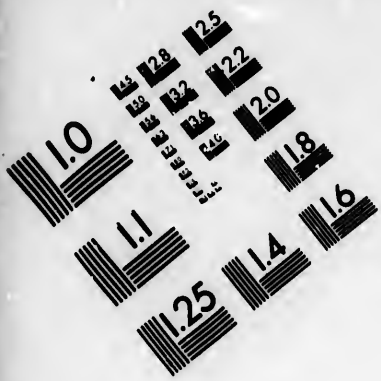

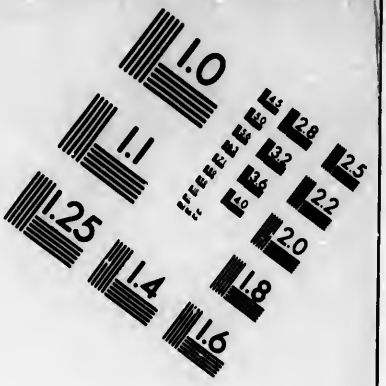

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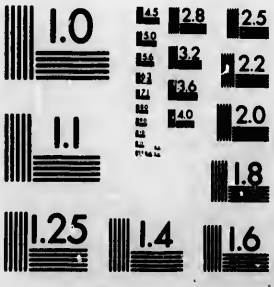

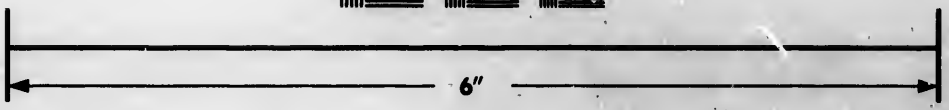

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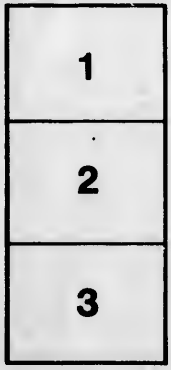

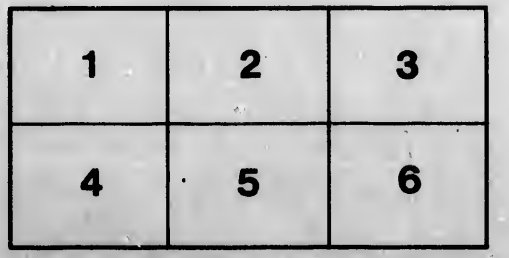

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AT

UPPER CANADA.

Copy of a Petition

TO THE

IMPERIAL PARLIAMENT,

RESPECTING

THE CLERGY RESERVED LANDS,

AND

THE KING'S COLLEGE,

In that Province,

AGREED TO

AT A PUBLIC MEETING AT YORK,

On the 10*th of December*, 1830;

WITH

Copies of other Documents relating thereto.

1831.

London:

PRINTED BY T. TRAVELLER, BELL STREET, EDGWARE ROAD.

Proceedings

RESPECTING

THE CLERGY RESERVED LANDS AND THE KING'S COLLEGE,

At a Public Meeting at York, in Upper Canada.

AT a meeting of friends of Religious Liberty, residing in the town of York and its vicinity, held pursuant to notice, in the First Presbyterian Church, York, on Friday, *the Tenth Day of December*, 1830, to consider of the propriety of addressing the Imperial Parliament by petition, concerning the appropriation of the Clergy Reserves, General Education, and the enjoyment of equal religious privileges by all classes of His Majesty's subjects,——ROBERT BALDWIN, ESQUIRE, was called to the chair, and the Reverend WILLIAM SMITH appointed to act as secretary.

DR. MORRISON moved the adoption of the following resolution:

Resolved—That it is expedient to address the House of Commons, by petition, requesting that Honourable body to take the subject of promoting religion and education in Upper Canada, into their most serious consideration; praying that Honourable House to take such steps as may be within its constitutional powers, that the Ministers of all denominations of christians may be left to be supported by the people among whom they labour, and by benevolent societies in Canada and

Great Britain—that all political distinctions on account of religious faith be done away—that all Ministers of religion be removed from all places of political power in the government—that there be granted to the Clergy of all denominations of christians the enjoyment of equal rights and privileges, in every thing that appertains to them as subjects of the British Empire, and as Ministers of the Gospel, particularly the right of solemnizing matrimony of which many of them have been long deprived contrary to the wish of the people of this province, as expressed by the repeated and unanimous votes of the House of Assembly—that the Charter of King's College be modified so as to exclude all sectarian tests and preferences—and that the proceeds of the sale of the lands heretofore set apart for the support of a protestant clergy, be appropriated to the purposes of general education and various internal improvements.

The resolution, having been seconded, was put from the chair and unanimously adopted.

That the following Petition to the Imperial Parliament be adopted :—

To the Honourable the Knights, Citizens, and Burgesses, representing the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled:

The Petition of His Majesty's faithful subjects, the undersigned Inhabitants of the Province of Upper Canada, in British North America.

HUMBLY SHEWETH:

That your petitioners addressed your honourable house about three years ago, on subjects indispensably connected with the vital interests of your petitioners, their children, and the province at large: namely, the erection of the Protestant Epispocal Church into a dominant church, and the establishment of a partial, unsuitable, and oppressive system of education.

Your petitioners feel grateful for the attention shewn to their just and dutiful remonstrances, and the measures recommended by a Committee of your honourable house for the removal of those evils of which your petitioners then complained, and the introduction into this country of that equitable system of religion and education, so essential to its permanent tranquillity, prosperity and happiness.

But your petitioners deeply regret to perceive, that whilst their humble petition was graciously received—the justness of their remonstrances acknowledged—the redress of their

grievances recommended—and assurances held out that the wishes of His Majesty's subjects should be fully consulted on all matters which relate to their local interests—that no effectual public measures have yet been taken to terminate a system, which, if fostered and obstinately adhered to, must, in its ultimate consequence, prove ruinous to this Province as a portion of the British Empire.

