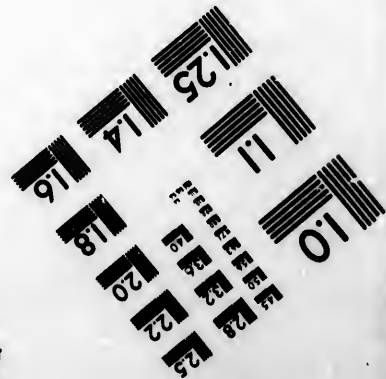
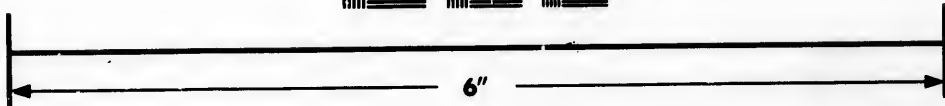
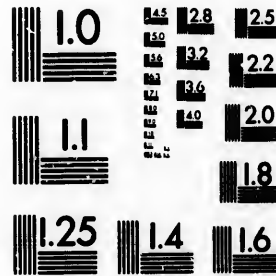


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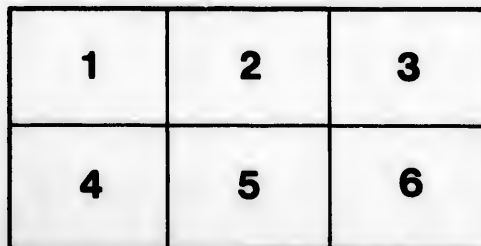
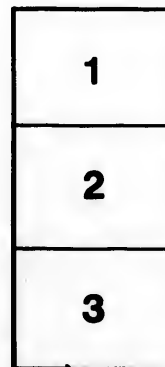
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THE
CORRESPONDENCE

OF THE

HON. WILLIAM MORRIS

WITH THE COLONIAL OFFICE, AS THE DELEGATE

FROM THE

PRESBYTERIAN BODY IN CANADA.

It may be proper to introduce these papers by inserting the Report of the meeting of delegates assembled at Cobourg, that the object of Mr. Morris' delegation to Britain may be brought more distinctly before our readers.

REPORT

Of the proceedings of the meeting of Delegates from the different Presbyterian congregations, in connection with the church of Scotland in Canada, held at Cobourg the 14th day of April, and continued by adjournment from day to day till the 18th April, 1837.

The Delegates from the several congregations having met in St. Andrew's church at 10 o'clock A. M. as previously arranged, proceeded to elect a chairman, when Joseph Steele, Esq. Delegate from Colborne, was unanimously called to the chair.

The chairman then called upon the Rev. Thomas Alexander, who opened the meeting by prayer.

The attention of the meeting was then called by the chairman, to the choice of a Secretary, when H. Scobie, Esq. Delegate from West Gwillimbury, was appointed.

The following Delegates came forward and presented their credentials which were sustained.

Messrs. JOHN STEELE, Colborne.
 ANDREW JEFFREY, Cobourg.
 JOHN TAYLOR, Grafton.
 F. A. HARPER, Kingston.
 W. S. McDONALD, Gananoque.
 JOHN TURNBULL, Belleville.
 JOHN A. McPHERSON, Hallowell.
 ALEXANDER MORRIS, Brockville.
 JAMES PRINGLE, Cornwall.
 JOHN McLENNAN, Lancaster.
 ALEX. McMARTIN, Williamstown & Martintown.
 JOHN QUARRY, Dundas, Ancaster & Flamboro.
 LACHLAN BELL, St. Catharines and Thorold.
 DUNCAN McLAREN, King.
 ALEXANDER GRANT, Cavan.
 JAMES HALL, Peterboro.
 HUGH SCOBIE, West Gwillimbury.
 DR. WALTER TELFER, Toronto.
 A. BARKER, Scarboro.
 ALEXANDER WOOD, Zorra.
 COLIN C. FERRIE, M. P. P. Hamilton.
 WILLIAM CLARKE, Niagara.
 KENNETH MCKENZIE, Smith's Falls.
 ROBERT FAIRBAIRN, Darlington.
 JAMES WILSON, Galt.
 DAVID BRODIE, Percy.

Communications were received from the following congregations in Upper and Lower Canada, expressing their anxious desire to co-operate with this assembly, in such measures as might be considered necessary, to attain the object for which the assembly had been called together. These congregations in

UPPER CANADA, <i>are,</i>		IN LOWER CANADA,	
Bytown,	Streetsville,	St. Andrews church	Beauharnois,
Esquesing,	Guelph,	Montreal,	Huntingdon,
Lochiel,	Lanark.	St. Paul's do. do.	Dundee.

The following Resolutions were adopted:—

1st. Resolved—That prior to the act of Union between the Kingdoms of Scotland and England, there were established by acts of Parliament of the separate Kingdoms, within each Kingdom, Protestant churches, known by the designation of the established church of Scotland and the established church of England, which churches were confirmed by the Act of Union, as they then stood by law established, and which act provides, that there shall be a "communication of all rights, privileges, and advantages, which do or may belong to the subjects of either Kingdom," and which is therein declared to be a fundamental and an unalterable part of the act of Union.

2d. Resolved—That under and by virtue of the act of Union, the adherents to the church of Scotland, in any British colony, are entitled to a communication of all civil and religious rights, privileges, and advantages, equally with the adherents of the church of England.

3d. Resolved—That the fundamental principles of the act of Union, are not liable to be legislated upon by the Imperial Parliament of Great Britain, which owes its existence to that act, and any enactment of the Imperial Parliament, opposed to any of these fundamental principles, is a violation of the act of Union.

4th. Resolved—That the act of the Imperial Parliament 3l. Geo. III. chap. 3l, is a direct violation of the act of Union, in so far as it directs the establishment and endowment of parsonages or Rectories, according to the establishment of the church of England, and the presentation of incumbents or ministers of that church thereto, within Canada, who "shall hold the same and all rights, profits, and emoluments, thereunto belonging, or granted, as fully and amply, and in the same manner and on the same

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terms and conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or Rectory in England."

5th. Resolved—That the late Lieut. Governor Sir John Colborne, did unwisely erect and endow fifty-seven Rectories in this province, by virtue of the act of Parliament above referred to, which in deference to public opinion, had never before in that respect been acted upon, thereby giving the clergymen of the church of England, spiritual jurisdiction, not only over the members of the church of Scotland, but also over those of other denominations, which has tended more than any other act, to diminish the estimation of a large majority of the people of Canada of the equity and wisdom of his Majesty's Government, in this province.

