

COPIES

OR

EXTRACTS OF DESPATCHES respecting the CEREGY
RESERVES. 1791—1796.

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(124.)

COPIES OR EXTRACTS

OF

DESPATCHES RESPECTING THE CLERGY RESERVES.

1791—1796.

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No. 1.

From the Right Honourable HENRY DUNDAS, Secretary of State, to Lord DORCHESTER, dated Whitehall, 16th September 1791.

No. 1.
The Right Hon.
Henry Dundas
to
Lord Dorchester,
16th Sept. 1791.

(No. 1.)—Extract.

THE general Instructions which accompany this will sufficiently explain to your Lordship His Majesty's Intentions with respect to the Nature and Extent of the Lands to be reserved for the Support of the Protestant Clergy. In addition to which His Majesty's Servants are of opinion that other Reservations should be made for the Benefit of the Crown within the several Towns and Townships, for the Purpose of raising, by Sale or otherwise, a Fund to be hereafter applied towards the Support of Government.

These Reservations should be made in such Situations, and be so intermixed with Lands to be granted to other Persons, as may render the Possession
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No. 1.
The Right Hon.
Henry Dundas
to
Lord Dorchester,
16th Sept. 1791.

of them Objects to such Persons when the Lands originally granted to them shall have been cultivated.

The Extent of these Reservations, it is conceived, should not be less than that which has been directed to be allotted for the Protestant Clergy; and it is expected that by a judicious Choice such Reservations may ultimately become an Object of considerable Importance in the Way I have mentioned.

Enclosure in No. 1.

Enclosure in No. 1.

EXTRACT from the GENERAL INSTRUCTIONS.

GEORGE R.

Instructions to Our right trusty and well-beloved Guy Lord Dorchester, Knight of the Most Honourable Order of the Bath, Our Captain General and Governor in Chief in and over Our Province of Lower Canada. Given at Our Court at St. James's, the 16th Day of September 1791, in the Thirty-first Year of Our Reign.

32. And for the further Encouragement of Our Subjects, it is Our Will and Pleasure that the Lands to be granted by you as aforesaid shall be laid out in Townships, and that each Inland Township shall, as nearly as Circumstances shall admit, consist of Ten Miles square; and such as shall be situated upon a navigable River or Water shall have a Front of Nine Miles, and be Twelve Miles in Depth, and shall be subdivided in such Manner as may be found most advisable for the Accommodation of the Settlers, and for making the several Reservations for public Uses, and particularly for the Support of the Protestant Clergy, agreeably to the above-recited Act passed in the present Year of Our Reign.

31 Geo. 3. Cap. 31.

No. 2.

No. 2.
Mr. Secretary
Dundas
to
Lord Dorchester,
16th Sept. 1791.

From Mr. Secretary DUNDAS (Despatch, No. 2.) to Lord DORCHESTER, dated Whitchall, 16th September 1791.

(No. 2.)--Extract.

As there does not at present appear to be sufficient Provision for the Support of the Protestant Clergy either in Upper Canada or Lower Canada, the Collection of Tithes has, under the Act of the present Year, been suffered to continue; but your Lordship will understand, that it is not wished to continue this Burden longer than is necessary for the competent Provision of the Clergy. If, therefore, the Proprietors of Lands liable to the Payment of Tithes shall be induced to concur with your Lordship's Recommendation in providing a sufficient Fund for clearing the reserved Lands, and for building Parsonage Houses on the several Parsonages which may be endowed under the Act of the last Session of Parliament, and at the same Time provide an intermediate Fund for the Maintenance of the Clergy during the Period that will be required for the Purpose of so clearing these reserved Lands, the Obligation of Tithes may then cease. I have thought it necessary to explain this Subject minutely to your Lordship, that by making it understood amongst the Proprietors of these Lands, they may perceive the Means which are in their own Power to relieve themselves from a Burden which is naturally irksome to them.

No. 3.

From Lieutenant Governor SIMCOE to the Right Honourable HENRY DUNDAS.

No. 5.
Lieutenant
Governor Simcoe
to
The Right Hon.
Henry Dundas,
6th Nov. 1792.

Sir,

Navy Hall, Niagara, 6th November 1792.

