

Clergy Reserves. It leaves nothing that unrestrained power can take away, nor do its promoters give even a solitary indication of fair adjustment.—Nevertheless it appears to be a solemn duty on our parts to remonstrate against a proceeding which disregards all vested rights and all just and honorable dealing, and by every lawful exertion in our power to prevent its adoption.

The history of the Clergy Reserves is not without great moral value. A message from the Crown to the Commons was sent to Parliament in 1791, stating the desire of His Majesty George III. to form a provision in the Province of Canada for the support of a Protestant Clergy, and to make the provision perpetual out of the Crown Lands—lands which by right, by law, and the constitution, belonged as much to the Crown as any property of an individual belongs to himself. This provision was called Clergy Reserves; and in order to give an additional guarantee to that of the king and Parliament, the Church accepted the Reserves in lieu of tithes, and consented to an Act passed in February, 1823, to that effect; a proceeding which embraces in its nature a regular purchase. Was then all this recognition, says Lord St. Leonards in the House of Lords on Friday, 22d April, 1852, by the Crown, the Parliament, and by the colony, of no avail in settling a title? How could one stand more secure? If it were the title of a private individual and not the church, it would be considered so monstrous a violation of right, that no man would endure it, and a full remedy would be given at common law.

In 1840, Lord Sydenham protested against bringing forward the Union measure, till the question of the Clergy Reserves was finally settled. And if there ever was a solemn compact in any nation with the Protestant Church, it was the compact of 1840 on this subject.

There was an anxiety on the part of the Government to meet the wishes of the Canadian Legislature, even by sacrificing a part of the rights of the Church. The then Archbishop of Canterbury was a party to the arrangement, and all the great men of the day were called upon for counsel, and they agreed to carry a measure as near as the law laid down by the judges would permit, and upon the consent of the Church, given by the Archbishop, it was passed; and the Church in Canada, though losing 7-12ths of her property for the sake of peace and harmony gave her consent, thinking that she would receive a full equivalent in putting away all dissent and controversy. And indeed there was peace and quietness for ten years, till our political incendiaries wanted a subject for agitation, and with the assistance of the Roman Catholics revived the question of the Reserves. And we now behold the result.

If the Legislature pass the Bill before them secularizing the Clergy Reserves, and they cannot do so without the votes of the Roman Catholic members, they will violate the principles of justice and morality, and set a precedent for subverting at any time the rights of property, and this in direct opposition to Lord Denman's opinion, one of the most able constitutional lawyers of the age, who declared that no Legislature had power to take away any man's property or that of any public body without giving in compensation a full equivalent.

I had proceeded thus far, when it struck me very forcibly, that although the 16 Vic. chap. 21, gives power to the Colonial Legislature to make certain alterations in the appropriations and investments, &c., &c., of the Clergy Reserves Fund, it gives no power whatever to alter the object to which they were at first confined, much less to secularize them. By the 31st of

George III., chap. 31, these lands are declared to be for the support of a Protestant Clergy solely, and for no other use or purpose whatever, and this, in accordance with the British Constitution, as understood at that time, which recognized no clergy but those of the Church of England. In 1840, the judges decided that the words Protestant Clergy were wide enough to comprehend more Protestants than those of the two National Churches; hence the provisions of the 3rd and 4th Victoria, framed on this decision, extended to all Protestant denominations, and by implication to the Roman Catholics also, but expressly, as appears by the 7th clause, for the purpose of public worship and religious instruction, affording at the same time, a fair preference to the National Churches of England and Scotland, thus strictly maintaining the principle of the Pious George III., which was to cherish sound Religion. Nor does the recent Act of the 16th Victoria, chap. 21, interfere in the slightest degree with this primary object, the support of a Protestant Clergy, or public worship and religious instruction, the great purpose for which the Reservation was intended—nor does it give, as appears to me, any power to the Colonial Legislature of the Province to divert one farthing of the funds to other than religious purposes. They may in their wisdom still pillage the Roman Catholics, whom the ruling parties of the Legislature are willing to exalt to supremacy in the Colony; or they may grant them in greater portions to such Dissenters as are willing to receive assistance, and thus ignore the two national churches, which are the true proprietors: but they have no power to give the proceeds of the Clergy Reserves Fund to be trampled in the mud by municipal authorities, or to furnish them with a fruitful source of corruption. To the maintenance of religion and the purposes of public worship, all funds arising from the Clergy Reserves must, in my humble opinion, be still applied, and to nothing else, till the law is again changed, and some new object carefully defined, and this can only be done by the Imperial Legislature. There is not a single word or syllable in the 16th Victoria, chap. 21, which affords the slightest ground for believing that the British Parliament intended to make any change in the object of reservation, although they were disposed to permit a change in the details for promoting that object. In conclusion, I congratulate the Synod on what seems to me to be the fact, that all funds accruing from the Clergy Reserves are still to be applied to religious purposes, and to nothing else. No doubt a hue and cry will be raised among such men as are enemies of the Church at this unexpected interpretation and reading of the law, but we regard not clamour when right and truth are with us; and aware as we now are, that the 16 Vic., chap. 21, changes not the object for which the Reserves were at first set apart, the bill before the legislature, should it be enacted, falls to the ground as a dead letter: and should those hostile to religion refer back to England for an alteration in the law, even the British Parliament, having discovered the baseness of those they were trusting, dare proceed no further in betraying the Church of God.