6th. Resolved—That by the act above referred to, the establishment and endowment of Rectories can only be made by the Lieut. Governor in council, from lands set apart and known by the name of the Clergy Reserves, when his Majesty authorises the Lieut. Governor to that effect, and that his Majesty having referred the disputes which had arisen in the colony respecting these Reserves, to the local legislature, for settlement, we are unwilling to admit, that his Majesty would have given instructions to Sir John Colborne, to establish and endow Rectories, while the adjustment of these disputes was in progress before the legislature, and we therefore consider the establishment and endowment of those Rectories to have been, not only a further violation of the act of Union, but also at variance with his Majesty's instructions, to submit the matter to the local legislature.

7th. Resolved—That in terms of the act of Union, the *status* of the church of Scotland, in a British colony, is co-ordinate with that of the church of England, and all Sessions, Presbyteries and Synods, which are in connection with the church of Scotland, in terms of the act of the General Assembly of that church, passed in 1833, should be constituted bodies corporate, to the effect of holding lands, buildings, and other property for ecclesiastical and educational purposes, and that effect should be given to their judgments and proceedings, in matters spiritual, in the same manner as is done in Scotland.

8th. Resolved—That with the view of effectually removing the disabilities under which we labour, we address his Majesty and the Imperial Parliament of Great Britain, in terms of the foregoing resolutions, praying that a declaratory act of the Imperial Parliament may be passed, to remove all our disabilities, and to restore us to that position, to which by the act of Union we are entitled, and to limit the power, and authority of the churches of Scotland and England, in this colony, to the members of their own congregations.

9th. Resolved—That all members of our church throughout Canada, should resist by every constitutional means, all attempts to encroach on our rights, and should rest only when no disability shall remain to be removed, and when the provisions of the act of Union, in reference to the church of Scotland, shall be fully complied with.

10th. Resolved—That a select committee be appointed to draft an address to the King, and petitions to both Houses of the Imperial Parliament, based on the foregoing resolutions, and that Messrs. Harper, Turnbull, Clarke, Ferrie, McLennan, Telfer and Barker do compose that committee.

11th. Resolved—That we consider it essentially necessary, to appoint a competent person to proceed with the address and petitions to Great Britain, and having entire confidence in the wisdom and integrity of the Hon. Wm. Morris, of Perth, we do appoint him to that highly important trust, and direct the Secretary to intimate the appointment to Mr Morris, and to request in the name of this assembly, that he will be pleased to accept the same.

12th. Resolved—That the several delegates on their arrival among their respective congregations, shall cause a subscription list to be opened, in each congregation, to defray the expense of the Agent to England, and that the funds so collected, be transmitted to Francis A. Harper, Esq. Kingston, and subject to the order of the Agent.

13th. Resolved—That the thanks of the delegates are hereby tendered to the inhabitants of Cobourg and Kingston, for their manly and spirited exertions on behalf of Scotchmen and Presbyterians in this province.

14th. Resolved—That 500 copies of the proceedings of this meeting shall be printed at the office of the Niagara Reporter, and that William Clarke, Esq. delegate from Niagara, be respectfully requested to superintend the printing, and to transmit a proportionate number to each delegate, as also to congregations who have communicated with this meeting.

15th. *Resolved*—That with the view of procuring every possible information respecting the state of our church, we solicit all members in connection with us, throughout the two Provinces, to transmit a statement of such local facts, as they may be possessed of, with as little delay as possible, to the standing Committee of Synod, of which the Rev. W. Rintoul is convener, and that we respectfully request that the Commission of Synod do compile from the facts thus communicated, and any others that may come within their knowledge, general instructions for our agent, and that the Secretary do transmit to the Commission of Synod, the whole of our proceedings, to be kept among the records of their court.

16th. *Resolved*—That we, the delegates now assembled, having performed the duties for which we were appointed, do now dissolve ourselves, and that we recommend to all our Brethren, who may have formed themselves into associations, to dissolve their associations forthwith.

(Signed)

JOHN STEELE, Chairman.
HUGH SCOBIE, Secretary.

TO THE KING'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

We, Your Majesty's dutiful and loyal subjects, delegates appointed to meet at Cobourg, by the Presbyterian congregations in Canada, in connection with the established church of Scotland, to consider what measures at the present crisis, it might be most expedient to adopt, in order to remove the spiritual disabilities under which we labour, beg leave in the name of the whole members of our church in Canada, most humbly to approach Your Majesty and to express our sincere attachment and loyalty to Your Majesty's Royal person and Government.

We beg leave most humbly to represent to Your Majesty, that the churches of Scotland and England were established by acts of the Parliaments of the separate Kingdoms, and were confirmed by the Act of Union, whereby a "communication of all rights, privileges and advantages," is secured to the subjects of either Kingdom, and therefore the *status* of the two churches, so established, is co-ordinate, in the British Colonies.

With the utmost deference we humbly state to Your Majesty, that the fundamental principles of the act of union, which were guaranteed to us with so much jealousy, by our fore-fathers in perilous times, and which every true Scotchman must always consider as a birthright not to be infringed upon, cannot be in any way affected by an act of the Imperial Parliament of Great Britain, without doing manifest injustice to Your Majesty's dutiful and loyal Scottish subjects.

The act of the Imperial Parliament, 31 Geo. III, chap. 31, appears to Your Majesty's petitioners to be an infringement upon their rights, in so far as it provides for the establishment and endowment of Rectories, in Canada, and the presentation of incumbents or ministers of the church of England thereto, with the powers thereby conferred on them; and the recent establishment and endowment of fifty-seven Rectories in this Province is a further infringement upon their rights, in respect that these incumbents or ministers are invested with spiritual jurisdiction, not only over Your Majesty's dutiful and loyal subjects of the sister church, but also over all denominations of Christians within the bounds of their separate Rectories.

Your Majesty's petitioners anxiously hoped that the authority which Your Majesty was graciously pleased to transmit to Sir John Colborne, Your late Representative in this Province, to refer the settlement of the disputes which had arisen in the colony, respecting the Clergy Reserves, to the local Parliament, would have prevented Your Majesty's late Representative from establishing and endowing the Rectories above alluded to, and Your petitioners are unwilling to assume that Your Majesty would have instructed Your late Representative at that time, to establish those Rectories, and we most humbly assure Your Majesty that that act has tended more than any other circumstance to diminish the estimation of a large majority of Your Majesty's loyal subjects, of the equity and wisdom of Your Majesty's Government in this Province.