Emboldened by the tender regard which your honourable house has heretofore expressed and manifested for the welfare of every class of His Majesty's subjects in this province, your petitioners again lay their case before you, confident that when the true state of the province is known to your honourable house, the representations which are secretly made to His Majesty's Government, and which shun the light of public investigation in the colony, will no longer be listened to; and that monopolies which exalt and enrich a few at the expence of the province, will be for ever put down.

Your petitioners cannot disguise their opinion, that any kind of ecclesiastical establishment, situated as this province is, is essentially anti-christian, and baneful to every interest of humanity. If *any* church were to be erected into a dominant church in this province, your petitioners would quite as soon that dominant church should be the church of England as any other, from the comparative moderation with which that church has exercised its political power in Great Britain for the last century; but whatever reasons may exist for such an ecclesiastical establishment in Great Britain, your petitioners are

persuaded, such, or any good reasons do not apply to this province; and the lately contemplated project of establishing two churches, instead of one, with peculiar immunities and prerogatives, is only, in the opinion of your petitioners, doubling, instead of lessening the evil. In support of this their earnest belief, your petitioners submit a few reasons.

1st. As is well known to your honourable house, two things are necessary in the state of the population to the establishment of any one or more forms of religion: first, that such form or forms of religion be professed by a *majority* of the population; and secondly, that a *majority* of the population be in favor of the establishment of such form or forms of religion. Neither of these essential requisites is to be found in this province.

In the words of "the select committee on the civil government of Canada" appointed by your honorable house in 1828, it is certain that the adherents of the Church of England constitute but a small minority in the province of Upper Canada," and "neither the adherents of the Church of England nor those of the Church of Scotland form the most numerous body within the Province of Upper Canada;" and nothing is more repugnant to the feelings and principles of a very large majority of the population of this province, than the establishment of any one or more forms of religion with peculiar endowments and privileges. To establish both of these points, the most abundant proof might be adduced; but your petitioners will only mention the fact, that the parliament of this Province, a considerable portion of which has always consisted

of members of the Church of England, has successively decided, and by almost unanimous votes, that the members of the Church of England compose but a small minority of the population, and that the establishment of any church in the province with peculiar immunities, would be impolitic, unjust and cruel.

Your petitioners beg also to refer your honourable house to the report of a select committee on the petitions of different denominations of christians, appointed by the Provincial Parliament in 1828, in which report your honourable house will find a mass of evidence given by religious and political parties, whereby it may be clearly ascertained that a very large majority of the populatiom of this province are decidedly and conscientiously opposed to any thing like one or more dominant churches.

It is worthy of remark, that the advocates for erecting a dominant church, have always been opposed to the expression of any public opinion on this subject, and have with all possible caution avoided any investigation of their claims or measures, hoping, by private representations to His Majesty's Government to procure the permanent establishment of a system which is deprecated by the great body of the population, and highly detrimental to the peace and prosperity of the Province.

2nd. The clergy reserve lands of this Province have been brought from a nominal, to a real, and rapidly increasing value, by the labour, industry and enterprise of the population generally: and to appropriate the avails of these lands to the support of the clergy of a minor church or churches, will be converting

the labours of the many to the undeserved aggrandizement of a few.

3rd. The other denominations of christians in this Province stand in a very different relation to the churches of England and Scotland, from what they do in Great Britain.—In Great Britain, the Churches of England and Scotland embraced a large majority of the population of the United Kingdom, and were established by law before many of the dissenting denominations were known in the empire. But in Upper Canada, these churches are of a much more recent date than several other christian denominations who have received no assistance or encouragement from the local government, and whose ministers have, in some instances, been treated with great severity, and have been uniformly denied the rights and privileges which the provincial Assembly have repeatedly recognized and sought to obtain for them.

According to the reports of the society for the propagation of christian knowledge in foreign parts, there were only five clergymen of the Church of England in Canada during the late war with the United States, and their number has not amounted to twenty until within a few years past. And the Honorable and Venerable Dr. Strachan stated in a printed discourse on the occasion of the death of the late Bishop of Quebec, as also in an appeal to the friends of religion and literature in Great Britain, published in 1827, that 'the benefits of the ecclesiastical establishment of England are little known or felt in Upper Canada." There are at the present time but eleven or twelve clergymen belonging to the

Church of Scotland, and there was only one minister of that church settled in the whole Province before the year 1818.

But the ministers of several other denominations accompanied the first influx of emigration into Upper Canada, and have largely shared the hardships, privations, and sufferings incident to Ministers and Missionaries in a new country, who have no other dependance for their support than the voluntary contributions of their scattered flocks. And it is through the instrumentality of their unwearied and successful labours that the mass of the population of Upper Canada have been mainly supplied with religious instruction. They, therefore, do not stand in the relation of *Dissenters* from either the church of England or of Scotland, but are ministers of distinct and independent Churches, who had numerous congregations in various parts of the Province before the ministerial labours of any Ecclesiastical Establishment were, to any considerable extent, known or felt.—Your petitioners, therefore, cannot but view it as a case of peculiar hardship, that those who have borne the burden and heat of the day, should be treated with contemptuous neglect, whilst others who enter at the eleventh hour, the measurably cultivated vineyard, are enriched with large Parliamentary grants of money and one seventh of the landed property of the Province, besides the monopoly of vast resources for the purposes of education.

This partial distribution of the Royal munificence strikes more directly at the rights and interest, and wounds more deeply the feelings of the most numerous denominations

of Christians in the Province, from the circumstance that the plea made to his Majesty's government by the Episcopal Clergy and their Agents, is, that it will enable them to exterminate all other Christian denominations, and ultimately bring the whole population into the communion of the Ecclesiastical Establishment.—Under such circumstances, your petitioners cannot but view the appropriations made to the Episcopal Church as powerful weapons, unjustly put into the hands of one class of persons, to carry on a proselyting warfare against the conscientious opinions and civil liberties of other numerous and equally loyal and deserving classes of His Majesty's subjects.