IN my general Letter descriptive of the Legislative Council and House of Assembly I did myself the Honour to intimate to you the Necessity there was for a Bill to make valid Marriages that had been contracted in Upper Canada, and of providing for them in future. I enclose a Bill framed for that Purpose by Mr. Chief Justice Osgoode, which I must beg that His Majesty's Ministers will take into their early Consideration; I also subjoin a Report on this Subject, submitted to me by Mr. Cartwright; but I cannot omit this Opportunity of most seriously and anxiously requesting the Attention of His Majesty's Ministers to the Ecclesiastical State of this Province. I have no Reason to alter those Opinions on this Subject, which I humbly submitted to the Consideration of His Majesty's Ministers previous to my leaving Europe.

12th Oct. 1792.

I need not, I am sure Sir, observe, that the best Security that all just Government has for its Existence is founded on the Morality of the People, and that such Morality has no true Basis but when placed upon Religious Principles; it is therefore that I have always been extremely anxious, both from political as well as more worthy Motives, that the Church of England should be essentially established in Upper Canada; and I must be permitted to say, Sir, I received the greatest Satisfaction from your Expression, "that you did not think that Government complete without a Protestant Bishop," as I conceive such an Institution necessary to the Support of the Experiment that is now making, whether the British Government cannot support itself by its own Superiority in this distant Part of the World.

I beg, Sir, to observe to you, that the Sources from whence a Protestant Clergy shall arise seem totally to be prevented by the Want of the Episcopal Function in this Province. On the one Hand, the Distance and Situation of Nova Scotia render it less practicable that any Candidates for Ordination should have recourse to the Bishop of that Diocese than to those of England or Ireland; and on the other, those who have been ordained by the Bishops in the United States are, by an Act of Parliament, incapacitated from performing any Duty in Upper Canada; but did the Situation of the Province in this respect, degrading as it would be to the Church of England, end merely in the Privation of its Offices and Benefits, it might not be of such infinite political Importance as the Room that is hereby made for the Introduction of every Kind of Sectaries, many of whom are hostile, and none congenial, to the British Constitution. I am perfectly aware of the great Necessity that there is of guarding against any unnecessary Expense in the further Establishment of this Country, yet I cannot but consider that it would be the worst and most disabling of all Economy to lose the great Opportunity that is now open of forming the Character, Temper, and Manners of the People of this infant Colony to British Habits and to British Principles; and this I think may be done comparatively at little Expense. The great Body of Puritans in America, however misrepresented, draw their Origin from the Church of England, and are nearer to it in their religious Belief and Customs than they are to any other Sects or religious Descriptions. The State of Poverty in which they must for some Time remain after their Emigration will naturally prevent them from the Possibility of supporting their Ministers by public Subscription; in the meanwhile, the Government has it in its Power immediately to provide for any Protestant Clergyman in the separate Townships, by giving him a reasonable Landed Property, in perpetuity for himself and Family, and entrusting him with the Care of that Seventh which is to be reserved for the Protestant Clergy. Under these Circumstances it is probable that the Sons of respectable Settlers would offer themselves for Ordination; and though they might not in the first instance have the Learning of the European Clergy, their Habits and Morals might as essentially promote the Interests of the Community.

It is by these Means, Sir, that the Influence of the Protestant Clergy may extend and increase with the rapid Growth and Value of those Lands which

No. 3.
Lieutenant
Governor Simcoe
to
The Right Hon.
Henry Dundas,
6th Nov. 1792.

are reserved for their Maintenance, and which, without a due Attention being paid in this respect, will naturally be considered by the People at large as detrimental to the Colony, and may at no very distant Period of Time become a Temptation to those who shall be hostile to the Union of Upper Canada with Great Britain.

I have, &c.
(Signed) J. GRAVES SIMCOE.

Enclosure in No. 3.

Enclosure in No. 3.

Report on the Subject of Marriages, and the State of the Church of England, in the Province of Upper Canada, humbly submitted to His Excellency Governor Simcoe.

Newark, 12th Oct. 1792.