Your petitioners, therefore, in thus approaching Your Majesty, most humbly pray that Your Majesty may be graciously pleased to listen to our complaints, and to take them into your royal consideration, and to adopt such measures, in terms of the act of the General Assembly of the church of Scotland, passed in 1833, as will constitute all Sessions, Presbyteries and Synods, which now are, or hereafter may be, in connection

with the church of Scotland, in Canada, into bodies corporate, to the effect of holding lands, buildings and other property, for ecclesiastical and educational purposes, and as will give effect to the judgments and proceedings of our ecclesiastical courts, in matters spiritual, in the same manner as is done in Scotland; and also such measures as will effectually remove the disabilities of which we complain, and place us on that footing to which by the act of union we are entitled, but restraining both the powers of our clergy, and also those of the sister church, to the members of their own congregations, within this Province.

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

(Signed by all the Delegates, as representing their respective congregations.)

Dated at Cobourg, this 17th day of April, 1837.

TO THE HON. WILLIAM MORRIS, PERTH.

Toronto, 6th April, 1837.

Sir—I am desired to communicate that the Corresponding Committee of the congregation of St. Andrew's church, in this city, at a meeting held last evening, were unanimously of opinion that no other in the Province, known to them, was so properly fitted for the duties and trust of an agent, from the convention to be held at Cobourg, to Britain; and they earnestly desire that you may consent to be put in nomination, of which you will please notify Dr. Telfer, the delegate from this place, who has particular instructions on the subject. The Committee were most anxious to hear from yourself, had time allowed of it, before the Doctor should leave this, but it was found upon computation that a day could not be spared to have an answer, even at Cobourg, by the 14th.

I have the honor to be, Sir,

Respectfully yours, &c.

(Signed)

WM. M. GORRIE, *Secretary.*

Perth, 12th April, 1837.

Sir—I have this moment received a letter, dated the 6th instant, informing me that the corresponding Committee of St. Andrew's church, Toronto, are anxious to know if I would "consent to be put in nomination as agent to Great Britain, from the Scots churches in this Province," and although there is not the slightest chance that this letter can reach Cobourg before the evening of the 15th, at the very earliest, I nevertheless think proper to write you, in reply, supposing it possible that you may be detained a day or two at that place.

The question put to me involves very serious and important private considerations, especially after a recent absence from my family and business of more than three months, and I could have desired a few days time to consult my friends. But as the circumstances of the case do not admit of this, I have only to say, that viewing the subject which has occasioned the application to me as one of very great public importance, I feel disposed to set aside my private interests and convenience, and to obey the call of my countrymen, should it appear to be their general wish.

Permit me to add, that the terms of Mr. Gorrie's letter to me suggest that I should have you understand that I do not *apply* for the appointment.

Sir, your obedient servant,

(Signed)

WM. MORRIS.

To Dr. TELFER, Cobourg.

Toronto, 19th April, 1837.

Sir—As Secretary to the assembly of delegates from the different congregations in connexion with the church of Scotland, who met at Cobourg, on the 14th inst., I have been directed by that assembly to intimate to you, that, confiding in your wisdom and integrity, they have appointed you as their agent to proceed to Great

Britain, and to request, in name of the assembly, that you will be pleased to accept of that highly important trust.

Your Commission, as well as an address to His Majesty, and petitions to both Houses of Parliament, and a memorial to the General Assembly of the Church of Scotland, have already been executed, and they will be transmitted to you in due course, through F. A. Harper, Esq. of Kingston.

I have the honor, &c.

(Signed)

II. SCOBIE, Sec'y.

To HON. W. MORRIS, Perth.

Perth, 25th April, 1837.

Sir—I am favoured with your letter of the 10th inst., informing me that the delegates from the different Presbyterian congregations assembled at Cobourg on the 14th inst., had made choice of me to carry their petitions to Great Britain, and to prosecute the claims which they assert, with His Majesty's Government.

You will please have the goodness to acquaint the Committee that I shall proceed from thence on Friday next, and will sail by the packet of the 8th May, from New York.

I have addressed a note to Mr. Joseph, the Private Secretary of His Excellency the Lieutenant Governor, of which the following is a copy.

I remain, &c.

(Signed)

WM. MORRIS.

To Mr. H. SCOBIE, Secretary.

Perth, 25th April, 1837.

Sir—The Presbyterian congregations in this Province, in connexion with the church of Scotland, have determined to petition the Home Government on the subject of the Clergy Reserves, and also respecting certain constitutional rights which, as Scotsmen, they should enjoy in this colony, and which have hitherto been denied them by the Colonial authorities; and as the persons representing these congregations, at a meeting held at Cobourg on the 14th inst., have requested me to carry their petitions to Great Britain, I take this method of acquainting His Excellency the Lieutenant Governor, that I shall proceed accordingly, in the course of a few days, in order to sail from New York by the packet of the 8th May.

(Signed)

WM. MORRIS.

To J. JOSEPH, Esq., Private Sec'y. &c. Government House.

Kingston, 22d April, 1837.

My Dear Sir—I suppose ere this reaches, you will be in possession of the letter from the Secretary of the delegates, informing you of your appointment, as agent, to present the address and petitions, and to do all in your power to further the accomplishment of the object desired.

I hand you herewith, the three petitions, and your commission as agent, the receipt of which please acknowledge to the Convener of the Commission of Synod, Mr. Rintoul, and inform him of your acceptance of the appointment, and when you will be ready to set out.

(Signed)

F. A. HARPER.

To HON. W. MORRIS, Perth.

Upper Canada, Cobourg, 17th April, 1837.

We, the Delegates of the Presbyterian congregations, in connexion with the church of Scotland, in Canada, do appoint you, the Honorable William Morris,

Legislative Councillor, our agent, to proceed to Great Britain with all convenient speed, and there to advocate our just claims, as stated in the Resolutions passed at this meeting, a copy of which you will receive herewith, and to cause the accompanying petitions to be presented to His Majesty and both Houses of the Imperial Parliament, and to do all other acts that may be requisite for bringing our cause to a speedy and successful issue.

Executed at St. Andrew's Church, this day, as above mentioned, by the delegates there assembled, and certified by

JOHN STEELE, Chairman.
HUGH SCOBBIE, Secretary.

On the 28th April, 1837, I left Perth for London—passed through Brockville and Montreal, and sailed from New York for Liverpool, on board the packet ship Roscoe, Capt. Delano, on Monday the 8th May. Arrived at Liverpool on Monday the 20th May, I went to Manchester on the following morning, having previously written this letter:—

Liverpool, 29th May, 1837.

