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CANADA—CLERGY RESERVES,

REPORT

To an Address of the HOUSE OF LORDS,  
dated 11th April 1853,

FOR

COPY of any LETTER which may have been  
addressed by the BISHOP OF TORONTO to HER  
MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR  
THE COLONIES on the CLERGY RESERVES in  
CANADA.

Ordered to be printed 15th April 1853.

(141.)

AB  
CANADA.—CLERGY RESERVES.

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RETURN

To an Address of the HOUSE OF LORDS, dated 11th April 1853.

FOR

COPY of any LETTER which may have been addressed by the BISHOP  
OF TORONTO to HER MAJESTY'S PRINCIPAL SECRETARY OF STATE  
FOR THE COLONIES on the CLERGY RESERVES in CANADA.

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Ordered to be printed 18th April 1853.

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## COPY OF A LETTER

FROM THE

## BISHOP OF TORONTO TO THE DUKE OF NEWCASTLE.

Toronto, Canada, March 19, 1853.

MY LORD DUKE,

(Received April 4, 1853.)

YOUR Grace's Despatch of the 15th January to the Earl of Elgin, Governor General of Canada, on the subject of the Clergy Reserves, was published at Quebec on the 16th February, and reached Toronto about the 20th, and as it announced a total change of policy in dealing with the church property in Canada from that which had been judiciously adopted by Her Majesty's late advisers, we were taken completely by surprise, and before we had time to consider the grounds upon which a change so injurious to the interests of religion in this colony is sought to be supported, or to devise the means of averting a course which will, if pursued, not only destroy the peace of Canada, but in its consequences endanger the Church Establishment of the United Kingdom, we learn from the London Times and other English journals that a bill for placing the Clergy Reserves at the disposal of the Canadian Legislature was brought into the House of Commons on the 18th ultimo, and, after some discussion, passed to a second reading. Hence it would appear that this measure affecting our best and dearest interests is to be hurried through the Legislature with a precipitancy which precludes the possibility of our being heard, a precipitancy of which we have reason bitterly to complain. It certainly presents a strange instance of attention in a Reform Government to the just rights and the feelings of the people, and a novel method of attaching the colonies to the mother country.

It was not surely to be anticipated that a measure dealing as we think unjustly with the religious privileges of the members of the Church of England and Scotland, and ultimately of the Roman Catholics, in Canada, embracing a population (as appears by the census) in 1851 of more than two thirds of the inhabitants of Canada, was to be disposed of like an insignificant railroad or village corporation. Yet such is really the case. A bill is now in progress which will enable the Provincial Legislature to pass measures of the most revolutionary character infringing the rights of 1,244,742 persons out of a population of 1,842,265, without so much as making them previously aware of the intentions of the Imperial Government, or deigning to allow them a voice or even an humble supplication on the subject.

We have been lulled into a false security and led to believe that it was impossible that any measure would be introduced on a matter which so deeply concerns this great colony without being afforded a full and convenient opportunity of pleading our cause. Even now the provisions of the bill before the House of Commons are unknown to us; all that we do for certain know is that a total change in dealing with the Clergy Reserves and church property in Canada has taken place in Her Majesty's Council, and that the three churches of England, Scotland, and Rome are of a sudden in danger of being wholly deprived of their endowments without being allowed to say one word in their defence. All we gather from your Grace's despatch is that Her Majesty's Government accedes to the prayer of the Legislature of Canada for placing the Clergy Reserves at its disposal, and that no sentiments of regret at the disturbance of the present settlement would justify the Government or Parliament in withholding from the Canadian people, through their representatives, the right of dealing as they think fit with matters of strictly domestic interest, and further that the Parliament of Canada, and not the Parliament of the United Kingdom, is the body to which the functions of legislation on this subject must for the public advantage be committed.

Now, my Lord Duke, I most respectfully submit that these opinions or grounds for legislation are much more than neutralized by the proceedings of

the late administration, by the repeated avowals of the Legislature of Upper Canada, and the constant persuasion of the members of the Church of England that the Imperial and not the Provincial Parliament is the proper tribunal for deciding the question; and this, as I shall afterwards show, was the conviction of Lord Sydenham, one of the most able of our governors, and the most thoroughly acquainted with our religious difficulties. I am willing to admit that these two grounds may appear somewhat plausible to those who are only partially acquainted with the merits of the question, and they may think it just and reasonable to refer its settlement to the local authorities. The dispute has been allowed to continue so long from the weakness or neglect of the Imperial Government in shrinking from a firm acknowledgment and enforcement of the constitutional law while the discussions were yet new, that many are getting weary and desire its settlement on any terms. It is thus that contentions in the colonies, which a single despatch if determined and reasonable might have arranged to the general satisfaction, are permitted to grow and fester till they become nearly incurable.

Such has been the case with the church property in Canada; had that portion which belongs to the Church of England been finally arranged in 1817, and the objects of the 31st Geo. 3. cap. 31, called the Constitutional Act, been fairly carried out, there would have been little or no trouble. But the continued heat and discussions in the Colonial Legislature were permitted for a long time without notice, and when they forced attention feeble palliatives instead of efficient remedies were applied, which produced increased irritation.

Allow me to remark that the Church of England has suffered exceedingly from the protracted discussions on the Clergy reserves, as if they were the only ecclesiastical provision in Canada likely to produce difficulty. The rich endowments of the Roman Catholic Church have been carefully kept out of sight, and are only now coming into notice, while accumulated odium has been heaped on the National Church in the colony, as if her assertion of her just rights were offensive and unbecoming, and the sole cause of all the trouble. The endowments for the support of religion in the different parts of the province cannot be dealt with separately, or confined to those appropriated to the sustenance of a Protestant Clergy, but such dealing must embrace those also which sustain the Roman Catholic Clergy. Both are equally local and domestic, and if the one is to be consigned to the management of the Colonial Legislature, so must the other; both stand upon the same grounds of security; or rather the tenure of the Church of England to the possession of her property is admitted by your Grace as well as Mr. Peel to be far stronger in law than that of the Church of Rome.