The Country now Upper Canada was not settled or cultivated in any Part, except the Settlement of Detroit, till the Year 1784, when the several Provincial Corps doing Duty in the Province of Quebec were reduced, and, together with many Loyalists from New York, established in different Parts of this Province, chiefly along the River St. Lawrence and the Bay of Quenti. In the meanwhile, from the Year 1777, many Families of the Loyalists belonging to Butler's Rangers, the Royal Yorkers, Indian Department and other Corps doing Duty at the Upper Posts, had from Time to Time come into the Country, and many young Women of these Families were contracted in Marriage, which could not be regularly solemnized, there being no Clergyman at the Posts, nor in the whole Country between them and Montreal. The Practice in such Cases usually was to go before the Officer commanding the Post, who publicly read to the Parties, the Matrimonial Service in the Book of Common Prayer, using the Ring, and observing the other Forms there prescribed; or if he declined it, as was sometimes the Case, it was done by the Adjutant of the Regiment. After the Settlements were formed in 1784 the Justices of the Peace used to perform the Marriage Ceremony till the Establishment of Clergymen in the Country, when this Practice, adopted only from Necessity, hath been discontinued in the Districts where Clergymen reside. This is not yet the Case with them all; for though the Two Lower Districts have had each of them a Protestant Clergyman since the Year 1786, it is but a few Months since this (Nassau or Home) District hath been provided with one, and the Western District, in which the Settlement of Detroit is included, is to this Day destitute of that useful and respectable Order of Men; yet the Town of Detroit is, and has been since the Conquest of Canada, inhabited for the most part by Traders of the Protestant Religion, who reside there with their Families, and among whom many Intermarriages have taken place, which formerly were solemnized by the Commanding Officer, or some other Layman occasionally appointed by the Inhabitants for reading Prayers to them on Sundays, but of late more commonly by the Magistrates, since Magistrates have been appointed for that District.

From these Circumstances it has happened that the Marriages of the generality of the Inhabitants of Upper Canada are not valid in Law, and that their Children must, *stricto jure*, be considered as illegitimate, and consequently not entitled to inherit their Property. Indeed this would have been the Case, in my Opinion, had the Marriage Ceremony been performed even by a regular Clergyman, and with due Observance to all the Forms prescribed by the Laws of England; for the Clause in the Act of the Fourteenth Year of His present Majesty, for regulating the Government of Quebec, which declares "that in all Cases of Controversy relative to Property and Civil Rights resort shall be had to the Laws of Canada as the Rule for the Decision of the same," appears to me to invalidate all Marriages not solemnized according to the Rites of the Church of Rome, so far as these Marriages are considered giving any Title to Property.

Such being the Case, it is obvious that it requires the Interposition of the Legislature, as well to settle what is past, as to provide some Regulations for the future; in framing of which it should be considered that good Policy requires

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requires that in a new Country at least matrimonial Connexion should be made as easy as may be consistent with the Importance of such Engagements; and having pledged myself to bring this Business forward early in the next Session, I am led to hope that your Excellency will make such Representations to His Majesty's Ministers, as will induce them to consent to such Arrangements respecting this Business as the Circumstances of the Country may render expedient, Measures for this Purpose having been postponed only because they might be thought to interfere with their Views respecting the Clergy of the Established Church.

No. 3.
Lieutenant
Governor Simcoe
to
The Right Hon.
Henry Dundas,
6th Nov. 1792.
Enclosure in No. 2.

Of this Church I am myself a Member, and am sorry to say that the State of it in this Province is not very flattering. A very small Proportion of the Inhabitants of Upper Canada have been educated in this Persuasion, and the Emigrants to be expected from the United States will for the most part be Sectaries or Dissenters; and nothing prevents the Teachers of this Class from being proportionally numerous, but the Inability of the People at present to provide for their Support. In the Eastern District, the most populous Part of the Province, there is no Church Clergyman; they have a Presbyterian Minister, formerly Chaplain to the 84th Regiment, who receives from Government £50 per Annum; they have also a Lutheran Minister, who is supported by his Congregation; and the Roman Catholic Priest settled at St. Regis occasionally officiates for the Scots Highlanders settled in the lower Part of this District, who are very numerous and all Catholics. There are also many Dutch Calvinists in this Part of the Province, who have made several Attempts to get a Teacher of their own Sect, but hitherto without Success.

