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EDUCATIONAL.

PETITION

OF

J. GREGORY, OF FREDERICTON,

IN THE COUNTY OF YORK,

FOR

AN ACT

TO REMOVE DOUBTS

RESPECTING THE

JURISDICTION OF THE VISITOR

OF

KING'S COLLEGE.

31st MARCH, 1854.

SAINT JOHN:

PRINTED BY HENRY CHUBB & COMPANY,
PRINCE WILLIAM STREET.

1854.

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EDUCATIONAL.

To His Excellency Sir EDMUND WALKER HEAD, Baronet, Lieutenant Governor, and Commander-in-Chief of the Province of New-Brunswick, &c. &c. &c.

To the Honorable The Legislative Council.

To the Honorable The House of Assembly.

The Petition of J. GREGORY, of Fredericton, in the County of York,
Most Respectfully Sheweth—

That your Petitioner has, in the course of conducting the elementary education of his children in the Collegiate School in Fredericton, had repeated occasion to appeal to the School Committee against unjustly subordinating proceedings on the part of the Teacher, but was never successful in obtaining a satisfactory enquiry nor the slightest redress.

Knowing the disadvantage of seeking to obtain a general measure by the recital of private grievances, your Petitioner applied to the College Council in March, 1853, for relief, by a Petition and Memorial framed on general grounds. To this he received a negative answer. He then applied to His Excellency the Visitor of the College, from whom he received *inter alia* the following argumentative answer to his application.

“ You appeal to His Excellency as Visitor of King’s College. “ Now the connection of the School with the College, seems to rest “ mainly on the financial dependence established by the Provincial “ Act 9 & 10 G. 4, c. 29; but the Lieutenant Governor became “ Visitor of King’s College only under the Act 8 V. c. 111, and nei- “ ther in that Act nor in the original Charter does the School appear “ to form an integral part of the foundation, subject to his Visitatorial “ power. His Excellency therefore declines to entertain your Peti- “ tion as Visitor of the College.”

Of all these documents, as well as of a letter addressed to the Venerable Archdeacon, printed and circulated at its date, giving a specimen of the conduct of the Teacher to your Petitioner’s sons, as

also of a recent Memorial to the College Council and answer thereto, copies are annexed, and reference respectfully solicited.

On these proceedings your Petitioner contemplated an immediate appeal to your Honorable House for an extension of the Visitor's powers; but he postponed so public a step in the hope of some voluntary mitigation of the evils complained of. His forbearance however has led to no beneficial result; for the Teacher, in addition to charging him more for the instruction of his children than the same instruction was given to others for, went so far, at a time when he well knew no immediate appeal could be had to the College Council, as to dismiss his son from the School for an alleged arrears of tuition fees which your Petitioner was designedly allowing to accumulate for the purpose of having the matter tried by a Jury of the Country, as appears admissible under the School regulations. As to this last outrage, so well calculated to uphold an unjustly subordinating influence, your Petitioner very lately unsuccessfully appealed to the College Council.

Denied a hearing by the School Committee, whose proceedings are supported by the College Council; deprived of the means of bringing his case before a Jury of the Country; and with a Visitatorial power distinctly disavowed by His Excellency the Visitor, your Petitioner has no other resource but to your Honorable House.

The want of Visitatorial jurisdiction which has been pleaded, must necessarily extend to every case in which the funds of the Institution are concerned, for the endowment of the College is made by the Act 9 & 10 G. 4 c. 29. It may also exclude all questions touching the honors of the Institution so far as connected with a pecuniary reward.

The evils which arise from this alleged want of jurisdiction are therefore very extensive, and highly prejudicial to educational interests.

Your Petitioner therefore prays that an Act may pass to remove all doubts as to the Visitatorial jurisdiction of the Lieutenant Governor in regard to all matters and questions arising under the Charter or any Act of Assembly amending the same or endowing the Institution.

And as in duty bound,

Your Petitioner will ever pray.

J. GREGORY.

Fredericton 31st March, 1854.

DOCUMENTS

REFERRED TO IN THE PRECEDING PETITION.

—
No. 1.**To the College Council of King's College.**The Petition and Memorial of J. GREGORY, of Fredericton, in the
County of York,

Respectfully Sheweth—

The experience of your Memorialist, in conducting the education of his sons through the Collegiate School, has been such as to force upon him the conviction, that the establishment demands the attentive consideration and action of the College Council, to entitle it to perfect confidence, and raise it to that state of efficiency and utility which the public interest requires.

