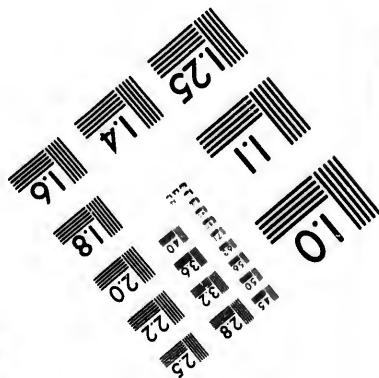
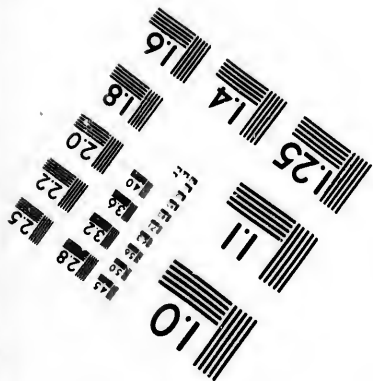
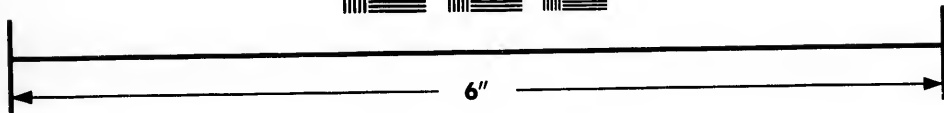
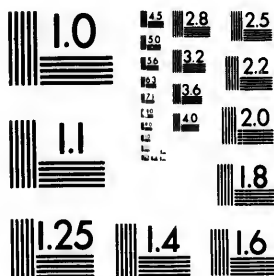


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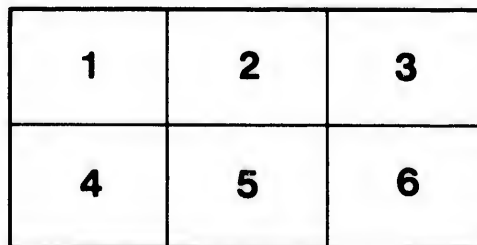
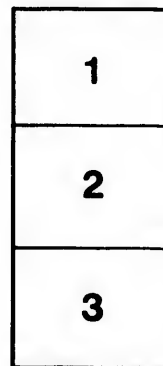
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CHURCH LANDS IN UPPER CANADA.

THE distribution and appropriation of the "church lands" in Upper Canada is now under the consideration of parliament, and as it is our duty to make the public fully acquainted with the *facts* of every case of colonial interest, so that our readers may be enabled to understand the true position of any colonial question, we proceed to state the leading details of this important subject.

On the final conquest of Canada by England from the French, in 1759, a strenuous effort was made by the French commander to procure the concession by England of the rights, privileges, lands, and sequencies held by the Roman Catholic Church in Canada previous to the British conquest. This concession was made as regards the lower province, but it was expressly enacted, that "It should be lawful for his Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy, within the said province, as should, from time to time, be thought necessary and expedient." [By this clause it is evident, that means may hereafter be found for the maintenance of a Protestant clergy in the lower province.]

After the separation of the United States from England, a large number of loyalists quitted their native homes, and sought peace and an abode under a monarchy in Canada. In consequence partly of their increasing numbers, it was resolved to divide Canada into two provinces, and an act of parliament was passed for the purpose, according to his majesty's message, in 1791. The following are the clauses of the Act, 31 George III. c. 31, which refer to the church establishment:—

"35. *And whereas*, by the above-mentioned Act, passed in the fourteenth year of the reign of his present Majesty, it was declared, That the clergy of the Church of Rome, in the province of Quebec, might hold, receive, and enjoy their accustomed dues and rights, with respect to such persons only as should profess the said religion: *Provided nevertheless*, that it should be lawful for his Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy within the said province, as he or they should from time to time think necessary and expedient; *And whereas* by his Majesty's royal instructions, given under his Majesty's royal sign-manual on the third day of January, in the year of our Lord one thousand seven hundred and seventy-five, to Guy Carleton, Esquire, now Lord Dorchester, at that time his