In the Midland District, where the Members of the Church are more numerous than in any other Part of the Province, there are Two Church Clergymen, who are allowed £100 Sterling per Annum each by Government, and £50 each by the Society for the Propagation of the Gospel; there are here also some itinerant Methodist Preachers, the Followers of whom are numerous; and many of the Inhabitants of the greatest Property are Dutch Calvinists, who have for some Time past been using their Endeavours to get a Minister of their own Sect among them.

In the Home District there is one Church Clergyman, who hath been settled here only since the Month of July last. The Scots Presbyterians, who are pretty numerous here, and to which Sect the most respectable Part of the Inhabitants belong, have built a Meeting House, and raised a Subscription for a Minister of their own, who is shortly expected among them. There are here also many Methodists and Dutch Calvinists.

In the Western District there are no other Clergy than those of the Church of Rome. The Protestant Inhabitants here are principally Presbyterians.

From this Statement your Excellency will be able to draw the proper Conclusions, and to judge how far the establishing the Hierarchy of the Church of England in this Province may be proper and expedient.

I have, &c.

(Signed) RICHARD CARTWRIGHT jun.

No. 4.

From the Right Honourable HENRY DUNDAS Secretary of State, to Lieutenant Governor SIMCOE, dated Whitehall, 2d May 1793.

No. 4.
The Right Hon.
Henry Dundas
to
Lieutenant
Governor Simcoe,
2d May 1793.

(No. 1.)—Extract.

I TRUST that in making the Reserves for the Church and the Crown, sufficient Attention has been paid to the late Act, particularly that Part which provides "that they shall be, as nearly as the Circumstances and the Nature of the Case will admit, of the like Quality as the Lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the Time of making such Grant, equal in Value to the Seventh Part of the Lands so granted;" and I am the more anxious on this Score because you add that the Plan has been directed to be carried into execution.

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No. 4.
The Right Hon.
Henry Dundas
to
Lieutenant
Governor Simcoe,
2d May 1793.

In answer to your Letter of the 6th November, I take this Opportunity of observing to you, that the Appointment of a Bishop's See in Canada is now in contemplation, and the Attainment of many of the Objects you have stated will naturally be the Result of such an Establishment, should it take place.

No. 5.

From the Duke of PORTLAND to the Bishop of QUEBEC.

No. 5.
The Duke of
Portland
to
Bishop of Quebec,
14th Nov. 1794.

My Lord,

Whitehall, 14th November 1794.

I HAVE received your Lordship's Letter to Mr. Secretary Dundas, of the 15th September last, giving an Account of the Completion of your Lordship's first Visitation of your Diocese; and I beg leave to express my Approbation both of the early and earnest Attention paid by your Lordship to the Duties of your important Station.

The State of the Churches in Upper Canada should certainly receive every Degree of Attention which may enable them to proceed Hand in Hand with the regular and progressive Improvement of a Province which at this Moment can only be looked upon as in its Infancy.

In consequence of your Lordship's Representations I shall certainly solicit His Majesty's Commands that a Sum not exceeding £500 (which may be extended as Occasion shall require) may be proposed to be added to the Estimate of Upper Canada for the ensuing Year, towards enabling His Majesty's Subjects in that Province to erect such Churches as may be necessary for Divine Worship. In doing this, I shall trust with the most perfect Confidence to your Lordship's Exertions, and to the good Disposition of those in favour of whom the Grant is proposed, that they will render the same as effectual as possible by adding their personal Aid and Assistance to the utmost of their Power and Ability. It will be for Lieutenant Governor Simcoe and your Lordship, upon Communication with each other, to determine where the Want of a Church is the most urgent, and consequently where the first is to be erected. In doing this, your Lordship will of course take care not to incur any Expense in Parts without the Treaty Line, our Possession of which may depend upon Circumstances. This Consideration, your Lordship observes, will render some of the Expenses you propose unnecessary. I should likewise be induced to recommend, that in the Erection of the Churches the immediate Exigencies of the Case should, for the present, only be consulted, every thing beyond that should be left to the future Prosperity and Wealth of the Province to execute. I am very sorry to observe that the Dearness of the Necessaries of Life in Upper Canada seem to require a greater Income than would certainly otherwise be necessary for an Incumbent; at the same Time, there cannot be the Shadow of a Doubt relative to the Construction of the Canada Act, which annexes to Rectories and Parsonages erected under the same, the Enjoyment of all the Rights, Profits, and Emoluments belonging to a Parsonage or Rectory in England, which must necessarily include Tithes. Under these Circumstances, it is unnecessary for me to add any thing further than that, with the existing Provisions made by the above-mentioned Act for the Church of England in both the Canadas, I trust that a small temporary Salary from Government, with such Allowances as the Society for the Propagation of the Gospel may be induced to grant, would be sufficient for the comfortable Maintenance of such Incumbents as it may be requisite to send from hence for the due Performance of the Ecclesiastical Duties of the Province of Upper Canada.

