

## Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers /  
Couverture de couleur
- Covers damaged /  
Couverture endommagée
- Covers restored and/or laminated /  
Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) /  
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations /  
Planches et/ou illustrations en couleur
- Bound with other material /  
Relié avec d'autres documents
- Only edition available /  
Seule édition disponible
- Tight binding may cause shadows or distortion along  
interior margin / La reliure serrée peut causer de  
l'ombre ou de la distorsion le long de la marge  
intérieure.
- Blank leaves added during restorations may appear  
within the text. Whenever possible, these have been  
omitted from filming / Il se peut que certaines pages  
blanches ajoutées lors d'une restauration  
apparaissent dans le texte, mais, lorsque cela était  
possible, ces pages n'ont pas été filmées.
- Additional comments /  
Commentaires supplémentaires: Cover title page is bound in as last page in  
book but filmed as first page on fiche.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated /  
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed /  
Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies /  
Qualité inégale de l'impression
- Includes supplementary material /  
Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips,  
tissues, etc., have been refilmed to ensure the best  
possible image / Les pages totalement ou  
partiellement obscurcies par un feuillet d'errata, une  
pelure, etc., ont été filmées à nouveau de façon à  
obtenir la meilleure image possible.
- Opposing pages with varying colouration or  
discolourations are filmed twice to ensure the best  
possible image / Les pages s'opposant ayant des  
colorations variables ou des décolorations sont  
filmées deux fois afin d'obtenir la meilleure image  
possible.

This item is filmed at the reduction ratio checked below /  
Ce document est filmé au taux de réduction indiqué ci-dessous.

<b>10x</b>		<b>14x</b>		<b>18x</b>		<b>22x</b>		<b>26x</b>		<b>30x</b>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>									
	<b>12x</b>		<b>16x</b>		<b>20x</b>		<b>24x</b>		<b>28x</b>		<b>32x</b>

**CLERGY RESERVES (CANADA).**

---

COPIES of LETTER from the Lord Bishop of *Quebec* to the Duke of *Newcastle*, on the subject of the CLERGY RESERVES in *Canada*; and of the Draft DESPATCH from *Sir John Pakington* to the Earl of *Elgin*, which was prepared for Transmission by the Mail of 16th December, in Reply to his Lordship's Despatch of 22 September 1852.

(*Sir John Pakington.*)

---

*Ordered, by The House of Commons, to be Printed,*  
*1 March 1853.*

---

175.

*Under 1 os.*

*M.M.*

CLERGY RESERVES (CANADA).

---

RETURN to an Address of the Honourable The House of Commons,  
dated 23 February 1853;—for,

“COPIES of, 1. A LETTER recently written by the Lord Bishop of *Quebec* to the Duke of *Newcastle*, on the Subject of the CLERGY RESERVES in *Canada* :”

“2. Of the Draft DESPATCH from Sir *John Pakington* to the Earl of *Elgin*, which was prepared for Transmission by the Mail of Friday, December 16th, in Reply to his Lordship’s Despatch of September 22d, forwarding an Address to the Queen from the Legislative Assembly of *Canada*, on the Subject of the CLERGY RESERVES.”

Colonial Office, }  
28 February 1853. }

FREDERICK PEEL.

---

— No. 1. —

COPY of a LETTER from the Bishop of *Quebec* to his Grace the Duke of *Newcastle*.

My Lord Duke,

15, Grosvenor-street, 12 February 1853.

I AM impelled to solicit the attention of your Grace to some representations upon the subject of the Clergy Reserves in Canada, a subject for which I am less fully prepared than I could desire, because, when I left Canada, in the beginning of last month, the intelligence had not reached that country of the change in the Ministry at home, and the views of the late Ministry upon the subject in question are known to have been declared in a manner which superseded the necessity of any endeavours to avert the now threatened confiscation of church property.