Some change appears to be required in the School Committee.—The official relation of two Members of the Committee, and the family relation between other Members of the Committee and one of the Teachers, are such as to embarrass those who desire increased efficiency in the School.

The method of enquiry as to, and adjudicating on complaints in School matters adopted by the present School Committee, is such as to deprive the complainant of an opportunity of bringing forward the facts of his case, and of rebutting statements made on behalf of the party complained of; and consequently the rights of the pupils cannot be vindicated without appeals to your Body, which must generally be undertaken with extreme reluctance, and in many cases be attended with an extent of delay which may render the dispensation of justice impossible.

Some regulations are required on the part of the College Council touching the County Scholarships; that for this County, in the two past instances, having been disposed of on *contradictory principles*.

The duties of the several Teachers are not at present defined, but each in turn, or as prompted by the desire of the moment, attends to the classics, mathematics in its several branches, the ordinary branches of English instruction, and writing; an arrangement which in almost every supposable case is *irreconcilable* with the systematic, rapid and thorough progress of the pupils. The responsibility also of the several Teachers is by these means avoided, and any representation as to inefficient instruction becomes, from circumstances before referred to, extremely embarrassing.

Advantage is taken of the 12th rule established by the College Council; and Wednesday afternoon is, to all intents and purposes, a regular half holiday, which forms a prejudicial interruption of the School duties. It is without any or sufficient precedent, and were it abolished, the time might be very profitably appropriated. How

much better devoted to composition than reduce the instruction in mathematics by one fourth as has lately been done!

The ordinary written exercises in English as well as in Latin, are executed and corrected in the School Room, and immediately thereafter obliterated. Good cause of complaint arises in this connexion, because parents are thereby deprived of the opportunity of observing the nature of the exercises, and extent of correction, and thus judging of the progress of their sons, without exacting from them special exercises for the purpose. The evils arising from badly corrected exercises are so numerous and serious, that in most Schools it has been thought proper to offer, without solicitation, evidence of fidelity in this respect. Your Memorialist desires not to be understood as insinuating that there has been any unfaithfulness heretofore; but to be simply pointing out a means of supervision to which parents are entitled.—Some years ago he had cause of complaint in this particular.

Neither the time for the commencement of the study of mathematics, with reference to proficiency in other branches of instruction, nor the general course of the study, is regulated by any approved or appreciable principle; and in some cases both the commencement and order of prosecution have been such as to afford just grounds of dissatisfaction.

The several branches of the English department are not conducted on principles which tend to intellectual cultivation. The practice in reading, (not mathematical) is as strictly as possible confined to historical narrative, and the memory is at the same time cultivated by means which do not favour its foundation in the perception of sequences and relations in preference to the memory of words, to which the uneducated mind is prone to attach supreme importance.

For a series of years the instruction in history has been conducted on principles which, if at all warranted, the Teachers are not justified in applying to the pupils who attend the Collegiate School. The common practice has been to read the history of one country, commit to memory a catechism founded on the history of another, and study at the same time the geography of another; a combination of inconsistencies which are calculated to misdirect the youthful mind and obstruct the acquisition of knowledge.

The instruction in penmanship is much too limited. It does not embrace the initiatory exercises even in the ornamental part, nor does it provide for the transition from the ordinary copy hand to the current hand, nor for the connexion of neat writing with correct orthography and other details of copying.

Although the Collegiate School is to all intents and purposes the County Grammar School, the pupils are deprived of some parts of the instruction appointed by Law for the County establishments.—In particular, while the practice in composition might be made more efficient and general, classes for natural philosophy are not formed, nor indeed is practice given in intelligent reading beyond historical narrative, for whatever is imparted in the *irregularly formed* classes in astronomy, globes, &c., is given *orally or through Catechisms*.

The pupils in the English department do not according to their ages and relative ability make equal progress with the boys in the classical department in any branch, and do not appear to be promoted *pari passu* to the study of those branches for which the classics are not essential antecedents.

No class lists are published or even exhibited at the semi-annual examinations, as is done in most respectable Schools and Academies.

Your Memorialist prays that enquiry may be made as to the several matters herein before specified, and such orders and regulations instituted as may tend to put the Collegiate School in the state of efficiency, satisfactory government and confidence which the interests of all classes in the community demand.

J. GREGORY.

Fredericton, 9th March, 1853.

P. S.—Memorialist addresses the College Council in his own name in preference to getting up a public Petition; but should the Council prefer the latter, he is willing to withdraw the present document and proceed on the other course.