A liberal and equitable system of *Education* your petitioners consider of equal importance to the well-being of this Province with a just and wise policy in respect to religion. And they regret to have it to say that the charter of King's College has as yet undergone no modification, and that the principles on which it is established are incompatible with a state of public opinion and unsuitable to the circumstances of the people.

Your petitioners feel persuaded that nothing would contribute more to the tranquillity of Upper Canada—the removal of injurious jealousies—the provoking of a fair and generous emulation among all classes of His Majesty's subjects—the promotion of a spirit of general enterprize—and the strengthening of an increased attachment to the Imperial Government, than an equality of privileges and immunities among all Christian denominations, and a system of education under the control

of the Provincial Legislature, with schools and colleges in which there should be no preference of sectarian tenets or interests, and whose portals and honors would be equally accessible to meretorious industry of every religious creed

According to the present distribution of the clergy and a large portion of the *crown* lands, your petitioners consider there is just cause of complaint and alarm. In a letter addressed by the Honourable and Venerable Dr. Strachan, to the Right Honourable R. J. W. Horton, dated Downing Street, May 22, 1827, the author, after making every deduction that his well-known ingenuity rendered him so capable of doing, has estimated one seventh of the arable lands of the Province at 3,760,000 acres, and the annual revenue arising from said lands for a century to come, at £.376,000 or one million, five hundred and four thousand dollars. The real estate of which this sum is acknowledged to be the probable *annual rent* for the first century, is placed at the disposal of a body of men, irresponsible to the Colonial Legislature, consisting at the present time of between fifty and sixty persons. It cannot be denied that such a monopoly in the hands of any body of men, whatever may be the characteristic liberality of their sentiments is inimical to the interests of any government and alarmingly dangerous to the liberties of any people.

In addition to one seventh of the Province, a grant of 225,944 acres of the *Crown Lands* has been made to endow King's College, established at York, U. C. and an annual sum from the Imperial Government of £.1000 for

sixteen years. The College Council have passed an order to dispose of none of this land for less than *four dollars* per acre, and much of it has been sold at a higher rate. — According to this valuation, this single grant amounts to upwards of £.200,000, or between eight and nine hundred thousand dollars, besides an annual appropriation of one thousand pounds for sixteen years. The terms of the Charter place this munificent endowment also under the controul of the clergy of the Church of England, as also the entire government of the College.

When, therefore, it is considered, that there are nearly three millions of acres of clergy reserved lands in the Province, which have been and still are a very serious obstacle to the improvement of the country; that they are a most dangerous monopoly in the hands of a few individuals; that experience has shewn that such appropriations are not likely to be of any *religious* advantage to the Church of England itself in Upper Canada; that the ministers of other denominations have laboured more extensively to improve the moral condition of the Province than the Clergy of the Episcopal Church; that the members of the several Christian denominations are equally loyal with the members of the Episcopal Church, and are equally deserving of the gracious consideration of His Majesty's Government; that hereby unjust and unwise political distinctions are recognized, which are fraught with endless dissatisfactions, and which must ever mar the happiness of the Province; that the funds arising from the sale of the clergy lands might be converted

from a worse than useless purpose, to the promotion of various and important internal improvements; and that the charter and endowments of King's College are partial and exclusive—your petitioners cannot but remonstrate against the manifest injustice, impolicy, and evil of thus appropriating so large a portion of the Province, and of making such invidious distinctions on account of religious opinions.

In this opinion your petitioners have reason to believe a great portion of the members of the Church of England participate. In the Parliament, eighteen members of which the Rev. Dr. Strachan stated in the above-mentioned letter to the Right Honourable R. J. W. Horton, were members of the Church of England, only *three* were found in favour of the present application of the Clergy reserves. If these eighteen, chosen members of the House of Assembly by the people, may be considered as fairly representing the sentiments of the members of the Church of England on this subject, it will be found that five out of six are opposed to giving their Clergy any political advantages over the ministers of other Christian denominations.

May it therefore please your Honourable House to take the subject of promoting religion and education in Upper Canada, into your most serious consideration:—to take such steps as may be within the constitutional powers of your Honourable House—to leave the ministers of all denominations of Christians to be supported by the people among whom they labour, and by the voluntary contribution of

benevolent societies in Canada and Great Britain—to do away with all political distinctions on account of religious faith—to remove all ministers of religion from seats and places of political power in the Provincial Government—to grant to the Clergy of all denominations of Christians the enjoyment of equal rights and privileges in every thing that appertains to them as subjects of His Majesty's Government, and as ministers of the Gospel, particularly the right of solemnizing Matrimony, of which many of them have long been deprived contrary to the repeated and unanimous votes of the House of Assembly—to modify the Charter of King's College established at York, in Upper Canada, so as to exclude all sectarian tests and preferences—and to appropriate the proceeds of the sale of lands heretofore set apart for the support of a Protestant Clergy, to the purposes of general education and various internal improvements.

And your petitioners, as in duty bound, will ever pray.

(Signed)

By 10,000 and upwards Inhabitants of the Province.

PROCEEDINGS

IN

THE COMMONS HOUSE OF ASSEMBLY AT YORK, IN UPPER CANADA,

Saturday, March the 12*th*, 1831.

THE House went into a Committee on the subject of the Clergy Reserves, and Charter of King's College:—the following *Resolutions were reported* to the House—

1st. *Resolved.*—That by the act of the parliament of Great Britain and Ireland, 31st. Geo. 3rd. one seventh of the lands of this Province was set apart for the support of a Protestant Clergy:—That under that act, appropriations have from time to time been made; and which appropriations are in this Province known by the name of "the Clergy Reserves."