Rev. Sir—As the influence of the Episcopal church in Canada will be exerted to the utmost to counteract the object of my mission to this country, I will feel greatly obliged if you will have the goodness to give me a helping hand at the Colonial Office; and, I suppose, this can most effectually be done by engaging the support of leading members of the Legislature. Perhaps Principal Macfarlan will also be kind enough to render me assistance in the way which he may think will best answer the purpose. No time ought to be lost, for, if the subject is to be brought before Parliament during the present session, it cannot be taken up too soon.

Besides the claim which the members of our church prefer in their petitions, there is another matter of very great importance which I could wish to draw your attention and services to, namely, the appointment which His Majesty is about to make of Professors to the University of King's College, Toronto.

The institution is amply endowed, and after a struggle of ten years, its exclusive character is destroyed, and gentlemen educated at the Scots Universities may now receive appointments, without being subject to any tests; and although, by the terms of the statute amending the charter, the members of the College Council are all of the church of England at present, yet I hope that a little exertion at the Colonial office will not only secure to our countrymen a due share of the appointments, but compel the endowment of a Theological Professorship for our church.

I am in great haste, and cannot write you fully on this subject at present, indeed I hope it may not be necessary for me to write, for it was the opinion of many friends in Canada, that either you, or some other influential minister, would come to London to advocate the cause of the church, and thereby promote her interests in *all* the British Colonies.

I send you by this mail a printed copy of the proceedings of the Cobourg meeting, which please show to such of our ministers as take an interest in Canadian church affairs.

(Signed)

WM. MORRIS.

To REV. DR. McLEOD, Glasgow.

P. S.—May I beg the favour of hearing from you as soon as possible; address me to the care of Messrs. Gillespie, Moffatt & Co. 5, Gould Square, London.

I wrote Doctor McLeod again during my stay in Manchester, having understood that the General Assembly was then sitting, and that he was in attendance;

I repeated my request that he would speak to Doctor Macfarlan, and also to Dr. Burns, and any other ministers that he thought would enter into the views of the petitioners. I proceeded from Manchester in the afternoon, and reached London at 4 o'clock, P. M. on Wednesday the 31st May.

Thursday, 1st June, at one o'clock, I called at the Colonial Office and sent the following note to James Stephen, Esq. one of the Under Secretaries of that department.

Colonial Office, 1st June, 1837.

Sir—As the messenger declines handing you my card in consequence of instructions to refer all persons calling on Colonial business to Sir George Grey, who is not expected here to-day, I beg leave to acquaint you that I arrived in town last night, as the agent of the Scots churches, in connexion with the church of Scotland, in Upper and Lower Canada, and that I am the bearer of petitions from that body to His Majesty and the Imperial Parliament.

If you cannot see me to-day, may I request that you will have the goodness to say when I may call again.

(Signed)

WM. MORRIS.

To JAMES STEPHEN, Esq. &c. &c. &c.

In a few minutes I was favoured with an interview by Mr. Stephen, which lasted more than half an hour, during which he assured me that the Rectories were established without the knowledge or authority of the Colonial Department, and that the Secretary of State and himself were "thunderstruck" when the report reached them through the medium of the public papers. He asked me most particularly as to the nature of all the complaints I had to prefer, and frankly avowed the sentiments contained in his evidence before the committee of the House of Commons on the civil government of Canada, in 1828. He assured me that the opinion of His Majesty's legal advisers in 1819, regarding the meaning of the term "*a Protestant Clergy*," in the act 31, Geo. III, cap. 31, as concurred in by that committee, was the opinion of the present government to the fullest extent. He said in two or three days he would shew me a letter that was preparing for the Rev. Doctor Black, of Montreal, by which I would be satisfied that the claim of the Scots church to share in the Clergy Reserve fund was amply recognised. He then advised me to write Lord Glenelg, asking for an interview, and he felt certain that although his Lordship was much occupied, partly on account of the state of His Majesty's health, that he would see me as soon as he possibly could; and that, in the mean time, he would explain to his Lordship the various matters which engaged our conversation.

Tavistock Hotel, Covent Garden, 1st June, 1837.

My Lord—The Presbyterian congregations in Upper and Lower Canada, in connexion with the church of Scotland, have appointed me their agent to lay before His Majesty's Government certain claims which they prefer in petitions to His Majesty and the Imperial Parliament, with which I am entrusted; and I have to request an interview with your Lordship on the subject, whenever it may please your Lordship to receive me.

(Signed)

WM. MORRIS.

To THE RIGHT HON. LORD GLENELG, &c. &c. &c.

Sir George Grey presents his compliments to Mr. Morris, and will be happy to receive him at this office to-morrow, the 3d instant, at 1 o'clock.

Colonial Office, 2d June, 1837.

Saturday, 3d June—Had an interview of an hour and a half with Sir George Grey—I explained to him many of the things which the Scots of Upper Canada are dissatisfied with.

He explicitly disavowed, on the part of the Government, having ordered the establishment of Rectories, and said that the Executive Council of Upper Canada had acted on some expression, in a dispatch of Lord Ripon's, which he felt persuaded was never intended to be regarded as authority for that purpose.

That as soon as the Government found that Rectories had been endowed, the legality of the proceeding became a matter of importance, and in order to ascertain that fact, Lord Glenelg had submitted the question to the law officers of the Crown for their opinion, and that he hoped an answer would be obtained in a few days.

He admitted, without hesitation, the claim of the Scots church to a participation in the funds arising from the sale of the Clergy Reserves, and said that the present amount, being pledged to certain clergy of the English church, could not be otherwise disposed of, but added that any increase would be applied to the payment of the Scots clergy, whose right the government fully acknowledged. I mentioned to him that it appeared very extraordinary, that with such admissions in our favour, the whole fund should be paid to the English clergy, some of whom were not in the Province, when ministers of our church, who got nothing from the Government, were in charge of congregations. He allowed that it seemed strange, but that a promise had been made which could not be altered. He read me the letter which Mr. Stephen, on Thursday, mentioned was preparing for Doctor Black, in which it is stated that the sum of £500 interest, which has accrued on Clergy Reserve sales in Lower Canada, will at once be paid to the Scots clergy of that Province, under the direction of the Synod of Canada; also, a letter to Doctor Macfarlan, the Convener of the General Assembly's Committee, in which the claim of the Scots church is admitted.

Tavistock Hotel, Covent Garden, 5th June, 1837.

