





275-

N<sup>o</sup> 1.

# FURTHER PAPERS

RELATIVE TO

# THE CLERGY RESERVES

IN

# CANADA.

*(In continuation of Papers presented to Parliament by Her Majesty's Command,  
23d February 1852.)*

---

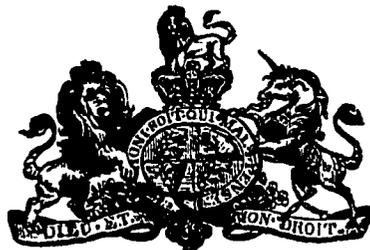
---

**Presented to both Houses of Parliament by Command of Her Majesty.  
11th February 1853.**

---

---

Bibliothèque,  
Le Séminaire de Québec  
3, rue de l'Université,  
Québec 4, QUE.



LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,  
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY,  
FOR HER MAJESTY'S STATIONERY OFFICE.

1853.





## SCHEDULE.

### DESPATCHES FROM GOVERNOR-GENERAL THE EARL OF ELGIN AND KINCARDINE.

No. in Series.	Date and Number.	SUBJECT.	Page.
1	June 19, 1852 (53.)	PETITIONS TO HER MAJESTY, from the Bishops of Quebec, Montreal, and Toronto; in reply to Sir John Pakington's Despatch, No. 27, 21st of May acknowledging these Petitions - - - - -	5
2	July 31, 1852 (65.)	ADDRESSES TO HER MAJESTY, transmitted from the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland - - -	5
3	Sept. 22, 1852 (85.)	ADDRESS TO HER MAJESTY FROM THE PARLIAMENT OF CANADA, 17th September 1852, transmitted - - - - -	7
4	Sept. 25, 1852 (92.)	MEMORIAL FROM THE LORD BISHOP OF QUEBEC, on the subject of the Address of the Legislative Assembly of 17th September 1852 - - - - - Copy of Petition to Her Majesty, from the Bishop of Quebec, and Clergy and Congregations of the Diocese of Quebec, in the Province of Canada -	8 9

### DESPATCHES FROM THE SECRETARY OF STATE.

FROM SIR JOHN S. PAKINGTON, BART.			
1	April 22, 1852 (12.)	CLERGY RESERVES. Views of Her Majesty's Government on the subject of the Clergy Reserves - - -	12
2	May 21, 1852 (27.)	PETITIONS TO HER MAJESTY from the Bishops of Quebec, Montreal, and Toronto, acknowledged - - -	13
3	July 15, 1852 (43.)	With reference to the above - - - - -	13
4	Aug. 25, 1852 (58.)	ADDRESSES TO HER MAJESTY from the Synod of the Presbyterian Church in Canada, acknowledged - - -	13
FROM THE DUKE OF NEWCASTLE.			
5	Jan. 15, 1853 (2.)	ADDRESS TO HER MAJESTY from the Parliament of Canada, acknowledged; prayer of Address acceded to - - -	14
6	Jan. 15, 1853 (3.)	MEMORIAL FROM LORD BISHOP OF QUEBEC, enclosed in Governor-General's Despatch, No. 92, 25th September 1852, acknowledged - - - - -	15

### CORRESPONDENCE WITH MR. HINCKS.

No. in Series.	From whom.	Date.	SUBJECT.	Page.
1	F. Hincks, Esq., to Sir John S. Pakington.	May 3, 1852	Transmitting an Extract from an approved Report of a Committee of the Executive Council of Canada, dated the 7th April, on the subject of the Clergy Reserves - - -	16
2	The Earl of Desart to F. Hincks, Esq.	May 7, 1852	Acknowledging the above communication, and forwarding the copy of a Despatch addressed to the Governor-General of Canada, containing the views of Her Majesty's Government on the question - - -	17

No. in Series.	From whom.	Date.	SUBJECT.	Page.
3	F. Hincks, Esq., to Sir John S. Pakington.	May 10, 1852	In reply, and containing Observations on the Clergy Reserve question, with reference to Sir John Pakington's Despatch addressed to the Governor-General	17
4	Earl of Desart to F. Hincks, Esq.	May 17, 1852	Acknowledging Mr. Hincks's Letter of the 18th May, on the subject of the decision of Her Majesty's Government as to the Clergy Reserve question - -	19

## LETTER FROM THE BISHOP OF QUEBEC.

The Bishop of Quebec to Sir John S. Pakington [Extract].	October 22, 1852	Information on the subject of the Provision for the Clergy in the Diocese of Quebec; amount set apart from the Clergy Reserve Fund - - -	20
		PETITION from the Bishop, Clergy, and Congregations of the Diocese of Montreal -	20

## APPENDIX.

EXTRACT FROM VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY, 14th September 1852 - - - - -	23
Ditto - ditto 15th September 1852 - - - - -	27
Ditto - ditto 16th September 1852 - - - - -	27
Ditto - ditto 17th September 1852 - - - - -	27
Ditto - ditto 18th October 1852 - - - - -	30
PETITIONS TO HER MAJESTY :	
19th Feb. 1851.—From the Bishops of the Dioceses of Quebec, Toronto, and Montreal -	31
19th Feb. 1851.—From the Bishop of Montreal, and the Clergy and Congregations of the Diocese of Montreal - - - - -	33

# COPIES

OF ALL

CORRESPONDENCE between Her Majesty's Government in CANADA, or any Member thereof, and the Secretary of State for the Colonies, on the Subject of the CLERGY RESERVES.

---

## Despatches from Governor the Right Honourable the Earl of Elgin & Kincardine.

---

CANADA.

(No. 53.)

No. 1.

COPY of a DESPATCH from Governor the Right Honourable the Earl of ELGIN to Sir JOHN S. PAKINGTON, Bart.

No. 1.

Government House, Quebec, June 19, 1852.

(Received July 5, 1852.)

SIR,

(Answered, July 15, 1852, No. 43, page 13.)

I HAVE the honour to report, in reply to your Despatch No. 27\*, of the 21st of May, that I have caused official communications to be addressed to the Bishops of Quebec and Montreal, informing them respectively that the Petition to Her Majesty from the Bishops of Quebec, Montreal, and Toronto, and that from the Bishops, Clergy, and Congregations of the Diocese of Montreal, in reference to the Clergy Reserves, have been very graciously received by Her Majesty, and that it is not the intention of Her Majesty's Advisers to propose any measure to Parliament on the subject, during the present session.

\* Page 13.

2. With reference to the last paragraph of the despatch above-mentioned I beg to state that I have read your despatch No. 12, of the 22d of April † to the Bishop of Quebec, as I apprehend that it was not probably your intention that I should place copies of this document, which is in the nature of a reply to an Address of the Legislative Assembly, in the hands of third parties, before the meeting of the Legislature.

† Page 12.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

---

(No. 65.)

No. 2.

COPY of a DESPATCH from Governor the Right Honourable the Earl of ELGIN to Sir JOHN S. PAKINGTON, Bart.

No. 2.

Government House, Quebec, July 31, 1852.

(Received August 17, 1852.)

SIR,

(Answered, August 25, 1852, No. 53, page 13.)

I HAVE the honour to enclose herewith two Addresses to Her Majesty the Queen, from the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, in order that they may be laid at the foot of the Throne.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

---

CANADA.

Enclosure 1 in No. 2.

Encl. 1 in No. 2.

Unto the QUEEN'S Most Excellent MAJESTY.

Most gracious Sovereign,

WE, Your Majesty's most loyal and dutiful subjects, the Ministers and Elders of the Presbyterian Church of Canada, in connexion with the Church of Scotland, in Synod assembled, gladly embrace this opportunity of renewing the expression of our devoted and undiminished attachment to Your Majesty's Royal Person and Government.

We rejoice to say, that in the important province of the British empire in which our lot is cast, the inestimable blessings of peace and prosperity are fully enjoyed, so that, under the benign protection of Your Majesty, we are in possession of the most perfect liberty in the due exercise of all our ecclesiastical functions. And we earnestly trust that those important civil and religious privileges we enjoy, shall ever be maintained unimpaired.

We sincerely trust that Great Britain is destined to occupy a yet more illustrious place than heretofore in the annals of nations, and take the lead in the great work of advancing the welfare and happiness of mankind, and of diffusing over the world the blessings of knowledge and religion.

That Almighty God, the King of kings, and Ruler of nations, may long preserve Your Majesty's life, a life so dear to Your subjects in every quarter of the world, and abundantly enrich Your Majesty, Your Royal Consort, the Prince Albert, his Royal Highness the Heir Apparent to the British Throne, and all the Members of Your Royal House, with every blessing, temporal and spiritual, is our sincere and constant prayer.

Signed at Williamstown, this 12th day of July 1852 years. In name, in presence, and by appointment of the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, by

JOHN M'MARINE,  
Moderator of Synod.

Encl. 2 in No. 2.

Enclosure 2 in No. 2.

Unto the QUEEN'S Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, Your Majesty's dutiful and loyal subjects, the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, beg leave to approach Your Majesty to express the views of the Church to which we belong, in reference to a matter of the utmost importance to very many of Your Majesty's subjects in this Province, the proper support to be afforded for religious instruction.

When the province of Canada, by an Act of the Imperial Parliament, was divided into Upper and Lower Canada in 1791, a recommendation was made by Your Majesty's pious grandfather, that a provision in lands should be made within each of the new Provinces for the support of a Protestant clergy. In the enactment referred to, one-seventh of the lands then belonging to the Crown in these Provinces, was required to be set apart for religious purposes, and when the governments were organized under the new charter, that provision of the Imperial Statute was carried into effect. These lands, for many years, in the infant state of the Province, were wholly unproductive, and the support of the Church of England devolved upon the Government, or societies in England established for the purpose of propagating the Gospel in Foreign Parts. While the Province was chiefly a wilderness, and the Presbyterian population confined principally to one section, few clergymen of the Church of Scotland were required, and few were induced to leave their homes and connexions to labour in so uninviting a field. By the rapid advance in population and improvements, the demand for such labourers has greatly increased, and now the lands set apart for religious purposes have become of such value, as to hold out some assurance that the objects of a pious Sovereign may be accomplished. The right of the Sovereign of the United Kingdom and the Imperial Parliament to appropriate a portion of the lands of the Crown to religious purposes will scarcely be questioned, and to the exercise of that right we have always been unable to discover any reasonable objection. We humbly beg leave to submit to Your Majesty, that a portion of the people of Canada cannot legitimately claim, even if they were disposed to do so, that lands appropriated by the British nation, because within the Province of Canada, necessarily belong to the people of Canada, and are liable to be wholly diverted from the great and pious objects for which they were intended.

We regret exceedingly that efforts are being made, by some of the denominations of Christians in these Provinces, to obtain the sanction of Your Majesty, and of the Imperial Parliament, to a measure for the withdrawal from religion of all support derived from these lands, and the application of these funds to secular purposes; but we trust and believe, that Your Majesty's Government are too strongly impressed with the sacred obligation which all must feel, of providing efficient means for the religious and moral instruction of the community, to admit of such efforts being successful. To many congregations and people in the remote settlements, the regular worship of God, conducted by ministers of their Church, must be in a great measure denied, should the support referred to be withdrawn.

We therefore pray that Your Majesty, in the exercise of the Royal prerogative, may not be induced to depart, in this province, from a principle which cannot be abandoned in the United Kingdom without shaking to their very foundation the glorious institutions which have exalted it as a Christian nation.

We pray to God that Your Majesty may long reign over a free, a loyal, and a religious people.

Signed at Williamstown, this Twelfth day of July One thousand eight hundred and fifty-two, in name, in presence, and by appointment of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland, by

JOHN M'MARINE,  
Moderator of Synod.

---

No. 3.

No. 3.

(No. 85.)

COPY of a DESPATCH from Governor the Right Honourable the Earl of ELGIN to Sir JOHN S. PAKINGTON, Bart.

Government House, Quebec, September 22, 1852.

(Received, October 12, 1852.)

SIR,

(Answered, January 15, 1853, No. 2, page 14.)

I HAVE the honour to transmit herewith, with a view to its being laid at the foot of the Throne, the humble Address\* to the Queen of Her Majesty's dutiful and loyal subjects, the Commons of Canada in Provincial Parliament assembled, on the subject of the Clergy Reserves.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

---

Enclosure in No. 3.

Encl. in No. 3.

To the QUEEN'S Most Excellent MAJESTY.

Most Gracious Sovereign,

WE Your Majesty's dutiful and loyal subjects, the Commons of Canada in Provincial Parliament assembled, beg leave most humbly and respectfully to assure Your Majesty that we deeply regret to learn from the despatch of the Right honourable Sir John Pakington, Your Majesty's Principal Secretary of State for the Colonies, that Your Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act 3 & 4 Vict. c. 78, intituled, "An Act to provide for the sale of the Clergy Reserves in the Province of Canada, and for the distribution of the Proceeds thereof."

We entreat Your Majesty to believe, that whatever difference of opinion may exist among the people of Canada as to the best mode of disposing of the revenues derived from the lands known as Clergy Reserves, the great mass of the people will ever maintain the principle recognized by the Right honourable the Earl Grey, then Your Majesty's Principal Secretary of State for the Colonies, in his despatch of 27th January 1851, to the Right honourable the Earl of Elgin and Kincardine, that the question whether the existing arrangement "is to be maintained or altered, is one so exclusively affecting the people of Canada, that its decision ought not to be withdrawn from the Provincial Legislature, to which it properly belongs to regulate all matters concerning the domestic interests of the province."

