

settlement of the Clergy Reserves. His discerning eye perceived that unless this was done, the Church of England would be prostrated, and the Church of Rome virtually established in both sections of the Province, and this result he was determined, if possible to prevent. In this Lord Sydenham identified himself with those who from conscientious motives opposed the Union. They dreaded the ascendancy of the Romish Church and the progress of Socialism, as may be seen in the protests against that measure recorded in the Journals of the Legislative Council of Upper Canada (16 Dec. 1840, Page 23 to 29).

In consequence of Lord Sydenham's urgent solicitations, the 3 and 4 Victoria Chap. 78 was passed, (which is a transcript nearly of the Bill inclosed in the Despatch alluded to, and which had been passed at his Lordship's instance by the Legislature of Upper Canada) to provide for the sale of the Clergy Reserves in the Province of Canada, and for the disposition of the proceeds thereof. All the provisions of the act, as well as the preamble, prove that it was intended by the Imperial Legislature to be final, and as such was accepted by the people of Canada. Never perhaps was a statute passed with greater solemnity and consideration. The twelve Judges were consulted. Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, after protracted negotiations with the Archbishop of Canterbury and the Bishops then in London, acting on behalf of the Church, agreed in the spirit of conciliation to a compromise which resulted in the 3 and 4 Victoria chap. 78. The Church of Scotland was also consulted, and approved of the provisions of the measure before it became law. A reference to the debates and proceedings on this Act in the Mirror of Parliament, must satisfy every reasonable and honest mind that the object of all parties concerned was to settle the whole question, in the most just and satisfactory manner, then and for ever.

This further appears from the pains taken to adapt the provisions of the Act to the new interpretation given to the words "Protestant Clergy," which, according to the opinion of the twelve Judges, were held to embrace, since the repeal of the Test Acts, the teachers of all Protestant denominations and no longer confined to the Clergy of the Church of England.

Accordingly the 3 and 4 Victoria recognizes all Protestant denominations as entitled to share in the proceeds of the Clergy Reserves; nor are the Roman Catholics actually excluded, though not distinctly named. From all which it appears that this Act is in truth an integral part of the Union of the two Provinces, and that any infringement of the settlement thus made at the solemn request of Lord Sydenham, does in fact vitiate the said Union.

It is true the Imperial Parliament is deemed omnipotent, but if so, it is to do good, not to do evil.

No power has a right to perpetrate injustice, or to trample on its own solemn acts and engagements.

It is clear from his letter to Lord John Russell, that Lord Sydenham never would have attempted to carry the union, had he not first secured the remainder of her property to the Church of England. Hence in every point of view the 3 and 4 Victoria Chap. 78, cannot be repealed without disturbing the Act of Union.

Were anything wanting to establish this view of the subject, it is amply supplied by the 42nd clause of the Union Act (3 and 4 Victoria Chap. 35) which having respect to Ecclesiastical and Crown rights, the two Churches of England and Rome in regard to their temporalities are placed on an equal footing, as had already been done in the 14th and 31st of Geo. 3rd. So that to touch the property of the one is to endanger both, and thus leave their endowments at the will of the varying majority.

That the 3rd and 4th Victoria was a wise, though not a perfect measure, is manifest from the fact, that for ten years, that is from 1840 to 1850, the Province was at peace on the question of the Reserves which were believed to be finally and absolutely settled. It was so declared by the United Legislature in 1846, and a strong recommendation was added that no change or deviation from this settlement ought to be sanctioned by the Legislature. Thus the pledged faith and solemn guarantee of the Imperial and Canadian Governments, and of the two national Churches, has been given to preserve the settlement inviolate.

Again, so far as the two national Protestant Churches are concerned, they have been for the last 12 years in the actual possession of their portions of the Reserves, and therefore it is not competent for any power whatever to legislate on these portions without their consent and approbation.

The Acts for uniting the Provinces, and finally arranging the Clergy Reserves property, came into operation in 1840. The two national Churches of England and Scotland, have been since that time in the enjoyment of their respective shares.