Majesty's captain-general and governor-in-chief in and over his Majesty's province of Quebec, his Majesty was pleased, amongst other things, to direct, 'That no incumbent professing the said religion of the Church of Rome, appointed to any parish in the said province, should be entitled to receive any tithes for lands or possessions occupied by a Protestant, but that such tithes should be received by such persons as the said Guy Carleton should appoint, and should be reserved in the hands of his Majesty's receiver-general of the said province, for the support of a Protestant clergy in his Majesty's said province, to be actually resident within the same, and not otherwise, according to such directions as the said Guy Carleton, Esquire, his Majesty's captain-general and governor-in-chief in and over his Majesty's said province, should receive from his Majesty in that behalf; and that in like manner all growing rents and profits of a vacant benefice should, during during such vacancy, be reserved for and applied to the like uses." *And whereas* his Majesty's pleasure has likewise been signified to the same effect in his Majesty's royal instructions, given in like manner to Sir Frederick Haldimand, and also to the said Right Hon. Guy Lord Dorchester, *Be it enacted by the authority aforesaid*, that the said declaration and provision contained in the said above mentioned act, and also the said provision so made by his Majesty in consequence thereof, by his instructions before recited, shall remain and continue to be of full force and effect in each of the said two provinces of Upper Canada and Lower Canada respectively, except in so far as the said declaration or provisions respectively, or any part thereof, shall be expressly varied or repealed by any act or acts which may be passed by the legislative council and assembly of the said provinces respectively, and assented to by his Majesty, his heirs or successors, under the restriction hereinafter provided.

"36. *And whereas* his Majesty has been graciously pleased, by message to both Houses of Parliament, to express his royal desire to be enabled to make a *permanent appropriation of lands* in the said provinces, for the support and maintenance of a Protestant clergy within the same, in proportion to such lands as have been already granted within the same by his Majesty: *And whereas* his Majesty has been graciously pleased, by his said message, further to signify his royal desire that such provision may be made, with respect to *all future grants of land* within the said provinces respectively, as may best conduce to the due and sufficient support and maintenance of a Protestant clergy within the said provinces, in proportion to such increase as may happen in the population and cultivation thereof: therefore, for the purpose of more effectually fulfilling his Majesty's gracious intentions, as aforesaid, *and of providing for the due execution of the same in all time to come—Be it enacted by the authority aforesaid*, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the governor or lieutenant-governor of each of the said provinces respectively, or the person administering the government therein, to make, from and out of the lands of the crown within such provinces, such allotment and appropriation of lands, for the support and maintenance of a Protestant clergy within the same, as may bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of his Majesty: and that whenever any grant of lands within either of the said provinces shall hereafter be made, by or under the authority of his Majesty, his heirs or successors, there shall at the same time be made, in respect of the same, a proportionable allotment and appropriation of lands for the above mentioned purpose, within the township or parish to which such lands so to be

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granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit; and that no such grants shall be valid or effectual unless the same shall contain a specification of the lands so allotted and appropriated, in respect of the lands to be thereby granted; and that such lands, so allotted and appropriated, shall be, as nearly as the circumstances and 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.

"37. *And be it further enacted by the authority aforesaid*, That all and every the rents, profits, or emoluments, which may at any time arise from such lands, so allotted and appropriated as aforesaid, shall be applicable solely to the maintenance and support of a Protestant clergy, within the province in which the same shall be situated, and to no other use or purpose whatever.

"38. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the governor or lieutenant-governor of each of the said provinces respectively, or the person administering the government therein from time to time, with the advice of such executive council as shall have been appointed by his Majesty, his heirs or successors, within such province, for the affairs thereof, to constitute and erect, within every township or parish which now is or hereafter may be formed, constituted, or erected, within such province, one or more parsonage or rectory, or parsonages or rectories, according to the establishment of the Church of England; and from time to time, by an instrument under the great seal of such province, to endow every such parsonage, or rectory, with so much or such a part of the lands so allotted and appropriated as aforesaid, in respect of any lands within such township or parish which shall have been granted subsequent to the commencement of this act, or of such lands as may have been allotted and appropriated for the same purpose, by or in virtue of any instruction which may be given by his Majesty, in respect of any lands granted by his Majesty before the commencement of this act, as such governor, lieutenant-governor, or person administering the government, shall, with the advice of the said executive council, judge to be expedient under the then existing circumstances of such township or parish.