We beg leave further most humbly to represent, that while the people of Canada are devotedly attached to Your Majesty's Person and Government, and most anxious to maintain inviolate the connexion which binds them to the great empire over which Your Majesty rules, yet we are bound by a high sense of duty to inform Your Majesty that the refusal on the part of the Imperial Parliament to comply with the just demand of the representatives of the Canadian people on a matter exclusively affecting their own interests, will be viewed as a violation of their constitutional rights, and will lead to deep and wide-spread dissatisfaction among Your Majesty's Canadian subjects.

We are well aware that attempts have been made to induce Your Majesty's Imperial Ministers to believe that the present representatives of the people of Canada entertain opinions on the subject of the repeal of the Clergy Reserves Act, different from those expressed by the late Parliament.

But we confidently hope that when Your Majesty's Ministers shall be convinced that the opinions of the people of Canada, and of their representatives, on this subject are unaltered and unalterable, they will consent to give effect to the promise made by their predecessors; and we are confirmed in this hope by the suggestion in the despatch of the Right honourable Sir John Pakington, that Your Majesty's Ministers are prepared to recommend amendments to the Imperial Clergy Reserve Act, with a view to satisfy the wishes of the Canadian people.

---

\* Extracts from the Votes and Proceedings of the Assembly with reference to this Address will be found in the Appendix to the present Paper. See page 23.

CANADA.

We can scarcely doubt that, the principle of amending the present Act being admitted, Your Majesty's Ministers will yield to the strong feeling which pervades the Canadian people, that any new legislative enactments regarding the Clergy Reserves should be framed by their own representatives, instead of by the Imperial Parliament, which being necessarily unacquainted with the state of public opinion in Canada, cannot be expected to concur in a measure that will give permanent satisfaction to its inhabitants.

And we desire to assure Your Majesty, that in thus giving expression to the public opinion of the country, we are actuated by the strongest feelings of loyalty to Your Majesty, and by a sincere desire to prevent those lamentable consequences which must be the result of a difference of opinion between the Imperial and Provincial Parliaments on a question on which very strong feelings are known to prevail among the people of this province.

(Signed) JOHN SANDFIELD MACDONALD, Speaker.

Legislative Assembly Hall, Quebec,  
September 17, 1852.

No. 4.

(No. 92.)

No. 4.

COPY of a DESPATCH from Governor the Right Honourable the Earl ELGIN to Sir JOHN S. PAKINGTON, Bart.

Government House, Quebec, September 25, 1852.

(Received October 12, 1852.)

(Answered January 15, 1853, No. 3, page 15.)

SIR,

I HASTEN to forward herewith a memorial which has this day been placed in my hands from the Lord Bishop of Quebec, on the subject of the address of the Legislative Assembly in relation to the Clergy Reserves, transmitted by this mail.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

Encl. in No. 4.

Enclosure in No. 4.

To his Excellency the Right Honourable the Earl of ELGIN AND KINCARDINE, K.T.,  
Governor-General of British North America, &c. &c. &c.

The Memorial of GEORGE J. MOUNTAIN, D.D., Lord Bishop of Quebec,

Most humbly sheweth,

THAT your Excellency's memorialist, having been called to preside over the interests of the Church of England in this diocese, is constrained by a sense of duty to God and man, to lay before your Excellency, with the prayer that it may be transmitted to Her Majesty's Government in England, his solemn remonstrance against the tenor of an address to Her Majesty, recently voted by the Legislative Assembly of this province, in relation to the Clergy Reserves within the same, and specially against the purpose intimated on the part of the advisers of Her Majesty in the provincial government, to secularize that property which by the pious munificence of the Sovereign and Parliament of England, was appropriated for the support and perpetuation of religion.

That the distribution of the revenue arising from this property, under the Imperial Act 3 & 4 Vict. c. 78, carrying with it a great sacrifice of the original claims of the Church of England, was distinctly understood to be final, and as your Excellency's memorialist humbly conceives, involved an absolute pledge to the parties concerned, for the security and permanence of their interest in the same, as then established.

That the the clergy and lay members of the Church of England in this diocese are to be considered as only having abstained, during the present session, from petitioning your Excellency and the other branches of the provincial parliament, against alienation of those Reserves from their original purpose, because they were aware that, in the actual position of the affair, no legislative enactment affecting the lands in question can take place; but that the depth and earnestness of their feeling upon the subject has been sufficiently manifested in the petition (a copy of which is subjoined to this memorial, Appendix A.), which they addressed to the three branches of the Imperial Parliament towards the close of 1850, the same having been adopted at a numerous meeting held at Quebec, which was attended by lay delegates as well as clergymen from all parts of the diocese, who entered most warmly into the objects of the said petition.

That the great majority of the clergy in this diocese are missionaries labouring in settlements where the people, by their utmost exertions, are incapable of supporting a minister themselves; that the means contributed from England towards the maintenance of these missionaries are now in course of being gradually withdrawn, and that Quebec is the only

place in the diocese where there can be said to be anything like such wealth in the hands of any body of persons belonging to the Church of England as could be made available towards the relief of the spiritual wants existing and increasing with the increase of population in the said settlements.

That instances are within the knowledge of your Excellency's memorialist in which ministers of other Protestant denominations, placed among the people in such settlements, under stipulations for their maintenance, by the aid of contributions to be raised upon the spot, have, in consequence of the failure of these poor congregations to fulfil their engagements in such behalf, been compelled to abandon their charge.

That even if it could be considered, under any circumstances, justifiable to take advantage, after the final arrangement made by the above-mentioned Act 3 & 4 Vict. c. 78. of the clause in 31 Geo. 3. c. 31., which regards the varying or repealing of the previous clauses in the same, whereby the Clergy Reserves are set apart for the support of religion, the actual circumstances of the Church of England in the country, and the wants and prospects of her people are (as may appear from what has been above stated) the very opposite of such as to furnish a plea for the confiscation of any property allotted for her support; and a measure of this nature would be fraught with such calamitous consequences to their spiritual well-being as the promoters of the measure would themselves beyond all doubt fervently deprecate.

That notwithstanding the extraordinary efforts made in Canada West to foment prejudice and to excite popular feeling against the preservation of the compact concluded by means of the above-mentioned Act of 3 & 4 Vict. c. 78., the majority of members of the Legislative Assembly from that section of the province who voted in favour of the recent address was only a majority of six, the numbers respectively being 20 and 14,\* and the names standing as appears in an Appendix to this memorial (B.); and that your Excellency's memorialist believes himself to proceed upon correct information when he states that the members generally from Canada East are understood to have regarded the question as one proper to Canada West on account of the greater stake there existing in the Reserves, and the far larger proportion of Protestant inhabitants, and, by consequence, to have simply followed the majority of voters from that section.

Wherefore your Excellency's memorialist humbly prays that your Excellency will be pleased to give your favourable consideration to the statements herein submitted, and to forward the same to Her Majesty's Secretary of State for the Colonies.

And your Excellency's memorialist, as in duty bound, will ever pray.

(Signed) G. J. QUEBEC.

#### Appendix (A.)

##### To the QUEEN'S Most Excellent MAJESTY.

The Petition of the Bishop of Quebec, and Clergy and Congregations of the Diocese of Quebec, in the Province of Canada,

Most humbly sheweth,

THAT in the year 1791 an Act was passed by the Imperial Parliament, 31 Geo. 3. c. 31., comprehending the appropriation of the lands called the Clergy Reserves, in the provinces of Upper and Lower Canada, for the support and maintenance of a Protestant clergy, and indicating in all its following clauses the clergy of the Church of England, and no other, as the body who were to be so supported and maintained.

That in the year 1793, Your Majesty's royal grandfather of blessed memory, King George III., following up the intention of the afore-mentioned Act, erected the provinces of Upper and Lower Canada into a diocese of the Church of England, in connexion with the Archbishopial See of Canterbury, of which the city of Quebec was made the see; and that in the letters patent appointing the Bishop to the same, express and formal reference is made to the aforesaid Act of appropriation of the Clergy Reserves, the two measures being manifestly designed to form parts of one and the same plan, and the decision being practically made in accordance with what was contemplated in all the clauses of the Act, as to what Protestant clergy were, under the Act, to be endowed.

That in the year 1816 the Bishop and clergy of the Church of England were constituted corporations by Royal Letters Patent, one corporation for Lower, and one for Upper Canada, for the management respectively of the Clergy Reserves, for the benefit of their own church within the then existing two provinces, and that these corporations were beginning to put in train the efficient and advantageous administration of the said Reserves, when their proceedings were interfered with, and finally stopped by the transfer to the hands of the Commissioner of Crown Lands of the direction of the Clergy Reserves, and the introduction of the system of sales, conducted by that functionary, in the manner of effecting which the most grievous and most extensive detriment in all perpetuity was done to the interests of the Church.

\* Sir Allan M'Nab, the leader of opposition to the measure of confiscation, would have been added to this number, but was confined at home by illness.

CANADA.

That the exclusive claim of the Church of England to the benefit of the Clergy Reserves implied, as has been made to appear in different measures of the Crown and Parliament of Great Britain, continued unchallenged and unquestioned till after the year 1820, and that when the efforts which were made to assert a rival claim produced a great amount of painful ferment and agitation in the country the clergy and members of the Church of England in maintaining what, according to their clear and settled convictions, was their right to the whole profits of the Reserves, as the patrimony of the said church, forbore from contributing to the excitement of the public mind upon the subject by any inflammatory appeals, or any coloured representations to suit the interests of their own party.

That in the year 1840 a vast concession was made to the parties adverse to the claims originally recognised as existing in the Church of England by the enactment of an Imperial statute for the division of the profits arising from the Clergy Reserves, under the provisions of which statute two-thirds of the proceeds of the lands then sold, and two-thirds of one half of the lands still unsold, were allotted to the Church of England in this province.

That notwithstanding the facts herein already set forth, and the great inaccuracies of many of those representations proceeding from other quarters, upon which this legislative measure appears to have been based, the clergy and lay members of the Church of England in the province peaceably submitted to this arrangement of the long-agitated questions respecting the Clergy Reserves, and accepted it, according to what they had all reason to do, as the final settlement of those questions, and the extinction, once for all, of all discussions and differences upon the subject; and that to this settlement they considered, and so your Majesty's petitioners do now consider, the faith of the Government to be pledged.

That from the date of passing the aforesaid Act of 1840 up to the close of the year 1849, no discontent was manifested in any quarter on account of the provisions of the said Act, and that up to the present moment there has been no agitation of feeling in the province upon the subject.

That under all these circumstances it has been impossible for your Majesty's petitioners to view otherwise than with the keenest sense of injury and the deepest feelings of astonishment and alarm a proceeding of the House of Assembly during the late session of the Provincial Legislature, in which resolutions have been passed and an address to Your Majesty has been voted, to the effect that this reservation of land for the maintenance of religion should be alienated from its sacred purpose, and applied to the promotion of education and other secular objects.

That although your Majesty's petitioners had patiently submitted to the great and unlooked-for diminution of the revenues of the Church of England created by the Act of 1840, and to the variety of what they have conceived to be vexatious and injurious proceedings in the administration of the lands, tending still further to impair and lessen those revenues—although they had brought themselves to acquiesce in an arrangement which, with the addition of all these disadvantages, presses with particular hardship upon their Church in Lower Canada, in which the whole extent of the seigneurial tracts of country comprise no Clergy Reserves whatever—yet they cannot but apprehend that the proposed confiscation even of the remnant and pittance of endowment which had been left to them will create extensive and permanent dissatisfaction among the members of the Church at large in the province, nor can they fail in the most earnest and solemn manner to deprecate an act of spoliation which would be disastrous to the most sacred interests of human society, and openly hostile to the propagation of the truth of God.

That the Church of England population of Lower Canada is believed to approach, in numbers, to the entire aggregate of all other Protestant denominations within that portion of the province, and that it consists, at the same time, to a very great extent, of the occupiers of poor and backward settlements, who mainly depend for the ministrations of religion upon the charity of the Society in London for the Propagation of the Gospel; the revenue up to this date derived from the Clergy Reserves supplying but a very small portion of the expenditure made, upon the most frugal and parsimonious scale, for this object.

That whenever the assistance of the above-mentioned society shall be withdrawn (an arrangement which steps have been taken gradually to accomplish), the revenue from the Clergy Reserves, in whatever degree it shall have then improved, will form an extremely inadequate provision, and one which need not in any quarter be grudged for the maintenance of religion among those who can do but little for themselves; and that your Majesty's petitioners confide in your Majesty's gracious protection of your loving and loyal subjects, and your concern for their religious well-being, to prevent the sanction of a measure which, in the face of another Church enjoying the most magnificent resources through the large and generous indulgence of your Majesty's Government, would, in human calculation, go far to crush the hopes and neutralise the efforts of a poor and laborious clergy, and to carry severe damage, in all perpetuity, to the spiritual interests of the people in this diocese professing the religion of the British empire.