That these appropriations having been generally made in lots of two hundred acres throughout the several Townships of this Province, the value of the same has been much enhanced by the settlement of the Country, and principally from the improvement of the lands in the neighbourhood of such appropriations, by the labour of the inhabitants, composed of various denominations of Christians. That these Reserves being so interspersed with the lands of actual Settlers, have materially retarded the improvement of the Country.

That, by an act, passed in reign of His late most Gracious Majesty, provision was made for the sale of a portion of the said reserves. That it is *unjust as well as* impolitic to appropriate the said Lands to the support of any one Church exclusively: And it is extremely difficult, if not altogether impracticable, to apportion or divide the same among the Clergy of all denominations of Protestants. That a large majority of the inhabitants of this Province are sincerely attached to His Majesty's person and government; but are averse to the establishment of any exclusive or *dominant* Church. That this House feels confident that, to promote the prosperity of this portion of His Majesty's dominions, and to *satisfy the earnest desire, foster,* and *ensure* the *affection* and *gratitude* of the people of this Province, His Majesty will be graciously pleased to give the most favorable consideration to the wishes of His faithful subjects.—That to terminate the jealousy and dissention which have hitherto existed on the subject of the said Reserves—to remove a barrier to the settlement of the Country, and to provide a fund available for the promotion of education, and in aid of erecting places of public worship, for various denominations of Christians, it is extremely desirable, that the said Lands so reserved be sold, and the proceeds arising from the sale of the same, placed at the disposal of the Provincial Legislature, to be applied exclusively for those purposes. That an humble address be presented to His Majesty setting forth the subect of this Resolution, and praying His Majesty will be graciously pleased to recommend to His Majesty's

Parliament of Great Britain and Ireland, to pass an act to authorise the sale of the Clergy Reserves, remaining unsold, and to enable the Legislature of this Province to appropriate the proceeds thereof, in such manner as may be considered most expedient for the advancement of education, and in aid of erecting places of public worship for various denominations of Christians.

In amendment, Mr. HAGERMAN, Solicitor-general, moved, that it be resolved, that the Imperial Parliament in pursuance of the gracious recommendation of our late Revered Sovereign, Lord King George the Third, hath appropriated, for the maintenance and support of a Protestant Clergy within this Province, a certain allotment of Lands usually known as the Clergy Reserves.

That the diffusion of religious knowledge and instruction is an object of the first importance to the happiness and welfare of mankind. That the lands appropriated for the support of Ministers of religion in this Province, having been made with a view to this object, it is repugnant to the best interests of the inhabitants of Upper Canada to apply them to any other use. That it is the opinion of this House, that an humble address be presented to His Majesty, praying that His Majesty will not comply with any request which may be made to recommend to Parliament the alienation of the Clergy Reserves in this Province, to any other purpose than that for which they were set apart. That His Majesty be at the same time informed that it is the earnest desire of His faithful subjects of Upper Canada, to submit to the

same Imperial Parliament that conferred the land in question, to determine on such alteration in the distribution or disposal thereof, as in their wisdom may be deemed best calculated to carry their original intention into effect—and that this desire is expressed with a view to the final settlement of a question, which has caused much discussion and difference of opinion on this important subject among *His Majesty's subjects* in Upper Canada.

The House divided on the amendment:—

Yeas, 7. *Nays*, 29.

Amendment lost, Majority, 22.

The House divided on the original question as amended.

Yeas, 30. *Nays*, 7.

The original Question as amended—Carried, Majority, 23.

2nd. *Resolved.*—That while this House fully appreciates His Majesty's gracious intention in granting a Royal Charter for the establishment of an University in this Province, we would most humbly beg leave to represent, that as the great majority of His Majesty's subjects in this Province, are not members of the Church of England, we regret that the charter contains provisions which are calculated to exclude from its prin-

cipal offices and honors, all who do not belong to that Church. In consequence of these provisions, its benefits will be confined to a few individuals of one religious denomination, while others of His Majesty's subjects, equally loyal and deserving, will be excluded from participating in advantages which should be open to all. Its influence as a seminary of learning on this account must be limited, and will be looked upon with jealously by a large majority of the Inhabitants of this Province. That, therefore, it is expedient to present an humble address to His Majesty, praying, that His Majesty will be graciously pleased to cause the charter of King's College to be cancelled, and to grant another free from the objections, to which our duty to the people of this Province has induced us to advert.

The division on this Resolution :—

Yeas, 29. *Nays*, 8.

Majority, 21.

It was moved and ordered that Messrs. Elliot and Mount be a committee to draft and report an address, pursuant to the resolutions on the subject of the Clergy Reserves.

It was moved and ordered that Messrs. Chisholm and Clark be a committee to draft and report an address, pursuant to the resolutions on the subject of the Charter of King's College.

Mr. ELLIOT from the select committee to draft an address to His Majesty, grounded on the resolutions of this House relative to the future disposition of the Clergy Reserves, reported a draft, which was received and read and ordered to be read a second time on monday next.

Mr. CHISHOLM from the select committee to draft an *address* to His Majesty, agreeably to a resolution of this House on the subject of King's College, reported a draft, which was received and read, and ordered to be read a second time on monday next.

N.B. The address to His Majesty passed the second reading, and would have passed the third reading by the same majority, if the Governor, Sir John Colborne, had not, on the 15th of March, prorogued the House whilst the discussion was going on; and thus the address of the Assembly to His Majesty has been for a time stopped.

The following Copy of an Address to the King, and of Resolutions of the House of Assembly in 1828 (to which no answer has yet been sent) will shew the opinions of that Assembly on that subject.

To the King's Most Excellent Majesty.