What, then, is the value and importance of the religious endowments in Canada, and the present state of the two Churches of England and Rome.

The Roman Catholic Church in Canada consists of one archbishop and six bishops, who have, it is said, about 550 clergy under their charge. The strength of this church lies in the eastern portion of the province, and comprises all the French settlements and seignories, and has formed from the beginning a regular establishment, having been divided into parishes, a process which is still continued as the country is opened. Each parish has had from its first institution an incumbent, supported by tithes and various dues, with a parsonage, glebe, and other endowments, in much the same way as the clergy of the Established Church in England and Ireland. Hence the Romish Church has increased in efficiency, wealth, and importance with the growth of the colony. The average value of the livings it is not easy to ascertain with minute exactness, but, from the best information that can be obtained, it may be taken at 250*l.* per annum. And assuming the parochial clergy at 500, exclusive of those employed in colleges, monasteries, and other religious houses, we have for the revenue of the Roman Catholic Church in Lower Canada 125,000*l.* per annum, a sum which represents a money capital of at least 2,500,000*l.* In Upper Canada the Roman Catholic clergy do not at present exceed 100 in number, and the provision for their support is very slender. It depends chiefly on the customary dues and the contributions by their respective flocks, unless, indeed, they receive assistance from the French portion of the province, where the resources of the Romish Church are abundant. In regard to education, the means at the disposal of the Roman Catholic Church in Lower Canada are not merely ample, but munificent, as appears from the

following Table, quoted from Smith's "History of Canada," Vol. I, Appendix 6:—

	Acres.
Ursulines, Quebec - - - - -	164,616
"    Three Rivers - - - - -	30,909
Recollets - - - - -	945
Bishop and Seminary at Quebec - - -	693,324
Jesuits - - - - -	891,845
The Sulpicians, covering the whole island and city of Montreal, considered worth nearly a million - - - - -	250,191
General Hospital, Quebec - - - - -	28,497
"    Montreal - - - - -	404
Hotel Dieu, Quebec - - - - -	14,112
Sœurs Grises - - - - -	42,336
	2,117,179

Now, averaging the value of these lands at the very low price of 6s. 8d. per acre, they represent a capital of more than 700,000*l.* It is true all these possessions were at one time at the disposal of the Crown, and the Jesuits' estates are not yet finally appropriated, but who that knows the readiness with which Lord Sydenham gave a title to a few monks of St. Sulpice, covering the whole city and island of Montreal, with the consent of the Imperial Government received or implied, can expect that these vast possessions will now be kept back?

Independent of the Jesuits' estates, we have the Seminary of Quebec, after deducting a generous allowance (if thought good) for the archbishop, with a princely endowment of more than half a million acres of land, to establish colleges and seminaries of a higher order in the district of Three Rivers and Quebec, and the still richer Seminary of St. Sulpice, worth more than half a million, and believed by many to be worth double that sum, to do the same for the district of Montreal.

Contrast all this, my Lord Duke, with the United Church of England and Ireland in Canada.

We have three bishops and about 250 clergymen, the latter having very scanty support, and yet scanty as it is, they are much more indebted for it to the unwearied benevolence of the Society for the Propagation of the Gospel in Foreign Parts, the generous protector of the Colonial Church, than to Government. For, although it was the intention of the British Parliament in 1791 to make ample provision for the maintenance of a Protestant clergy in Canada, and to place the national Church on an equal footing in temporalities with that of Rome, that intention has been frustrated by neglect and mismanagement, and at last by the active interference of Government.

In 1840, the lands set apart for this purpose, including the one fourth under sale, may be assumed at three millions of acres. Of this quantity, seven twelfths were at once swept away by the 3 & 4 Victoria, cap. 78, leaving only five twelfths for the support of a Protestant clergy.

The Church requested that she might have the management of this small remainder of her property either to lease or endow parishes, and so ensure a permanent provision at least to a limited extent. This was denied her, and the lands were ordered to be sold without reserve under the direction of the provincial authorities. Now it is believed that under this unscrupulous management the share of the Church, or 1,250,000 acres, will not realise one third of their value; but assuming that they may on the average realise 6s. 8d. per acre, or for the whole 420,000*l.*, which at the present rate of interest may produce 25,200*l.* per annum, what is this for the support of all the Protestant clergy who will ever be in this vast province? Besides the Clergy Reserves, Lord Seaton, towards the close of 1835 and beginning of 1836, while Governor of Upper Canada, established fifty-seven rectories for the benefit of the Church, but of these only forty-four were completed before his departure. They were endowed with lands amounting in all to 17,368 acres, giving an average of about 400 acres to each rectory. Thirteen, which from some accidental cause were found without Lord Seaton's signature after his resignation of the go-

vernment, and which the proper authorities, both here and in England, have refused to complete, are held void, so that the legal rectories are only forty-four instead of fifty-seven. So much has been said about these rectories in an unfriendly spirit, and so little in their defence, that few possess any correct knowledge respecting them, while the enemies of the Church think them a monstrous evil which ought as soon as possible to be abated, that a few remarks on their origin and present value may not be unseasonable. For were it generally known that lands equal in quantity and quality to the whole endowment attached to the rectories might have been purchased for a very trifling sum even so late as 1818, and that they confer on their incumbents no power beyond what a lease for life confers on its holder, we may reasonably hope that the prejudices and hostility against them will soon pass away, or become too feeble to produce any renewed agitation.