That your Majesty's petitioners, who conceive in all humility that the hard measure dealt already, in different ways, to the Church of England in this province, has reached a point at which they might hope that it would stop, are most unwillingly compelled to see in the resolutions and address of the House of Assembly, to which reference is here made, the manifestation of a spirit towards the religion which they profess, calculated to inspire them with apprehensions of the most grave and serious character for the future, and to impress upon them the anticipation that if the object of the resolutions and address should be actually

gained, it may only be the prelude to a course of oppressive measures, against the advance of which they fervently and confidently implore the succour and interposition of their Sovereign.

Wherefore your Majesty's petitioners most humbly pray, that Your Majesty will be graciously pleased to withhold your royal sanction from any measure for reversing or altering the provisions of the Act of the Imperial Parliament 3 & 4 Vict. c. 78.

CANADA

## Appendix (B.)

NAMES of the Upper Canada Members who voted upon the Address of the Legislative Assembly respecting the Clergy Reserves.

YEAS.—Brown, Cameron, Christie of Wentworth, Fergusson, Hartman, Hincks, Johnson, Langton, M'Donald of Cornwall, Mackenzie, Mattrie, M'Lachlin, Merritt, Paige, Patrick, Richards, Rolph, Rose, White, Wright of East Riding of York.

NAYS.—Boulton, Burnham, Crawford, Dixon, Macdonald of Kingston, Malloch, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Willson, Wright of West Riding of York.

(Sir Allan Macnab, who would have voted with the minority, disabled from attendance.)

CANADA

## Despatches from the Secretary of State.

FROM SIR JOHN PAKINGTON, BART.

No. 1.

No. 1.

(No. 12.)

COPY of a DESPATCH from Sir JOHN S. PAKINGTON Bart. to the Earl of ELGIN AND KINCARDINE.

MY LORD,

Downing Street, April 22, 1852.

By a Despatch of my predecessor, Earl Grey, of the 11th July last,\* you were informed that Her Majesty's then servants found themselves compelled to postpone to another session the introduction into Parliament of a Bill giving to the Canadian Legislature authority to alter the existing arrangement with regard to the Clergy Reserves.

2. With reference to that intimation, I have now to inform you that it is not the intention of Her Majesty's present advisers to propose such a measure to Parliament this session.

3. They have, in the first place, taken into consideration that, since any opinion upon this difficult subject was expressed by the Legislature of Canada, a general election has taken place in the province, and it is as yet uncertain what the views of the new Assembly as to the disposal of the Clergy Reserves may be.

4. But, independently of that circumstance, Her Majesty's Government feel serious doubts how far they would be able to give their consent and support to an arrangement, the result of which would too probably be the diversion to other purposes of the only public fund, except that devoted to the endowment of the Roman Catholic Church, which now exists for the support of Divine worship and religious instruction in the colony.

5. While it appears to Her Majesty's Government that, under the distribution authorized by the Clergy Reserves Act, 3 & 4 Vict. c. 78, of the proceeds of the sales of the reserved lands, no ground is left for reasonable jealousy or complaint of undue favour to particular religious denominations, they think it may possibly be desirable, on account of the changes which may be effected in the character of the population through extensive immigration or other causes, that the distribution in question should from time to time be reconsidered.

6. Any proposals of such a nature Her Majesty's Government would be willing to entertain; but they are of opinion that they could only regard any measure which would place it in the power of an accidental majority of the colonial legislature, however small, to divert for ever from its sacred object the fund arising from that portion of the public lands of Canada which, almost from the period of the British conquest of that province, has been set apart for the religious instruction of the people, with the most serious doubt and hesitation how far they should be justified in advising Her Majesty to give Her consent to such an enactment.

7. These views on the part of Her Majesty's Government, with respect to a proposal so deeply and permanently affecting the interests of Canada, cannot but derive additional strength from the numerous petitions, having many thousand signatures, which have been addressed both to the Queen and to the Parliament of the United Kingdom, praying that the existing Act relating to the Clergy Reserves may continue in force.

I have, &amp;c.

Governor the Right Hon.  
The Earl of Elgin and Kincardine,  
&c. &c. &c.

(Signed) JOHN S. PAKINGTON.

\* Page 18 of Papers relative to the Clergy Reserves in Canada, presented to Parliament by Command, 23d February 1852.

(No. 27.)

No. 2.

COPY of a DESPATCH from Sir JOHN S. PAKINGTON Bart. to the Earl of  
ELGIN AND KINCARDINE.

MY LORD,

Downing Street, May 21, 1852.

I HAVE received from the Secretary of State for the Home Department a petition from the Bishops of Quebec, Montreal, and Toronto,\* praying that Her Majesty will be graciously pleased to withhold Her Royal Assent from any measure altering the provisions of the Act 3 & 4 Vict. relative to the Clergy Reserves in Canada, and also a petition from the bishop, clergy, and congregations of the diocese of Montreal,† praying that the said question may not be re-opened.

\* See Appendix to this Paper.

† Ditto.

I have to request that you will acquaint the petitioners that I have laid their petitions before the Queen, and that Her Majesty was pleased to receive them very graciously.

On this subject it is only necessary that I should instruct your Lordship to refer the petitioners to my Despatch No. 12,‡ of the 22d of April, communicating to you the views entertained by Her Majesty's Government upon this question.

‡ Page 12.

I have, &amp;c.

Governor the Right Hon. (Signed) JOHN S. PAKINGTON.  
The Earl of Elgin and Kincardine,  
&c. &c. &c.

(No. 43.)

No. 3.

No. 3.

COPY of a DESPATCH from Sir JOHN S. PAKINGTON Bart. to the Earl of  
ELGIN AND KINCARDINE.

MY LORD,

Downing Street, July 15, 1852.

I HAVE the honour to acknowledge the receipt of your Despatch No. 53,§ of the 19th June, and to convey to your Lordship my approval of the course which you adopted in communicating to the Bishops of Quebec and Montreal the decision of Her Majesty's Government on the question of the Clergy Reserves.

§ Page 5.

I have, &amp;c.

Governor the Right Hon. (Signed) JOHN S. PAKINGTON.  
The Earl of Elgin and Kincardine,  
&c. &c. &c.

(No. 58.)

No. 4.

No. 4.

COPY of a DESPATCH from Sir J. S. PAKINGTON Bart. to the Earl of  
ELGIN AND KINCARDINE.

MY LORD,

Downing Street, August 25, 1852.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch No. 65,|| of the 31st ultimo, enclosing two Addresses to the Queen from the Synod of the Presbyterian Church in Canada in connexion with the Church of Scotland.

|| Page 5.

I have laid these Addresses before the Queen, and Her Majesty was pleased to receive them very graciously.

I have, &amp;c.

Governor the Right Hon. (Signed) JOHN S. PAKINGTON.  
The Earl of Elgin and Kincardine,  
&c. &c. &c.

## FROM THE DUKE OF NEWCASTLE.

No. 5.

(No. 2.)

No. 5.

COPY of a DESPATCH from the Duke of NEWCASTLE to the Earl of  
ELGIN AND KINCARDINE.

MY LORD,

Downing Street, January 15, 1853.

¶ Page 7.

I HAVE the honour to acknowledge your Despatch of the 22d of September last ¶, addressed to my predecessor, and forwarding an address to the Queen from the Commons of Canada in Provincial Parliament assembled, on the subject of the clergy reserves.

2. This address was laid before Her Majesty by my predecessor, and your Lordship is probably aware, from what has recently passed on this subject in the Imperial Parliament, that Her Majesty's late advisers had taken the matters contained in it into their consideration, and were preparing to communicate with you respecting it when the recent change in the administration interfered with their intentions.

3. In consequence of that event it became my duty to bring the subject under the attention of my colleagues at the earliest opportunity, and I have now to inform you that Her Majesty's Government have determined on advising Her Majesty to accede to the prayer of that address.

4. In arriving at this decision they have felt it their duty to keep out of view the question whether or not any alteration is at present desirable in the mode of appropriating the fund derived from those reserves established by the 3 & 4 Victoria, chapter 78. They do not deny that they share in the regret expressed by Lord Grey in his despatch of January 27th, 1851, that any desire should be entertained to disturb a settlement devised with a view to reconcile conflicting interests and feelings, and which it was hoped might have accomplished that object. But they are fully satisfied that no such sentiments of regret would justify the Government or Parliament of this country in withholding from the Canadian people, through their representatives, the right of dealing as they may think proper with matters of strictly domestic interest.

5. That such was to a great extent the view originally entertained by the British Parliament of this question appears evident from the provisions of the original constitutional Act of 31 Geo. III., by which a wide discretion was left to the then Canadian legislature to alter or repeal its provisions. That liberty it was thought proper in framing the act of 1840 to withdraw, but in restoring it Her Majesty's Government are but reverting to those general principles of policy which were recognized in 1791 in this instance, and which have been habitually adopted and adhered to in others,—principles on which alone they conceive that the government of Canada can or ought to be conducted, and by the maintenance of which they believe that those sentiments of loyalty to the Crown and attachment to the existing connexion with this great empire which now animate the colony can be most effectually confirmed.

6. They will therefore be prepared to follow the course already indicated by Lord Grey in the despatch above referred to, namely, to recommend to Parliament to pass an Act giving to the provincial legislature authority to make, subject to the preservation of all existing interests, such alterations as they may think fit in the present arrangements respecting the clergy reserves. Her Majesty's Government are induced to make this reservation solely from those considerations of justice which they rejoice to find so fully recognized in the addresses which have been from time to time presented to the Crown.

7. The language of these addresses is such as to give every ground for confidence that the powers to be thus given to the Provincial Parliament will be exercised with caution and forbearance towards the feelings and interests of all classes in those two great districts which are now happily united under the single legislature and government of Canada. But I must repeat that it is not from a reliance on this confident anticipation, however strongly they may entertain it, that Her Majesty's Government have come to their present decision, but because they are satisfied on more general principles that the Parliament of Canada, and not the Parliament of the United Kingdom, is the body

to which the functions of legislation on this subject must for the public advantage be committed.

8. You will take an early opportunity for communicating the contents of this despatch to the legislature.

Governor the Right Hon.  
The Earl of Elgin and Kincardine,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

CANADA.

---

No. 6.

No. 6.

(No. 3.)

COPY of a DESPATCH from the Duke of NEWCASTLE to the Earl of  
ELGIN AND KINCARDINE.

MY LORD,

Downing Street, January 15, 1853.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch No. 92,\* of the 25th of September, transmitting a memorial from the Bishop of Québec on the subject of the Address of the Legislative Assembly of Canada relative to the Clergy Reserves, enclosed in your Despatch No. 85,† of the 22d September, and I have to instruct your Lordship to communicate the substance of my Despatch of this day's date to the Bishop, as my answer to his memorial.

\* Page 8.

† Page 7.

Governor the Right Hon.  
The Earl of Elgin and Kincardine,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

## Correspondence with Mr. Hincks.

CANADA.

No. 1.

No. 1.

COPY of a LETTER from F. HINCKS Esq. to the Right Honourable  
Sir JOHN S. PAKINGTON Bart.

SIR,

Morley's Hotel, London, May 3, 1852.

I HAVE the honour to enclose a copy of an approved Report of the Committee of the Executive Council of Canada, dated the 7th ultimo, which I received by the last mail. I have learned through the medium of the public journals that Her Majesty's Government has determined to take no action in the question of the clergy reserves during the present session of Parliament; and however much I may regret that decision, I am well aware that, under the circumstances, it is irrevocable. I have already had an opportunity of urging, during the interview with which you were good enough to honour me, the importance of settling this long vexed question as speedily as possible. It was my duty to state that the number of those who insist on the present settlement is very small, and I may now add, that one of the leading opposition newspapers in Upper Canada, and in the interest of the Church of England, has come out distinctly for a new scheme of distribution. I would press on Her Majesty's Government more formally what I have already urged in my conversation with you, that if, as has been alleged, the present Canadian Parliament is favourable to the views of the Church of England, it is surely the best time for that church to procure a settlement that will be regarded as constitutional. I can assure Her Majesty's Government with the utmost sincerity, that there will be no end to agitation in Canada if the attempt be made to settle this question permanently according to the public opinion of England instead of that of the province itself; and I may add, that it is well known that many who are opponents of the secularization of the Clergy Reserves are on constitutional grounds in favour of a settlement by the Provincial Parliament. I believe that after the assurance given by the late Government, it will be found impossible to protract very long the repeal of the Imperial Act; and I have no hesitation in affirming that no interests will suffer more by delay than those of the Church of England. If Her Majesty's Government desire, before determining on their line of action on this question, to ascertain the views of the present Canadian Parliament, I would respectfully beg to be informed of their decision.

I have, &amp;c.

Sir J. S. Pakington, Bart.,  
&c. &c. &c.

(Signed) FRANCIS HINCKS.

Encl. in No. 1.

Enclosure in No. 1.

EXTRACT from a Report of a Committee of the Honourable the Executive Council on Matters of State, dated 7th April 1852, approved by his Excellency the Governor-General in Council on the same day.

THE Committee have had under consideration the memorandum of the President of the Committee of Council on the propriety of instructing the Honourable the Inspector-General to ascertain the views of Her Majesty's Government on the subject of a repeal of the Imperial Act 3 & 4 Vict. c. 78., in conformity with the addresses to Her most Gracious Majesty, from both branches of the Canadian Legislature at its last session, on the subject of the Clergy Reserves.