In the situation to which, in the providence of God, I have been called, the guardianship of the temporal interests of the church within the limits of my jurisdiction must be considered as comprehended in the duties imposed upon me; and having been brought home by other objects of importance to the Church, I am in a manner put forward by circumstances as the representative in this country of Church interests in Canada at this crisis,—a crisis so pregnant with alarming consequences that I shall be pardoned, I trust, if I speak freely what I feel.

I have, however, in the successive attacks which have been made upon the church property in Canada, been again and again engaged in the endeavour to repel those attacks; and I may venture, perhaps, to refer your Grace to the more recent of certain representations and remonstrances submitted by myself to Her Majesty’s Government, which are among the documents contained in your office. I refer in part to a letter which I addressed to your Grace’s predecessor, Sir J. Pakington, on the 22d of October 1852,\* in which the subject of the Clergy Reserves is incidentally touched upon, but more particularly to the copies which accompanied my letter, of two documents relating to that subject, the first being the Petition of the Bishop, Clergy, and Laity of the diocese of Quebec, transmitted for presentation to the Imperial Parliament about the end of 1850,—and the other, a Memorial which I addressed to his Excellency Lord Elgin, shortly before I had occasion to address myself to Sir John. Those two documents will be found, in my apprehension, to exhibit in a sufficiently condensed compass the main points and the real merits of the case.

No. 1.  
Bishop of Quebec  
to the Duke of  
Newcastle.  
12 February 1853.

\* Page 20 of Papers  
relative to “Clergy  
Reserves,” presented  
to Parliament by Her  
Majesty’s Command,  
11 February 1853.

It is not at any great length, therefore, that I purpose now to obtrude my observations upon your Grace; but, under your permission, I shall proceed to give forth, without disguise, the depth of my own convictions upon certain features of this solemn subject, in which the interests of our holy religion are for all perpetuity involved.

First, then, I find it impossible to regard the secularization of the Clergy Reserves as otherwise than stamped with a sacrilegious character. I do not see how it can be denied to be the alienation of a property given to God; and it is well worthy of remembrance that in republican America, the endowments of the Church of England have been held sacred; they were preserved to her, in one noted instance, through the very convulsions of that revolution which separated the colonies from the mother country (and the circumstance was the more marked, because the Church was exposed to particular odium on account of the characteristic loyalty of her members); they were restored to her in another instance, by the decision of the courts of the United States, after a long space of years, in which they had been taken possession of and held as townlands, in the absence, at the time, of any episcopalian claimants of the property. (I speak here of the Church of England as continued in the American Church.) These facts are not unobserved in Canada; nor is it possible to suppose that they are without their influence upon the affection of some of the colonists towards the British Government, when the confiscation of their Church property is threatened under actual British rule.

2. It appears to me at least deserving of inquiry, and it is an inquiry of the most serious character possible which thus presents itself, whether the Royal sanction could be given to the projected measure of confiscation, without violating the coronation oath. If, as I apprehend to be the correct view of the case, and as is assumed in the use, within the colonies, of the forms of ordination, the Colonial Bishops and Clergy, made by the Royal Letters Patent to belong to the Archiepiscopal Province of Canterbury, are Bishops and Clergy of the realm of England, then it is not necessary to say that they are protected by that oath against any invasion or infraction of their existing rights, privileges, and endowments, of whatever kind.

3. The disposal of this question involves the question of the maintenance of public faith. The Act 3 & 4 Vict. c. 78, was regarded and held by all parties, and was accepted by the parties interested, as a final settlement of the long agitated questions respecting the reserves,—a settlement, it is also to be remembered, which was anterior to the establishment of responsible Government within the colony. It has been distinctly recognised as final in the formal language of the Provincial Legislature; and if the conclusive arrangements of that Act can now be disturbed, and its provisions can be upset, it would be difficult to show how any rights or interests in the province can be safe.