I am, &c.
(Signed) PORTLAND.

No. 6.

From the Duke of PORTLAND to Lord DORCHESTER, dated Whitehall,
6th April 1795.

No. 6.
The Duke of
Portland
to
Lord Dorchester,
6th April 1795.

(No. 13.)—Extract.

IN taking into Consideration your Lordship's Letter enclosing a Copy of the Commission appointing the Reverend Mr. Tunstall to the Living of Montreal, I have not been able, in the Correspondence of my Predecessors, to meet with the Case your Lordship mentions to have been referred home with regard to Tithes ; at all events, I presume that such a Case must have preceded the Canada Act, for I should apprehend Tithes are comprehended in the general Terms therein used, and which give to Rectories and Parsonages erected under the same the Enjoyment of all the Rights, Profits, and Emoluments belonging to a Parsonage or Rectory in England. I beg leave to refer your Lordship on this Subject to Mr. Secretary Dundas's Letter to you, of the 16th September 1791, an Extract of which, so far as it relates to this Subject, I herewith enclose. The very ample Provision which, in process of Time, the Church Lands will afford to the Protestant Clergy, will doubtless at a future Period render the Perception of Tithes unnecessary ; and it therefore becomes a very material Object to adopt such Measures as may tend most directly and immediately to render them, as well as the Crown Lands, in some degree productive. With this View, I submit to your Lordship's Consideration, whether it may not be proper to form a Committee of the Executive Council for the Care and Management of the Church and Crown Lands, who should be authorized and instructed to let the same to the Possessors of adjoining Lots, or other Persons, for Terms of Years or for Lives, on certain reserved Rents, to be respectively received and managed for the Benefit of the Crown and the future Incumbents of the Rectories which shall be established in respect of such Lands, pursuant to the Canada Act.

The Church and Crown Lands will of course become of some Consideration, in proportion as the Lots adjoining to them become cultivated, especially to the Holders of the adjoining Lots ; and it seems highly proper that some competent, respectable, and responsible Mode of managing them should be adopted without Delay ; I am therefore desirous that your Lordship should consult with His Majesty's Law Officers on this Subject, as well as the Bishop of Quebec, as far as the Church Lands are concerned, and report to me, for His Majesty's Information, the Result of your Deliberations.

No. 7.

From Lieutenant Governor SIMCOE to the Duke of PORTLAND, dated Navy Hall, Upper Canada, 8th November 1795.

No. 7.
Lieutenant
Governor Simcoe
to
The Duke of
Portland,
8th Nov. 1795.

(No. 31.)—Extract.

IN respect to the Ideas of any Appropriations of the Crown Lands, which I did myself the Honour of submitting to your Opinion, I certainly did not, in the most distant Manner, wish to limit the Grace of the Crown, either at present or in future ; but I conceive it of the greatest Consequence, that by some Declaration or other, the Crown Lands should be generally understood as never to be alienated from public Purposes, as otherwise they may at no distant Period be a great Incentive to Revolt. The Church Lands also may fall under the same Predicament unless an efficient Clergy shall be provided to exercise the proper Functions and to obtain an Influence among the People.