The Wesleyan Methodists, the United Synod of Presbyterians and even the Roman Catholics, in Upper Canada, have accepted respectively such a portion of the Clergy Reserves Fund annually, as the Governor General in Council has thought it just and reasonable to allow. Assuming then, as we have a right to do, that the five Denominations accepting assistance from the proceeds of the Reserves are not unfriendly to their preservation, and finding from the last Census that the population in Upper Canada is 952,000, and that the aggregate of these five religious bodies is 575,067 accepting assistance, against 376,933 not yet accepting it, we have a majority not unfriendly to the Clergy Reserves over their opponents of 298,130. So much for the correctness of those who assert that a vast majority of the inhabitants of Upper Canada are hostile to the Clergy Reserves.

Moreover the Free Church of Presbyterians, numbering 65,807, have not yet spoken, but there is nothing in their avowed principles to prevent them from receiving assistance if they so please.

On the whole, a reference to the Census proves that nearly two-thirds of the population of Upper Canada avail themselves of the advantages held out by 3 and 4 Victoria Chap. 78, and were the Free Church Presbyterians to claim their right, the proportion would be more than two-thirds. There is also no little significance in the fact that the larger Christian denominations so far known, have not yet announced in any public and official manner, their determination never to avail themselves of the privilege conferred upon them by the Act.

How little the Canadian Legislature is qualified to settle the question of the Clergy Reserves, will appear from what has been passing during the last three sessions. For nearly ten years after the passing of the 3rd and 4 Victoria Chap. 78, the Province of Canada was tranquil, and the subject of the Reserves seemed well forgotten, when a prominent member of Government, to the astonishment of the population, brought it again before the House of Assembly on the 18th June, 1850. It is indeed said that the two Attorney Generals, the acknowledged leaders of the

majority, disapproved of their colleagues conduct, and expressed some regret at the commencement of the violent debates which followed, but as a single word from either would have silenced its promoter, their regret must have been very slight and transitory, for they voted against the Church, and yet the principal resolution was carried by two votes only. Now it cannot be supposed that a question so vexatious, and which had in the opinion of all parties been so happily arranged, was thus forced back merely to inflame the public mind, without some special object in view, open or concealed. The most feasible account at the time, and still generally believed, is that the Ministry finding their popularity rapidly on the decline, from the adoption of several damaging measures, especially the Rebellion Losses payment act, began to dread the approaching election, and sought to divert the public attention from themselves to some exciting interest. The move was very successful, and yet three principal enemies of the Clergy Reserves were unseated at the general election.

Why a greater number were not thrown over, may be accounted for by the following among other reasons.

Soon after the Union, what is called Responsible Government was fully recognized, and its downward operation was most rapid and offensive. The influence of the Governor General has been in a great measure extinguished. The grace of the Queen through her Representative has ceased to be felt. The Legislative Council named at pleasure by the party in power, is no longer felt to be a check as an Independent Branch, and it is notorious that when any measure passes the Lower House, it is considered to be safe. The fountain of Justice is placed in jeopardy by the presence of two Attorney Generals, as effective members of the executive Council, and thus the Legislative, Executive, and Judiciary powers are to a fearful extent, in the same hands.

All these things have depressed and disgusted the loyal and conservative party, and had at first such an effect upon some as to drive them to think of annexation. But from this folly they were speedily reclaimed. If, in addition to all this, the Church be deprived of her property, the last link of attachment to the Parent State will be snapt asunder. We feel that we are under a small but reckless Junta, who are less than nothing, were they not supported by Roman Catholic votes. And we see no hope of return to that wise and salutary Government which we have a right as British subjects to expect.

We feel in truth as the people of England would do, were extreme Radicals placed at the head of the Government.

Under such depressing circumstances, the Conservatives had little heart to appear vigorously at the hustings, and yet as we have already noticed, they defeated the three principal enemies of the Reserves, and thus secured their safety had there been no interference on the part of the Roman Catholics, who ought never to have voted on this question, since it is entirely Protestant. At first they hesitated, and seemed rather inclined to assist in their preservation, but since the Papal aggression and Lord John Russell's feeble attempt at a remedy, they are become more bold, and many of them do not conceal their expectation of obtaining a large accession to their endowment by the secularization or re-distribution of the Reserves, and some are no ways unwilling to adopt the policy of the Roman Catholics in Ireland.