"39. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the governor, lieutenant-governor, or person administering the government of each of the said provinces respectively, to present to every such parsonage or rectory, an incumbent or minister of the Church of England, who shall have been duly ordained according to the rites of the said church, and to supply, from time to time, such vacancies as may happen therein; and that every person so presented to any such parsonage or rectory, shall hold or enjoy the same, and all rights, profits, and emoluments thereunto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or rectory in England.

"40. *Provided always, and be it further enacted by the authority aforesaid*, That every such presentation of an incumbent or minister to any such parsonage or rectory, and also the enjoyment of any such parsonage or rectory, and of the rights, profits, and emoluments thereof, by any such incumbent or minister, shall be subject and liable to all rights of institution, and all other spiritual and ecclesiastical jurisdiction and authority, which have been lawfully granted by his

Majesty's royal letters patent to the Bishop of Nova Scotia, or which may hereafter, by his Majesty's royal authority, be lawfully granted or appointed to be administered and executed within the said provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other person or persons, according to the laws and canons of the Church of England, which are lawfully made and received in England.

"41. *Provided always, and be it further enacted by the authority aforesaid,* That the several provisions hereinbefore contained, respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said provinces, and also respecting the constituting, erecting, and endowing parsonages or rectories within the said provinces; and also respecting the presentation of incumbents or ministers to the same; and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose, contained in any act or acts which may be passed by the legislative council and assembly of the said provinces respectively, and assented to by his Majesty, his heirs or successors, under the restriction hereinafter provided.

"42. *Provided, nevertheless, and be it further enacted by the authority aforesaid,* That whenever any act or acts shall be passed by the legislative council and assembly of either of the said provinces, containing any provisions to vary or repeal the above recited declaration and provisions contained in the said act passed in the fourteenth year of the reign of his present Majesty; or to vary or repeal the above recited provision contained in his Majesty's royal instructions, given on the third day of January, in the year of our Lord one thousand seven hundred and seventy-five, to the said Guy Carleton, Esq., now Lord Dorchester; or to vary or repeal the provisions hereinbefore contained for continuing the force and effect of the said declaration and provisions; or to vary or repeal any of the several provisions hereinbefore contained respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said provinces; or respecting the constituting, erecting, or endowing parsonages or rectories within the said provinces; or respecting the presentation of incumbents or ministers to the same; or respecting the manner in which such incumbents or ministers shall hold and enjoy the same; and also that whenever any act or acts shall be so passed, containing any provisions which shall in any manner relate to or affect the enjoyment or exercise of any religious form or mode of worship; or shall impose or create any penalties, burdens, disabilities, or disqualifications, in respect of the same; or shall in any manner relate to or affect the payment, recovery, or enjoyment of any of the accustomed dues or rights hereinbefore mentioned; or shall in any manner relate to the granting, imposing, or recovering any other dues, or stipends, or emoluments whatever, to be paid to or for the use of any minister, priest, ecclesiastic, or teacher, according to any religious form or mode of worship, in respect of his said office or function; or shall in any manner relate to or affect the establishment or discipline of the Church of England, amongst the ministers and members thereof within the said provinces; or shall in any manner relate to or affect the King's prerogative, touching the granting of waste lands of the crown within the said provinces, every such act or acts shall, previous to any declaration or signification of the King's assent thereto, be laid before both houses of parliament in Great Britain; and that it shall not be lawful for his Majesty, his heirs or successors, to signify his or their assent to any such

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act or acts, *until thirty days* after the same shall have been laid before the said houses, or to assent to any such acts or acts, *in case either house of parliament shall, within the said thirty days, address his Majesty, his heirs or successors, to withhold his or their assent from such act or acts,* and that no such act shall be valid or effectual to any of the said purposes, within either of the said provinces, unless the legislative council and assembly of such province shall, in the session in which the same shall have been passed by them, have presented to the governor, lieutenant-governor, or person administering the government of such province, an address or addresses, specifying that such act contains provisions for some of the said purposes herein before specially described, and desiring that, in order to give effect to the same, such act should be transmitted to England without delay, for the purpose of being laid before parliament, previous to the signification of his Majesty's assent thereto."

