

The Church.

THEREFORE I WILL NOT BE NEGLIGENT TO PUT YOU ALWAYS IN REMEMBRANCE OF THESE THINGS, THOUGH YE KNOW THEM AND BE ESTABLISHED IN THE PRESENT TRUTH.—2 PETER, 1, 12.

VOL. I.]

COBOURG, U. C., SATURDAY, JANUARY 13, 1838.

[NO. XXXI.]

Poetry.

THE CHURCH OF OUR FATHERS.

Half screened by its trees, in the Sabbath's calm smile,
The church of our Fathers—how meekly it stands!
O villagers, gaze on the old hallowed pile!
It was dear to their hearts;—it was raised by their hands.
Who loves not the place where they worshipp'd their God,
Who loves not the ground where their ashes repose?—
Dear even the daisy that blooms on the sod,
For dear is the dust out of which it arose.

Then say shall the temple our forefathers built,
Which the storms of long ages have batter'd in vain,
Abandoned by us from supineness and guilt,
O say shall it fall by the rash and profane?
No, perish the impious hand that would take.
One shred from its altar, one stone from its towers?
The pure blood of martyrs hath flow'd for its sake,
And its fall—if it fall—shall be redd'n'd with ours.

RIDLEY.

Read in the progress of this blessed story
Rome's cursed cruelty, and Ridley's glory:
Rome's sirens' song; but Ridley's careless ear
Was deaf: they charm'd, but Ridley would not hear.
Rome sung preferment, but brave Ridley's tongue
Condemn'd that false preferment which Rome sung.
Rome whisper'd wealth; but Ridley (whose great gain
Was godliness) he wav'd it with disdain.
Rome threaten'd durance; but great Ridley's mind
Was too, too strong for threats or chains to bind.
Rome thunder'd death; but Ridley's dauntless eye
Star'd in death's face, and scorn'd death standing by:
In spite of Rome, for England's faith he stood,
And in the flames he seal'd it with his blood.

Francis Quarles: b. 1592, d. 1644.

For the Church.

Toronto, 12th December, 1837.

My Brethren of the Clergy and Laity,

Having been referred to by Lord Glenelg on the subject of the fifty-seven Rectories and delivered a report, many of you have expressed a great desire to know something of its contents,—a desire which I consider reasonable, and now proceed to gratify.

It is quite evident that Lord Glenelg entertained doubts as to the correctness of the course he was pursuing, from the terms of reference which are as follows:

"It is of course possible that the statements on which the Law Officers of the Crown have founded their opinion may be erroneous or defective, although it is certain that the utmost care and labour have been bestowed on the investigation of the facts of the case. It is also possible that Her Majesty's legal advisers may have misapprehended the law, although it is equally clear that they have bestowed their most patient and laborious attention on the questions proposed to them. But adverting to each of these possible sources of error, my first solicitude is to ascertain whether any such mistake has really occurred.

"You will therefore have the goodness to communicate a copy of this Despatch to the Archdeacon of Toronto, who will probably think it right to lay it before the Bishop of Montreal, who is now officiating as Bishop of the diocese of Quebec, and you will invite his Lordship and the Archdeacon to inform you whether they are aware of any material fact omitted in the case laid before the Crown lawyers, or inaccurately stated there, or of any important argument which may be supposed to have escaped the notice of those learned persons. If any such error or oversight shall appear to you to have been committed, you will suspend all further proceedings till you shall have reported on the case to me, and shall have received my further instructions."

After thanking his Lordship for the opportunity thus afforded me of communicating officially the facts necessary to vindicate the course which has been pursued in this part of her Majesty's dominions, for affording in time a secure but a very moderate provision for a very small number of the resident Clergy of the Church of England, I proceed in substance as follows:—

The clear and express enactments of the Statute 31. George 3. chap. 31, providing for the erection of parishes in Upper Canada, could not for many years be acted upon in this Province, because it continued almost a dense forest till after the American war of 1812. Few or no Reserves were leased, and consequently there were no funds at the disposal of the Government. The few clergymen of the Church of England, then resident in the colony, were supported as Missionaries by annual salaries derived from the British Government and from the Venerable Society for the Propagation of the Gospel in Foreign parts. But though the situation of the country rendered it inexpedient, or rather impossible, to erect Parsonages and Rectories, the delay did not arise from any doubt on the part of the Provincial Government that full and sufficient power was given to the Governor, or Lieut. Governor in Council, by the Royal commission and instructions with which it was accompanied. Had there been the slightest hesitation on this point in Upper Canada, it would have been removed by the proceedings in the sister Province. So far back as May 1800 a reference was made by His Excellency Robert Shore Milnes Esquire, Lieutenant Governor of the Province of Lower Canada, to the Executive Council respecting Ecclesiastical affairs. The report of the Council, signed William Osgoode, Chairman, Chief Justice of Lower Canada at that time and well known in this Colony,—a gentleman of great talents and of so distinguished legal ability as to be fre-