Now all this is the more to be deplored, because there had been from the first settlement of Upper Canada till the union of the two Provinces in 1840, a courteous and uninterrupted interchange of civilities and social intercourse between the members of the Church of England and the Church of Rome. But since the unhappy union, causes of irritation and estrangement have been gradually arising.

The Church of England feels from the sad occurrences of almost every day, that she no longer possesses her just influence in the Legislature, but is thrown on all occasions, where her interests are concerned, into a hopeless minority. She finds, as was recorded in her protests against the union, that her ancient opponents the Dissenters, who were seldom able to refuse her justice, now reinforced on all occasions, where she can be mortified and injured, by Roman Catholic votes.

By this unhallowed combination she lost her University, and when she requested separate schools for the education of her own children, her prayer was rejected, while they secured the privilege for themselves. Thus, within a few years our Holy Church has been deprived of the power of educating her children in her own way, and is now threatened with the loss of the remainder of her endowment. The Romanists, on the other hand, who have caused all these evils, are in the full and peaceable enjoyment of an endowment infinitely more valuable, and enjoying all the sweets of civil and religious liberty, while Ministers of State and Members of Parliament are talking in utter ignorance of our true position, or with chilling indifference, if they do, about arranging our domestic affairs, and confiscating our small remainder of Church property though fenced on every side by the most sacred pledges.

It might, with good reason, have been expected that the Roman Catholics would have from delicacy, if not from principle, abstained from voting on matters in which our Church was specially interested, but they have not done so.

In this aspect of our affairs, which Lord Sydenham, as well as the opponents of the Union, clearly foresaw, and most strenuously sought to avert, what are we to do if the Clergy Reserve question be sent back for adjustment in the Colony? Hitherto we have in all our proceedings, respected the Roman Catholic endowments. Indeed so long as our Church was sustained in her own property, devoted as it was to sacred purposes, she felt it her duty to respect that of the Church of Rome. While retaining her endowments small as they are, the two Churches could meet on something like equal terms, but if through Romish votes and influence, we are deprived of these advantages, is it still our duty to respect that of our spoilers?

How very different would the religious aspect of Canada have been, had the Roman Catholics done their duty, for it would have been their safety as well as ours. Had they, instead of joining the enemies of religion, made common cause with the Churches of England and Scotland on the preservation of Church property and separate schools, harmony and peace would have prevailed through the whole Province, and the Socialist, and Infidel's world have sunk into insignificance before so powerful a combination. Had the Roman Catholics even abstained from voting, which common justice required them to do, we could have maintained, without difficulty, a safe position. Hence if the result of the present contest, shall be confiscation of the Rectories and Reserves, the day will speedily arrive when the same measure shall be meted to the Roman Catholics, for when they stand alone, their property will soon be swept away,

In fine, the secularization of the Reserves will become the commencement of a fresh contest similar to that which has so long existed in Ireland, a contest of the most deadly character. Let those therefore, who look for peace in robbing the Church of England of her patrimony, pause in their career of madness, for its accomplishment will engender a more bitter dissension than has yet been seen in Canada, and Lord Sydenham's words will be read in characters of blood.

Many of our people indulged in a lingering hope, after all reasonable ground of hope had disappeared, that the Roman Catholics would in the end declare against the confiscation of the Reserves, or at all events, stand neutral in the contest between us and the Infidels and Dissenters, and it was not till they saw Mr. Morin, the acknowledged leader of the French party, a member of the Government and of the Provincial Parliament, declaring against us, that all hope vanished away. They saw this gentleman voting away our religious property while eagerly clutching the Jesuits' estates, in addition to their former endowments. They saw him eager in destroying the very being of our national Church, as far as he was able, and foolishly boasting that no power, not even the Imperial Parliament, much less the Provincial Legislature, dare touch the Roman Catholic endowment.

But the Romanists are not all so blind, and one of them addressing the French Members of the House of Assembly, plainly asks them how they are to preserve their own rights if they record their votes for the secularization of the Reserves, and the spoliation of the Church of England.