A considerable portion of the land which forms the endowment of the rectories was set aside at the first settlement of Upper Canada. At that early period the waste lands of the Crown had acquired no money value, and while bestowed gratis on all applicants they continued at a mere nominal price. In 1798 only 9*d.* per acre was offered for school lands, and so recently as 1818 lands might have been purchased at about 1*s.* per acre, thus a quantity of land equal to the whole endowment of the rectories might have been obtained for less than 1,000*l.*, and although the colony has greatly prospered since that period, and lands are much enhanced in price, this sum exceeds in value all that the rectories can with any plea of justice be said to have cost the public. These rectories are scattered over the whole diocese, an area of 60,000 square miles, some have been more than half a century in possession of the Church, are much improved, and have churches and houses built upon them, a few still remain a wilderness, but the greater number have been partially cleared at the expense of the incumbents and their congregations. By the last returns the total annual income amounted to 1,721*l.*, giving an average of 39*l.* 2*s.* 3*d.* for each rectory per annum. If it be asked why a matter of so little value and importance could excite so much virulence and obloquy, the answer is, that to pull down the true Church of God, the Church of the Sovereign and of the English nation, appears to be the favourite object of the greater number of Protestant denominations around us, and while blind to the increasing power of Romanism, they seem to delight in vilifying and destroying the only Church capable of withstanding that of Rome. No matter how pitiful the case may be, if it can in any manner be cherished, and worked up into a grievance to damage the Church of England, the acknowledged bulwark of the Protestant Faith, they rejoice in its application; and it is to these very persons who have been for years in possession of the government of the Province that it is now proposed to surrender the Clergy Reserves.

To speak of their forbearance is a cruel mockery, for although the rectories have been declared in all respects legal by the Crown Officers in England, and the House of Assembly, in 1837, resolved by 38 to 20,—“That this House regards as inviolable the right acquired under the patent by which the rectories have been endowed, and cannot therefore invite or sanction any interference with the rights thus established;” yet a session of the Provincial Parliament never passes without efforts being made to confiscate them.

In the summer session of 1837 a Bill was introduced to repeal the clauses of the Constitutional Act which authorize the creation and endowment of rectories, and during its progress an insidious attempt was made, by dropping the power of presentation, to destroy those already existing as they became vacant by the death of the incumbents. This mean trick was discovered and corrected, but the right of presentation was taken from the Crown and given to the church society, which body conferred it on the bishop of the diocese. The Bill in this shape was reserved for the signification of Her Majesty's pleasure on the 30th August 1851, and the royal assent having been given on the 15th May, it became law, and was proclaimed in Canada on the 9th June 1852.

This Statute has become painfully interesting from the notice taken of it by one of the first statesmen of the age, now Chancellor of the Exchequer, whom the writer has long loved and admired for his masterly work on the relation of Church and State, in which he maintains that it is the first duty of Govern-

ment to advance the interests of true religion. In his speech on the Colonial Bishop's Bill on Wednesday the 28th April 1852, to my grief and astonishment, Mr. Gladstone says,—

“ I hold in my hand an Act of the Parliament of Canada, passed for the purpose of disendowing certain rectories, which states in the preamble, ‘ Whereas the recognition of legal equality among all religious persuasions is an admitted principle of colonial legislation: And whereas in the state and condition of this Province such a principle is peculiarly applicable, it is desirable that the same should receive the sanction of direct Legislative authority, recognizing and declaring the same as a fundamental principle of our civil polity.’ ”

“ Now, if it be meant that more is intended in this preamble than to repeat the truism that all religious persuasions in the colony are equal in the eye of the law, a principle which has been long understood and admitted, the framer of this Act was unconscious of it, for all that he had in view was to destroy the rectories by dropping the power of presentation, a fraud which was discovered and prevented, so that the Act leaves the rectories as they were, and merely transfers the patronage from the Crown to the church society of the Diocese, and this body empowered their Bishop to exercise it.”

Now the first thing which strikes me on reading Mr. Gladstone's speech alluded to is, that he mentions such a monstrous act of injustice as the destruction of forty-four rectories without the smallest sympathy or indignation, for though they were not suppressed he believed that they were. Surely the extinction of forty-four parishes, even in England, would be deemed a very serious calamity, from whatever cause; how much more in Canada, still so destitute of religious ministrations as scarcely to number one clergyman for every 200 square miles. But theory seems to blunt our best natural feelings, and perhaps no theories are so dangerous in this respect as those of a religious character.

The speech goes on to infer that because this Act passed through both Houses, and was sanctioned by the Queen, religious equality is fully recognized by the Imperial Government in the colonies; but it would appear that what is good for the colonies is not good for England, and we are advised to judge colonial questions upon their own grounds, and English questions upon their own grounds. But it so happens that the questions here mentioned are religious questions, which are unchangeable in their moral and spiritual aspect, and therefore the same at home and abroad. Now as we are already in the colonies all equal in respect to religion before the law, this equality must include religious advantages of a physical character; that is, endowments, which in colonies must it seems be destroyed, though guaranteed by the most solemn pledges and engagements; but if religious endowments be wrong in colonies they must be wrong in the three kingdoms, and thus all Church Establishments must disappear. The inference is irresistible. Now in all this I entirely differ; but I stop not to enter upon the general question of religious establishments. It is sufficient for my purpose on the present occasion to show, that were the French religious endowments in Lower Canada and those of the Church of England in Upper Canada to be swept away, incalculable evils must immediately follow.

How such a doctrine as that the teaching of pure Christianity ought to receive no assistance from Government in a Christian country can be reconciled to the Holy Scripture is to me incomprehensible. I must therefore in my simplicity adhere to my old belief, that it is the first duty of Government to advance the interests of true religion, and that the religious equality so put forward is a dream which can never be realized, because truth being from its nature aggressive is stronger than falsehood, and though it may be compelled to succumb for a season is sure to rise superior at the last.