I beg to be permitted to state to your Grace that I do not consider it possible to render the Perception of Tithes in this Province useful to the Clergy or palatable to the People ; the Experiment, I am persuaded, would be most dangerous. What Effect the Example of such Measures as Lord Dorchester may think proper to take in Lower Canada may have in this Province, I do not foresee ; but, as a Measure unknown to the American Settler, and originating in this Country, I do not think it practicable to be carried into Effect. I have revolved this Business much in my Mind, and I beg to state to

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your

No. 7.
Lieutenant
Governor Simcoe
to
the Duke of
Portland,
8th Nov. 1795.

your Grace that if His Majesty's Ministers are determined to enforce the Perception of Tithes, the sooner it be undertaken the better. And I think the Mode by which the Province might be induced to emancipate itself from this most grievous of all Burthens would be by an Act of the Legislature, declaring each *Township* or *Parish* respectively free from Tithes on the Inhabitants thereof affording a certain Assistance in clearing Part of the Lands on which the Clergyman should reside, and contributing a certain Portion of Labour to the Erection of a Parsonage and Church.

This Proposition is liable to many Objections which probably I do not foresee, as well as to others with which I am duly impressed. It is true that it is the Practice of the American Settler to assist in the Erection of a Place of Worship and the House of its Minister, but it is not probable that he will be influenced by this Custom to assist in the building of a Church, &c. for the Use of the Church of England, of which Communion there are very few Persons in the Province. There may be also considerable Difficulties in ascertaining the Quantum of Labour on the Performance of which Tithes should cease in the respective Townships; nor am I by any Means certain that the Legislature will in any Degree assent to the Proposition.

It was ever my Opinion that the Erection of the Established Church, had it preceded that of other Places of Worship, would in a great Measure have superseded their Necessity, and that the American Settlers, who are Independents, not Presbyterians, would without Difficulty have returned to their Mother Church. Experiment has confirmed my Opinions. Immediately on receiving the Estimates as voted by Parliament for the ensuing Year I acquainted the Missionary at this Place, Mr. Addison, that One hundred Pounds would be allowed on the Part of the Government towards the Construction of a Church; unfortunately the last Year, a Presbyterian Clergyman having arrived from Scotland, the Inhabitants of all Denominations built a Place of Worship, so that I apprehend very little Assistance can be expected from them in the Erection of the Episcopal Church.

No. 8.

No. 8.
Lieutenant
Governor Simcoe
to
the Duke of
Portland,
20th June 1796.

From Lieutenant Governor SIMCOE to the Duke of PORTLAND, dated York, Upper Canada, 20th June 1796.

(No. 43.)—Extract.

THERE does not appear to have been any Disposition in either House to oppose the Measures of Government, although Petitions from the Eastern District for the Repeal of the Marriage Act, couched in Terms exceedingly improper and highly unbecoming, were laid upon the Table of the House of Assembly a few Days antecedently to the Close of the Session. The Agitation of this serious Subject was postponed; but there is Reason to believe this Matter will be discussed upon the meeting of the next Provincial Parliament. I intimated to your Grace, in my Despatch No. 27. accompanying the Laws of the Fourth Session of this Province, the Probability of the Discussion of this Subject upon the present Occasion. I had previously, in my Letter to Mr. Dundas with No. 16. of the 16th of September 1793, and in No. 28. in August 1794, spoken of the Subject, and subjoined thereto a Memorandum of the late Chief Justice Osgoode's, elucidatory of it.

I beg leave to observe to your Grace, that, excepting the Petition for the Repeal of the Marriage Act (a Copy of which I feel it my Duty to enclose), every Mark of Respect and good Will to the Government was evinced, as far as it was possible to judge of the Temper and Disposition of the Houses, since no Measure was brought forward on the Part of the Executive Powers; and, much to my Satisfaction, the last Session of the First Provincial Parliament of Upper Canada terminated, apparently, with great Unanimity.

In regard to the Petition on the Repeal of the Marriage Act, I was sorry to remark that it was signed by most of the Magistrates of the Lower Districts, under a real or feigned Pretext of dreaded popular Tumults. A Mr. Bethune, of the Presbyterian Church of Scotland, and late Chaplain of Sir John John-

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son's Corps, the Half Pay of which he is said to receive, and the additional Salary of Fifty Pounds, which the late Province of Quebec did pay, and which, by Lord Dorchester's Directions, I now pay, signed the Petition, and is said to be the Author.

No. 5.
Lieutenant
Governor Simcoe
to
the Duke of
Portland,
20th June 1796.