My Lord—Before entering into any explanation of the various matters which have caused discontent to the Scots inhabitants of Upper and Lower Canada, and which induced them to send an agent, at this time, with petitions to His Majesty and the Imperial Parliament, I beg leave to put your Lordship in possession of a copy of the proceedings of a meeting of delegates from the Scots churches, in connexion with the church of Scotland, held at Cobourg on the 17th day of April last, by which your Lordship will not only be enabled to understand the view which they take of their constitutional right to enjoy, under the Treaty of Union between the Kingdoms of England and Scotland, equal privileges with their fellow subjects of England in a *British* Colony; but your Lordship will be possessed of a copy of the petitions, and thereby be able to inform me if it will meet with your Lordship's pleasure to present the one prepared for the House of Lords, in which case I will call at the Colonial Office with it, and also with that intended for His Majesty, at any time that your Lordship may be pleased to appoint.

The very satisfactory assurance which I received from Mr. Stephen, on Thursday last, touching the claim of the church of Scotland to share with the church of England in the benefits which the funds arising from the sale of the Clergy lands in Canada afford, leaves me less to say on this subject than it otherwise would have been my duty to do; and I may make the same remark respecting the recent establishment of Rectories in Upper Canada, assured, as I am, both by Sir George Grey and Mr. Stephen, that His Majesty's Ministers had no knowledge of any proceeding by the Colonial Government to establish and endow Rectories, till the fact appeared in the public prints, and was spoken of in his place by a member of the House of Commons, and that your Lordship lost no time in

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instituting an enquiry as to the authority by which the Executive Council had been guided in the steps taken to form these Rectories; the result of which was that an expression, in one of Lord Ripon's dispatches had been construed into such authority, although it is quite probable that His Lordship had no such intention. I am happy also to find that your Lordship has submitted the legality of the establishment and endowment in question for the opinion of His Majesty's Law Officers of the Crown, and that their decision may be expected in the course of a few days. Should it appear that His Excellency the Lieutenant Governor, with the advice of the Executive Council, had "authority" to establish these Rectories, I cannot hesitate to believe that the inhabitants, whose agent I am, will dutifully submit, with a confident expectation, however, that your Lordship will take an early opportunity of proposing to Parliament an amendment of the Imperial Statute, 31 Geo. c. 31, to limit the jurisdiction of the Rectors to the members of the Episcopal church, and also for other purposes connected with the interests of the churches in Canada.

Had the House of Assembly, on the 9th Feb. last, when in committee of the whole on the Report of the Select Committee on the petitions of the Rev. Alexander McNaughton, and others, been aware that His Majesty had not given direct authority to the Colonial Government to form these Rectories, I am certain that neither the 6th Resolution of the series which appears in the journals of that body, nor the amendment to it, which "regards as inviolable, the rights acquired under the Patents by which Rectories have been endowed," would have been adopted by a majority of the members; and I am persuaded your Lordship will concur in that opinion, seeing that the 2d Resolution was carried by a majority of 30 to 25, without the Speaker's vote, (who, I understand, proposed the Resolutions,) and is in these words, "Resolved, That the power thus vested in the person administering the Government, and the Executive Council of this Province, not having been exercised for a period of nearly half a century, the inhabitants of the Province had good reason to believe that no attempt would be made to carry it into effect, more especially when the Provincial Legislature had been invited to legislate, by the Imperial Government, in relation to the Rectories, from which all endowments must necessarily be made."

The 3d Resolution was carried by the same majority, and is, "That the late Lieutenant Governor, with the advice of the Executive Council, established certain Rectories, under the power so long suffered (in deference to public feeling) to remain dormant."

Waiting your Lordship's answer, as to when your Lordship will see me with the petition to His Majesty, and whether your Lordship will be pleased to present the one intended for the House of Lords, and also requesting your Lordship to favour me with a copy of the letters, preparing at the Colonial Office, for Doctors Macfarlan and Black, on the subject of the Canada churches, which Sir George Grey had the goodness to read to me on Saturday.

I remain, (Signed) WM. MORRIS,
Agent for the Scots Churches in Canada.

TO THE RIGHT HON. LORD GLENELG, &c. &c. &c.

Lord Glenelg presents his compliments to Mr. Morris, and begs to see him on Wednesday the 7th instant, at half past two o'clock.
Downing Street, June 5th, 1837.

Tavistock Hotel, Covent Garden, 6th June, 1837.

My Lord—After writing my letter of yesterday, herewith, I was favoured with

your Lordship's note, informing me that to-morrow, at half past two o'clock your Lordship would see me at the Colonial Office.

(Signed)

WM. MORRIS.

London, Tavistock Hotel, Covent Garden, 6th June, 1837.

My Dear Sir—I avail myself of the opportunity of writing you a few lines by the packet of the 3th, merely to say, that I have been twice at the Colonial Office since I came to town, and am to meet Lord Glenelg to-morrow.

I have every reason to be satisfied with the reception our claims have met with so far, and I doubt not they will command an ample recognition. Sir George Grey frankly told me, that the establishment of the Rectories was without the knowledge of the Home Government, and the legality of the proceeding is now under the consideration of His Majesty's law officers of the Crown.

Doctor Macfarlan (I should have said Mr. Colquhoun, late M. P.) laid a copy of a set of Canadian Resolutions before Lord Glenelg, and an answer has been given since I came to town, in which his Lordship says the language imputed to Mr. Hagerman the Government disapprove of.

The sum of £500, of interest, which has accrued on monies derived from the sale of *Clergy Reserves*, in Lower Canada, is ordered to be paid to the Scots ministers of that Province. I am much engaged preparing papers for the Colonial Office.

(Signed)

WM. MORRIS.

REV. W. RINTOUL, &c. &c. &c.

Lord Glenelg presents his compliments to Mr. Morris, and begs he will call to-morrow, (Wednesday, June 7th,) at half past 4 o'clock, instead of 2½, as a Cabinet Council is summoned to-morrow.

Downing Street, June 6th, 1837.

Wednesday, June 7th—I waited on Lord Glenelg at the Colonial Office, according to appointment, at half past four o'clock, P. M., and mentioned that the cause of excitement, on the part of the Scots in Upper Canada, was the establishment of Rectories, and other proceedings which I explained. That the above measure was disapproved of by the public generally. That, at Toronto, the English church had received much valuable land from Government, and so also had the Catholic church, but that the church of Scotland had never received one foot. I mentioned, generally, the obstacles thrown in the way of our church applications.