March 20, 1828.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal subjects the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to represent to Your Majesty, that we have seen, with equal surprise and regret, a letter and ecclesiastical chart, dated 16th May, 1827, and addressed by the Honorable and Venerable Doctor Strachan, Archdeacon of York, a member of Your Majesty's Legislative and Executive Councils of this Province, to the Right Honorable R. J. Wilmot Horton, at that time, Under Secretary of State for the Colonies, for the information of Lord Goderich, then at the head of the Colonial Department; as they are inaccurate in some important respects, and are calculated to lead Your Majesty's Government into serious errors.

We beg leave to inform Your Majesty, that of Your Majesty's subjects in this Province, only a small proportion are members of the Church of England; and there is not any peculiar tendency to that church among the people, and that nothing could cause more alarm and grief in their minds, than the apprehension that there was a design on the

part of Your Majesty's Government, to establish, as a part of the state, one or more church or denominations of Christians in this Province, with rights and endowments, not granted to Your Majesty's subjects in general, of other denominations who are equally conscientious and deserving, and equally loyal and attached to Your Majesty's Royal Person and Government. In following honestly the dictates of their conscience, as regards the great and important subject of religion, the latter have never been conscious that they have violated any law or any obligation of a good subject, or done any thing to forfeit Your Majesty's favor and protection, or to exclude themselves from a participation in the rights and privileges enjoyed by Your Majesty's other subjects.

We humbly beg leave to assure Your Majesty that the insinuations in the letter against the Methodist Preachers in this Province, do much injustice to a body of pious and deserving men, who justly enjoy the confidence, and are the spiritual instructors of a large portion of Your Majesty's subjects in this Province. We are convinced that the tendency of their influence and instruction is not hostile to our institutions, but on the contrary is eminently favourable to religion and morality; and their labors are calculated to make their people better men and better subjects; and have already produced, in this Province, the happiest effects.

While we fully and gratefully appreciate Your Majesty's gracious intentions in granting a royal charter for the establishment of an University in this Province, we would beg

most respectfully to represent, that, as the great body of Your Majesty's subjects in this Province are not members of the church of England, they have seen, with grief, that the charter contains provisions which are calculated to render the institution subservient to the particular interests of that church, and to exclude, from its offices and honors, all who do not belong to it. In consequence of these provisions its benefits will be confined to a favored few, while others of Your Majesty's subjects, far more numerous and equally loyal and deserving of Your Majesty's paternal care and favor, will be shut out from a participation in them. Having a tendency to build up one particular church, to the prejudice of others, it will naturally be an object of jealousy and disgust. Its influence as a seminary of learning, will, upon these accounts, be limited and partial. We, therefore, humbly beg that Your Majesty will be pleased to listen to the wishes of Your Majesty's people in this respect, and to cause the present charter to be cancelled, and one granted free from the objections to which, emboldened by a conviction of Your Majesty's paternal and gracious feelings to your loyal subjects in this Province, as well as by a sense of duty to the people, and a knowledge of their anxiety upon the subject, we have presumed to advert.

We would also beg leave to state that it is the general desire of Your Majesty's subjects in this Province, that the monies arising from the sale of any of the lands set apart in this Province for the support and maintenance of a Protestant clergy, should be en-

tirely appropriated to purposes of education and internal improvement—we would most humbly represent, that, to apply them to the benefit of one or two christian denominations, to the exclusion of others, would be unjust as well as impolitic, and that it might perhaps be found impracticable to divide them among all. We have no reason to fear that the cause of religion would suffer materially from not giving a public support to its ministers, and from leaving them to be supported by the liberality of their people.

Many works for the internal improvement of the Province, of great importance to its prosperity and to the ease and comfort of Your Majesty's subjects, are necessarily neglected for the want of money in the Provincial Treasury: for although the taxes are only of a trifling amount, yet, from the scarcity of money and the want of even a tolerable price for the production of their farms, they are paid with great difficulty by many of Your Majesty's people; it is impossible therefore to raise by taxation the means necessary to undertake and carry on those works. It is also most desirable that a larger sum than is at present at our disposal should be employed to extend through the country the advantages of education.

We therefore humbly pray, that the monies arising from the sale of the lands set apart in this Province for the support and maintenance of a Protestant Clergy, may be placed at the disposal of the Legislature of this Province, for the purposes we have mentioned.

JOHN WILLSON, *Speaker.*

Commons House of Assembly,
20th March, 1828.

The following Resolutions from a Select Committee on Education were reported to the House, on the 20th of March, 1828, and agreed to, viz:—

Resolved—That the thanks of this House are due to His Majesty for His gracious intentions in erecting and endowing a University in this Province.

Resolved—That much erroneous information has been communicated to His Majesty's Government upon that subject, under which mis-information this House apprehends the charter was granted, with provisions not suited to the condition and wishes of the people for whose benefit it was intended.

Resolved—That it is inexpedient that the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, should be Chancellor of the said University, because all such responsible situations should be filled by persons who are amenable to some tribunal for their public conduct.

Resolved—That the provision requiring the President of the said University to be a clergyman in holy orders of the United Church of England and Ireland, and to hold his office during pleasure, is highly inexpedient, because in the only Seminary of general learning in the country, all collegiate offices and literary rewards, should be conscientiously awarded according to moral and inte-

lectual merit; should be enjoyed under no dependant tenure: and should be held forth as incentives to all candidates for academic honors, without making such honors subservient to favoritism.

Resolved—That it is for the above reasons, highly inexpedient, that the Archdeacon of York, for the time being, by virtue of his office, should be at all times, president of the said University.

Resolved—That the provision requiring the President and the seven professors constituting the College Council, to be members of the said established united church, and to subscribe to the thirty-nine articles, is highly inexpedient.

