

APPENDIX.

From the Toronto Colonist, 22nd June, 1852.

THE RECTORIES.

We recently laid before our readers, in different publications of the *Colonist*, the entire contents of a Return to an Address of the House of Commons, for Copies or Extracts of the Correspondence, between the Lieutenant Governor of Upper Canada and the Secretary of State, on the subject of the creation of Rectories in that Province by Sir John Colborne. The documents thus published supply the fullest information on this important subject that has ever been laid before the Imperial Parliament; and much more ample information, in detail, than has ever been communicated to the Legislature and people of this Province, or the late Province of Upper Canada. We have no doubt but the information thus imparted, has proved generally acceptable, as it has placed in the hands of our readers, the particulars, by means of which they will be enabled to arrive at an impartial judgment, in respect to the legality of those Rectories.

As an appendix to the important document already published, we give to-day, from another Parliamentary Return, in reference to the Clergy Reserves, a despatch and enclosure, No. 1, from Sir P. Maitland to Earl Bathurst, of date 17th May, 1819; and a despatch, No. 2, in reply, from Earl Bathurst to Sir P. Maitland, dated 6th May, 1820; also a despatch, No. 10, of the same return, from Sir P. Maitland to Earl Bathurst, dated 28th December, 1825.

These documents are of great importance, in connection with those already published, for the reason that, as far back as the year 1820, the Law Officers of the Crown in England, gave it as their opinion, that the Clergy Reserves were not confined solely to the clergy of the Church of England; and that from that time forward, the local Government of Upper Canada, aided by the law officers in the Province, systematically opposed the opinion of the law officers in England, instead of following their advice, as they were in duty bound to do. Nay more, that they had even suppressed and concealed that opinion from the Legislature and people of Upper Canada, and endeavored to influence public sentiment in an opposite direction. To such an extent was this system of concealment and deception carried,

that in March, 1831, an address to the King was adopted by the Legislative Council of Upper Canada, in which the following paragraphs occur:

"It is not our intention, on this occasion, to express any opinion respecting the claim which the Church of Scotland has preferred to a participation, [in the Reserves,] being content that it rests with your Majesty and with Parliament to decide upon it.

"We regret that it was ever thought advisable to agitate that question in this colony, where it could not be determined; and we earnestly hope, for the sake of religion itself, that it may be speedily set at rest by a final decision. In the meantime, we cannot forbear to express our conviction that the rulers of the Church of Scotland are more sincerely attached to the principles of Christianity than to desire that the only permanent provision for religious instruction which exists in this country should be entirely abolished, because it has appeared doubtful whether that particular Church had a right to share in it. They must be aware that it is not with those feelings that the support of their venerable establishment is regarded in Scotland by their fellow-subjects of other denominations; and we do them the justice to believe that they would be foremost to disavow any such sentiments in regard to this Province."

It may be regarded as strange, at the present day, that the Legislative Council of Upper Canada should have introduced, in 1831, such paragraphs into an address as we have quoted above, when, in 1820, the Law Officers of the Crown in England had declared that "the provision made by the 31 Geo. 3, cap. 31, 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 the Clergy of the Church of Scotland;" and the only way to account for the passing of such an address, is on the supposition that Earl Bathurst's despatch of 6th May, 1820, had never been communicated to the Legislative Council, but that some local opinion had been substituted in its place, to involve in doubt that which to the Law Officers of the Crown in England, appeared clear and beyond doubt. Had there been a different course pursued, by those in authority in Upper Canada, in regard to this question, subsequent to the receipt of Earl Bathurst's despatch of 6th of May, 1820, the probability is, that the question of the Clergy