He replied, that the conversations I had had with Sir George Grey and Mr. Stephen, he was certain, must have satisfied me, that the Home Government had no wish but to place the English and Scots churches on a footing, and that the opinion of the Law Officers of the Crown, respecting the Rectories, he hoped would be given in a few days. He said he had read the Resolutions from Cobourg, enclosed in my letter of the 5th, and asked if I had brought the petitions with me. I then handed him the one to His Majesty, and also that for the House of Lords, which I requested him to present, if he approved of its principles. He desired me to leave it with him for perusal, and that he would correspond with me on the subject.

66, Jermyn Street, St. James', 13th June, 1837.

My Lord—Permit me to draw your attention to the University of King's Col-

lege, Toronto, which will shortly go into operation, an act having passed the Provincial Parliament, at the late session, amending its charter, by which its exclusive character, if not wholly, is in greater part removed.

I desire to see this institution become as extensively useful as possible, although I am of opinion that its endowment from the school lands reservation, before even one "Free Grammar School" is established, is a serious interference with the Royal intention, in the year 1797, when the grant was made, and would not have been sanctioned by the present House of Assembly, had not many of the members recently taken their seats for the first time, and consequently were unacquainted with the nature of the endowment and the various exchanges which have been made of the school lands, causing the quality of the residue to be greatly depreciated, and which will, for a long period of time, prevent the adequate endowment of "Free Grammar Schools," in such districts as require them; thus defeating the primary object of the Legislature when it addressed His Majesty for the grant of land, as well as of His Majesty in making it, as will be seen by reference to the joint address, and to the Duke of Portland's dispatch of that year.

In the year 1823, the committee of the House of Commons on the civil Government of Canada, when considering what amendments were necessary to the charter of this University, recommended, among other things, that a Theological chair should be provided for the church of Scotland, to enable students in Divinity, of that church, to prosecute their studies for the ministry, without being put to the great expense of attending the Universities in Scotland.

And your Lordship will perceive by the report of the select committee of the Legislative Council of Upper Canada, upon King's College charter amendment bill, (a copy of which, dated the 18th day of January last, I beg leave to hand to your Lordship,) that a Theological Professor of the church of Scotland is recommended to be placed on the foundation of the University, as soon after the college: put in operation as may be convenient.

I but express the anxious wish of the members of the church of Scotland, in both the provinces of Canada, as well as of their clergy, when I say to your Lordship, that such a provision is considered by them as of very great importance to the church, and they trust your Lordship will communicate to His Excellency the Lieutenant Governor, at an early period, for the guidance of the College Council, the desire of His Majesty's Government relative thereto, in order that His Majesty may know their determination on the subject, previous to the expiration of two years from the passing of the act.

I respectfully suggest to your Lordship, as well to give a voice in the College Council to the interests of the Scottish church, as to soothe the injured feelings of her members in Canada, that a certain number of the Literary Professors should be appointed by His Majesty, from the Scots Universities; and in determining the number of such appointments, I hope I may be permitted to intimate, that by the provisions of the act, (a copy of which I send your Lordship,) Upper Canada College is now incorporated with King's College, the Principal of which will hold a seat in the Council, and that he, and all the other masters at present employed, are from the English Universities. Waiting the favor of a reply from your Lordship,

I remain,

(Signed)

WM. MORRIS, Agent, &c.

THE RIGHT HON. LORD GLENELG, &c. &c. &c.

London, 66, Jermyn Street, St. James', 17th June, 1837.

My Lord—Referring to my letter to your Lordship, of the 5th instant, I will feel greatly obliged if your Lordship will be pleased to inform me, if it is your

Lordship's intention to present to the House of Peers, the petition which I had the honor to hand to your Lordship, at the Colonial Office, on the 7th.

(Signed)

WM MORRIS.

THE RIGHT HON. LORD GLENELG, &c. &c. &c.

Lord Glenelg presents his compliments to Mr. Morris, and will be happy to receive him at the Colonial Office, on Monday next, the 19th instant, at half past two o'clock.

Downing Street, 17th June, 1837.

Monday, 19th June—I waited on Lord Glenelg, at half past two o'clock, according to appointment, when his Lordship, opening the petition of the delegates at Cobourg, to the House of Lords, said, that he should at all times be happy to present a petition, but that he could not introduce this without making some observations respecting it, and it would be rather an awkward thing to bring forward a petition which reflects on the Government of which he is a member. I explained that the petition rather complimented the *Home Government*, by its disbelief that instructions had been sent to the Colonial authorities to establish and endow the 57 Rectories. He then said, "I am mistaken—will you leave the petition with me till Wednesday, at half past 2 o'clock, when I will see you?"

He suggested, for my consideration, whether it was prudent to agitate the claims of the church of Scotland, at this time, in the House of Lords; but as he did not clearly state the grounds of his objection, I could not understand, with satisfactory distinctness, the view which he took of the matter.

Downing Street, 19th June, 1837.

Sir—I am directed by Lord Glenelg to acknowledge your letter of the 13th instant, on the subject of the act lately passed by the Legislature of Upper Canada, to amend the charter of King's College. In reply, I am to inform you that the act in question reached this department but a few days ago, and that the unfortunate state of His Majesty's health has hitherto prevented the possibility of submitting it for His consideration. If, however, it should eventually receive His Majesty's approval, Lord Glenelg would then be prepared to take into consideration your suggestions in regard to the appointment of a Theological Professor of the church of Scotland.

I have the honor to be, Sir,

Your most obedient, humble servant,

GEO. GREY.

To WM. MORRIS, Esq.

Wednesday, 21st June—I went to the Colonial Office at half past 3 o'clock, and was informed that Lord Glenelg had gone to attend a meeting of the cabinet. I left my name informing his Lordship that I would call to-morrow at the same hour.

London, 66, Jermyn Street, 21st June, 1837.

Sir—I was duly favoured with your letter of the 19th instant, informing me that if the act amending the charter of King's College should eventually receive His Majesty's approval, "Lord Glenelg would be prepared to take into con-

sideration my suggestions in regard to the appointment of a Theological Professor of the church of Scotland."

The object of my letter was to prevent that approval, until Her Majesty's Government had protected the just and reasonable claims and interests of the church of Scotland, and Scotsmen, in Upper Canada. But if the act is first to receive the approval of Her Majesty, my suggestions are vain, and so also would be any interposition on the part of his Lordship, as the College Council in that case could do as they thought proper, uncontrollable by any power but that of a majority of its members; and composed as is that body, there can indeed be little reason to hope that any other course of proceeding will be adopted, regarding the institution in question, than one which has already soured the minds of thousands of the people of that colony, and which induced them to send me here, under an irresistible belief that Her Majesty's Ministers would take immediate steps to check a system so injurious to the best interests of the inhabitants at large.