My Lord Duke, these are of themselves considerations which, if I am not guilty of presumption in saying so, call for the exercise of the maxim, "Be just and fear not;" and if the Government of this great country had long ago had the firmness to apply this principle to the question, all injurious disturbance in connexion with the Clergy Reserves would have been saved. Respect would be felt for it if such firmness was exercised now. Most certainly the surrender of control over the Clergy Reserves to a party now raising agitation in Canada, will not prove to be the pacification of the colony; and that it never can be too late to do that which is called for by the rule of right, and that consequences are not to be argued upon when this rule is once clear, is what no person will more promptly acknowledge than your Grace.

The matter being once rested upon foundations such as these, it seems almost to be a work of supererogation to reiterate additional arguments, however correct and forcible in themselves, which have at different times been urged upon the attention of Her Majesty's Government, and which will be found stated in the documents to which I have above referred. I will only trespass upon your Grace by noticing two further points, which I number as continuing the series of the considerations already in part here submitted.

4. The nature of this endowment is not such as to be properly productive of any odium or discontent. It carries with it no burden imposed upon any class  
of

of religionists within the country. It operates in no vexatious manner. It presents no obstruction to the improvement and advancement of the country, the utmost facilities being given, and the most favourable terms afforded, in throwing the lands into the market for the creation of the necessary fund.

5. That whereas it is anticipated, in different quarters, that the party in the colony now intent upon the confiscation of the Church property, and engaged in embroiling the country for the attainment of their object, may be counted upon, in the event of their gaining the principle for which they contend, to deal not ungenerously in the actual disposal of their prize, and to manifest some mindful sense of the ample generosity of the Home Government towards themselves,—the fact stands before the world, and cannot be put out of sight, that the members of the Local Government now in power, who have identified their policy with the aims of the party in question, are pledged, to a man, in their places in the Provincial Parliament, to the secularization of the Reserves, if placed within their control.

I will not, my Lord Duke, abandon the hope that Her Majesty's Government will pause before committing itself to this threatened sacrifice of a sacred patrimony,—and will not, by the side of the magnificently endowed and largely favoured Church of Rome in the colony, consent to have the Church of the Sovereign and of the Empire thrust down to a position which will compel her to con : before this country, in order to obtain the means of carrying on the work committed from above to her hands, as a plundered and a persecuted Church.

I have, &c.  
(signed) G. J. Quebec.

---

— No. 2. —

DRAFT of a DESPATCH from Sir John S. Pakington to Governor-General the Earl of Elgin, prepared for Transmission by the Mail of 16 December 1852.

My Lord, Downing-street, December 1852.

1. I HAVE had the honour to receive your Lordship's despatch,\* No. 85, of the 22d September, forwarding an Address to the Queen from the Commons of Canada, in Provincial Parliament assembled, on the subject of the Clergy Reserves. No. 2.  
Sir J. Pakington to  
the Earl of Elgin.  
December 1852.

2. I have laid this Address before Her Majesty, who was pleased to receive it very graciously.

3. It is with sincere regret, that Her Majesty's Government feel themselves unable to advise Her Majesty to comply with the wishes of the Assembly, for the introduction of a Bill into the Imperial Parliament, to repeal the Act 3 & 4 Vict. c. 78.

4. In arriving reluctantly at this conclusion, Her Majesty's advisers disclaim any intention of "violating the constitutional rights" of the Canadian Parliament. On the contrary, they regard those rights with the high respect which is justly due to them, and they fully and distinctly recognize both the justice and the propriety of the general rule, that in those dependencies of the British Crown which enjoy the advantages of representative institutions, questions which affect exclusively local interests, should be decided and dealt with by the Local Government and Legislature.

5. But Her Majesty's Government are not less clearly of opinion, that the question of the repeal of the Imperial Act 3 & 4 Vict. c. 78, involves interests, and is connected with circumstances, which make it fairly an exception to this general rule.

6. It is the earnest desire of Her Majesty's Government, not only to avoid any

---

\* Page 7 of Papers relative to "Clergy Reserves, Canada," presented to both Houses of Parliament, by Command of Her Majesty, 11 February 1853.

any serious "difference of opinion" with the Legislature and Government of Canada, but to act with them, if possible, in friendly concert, upon a subject of such great and enduring importance to the Canadian people, especially of the Upper Province.