Resolved—That the Chancellor, President, and members of the Council, the professors and other teachers of the said University, ought, after the organization of the same, to be elected by a senate, composed of the members of the Council, and others who have taken a degree in the said University above Bachelor of Arts, having their names on the books of the College, such election to be made from the graduates of the said University or from the graduates of the Universities of England, Ireland, or Scotland, of sufficient standing in their respective Universities, to be candidates for such office or trust.

Resolved—That it would be expedient that the Chancellor elect of the said University should preside in a court with powers, jurisdiction and proceedings, corresponding to those possessed by the Chancellor of the University of Cambridge in his court, so far as to enable him, assisted by the Chief Justice

of the King's Bench for the time being, to hear, try, and determine any appeal to his court by any person whatever, suspended by any authority from his office in the said University.

Resolved—That it is inexpedient that the degree of Doctor of Divinity should be confined to those who subscribe to the 39 articles of the said established and united Church; but that it should be obtainable by all graduates, who, professing the christian faith, shall, after due and impartial public examinations in the public schools of the said University, evince the classical, biblical, and other learning and qualifications, proper to be acquired by candidates for such an honor.

Resolved—That it would be expedient if the teaching of Doctrinal Divinity were confined to the examination of the Students, by questions put by the Professor out of the Bible, in the same manner as the classics in the University of Cambridge are examined upon, and taught any science out of standard authors, leaving discretionary latitude to the Professors, only in lecturing on biblical criticism, theology, evidences of christianity, sacred history, and whatever collateral branches of learning may be appointed for candidates for holy orders; by which means would be obviated the principal difficulties apprehended from the same professors being the instructors of students professing the faith of different denominations of christians.

Resolved—That whatever in the said charter in any degree gives a sectarian character to the said University, ought to be wholly done away.

Resolved—That with the exception of the exclusive and sectarian principles, and unequal distribution of wealth prevailing in the Universities of Cambridge and Oxford, it is highly expedient to follow their institutions and modes of instruction, making from time to time such modifications as experience may point out.

Resolved—That without the patriotic, disinterested and impartial conduct in those to whose wisdom and management the infancy of this institution shall be confided: without a strict observance of economy in the whole system, without inducing from Great Britain and Ireland, professors of acknowledged learning and worth, liberally paid, but not with that extravagance which would merge the rewards of honor in the sordid expectation of pecuniary gain, and without making grandeur of schemes and appearance yield to immediate practical and ostentatious utility, the University cannot gain public confidence or realize the gracious intentions of His Majesty.

Resolved—That this House trusts, that no hoped-for modification of the present Charter will suspend the exertions of His Excellency to put into operation Colborne College, and by the observance of those liberal principles which His Excellency has already been pleased to patronize, and recommend, to open with as little delay as possible, opportunities of Education, no way inferior to those contemplated by the proposed University.

N. B. Colborne College has, nevertheless, not been opened.

The following is a Copy of Bill which passed the House of Assembly in Upper Canada, in 1830, unanimously, *for the regulation of the Canada College, which the Legislative Council did not pass—and sufficiently marks the opinion of that Assembly and of the People of that Province.*

WHEREAS His Excellency SIR JOHN COLBORNE, &c. &c. &c. has been pleased to reform the Royal Grammar School and to establish a College at York, called Upper Canada College, under the guidance of able masters, and whereas it would conduce very much to the happiness of this Province, and to the extention of true learning and piety in the same, were the privileges and capacity of the said Institution enlarged and secured by Legislative authority so as to suit the wants and wishes of His Majesty's dutiful and loyal subjects within this Province. Be it, therefore, enacted, &c. &c. &c. That the Seminary lately opened at York, by His Excellency Sir John Colborne, be, and the same is hereby erected and made a College with the style and privileges of a College as hereinafter provided, for the education and instruction of youth and students in arts and faculties, to continue for ever, to be called "Upper Canada College."

And be it, &c.—That the Governor, Lieut. Governor or person administering the Government for the time being, shall be visitor of the said College.

And be it, &c.—That there be at all times one President of the said College, and as

many Professors, Tutors, and Lecturers in the different arts and faculties within the said College as from time to time shall be deemed necessary or expedient, and as shall be appointed in the manner hereinafter provided.

And be it, &c.—That there shall be within the said College a Council, to be called and known by the name of the Council of Upper Canada College; which Council shall consist of twelve persons, one half of the number of which persons shall be nominated by the Legislative Council and the other half by the House of Assembly, which persons so nominated shall be certified by the respective Houses to the Governor, Lieutenant Governer, or person administering the Government for the time being, and shall hold their offices for four years from the day of such nomination, and thence until the then next session of the Provincial Parliament and no longer.

And be it, &c.—That if any member of the said Council shall die, or shall be suspended, or removed from his said office, or shall by reason of any bodily or mental infirmity, or by reason of his absence from the said Province become incapable, for six calendar months or upwards, of attending the meetings of said Council; then, and in every such case, a fit and proper person shall be appointed by the rest of the said Council, subject to the approbation of the Chancellor of the said College, to act and be as a member of the said Council in the place and stead of the member so dying, or so suspended, or removed, or incapacitated, as aforesaid: and the appointment of such new member of the

said Council shall be communicated to the Provincial Legislature through the Governor, Lieutenant Governor, or person administering the Government for the time being, at their next session; and it shall and may be lawful for that branch of the Legislature by which the person so dying, or suspended, or removed, or incapacitated, as aforesaid, was appointed, either to confirm the said temporary appointment made by the said Council, aforesaid, or to appoint another, as such branch of the Legislature shall think fit.

And be it, &c.—That no meeting of the Council shall be or be held to be a lawful meeting thereof, unless nine members, at the least, be present during the whole of every such meeting; and that all questions and resolutions proposed for the decision of such College Council shall be determined by the majority of the members of the Council present, including the vote of the presiding member; and that in the event of an equal division of such votes the member presiding at any such meeting shall give an additional or casting vote.

