairs of King's College University and Upper Canada College* (Quebec: the Legislative Assembly, 1852) quoted in Hodgins, *DHE* 8: 1–25.
21. *Ibid.*, 19.
22. *Ibid.*, 20.
23. *Ibid.*, 24.
24. Communication of the Chancellor of the University of Toronto to the Governor General, November 9, 1850 quoted in Hodgins, *DHE* 9: 130–3.
25. *Ibid.*, 131.
26. *Ibid.*

27. Hodgins, *DHE*, 9: 254–6.
28. Moir, *Church*, 109–10.
29. *Ibid.*, 108–10; Hodgins, *DHE* 11: 7–8.
30. Hodgins, *DHE*, 9: 92–117.
31. Report to the House of Assembly of the Select Committee on the amendments to King’s College, January 20, 1837 quoted in Hodgins, *DHE*, 3: 64.
32. Hodgins, *DHE*, 5: 43–4; *Ibid.*, 53.
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35. Draft Report to Sir Francis Bond Head from John Strachan on putting King’s College into operation, April 26, 1837, quoted in Hodgins, *DHE*, 3: 95.
36. *British Colonist*, [date?]; Statement from Bishop Strachan to the Members of the Church of England and Ireland, Toronto, December 10, 1850 quoted in Hodgins, *DHE*, 9: 114–6.
37. Proposed University Bill of The Honourable Henry Sherwood, introduced June 5, 1851 quoted in Hodgins, *DHE* 9: 221–6.
38. *Ibid.*
39. *Ibid.*
40. Letter dated 1851 from the Honourable Henry Sherwood to the *British Colonist* explaining his reasons for submitting his bill to the legislature; Hodgins, *DHE*, 10: 73–75.
41. An Act to Amend the Charter of the University of Toronto and to Constitute ‘The University of Upper Canada’ in lieu thereof quoted in Hodgins, *DHE* 9: 232–7.
42. Other references to the excellence of the University of London include various remarks about the importance of obtaining some of the medical staff for King’s College from among the graduates of the University of London whose reputation was excellent.
43. Hodgins, *DHE* 9: 235.
44. *Ibid.*
45. Moir, *Church*, 111.
46. Letter from Egerton Ryerson to Francis Hincks, July 22, 1852 quoted in Hodgins, *DHE* 10: 146–56.

47. *Ibid.*, 150.

48. *Ibid.*

49. *Ibid.*, 153.

50. Letter from Egerton Ryerson to Francis Hincks, July 22, 1852 enclosing a proposed bill of an act for the establishment of a university quoted in Hodgins, *DHE* 10: 154–6.

51. *Ibid.*, 155.

52. Hodgins, *DHE* 10: 156–9.

53. *Ibid.*, 157.

54. *Ibid.*, 158.

55. An Act to Amend the Laws Relating to the University of Toronto by Separating its Functions as a University from those Assigned to it as a College, and by Making Better Provision for the Management of the Property thereof, and of Upper Canada College reprinted in Hodgins, *DHE* 10: 117–29.

56. *Ibid.*, 118.

57. *Ibid.*, 120.

58. *Ibid.*, 124 and 129.

59. Hodgins, *DHE* 10: 217, 229.

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3. Speech given by John Strachan at a graduation program at his school in Cornwall quoted in Bethune, *Memoir*, 26–29.

4. For Bissell's views on the pertinent University of Toronto governance issues, see Claude Bissell, *Halfway Up Parnassus: A Personal Account of the University of Toronto 1932–1971*. (Toronto: University of Toronto Press, 1974).

5. "University Accountability: A Strengthened Framework. Report of the Task Force on University Accountability," submitted to the Minister of Education and Training for Ontario, May 1993.

6. Minutes of the University of Toronto Governing Council, October 28, 1993.

7. "University Accountability," 3.

8. Ibid.

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PRO Public Records Office

QUA Queen's University Archives

UTA University of Toronto Archives

VUA Victoria University Archives

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