

# THE COLONIAL CHURCHMAN.

"BUILT UPON THE FOUNDATION OF THE APOSTLES AND PROPHETS, JESUS CHRIST HIMSELF BEING THE CHIEF CORNER STONE..... Eph. 2 c. 20 v.

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PROVINCIAL PARLIAMENT OF NOVA-SCOTIA.

Friday, April 14, 1837.

### SCHOOL LANDS.

This morning the Bill relating to School Lands, was taken up in a Committee of the whole House.

Mr. Uniacke rose to give his opposition to the bill. He was averse to the principle it involved of legislating about private rights, and taking away the property of individuals, by the interposition of arbitrary enactments. In coming forward at the present moment to advocate the claims of the church to the lands mentioned in the bill, he laboured under great disadvantages. The other occupations of the Session had engrossed the whole of his attention, and prevented him from making those researches which were necessary, in order to develop properly the nature and origin of the claims which the church instituted to the lands mentioned in the bill. One or two documents, however, connected with the subject, he held in his hand, and would submit to the consideration of the House, with some short explanations, which he hoped would be sufficient to convince the House of the injustice of the bill. By an act passed in 1766, the 6 Geo. 3, c 7, the lands appropriated for the purposes of schools were vested in trustees, and the preamble of the third section of that act recited that they had been previously granted by His Majesty. This circumstance had led him to investigate the causes by which his Majesty had been induced to make these grants, and, in looking over the records for this purpose, he found an answer to an application that had been made to his Majesty for such grants at a period prior to the existence of a House of Assembly in Nova Scotia. The document he referred to was a letter from the Secretary of the Lords Commissioners of Trade and Plantations, addressed to the Secretary of the Society for the Propagation of the Gospel in foreign parts, of which he held in his hand a copy, and which ran to the following effect:

*Whitchall, April 6, 1749.*

SIR—His Majesty, having given directions that a number of persons should be sent to the Province of Nova Scotia, in North America, I am directed by my Lords Commissioners of Trade and Plantations, to desire that you will acquaint the Society for the Propagation of the Gospel in foreign parts, that it is proposed to settle the said persons in six Townships, and that a particular spot will be set apart in each of them for building a Church, and 400 acres of land adjacent thereto granted in perpetuity, free from payment of any Quit Rent, to a minister and his successors, and 200 in like manner to a school master. Their Lordships therefore recommend to the Society to name a minister and schoolmaster for each of the said Townships, hoping they will give such encouragement to them, as the Society shall think proper, until their lands can be so far cultivated as to afford a sufficient support.

(Signed)

JOHN POWNALL,

Solicitor and Clerk of the Reports.

Addressed to the Secretary of the Society for the propagation of the Gospel in Foreign Parts.

In 1749, the ministers had first come to this Province, and with them came their right to the lands. This was well known to the clergymen, and acted upon by the government; and, immediately upon their arrival, a great number of these grants passed the Provincial Seal. Most of the important grants were made prior to the Statute. He held in his hand another document which he would read to the Committee, in proof of the union for which he contended between these lands and the Church of England. He read the document, which was a resolution of the same Society, and ran as follows:

*St. Martin's Library,  
Westminster, 19th July, 1822.*

The incorporated Society for the propagation of the Gospel in Foreign Parts, is desirous of drawing the attention of Earl Bathurst to a subject of considerable importance to the welfare of the Established Church in the Provinces of Nova Scotia and New Brunswick.

It appears, from a correspondence between the Lords Commissioners of Trade and Plantations, and the Society, in the year 1749, that an engagement had been made on the part of His Majesty's Government, to appropriate 100 acres of Land as a Glebe for several Parishes then intended to be located, and 200 acres toward the maintenance of a School in each of those Parishes.

Since that period the precedent thus established has formed the principle upon which the local Governments have generally acted, but the Society have learned that in many instances, both in the Province of Nova Scotia, as well as of New Brunswick, such an appropriation has been omitted.

Under such circumstances the Society venture to request that Earl Bathurst would be pleased to give instructions to the local governments to locate the glebe and school lands in all such places where they may not have been granted already, and in the case of schools land that they may be specially reserved for institutions in connection with the established church of the Provinces; it has been found that the demand of the customary fees has proved the impediment which has thus tended to the injury of the church.

The Society, therefore, with much submission, would venture to suggest to Earl Bathurst the expediency of appropriating the lands free of all expense—a measure which might, in the course of a few years render the churches independent of the Parliamentary aid they have hitherto received from the Parent Country."