I this day received a file of Canadian papers, in which I perceive an outline of the plan for carrying the University into operation, and respecting which, the Montreal Gazette of the 25th May, makes the following observation:—

"We have thus given an outline of the plan under consideration, and cannot help regretting that it should contain any scheme at variance with the general wishes of both Provinces on so interesting and important a subject. Of the objectionable parts of the plan we have endeavoured to express our opinion in the mildest terms; we therefore leave the revision of it to a time when less prejudice and more sober reflection exert their sway."

(Signed)

WM. MORRIS.

TO SIR GEORGE GREY, BART. &c. &c. &c.

Thursday, 22d June—I had an interview with Lord Glenelg at 4 o'clock. His Lordship informed me that he had received the opinion of Her Majesty's legal advisers on the subject of the Rectories, and that a dispatch, communicating it, was preparing for the Lieutenant Governor of Upper Canada; that before a document of that nature had been sent, he could not make the subject of it known but if I would call on Thursday the 29th instant, I should see *both*, and then be better able to judge whether I should press the petition to the Lords. In this recommendation I acquiesced.

I had a good deal of conversation with Lord Glenelg respecting the University of King's College, and other matters which I conceive have placed the subjects of Scotland under disabilities, and I told his Lordship if the members of the two established churches were to go hand in hand, in place of acting as they did, the country would be greatly benefitted. His Lordship's observations induced me to believe, as formerly, that he is anxious to see justice done to the Scots church. He said he would bear in mind my desire, that the recommendation of Her Majesty, that a Theological Professor should be provided for by the council of King's College, be sent, before the approval of the act was communicated.

66, Jermyn Street, 26th June, 1837.

My Lord—When I had the honour of conversing with your Lordship, on the 22d instant, I remarked generally, that if the members of the churches of England and Scotland, in Canada, would lay aside all jealousy, and go hand in hand together, as brethren professing the same faith, they need not fear the efforts of their enemies. It has since occurred to me that your Lordship might suppose that I alluded in particular to their conflicting claims to a share of the Clergy Reserves, and as I am unwilling to be misunderstood on that point, I take the

liberty of explaining what my views are regarding that very fruitful source of discontent.

Believing that the two national churches are alone LEGALLY entitled to enjoy the advantages to be derived from the clergy-lands-reservation, and considering that it is the duty of the Government of every Christian country to provide, in some way or other, for the spiritual wants of the people, I am of opinion that it would be an act of great injustice to the subjects of both Kingdoms, if these lands were applied to any other purpose than the support of religion. But, when I say this, I am free to admit that there are thousands of the inhabitants of Upper Canada, who, though not members of either of the establishments, and therefore not by law entitled to enjoy a portion of these lands, (as the methodists for instance,) are nevertheless a loyal and deserving class of Her Majesty's subjects, and equally in need of some assistance to support their religious teachers. To those I think a part of the lands should be given, and although many of the persons I allude to entertain an opinion that the enjoyment of church property, bestowed by Government, is calculated to form such a connexion as might endanger the interests of religion, yet I have generally found that this objection was removed by recommending that the lands should be held in Trust, for the use of the respective congregations, by a lay Board, and that the clergy should have nothing to do with the management thereof. In this way also would all connexion between the Government and the clergy be prevented, so that the temporal and spiritual affairs of the churches would be kept distinct, and the ministers be permitted to attend to the duties of their holy calling, free from the distracting cares of worldly concerns.

With these sentiments I could desire to see an Imperial Act passed, confirming the church of England in the possession of one third part of the whole of the Clergy Reserves in Canada; another third part to the church of Scotland, to be held in trust by a lay Board of members of that church, and by them transferred to lay Trustees in the several congregations, for the support and maintenance of the clergy for ever. The other third, or residue, to be reinvested in Her Majesty for the support of such other denominations of Christians, as Her Majesty's Government might feel disposed to protect and assist.

I am inclined to believe that this plan would meet with more general approbation than any that has yet been suggested, and be the means of harmonizing the public mind, so long kept in a state of feverish excitement by the various, and in some instances, unreasonable schemes, which have been put forth for the settlement of the question. I do not hope that the Colonial Legislature will ever settle these disputes, and therefore, the sooner an Imperial enactment is made, the better will it be for the interests of the colonists, as well as the satisfaction of Her Majesty's Government.

May I be permitted to draw your Lordship's attention to my application, on the 5th instant, for a copy of the letters sent from your Lordship's office to Doctors Macfarlan and Black.

(Signed)

WM. MORRIS, Agent, &c.

THE RIGHT HON. LORD GLENELG.

Thursday 29th June—I went to the Colonial Office at half past two o'clock, according to appointment with Lord Glenelg on the 22d instant. After waiting an hour, I was shown into the office, where a gentleman named Grant informed me that his Lordship was very sorry that he could not yet permit me to see the dispute. He said that Sir F. Head, as it had not gone off. Monday, the 3d July, was named for my next visit to the office, when it was hoped the papers would be ready for my inspection.

66, Jermyn Street, St. James', 30th June, 1837.

My Lord—I trust your Lordship will not ascribe to unbecoming impatience the liberty I now take in addressing you. But the approaching dissolution of Parliament places me in a very delicate situation, for should your Lordship ultimately decline to present the petition which I had the honour to place in your Lordship's hands, and if the documents which your Lordship intended to show me yesterday should, in my opinion, fall short of affording the relief sought for by the petitioners, it is possible that I may incur their censure, by having remained so long here, without determining what steps I should take to promote their interests.

I duly appreciate your Lordship's suggestion as to the inexpediency of agitating the question in the House of Lords, if your Lordship can redress the wrongs of which the petitioners complain; and all I now desire is that your Lordship may enable me to decide on the course I ought to follow, before it may be too late to gain a hearing in the present Session of Parliament.

Hoping that your Lordship may be able to communicate the information on Monday, as mentioned by the gentleman I saw at your office yesterday,

I have the honor, &c.

(Signed)

WM. MORRIS.

THE RIGHT HON. LORD GLENELG.

Monday, 3d July—I saw Lord Glenelg at the Colonial Office at 3 o'clock. He informed me that some alterations had to be made in the dispatch to Sir F. Head, and in consequence it had not been sent yet. He however hoped it would be ready this week, and named Monday, the 10th, for my next visit. He said, referring to my letter of the 30th June, that I should see the dispatch and legal opinion in time to enable me to apply to Parliament, should I find it necessary to do so.

After my return to my lodgings I found the following letter from Sir George Grey:—

Downing Street, 1st July, 1837.