And be it, &c.—That any member of the said Council may at any time be suspended or removed by a joint resolution of the two branches of the Provincial Legislature.

And be it, &c.—That it shall and may be lawful for the said Council of the said College from time to time to nominate and elect so many Professors, Tutors, and Lecturers in the several arts, sciences, and matters of learning, as shall to them seem fit and necessary for the system of education in the said College.

And be it, &c.—That the Chancellor, President, Professors, Tutors, Lecturers, Graduates, Under Graduates, Scholars, Officers, and Servants of the said College and every person holding any situation of honour or trust in the same, shall be subject to all and every of the rules and ordinances of the said College, made and provided according to this act.

And be it, &c.—That the said Council of the said College, shall have power and authority to frame and make rules and ordinances touching and concerning the peace welfare and Good Government of the said College, the studies lectures exercises and degrees in arts and faculties and all matters regarding the same, the duties of the President of the said College, the number, remuneration and duties of the Professors, Tutors, and Lecturers thereof, the management of the Revenues and property of the said College, the salaries, stipends, provision, and emoluments of and for the President, Professors, Tutors, Lecturers, Scholars, Officers, and Servants thereof, the number and duties of such officers and servants and also touching and containing any other matter or thing which to them shall seem good, fit, and useful for the well being and advancement of the said College, and also from time to time by any new rules or ordinances to revoke, renew, augment, or alter all, every, or any of the said rules and ordinances as to them shall seem meet and expedient—provided always that the said rules and ordinances or any of them shall not be repugnant to the laws and statutes of the said Province of Upper Canada or to this act—

provided, also, that the said rules and ordinances shall be subject to the approbation of the Chancellor of the said College for the time being, and shall be forthwith transmitted to the said Chancellor for that purpose.

And be it, &c.—That the said College shall be deemed and taken to be an University, and shall have and enjoy all su[illegible]nd the like privileges as are enjoyed by the Universities of the United Kingdom of Great Britain and Ireland, as far as the same are capable of being had or enjoyed by virtue of this act. And that the students in the said College shall have liberty and faculty of taking the Degrees of Bachelor, Master, and Doctor, in the several arts and faculties at the appointed times: and shall have liberty within themselves of performing all scholastic exercises for the conferring such degrees in such manner as shall be directed by the rules and ordinances of the said College.

And be it, &c.—That no religious test or qualification whatever shall be required of or appointed for any persons admitted or matriculated as scholars within the said college, or of persons admitted to any degree in any art or faculty therein, whether such degree be conferred in Law, Physic, or Divinity, or other Art or Science.

And be it, &c.—That the President, Professors, Tutors, and Lecturers of the said college, and all persons admitted therein to the degree of master of arts or to any degree in divinity, law, or medicine, or other art or science; and who from the time of such their admission to such degree shall pay the annual sum of twenty shillings lawful money of

Upper Canada, for and towards the support and maintenance of the said college shall be and be deemed, taken and reputed to be members of the convocation of the said University, and as such members of the said convocation, shall have, exercise, and enjoy the right and privilege of electing a chancellor of the said University; which chancellor upon such election shall have, exercise, and enjoy for the term of four years, next, after such election, such rights and powers as shall from time to time be conferred by any rule or ordinance made as aforesaid, under and by virtue of this act.

Provided always that from and after the passing of this act, His Excellency Sir John Colborne, the present Lieutenant Governor of this Province, shall during the continuance of his administration of the government of this Province or so long as he shall continue to reside within the same, be and continue to be by virtue of this act, chancellor of the said University.

And be it, &c.—That the present teachers (in what is now called Upper Canada College) shall, from and after the passing of this act, hold their present situations, unless removed therefrom at any time hereafter under the provisions of this act.

And be it, &c.—That the members of the said Council and their successors for ever shall be one distinct and separate body politic and corporate, in deed and in name, by the name and style of Upper Canada College, and that by the same name they shall have perpetual succession and a common seal, and that they and their successors shall from time to time

have full power to alter, renew, or change such common seal at their will and pleasure and as shall be found convenient; and that by the same name, they, the said Council and their successors from time to time, and at all times hereafter, shall be able and capable to have, take, receive, purchase, acquire, hold, possess, enjoy, and maintain to and for the use of the said College, any messuages, lands, tenements and hereditaments of what kind, nature, or quality soever, situate and being within the said Province of Upper Canada, so as that the same do not exceed in yearly value the sum of ten thousand pounds lawful money of Upper Canada, above all charges; and moreover, to take, purchase, acquire, have, hold, enjoy, receive, possess, and retain all or any goods, chattels, charitables or other contributions, gifts or benefactions whatsoever; and that the said Council and their successors by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered, in all or any court or courts of record within the said Province of Upper Canada, in all and singular actions, causes, pleas, suits, writs, matters, and demands whatsoever, of what nature or kind soever, in as large, ample, and beneficial a manner and form as any other body politic and corporate, or any other persons able and capable in law, may or can sue, implead, or answer, or be sued, impleaded, or answered in any manner whatsoever.

And be it, &c.—That it shall and may be lawful for any denomination of Christians in this Province to maintain at the said College

a Lecturer on Divinity, (upon making suitable provision to the satisfaction of such Lecturer) for the benefits of students professing the faith of such denomination of Christians, which Lecturer so appointed and provided for, shall have liberty to lecture in the said University upon Divinity in the same manner and under the same regulations and restrictions as shall be provided for the guidance of Professors and Lecturers generally in the said University by any rules and ordinances made in that behalf.

And be it, &c.—That it shall and may be lawful for the Council of the said University to suspend from his office the President or any of the Professors, Tutors, or Lecturers, or any member of the said Council, who shall be incapacitated by bodily infirmity; or for any other just and reasonable cause to the said Council appearing, provided that the grounds of every such suspension shall be recorded in writing, and be verified on oath of two or more credible and disinterested witnesses, and be entered and recorded at length on the journals of the said Council, and be signed by the President of the said Council.