Having thus shown the state of religion in Canada, and the means by which it is at present supported, I feel encouraged to submit, that so far from being merely local and domestic, the Clergy Reserves involve a national question of the greatest importance.

At the peace of 1763 the Crown of France ceded all its rights in Canada, not to Canada itself, but to the Crown of England, the title to which is twofold: First, the right of conquest; second, the right of cession. The validity of the latter is acknowledged by France at this very day. The Crown and

Parliament of Great Britain, by virtue of this indisputable right, set apart certain of the lands of the conquered province yet ungranted for the use and support of the Protestant Church of the colony. This was sanctioned by an Act of the Imperial Parliament in the thirty-first year of the reign of King George the Third, of glorious memory. Subsequently (1840) the Crown and Parliament made and fixed a final distribution of this property, to which the colony fully assented.

In this second Act as well as in the first it was most distinctly enacted that the property was for the sole use of the Protestant denominations therein designated, and for no other purpose.

From all this two conclusions are obvious; first, that the title to those lands vested with England, and that the colony could have no claim whatever to them for gift or distribution. The colony would indeed be defeated in a claim of this sort by a court of common law; second, that the Crown and Parliament having legally and constitutionally granted these lands for religious purposes cannot, even if disposed, grant them for secular purposes, which the advocates of spoliation avow as their aim and design. And here it may be asked whether the Coronation Oath of Her Majesty as the head of the Protestant Church be consonant with the abandonment of the interests of that Church.

We should never forget that Mr. Pitt's great object in 1791 was to preserve in the colony, if not a Protestant ascendancy, at least an equality, and as the Roman Catholics were already richly endowed in Lower Canada he desired that the National Church should have the prospect of a full equivalent in Upper Canada. He was not legislating for the day, but for future ages. That eminent statesman had become deeply sensible of the unwise policy which up to that time Great Britain had exercised towards her colonies in regard to religion, and he resolved to attach the tried loyalists of Upper Canada and their descendants to the mother country by spiritual as well as temporal advantages, and to give them as had been promised, and as they had a right to expect, the full enjoyment of her noble constitution, which had rendered her, as she still continues to be, the great bulwark of the Protestant faith. Hence the appropriation for the support of a Protestant Clergy. It was guarded by every conceivable security that it might never be diverted to any other purpose, and it was highly becoming in the Legislature of Great Britain thus to dedicate to God's holy worship and service a portion of that vast domain which had been acquired through His blessing by the nation in resisting aggression. What was not thus appropriated remained in the Crown for the benefit of the British people, and every individual who might seek an asylum in the province of Canada from any part of the United Kingdom and dependencies had by his birthright an interest in the conquered lands, and an acknowledged title to such a portion as he might be able to cultivate.

In time many persons not subjects of the Crown found their way into the province, and although not received on the same terms as the loyalists they gradually acquired the rights and privileges of British subjects; thus a mixed population gradually grew up, and can anything be more ludicrous or absurd than that this population which had come into the colony individually either from invitation, inclination, or sufferance, now somewhat numerous, should turn round upon the Imperial Government, and seize the national domain, and dispose of it at their pleasure; nay, assume the power to confiscate grants already made, and divert them from their original purpose, thus trampling upon the rights of their fellow subjects, and ignoring the title of the British Nation to her own possessions. Yet this is exactly what the ruling party in Canada is urging in no measured language. It seeks to confiscate the Clergy Reserves which were devoted to a special and sacred object more than sixty years ago, and to apply them to other purposes. It may indeed be said, that the Imperial Government some years ago transferred the remainder of the national domain within the province to the colonial Legislature; but although her indiscreet generosity went thus far, it did not extend to the bestowing of any right or authority to subvert grants already made, as the Legislature is attempting.

In all former discussions on the Clergy Reserves certain rights were acknowledged and respected as belonging to the members of the Church of England as the descendants of the U. E. Loyalists, whose claims the Government of the time considered irresistible, and for whose benefit they were set

apart. But now these are set aside as having no title whatever. Power and violence are to determine the question; vested rights and the claims of justice are impediments to be swept away. Hence the spoliation sought to be perpetrated by the Legislature of Canada has no parallel in colonial history. Even in the midst of the American revolution the old colonists during the heartburnings and ravages of civil war respected the ecclesiastical endowments made by the Crown against which they were contending, and therefore one of their writers observes that the people of the United States "look with "indignant astonishment upon the course pursued by the liberals of Canada. "The control of the Clergy Reserves is now claimed as an absolute right. "England it seems has nothing to do with this property, or the slightest "interest in its management. But it is demanded by the Colonial Government "in language bordering on rebellion to be surrendered to the tender mercies "of the enemies of the Church of England. It has always appeared to us, "a piece of matchless presumption to call these Reserves the property of the "colony. They were purchased by the blood of Wolfe and his noble com- "panions, and at the expense of the British nation before Canada became part "of the British empire. It is therefore to the British people that this property "belongs, for they paid dearly for it by their best blood and treasure."

The settlement of the Reserve question was and is an essential part of the union of Lower and Upper Canada.

The Government in England on determining upon the union of Upper and Lower Canada selected Lord Sydenham, a nobleman of great ability and political sagacity, to carry it into effect. On his arrival in Canada he found the projected measure unpopular and distasteful to both provinces, and not to be accomplished without great discretion, and the patient and delicate application of the unlimited powers with which he was invested.

The greatest impediment in the way was the Clergy Reserves or Church Property in Upper Canada, which had already been the cause of much agitation, and had for a long time divided the population into two parties. But while the provinces remained separate the destructives, though sometimes successful in the House of Assembly, were unable to prevail. At the mention of the union, however, serious apprehensions began to be entertained by all the true friends of peace and order, that after its accomplishment the Legislature would certainly fall under the combined influence of Roman Catholic and Dissenting votes, and thus the property of the Church of England would be virtually at the disposal of her religious opponents. Lord Sydenham partook largely in this well-founded apprehension, and determined that the complete settlement of the Reserves question should precede the commencement of the union.