This Resolution was founded upon the correspondence of 1749, and Lord Bathurst in consequence sent the following dispatch to Sir James Kempt:

*Colonial Office, Downing Street,*

*August 31, 1822.*

SIR,—I transmit to you herewith the copy of a paper upon the subject of the Appropriations of Land as Glebe, and for the maintenance of Schools in the respective Parishes of Nova Scotia and New Brunswick. It has been put into my hands by His Grace the Archbishop of Canterbury, on the part of the Society for the propagation of christian knowledge, and as I am anxious to give effect to the wishes therein expressed, I beg particularly to recommend the points adverted to, to your early attention, and, in case any specific authority or instructions upon the subject should be deemed necessary, I am to desire you will forthwith report to me thereupon.

I am, &c.

Signed BATHURST.

Lieut. General Sir James Kempt, G. C. B.

&c. &c. &c.

In the Province of Nova Scotia, which was different from New Brunswick in that respect, very few grants had passed since 1822. If the transcripts were examined, it would appear that there had been but one grant since and that had been to the trustees of the Sydney Academy; therefore, in Nova Scotia, this correspondence of 1749 had been acted upon by the local government; and, after the passing of the Statute proclaiming the Church of England the established church in this colony, those ministers who were sent out by that class of christians, took possession of the church and glebe lands. He had shewn that the reservations were made through the instrumentality of the church, and for the benefit of the church, and if the House would exercise the power

of divesting that body of their rights, they might with equal justice pursue the same course with the lands of other denominations of christians, and sweep under the controul of the Presbyterians in Cape Breton, a large tract of land which had been granted them for the express purpose of supporting their schools. But such a principle was injurious and unjust, and he could scarcely think that the House could take a step which would strike at the root of all security in the public faith. If indeed the possession of those lands gave an ascendancy to the church in that particular, let other sects apply for grants, and every churchman would co-operate in a measure which, without injustice to any, would put all upon an equal footing.—As respects the main question, he regretted that the occupation of his time otherwise had prevented him from bringing documents, which to his knowledge existed. They had first been brought to his notice in the course of a dispute about the Newport School Lands, in which he had been professionally engaged. These lands had fallen into the possession of a layman, and had been appropriated to purposes distinct from those for which they were originally reserved. He had found it necessary to look into the records on that occasion, and to investigate the original allotment, he had made transcripts of most of the documents, which made the union between the Church of England and the School Lands most apparent to his mind. He wished the measure to lay over till another session, when he trusted sufficient grounds could be exhibited to the House, to show, beyond a shadow of doubt, that the Church were the rightful trustees of these lands. If the measure should be hurried on as it was now, and members should rashly legislate on the subject without sufficient information, they would not be likely to carry their measures into full effect.—*Novascotian.*

From the Episcopal Recorder.

Extract from a letter from the Right Rev. P. Chase, Bishop of Illinois, dated Feb. 21, 1837.

"I see with much pain the gathering of a cloud which threatens to overspread the smiling noon-day sun of peace in our loved Zion. May the good God avert the storm, and cause his face once more to shine upon us, for Jesus Christ's sake. Our winter has been cold and comfortless; but the vernal sun is returning, and the time of the singing birds is coming on. Oh that our cold hearts could be warmed with heavenly grace, and our mouths filled with praise for spiritual as well as temporal mercies!

"As soon as the frozen fetters are loosed from the river Illinois, I shall set off on a tour of duty to the southern part of the diocese. Alton and vicinity, will receive my first spring visit, taking in my way Rushville, and the duties that await me there in the consecration of a church. I shall then return so as to have time, before the meeting of the convention in Springfield, to go to Chicago and consecrate the church lately built in that flourishing city. After the convention, it is my intention, by God's help, to proceed across the country to Galena, and thence down the Mississippi to Quincy.

"If you ask why I have not before this attended to these duties, I would reply, my shelterless condition and the sickness of all my family prevented. The house I live in was standing in the trees of the forest a few months since; and even now it does not serve but very ill to shelter us from the storm and severe cold. But we are thankful and by no means desponding in our hearts. The Rev. Mr. S. Chase is with us and has commenced teaching. Had we buildings, the number of pupils would be as great as we could wish."—*Southern Churchman.*

The good bishop

Is useful like the day, a general guide  
And comfort to us in our several paths.

*Gambold.*