quently consulted after his return to England by Mr. Pitt,—states that they had taken the subject into serious consideration and after offering their most dutiful acknowledgements to His Majesty for the distinguished manifestation of his paternal regard for the spiritual welfare of his Protestant subjects in the Province, they express their utmost readiness to enter into such measures as may be essential to the formation of a regular Church Establishment. To attain this desirable object, the Council apprehend that the two preliminary requisites are, first, the formation of such a number of parishes as, from the numbers of Protestant inhabitants dwelling in the vicinity, shall be thought expedient, and, secondly, the establishment of a parsonage, or Ecclesiastical benefice, in each of such parishes. The Council advise that, in regard to four parishes already established, viz Quebec, Montreal, Three Rivers, and William Henry, there shall be no interference, and conclude their report by recommending that the Attorney General be directed to give his opinion on the legal course to be taken for erecting such Protestant parishes as herein mentioned, as well as for establishing a Parsonage or Ecclesiastical benefice in each parish respectively. Soon after, the Attorney General, now Chief Justice of Lower Canada delivered an elaborate opinion; and in consequence of these proceedings, the Government of Lower Canada has, from time to time, established Rectories, besides the four already mentioned, at Dunham, St. John, La Corré, Hatley, St. Andrews, St. Thomas, Caldwell Manor, St. George Christie Manor, Drummondville, Chambly, &c. &c. In this Province, little was done till after the general peace of 1815; but since that time, such proceedings have been had as seemed best calculated to cherish, and gradually to build up the church, as a permanent Ecclesiastical Establishment, for the religious instruction of the people.

On the 9th of March 1815, the Executive Council under the administration of General Sir Gordon Drummond, in reporting on the petition of the Rev. John Strachan for remuneration for monies expended on the Parsonage house of Cornwall, for the residence of the Minister of the Church of England, recommended, "That, whenever a church is erected and a minister appointed to reside, the Wardens may be authorized to erect a Parsonage house by anticipating the produce of the Clergy Reserves in the Township by the sum not exceeding four hundred pounds,—the principal and interest of which loan shall be paid by such person as may be charged with the receipt of the Clergy rents within the Township, as they may become productive. That the charge of insurance and ordinary tenants' repairs shall be defrayed by the Incumbent, and all other repairs by such means as the building."

The report in Council, suggesting this principle for future guidance in building and erecting Parsonages, was transmitted to the Right Hon. Lord Bathurst, Principal Secretary of State, for the approbation of His Royal Highness the Prince Regent. To this an answer was returned by Lord Bathurst, dated 10th October, 1815; "The claim of the Rev. Dr. Strachan, the present minister of York, appears, from the Report of the Council, to be deserving of consideration, and you will therefore consider yourself authorized to make the payment which they have recommended."

As the fund arising from the rents of Clergy reserves under loan accumulated very slowly, application was made to His Majesty's Government by the first Bishop of Quebec, soliciting that the clergy, in a corporate capacity, might be entrusted with the power of leasing; and accordingly, the corporation for managing the Clergy Reserves in Lower Canada was established by an Instrument under the Great Seal of that Province in 1816; which instrument had been originally draughted in that Colony by the Law Officers of the Crown. This draught was sent to the Secretary of State for the colonies, Lord Bathurst, for the approval of the King's Government; and it was returned with its sanction, and an order to Sir John Sherbrooke to cause Letters patent of Incorporation to be issued in the terms of the draught. A similar instrument, at the instance of the Bishop, was recommended by the Executive Council of this Province on the 20th October 1818, and was made patent under the great seal of Upper Canada on the 30th April 1819. Since that time, greater facilities have been afforded to the issue of leases, and their number has, in consequence, rapidly increased.

About the same time, the Bishop of Quebec had earnestly pressed upon the consideration of His Majesty's Government the expediency of dividing the Province into parishes; and it appears that, in consequence of His Lordship's application, an Instruction from the Secretary of State was transmitted to Mr. President Smith, then administering the Government, dated the 2d of April 1818, conveying the authority of His Royal Highness, the Prince Regent, for erecting Parsonages and Rectories in conformity to the Statute 31 George 3. chap. 31, section 38. The Instruction will speak best for itself.

Downing Street, 2d April, 1818.

Sir,

"The Bishop of Quebec has frequently brought under my consideration the advantages which would result to the interests of the Church of England in the Province under your Government from the legal establishment of parishes or rectories, in conformity with the provision contained in the 31 George 3. chap. 31.

