

English, the church of England should be the established religion: in all that had been Scotch, the Church of Scotland. This principle of perfect equality was fenced in with provisions that I need not rehearse, incorporating it, in the very body of the monarchy, and clearly showing the jealous care of our ancestors for its permanency. In the regulation adopted the words on the one hand are "the kingdom of England and territories thereunto belonging," and on the other "the kingdom of Scotland." Does any one ask whence this diversity in the wording of the clauses?—the answer is plain, we possessed no other territories than Scotland. Had we done so, the principle of equality of rights, regulating the compact throughout, must have rendered the phraseology in both cases the same.

No precise provision is made for the case of the acquisition of new territories by the two kingdoms, when united. Any legislation on such a mere contingency would have been premature, and, on such a case occurring, might not have suited the actual circumstances of it. It was sufficient to establish the guiding rule, that there be "a communication of all rights privileges or advantages" that do or may belong to either Englishman or Scotsman. Taking this rule for our guide, the conviction is forced on us, that, in this Province, acquired by the united arms of both kingdoms, Scotsman and Englishman meet, as in all other points, so in religious matters, on a footing of perfect equality. Our right to this equality of rank we hold to be one, from the possession of which, springing as it does from the fundamental laws of the monarchy, we cannot, by any circumstances, be permanently excluded, while that monarchy endures.

There is another right which we derived from positive statute, from the act of the 31 George III. by the authority of which certain lands in Canada were set apart for "the support and maintenance of a Protestant clergy." What clergy is to be understood as thus by law designated? We hold, that, as by a "Protestant clergy," in England and its peculiar territories, the law understands the clergy of the church of England, in Scotland, the clergy of the church of Scotland, so, in Canada, a colony acquired by the united arms of both, the clergy of both are equally comprehended. In short, we have held the particular right of sharing in the proceeds of these reserves, to be directly derived to us from the more general right just stated. We maintain, that, in Canada, we are constitutionally to be held, not as dissenters from "the church of the empire," but as one of the churches of the Empire, entitled to the same privileges as

our brethren of England and meeting them on a footing of perfect equality. The soundness of the general principle is involved in the consideration of the particular case—they stand or fall together.

We have not been captious debaters. We have ever urged this view, decisive at once of the question, upon the consideration of all entitled to deliberate or decide on it. The correctness of it has been, by them, fully acknowledged. I need not again martial, in the pages of the Christian Examiner, the host of authorities, which might be brought forward in support of what I advance. I shall rest contented with citing one or two. First, the opinion of the Crown Lawyers in 1819:—"we are of opinion that the provisions made by 31 George III. for the support and maintenance of a Protestant clergy, are not confined solely to the clergy of the church of England, but may be extended also to clergy of the church of Scotland, if there are any such settled in Canada, as appears to have been admitted in the debate upon the passing of the act." Secondly, extract of memorial from the committee of the General Assembly of the church of Scotland on churches in the colonies, addressed to Lord Glenelg, as principal secretary of state for the colonies:—"The memorialists beg leave to repeat the assertion of a principle which they apprehend cannot be controverted viz. That by the treaty of union, the ministers, and other members of the church of Scotland are entitled, in every colony settled or acquired since the year 1706, to be put on a perfect equality in all respects with those of the church of England, in proportion to the number belonging respectively to each denomination." Answer by Sir George Grey, 31st May, 1839. "His Majesty's Government see no reason to dissent from the general principle asserted by the memorialists. They are desirous of giving to it the fullest practical operation, which the means at their disposal, for this purpose, will allow."

Mr. Morris has taken the pains, by a plentiful collection of instances, to show what is the deliberate opinion of all in the Empire, qualified to judge in the case, and under whose consideration it has been brought. I may quote from his "reply" the names of the Marquis of Lansdown, the Earl of Haddington, the Earl of Eldon, Mr. Wilmot Horton, James Stephen Junr. now one of the under secretaries of state, the committee of the House of Commons in 1828. Among all these, and others there quoted, there is no question that the legal and constitutional acceptation of the term Protestant clergy comprehends alike the English and Scotch churches.