

population in the Province; and the entire omission, in various documents and publications, to which much importance is attached as bearing upon the legislation necessary for Canada, of elements that cannot be overlooked without extreme danger in adjusting the interests of contending parties, render it the more indispensable that your Memorialists should not, at a crisis like the present allow the claims of their brethren to be in any degree endangered for want of an appeal to the justice of Her Majesty's Government.

The unequivocal and most satisfactory declarations on the part of Her Majesty's Government (in the letter of Sir G. Grey to Principal Macfarlan, and in the despatches to Sir Francis Bond Head) respecting the rights of the Members of the Church of Scotland, as fully entitled to be put upon an equality with the Members of the Church of England in the British Colonies, renders it happily unnecessary for your Memorialists to enter at length upon this subject. Your Memorialists consider it to be of importance, however, to advert to the grounds upon which they conceive the rights of their brethren in the Colonies to be founded.

By the Treaty of union it is solemnly provided that there shall be a "communication of all rights privileges and advantages which do or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed in the articles." By the same treaty, the true Protestant religion and Presbyterian church government are secured within the kingdom of Scotland; and the true Protestant religion, &c., are secured within the kingdoms of England and Ireland, the Dominion of Wales, and town of Berwick-upon-Tweed, and territories therunto belonging. The Colonies which have been acquired since the union assuredly are not territories belonging to the kingdoms of England and Ireland, &c., to the exclusion of Scotland. And, if there was any meaning in the phrase; "a communication of all rights, &c., which do or may belong to the subjects of either kingdom," it follows, that the adherents of both churches are entitled to equal rights and privileges and advantages in every British colony. The members of the church of Scotland in the colonies may justly complain of a violation of the terms of the great national compact, if they are not put upon a footing of perfect equality with the members of the church of England in regard to all religious, as well as civil, rights and privileges.

In the case of Canada, as your Lordship is well aware, provision is made by special statute, (31st Geo. III. c. 31) for the support of a protestant clergy. An attempt has indeed been made to restrict the import of the Act, as if the clergy of the church of England alone were to be understood by the "protestant clergy;" and practically, no doubt, this interpretation was for a long period acted upon. But if this had been the true import of the statute it must have been in contravention of the articles of the treaty of union, and the inhabitants of Scotland, regarding it as a breach of national faith, would be warranted in using every lawful means for having such an evasion of their religious privileges expunged from the statute book. In reality, however, the members of the church of Scotland have not this cause of complaint; and it clearly appears

that the support of the clergy of the Scottish church was contemplated in the Act referred to as well as those of the church of England. In the definition of the expression "a protestant clergy," it must be taken into account that in the treaty of union already referred to, the religion of the church of Scotland, is described as the "protestant religion," or "the true protestant religion." And the spirit of the statute of 1791, the tenor of the debates which took place while it was under consideration, and the express testimony of the Earl of Harrowby (Debates in the House of Lords in 1823) as to the intentions of the framers of the bill (Lord Grenville and Mr. Pitt,) leave no doubt at all that Presbyterian as well as Episcopalian clergy were comprised under the description given in the act. Your memorialists are convinced, from the message in the 3d William IV. to the House of Assembly, and from the despatch of Lord Glenelg to Sir F. Head, that your Lordship will not require these positions to be strengthened by a weight of authority, otherwise they might refer to the opinion of the crown lawyers in 1819, concurred in by a committee of the House of Commons in 1823,—that "the provisions of the 31st George III. are not confined solely to the clergy of the church of England, but may be extended also to the clergy of the church of Scotland."

But, though the rights of Scottish settlers in the colonies have been thus clearly defined by statute, the Presbyterians in Canada have hitherto been excluded from the benefit of these statutes. For more than thirty years after the act of 1791, no legal provision whatever was made for Scottish clergy—no assistance even, with the exception of two brief grants of £50 each, was given by government to any clergyman belonging to the Scottish church. And though conquered under the British flag, by Scottish as well as English blood, and settled long after the treaty by which equal rights were secured for the members of the Presbyterian and Episcopalian churches, the Province has up to the present hour, been taught to regard the church of England as the dominant church, while the Presbyterian inhabitants have been treated in every respect as dissenters. Of all the vast tracts that were so wisely reserved by the act of 1791 for the support of a protestant clergy, no portion, your memorialists are informed, has been granted to the church of Scotland. The applications that, time after time, have been made by them, have all met with an unfavorable reception,—and while thousands of acres have been attached to the church of England—and thousands more rendered available in various other forms, there are few cases indeed, in which the ministers of the Scottish church can boast of a single acre of glebe land. In like manner while pecuniary grants to the amount of many thousands annually, have been made to the church of England from year to year, it was not till 1817 that any assistance whatever, was afforded to the church of Scotland. Even then it was given in a form that subjected the members of that church to the humiliation of being treated as having no legal claim for what was received,—the continuance of what is given is altogether precarious, and it has never amounted to more than an annual grant of £1350 in the Upper Province, and to £500 in the Lower Province.