The assurances of Her Majesty's late Government that such action would be taken, had prepared the people of Canada to expect that no further delay would take place in meeting their just wishes upon a question of such paramount importance to them; the Committee, therefore, recommend that their colleague, the Inspector-General, while in England, be requested by the provincial secretary to seek an interview with Her Majesty's Ministers, and represent to them the importance of carrying out the pledges of their predecessors on the subject of the Clergy Reserves, and thus empower the colonial legislature to deal with the question in accordance with the well understood wishes of the people of Canada.

Certified.

The Hon. the Provincial Secretary,  
&c. &c. &c.

(Signed) WM. H. LEE.

## No. 2.

CANADA.

No. 2.

COPY of a LETTER from the Earl of DESART to F. HINCKS Esq.

SIR,

Downing Street, May 7, 1852.

I AM directed by Secretary Sir John Pakington to acknowledge your letter of the 3d instant, transmitting an extract from an approved Report of a Committee of the Executive Council of Canada, dated 7th April, instructing you to represent to Her Majesty's Ministers the importance of carrying out the pledges of their predecessors on the subject of the Clergy Reserves.

Sir J. Pakington desires me to inform you, that until the receipt of your communication he was not aware of the existence of the Report of which you now send him a copy, Lord Elgin not having as yet transmitted it to this department. Being thus without any information that you were officially instructed to communicate with Her Majesty's Government on that particular subject, Sir J. Pakington did not think it necessary to announce to you their determination upon it, as he unquestionably would have done if he had been aware that your mission to this country was connected with it. I am now directed by Sir J. Pakington to enclose to you a copy of the despatch which he addressed to Lord Elgin on the 22d ultimo, communicating the decision of Her Majesty's Government.

No. 12, April 1852  
p. 12.

F. Hincks, Esq.

I have, &c.  
(Signed) DESART.

## No. 3.

No. 3.

COPY of a LETTER from F. HINCKS Esq. to the Right Honourable  
Sir JOHN S. PAKINGTON Bart.

SIR,

Morley's Hotel, London, May 10, 1852.

I HAVE the honour to acknowledge the receipt of a letter from the Earl of Desart, dated the 7th instant, enclosing a copy of your despatch to Governor-General the Earl of Elgin and Kincardine, dated the 22d ultimo, communicating the decision of Her Majesty's Government on the subject of the Canada Clergy Reserves, and I have to express my grateful acknowledgments therefor. It is probable that, as the approved Report of the Committee of the Executive Council of Canada was sent to me for the purpose of being delivered to Her Majesty's Government, it was deemed unnecessary by his Excellency the Governor-General to transmit another copy; but you will, I think, find on inquiry, that his Excellency has communicated to you a copy of a memorandum agreed to at a meeting of the members of the Council on the 25th February, prior to my departure, by which I was instructed "to press upon the consideration of Her Majesty's Government the importance of procuring the assent of the Imperial Parliament, as soon as possible, to a Bill for repealing the Imperial Act, 3 & 4 Vict. c. 78, providing for the sale of the Clergy Reserves in Canada, and for the distribution of the proceeds thereof, as prayed for by addresses from both houses of the provincial Parliament, and for authorizing the provincial Parliament to legislate on the subject of those Reserves."

I trust that the existence of these instructions, followed up as they have been by the approved Report of Council, which I had the honour to transmit in my letter of the 3d instant, will be a sufficient apology for my offering some remarks on your despatch of the 22d ultimo, which shall be made in a spirit of the highest respect to Her Majesty's Government. Had the addresses from the two houses of the Canadian Legislature prayed for any particular distribution of the income arising from the Clergy Reserve Fund, there most unquestionably would have been grave objections to any Imperial action to be founded on the opinions of a Parliament which had ceased to exist. But I would respectfully urge, that there can be no reasonable ground for doubt, that the great majority of the people of Canada desire that this question, which is one of local interest, should be disposed of by their own Parliament. I need not, however, press this point further, because I am well aware that legislation during the present session of the Imperial Parliament is now out of the question, and that before any further action could be taken by Her Majesty's Government, the new Canadian Parliament will have had an opportunity of expressing its views on the subject. But I am bound by a sense of duty to Her Majesty to express to Her confidential

CANADA.

advisers, that it is with the most serious alarm that I have read the concluding portion of your despatch. Most devotedly attached as I am to the maintenance of the subsisting connexion between the mother country and the British American colonies, I cannot view without grave apprehension the prospect of collision between Her Majesty's Government and the Parliament of Canada, on a question regarding which such strong feelings prevail among the great mass of the population. Such a difficulty is the more to be regretted, because the question of the Clergy Reserves is the only one, so far as I am aware, at all likely to lead to collision. It happens, most unfortunately, that public opinion in England differs very widely from that in Canada, on questions at all partaking of a religious character; and as the people of Canada are convinced that they are better judges than any parties in England can be of what measures will best conduce to the peace and welfare of the province, Her Majesty's Government will, I trust, perceive that the danger which I apprehend is at least deserving of the most grave consideration. I cannot have the slightest doubt that the members of Her Majesty's Government are actuated by the most earnest desire to promote the best interests of Canada, and that if they could be brought to believe that I have given a faithful account of the state of public opinion there, they would be disposed to yield their own wishes for the sake of the peace of the colony. I am quite ready to acknowledge the high respectability of the petitioners against the repeal of the Clergy Reserves Act. The bishops, clergy, and an influential portion of the laity of the Church of England, the clergy and a portion of the laity of the Church of Scotland, are doubtless in favour of the present settlement, which, indeed, confers on the Church of Scotland an income wholly beyond its requirements in Canada; while the majority of the Presbyterian population neither receive any share of the endowment, nor desire to participate in it. While, however, I admit the respectability of the petitioners, I think that I am justified in affirming that they do not represent anything like a majority of the population of Canada; indeed, the very fact that they on all occasions endeavour to accomplish their wishes by appealing, not to their own representatives in Parliament, but to the Imperial Parliament, is conclusive proof that they are themselves conscious that their views are not in accordance with public opinion in Canada. I forbear from entering into the consideration of the probable action of the Canadian Legislature on the Clergy Reserves question, because I am anxious to impress on Her Majesty's Government that, although there may be wide differences of opinion among the opponents of the present arrangement as to the best mode of settling the question, a vast majority of the people are agreed as to the necessity of its being effected by provincial legislation; and I am aware that some of the best friends of the Church of England question the soundness of the policy which has influenced the promoters of the petitions lately presented to Parliament to look for support to their views in England, instead of using their legitimate influence over public opinion in Canada. I do not by any means desire to conceal from Her Majesty's Government that, saving always the rights of existing incumbents, a very strong feeling prevails, especially in Upper Canada, in favour of the secularization of the Clergy Reserves; but I ought not to omit reminding them that, although it is true that the portion of public lands known as Clergy Reserves was set apart for the religious instruction of the people at a very early period, and when there were very few inhabitants in the colony, it is likewise true that power was expressly given to the provincial legislature "to vary or repeal" the clauses in the Act 31 Geo. 3., setting apart these lands; that successive Houses of Assembly remonstrated against giving effect to them, and that so firmly were the advisers of His late Majesty King William the Fourth impressed with the necessity of getting rid of this most perplexing question, that Secretary Viscount Goderich, in a despatch dated 21st November 1831, communicated the Royal instructions that a Bill, framed in England, should be submitted to the provincial Legislature, for the purpose of getting rid entirely of the endowment. The people of Canada know well the cause of the failure in carrying out the gracious intentions of His late Majesty, as well as their own repeatedly expressed wishes. The opinions of the mass of the people have never wavered during the last twenty-five years, although circumstances have from time to time induced them to pause in their efforts, in order to concentrate public opinion on questions more deeply affecting their constitutional rights. I cannot, therefore, conceive that any action which the

Canadian Parliament may take of the nature referred to in the despatch, could be correctly designated as the result of an accidental majority. All the great questions which have been settled in England during the last fifty years might be said with equal justice to have been carried by accidental majorities; and if a supposition on the part of Her Majesty's Government that any majority in the Canadian Parliament expressing views antagonistic to their own was an accidental one, were deemed a sufficient ground for resisting that majority, I would most respectfully submit that there would be no security whatever for constitutional government. I am well convinced that Her Majesty's advisers have every disposition to attach due weight to the clearly expressed opinion of the people of Canada, and I am therefore anxious to remind them of, and to urge upon their consideration the past history of the Clergy Reserves question, which I have endeavoured to glance at as briefly as possible. There is a passage in the despatch to the Earl of Elgin which seems to me calculated to lead to some misconception. I refer to the paragraph describing the Clergy Reserves as the only "public fund, except that devoted to the endowment of the Roman Catholic Church." I am not aware that any public fund has ever been devoted to the endowment of the Roman Catholic Church in Canada. Whatever property may be in the possession of Roman Catholics has been obtained principally by private donation or bequest, although in some cases there were additional grants from the French Crown, which were secured to the possessors at the conquest. These grants were made to communities consisting of ecclesiastics or religious ladies, either for charitable or educational purposes, or for the conversion of the Indians. If I am correct in this statement, as I believe that I am, I most respectfully submit that such grants as those to which I have referred bear no analogy to the Clergy Reserves, and can scarcely be considered as a public fund devoted to the endowment of the Roman Catholic Church. I should not discharge my duty to Her Majesty's Government were I not to state to them with perfect frankness my views on another paragraph in the despatch. I refer to that in which it is intimated that Her Majesty's Government would be willing to entertain a proposal for reconsidering the mode of distributing the income of the Clergy Reserves. I have no hesitation in stating it as my conviction that the Canadian Parliament will not invite the legislation of the Imperial Parliament regarding the distribution of a local fund. Any such proposition would be received as one for the violation of the most sacred constitutional rights of the people. I am therefore fully convinced that the future action of the Canadian Parliament will be essentially of the same character with that which has been already taken. I can assure you, Sir, that it is with deep regret that I find myself compelled by a sense of public duty to urge upon you views which I fear will not meet the approbation of Her Majesty's Government; but I trust that I have succeeded in doing so in a respectful manner; and I feel assured that they will receive the consideration which the importance of the subject demands, and that Her Majesty's advisers will be guided in their final decision by what they believe to be for the best interests of Canada.

Sir J. S. Pakington, Bart.,  
&c. &c. &c.

I have &c.  
(Signed) FRANCIS HINCKS.

No. 4.

No. 4.

COPY of a LETTER from the Earl of DESART to FRANCIS HINCKS Esq.

SIR,

Downing Street, May 17, 1852.

I AM directed by Secretary Sir John Pakington to acknowledge your letter of the 10th of this month, on the subject of the decision of Her Majesty's Government as to the Clergy Reserves question, and to thank you for the representations which you have made to them on this and other subjects affecting the views and interests of the people of Canada, on which they are fully sensible of the value of your opinion.

2. I am to add that Sir John Pakington has not been able to find in the records of this department any trace of the memorandum agreed to by the Executive Council on the 25th February last, to which your letter refers, having been communicated to his predecessor or himself.

F. Hincks, Esq.

I have, &c.  
(Signed) DESART.

CANADA.

## Letter from the Bishop of Quebec.

---

EXTRACT of a LETTER from the Bishop of Quebec to the Right. Hon. Sir JOHN S. PAKINGTON Bart., dated Quebec, October 22, 1852.

It may be proper that I should here state what are the advantages which we do enjoy. There are three clergymen in this diocese, myself included, who still receive salaries from Government, but the salary in each case is to cease upon the first occurrence of vacancy. There is an appropriation of about 1,150*l.* currency a year from the share of the Clergy Reserves left to the Church of England, of which 300*l.* is assigned to Bishop's College at Lennoxville (an institution connected equally with both the dioceses of Lower Canada, though situated in that of Quebec), and the remainder is distributed among twenty-eight missionaries, whose meagre incomes are, with two exceptions, made up under the existing but not permanent arrangements, by the bounty of the Society for the Propagation of the Gospel. And there is a sum set apart for the maintenance of the future bishopric out of the Clergy Reserves Fund, which now amounts to about 13,000*l.* currency, and is advancing towards the mark at which it will yield the moderate episcopal salary which is now given in other cases in the colonies, and the surplus will then be available for other objects of the Church. The whole number of clergy holding charge in my diocese is thirty-seven. There is no part of the North American colonies, perhaps, with the exception of Newfoundland, which, with reference to the Church of England population, is so poor as the diocese of Quebec, Quebec itself being the only spot within the whole diocese in which there is anything like wealth in the hands of the members of that church; and the great majority of the missions being established in the rude and more backward settlements of the country.

Having had occasion to mention the Clergy Reserves, I take the liberty of indicating as a document which I humbly conceive correctly exhibits the whole case, in a condensed form, the petition to the Imperial Parliament from the bishop, clergy, and laity of this diocese, sent home towards the close of 1850, of which a copy was appended to a memorial addressed by myself to the Governor General\* in September last, and transmitted by his Excellency to yourself. This petition was very warmly supported and numerously signed. For the convenience of reference I send herewith a printed copy of the petition from the diocese of Montreal, which, with the necessary adaptations, was adopted verbatim from that of Quebec (Appendix A.)

\* See Page 8.

Enclosure.

Enclosure.

Appendix (A.)

To the QUEEN'S most Excellent MAJESTY.