J. G.

No. 2.

Decision of the College Council on the foregoing Petition and Memorial.

At a Meeting of the College Council held in the Committee Room of the Executive Council, on Wednesday the ninth day of March, 1853, at 3 o'clock, p. m.

Read a Petition of John Gregory, Esquire; and thereupon

Resolved, There appears nothing in the allegations contained in the Petition that calls for any interference on the part of this Board.

A true Extract from the Minutes.

CHARLES FISHER, *Registrar*.

No. 3.

Appeal to His Excellency the Lieutenant Governor, as Visitor of the College, from the foregoing decision of the College Council.

To His Excellency Sir Edmund Walker Head, Baronet, Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

May it please Your Excellency,

The undersigned begs leave most respectfully to lay before Your Excellency, as Visitor of King's College, the annexed copy of a Memorial and Petition which he addressed to the Council of King's College on the 9th instant, together with the also annexed copy of the Minute of the decision of the Board thereon.

The undersigned still deems the several points which he brought before the College Council, of vital importance to the educational interests of the youths who now or may hereafter attend the Collegiate

School; and being of that opinion, he respectfully craves Your Excellency's consideration of the subject, and action thereon, in your capacity of Visitor of the Institution.

Fredericton, 19th March, 1853.

J. GREGORY.

No. 4.

Answer to the preceding Appeal.

Government House, Fredericton, 21st March, 1853.

SIR,—I am directed by His Excellency the Lieutenant Governor to acknowledge your letter of the 19th inst., with its enclosure.

His Excellency has perused your Memorial to the College Council, and the Minute of the ninth instant, in reply to such Memorial.

You appeal to His Excellency as Visitor of King's College.—Now the connection of the School with the College seems to rest mainly on the financial dependence established by the Provincial Act 9 and 10 G. 4, c. 29; but the Lieutenant Governor became Visitor of King's College only under the Act 8 Vict. c. 111, and neither in that Act, nor in the original Charter, does the School appear to form an integral part of the Foundation subject to his visitatorial power.

His Excellency therefore declines to entertain your Petition as Visitor of the College.

His Excellency desires me to observe, however, that he has read your Memorial with considerable surprise. The College Council comprising, as it does, the Bishop, the Chief Justice, the Master of the Rolls, one of the Judges, and other persons of education and standing in the Province, may be presumed capable of discharging their own legal duties without the general advice and grave admonitions with which you have favored them. Nor is His Excellency aware of any grounds whatever for supposing, as you would appear to insinuate, that improper motives or family considerations have interfered with the impartial action of the School Committee.

There is scarcely one of the points or principles adverted to by you which does not admit of discussion or difference of opinion. Notwithstanding your zeal in the cause of education, His Excellency would be disposed to rely in such matters quite as much on the College Council as on your individual judgment and experience.

No definite wrong or injustice is complained of which the Council have refused to redress; until this be the case, it appears to His Excellency that the control of the School must be left where the Legislature has placed it.

It may be said, moreover, that no large School of any kind can be properly conducted unless those who govern it, when they have selected a Head Master in whom they have confidence, leave to such Master a large discretion as to the details of the course of study, and the method of daily instruction.

I am, Sir, your obedient Servant,

W. C. DRURY, P. S.

To JOHN GREGORY, Esquire, &c. &c. &c.

Answer to the preceding Letter.

To His Excellency Sir Edmund Walker Head, Baronet, Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

May it please Your Excellency,

After disclaiming jurisdiction as Visitor of King's College in the appeal made by me on the 19th of March instant, against a decision of the College Council, Your Excellency has been pleased so to comment on my Petition to the College Council as to prejudice my case, unless I put upon record the answer which its merits appear to me to justify.

The jurisdiction is a most important point, and it is to be presumed that an application to the Legislature will, at an early day render it extensive enough to embrace every question which can come before the College Council under the Provincial Act 9 and 10 Geo. 4, cap. 29, as well as 8 Vic. cap. 111, or the Charter. The whole endowment is dependent on the former Act, and under your Excellency's argument it appears to me that the visitatorial power would not embrace any question touching the application of the funds.