These clauses are deemed the charter of the church's rights in Canada, and recognize the duty of the state to provide for the religious instruction of the people.

Under the provisions of this act, lands were set apart in Upper Canada for the maintenance of the Protestant church, and the following shows the extent and proceeds of those lands when sold; the funds having hitherto been appropriated for the use of the clergy of the Church of England.

Considerable efforts have been of late years made to dispossess the Protestant clergy of these lands, and to divide them among all classes of religionists, and appropriate their proceeds for purposes of general education. On the other hand, the clergy of the Church of England maintained that these lands belonged solely to the clergy of the Established Church, excluding the Church of Scotland, and also Dissenters of every denomination. The judges have decided that as Canada was conquered after the union between England and Scotland, and as the Kirk of Scotland was a church by law established in these realms, then its members have a right to consider themselves as such in the colonies, and entitled to a share of all lands set apart for a state church. Whether religious classes, or more properly speaking Protestant Dissenters, of all denominations, will be admitted to a share in these lands, or whether they will be restricted to the use of the churches of England and Scotland, is not yet decided. The following is an Enclosure in a letter from Sir George Arthur to Sir George Grey, Under Secretary of State for the Colonies, dated 25th Dec., 1783:—

STATEMENT OF CLERGY RESERVES OF UPPER CANADA.

There have been sold, to the end of the year 1836, 368,428 acres of land for currency, £250,655, at an average of 13s. 7d. per acre—Received in part payment, £89,597—Leaving due, and bearing interest, £161,058. ...

Of the sum received in part payment for lands sold, viz. £89,597—There is invested in English Three per Cents. Stock, in sterling, £62,278—Add for difference of exchange, £6,675—£68,953, producing, sterling, £1,880, add 1-9th, difference of exchange, £209—£2,089—Leaving this amount to be accounted for, £20,644. ...

The actual income for the present is, interest of £62,278 sterling, equal to £68,953 currency, £2,089—Ditto of unpaid instalments of purchase money, £2,162—Rent of 361,000 acres on lease, £2,141—£6,392. ...

The following income may be produced:—By loan of the sum now in the English Stocks, currency, £68,953, in the Province at six per cent. £4,137—By receipt of purchase money, due for land sold, £161,058, in the Province at six per cent. £9,663—By sale of land now leased, £361,000 acres at 12s. £189,600, in the Province at six per cent. £11,376—£25,176—Suppose the sum lent at five per cent. only, then deduct one-sixth, £4,196—£20,980—Total Clergy Expenditure for the year 1836, £12,317—£8,663. ...

In aid of the Wesleyan Mission, £900—Salary to the Bishop (exclusive of house-rent and travelling expenses) £1,000—£1,900—Leaving an unappropriated annual surplus of, currency, £6,763. ...

Remain for the disposal of the Crown, in aid of the erection of churches, support of clergy, and general education, 1,525,245 acres, at 12s. per acre, £915,147—Sold, 368,423; leased, 361,000—Total, 729,423.

CLERGY EXPENDITURE FOR THE YEAR 1836.

Missionaries of the Church of England, £2,565 12s. 6d.—Ministers of the Church of Scotland, £1,541 10s.—Ministers of the United Presbytery and Synod of Upper Canada, £699 19s. 11d.—Priests of the Roman Catholic Clergy, £1,500—House-rent of Lord Bishop of Quebec, £180—Clergy expenditure, £6,487 2s. 5s. ...

Erection of Parsonage Houses, £367 2s. 5d.—Missionaries of the Church of England,* £4,500 7s.—Archdeacon of York and Kingston, £600—Secretary to the Clergy Corporation, £270—Contingent expenses of the office of the Clergy Corporation, £92 13s. 11d.—£12,317 5s. 9d.—Independent of the claim of the Wesleyan Missionary Society, £900—Total, £13,217 5s. 9d. ...

