

News Department.

HOUSE OF LORDS, MONDAY, FEB. 28.

CLERGY RESERVES, CANADA.

The Earl of Derby presented several petitions from Canada against any interference with Clergy Reserves, and at some length supported the prayer of the petitioners. The noble lord concluded by laying the petitions on the table, and earnestly entreating their lordships' attention to the subject. The principal passage in his lordship's speech was to the following effect:—I speak with a full sense of the gravity of the alternative, when I say that if in truth it be the desire of the people of Canada that they should exercise a wholly independent power of legislation—that they should in no respect be checked by the authority of the Crown or by the intervention of Parliament—I say that it is far better to admit that principle frankly, and at once relieve the Minister of the British Crown from a nominal and often a very painful responsibility, openly to declare that over the legislation of Canada Parliament should exercise no influence, and refuse to go through the farce, as it would then be, of advising the Crown by a responsible British Minister to assent to or withhold its assent from any specific measure. Admit the independence of Canada, and if that colony still remain connected by the ties of the throne with this country, in that case let it be distinctly asserted that the Crown acts on the advice, not of the Imperial, but of the Colonial Legislature, and that you stand towards Canada in the same relation in which you stood during the last reign towards Hanover. I own that such an arrangement would give me much cause for regret; but I say it would be far preferable to that doubtful position in which you at present stand, while you affect to exercise a control which you dare not really exercise, and are responsible, for measures which, whether or not you approve of them—whether or not they be in violation of your plighted faith, of the guarantees given by the Crown, and of the rights of property—you hold yourself bound to assent to, on the broad and general principle that the colonists are the best judges of their own affairs, and that from that to which the Legislature of the colony has acceded a Minister of the Crown in this country is not justified in withholding his sanction. In a pecuniary point of view, no doubt, the results of such a separation would be very great. With regard to the continuance of friendly relations between the two countries I still should not despair; but these relations might be maintained and upheld—nay, perhaps, they might even be improved—by the absence of a nominal control; and if the province desired to place itself in that position, I for one should not be the person to withhold the assent of Parliament from it. But as long as the province remains a province—as long as the Minister of the Crown is charged with the vindication of the rights of British subjects—as long as Parliament reserves any portion of the colonial legislation in its own hands, and maintains the rights of British subjects guaranteed by that legislation—so long, whatever may be the hazard, I would not be a party to assent to the sacrifice in Canada of those rights, or to allow any interference there with regard to the rights of property which I would not sanction in this country—which I would not sanction with regard to the rights of the Church of Scotland, or of the Church of Ireland, or with regard to the guaranteed rights of any portion whatever of the people of the United Kingdom. Do not flatter yourselves that if you pass this bill you will avoid future controversy. I believe you will, on the contrary, perpetuate and aggravate and embitter religious discord by empowering the Colonial Legislature to deal with those Clergy Reserves. Remember that, although this is a question which mainly applies to the people of Upper Canada, there are in the province of Lower Canada very large endowments in land, and very large compulsory payments enforced by law, in aid of the Roman Catholic clergy. That property and those rights rest on a footing not one whit more strong (hear, hear) than those Clergy Reserves (cheers). The two noble dukes opposite (the Duke of Newcastle and the Duke of Argyll we believe) cheer that observation. Do they foresee then—do they believe it possible—that, with the sanction of her Majesty's Government, the principle of secularisation once introduced, the Protestant majority of Upper Canada and the Protestant minority of Lower Canada will be satisfied with the assertion of that principle—and that there shall be no dominant Church—that all parochial and all territorial reserves appropriated to the purposes of the Protestant clergy shall be secularised and converted to other purposes? And do they believe that the same body, with this sanction on the part of the Legislature and of her Majesty's Government, will tamely submit to the continued en-

dowment of the Roman Catholic Church with enormous revenues, as the only endowed Church, after you, the British Parliament, shall have sanctioned the confiscation of the only provision which your ancestors made for the conservation of the Protestant worship among the Protestant portions of the colony. From that moment there will arise bitter feuds for the alienation and confiscation of the provision made for the Roman Catholic Church in Lower Canada; from that moment all the differences of race and creed are brought into immediate conflict.

The Duke of Argyll (Presbyterian) found that under the present arrangement the Roman Catholics in Upper Canada had a considerably larger share of these funds than the whole united Presbyterian body and the Wesleyan Methodists put together. It was impossible that such a settlement should be considered as a permanent and irrevocable one. He desired to attract the attention of the noble earl to a statement made in the memorial of the Bishop of Quebec, whom he (the Duke of Argyll) felt assured the noble earl would consider an authority upon that question. At the conclusion of that memorial that rev. prelate said, "With reference to those divisions his Excellency's memorial is believed. When he says members from Lower Canada representing Roman Catholic interests are disposed to treat with hostility the Protestant endowments of the western province, the members generally are anxious to regard the question as one proper to Canada West, on account of the greater stake that exists for the larger proportion of Protestant inhabitants." Thus, the majority of members in Lower Canada were stated by that great Protestant authority to have voted, not as against the interests of the Protestant clergy—not from any feeling of rivalry—but because they thought that the members of Upper Canada, voting by a majority in favour of that measure, should be supported by their brethren from the Lower Provinces. The statement, with respect to the motives which influenced the members of Canada—namely that should a change of opinion take place in Upper Canada, members in the Lower Province would support that majority, and not interfere with or disturb the Protestants of the former province in the endowments which they possessed—was confirmed by a portion of the speech of the noble earl opposite. If the Protestant reserves were secularised there might be a great desire to put the Roman Catholic Church in Lower Canada upon an altered footing, and therefore he contended that it was the opinion of the majority of the Protestant inhabitants of Upper Canada that those reserves should be maintained upon their present footing or redistributed in certain other proportions, but still confined to purely religious purposes, it was extremely proper that, influenced by those motives they should be supported in their resistance to secularisation by the Roman Catholics of the Lower Province. He had no hesitation in declaring, as a member of the Church of Scotland, that, be the interests of the Church in Canada what they may, they should be represented only by their own representatives of the province of Canada.