The Petition of the Bishop of Montreal, and the Clergy and Congregations of the Diocese of Montreal, in the Province of Canada.

Most humbly sheweth,

THAT in the year 1791 an Act was passed by the Imperial Parliament, 31 Geo. 3, c. 31, comprehending the appropriation of the lands called the Clergy Reserves, in the provinces of Upper and Lower Canada, for the support and maintenance of a Protestant clergy, and indicating in all the following clauses the clergy of the Church of England, and no other, as the body who were to be supported and maintained.

That in the year 1793 Your Majesty's royal grandfather, of blessed memory, King George III., following up the intention of the afore-mentioned Act, erected the provinces of Upper and Lower Canada into a diocese of the Church of England, in connexion with the Archiepiscopal See of Canterbury, of which the city of Québec was made the see; and that in the letters patent appointing the bishop to the same express and formal reference is made to the aforesaid Act of appropriation of the Clergy Reserves, the two measures being manifestly designed to form parts of one and the same, the plan and the decision being practically made in accordance with what was contemplated in all the clauses of the Act, as to what Protestant clergy were, under the Act, to be endowed.

That in the year 1816 the bishop and clergy of the Church of England were constituted corporations by Royal Letters Patent, one corporation for Lower, and one for Upper Canada, for the management respectively of the Clergy Reserves, for the benefit of their own Church within the then existing two provinces, and that these corporations were beginning to put in train the efficient and advantageous administration of the said Reserves, when their proceedings were interfered with, and finally stopped by the transfer to the hands of the Commissioner of Crown Lands of the direction of the Clergy Reserves, and the introduction of the system of sales conducted by that functionary, in the manner of effecting which the most grievous and most extensive detriment in all perpetuity was done to the interests of the Church.

That the exclusive claim of the Church of England to the benefit of the Clergy Reserves implied, as has been here made to appear, in different measures of the Crown and Parliament of Great Britain, continued unchallenged and unquestioned till after the year 1820, and that when the efforts which were made to assert a rival claim produced a great amount of painful ferment and agitation in the country, the clergy and members of the Church of England, in maintaining what, according to their clear and settled convictions, was their right to the whole profits of the Reserves as the patrimony of the said Church, forbore from contributing to the excitement of the public mind upon the subject by any inflammatory appeals, or any coloured representations to suit the interests of their own party.

That in the year 1840 a vast concession was made to the parties adverse to the claims originally recognized as existing in the Church of England, by the enactment of an Imperial Statute for the division of the profits arising from the Clergy Reserves, under the provisions of which statute two-thirds of the proceeds of the lands then sold, and two-thirds of one-half of the lands still unsold, were allotted to the Church of England in this province.

That notwithstanding the facts herein already set forth, and the great inaccuracies of many of those representations proceeding from other quarters, upon which this legislative measure appears to have been based, the clergy and lay members of the Church of England in the province peacefully submitted to this arrangement of the long-agitated questions respecting the Clergy Reserves, and accepted it according to what they had all reason to do, as the final settlement of those questions, and the extinction, once for all, of all discussions and differences upon the subject; and that to this settlement they considered, and so Your Majesty's petitioners do now consider, the faith of the Government to be pledged.

That from the date of passing the aforesaid Act of 1840, up to the close of the year 1849, no discontent was manifested in any quarter on account of the provisions of the said Act, and that up to the present moment there has been no agitation of feeling in the province upon the subject.

That under all these circumstances it has been impossible for Your Majesty's petitioners to view otherwise than with the keenest sense of injury, and the deepest feelings of astonishment and alarm, a proceeding of the House of Assembly during the late session of the Provincial Legislature, in which resolutions have been passed, and an address to Your Majesty has been voted, to the effect that this reservation of land for the maintenance of religion should be alienated from its sacred purpose, and applied to the promotion of education and other secular objects.

That, although Your Majesty's petitioners had patiently submitted to the great and unlooked-for diminution of the revenues of the Church of England created by the Act of 1840, and to a variety of what they have conceived to be vexatious and injurious proceedings in the administration of the lands, tending still further to impair and lessen those revenues; although they had brought themselves to acquiesce in an arrangement which, with the addition of all these disadvantages, presses with particular hardship upon their Church in Lower Canada, in which the whole extent of the seigneurial tracts of country comprise no Clergy Reserves whatever, yet they cannot but apprehend that the proposed confiscation even of the remnant and pittance of endowment which had been left to them will create extensive and permanent dissatisfaction among the members of the Church at large in the province, nor can they fail, in the most earnest and solemn manner, to deprecate an act of spoliation which would be disastrous to the most sacred interests of human society, and openly hostile to the propagation of the truth of God.

That the Church of England population of Lower Canada is believed to approach, in numbers, to the entire aggregate of all other Protestant denominations within that portion of the province, and that it consists, at the same time, to a very great extent, of the occupiers of poor and backward settlements, who mainly depend for the ministration of religion upon the charity of the Society in London for the Propagation of the Gospel, the revenue up to this date, derived from the Clergy Reserves, supplying but a very small portion of the expenditure made, upon the most frugal and parsimonious scale, for this object.

That whenever the assistance of the above-mentioned society shall be withdrawn, an arrangement which steps have been taken gradually to accomplish, the revenue from the Clergy Reserves, in whatever degree it shall have been improved, will form an extremely inadequate provision, and one which need not in any quarter be grudged, for the mainte-

CANADA.  
—

nance of religion among those who can do but little for themselves; and that Your Majesty's petitioners confide in Your Majesty's gracious protection of your loving and loyal subjects, and your concern for their religious well-being, to prevent the sanction of a measure which, in the face of another Church enjoying the most magnificent resources through the large and generous indulgence of Your Majesty's Government, would, in human calculation, go far to crush the hopes and neutralize the efforts of a poor and laborious clergy, and to carry severe damage, in all perpetuity, to the spiritual interests of the people in this diocese, professing the religion of the British Empire.

That Your Majesty's petitioners, who conceive in all humility that the hard measure dealt already, in different ways, to the Church of England in this province, has reached a point at which they might hope that it would stop, are most unwillingly compelled to see, in the resolutions and address of the House of Assembly, to which reference is here made, the manifestation of a spirit towards the religion which they profess, calculated to inspire them with apprehensions of the most grave and serious character for the future, and to impress upon them the anticipation, that if the object of the resolutions and address should be actually gained, it may only be the prelude to a course of oppressive measures, against the advance of which they fervently and confidently implore the succour and interposition of their Sovereign.

Wherefore Your Majesty's petitioners most humbly pray, that Your Majesty will be graciously pleased to withhold Your Royal sanction from any measure for reversing or altering the provisions of the Act of the Imperial Parliament, 3 & 4 Vict. c. 78.

---

## A P P E N D I X.

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY.

Quebec, Tuesday, September 14, 1852.

HONOURABLE Mr. Hincks moved, that an humble address be presented to Her most gracious Majesty to assure Her Majesty that this House deeply regrets to learn, from the despatch of the Right Honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, that Her Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act, 3 & 4 Vict. c. 78., intituled "An Act to provide for the Sale of Clergy Reserves in the Province of Canada, and for the Distribution of the Proceeds thereof."

Mr. Boulton moved in amendment the following proposed resolutions:—

1. That his Excellency the Governor-General, in his despatch to Earl Grey of 19th July 1850, accompanying the address of the Provincial Legislature on the subject of the Clergy Reserves (embodying certain resolutions introduced by the Honourable James Hervey Price, then a member of the Government and colleague of the Honourable Francis Hinckes), declared that he deeply regretted the revival of agitation on this subject, of which, he said, Lord Sydenham had truly observed, that it had been in Upper Canada the one all-absorbing and engrossing topic of interest, and for years the principal cause of the discontent and disturbance which had arisen, and under which the province had laboured.

2. That since the expression of the above language by the present Governor-General, he has not enunciated or communicated to Parliament any opinion that it is desirable to revive the agitation, or in anywise legislate on this subject, which has heretofore produced such discord, strife, and hatred in this colony.

3. That in the absence of any change of sentiments on this all-important subject, and of any recommendation from his Excellency that it should again occupy the attention of Parliament, it is right to infer that his Excellency's views thereon, as expressed in the above-mentioned despatch, are unchanged.

4. That this house has, therefore, the right to assume that on this all-important subject there is a difference of opinion between his Excellency the Governor-General and his present advisers as to the policy of "reviving agitation on this subject," which the re-opening of a Parliamentary discussion thereupon must inevitably produce.

5. That under our present system of responsible government, as introduced into and carried out in this province, the power and responsibility of the Executive Council cannot be dis severed from that of the Sovereign's Representative.

6. That the Representative of Her Majesty in this colony acts through his cabinet, who are responsible to Parliament for the acts and measures of the head of the Government, and that being incumbents of office by their own consent, they must be held as bound to defend and support in Parliament the acts and measures of the head of the Government.

7. That before discussing the resolutions on the subject of the Clergy Reserves proposed by the Honourable Francis Hincks, this House should not only be made aware by the Government of their views, as an administration, as to the final disposition of these Reserves, but also be informed whether the Cabinet, in introducing these resolutions, has the countenance and support of the head of the Government, or whether the Governor-General's expressed opinion, deprecating any renewal of agitation on this vexatious subject, still remains unchanged.

And the question being separately put upon the four first proposed resolutions, the House divided upon each:—

*Yeas.*—Messrs. Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Dubord, Egan, Gamble, Le Boutillier, Lyon, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Street, Willson, and Wright of West Riding, York,—22.

*Nays.*—Messrs. Brown, Cameron, Cartier, Cauchon, Chubot, Solicitor-General Chuaveau, Clapham, Attorney-General Drummond, Fergusson, Fortier, Gouin, Hincks, Langton, La Terrière, Laurin, McDonald of Cornwall, Mackenzie, Mattice, Merritt, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney-General Richards, Rolph, Rose, Stuart, Taché, Terrill, Valois, Viger, White, Wright of East Riding, York, and Young,—37.

The question being then separately put upon the three last of the proposed resolutions, the House divided upon each:—

*Yeas.*—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Dubord, Egan, Gamble, Le Boutillier, Lyon, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Street, Willson, and Wright of West Riding of York,—23.

CANADA.  
Appendix.

*Nays.*—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor-General Chauveau, Christie of Wentworth, Clapham, Attorney-General Drummond, Dumoulin, Fergusson, Fortier, Gouin, Hartman, Hincks, Langton, La Terrière, Laurin, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, Merrit, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney-General Richards, Rolph, Rose, Stuart, Taché, Terrill, Valois, Viger, White, Wright of East Riding of York, and Young.—41.

Mr. Boulton again moved, in amendment to the Honourable Mr. Hincks' motion, that His late most gracious Majesty King George the Third was graciously pleased to express his desire to make a permanent appropriation of lands in Upper and Lower Canada for the support and maintenance of a protestant clergy within the same, and for the purpose of fulfilling such gracious intentions an Act was passed in the thirty-first year of his reign, containing certain provisions for the support and maintenance of such Protestant clergy within the said provinces.

2. That after nearly twenty years of unprofitable legislation on the subject of these Reserves in Upper Canada; prior to its union with Lower Canada, and after the bitterest feelings had been engendered amongst its inhabitants, an Act passed by the Parliament of Upper Canada, in 1839, intituled 'An Act to re-invest in Her Majesty the lands set apart for a Protestant Clergy,' wherein it is recited that doubts had arisen respecting the proper legal construction of the said Act, and that it had been made a question to what sects or denominations of Protestants the term Protestant clergy used in the said Act was intended to be applicable, and that the continuance of such doubts, and the controversies to which they have given rise, were in a high degree prejudicial to the peace and good government of that province, and unfavourable to the spiritual and temporal interests of the people thereof, and that it was expedient to put an end to such doubts and controversies by enabling Her Majesty, Her heirs and successors, to dispose of the said reserves, and the monies accrued or thereafter to accrue therefrom in such manner as to Her Majesty, Her heirs or successors, might seem just and fit for the maintenance of public worship and support of religion within the said province.

3. That in and by the said Act of the Parliament of Upper Canada it was enacted that all the lands then vested in Her Majesty, and which before the passing of the said Act were reserved, allotted, and appropriated for the maintenance and support of a Protestant clergy in the said province of Upper Canada, under the authority of the said Act of Parliament of Great Britain, passed in the thirty-first year of His said late Majesty's reign, should be and remain vested in Her Majesty, Her heirs and successors, freed and absolutely discharged from all and every of the trusts, conditions, limitations, and restrictions contained in or imposed or declared by the said last-mentioned Act; provided always, that the said lands were by the said Act vested in Her Majesty, her heirs and successors, discharged from the said trusts and conditions, to the intent and in order that the same lands might be, by and under the authority of the Parliament of Great Britain and Ireland, applied and appropriated, by way of endowment or otherwise, solely for the maintenance of public worship and the support of religion within the said province, and to no other use or purpose whatsoever.

4. That in 1840 the Legislature of Upper Canada, at the instance of the Right Honourable C. Poulett Thompson, passed another Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof, which said Bill was carried in the House of Assembly by 28 to 20, and in the Legislative Council by 13 to 5.