Total quantity of Land reserved, 2,254,668 acres—Sold and rented, 729,423 acres—Remain to be disposed of, either for the erection of churches in aid of ministry, or for general education, 1,525,245 acres. ...

Value of 1,525,245 acres, at 12s. per acre, £915,147. ...

Clergy Reserves granted as endowments to the Church of England clergy, patents for which are completed, 22,931 acres—Ditto, ditto, patents for which are not completed, 4,118 acres—Ditto set apart as Glebes, 21,057 acres—Of these are included in the Return of Endowments, 8,332 acres—12,725 acres.

* In aid of this sum, the Society for the Propagation of the Gospel pay the sum of £3,800.

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GENERAL NUMERICAL RETURN of the several Religious Bodies in Upper Canada, founded on the Returns of the Clerks of the Peace, so far as they have been made for the Year 1839.*

DISTRICTS.	METHODISTS.						PRESBYTERIANS.				
	CHURCH OF ENGLAND.	British Connexion.	Episcopal.	Canadian Wesleyan.	Primitive.	Under the general term of Methodists without distinction.	Total.	CHURCH OF SCOTLAND.	Seceders from the Church of Scotland.	Under the general term of Presbyterians, without reference to Sects.	Total.
Eastern.....	4,281	1,792	74	..	..	..	1,866	11,293	..	..	11,293
Ottawa.....	1,561	745	58	..	..	..	803	2,428	..	..	2,428
Johnstown.....	10,374	3,820	1,843	259	..	..	5,922	1,244	4,453	..	5,697
Bathurst.....	7,671	..	..	..	..	1,802	1,802	..	..	8,933	8,933
Prince Edward.....	2,354	3,806	1,862	343	..	..	6,011	383	..	925	1,308
Newcastle.....	10,017	..	..	..	..	6,863	6,863	8,851	..	..	8,851
Midland.....	2,739	2,943	2,017	..	..	668	5,628	691	1,279	..	2,070
Home, including City of Toronto.. }	18,013	..	76	..	119	8,507	8,702	1,485	760	10,884	13,129
Niagara.....	4,102	641	444	8	6	4,073	5,172	98	..	3,682	3,780
Gore.....	6,141	4,975	2,175	..	..	..	7,159	6,236	..	4,007	10,253
Talbot.....	353	166	425	355	..	..	946	43	4	238	285
London.....	9,184	3,445	2,195	1,839	..	..	7,479	4,674	622	2,979	8,275
Western.....	2,196	..	..	..	..	2,744	2,744	2,081	..	..	2,081
Total.....	79,754	22,333	11,169	2,804	125	24,657	61,088	39,517	7,218	31,648	78,383

DISTRICTS.	BAPTISTS.					MISCELLANEOUS.						
	ROMAN CATHOLICS.	Returned under the general term of Baptists, without reference to distinction.	Open Communion.	Close Communion.	Free Will.	Total.	Independents.	Congregationalists.	Nonconformists.	Lutherans.	Dutch Reformed Church.	Methodists.
Eastern.....	9,200	434	..	..	..	434	19	30	..	1,338	..	..
Ottawa.....	3,315	259	..	..	..	259	..	33	35	..	..	..
Johnstown.....	3,985	794	..	..	..	794	14	19	..	..	..	..
Bathurst.....	5,500	264	..	..	..	264	..	2	..	..	..	..
Prince Edward.....	1,097	220	..	..	..	220	71	98	..	21	..	..
Newcastle.....	4,144	1,472	..	..	..	1,472	85	..	..	..	..	..
Midland.....	1,918	404	..	..	..	404	18	5	..	231	..	..
Home, including City of Toronto.. }	4,591	1,323	..	..	..	1,323	558	516	..	456	..	851
Niagara.....	981	974	..	..	..	974	8	..	..	422	44	1,615
Gore.....	2,301	..	..	..	..	..	..	..	..	..	..	..
Talbot.....	52	..	87	941	10	1,038	2	21	18	37	..	36
London.....	1,868	..	1,258	2,851	638	4,717	223	272	..	9	..	175
Western.....	4,068	1,039	..	..	..	1,038	..	..	..	..	..	..
Total.....	43,029	7,183	1,345	3,792	648	12,968	998	996	53	2,514	44	2,677

* Enclosure in Sir George Arthur's letter to the Marquis of Normanby, dated 14th September, 1839. Sir George does not think these data trustworthy; they are, however, the only returns which have been laid before the House of Assembly by the Clerks of the Peace in each district.