"Think you, (says this writer) that those who abrogate the law which gives the Church of England her rights, will respect that which regards yours. Will they hold sacred that treaty which gives your Church in Eastern Canada wealth and power? When you do this, remember that the destroyer in his turn shall perish. The Clergy Reserve question is the outer wall that protects your rights, and against which now beats the swelling tide of irreligion, and threatens destruction to all you hold dear and holy. It is our duty and interest, therefore, to aid in preserving to the Church of England her rights. Is there any one so obtuse as not to understand the import of the fearful denunciation, secularization of the Clergy Reserves? Is it not a declaration of war against all that Catholics hold sacred and holy? What does it mean but a present and temporary forbearance to the Catholic Church, and future proscription?"

The defect found in the working of the 3 and 4 Vict. cap. 78, is the fault of the Government in not carrying out its provisions. Had the shares assigned to the various denominations been made over to their sole charge and management, under proper regulations, there would have been no complaint of waste, and the Colonial administration would have been relieved from much trouble and responsibility. And how much better would it be still to apply this easy remedy of retaining and giving new vigor to the Statute, than by its repeal, to open the flood gates of bitter contention and infidelity, to which no man can see the end.

Incalculable are the evils which must follow the abrogation of the 3 and 4 Vic. cap. 78. They may not indeed, appear at once, but they are as sure to come to pass as the night follows the day. Should the Roman Catholics continue to speak and vote as they have done during the last four Sessions, the whole property of the Church of England in the Reserves will be taken away at the first meeting of the Provincial Legislature, and then from year to year Missions will become vacant, as the Incumbents die, till all are departed. I do not say that in all cases, the ministrations of the Church will cease. This will perhaps happen only in a few, but such is the poverty of our people and their hardships in a new country and severe climate, that they are, and will continue to be for a long time unable to support their Clergy.

Hence the successors of the Incumbents who go to their place of rest, will have to eat their scanty morsel in bitterness and sorrow, and the extension of the Church in the new and remote settlements will be sadly retarded. In the meantime many of our people will fall away to Romanism or Dissent, and their blood will be on the heads of those who favour this fatal measure.

Should the Roman Catholics take warning from the certainty that their endowments are much less secure than ours, the evil day may be postponed, but not long, for they have been so much dattered by the Socialists that they will scarcely credit what your Grace and Mr. Peel have said on the subject. It is more probable that they will trust in their numbers and their power to surmount all resistance, and in the hope of profit by confiscation.

No sooner will this be accomplished than the agitation against Roman Catholic endowments will commence, (for of this the Socialists make no secret) and as the Dissenting and Radical population increase far more rapidly than the French, their destruction is certain.

All this however will not be accomplished without violent contention, and perhaps a civil war, for the Roman Catholics will fight for their endowments although they will be overpowered by numbers, having no longer the Churches of England and Scotland to assist them, the victory will be dearly purchased, and bring indelible disgrace upon those who might by a wiser policy have prevented all this misery, and blessed the Province with a long continuance of peace and happiness.

Canada presents an overpowering argument in favor of religious endowments, for with the small assistance derived from the benevolence of the Society for the Propagation of the Gospel in Foreign Parts, she has been able to extend the ministrations of the Church through a region nearly as large as Europe. Indeed, a very small measure of assistance, if wisely managed, becomes a fruitful ground upon which to rest. It removes despondency, and convinces neighbourhoods that they may succeed in forming Parishes and enjoying regular service, if they will but exert themselves; and this exertion they are induced to make, and though many trials and difficulties intervene, they commonly succeed. Thus with the small sum of about £12000 per annum (our present income) nearly 160 Clergymen are sustained. And, as none have fewer than three places of worship to attend, and some have more, we have 500 missionary stations, at least, kept up, where the Church ministrations are held.

In some places £40 or £50 paid from the fund, will be a sufficient encouragement to commence, and in no case is more than £100 given. By degrees the congregations do more, and at length give up this small aid to be transferred to a new settlement.

Something like this process goes on in all our Colonies, and has been going on under my eye in the Diocese of Toronto for more than 50 years.

Your Bill, my Lord Duke, will, if it pass, more or less darken every one of these 500 places of worship, and may for a time reduce many of them to silence. What then shall we say to those