My Memorial to the College Council, which Your Excellency has been pleased to say occasioned you surprise, is certainly fraught with grave allegations and a respectful prayer for inquiry; but I cannot admit that I made it the vehicle of general advice and grave admonition to the College Council, nor that I have in any sense questioned the capability of that body to discharge their legal duties. The truth is, that with the exception of the Bishop and the Master of the Rolls, no Member of the College Council has any personal knowledge of what is done in the Collegiate School or the College; for no other Member, except the Chief Justice for an hour or so on two or perhaps three occasions, has ever attended the examinations. It is a fallacy, therefore, to urge the experience or judgment of the College Council as entitled to any weight in the question; for in addition to their never attending at the examinations, all the information they possess on the subject is at best hearsay, and derived from those whose conduct is called in question.

The extent of my allegations respecting the composition of the School Committee was, that it is such as to embarrass those who desire an increase of efficiency in the School. I am not, therefore, in any way responsible for the insinuations that may be supposed to arise out of such a statement; and at the same time I think myself justified in asking for the pupils who attend the School, what is generally conceded in the formation of tribunals—protection from the influences of relationships and other ties. But admitting *pro forma* that I had actually insinuated that improper motives or family considerations had interfered with the impartial action of the School Committee, it would follow, by parity of reasoning, that I meant to

appeal to the College Council against such improprieties, and latterly to Your Excellency against the College Council for their refusal to institute an inquiry.

It is evident from the ground of Your Excellency's refusal to entertain my appeal, that no specification of wrongs or injustice could have affected the result; and I most respectfully decline acquiescing in the opinion, that my allegations are so vague as not to afford a sufficient intimation of the points on which the action of the College Council was prayed for. The Bishop and the Master of the Rolls know the foundation of every paragraph in my Memorial to the College Council; but they are unwilling that the subject should be examined, and their influence has been sufficient for their purpose.

Not to dwell on each separate paragraph of my Memorial to the College Council, I would hazard the conjecture that Your Excellency overlooked the following paragraph when you sanctioned the statement that no definite wrong is complained of:

“The pupils in the English department do not according to their ages and relative ability make equal progress with the boys in the classical department in any branch of learning, and do not appear to be promoted *pari passu* to the study of those branches for which the classics are not essential antecedents.”

The Collegiate School professes to be “English, Classical and Mathematical,” and no one supposes in advance that decided advantages are given to one class of pupils over any other class, except as to the study of the classics. I respectfully submit therefore, that in proportion to the truth in the quoted paragraph there is a mighty wrong inflicted, and that my words are sufficiently explicit to convey a distinct charge of wrong, if such be thought an essential preliminary to all inquiry.

I have the honor to be, with the highest respect,

Your Excellency's most obedient servant,

J. GREGORY.

Fredericton, 22d March, 1853.

No. 6.

Acknowledgment of receipt of the preceding Answer.

Government House, 23d March, 1853.

SIR,—His Excellency the Lieutenant Governor has desired me to acknowledge your letter of the 22d inst., and to say he has no further remarks to make upon the subject.

I am, Sir,

Your obedient Servant,

W. C. DRURY.

JOHN GREGORY, Esquire, &c. &c. &c.

No. 7.

To the Reverend and Venerable GEORGE COSTER, A. M.,
Archdeacon, &c. &c. &c.

Reverend and Venerable Sir,

I feel it desirable to commit to writing some of the circumstances which have just transpired at the Collegiate School examination; and I know no way of doing so more accurately than by giving you an opportunity of correcting me if I err.

After a careful examination of the Class-list, I asked Mr. Roberts if the document represented the standing or places of the boys in their several classes. To this I received the emphatic and concise answer, "yes." I then varied the form of my question, and received in substance the same answer.

In this list my son's name appeared as third in Virgil or Cæsar; third or bottom in the Greek Delectus; third or bottom in second Greek Grammar class; eleventh or second from bottom in first Latin; second in every branch of Mathematics except Arithmetic, in which he was put down as fifth; and twelfth in second Geography. And in regard to the List in general I said, in the hearing of the Examiners, "I do not believe it." The result has proved the correctness of my opinion.

Knowing how very unsuccessful my attempts to get redress had been on former occasions, I solicited a private interview with yourself. You kindly granted me the favour, and I then put it to you, whether if I brought the point before the Examiners (or Committee) they would institute an inquiry. I stated that my reason for soliciting your private attention was to avoid making any complaint if you could give me no assurance of an inquiry. I intimated, at the same time, that whatever the Committee might decide on the other points, I would direct my son to avail himself of the Statute, and challenge the Mathematical prize. You then informed me that you would make inquiry and let me know.