Upon some of the Members having a Sort of confidential Communication with me on the Subject I thought it proper to say, in the most decisive Terms, to the Purpose that "The Petition was the Product of a wicked Head and most disloyal Heart, and as such I not only would not assent to, nor reserve for His Majesty's Pleasure, any Bill whatever that should be founded thereon, but would give it my most absolute and decided Negative." On this Ground, the Impropriety of the Terms of the Petition in which the Members of both Houses concurred in the most proper Manner, have I, for this Session, been able to pass by any Consideration on the Subject. Mr. Bethune has the Character of a most loyal Man, and there are those, I am sorry to say, who believe this Petition had its Origin in Montreal, and received Authority from some unadvised Speeches of those who should discountenance all such Proceedings.

Your Grace will observe that the Artifice of the Petition lies in combining all Orders and Degrees of Dissenters from the Established Church under the indeterminate Name of Presbyterians.

No. 2.

By the Attorney General's Opinion it seems probable that the Bishop or his Commissary can license Ministers who dissent from the Church of England to perform Marriages. If this Opinion can be acted upon I shall endeavour to counteract the Union of the Dissenters by separately enjoining their several Pastors to take out Licences. In the meantime I hope your Grace will take the Subject into your serious Consideration, and give such Directions as may seem expedient before the meeting of the new Provincial Parliament. I have long foreseen this Event; and on the Probability of an improper Association against the National Church did I state my Ideas of the Propriety of establishing, as fast as possible, Clergymen of the Church of England throughout the Province. It is obvious that the next Claims of the Dissenters would be a Partition of the Sevenths set apart for the National Clergy. To enable your Grace more readily to compare the Fallacy of the Petition with the Marriage Act I beg to transmit to your Grace the Acts of the Four Sessions of this Legislature.

Enclosure No. 1.

To the Honourable Representatives of the People of Upper Canada for the Redress of Grievances.

The Petition of the Presbyterian Inhabitants of the County of Grenville in the said Province,

Most humbly sheweth,

That an Act passed in the Second Session of the Legislature of this Province, intituled "An Act to confirm and make valid certain Marriages," &c., which confines the Solemnization of Marriages to the Clergy of the Church of England, and thereby renders those solemnized by Presbyterian Clergymen null and void in Law, and the Issue of such Marriages illegitimate, had greatly astonished and hurt your Petitioners, who are not conscious of a single Blemish in their public Character, from the Memorable Era of 1775 to this Hour, that deserved any disqualifying Distinction.

That Religion being a personal Thing, amenable only to the Divine Jurisprudence, and its outward Forms having no more Connexion, in the Nature of Things, with Civil Government than with Military Discipline, your Petitioners conceive that an honest Man is more deeply interested in Liberty of Conscience than in any thing else in this World, and every good and peaceable Subject is as much entitled to the Exercise of private Judgment in choosing the Form of Worship and Church Government that is most agreeable to his own Ideas, as he is in regard to the Management of his Land or the Model of his House; they can therefore see no Reason why all Christian Marriages, solemnized in the Fear of God, and agreeably to his Law, should not be equally valid by the Laws of Man.

No. 8.
 Lieutenant
 Governor Simcoe
 to
 the Duke of
 Portland,
 20th June 1796.
 Enclosure No. 1.

That whatever Insinuations may be thrown out to the Prejudice of Presbyterian Church Polity as hostile to Monarchy, your Petitioners are not afraid but the History of the British Monarchy will prove this Doctrine to be a popular Error, propagated by their Enemies, and imbibed by many enlightened Members of the Church of England, without any other Proof than the strong Assertions of Men who are visibly interested in subjecting Thousands of their fellow Christians and fellow Subjects to Civil Disabilities, and therefore inculcate an essential and natural Union between their Church and the State, although these Things be as distinct and unconnected in their own Nature as Bravery and Scarlet, or Piety and Black.

That in mentioning these Things it is by no means the Intention of your Petitioners to enter into an Argument with their Rulers on the Subject, or in any respect to dictate to them; but that, conscious of their own Integrity, and taking it for granted their Rulers will be guided by Principles of Justice, they presume to state Truths, proper, in their Opinion, for the Legislature of a free and equitable Government to investigate, before a very great Majority of His Majesty's faithful Subjects in this Province be deprived of a Privilege which they humbly conceive to be as much their religious and political Right as the Propagation of their Species is a natural one, and which no Part of their Conduct has ever forfeited. Nay, if Church Polity be admitted as a Criterion of political Desert, your Petitioners will aver in the Face of the World that no Description of British Subjects have deserved more honourable Distinction from the Protestant Succession in the illustrious House of Hanover than Presbyterians; and but for their zealous and steady Co-operation with the moderate Part of the Church of England the Revolution of 1688 had been defeated, and the British Constitution riveted into Tyranny, by High Churchmen, who have ever since pursued them with political Vengeance, upon Pretences that will bear neither Light nor Examination.