The Earl of Desart said that he thought a very erroneous opinion prevailed in this country, that, in opposing the wish of the Legislature of Canada their lordships would be opposing the general feelings of the Canadian people. He did not think that such would be at all the case. On the contrary excluding the inhabitants of Lower Canada, which he maintained they had right to do, inasmuch as the number of the Roman Catholics were greater than the number of Protestants in the proportion of 75,000 to 50,000—and that that majority had no interest in the question—it would be found that, in acting in opposition to the desires of the Canadian Legislature, they were not opposing the will of the people of that country. In the Assembly of Upper Canada, upon the authority of Archdeacon Bethune, it appears that there was but a majority of one in favor of the abrogation of the settlement of 1840. He (the Earl of Desart) did not mean to lay great stress upon that point; but he thought that was a question where the British Government were bound to maintain the settlement made by them, at the request of the Canadians themselves, and accepted by that colony as final settlement.

The Bishop of Exeter said the Duke of Argyll applied the word "sacrilege" to the confiscation of the Clergy Reserves, and he would again ask if the British Parliament would consent to any measure for such a purpose? He would still continue to apply the word sacrilege in the same way in which he had on a former occasion used it; but it was not to be inferred from that that he was not ready to acquiesce in a measure for the redistribution of the Canada Clergy Reserves. He might resist such a measure, but certainly not upon

the grounds of its being a sacrilege. A breach of faith he should consider it, and a violation of the coronation oath, but most certainly not an act of sacrilege.

The Bishop of Oxford said he had for many years taken a very deep interest in the welfare of the Colonial Church, and had long been on terms of personal intercourse with the right rev. prelates at present at the head of the Church in Canada, and it was with no small regret that he felt compelled to come to a conclusion upon the question before them the reverse of that at which those right rev. prelates had arrived. The first consideration which had led him to the conclusion to which he had come was, that in the case of the Parliament of Canada requiring, not a confiscation of the Clergy Reserves, but calling upon the Imperial Parliament to give to them the power of dealing with them themselves, he perceived a claim of justice, in whose way, he thought, no question of mere expediency should stand. The Government of this country had given, or professed to give, to Canada, a power of settling her own internal affairs; and they were bound in justice to admit the claims of the colonists to deal with any matter which concerned their own affairs, unless it could be shown that it was a matter of imperial interest. The noble earl had argued that the Imperial Legislature of 1791 had so completely dealt with that question that it would be unjust now to interfere with the settlement which had then been made. Now, the very terms of the Act were inconsistent with such a conclusion. But the noble earl had quoted the opinions of the judges in favour of his view of the case. He (the Bishop of Oxford) must beg their lordships to remember that that opinion of the judges had been delivered, not on what were the abstract rights of that property with regard to which they were to legislate, but what were the particular powers of the Colonial Parliament under the existing Legislature. By their recent dealing with that property they had put the Colonial Parliament in the same position in which the Imperial Parliament then stood. There was one argument, however, which seemed to him a conclusive one upon that. In 1840 both Houses of Parliament had assented to a course of legislation, which, upon the principle of the noble earl opposite, must have been spoliation and sacrilege. It had been said that so entirely had the property in question been made the property of the Church of England that it was not competent for the Government of this country now to deal with it. If so, the appropriation of £1,369. per annum to the Roman Catholics was an act the most sacrilegious. The measure of 1840, in his opinion, effectually disposed of the argument drawn from the legislation of 1791. But the noble earl had further argued, that having disposed of the Clergy Reserves of Canada by that measure of 1840, and having guaranteed that property to certain parties, this country was precluded from further interferences in connection with it. On dealing with that as with other subjects, he would say—"Fiat justitia ruat cælum." He was desirous to see the colonists possess a direct control over matters in which they were so deeply concerned. Let that power be given to them in the manner in which they would be least likely to abuse it; and let them not withhold, through their apprehensions, a privilege which the colonists had already a right to enjoy. He had the strongest hopes that, if the people of Canada were generously dealt with, their lordships would have no confiscation in the case of the Clergy Reserves to deplore. The way to prevent the colony dealing foolishly with this property was for the Home Government to deal generously with the colony. By telling the colonists that they would secularise it, was the very way to lead them to think about secularising it. The question had been considered by the Wesleyan body in Canada *more suo*: and they had come to the conclusion that it was not a national but a provincial question, and without fettering themselves by any resolution as to what should be done with the property if they got it, they were unanimous in asking for power to deal with it, because they considered that as their right. They could never hope for the Church to flourish in the colonies as a Church which was to be supported against their will, and in certain exclusive privileges, by a majority in Parliament. He said solemnly that he believed that the Colonial Church had a great work to do in this world. He believed that with the strength of our nation, with its language, its institutions and its people, she had a charge from God of carrying the purest form of His revealed word through the whole world. He believed that as a member of that Church it was essential that he should do all in his power to free her from every fetter that impeded her spiritual work and enabled her for her high enterprise. He believed from experience that to represent that Church to the colonists