

Sir Oliver Mowat and the Old U. C. C. Grounds.

THEY ARE CROWN LANDS.

Legislative Chamber, March 19.

This afternoon saw the usual brief Monday session. A small amount of routine business was disposed of and the House had adjourned by 4 o'clock. The point of interest of the sitting was the Attorney-General's reply to Mr. Clarke's question as to the ownership of the old Upper Canada College grounds, which Sir Oliver claimed was undoubtedly vested in the Crown, as against Mr. Clarke's view that they were made over by the Crown to the city.

U. C. C. GROUNDS.

Mr. E. F. Clarke moved that an address be presented to his Honor the Lieutenant-Governor praying that he will cause to be laid before this House a return of a copy of the original plan showing the location of Russell square in the City of Toronto, and of all instructions, orders in Council, minutes and correspondence relating to the survey or laying out of the square. Also, of a copy of the letters patent thereof, and of all orders in Council, minutes and correspondence relating to the issue of such letters patent and relating to any subsequent disposition or appropriation of the land, and of all correspondence, petitions and documents with reference to the claim of the corporation of the City of Toronto to said square, and the diversion of it from the purposes for which it was originally designed.

Mr. Clarke described the situation of the piece of land in question, and briefly traced its history from its original setting apart in 1798 to the present time. He claimed the records showed that the property was set apart for the use of the citizens generally as a park, and the construction on a portion thereof in 1829 of the Upper Canada College did not interfere with the original intention that the property should belong to the citizens generally. Mr. Clarke thought the matter was in any case one on which the House should have the fullest possible information. It was one of great interest to the city, and in view of the liberality with which the city had treated the Government in regard to the magnificent site of the new buildings it was not unreasonable to suppose that if it could be shown that it was the original intention that this land should belong to the city, the Government would place no opposition in the way of this intention being fulfilled.

The Attorney-General, in reply, said he had no objection to Mr. Clarke's motion. The question was one of law as to whether or not the property was originally made over to the city in such a way as to constitute a trust. He had not himself, from his examination of the papers, very much doubt on the matter. He believed his hon. friend from London (Mr. Meredith) had been instructed to look into the law on the subject, and expected that he would come to the same conclusion as he had reached. The question which was seemingly raised by Mr. O. A. Howland on the foundation of a report to the City Council by the late Sir Adam Wilson had found very strong judicial expression in the judgments of Chief Justice Robinson and Judge Burns in a case filed by the Attorney-General on the relation of the trustees of the Toronto General Hospital against Grasett, to set aside a deed made for the benefit of the Toronto Rectory. The case was reported as Attorney-General v. Grasett in the 6th volume of Mr. Grant's reports, page 485, and the same case on appeal in the 8th volume, page 130. The important point to which attention should be drawn is that Chief Justice Robinson says in reference to the words in the patent to the trustees, Baly, Strachan, et al., "pursuant to the purpose for which the said parcels or tracts of land or any of them were originally reserved as hereinbefore expressed," "that the patent grants nine distinct parcels of land, with respect to five of which there is no intimation in the patent that they had been theretofore in any