Let us not, however, be thrown off our guard by the superior position which we now occupy; but, on the contrary, let us redouble our vigilance to obtain a final and successful result; and in order to do this, I would respectfully recommend, that a committee be appointed to draw up resolutions in firm but decorous language, on which a memorial or remonstrance may be founded, to the three branches of the Legislature, against the iniquitous measure before them, which unblushingly provides for the

confiscation of our Church property—a measure which it has neither moral nor legal power to pass; and that a deputation of two beneficed clergymen, and two respectable laymen, be forthwith sent to Quebec to present the same.

JOHN TORONTO.

The Provisional Committee through their chairman requested time to prepare their report to be presented to the Synod to-morrow morning.

Moved by the Rev. S. Lett, LL.D., seconded by the Rev. Francis Evans,

That a committee of this Synod be now formed to consider what alteration it is desirable to have made in the Church temporalities act, and to prepare a petition to the Provincial Parliament in accordance therewith, and that said committee be requested to report to-morrow. Carried.

The following gentlemen were placed on the committee by the Bishop.—Rev. Dr. Lett, Rev. Rural Dean, Palmer, Hon. G. S. Boulton, and G. W. Allan, Esq.

Moved by the Rev. James Beaven, D. D., seconded by Hon. G. S. Boulton,

That the Lord Bishop be requested to name a committee for considering what methods should be adopted for the permanent sustentation of the clergy in accordance with the recommendations of his Lordship in his opening address to the Synod, that this committee have power to add to their numbers, and be authorized to employ a secretary and to take such other measures as may appear to them expedient for obtaining the fullest information. Carried.

Moved by the Rev. H. C. Cooper, seconded by the Rev. F. L. Osler,

That the Lord Bishop as chairman of this Synod be respectfully requested to nominate or appoint the committee or committees to take into consideration the subject of the Clergy Reserves, and the question of a separate school bill, as suggested in his Lordship's opening address. Carried.

The following gentlemen were nominated by the Bishop.—Rev. Rural Dean Palmer, Rev. H. C. Cooper, Rev. F. L. Osler, Hon. P. B. DeBlanciere, G. W. Allan, Esq., and D. J. Hughes, Esq.

Moved by the Rev. S. Givins, seconded by Rev. H. C. Cooper,

That this meeting adjourn till eleven o'clock, to-morrow, and that there be prayers in the Cathedral at ten.

SECOND DAY'S SESSION.

The Synod re-assembled on Thursday, 26th, at the Parochial School-house at 11 A. M. prayers having been previously read at the Cathedral Church of St. James by the Rev. M., Boomer, and the Lessons by the Rev. J. Wilson.

The meeting opened with prayer, read by the venerable Archdeacon of York. The minutes of the preceding day's meeting were read. The Lord Bishop then called upon the Provisional Committee to present their report, which was accordingly read by the chairman, the venerable Archdeacon of York.

The Declaration prefixed to the Constitution having been read over again by the Secretary, it was moved by H. C. Baker, Esq., seconded by the Rev. W. Ritchie, that the Declaration be adopted by the Synod. Carried.

DECLARATION.

We, the Bishop, the Clergy, and Representatives of the Laity of the United Church of England and Ireland, within the diocese of Toronto, assembled in Synod, and intending, under God's blessing and guidance, to consider and determine upon such matters as shall appear necessary for the welfare of the Church in this diocese, desire, in the first place, for the avoiding