† Of these a certain portion must be considered as belonging to each of the other four divisions.

‡ This column includes, no doubt, a large proportion of members of the Church of Scotland, requiring to be added to the special aggregate of that church in the first column.

§ The remark applicable to column marked † applies also here.

GENERAL NUMERICAL RETURN of the several Religious Bodies in Upper Canada, founded on: the Returns of the Clerks of the Peace, so far as they have been made for the year 1839.

DISTRICTS.	MISCELLANEOUS.											
	Tunkers.	Moravians.	Quakers.	Society of Peace.	Universalists.	Restorationists.	Unitarians.	Latitudinarians.	Deists.	Free Thinkers.	Irvingites.	Reformers.
Eastern .....	..	..	14	..	25	—	—	—	—	—	—	—
Ottawa .....	..	..	8	..	34	—	—	—	—	—	—	—
Johnstown .....	..	..	357	..	113	..	..	..	17	—	—	—
Bathurst .....	..	..	27	..	19	..	28	..	5	—	37	—
Prince Edward .....	..	..	1,060	..	..	10	..	..	..	..	..	..
Newcastle .....	..	..	595	9	190	1	..	6	..	55	..	9
Midland .....	..	..	168	..	64	..	..	..	5	..	..	7
Home, including City of Toronto .. }	545	7	871	..	28	..	16	..	..	..	146	—
Niagara	316	..	480	5	45	..	4	..	4	24	..	4
Gore	—	—	—	—	—	—	—	—	—	—	—	—
Talbot	7	..	22	..	28	..	—	..	—	—	—	—
London	57	..	1,119	..	99	7	..	..	..	30	..	..
Western .....	..	..	57	..	—	—	..	..	..	—	..	..
TOTAL	925	7	4,778	14	645	18	48	6	31	113	183	20

DISTRICTS.	MISCELLANEOUS.							Total Religious Denominations.	Total Population, according to Returns of 1839.	
	Christians.	Bible Christians.	Disciples.	Mormans.	Other Denominations.	No Profession.	Liberators.			Total.
Eastern .....	..	..	..	29	..	308	..	1,763	28,837	28,837
Ottawa	7	..	..	..	..	..	..	117	8,483	8,483
Johnstown	2	..	..	71	..	5,299	..	5,892	32,664	32,669
Bathurst .....	..	..	..	77	..	258	..	453	24,632	24,632
Prince Edward	67	..	220	..	..	..	..	1,549	12,539	14,018
Newcastle	564	270	21	76	..	1,917	..	3,798	35,145	35,146
Midland	8	..	..	10	..	780	..	1,298	14,057	38,254
Home, including City of Toronto .. }	557	..	..	66	211	2,986	..	7,814	53,572	57,800
Niagara	76	..	95	..	..	10,847	..	13,989	28,998	29,953
Gore .....	..	..	..	..	6,243	4,475	..	10,718	36,563	51,000
Talbot .....	..	..	..	..	..	..	..	171	2,845	9,053
London	27	..	..	4	..	7,336	35	9,393	40,946	42,325
Western .....	..	..	..	..	..	554	..	611	13,507	16,023
TOTAL	1,308	270	336	333	6,454	34,760	35	57,566	332,788	400,346

SUMMARY.

Church of England, 79,754; Methodists (of all Denominations), 61,088; Presbyterians (of all Denominations), 78,383; Roman Catholics, 43,029; Baptists (of all Denominations), 12,968; Miscellaneous, 22,806; no Profession, 34,760. Total.... 332,788

Deficiency as compared with the entire Population, being nearly one-sixth 67,558