After a time, you beckoned to me from your seat as an Examiner or Member of the Committee, and told me I might make my complaint. I did so in a few words, stating that my son did not acknowledge his place to be the bottom of the Greek classes; eleventh in the Latin Grammar class; fifth in Arithmetic, nor second in every [other] branch of Mathematics: and I added, as my own opinion, that a few minutes attention to the points, as the several classes came up, would enable the Committee to decide. I also claimed on behalf of my son the Mathematical examination allowed by the Statutes.

Mr. Roberts replied, and after various explanations it became evident, that Mr. Roberts was not correct in the answer he gave to my first question—that the Examiners themselves were not aware of what the list represented or was intended to represent—that no dis-

tinct principle had been pursued in making it out—and in particular, for that was acknowledged by Mr. Roberts, that it incorrectly represented my son's position.—It is worthy of special remark, that I was refused an inspection of the Registers on which the Class-list is said to be founded.

So much being settled, the examination was resumed; but I have to express my regret that the Examiners did not fulfil the condition for which I stipulated with you before I entered the complaint.

The Arithmetical class was called, and my son vindicated his class position and his title to the first prize.

The Virgil class was called up, and an ample opportunity thus presented itself for testing his position in Latin; but it was evaded or neglected. There was one round of sentences translated; but not one word parsed—no tense was turned—no verb conjugated—no noun, adjective or pronoun declined—no line proved or scanned.

The Greek classes were not called up—a circumstance which is without precedent to my recollection during the years that I have been in the habit of attending the examinations.—The Algebra class was not called up, nor special examination in the other branches of the mathematics instituted.

For not expressing approbation of such an exhibition, it is my lot to be visited with contumely, and have the character of a troublesome and suspicious man in educational matters imputed to me! Be it so!

The first Arithmetical and Mathematical prizes were awarded to my son. To the former I believe he was indisputably entitled. To the latter he was refused an opportunity of making out his claim; and under the circumstances I must protest against its being at any future time cited as precluding him from competition, should he be spared for such an occasion. He retains the prize however, with my consent, to make up for some other prize deficiencies which it is unnecessary to enlarge upon at the present time.

I am respectfully,

Reverend and Venerable Sir,

Your most obedient Servant,

J. GREGORY.

Frederickton, 21st June, 1853.

The receipt of this Letter was personally acknowledged.—J. G.

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No. 8.

To the Council of King's College.

The Memorial of J. GREGORY, of Frederickton.

Your Memorialist regrets that he is impressed with the idea of its being necessary to appeal to your Board in reference to the Collegiate School in the following particulars:—

1st. The rate of tuition fees, which are so high as to enable the Head Master to control the public rights in the School.

2d. The School routine, which by depriving parents of an opportunity of seeing the written exercises enables the Teacher to promote or retard the education of the pupils as he may think fit, without the possibility of detection.

In regard to the tuition fees your Memorialist has cause of complaint, that for a series of years he was charged more for the instruction of his sons than were other parents whose wealth and social position precluded the plea of poverty, &c.; and that at the present moment he is charged more than the Head Master offers the same instruction to others for. Not only is this distinction made, but when your Memorialist allowed the fees to fall in arrear for the express purpose of getting an opportunity of publicly exposing some of the treatment to which your Memorialist's sons have been subjected, and which he must suppose appears too troublesome to the School Committee for investigation, the Head Master dismissed your Memorialist's son from the School at a time when no appeal could be had, because no quorum of your Board could be got together for business. Your Memorialist of course paid the fees under protest, but he now appeals to your Board in the hope that you will establish such rates of charges and regulations connected therewith as shall deprive the Teacher of a discriminating power, which if it can exist consistently with public rights, should vest in your Board and not in him.

In regard to the arrangements by which parents are deprived of an opportunity of seeing whether their sons are efficiently taught, or are subordinated, your Memorialist can only state the fact that parents are so deprived, and crave that your Board will be pleased by other regulations to restore an undoubted right.

Your Memorialist disclaims all intention to diminish the emoluments of the Teachers.

Respectfully submitted,

J. GREGORY.

Fredericton, 25th March, 1854.

No. 9.

At a Meeting of the College Council held at the Executive Council Room on Wednesday, the 29th day of March, 1854, at 4½ p. m., pursuant to adjournment—

Read a Memorial from John Gregory, Esquire, relative to the Regulations of the Collegiate School.

Whereupon Resolved, That the Council do not consider it advisable at present to alter the Regulations of the Collegiate School.

Adjourned *sine dine*.

Extract from the Minutes.

CHARLES FISHER, Registrar.