For this purpose he procured an Act to be passed by the Legislature of Upper Canada for the sale of the Clergy Reserves and the distribution of the proceeds thereof. This Act was sent to England rather to serve as an outline of the measure to be passed by the Imperial Government than from any desire or expectation that it should be wholly adopted.

What Lord Sydenham really wanted was the final settlement of the question. Of his earnestness in this matter there can be no doubt, for in his despatch to Lord John Russell of the 22d January 1840, enclosing this Bill, he states,—

"That there is no subject of such vital importance to the peace and tranquillity of the province as the question of the Clergy Reserves. That there is none with reference to the future union of the two provinces which it is more necessary to determine without delay. That to leave this question undetermined would be to put an end to all hope of re-establishing tranquillity within the provinces, but to establish the union without the settlement of it, and to transfer the decision to the United Legislature would be to add to the sources of discord which then prevailed in Canada an entirely new element of strife. For among the various evils by which Lower Canada had been visited, one and one only, perhaps the greatest of all, has been wanting,—religious dissension. That he was satisfied that the value of arriving at a settlement could not be over-estimated, and that strong as these feelings might have been the immense advantage of having the question finally withdrawn from the sources of popular discussion and dispute would reconcile all parties to it. That he most fervently prayed that the settlement agreed on might be final, and that no obstacle might be opposed to its confirmation by Her Majesty. That should it be otherwise, and the question be again

“ thrown back, he could not foresee the consequences, but at least he knew that peace and tranquillity must in that event long remain strangers to the province.”

Such were Lord Sydenham's anxious endeavours for the final settlement of the Clergy Reserves. His discerning eye perceived that unless this was done the Church of England would be prostrated, and the Church of Rome virtually established, in both sections of the province, and this result he was determined, if possible, to prevent. In this Lord Sydenham identified himself with those who from conscientious motives opposed the union. They dreaded the ascendancy of the Romish church and the progress of Socialism, as may be seen in the protests against that measure recorded in the journals of the Legislative Council of Upper Canada (16 December 1840, p. 23-29).

In consequence of Lord Sydenham's urgent solicitation, the 3 & 4 Victoria, c. 78. was passed (which is a transcript nearly of the Bill enclosed in the Despatch alluded to, and which had been passed at his Lordship's instance by the Legislature of Upper Canada) to provide for the sale of the Clergy Reserves in the province of Canada, and for the disposition of the proceeds thereof. All the provisions of the Act, as well as the preamble, prove that it was intended by the Imperial Legislature to be final, and as such was accepted by the people of Canada. Never, perhaps, was a statute passed with greater solemnity and consideration. The twelve judges were consulted, Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, after protracted negotiations with the Archbishop of Canterbury and the Bishops then in London acting on behalf of the Church, agreed in the spirit of conciliation to a compromise which resulted in the 3 & 4 Victoria, cap. 78. The Church of Scotland was also consulted, and approved of the provisions of the measure before it became law. A reference to the debates and proceedings on this Act in the Mirror of Parliament must satisfy every reasonable and honest mind that the object of all parties concerned was to settle the whole question in the most just and satisfactory manner then and for ever.

This further appears from the pains taken to adopt the provisions of the Act to the new interpretation given to the words “Protestant Clergy,” which, according to the opinion of the twelve judges, were held to embrace, since the repeal of the Test Acts, the teachers of all Protestant denominations, and no longer confined to the clergy of the Church of England.

Accordingly the 3 & 4 Victoria recognizes all Protestant denominations as entitled to share in the proceeds of the Clergy Reserves; nor are the Roman Catholics actually excluded, though not distinctly named. From all which it appears that this Act is in truth an integral part of the Union of the two provinces, and that any infringement of the settlement thus made at the solemn request of Lord Sydenham does in fact vitiate the said Union. It is true the Imperial Parliament is deemed omnipotent; but, if so, it is to do good, not to do evil. No power has a right to perpetrate injustice, or to trample on its own solemn acts and engagements. It is clear from his letter to Lord John Russell that Lord Sydenham never would have attempted to carry the Union, had he not first secured the remainder of her property to the Church of England. Hence, in every point of view, the 3 & 4 Victoria, cap. 78, cannot be repealed without disturbing the Act of Union.

Were anything wanting to establish this view of the subject it is amply supplied by the forty-second clause of the Union Act (3 & 4 Vict. cap. 35.), which having respect to ecclesiastical and Crown rights, the two churches of England and Rome in regard to their temporalities are placed on an equal footing, as had already been done in the fourteenth and thirty-first of George the Third; so that to touch the property of the one is to endanger both, and thus leave their endowments at the will of the varying majority.

That the 3 & 4 Victoria was a wise though not a perfect measure is manifest from the fact that for ten years, that is from 1840 to 1850, the province was at peace on the question of the Reserves, which were believed to be finally and absolutely settled. It was so declared by the united legislature in 1846, and a strong recommendation was added that no change or deviation from this settlement ought to be sanctioned by the legislature. Thus the pledged faith and guarantee of the Imperial and Canadian Governments and of the two national Churches has been given to preserve the settlement inviolate.

Again, so far as the two national Protestant Churches are concerned, they

have been for the last twelve years in the actual possession of their portions of the Reserves, and therefore it is not competent for any power whatever to legislate on these portions without their consent and approbation.