5. That in the preamble to the said last-mentioned Act it is declared, "that it is expedient to provide for the final disposition of the lands called Clergy Reserves in the said province, and for the appropriation of the yearly income arising or to arise therefrom for the maintenance of religion and the advancement of Christian knowledge;" and in pursuance thereof the said Act enacted that the said Reserves, and the funds arising or to arise therefrom, should be appropriated for the maintenance of religion and the advancement of Christian knowledge.

6. That in a despatch from the late Right Honourable C. Poulett Thompson to Lord John Russell, Her Majesty's Secretary of State for the Colonies, dated 22d January 1840, enclosing the Bill above mentioned, it is stated, "that there is no subject of such vital importance to the peace and tranquillity of the province as the question of the Clergy Reserves; that there is none, with reference to the future union of the two provinces, which it is more necessary to determine without delay; that it has been for many years the source of all the troubles in the province, the never-failing watchword at the hustings, the perpetual spring of discord, strife, and hatred; that to leave this question undetermined would be to put an end to all hope of re-establishing tranquillity within the province; but to establish the union without settlement of it, and to transfer the decision to the United Legislature, would be to add to the sources of discord which then prevailed in Lower Canada an entirely new element of strife, for amongst the various evils by which Lower Canada had been visited, one, and one only, perhaps the greatest of all, has been wanting—religious dissension; that he was satisfied that the value of arriving at a settlement could not be over-estimated; and, that strong as those feelings might have been, the immense advantage of having the question finally withdrawn from the sources of popular discussion and dispute would reconcile all parties to it."

“That he most fervently prayed that the settlement agreed on might be final, and that no obstacle might be opposed to its confirmation by Her Majesty; that, should it be otherwise, and the question be again thrown back for decision in Canada, he could not foresee the consequences; but at least he knew that peace and tranquillity must, in that event, long remain strangers to the province.”

7. That in consequence of the earnest importunities of the said late C. Poulett Thompson, and in consequence of the said last-mentioned Act of the province of Upper Canada, and with a view to the final settlement of the question, by an Act of the Imperial Parliament, passed in the 3d and 4th years of the reign of Her present Majesty, cap. 78, it is declared “to be expedient to provide for the final disposition of the lands called Clergy Reserves in Canada, and for the appropriation of the yearly income arising or to arise therefrom, for the maintenance of religion and the advancement of Christian knowledge within the said province.”

8. That by the last-mentioned Act of Parliament a disposition was made of the said funds, by appropriating two sixths thereof to the Church of England, one sixth to the Church of Scotland, and the remaining three sixths to be applied by the Governor of Canada, with the advice of the Executive Council, for purposes of public worship and religious instruction in Canada, and that by such Act the Church of England and the Church of Scotland, and other denominations, have already acquired a vested interest therein.

9. That the people of Canada concurred in the final settlement of the said question by the Imperial Parliament, and for years it was so considered by all of the various political parties in Canada.

10. That in 1846 a committee of the Legislative Assembly of Canada, consisting of Messrs. Petrie, McDonald (of Kingston), Stuart (Bytown), Price, and Chalmers, none of whom belonged to the Church of England, unanimsly reported that no change or deviation from the system (then existing) should be sanctioned by the Legislature.

11. That the Honourable Robert Baldwin, late Attorney-General for Upper Canada, and late colleague of the Honourable Francis Hincks, declared in his place in the Legislative Assembly, in 1846, during a debate on the Reserves, “that the Bill passed by the Legislature of Upper Canada in 1840, led to a final disposal of the question by the Imperial Parliament. That he called on honourable members to mark his words, that if the question be re-opened, former fierce agitation would be resumed. That so much did he dread the renewal of agitation, that he had in every instance, and *in toto*, discountenanced such a course, and that he therefore pressed upon both sides of the House to forbear reviving the question.”

12. That the Honourable James Hervey Price, late Commissioner of Crown lands, and late colleague of the Honourable Francis Hincks, and the originator and mover of the resolutions of 1850, declared at the same time and place above mentioned,

“That the settlement under Lord Sydenham had been considered final.”

“That peace had succeeded the long and fierce conflict, and the country was settling down in the hope that agitation on that subject was at an end.”

“That although three fourths of the people believed that the arrangement was made in injustice and partiality, they quietly submitted as the only means of restoring peace to the land; that proportionate to that hope would be the grief and excitement produced by the re-opening of the question.

“That he implored honourable members to allow them to be dealt with in accordance with the Imperial Act, and one great source of heart-burning and mutual recriminations among the religious bodies would be at once and for ever lost in the oblivion of the past.”

13. That at the same time and place the Honourable Malcolm Cameron, now a colleague of the Honourable Francis Hincks, stated, “that he was one of those who acquiesced in the settlement, and for the sake of peace wished never to hear it again, and that he warned the House to let the Act of the Imperial Government take its course, let the land be sold, and the different churches get the proceeds in strict accordance thereto.”

14. That his Excellency Lord Elgin, in his despatch to Earl Grey of 19th July 1850, accompanying the Address of the Provincial Legislature, declared that he “deeply regretted the revival of agitation on this subject, of which Lord Sydenham truly observed that it had been in Upper Canada the one all-absorbing and engrossing topic of interest, and for years the principal cause of the discontent and disturbance which had arisen, and under which the Province had laboured.”

15. That this House deprecates in the strongest manner any attempt to bring back to this province for future legislation, a subject which, in the language of the Lord Sydenham, is declared to be the perpetual spring of discord, strife, and hatred, and which if transferred to the United Legislature, would introduce into Lower Canada, “an entirely new element of strife.”

16. That if the present unprincipled agitation should succeed in secularizing the Clergy Reserves, thus depriving religion in Upper Canada of its existing support, the same agitation ere long may be renewed, and disturb those endowments of the Roman Catholic Church which hitherto have been so instrumental in conferring a moral and religious education

upon the members of that communion, and hence may arise in Canada a spirit of antagonism between the Protestants and Roman Catholics which happily has not hitherto existed.

17. That the Honourable Inspector General, in defiance of the action of the Legislature of Upper Canada, in defiance of the declared final action of the Imperial Legislature on that subject, in defiance of the assent which was tacitly given in Canada to that settlement, in defiance of the expressed opinion of Lord Sydenham, "that the subject of the Clergy Reserves had been for many years the source of all the troubles in the province, the never-failing watchword at the hustings, and the perpetual spring of discord, strife, and hatred, and that if thrown back for decision in Canada he could not foresee the consequences, though at least he knew that peace and tranquillity must in that event long remain strangers to the province," and in defiance of the declared sentiments of several of his late colleagues, and of the Honourable Malcolm Cameron, one of his present colleagues, that the question was finally settled by the Imperial Parliament, has, by the resolutions which he has laid before this House respecting the Clergy Reserves, again revived that subject, which his Excellency the Governor General, Lord Elgin, in the above despatch, declared he deeply regretted had been revived; which has been declared by such high authority to be the source of all the troubles in the province, the perpetual spring of discord, strife, and hatred, and yet up to this period of the session he and his colleagues, as an administration, have studiously avoided announcing to the Legislature or to the country their opinion as to the final disposition which should be made of these Reserves.

18. That after the Imperial Government has finally legislated on this most important subject, in accordance with the earnest entreaties of the late Lord Sydenham, Governor-General of this province, and after the Legislature of Upper Canada had passed an Act for such purpose, it is unstatesmanlike, unmanly, and ungenerous for the administration to use threatening or intimidating language towards the Imperial Government, whilst as a provincial cabinet they have neither the courage nor integrity openly to avow to the people of Canada what in their opinion should be the final disposition of these Reserves.

The 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 14th, 16th, and 17th of the said proposed Resolutions were negatived:

*Yeas.*—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Stevenson, Street, and Wright of West Riding York,—18.

*Nays.*—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor General Chauveau, Christie of Wentworth, Clapham, Attorney General Drummond, Dumoulin, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Viger, White, Willson, Wright of East Riding York, and Young,—50.

The 11th, 12th and 13th of the said proposed Resolutions were also negatived:

*Yeas.*—Messrs. Badgley, Boulton, Burnham, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Stevenson, Street, and Wright of West Riding York,—17.

*Nays.*—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Clapham, Attorney General Drummond, Dumoulin, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Viger, White, Willson, Wright, of East Riding York, and Young,—51.

The 15th of the said proposed Resolutions was also negatived:

*Yeas.*—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Stevenson, and Wright of West Riding York,—17.

*Nays.*—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor General, Chauveau, Christie of Wentworth, Clapham, Attorney General Drummond, Dumoulin, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Street Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Viger, White, Willson, Wright of East Riding York, and Young,—51.

The 18th of the said proposed Resolutions was also negatived:

*Yeas.*—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Street, and Wright of West Riding York,—18.

*Nays.*—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Solicitor General Chauveau, Christie of Wentworth, Clapham, Attorney General Drummond, Dumoulin, Fergusson,

Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Matice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Prince, Attorney-general Richards, Ridout, Rolph, Rose, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Viger, White, Willson, Wright of East Riding York, and Young,—51.

On motion of Mr. Brown, the debate on the Hon. Mr. Hincks's motion was then adjourned till to-morrow, and to be then resumed after the presenting of reports to the committees.

---

Quebec, Wednesday, September 15, 1852.

THE House resumed the adjourned debate upon the motion made by the Honourable Mr. Hincks yesterday, That an humble address be presented to Her most gracious Majesty, to assure Her Majesty that this House deeply regrets to learn from the despatch of the Right Honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, that Her Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act 3 & 4 Vict. c. 78, intituled "An Act to provide for the Sale of the Clergy Reserves in the Province of Canada, and for the Distribution of the Proceeds thereof."

Mr. Brown moved in amendment, That the House deeply regrets that Government, in bringing the subject of the Clergy Reserves again before Parliament, has refrained from the expression of any opinion, as a Government, upon their future appropriation—the real issue of the question;

And a debate arising thereupon,

On motion of the Honourable Mr. Badgley, the debate was adjourned till to-morrow, and to be then resumed after the presenting of Reports of Committees.

---

Quebec, Thursday, September 16, 1852.

THE House resumed the adjourned debate upon Mr. Brown's amendment, which was yesterday proposed to be made to the motion made by the Honourable Mr. Hincks on Tuesday last, That an humble Address be presented to Her most gracious Majesty, to assure Her Majesty that this House deeply regrets to learn, from the despatch of the Right Honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, that Her Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act 3 & 4 Vict. c. 78, intituled "An Act to provide for the Sale of the Clergy Reserves in the Province of Canada, and for the Distribution thereof;" and which amendment was, "That this House deeply regrets that Government, in bringing the subject of the Clergy Reserves again before Parliament, has refrained from the expression of any opinion, as a Government, upon any future appropriation—the real issue of the question."

Mr. Dixon moved, That the debate be further adjourned till to-morrow, and be then resumed after the referring of petitions.

Yeas, 35.—Nays, 33.

---

Quebec, Friday, September 17, 1852.

THE House resumed the adjourned debate upon Mr. Brown's amendment, which was, on Wednesday last, proposed to be made to the motion by the Honourable Mr. Hincks on Tuesday last, that an humble address be presented to Her most gracious Majesty to assure Her Majesty that this House deeply regrets to learn, from the despatch of the Right Honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, that Her Majesty's Imperial Ministers are not prepared to introduce a Bill to repeal the Imperial Act, 3 & 4 Vict. c. 78, intituled "An Act to provide for the Sale of the Clergy Reserves in the Province of Canada, and for the Distribution thereof:" And which amendment was, "That this House deeply regrets that Government in bringing the subject of the Clergy Reserves again before Parliament has refrained from the expression of any opinion, as a Government, upon their future appropriation—the real issue of the question."

And the question being put on the amendment, the House divided:

Yeas.—Messrs. Badgley, Boulton, Brown, Burnham, Christie of Gaspé, Crawford, Dixon, Fergusson, Gamble, Le Courtilier, Macdonald of Kingston, Malloch, McDougall, Papineau, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Willson, and Wright of West Riding York,—22.

CANADA.

Appendix.

*Nays.*—Messrs. Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, Le Blanc, Lemieux, M'Donald of Cornwall, Mackenzie, Marchildon, Mattice, M'Lachlin, Merritt, Mongenais, Morin, Puige, Patrick, Poulette, Poulin, Attorney-general Richards, Rolph, Rose, Sanborn, Short, Sicotte, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, Viger, White, Wright of East Riding, York, and Young.—54.

Mr. Brown again moved in amendment, that the final settlement of this exciting question, most consonant with the feelings of the people of Canada, would be the diversion of the Clergy Reserve lands and funds from all ecclesiastical and church purposes whatever, and their application to the support of a general system of secular education, whereby persons of all classes of society and of all religious creeds may alike profit.

*Yeas.*—Messrs. Brown, Fergusson, Langton, Mackenzie, and Papineau.—5.

*Nays.*—Messrs. Badgley, Boulton, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Gaspé, Christie of Wentworth, Clapham, Crawford, Dixon, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fortier, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Johnston, Lacoste, La Terrière, Laurin, Le Blanc, Le Boutillier, Lemieux, M'Donald of Cornwall, Macdonald of Kingston, Malloch, Marchildon, Mattice, McDougall, M'Lachlin, Merritt, Mongenais, Morin, Paige, Patrick, Pollette, Poulin, Attorney-general Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Short, Sicotte, Smith of Frontenac, Stevenson, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, Viger, White, Willson, Wright of East Riding, York, Wright of West Riding, York, and Young.—71.