"As I entirely concur with His Lordship in the propriety of adopting a measure calculated to give to the Protestant Church in the Canadas the support which it was in the contemplation of the Parliament of this country to afford it, I have not failed to submit His Lordship's representation to the Prince Regent, and I have received his Royal Highness's commands to instruct

"you to take the necessary legal measures for constituting and erecting Rectories and parishes in every Township within the Province under your Government; and you will also take care that it be distinctly understood that the constitution of parishes and rectories can give no claim whatever to any Incumbent to receive tythes of the land within the limits of his parish,—all claim of that nature having been effectually annulled by the provision for the support of a Protestant Clergy made in the 31st of the King, and by the declaratory law passed by the Legislature of the Province in 1816. The endowment of the several Rectories with due portions of the Clergy Reserves will be necessarily a matter of future consideration; and until the more general settlement and cultivation of the Province shall have taken place, I consider it advisable that the management of the several Reserves should, as is the case in the Lower Province, be vested in a corporate body, or continue, as at present, under the control of the Lieutenant Governor and Executive Council.

I have the honor to be, &c.

(Signed) BATHURST.

Mr. President Smith.

The principle already adopted in this Province for building Parsonage houses, appeared so much in accordance with the spirit of this Instruction, that the Colonial Government was encouraged to proceed, as fast as the small means at their disposal allowed, in the hope of at least furnishing, at no distant period, comfortable places of residence to the Missionaries then in the Province. As small parcels of land were attached to each Parsonage on its erection, it was believed that it would be easy to complete the endowment with due portions of the Glebes and Clergy Reserves, when the Bishop should think proper to proceed to Institution. This gradual mode of establishing the church, though necessarily slow from the smallness of the funds, was nevertheless following by degrees the increasing settlement and cultivation of the Province, and meeting, in as far as the Government was able, its growing wants for religious instruction: Upper Canada, even in 1818, was still in comparison a wilderness; and therefore no measure of a general character for constituting and erecting townships (many without any inhabitants) into parishes and rectories would have been found beneficial. Moreover, it could not be foreseen where the population would most rapidly congregate; it was, therefore, thought most useful and advisable to husband the scanty funds, and reserve them for applications from populous townships and places, as they offered, and decide upon the amount of assistance to be given according to their particular merits. In this way Parsonage Houses were built, or partly so, at Cornwall, Brockville, Bath, Cobourg and Ancaster, and promises made to many other places as soon as the growing funds arising from leases would permit.

Had not their limited means prevented the Provincial Government from proceeding to any great extent with the commands of His Royal Highness the Prince Regent, communicated in this instruction, the question of tythes at this time raised, would, till finally set at rest, have dictated the same course of proceeding. It was considered by the Government of this Province that, under the comprehensive words of the 39 section of the Statute, the regularly inducted Rector of any Parish or Rectory, erected in pursuance of His Royal Highness's instructions, might claim to be entitled to tythes, notwithstanding the evident intention of the Statute that the Clergy of the Established Church should receive their support from the produce of the Clergy Reserves.

It was not apprehended that a claim to tythes would in fact be preferred by any Rector so inducted, but it was possible; and to prevent embarrassment and alarm, it was thought prudent not to proceed to the full extent of the Royal Instructions which had been transmitted, until an Act should be passed, by the Colonial Legislature, declaring that no right of tythes should ensue upon the induction into any benefice in this Province.

A short Act was passed by both houses of the Legislature of the colony, declaring, "That no tythes shall be claimed, demanded, or received by any Ecclesiastical Parson, Rector or Vicar of the Protestant church within the Province, any law custom or usage to the contrary notwithstanding."

In this enactment, which the writer of this report had the pleasure of bringing forward, the friends of the church of England fully concurred; for they never desired to retain any thing, more than they were entitled to by the most obvious construction of a solemn Act of the British Parliament. This Act, being necessarily reserved for the assent of his Majesty, failed, even though noticed in the Royal instruction, to receive the requisite attention in England until the limited period of two years had elapsed, and it could not therefore become a law.

In the year 1821, a similar Bill was passed, and having received the Royal assent, was proclaimed on the 20th of February 1823.

It was this effort to renounce, on the part of the National Church, any thing which could reasonably seem invidious in the provision made by law for her support, that gave occasion to the discussion of a question, of which I may truly say that it was started with no hope of the results to which it has been unexpectedly suffered to lead.

Before it can be ultimately disposed of, it will be necessary that the sense of Parliament should be pronounced upon the arguments to be deduced from history—from the principles of the Constitution—from the plain words of the Statute—from numerous other Acts of the British Parliament—and from a series of public acts in England and the Colony, in which the impressions of the Government can be very easily and satisfactorily traced. I shall say no more now on this subject, than that, if