The Acts for uniting the Provinces and finally arranging the Clergy Reserve property came into operation in 1840. The two national churches of England and Scotland have been since that time in the enjoyment of their respective shares. The Wesleyan Methodists, the United Synod of Presbyterians, and even the Roman Catholics in Upper Canada, have accepted respectively such a portion of the Clergy Reserves Fund annually as the Governor General in Council has thought it just and reasonable to allow.

Assuming then, as we have a right to do, that the five Denominations accepting assistance from the proceeds of the Reserves are not unfriendly to their preservation, and finding from the last census that the population in Upper Canada is 952,000, and that the aggregate of these five religious bodies is 575,067, accepting assistance, against 376,933 not yet accepting it, we have a majority not unfriendly to the Clergy Reserves over their opponents of 298,130. So much for the correctness of those who assert that a vast majority of the inhabitants of Upper Canada are hostile to the Clergy Reserves.

Moreover the Free Church Presbyterians, numbering 65,807, have not yet spoken; but there is nothing in their avowed principles to prevent them from receiving assistance if they so please. On the whole, a reference to the census proves that nearly two-thirds of the population of Upper Canada avail themselves of the advantages held out by 3 & 4 Vict. cap. 78; and were the Free Church Presbyterians to claim their right, the proportion would be more than two-thirds. There is also no little significance in the fact, that the larger Christian denominations, so far as I know, have not yet announced in any public and official manner their determination never to avail themselves of the privilege conferred upon them by the Act.

How little the Canadian Legislature is qualified to settle the question of the Clergy Reserves will appear from what has been passing during the last three sessions. For nearly ten years after the passing of the 3 & 4 Vict. cap. 78. the province of Canada was tranquil, and the subject of the Reserves seemed well nigh forgotten, when a prominent member of the Government, to the utter astonishment of the population, brought it again before the House of Assembly on the 18th June 1850. It is indeed said that the two Attorney Generals, the acknowledged leaders of the majority, disapproved of their colleague's conduct, and expressed some regret at the commencement of the violent debates which followed; but as a single word from either would have silenced its promoter, their regret must have been very slight and transitory, for they voted against the Church, and yet the principal resolution was carried by two votes only. Now it cannot be supposed that a question so vexatious, and which had, in the opinion of all parties, been so happily arranged, was thus forced back merely to inflame the public mind without some special object in view, open or concealed. The most feasible account at the time, and still generally believed, is, that the ministry, finding their popularity rapidly on the decline from the adoption of several damaging measures, especially the Rebellion Losses Payment Act, began to dread the approaching election, and sought to divert the public attention from themselves to some exciting interest. The move was very successful, and yet the three principal enemies of the Clergy Reserves were unseated at the general election.

Why a greater number were not thrown over, may be accounted for by the following among other reasons. Soon after the Union, what is called responsible government was fully recognized, and its downward operation was most rapid and offensive. The influence of the Governor General has been in a great measure extinguished. The grace of the Queen through her representative has ceased to be felt. The legislative council, named at pleasure by the party in power, is no longer felt to be a check as an independent branch, and it is notorious that when any measure passes the lower House, it is considered to be safe. The fountain of justice is placed in jeopardy by the presence of the two Attorney Generals as effective members of the Executive Council. And thus the legislative, executive, and judiciary powers, are to a fearful extent in the same hands.

All these things have depressed and disgusted the loyal and conservative

party, and had at first such an effect on some as to drive them to think of Annexation ; but from this folly they were speedily reclaimed.

If, in addition to all this, the Church be deprived of her property, the last link of attachment to the parent State will be snapt asunder. We feel that we are under a small but reckless junta, who are less than nothing, were they not supported by Roman Catholic votes.

And we see no hope of return to that wise and salutary government which we have a right as British subjects to expect. We feel in truth as the people of England would do, were extreme radicals placcd at the head of the Government.

Under such depressing circumstances the Conservatives had little heart to appear vigorously at the hustings, and yet, as we have already noticed, they defeated the three principal enemies of the Reserves, and thus secured their safety had there been no interference on the part of the Roman Catholics, who ought never to have voted on this question, since it is entirely Protestant.

At first they hesitated, and seemed rather inclined to assist in their preservation, but since the Papal Aggression, and Lord John Russell's attempt at a remedy, they are become more bold, and many of them do not conceal their expectation of obtaining a large accession to their endowment, by the secularisation or re-distribution of the Reserves, and some are no ways unwilling to adopt the policy of the Roman Catholics in Ireland.

Now all this is the more to be deplored, because there had been, from the first settlement of Upper Canada till the union of the two provinces in 1840, a courteous and uninterrupted interchange of civilities and social intercourse between the members of the Church of England and the Church of Rome. But since the unhappy union causes of irritation and estrangement have been gradually arising.

The Church of England feels, from the sad occurrences of almost every day, that she no longer possesses her just influence in the Legislature, but is thrown on all occasions where her interests are concerned into a hopeless minority. She finds, as was recorded in her protests against the union, that her ancient opponents the dissenters, who were seldom able to refuse her justice, now reinforced, on all occasions, where she can be mortified and injured, by Roman Catholic votes.

By this unhallowed combination she lost her university ; and when she requested separate schools for the education of her own children, her prayer was rejected, while they secured the privilege for themselves. Thus within a few years, our holy Church has been deprived of the power of educating her children in her own way, and is now threatened with the loss of the remainder of her endowment. The Romanists, on the other hand, who have caused all these evils, are in the full and peaceable enjoyment of an endowment infinitely more valuable, and enjoying all the sweets of civil and religious liberty, while Ministers of State and Members of Parliament are talking in utter ignorance of our true position, or with chilly indifference if they do, about arranging our domestic affairs, and confiscating our small remainder of Church property though fenced on every side by the most sacred pledges.

It might with good reason have been expected that the Roman Catholics would have from delicacy if not from principle abstained from voting on matters in which our Church was specially interested, but they have not done so.