7. Her Majesty's Government desire to call the attention of the Commons of Canada to the circumstances under which the Imperial Act was passed.

8. After a long period of agitation, and frequent attempts at legislation on the part of the Upper Canadian Assembly, an Act was passed by the Parliament of that Province, for placing the disposal of the Clergy Reserves in the hands of the Imperial Parliament. This Act was not confirmed, for reasons stated in Lord John Russell's despatch to Lord Sydenham of the 7th February 1839. Another Act, providing for the sale and disposal of the Clergy Reserves, was subsequently passed by the Provincial Legislature. This Act would have received the Royal assent, but for a legal objection which was found to be insuperable.

9. In consequence of the legal difficulty to the confirmation by the Crown of the Provincial Act, the Act 3 & 4 Vict. c. 78, similar in principle though differing in detail from the Act sent from Canada, was passed by the Imperial Parliament.

10. Her Majesty's Government cannot fail to remember, that not only was the Imperial Act similar in principle to the Provincial Act, but that the former was passed and regarded at the same time, both in Canada and in this country, as a final settlement of a long agitated and most difficult question; and the settlement of which had moreover been pressed upon the Imperial Government by successive Governors of the Canadian Provinces, and by the general wish of the Canadian people.

11. Her Majesty's Government would further remind the House of Assembly that the generally admitted necessity of permanently settling this long debated question, had reference, not only to the manifest evils of prolonged agitation, but also to the circumstances under which the reunion of the two Provinces of Canada was then about to take place.

12. It was held, and in the opinion of Her Majesty's Government it was wisely held, to be of paramount importance that a permanent settlement of the Clergy Reserve question should precede the act of reunion.

13. In considering, therefore, how far it is right or expedient to reopen this question, it is impossible for Her Majesty's advisers to overlook the fact, that since it has been decided, the two Provinces, with a population for the most part distinct both in race and religion, have been united under one representative Government.

14. Her Majesty's advisers have pleasure in expressing their high sense of the loyalty and good feeling of the French Canadian population of the Eastern Province. They have the satisfaction of believing that friendly feeling between the French and British population is steadily and constantly increasing; and they would deprecate, in the most earnest manner, any course of action on the part of the Provincial Parliament, which might have the least tendency to interrupt those amicable relations which now so happily subsist between the two races.

15. The French population of the Lower Province enjoy the blessing of an exemplary, a well educated, and a numerous priesthood, with ample endowments for the support of the priests, and for the maintenance of exclusive educational institutions.

16. From the period of the conquest of Canada till the present day, these endowments have been scrupulously respected.

17. Her Majesty's Government have no disposition to question the right or to impugn the motives of such of the representatives of the French population of the Eastern province in the Canadian Parliament, as may deem it their duty to vote, either for the repeal of the Clergy Reserve Act, or for the secularization of the Clergy Reserves. But they feel a deep interest in the peace and welfare

welfare of all classes of Her Majesty's subjects in Canada, and with past struggles and contentions fresh in their recollection, they would earnestly press on the consideration of the Canadian Parliament, in no unfriendly spirit, whether there would not be danger of reviving feelings of animosity and discontent, if the British inhabitants of the Upper Province were deprived by the Imperial Parliament of that fund for the support of Protestant worship which they have so long enjoyed, and which is now, whether for general or for missionary purposes, more than ever necessary.

18. I cannot thus communicate the views of Her Majesty's Government with respect to the Address of the House of Assembly which I have now to acknowledge, without repeating, in the most distinct terms, that nothing would be more painful to Her Majesty's advisers, or more at variance with their real feelings, than to be involved in any difference or controversy with the Parliament of Canada, and that their only wish upon this difficult subject is to co-operate with the provincial authorities in promoting the permanent interests of all classes of Her Majesty's Canadian subjects.

I have, &c.

---