But your Petitioners, sensible that all Civil Distinctions on account of Religion tend only to political Disunion and unchristian Wrath, wish for no exclusive Privileges, though, if such Privileges were at all eligible, they have by Desert an equal Claim to them with any others, and decidedly a prior one by Numbers. The great Object of their Hearts is to concur with their fellow Subjects of every Denomination in advancing the public Prosperity, and, forgetful of all the Evils which Men of their Communion have endured with most exemplary Patience for these Hundred Years and upwards, to live in Peace and Love with their Fellow Christians of all Persuasions, and to transmit their loyal Character without Contamination to Posterity.

That after such a Declaration, supported by recent and undisputed Testimony, your Petitioners hope their Rulers will not consider the Privileges of other good Subjects being extended to them in the Light of a presumptuous or unreasonable Request; and that, as long as they themselves entrust their Clergy with the more solemn and awful Duty of admitting them into public Covenant with God, the Legislature will allow them to regard the same Men as fully competent to give public Validity to the Marriage Vow.

When every Remnant of religious Intolerance is growing odious in the Eyes of every enlightened Government, when the Sister Colony of Lower Canada has admitted all Descriptions to a Participation of the same Rights, and the Government of Upper Canada is knocking off with all their Strength the Shackles from the unhappy African, your Petitioners might reasonably hope to share in this general Philanthropy, if their public Character were even doubtful; but, untainted as it is, they flatter themselves that the Honourable Legislature will repeal such Parts of the Marriage Act as tend to make them Aliens in their own Country, and have therefore given just Cause of Uneasiness to every Member of their Communion.

And your Petitioners, as in Duty bound, shall ever pray, &c.

County of Grenville,
 this 27th Day of March 1796.

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Enclosure No. 2.

No. 8.
Lieutenant
Governor Simcoe
to
the Duke of
Portland,
20th June 1796.
Enclosure No. 2.

Sir,

Niagara, 2d June 1796.

I HAD the Honour of your Excellency's Letter of this Date, desiring my
"Opinion whether the Bishop of Quebec, or his Commissary Mr. Stuart, is
"authorized to grant Licences to Ministers of Churches dissenting from the
"Established Church of England to solemnize Marriages, and whether
"Marriages solemnized under such Authority will be valid and legal, any
"Law of this Province notwithstanding," and can at present only inform
your Excellency that the Exercise of this Power depends upon the Lord
Bishop's Commission, and the Nature of his Instructions. If they extend
to invest his Lordship with this Power it will certainly not militate against
any Law of the Province, but (as I conceive) rather be upheld by the
25 Hen. 8. c. 21, which I beg to submit to your Excellency's Wisdom.

I have, &c.
(Signed) J. WHITE, A. G.

No. 9.

From the Duke of PORTLAND to Lieutenant Governor SIMCOE, dated Whitehall,
22d June 1796.

No. 9.
The Duke of
Portland
to
Lieutenant
Governor Simcoe,
22d June 1796.

(No. 15.)—Extract.

AFTER what I have urged to you in my Despatch of 6th April 1795, upon
the Subject of a suitable Provision being made by the Colony for the Mainte-
nance of its own Clergy, it is scarcely necessary for me to remind you that the
Allowances given by the Government of this Country must only be con-
sidered to be temporary, and as Aids and Inducements to the several
Parishes to devise some Means of providing for their own Clergy until such
Time as the Church Lands shall become sufficiently productive for that
Purpose; but as it has been determined to abandon every Idea of any Pay-
ment in the Nature of Tithes, I cannot too often repeat to you that it appears
to me of the most extreme Importance that no Time should be lost in
fixing upon some Mode of securing a suitable Maintenance for the officiating
Clergy of the Province, in the Case above specified.