Mr. Brown further moved in amendment, that a Select Committee of five members of this House be appointed to prepare and report to this House, with all convenient speed, the draft of a Bill, framed in consistency with the powers of the Parliament of Canada, providing for the speedy sale of the Clergy Reserve lands to actual settlers, and for the appropriation of the funds heretofore legally derived, or to be hereafter derived, from the sale of such Clergy Reserve lands, to the maintenance of common schools; also, to prepare and report to this House, for the adoption of this House, and to accompany the aforesaid Bill when it shall in due course be transmitted to Her Majesty, the draft of an humble Address to Her most gracious Majesty, expressing the deep regret of this House at the contents of the despatch of the Right Honourable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, dated the 22d April 1852, reminding Her Majesty that the settlement of the reserve question, in the words of the despatch of the Right Honourable the Earl Grey, "is one so exclusively affecting the people of Canada, that its decision ought not to be withdrawn from the Provincial Legislature, to which it properly belongs to regulate all matters concerning the domestic interests of the Province," assuring Her Majesty that the settlement provided for in the Bill aforesaid is in unison with the opinions of the people of Canada, and of their representatives, and is the only one which will ever be held as final, assuring Her Majesty that very strong feelings prevail among the people of Canada on this subject, and that consequences deeply and lamentably affecting the prosperity of this colony may be apprehended, if the feelings of the people are overruled by Imperial power, and earnestly urging that the said Bill may receive the Imperial sanction. The said Committee to consist of the Honourable Malcolm Cameron, the Honourable L. J. Papineau, Mr. Mackenzie, Mr. Fergusson and the mover.

That the Constitutional Act, 31 Geo. 3, c. 31 directed that in respect of all grants of land made in the Province of Canada by the Crown, a quantity equal to one-seventh of the land so granted should be reserved for the support of a Protestant clergy, being one-eighth of each township; that instead of this proportion, and in direct violation of the Imperial Statute forming the only authority for the Reserve, there was actually set aside in Upper Canada as Clergy Reserves, by fraud or error, one-seventh of all the land, or a quantity equal to one-sixth of the land granted; that the same violation of the Act occurred in Lower Canada, but to a greater extent, a quantity equal to one-fifth of the land alienated having been reserved for the clergy, instead of one-seventh; that the public domain was thereby wrongfully divested of 300,000 acres in Upper Canada, and 227,559 acres in Lower Canada, or, in all, of 527,559 acres of land; and therefore that the said Select Committee be further instructed to prepare and report to this House, a measure providing for the recovery from the Clergy Reserve Fund, of the money received in payment of lands so wrongfully set apart and for the appropriation of such money and of the land so wrongfully set apart and yet unsold, to the maintenance of common schools.

The House divided upon each paragraph :

*Yeas.*—Messrs. Brown, Fergusson, and Papineau.—3.

*Nays.*—Messrs. Badgley, Boulton, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Gaspé, Christie of Wentworth, Clapham, Crawford, Dixon, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, Le Blanc, Le Boutillier, Lemieux, McDonald of Cornwall, Macdonald of Kingston, Mackenzie, Malloch, Marchildon, Mattice, McDougall, McLachlin, Merritt, Mongenais, Morin, Paige, Patrick, Polette, Poulin, Attorney-general Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Short, Sicotte, Smith of Frontenac, Stevenson, Stuart, Taché,

Terrill, Tessier, Turcotte, Valois, Varin, Viger, White, Willson, Wright of East Riding of York, Wright of West Riding of York, and Young.—73.

Hon. Mr. Hincks' motion was then agreed to :

*Yeas.*—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Patrick, Poulette, Poulin, Attorney-general Richards, Rolph, Rose, Sanborn, Short, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Young.—54.

*Nays.*—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon Gamble, LeBoutillier, Macdonald of Kingston, Malloch, McDougall, Papineau, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Stuart, Viger, Willson, and Wright of West Riding of York.—22.

Hon. Mr. Hincks then moved the following additional proposed Resolutions :

1. That whatever difference of opinion may exist among the people of Canada as to the best mode of disposing of the revenues derived from lands known as Clergy Reserves, the great mass of the people will ever maintain the principle recognized by the Right Honourable the Earl Grey, then Her Majesty's Principal Secretary of State for the Colonies, in his Despatch of 27th January 1851, to the Right Honourable the Earl of Elgin and Kincardine, that the question whether the existing arrangement "is to be maintained or altered is one so exclusively affecting the people of Canada, that its decision ought not to be withdrawn from the Provincial Legislature, to which it properly belongs to regulate all matters concerning the domestic interest of the province."

2. That while the people of Canada are devotedly attached to Her Majesty's person and Government, and most anxious to maintain inviolate the connexion which binds them to the great empire over which she rules, yet this House is bound by a high sense of duty to inform Her Majesty, that the refusal on the part of the Imperial Parliament to comply with the just demand of the representatives of the Canadian people on a matter exclusively affecting their own interests, will be viewed as a violation of their constitutional rights, and will lead to deep and wide-spread dissatisfaction among Her Majesty's Canadian subjects.

3. That this House is well aware that attempts have been made to induce Her Majesty's Imperial Ministers to believe that the present representatives of the people of Canada entertain opinions on the subject of the repeal of the Clergy Reserves Act different from those expressed by the late Parliament.

4. That this House confidently hopes, that when Her Majesty's Ministers shall be convinced that the opinions of the people of Canada and of their representatives on this subject are unaltered and unalterable, they will consent to give effect to the promise made by their predecessors; and this House is confirmed in this hope by the suggestion in the despatch of the Right Honourable Sir John Pakington, that Her Majesty's Ministers are prepared to recommend amendments to the Imperial Clergy Reserves Act, with a view to satisfy the wishes of the Canadian people.

5. That this House can scarcely doubt that, the principle of amending the present Act being admitted, Her Majesty's Ministers will yield to the strong feeling which pervades the Canadian people, that any new legislative enactments regarding the Clergy Reserves should be framed by their own representatives, instead of by the Imperial Parliament, which, being necessarily unacquainted with the state of public opinion in Canada, cannot be expected to concur in a measure that will give permanent satisfaction to its inhabitants.

6. That this House desires to assure Her Majesty, that in thus giving expression to the public opinion of the country, it is actuated by the strongest feelings of loyalty to Her Majesty, and by a sincere desire to prevent those lamentable consequences which must be the result of a collision between the Imperial and Provincial Parliaments, on a question on which very strong feelings are known to prevail among the people of this province.

And the question being separately put upon each, the first, second, fourth, and fifth of the proposed Resolutions were agreed to :—

*Yeas.*—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, LeBlanc, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Attorney-general Richards, Rolph, Rose, Sanborn, Short, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Young.—55.

*Nays.*—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Gamble, LeBoutillier, Macdonald of Kingston, Malloch, McDougal, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Stuart, Viger, Willson, and Wright of West Riding of York.—21.

CANADA.

Appendix.

The third proposed Resolution was also agreed to :

*Yeas.*—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Attorney-general Drummond, Dubord, Dumoulin, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, Leblanc, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Patrick, Polette, Poulin, Attorney-general Richards, Rolph, Rose, Sanborn, Short, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Young.—53.

*Nays.*—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Clapham, Crawford, Dixon, Gamble, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Papineau, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Stuart, Viger, Willson, and Wright of West Riding of York.—23.

Mr. Egan moved, that the 7th proposed Resolution be amended by leaving out the word "collision," and inserting instead thereof the words "difference of opinion."

*Yeas.*—Messrs. Badgley, Burnham, Cameron, Cartier, Cauchon, Chapais, Solicitor-general Chauveau, Christie of Gaspé, Christie of Wentworth, Clapham, Crawford, Dixon, Attorney-general Drummond, Dubord, Egan, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, Le Boutillier, Macdonald of Kingston, Mackenzie, Malloch, Marchildon, Mattice, McDougall, McLachlin, Merritt, Morin, Paige, Patrick, Polette, Poulin, Attorney-general Richards, Ridout, Robinson, Rolph, Sanborn, Seymour, Shaw, Short, Sicotte, Smith of Frontenac, Stevenson, Stuart, Taché, Terrill, Varin, White, Willson, Wright of East Riding of York, Wright of West Riding of York, and Young.—60.

*Nays.*—Messrs. Boulton, Brown, Chabot, Fergusson, LeBlanc, Lemieux, McDonald of Cornwall, Mongenais, Papineau, Rose, Tessier, Turcotte, Valois, and Viger.—14.

The said proposed Resolution as amended was then agreed to :—

*Yeas.*—Messrs. Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor-general Chauveau, Christie of Wentworth, Clapham, Attorney-general Drummond, Dubord, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, Mattice, McLachlin, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Poulin, Attorney-general Richards, Rolph, Rose, Sanborn, Short, Sicotte, Taché, Terrill, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Young.—52.

*Nays.*—Messrs. Badgley, Boulton, Burnham, Christie of Gaspé, Crawford, Dixon, Le Blanc, Le Boutillier, Macdonald of Kingston, Malloch, McDougall, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Stevenson, Stuart, Tessier, Viger, Willson, and Wright of West Riding of York.—22.

The said resolutions were then referred to a select committee, to propose and report the draught of an address in conformity thereto.

Honourable Mr. Hincks, from the said committee, reported the following address, which was agreed to, and ordered to be engrossed.

[Then follows copy of an address to Her Majesty, as enclosed in Lord Elgin's despatch No. 85, September 22, 1852. See page 3.]

On motion of the Hon. Mr. Hincks, an address was then voted to his Excellency, informing him of the House having voted the said address to Her Majesty, and praying his Excellency will be pleased to transmit the same; and ordered to be engrossed.

It was then ordered that the said addresses be presented by the whole House, and that such members of this House as are of the honourable the Executive Council do wait upon his Excellency to know when he will be attended by the House with the said addresses.

Hon. Mr. Hincks acquainted the House that his Excellency will receive their addresses on Monday next, at three o'clock, at the Government House.

---

Quebec, Monday, October 18, 1852.

MR. BROWN moved the following proposed resolutions :—

1. That the Constitutional Act, 31 Geo. 3, c. 31, directed that in respect of all grants of land made in the Province of Canada by the Crown, a quantity, equal to one-seventh of the land so granted, should be reserved for the support of a Protestant Clergy, being one-eighth of each township; that instead of this proportion, and in direct violation of the Imperial Statute forming the only authority of the Reserve, there was actually set aside in Upper Canada as Clergy Reserves, by fraud or error, one-seventh of all the land, or a quantity equal to one-seventh of the land granted; that the same violation of the Act occurred in Lower Canada, but to a greater extent, a quantity equal to one-fifth of the land alienated having been reserved for the Clergy, instead of one-seventh; and that the public domain was thereby wrongfully divested of 300,000 acres in Upper Canada, and 227,559 acres in Lower Canada, or, in all, 527,559 acres of land.

2. That it is expedient forthwith to restore the lands so illegally set apart, to the use of all Her Majesty's subjects in this province; that a Select Committee of five members be therefore appointed to prepare, and report to this House, a measure providing for the recovery from the Clergy Reserve Fund of the money received in payment of the lands so wrongfully set apart, and for the appropriation of such money and of the land so wrongfully set apart, and yet unsold, to the maintenance of common schools. The said Committee to consist of Honourable Mr. Papineau, Mr. Smith of Durham, Mr. Mackenzie, Mr. Fergusson, and the mover.

Honourable Mr. Hincks moved, that the consideration of the said regulations be postponed.

*Yeas.*—Messrs. Badgley, Boulton, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Christie of Gaspé, Christie of Wentworth, Crawford, Dixon, Egan, Fortier, Fournier, Gamble, Gouin, Hincks, Langton, La Terrière, Laurin, Le Boutillier, M'Donald of Cornwall, Macdonald of Kingston, Sir Allan N. M'Nab, Malloch, Mattice, Merritt, Mongenais, Morin, Murney, Paige, Papineau, Patrick, Poulin, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Terrill, Tessier, Valois, Varin, Viger, Willson, and Wright of East Riding of York.—54.

*Nays.*—Messrs. Brown and Mackenzie.—2.

## PETITIONS TO HER MAJESTY.

To the Queen's Most Excellent Majesty.