And be it, &c.—That every person so suspended shall thereupon cease to be a member of such Council, or President of the said University, or a Professor, Tutor, or Lecturer within the same, as the case may be; unless, and until he shall be restored to and re-established in such his station therein by any order to be made in the premises by a joint resolution of the Honorable the Legislative Council and the House of Assembly.

And be it, &c.—That it shall and may be lawful for the said Council of the said College

from time to time, to establish scholarships in the said College for the benefit of the pupils of the District Schools in this Province--provided that the amount of each scholarship shall not exceed the annual value of fifty pounds per annum; and provided also, that such scholarships shall be open to general competition for the pupils of all the District Schools in this Province, without reference to their profession of religious faith, and be awarded after a public and suitable examination in the schools of the said College, to the best and most deserving of the said competitors without undue favour; which public examination shall be under the superintendence of the President of the said College and such learned men as he may call to his assistance in the presence of the college council and such of the public as shall attend.

And be it, &c.—That it shall and may be lawful for the said college council, and all other persons whatsoever attached to the said college, and they are hereby required at all times without reserve to lay before the several branches of the Legislatuae of this Province whatever information shall be by them or either of them from time to time required, relating in any way whatever to the said college and the concerns thereof.

And be it, &c.--That, whenever any rule or rules, ordinance or ordinances shall be passed by the said council as aforesaid, containing any provisions which shall in any manner relate to or affect the enjoyment or exercise by the Professors, Tutors, Lecturers, Scholars, Graduates, Under-graduates, Servants, or others whomsoever connected with the said col-

lege of any religious form or mode of worship or in any way whatever prevent or restrain them or any of them from attending on the sabbath or other days, whatsoever place of worship they choose; or shall impose or create any penalties, burthen, disabilities, or disqualifications; or confer any peculiar or exclusive favours or privileges in respect of the same; or shall in any manner relate to or affect the observance of any rules or discipline appertaining to any church or society of Christians to which any of the persons aforesaid may belong, every such rule or rules ordinance or ordinances shall not have any force or effect whatever, till the same shall have been laid before the three branches of Provincial Legislature, and shall after having been so laid before them or each of them for the space of ten days, receive the sanction thereof.

And be it, &c. that it shall and may be lawful for the said Council, and they are hereby required to meet in the said College at York, at and for the periods following:—namely, commencing on the first Monday in January, and on the second Monday in April, on the third Monday in June, and on the first Monday in November, in each and every year, and ending on the Saturday following: at which stated and periodical times, and at no others, it shall and may be lawful for the said Council to do, perform, and execute all the duties and trust imposed by this Act, or by any rule or ordinance of the said College made under and by virtue of this Act.

And be it, &c.—That it shall and may be lawful for each of the members of the said Council, while in the active discharge of his

said duties at the periods aforesaid, to have and receive from and out of the funds of the said College, the sum of ten shillings lawful money of Upper Canada, for every day's actual attendance, during the said weeks, and the like sum for every twenty miles in travelling to the said College and returning therefrom to his place of residence. Provided always, that it shall not be lawful to claim or receive any such daily remuneration until the annual receipts and resources of the said College shall amount to £.2000, lawful money aforesaid.

And be it, &c.—That it shall and may be lawful for any member of the said Council to tender his resignation during any session of the Provincial Legislature, to that branch thereof by which he was nominated and appointed, and, upon the acceptance of such resignation, such person shall cease to be a member of such Council: and it shall thereupon be lawful for the said branch of the Provincial Legislature, accepting such resignation forthwith to nominate and appoint another person to be of the said Council in the place and stead of the person so resigning as aforesaid.

And be it, &c. — That, if any Professor, Tutor, Lecturer, or other person elected by the said Council to any Professorship, Tutorship, Lectureship, or other station in the said College, shall die in the interval between the periodical meetings of the said Council, limited by this Act, it shall and may be lawful for the various Professors, Tutors, and Lecturers, who have been elected by the said Council to appoint a fit and proper person to

discharge the duties of the said Professor, Tutor, or Lecturer, so deceased, till the next meeting of the said Council and no longer.

And be it, &c.—That it shall and may be lawful for the said Council, at their appointed meetings, and they are hereby required to keep at every such meeting a journal of their proceedings specifying the day and hour of assembling, the names of the members of the Council in attendance, the resolutions and matters proposed with the names of the members voting for and against each resolution and matter, whether the same be rejected or adopted by the said Council, which record or journal of the said proceedings of the said Council shall at all reasonable times be open at the said College to the inspection of the Visitor, Chancellor and other members of the said College, and be laid before the several branches of the Provincial Legislature, whenever by them or either of them required so to do.

And be it, &c.—That no religious test or qualification whatever shall be required of any Chancellor, Professor, Tutor, Lecturer, Scholar, or other person, being a candidate for any situation in the said College, nor shall the eligibility of any person to any of the aforesaid stations in the said College, or to any other station that may hereafter be created, be in any way or degree dependent upon or regulated, affected, or prejudiced, by the particular Christian faith of any such candidate.

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Extract from the Journals of the House of Assembly of Upper Canada in 1828, of the Number of Protestant Clergymen of each Sect at that time known in the Province, as reported to the House by a select Committee. The Lutherans, Quakers, and Roman Catholics are not included, but the two latter Sects are numerous.

Denominations.	Number of Preachers.	Number of churches or chapels.	Number of places of regular service.	Number of places of occasional service
Methodists.	117	66	623	130
Baptists.	45	3	6	no return
Episcopalians	31	38	31	30
Presbyterians	16	22	no return	no return
Kirk of Scotland.	6	no return	no return	no return
Menonists and Dunkers.	20	5	no return	no return
Wesleyan Methodists.	1	1	1	no return

Total 236.