In this aspect of our affairs, which Lord Sydenham as well as the opponents of the union clearly foresaw and most strenuously sought to avert, what are we to do if the Clergy Reserve question be sent back for adjustment in the colony ? Hitherto we have in all our proceedings respected the Roman Catholic endowments. Indeed so long as our Church was sustained in her own property, devoted as it was to sacred purposes, she felt it her duty to respect that of the Church of Rome. While retaining her endowments, small as they are, the two churches could meet on something like equal terms ; but if through Roman votes and influence we are deprived of these advantages, is it still our duty to respect that of our spoilers ?

How very different would the religious aspect of Canada have been had the Roman Catholics done their duty. And it would have been their safety as well as ours had they, instead of joining the enemies of religion, made a common cause with the Churches of England and Scotland on the preservation of church

property and separate schools; harmony and peace would have prevailed through the whole province, and the socialists and infidels would have sunk into insignificance before so powerful a combination.

Had the Roman Catholics even abstained from voting, which common justice required them to do, we could have maintained without difficulty a safe position.

Hence, if the result of the present contest shall be the confiscation of the rectories and the Reserves, the day will speedily arrive when the same measure will be meted to the Roman Catholics, for when they stand alone their property will soon be swept away.

In fine, the secularisation of the Reserves will become the commencement of a fresh contest, similar to that which has so long existed in Ireland, a contest of the most deadly character. Let those therefore who look for peace in robbing the Church of England of her patrimony, pause in their career of madness, for its accomplishment will engender a more bitter dissension than has yet been seen in Canada, and Lord Sydenham's words will be read in characters of blood.

Many of our people indulged in a lingering hope, after all reasonable ground of hope had disappeared, that the Roman Catholics would in the end declare against the confiscation of the Reserves, or at all events stand neutral in the contest between us and the infidels and dissenters, and it was not till they saw Mr. Morin, the acknowledged leader of the French party, a member of the Government and of the Provincial Parliament, declaring against us, that all hope vanished away; they saw this gentleman voting away our religious property, while eagerly clutching the Jesuits' estates in addition to their former endowments; they saw him eager in destroying the very being of our national Church as far as he was able, and foolishly boasting that no power, not even the Imperial Parliament, much less the Provincial Legislature, dare touch the Roman Catholic endowment.

But the Romanists are not all so blind; and one of them addressing the French Members of the House of Assembly, plainly asks them how they are to preserve their own rights if they record their votes for the secularisation of the Reserves and the spoliation of the Church of England. "Think you," (says this writer,) "that those who abrogate the law which gives the Church of England her rights, will respect that which regards yours; will they hold sacred that treaty which gives your Church in Eastern Canada wealth and power? When you do this, remember that the destroyer in his turn shall perish. The Clergy Reserve question is the outer wall that protects your rights, and against which now beats the swelling tide of irreligion, and threatens destruction to all you hold dear and holy. It is our duty and interest therefore to aid in preserving to the Church of England her rights. Is there any one so obtuse as not to understand the import of the fearful denunciation—Secularisation of the Clergy Reserves? Is it not a declaration of war against all that Catholics hold sacred and holy? What does it mean but a present and temporary forbearance to the Catholic Church and future proscription?"

The defect found in the working of the 3 & 4 Vict. c. 78. is the fault of the Government in not carrying out its provisions. Had the shares assigned to the various denominations been made over to their sole charge and management under proper regulations, there would have been no complaint of waste, and the Colonial Administration would have been relieved from much trouble and responsibility; and how much better would it be still to apply this easy remedy of retaining and giving new vigour to the statute, than by its repeal to open the floodgates of bitter contention and infidelity, to which no man can see the end?

Incalculable are the evils which must follow the abrogation of the 3 & 4 Vict. c. 78.; they may not indeed appear at once, but they are as sure to come to pass as the night follows the day. Should the Roman Catholics continue to speak and vote as they have done during the last four sessions, the whole property of the Church of England in the Reserves will be taken away at the first meeting of the Provincial Legislature, and then from year to year missions will become vacant, as the incumbents die, till all are departed. I do not say that in all cases the ministrations of the Church will cease; this will perhaps happen only in a few; but such is the poverty of our people, and their hardships in a new country and severe climate, that they are and will continue to be for a long time, unable to support their clergy. Hence, the successors of the incumbents

who go to their place of rest, will have to eat their scanty morsel in bitterness and sorrow, and the extension of the Church in the new and remote settlements will be sadly retarded. In the meantime many of our members will fall away to Romanism or dissent, and their blood will be on the heads of those who favour this fatal measure.

Should the Roman Catholics take warning, from the certainty that their endowments are much less secure than ours, the evil day may be postponed, but not long, for they have been so much flattered by the Socialists that they would scarcely credit what your Grace and Mr. Peel have said on the subject. It is more probable that they will trust in their numbers and their power to surmount all resistance, and in the hope of profit by confiscation. No sooner will this be accomplished, than the agitation against Roman Catholic endowments will commence, for of this the Socialists make no secret, and as the dissenting and radical population increase far more rapidly than the French, their destruction is certain.

All this, however, will not be accomplished without violent contention, and, perhaps, a civil war; for the Roman Catholics will fight for their endowments, and although they will be overpowered by numbers, having no longer the Churches of England and Scotland to assist them, the victory will be dearly purchased and bring indelible disgrace upon those who might by a wiser policy have prevented all this misery, and blessed the province with a long continuance of peace and happiness.