The Petition of the undersigned Bishops of the Dioceses of Quebec, Toronto, and Montreal, in the Province of Canada,

Most humbly sheweth,

That the several dioceses of Quebec, Toronto, and Montreal have, at different periods since the year 1793, been constituted in connexion with the Church of England, by your Majesty's Royal letters patent, and those of your Majesty's Royal predecessors on the throne of Great Britain; and that we the undersigned have been duly appointed by the same authority, bishops of the said dioceses:

That we have now upwards of 220 clergy officiating under our charge, who are, in a very large measure, dependent for their support on the charitable contributions of the Society in London for "the Propagation of the Gospel in Foreign Parts:"

That in very many of the existing missions, the members of the Church of England are wholly unable, by their own unassisted efforts, to provide for the maintenance of a resident clergyman, whilst at the same time every year additional clergy are required to supply the necessities of an increasing population, caused in no small degree by the continual influx of thousands of poor emigrants from Great Britain and Ireland:

That the assistance of "The Society for the Propagation of the Gospel" cannot be looked upon as a permanent source of income, and that, moreover, measures have been recently adopted for gradually withdrawing the salaries which have heretofore been supplied from those funds:

That in each of these dioceses the Church has for some time been endeavouring to raise funds of her own from the internal resources of the province, through the instrumentality of the "Incorporated Church Societies," but that the incomes of these societies are still very limited; and being called on to expend a large proportion in assisting in the erection of churches and glebe houses, and in supporting the widows and orphans of deceased missionaries, are able to apply but a very small sum annually to the maintenance of the clergy, or the establishment of permanent endowments in any of the missions:

That your Majesty's petitioners, and the members of the Church of England generally, have always looked to the revenue arising from the lands called "the Clergy Reserves," as the only available fund within the province for securing a permanent provision and relieving the Church from entire dependence on the uncertain support of voluntary contributions:

That by an Act of the British Parliament, in the year 1774, 14 Geo. III. c. 83, it was provided, that the rights, privileges, lands, or seigniories held by the Church of Rome previous to the conquest of Canada, and which were secured by the articles of capitulation, should be guaranteed to that body:

That in the same Act it was expressly provided that it should be lawful for his Majesty, his heirs or successors, to make such provision out of the dues or rights belonging to the Crown, for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy within the said province, as from time to time should be thought necessary and expedient:

That in the year 1791 an Act was passed by the British Parliament, 31 Geo. III. c. 31, in which certain lands within the province, called "the Clergy Reserves," were appropriated; and it was declared that the rents, profits, or emoluments of such lands 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 purpose whatsoever:

CANADA.  
Appendix.

That in the year 1823, in an Act passed by the Colonial Legislature, after having referred to this grant of lands which his most gracious Majesty King George III. had been pleased to reserve, and the British Parliament had sanctioned as an appropriation for the support of a Protestant clergy, it was declared, in order to resolve certain doubts that had arisen, "That no tithes shall be claimed, demanded, or received by any ecclesiastical parson, rector, or vicar of the Protestant Church within this province:"

That by these Acts of the Imperial and Colonial Legislatures, the Church of Rome was continued in possession of large endowments and privileges, which she holds undisturbed to this day, amongst which privileges is the right of taking tithe from all lands possessed by members of that communion throughout a very large portion of the province; whilst the only prospect held out of any permanent provision for a Protestant clergy, was from the profits and emoluments of these Clergy Reserves, specially appropriated for that purpose; and in consequence of their claim to which lands, their right to take tithes would appear to have been more expressly denied:

That for a period of 30 years after their first appropriation, these Clergy Reserves were always considered to have been intended for the exclusive benefit of the members of the Church of England; certain subsequent clauses in the Act of 31 Geo. III. c. 31, as well as other measures of the Crown and Parliament, causing such a construction to be put on the more general term used in the Act of Appropriation, of a Protestant clergy:

That in process of time, first the Church of Scotland, and afterwards other religious communities in the province, asserted their right to a share in the benefit arising from these Reserves:

That for many years considerable ferment and agitation prevailed in the country on this subject, in consequence of which an investigation took place before a Committee of the House of Commons in England, in the year 1827, which Committee, after entering largely into the question of the management of these lands, in their Report stated "that their value, whatever it may be, must be applied to the maintenance of a Protestant clergy, there can be no doubt," but declined giving any definition respecting the meaning of that term:

That in the year 1840, the House of Lords having put certain questions to the judges, and they having declared in answer that they were all of opinion that the words "a Protestant clergy, in the 31 Geo. III. c. 31, are large enough to include and that they do include other clergy than the clergy of the Church of England," an Act was passed by the Imperial Legislature, 3 & 4 Vict. c. 78, intituled "An Act to provide for the sale of the Clergy Reserves in the Province of Canada, and for the distribution of the proceeds thereof," and in such Act it is stated expressly, that it is expedient to provide for the final disposition of such lands:

That by this Act the proceeds of all sales were to be divided into six equal parts, whereof two were to be appropriated to the Church of England, and one to the Church of Scotland, and the residue was to be applied by the Governor of Canada, with the advice of the Executive Council, for the purposes of public worship and religious instruction in Canada:

That notwithstanding this arrangement was exceedingly adverse to the claims considered to have been originally existing in the Church of England, yet the members of that communion quietly submitted to the decision thus enforced by the authority of the Imperial Legislature, and received the Act with satisfaction, so far as it provided for the settlement of a question long and painfully agitated in this country, and accepted it, according to what they had all reason to do, as a final decision, and the extinction once for all of all discussions and differences upon the subject; and that to this settlement they considered, and so your Majesty's petitioners do now consider the faith of the Government to be pledged:

That under all these circumstances it has been impossible for your Majesty's petitioners to view otherwise than with the keenest sense of injury and the deepest feelings of astonishment and alarm, a proceeding during their late Session of one branch of the Provincial Legislature, when resolutions were passed by the House of Assembly, and an Address to your Majesty was voted, to the effect that this reservation of land so often pledged and appropriated by Acts of the Crown, and of the Imperial and Colonial Legislatures, and the opinion of the judges, for the maintenance of religion, should be alienated from its sacred purpose, and applied to the promotion of education and other secular objects:

That, as far as the Church of England is concerned, your Majesty's petitioners believe it has never been attempted to prove that she has in any measure failed in faithfully executing, and that too even beyond her means, the trust committed to her charge in this province, or that the ministers who are labouring in her several missions are not abundantly earning the small stipends afforded for their maintenance:

That your Majesty's petitioners cannot but apprehend that the proposed confiscation, even of the remnant and pittance of endowment which has been left to them, will create extensive and permanent dissatisfaction among the members of the Church generally in this province, creating fresh causes of jealousy and disquiet, and destroying confidence in the security of all rights of property in this country, however sanctioned by Royal charter or Acts of the Imperial or Provincial Parliament:

That your Majesty's petitioners, therefore, cannot refrain from deprecating in the most earnest and solemn manner, an act of spoliation which would be disastrous to the best interests of human society, and openly hostile to the propagation of the truth of God; and that your petitioners confide in your Majesty's gracious protection of your loving and loyal

subjects, and your concern for their religious well-being, to prevent the completion of a measure which, in the face of another Church, quietly possessing the most ample endowments, and enjoying in this province the most magnificent resources, through the large and generous indulgence of your Majesty's Government, would, in all human calculation, go far to crush the hopes and neutralize the efforts of a poor and laborious clergy, and cause severe damage through future generations to the spiritual interests of the people of these dioceses professing the religion of the British empire.

Wherefore, your Majesty's petitioners most humbly pray, that your Majesty will be graciously pleased to withhold your Royal sanction from any measure for reversing or altering the provisions of the Act of the Imperial Parliament, 3 & 4 Vict. c. 78; and your Majesty's petitioners, as in duty bound, will ever pray.

Dated this 19th day of February 1851.

(Signed) G. J. QUEBEC.  
JOHN TORONTO.  
F. MONTREAL.

---

To Her Most Gracious Majesty QUEEN VICTORIA.

The humble Petition of the Bishop of Montreal, and the Clergy and Congregations of the Diocese of Montreal, in the Province of Canada.

Showeth,

That by an Act of the British Parliament, passed in the year 1774, 14 Geo. III. c. 83, it was provided, that the rights, privileges, lands, or seigniories held by the Church of Rome previous to the conquest of Canada, and which had been secured by the articles of capitulation, should be guaranteed to that body:

That in the same Act it was expressly provided, that it should be lawful for his Majesty, his heirs or successors, to make such provision out of the dues or rights belonging to the Crown in Canada, 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:

That, in the year 1791, an Act was passed by the British Parliament, 31 Geo. III. c. 31, in which certain lands within the province, called the Clergy Reserves, were appropriated; and it was declared that "the rents, profits, or emoluments of such lands shall be applicable solely to the maintenance and support of a Protestant clergy within the province, and to no other purpose whatever:"

That in the year 1823, in an Act passed by the Colonial Legislature, after referring to this grant of lands which his Majesty had been graciously pleased to reserve for the support of a Protestant clergy, it was declared, in order to resolve certain doubts that had arisen, "that no tithes shall be claimed, demanded, or received by any ecclesiastical parson, rector, or vicar of the Protestant Church within this province:"

That, by these different Acts of the Legislature, the Church of Rome was continued in possession of large endowments and privileges, and does so hold them unto this day, amongst which is the right of taking tithe on all lands possessed by members of that communion throughout a very large portion of the province; whilst the only prospect of any permanent endowment for a Protestant clergy was from the profits and emoluments of these Clergy Reserves, which had been specially appropriated for that purpose, and in consideration of which their right to demand tithes seems more expressly to have been denied:

That for a period of thirty years after the first appropriation of these Clergy Reserves they were considered to have been intended for the exclusive benefit of the clergy of the Church of England within this province, certain subsequent clauses in the Act 31 Geo. III. c. 31, as well as other measures of the Crown and Parliament, having caused such a construction to be put on the more general term used of "a Protestant clergy:"

That in progress of time first the Church of Scotland, and afterwards other religious communities within the province, asserted their right to a share in the benefit arising from these Reserves:

That for many years considerable ferment and agitation prevailed in the country on this subject, and an investigation took place in England, before a Committee of the House of Commons, in the year 1827, which Committee, after entering largely into the question of the management of these lands, in their Report distinctly stated "that their value, whatever it may be, must be applied to the maintenance of a Protestant clergy, there can be no doubt;" but the Committee declined giving any definition respecting the meaning of that term:

That in the year 1840, the House of Lords, having put certain questions to the Judges, and they having declared in answer that they were all of opinion that the words "a Protestant clergy," in the 31 Geo. III. c. 31, were large enough to include, and that they do include, other clergy than the clergy of the Church of England," an Act was passed by the Imperial Legislature, 3 & 4 Vict. c. 78, intituled "An Act to provide for the sale of the

CANADA.  
—  
Appendix.

Clergy Reserves in the province of Canada, and for the distribution of the proceeds thereof ;” and therein it is enacted that “it is expedient to provide for the final disposition of the lands called Clergy Reserves in Canada,” and directs that the proceeds of all sales were to be divided into six equal parts, of which two were to be appropriated to the Church of England and one to the Church of Scotland, and the residue to be applied by the Governor of Canada, with the advice of the Executive Council, for the purpose of public worship and religious instruction in Canada :

That notwithstanding this arrangement was exceedingly adverse to the claims originally believed to have been existing in the Church of England, yet the members of that communion peaceably submitted to the law, receiving the Act with satisfaction, so far as it provided for the settlement of a question which had been long and painfully agitated, and accepting it, according to what they had good reason to do, as a final settlement and extinction, once for all, of all discussions and differences upon the subject ; and that to this settlement they considered, and so your Majesty’s petitioners do now consider, the faith of the Government to be pledged :

That, under all these circumstances, it has been impossible for your Majesty’s petitioners to view otherwise than with the keenest sense of injury and the deepest feelings of astonishment and alarm, a proceeding, during their late Session, of one branch of the Provincial Legislature, in which resolutions have been passed by the House of Assembly, and an address to your Majesty has been voted, to the effect that this reservation of land so often solemnly pledged and appropriated for the maintenance of religion and support of a Protestant Clergy by Acts of the Crown, and of the Imperial and Colonial Parliaments, sanctioned by the unanimous opinion of the Judges, should be alienated from its sacred purpose and applied to the promotion of education and other secular objects :

That your Majesty’s petitioners cannot but consider that such a measure, if allowed to take effect, must be calculated most seriously to shake all confidence in every species of endowment in this country, whether sanctioned by Royal charter or by the Acts of Imperial or Colonial Legislatures, and that it will be highly injurious to the cause of religion :

That there are at this time eighty-two clergymen of the Church of England officiating in the two dioceses of Quebec and Montreal, in Lower Canada :

That the Church of England population in this division of the province is believed to approach in numbers to the entire aggregate of all other Protestant denominations within that portion of the province, and that it consists at the same time, to a very great extent, of the occupiers of poor and backward settlements, who mainly depend for the ministrations of religion upon the charity of the Society in London for the Propagation of the Gospel, the revenue up to this date derived from the Clergy Reserves supplying but a very small portion of the expenditure made upon the most frugal and parsimonious scale for this object :

That whenever the assistance of the above-mentioned Society shall be withdrawn, an arrangement which steps have been taken gradually to accomplish, the revenue from the Clergy Reserves, in whatever degree it shall have been improved, will form an extremely inadequate provision, and one which need not in any quarter be grudged, for the maintenance of religion among those who can do but little for themselves ; and that your Majesty’s petitioners confide in your Majesty’s gracious protection of your loving and loyal subjects, and your concern for their religious well-being, to prevent the sanction of a measure which, in the face of another Church, enjoying the most magnificent resources through the large and generous indulgence of your Majesty’s Government, would, in human calculation, go far to crush the hopes and neutralize the efforts of a poor and laborious clergy, and to carry severe damage in all perpetuity to the spiritual interests of the people in this diocese professing the religion of the British empire.

Wherefore, your petitioners humbly pray, that your Majesty will decline to re-open this question, but leave your petitioners and other religious bodies in the enjoyment of the privileges they now possess.

And your petitioners, both from duty and inclination, will ever pray.

(Signed)

F. MONTREAL

JOHN BETHUNE, D.D.,

Rector of Christchurch Cathedral.

W. AGAR ADAMSON, D.C.L.

And 1,771 other Signatures.

Montreal, February 19, 1851.