Canada presents an overpowering argument in favour of religious endowments, for, with the small assistance derived from the benevolence of the Society for the Propagation of the Gospel in Foreign Parts, she has been able to extend the ministrations of the Church through a region nearly as large as Europe. Indeed a very small measure of assistance, if wisely managed, becomes a fruitful ground upon which to rest; it removes despondency, and convinces neighbourhoods that they may succeed in forming parishes, and enjoying regular service, if they will but exert themselves; and this exertion they are induced to make, and though many trials and difficulties intervene, they commonly succeed. Thus with the small sum of about 12,000*l.* per annum (our present income), nearly 160 clergymen are sustained, and as none have fewer than three places of worship to attend, and some have more, we have 500 missionary stations at least kept up, where the Church ministrations are held. In some places 40*l.* or 50*l.* paid from the fund will be a sufficient encouragement to commence, and in no case is more than 100*l.* given. By degrees, the congregations do more, and at length give up this small aid, to be transferred to a new settlement. Something like this process goes on in all our colonies, and has been going on under my eye in the diocese of Toronto, for more than 50 years.

Your Bill, my Lord Duke, will, if it pass, more or less darken every one of these 500 places of worship, and may, for a time, reduce many of them to silence. What then shall we say to those who have the power, and will not exert it, in promoting God's own work, and preventing consequences so baneful?

The experiment of leaving religion without any steady support has been tried in America, and the result, as one of their writers remarks, is, that of 25 millions of inhabitants, nine millions are totally destitute of religion; and notwithstanding the praiseworthy exertions of the members of our sister Church in that great republic, they count only one million out of 25 millions, or one out of twenty-five. Of the whole population of these, the state of New York, owing to an endowment of considerable magnitude, the gift of a British King, numbers about one fourth of the laity and clergy of the whole union. Hence endowments are essential to the extension of the Church. They are a stay and safeguard; and a helpless and headlong degeneracy will ensue from their confiscation.

It is not easy to conceive any provision for the support of religion, so little liable to exception as an appropriation of waste lands in a new colony. It puts no one to any inconvenience or expense, whether he chooses to profit by it or not. It is an appropriation becoming a Christian nation, and necessary to the well-being of the whole community. All who came into Canada knew that the

constitution provided to some extent for the support of religion by means which can take nothing from their substance, nor interfere with any plans which they may adopt for maintaining a form of worship which they may like better.

It is not, however, to be forgotten that the majority of those who are the most violently opposed to this provision are from a foreign country. The few who are of British origin are equally opposed to the similar, but more perfect provision, in the three kingdoms; and as they would not be listened to in Great Britain and Ireland, why should they be listened to here, and assisted by the Imperial Government to destroy the dearest privileges of the loyalists and their descendants, who sacrificed all they possessed in defending the unity of the empire—men, whose claims to the participation of all the advantages of the British constitution both civil and religious were declared by the great Mr. Pitt and the statesmen of his day altogether irresistible? Nations in their public capacity are dependent upon God for their existence and prosperity, and form so many provinces in His great moral empire; and since they possess a moral and religious character, they are bound to make His will as revealed to them the rule of conduct to themselves and others, and also to do homage to Him by countenancing and supporting the institutions of His worship. Hence among all nations the recognition of religion and the maintenance of its sacred rites, as essential to the existence and well-being of society, have formed a most important branch of their legislative enactments.

The light of nature and the moral law make it imperative on all men to receive and profess whatever supernatural revelation God may be pleased to give when it comes to them clearly and fully attested. Now we contend that Christianity is such a supernatural revelation so attested, and therefore the light of nature and moral law lay the strongest obligation upon all to whom it is addressed to receive and profess it. Hence legislators and rulers, both in their official and individual characters, are guilty before God when they treat His religion with neglect or withering neutrality. It is not enough that they abstain from persecuting the Church; they must cherish and support her.

God demands from them the fulfilment of His own promises to His Church, when He tells her that nations and kings shall be her nursing fathers and queens her nursing mothers, and that the kings of the earth shall bring their glory and power unto her.

Religion then is and ought to be the concern of legislators and civil rulers, as well as of others in their several stations. And is there nothing that the Legislature can do for the special support of that religion without which the state cannot happily exist?

Surely a medium may be found between the legislation dictating to the consciences of the community and making no provision for the support of divine institutions. Can religious liberty be preserved in no other way than by putting all religions on a level, as equally entitled for support from public encouragement and protection?

Are the Koran, the Vedas, the book of the Mormons, and the Holy Bible to be held equally sacred? And are the public authorities, the organs by which the nation acts, to take any of these indifferently as the rule to direct them in their public proceedings? And in a nation of Protestants, who have high and peculiar interests to preserve and transmit to posterity, are all places of power and trust, and even the throne itself, to be open equally to the Atheist, the Infidel, the Pagan, the Mussulman, the Romanist, the Mormon, and the Protestant? Is the kingdom of Satan, in whatever shape it may appear, to enjoy the same public favour as the kingdom of God? Is a Christian church, a pagan temple, and a mosque to be equally held in honour? In one word, is "the freedom of the city to be bestowed on all the gods of mankind?"

I feel bitterly, my Lord Duke, on this subject. Till I heard of your Grace's despatch, I had fondly trusted in Mr. Gladstone and his friends, of whom you are one, notwithstanding the present doubtful administration, and I still argued in my heart, though not without misgivings, that the Church was safe. I have cherished her with my best energies for more than half a century in this distant corner of God's dominions; and, after many trials and difficulties, I was beholding her with joy, enlarging her tent, lengthening her cords, and strengthening

her stakes ; but now this joy is turned into grief and sadness, for darkness and tribulation are approaching to arrest her onward progress.

Permit me, in conclusion, my Lord Duke, to intreat your forgiveness, if, in the anguish of my spirit, I have been too bold, for it is far from my wish or intention to give personal offence. And of this rest assured, that I would most willingly avert, with the sacrifice of my life, the calamities which the passing of your Bill will bring upon the Church in Canada.

I have, &c.

(Signed) JOHN TORONTO.

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