Sir—I have laid before Lord Glenelg your letter of the 21st instant, suggesting that the Royal assent should be withheld from the Act passed by the Legislature of Upper Canada, during their last session, to amend the charter of King's College, unless the Council of that Institution shall consent to the appointment of a Theological Professor of the church of Scotland.

In answer, I am directed to acquaint you, that although His late Majesty's protracted illness rendered it impossible for Lord Glenelg to bring the act in question under His consideration, and though some short time may elapse before it will be possible for his Lordship to take Her present Majesty's pleasure on the subject, Lord Glenelg thinks it due to you, and those for whom you are acting, to apprise you, that it is not probable that the Queen's assent to this Bill will be withheld.

After many years of fruitless endeavours to obtain the decision of the local Legislature on the subject, and after the protracted discussion which it has undergone in the Province, Lord Glenelg thinks himself entitled, or rather bound, to receive this Act as declaratory of the deliberate views of the people of Upper Canada, as expressed by their constitutional representatives; and it is almost superfluous to add, that to such an authority the greatest possible weight is due. Deeply as Lord Glenelg regrets to learn that the proposed settlement is not satisfactory to the members of the church of Scotland, his Lordship apprehends that it was impossible to have framed any act to which some objection might not have been urged, but under all the circumstances of the case he is unwilling to reço

the opportunity of settling this protracted discussion, on a basis which must be presumed to be satisfactory to a great majority of Her Majesty's subjects in the Province; his Lordship will at the same time take an early opportunity of communicating to Sir F. Head the desire which you have been commissioned to express on behalf of the Scotch church, and will direct him to convey to the council of King's College, the strong recommendation of Her Majesty's Government that a Theological Professorship, in accordance with the doctrines of that church, should be forthwith established.

I have the honor to be, Sir,

Your most obedient humble servant,

GEO. GREY.

To WM. MORRIS, Esq.

Downing Street, 6th July, 1837.

Sir—I am directed by Lord Glenelg to acknowledge the receipt of your letter of the 29th ult., in which you suggest the expediency of proposing to Parliament to pass an act for the distribution of the proceeds of the Clergy Reserves, in Upper Canada.

In answer, I am directed to acquaint you, that, as this subject has been referred by His Majesty's Government, for the consideration of the Provincial Legislature, in pursuance of the statute 31, Geo. 3, c. 31, s. 41, which authorises that Legislature to take cognizance of it, and to determine to what usage the Clergy Reserves shall be appropriated, His Majesty's Government do not consider themselves justified in withdrawing the question from the consideration of that body, and in recommending to Parliament to assume the decision of it, unless the Provincial Legislature should itself invoke the interference of Parliament for the adjustment of this controversy. Lord Glenelg is the more confirmed in this opinion, as it appears that during the last session the question was entertained by the Assembly, and although no act was passed on the subject, neither of the Houses of Legislature has intimated to His Majesty's Government any distrust of their own ability to bring the matter to a satisfactory adjustment.

With reference to your request to be furnished with copies of the letters to Doctors Macfarlan and Black, I am directed to express to you Lord Glenelg's regret that he cannot, consistently with the established practice of this department, place copies of those letters at your disposal, but you will be at liberty to peruse them in this office, should you desire to do so.

I have the honor to be, Sir,

Your most obedient servant,

GEO. GREY.

To WM. MORRIS, Esq.

11th July—I waited on Lord Glenelg at the Colonial Office and was permitted to peruse the legal opinion of the law officers of the Crown, on the subject of the Rectories, and also a despatch to Sir F. Head of the 6th July, communicating that opinion, and directing him what steps to take in order to get the matter properly adjudicated.

The opinion, as well as I can remember, is nearly as follows:—

1st—That the Lieutenant Governor, in Council, could not establish and endow.

Rectories in Canada without other authority than is contained in the act 31, George 3d, cap. 31, and the Royal Instructions referred to in the case laid before them.

2d.—That the dispatch of Lord Goderich, which the Executive Council consider as authorising the proceeding, cannot be regarded as containing such authority.

3d.—We are of opinion that the establishment and endowment of the 57 Rectories, by Sir John Colborne, are not valid and lawful acts.

His Lordship asked if the documents were satisfactory to me, I replied that they were, so far as they went, but that the dispatch was silent on the various matters which I had explained to him as causing dissatisfaction to the Scots in Upper Canada. He said that the petition contained nothing of the kind, but that I might write him respecting them, and he would give me an answer on the subject. Two days after I addressed the following letter to his Lordship.

66, Jermyn Street, St. James', 13th July, 1837

My Lord—Sir George Grey has favoured me with your Lordship's sentiments respecting the act to amend the charter of King's College, and although I entirely concur in the principle, that when an act passes the Legislature, Her Majesty's Government should regard it as expressing the wishes of a majority of the people of the Province, yet when I know that the act in question passed the lower House without being sufficiently understood by many of the members; and when it is a matter of notoriety, that the Legislative Council declined to make a single amendment to it, as recommended by the select committee of that body, fearful that the bill would never return to them, your Lordship will not wonder that I do not consider it as expressive of the voice of more than a small minority of the inhabitants. I am happy to learn, however, that your Lordship will direct Sir F. Head to convey to the council of King's College the strong recommendation of Her Majesty's Government, that a Theological Professorship should be forthwith provided for the church of Scotland.

I am now to acknowledge another letter from Sir George Grey, of the 6th inst., in answer to mine of the 26th ult., informing me that Her Majesty's Government do not consider it proper to withdraw the question, respecting the Clergy Reserves, from the consideration of the Colonial Legislature, unless it should invoke the interference of the Imperial Parliament.

I thank your Lordship for the opportunity of perusing the opinion of Her Majesty's law officers of the Crown as to the legality of the recent establishment and endowment of Rectories in Upper Canada, and also of the dispatch to Sir F. Head of the 6th instant, communicating that opinion, and it is my duty to assure your Lordship that the class of inhabitants of that Province, whose agent I am, cannot but be satisfied with the prompt proceeding of Her Majesty's Government thereon, and they will no doubt receive from His Excellency, as an answer to their petition, the communication which your Lordship has instructed him to make to them; and may I ask of your Lordship, if I am to regard the opportunity of reading these documents, as Her Majesty's reply to the petition which I had the honor of presenting, through your Lordship, on the 7th of last month?

Notwithstanding the opinion of the law officers of the Crown, in 1819, in favor of the claim of the church of Scotland to a share of the proceeds of the Clergy Reserves in both the Canadas, and also the promise of Lord Bathurst in 1825,

the recommendation of the committee of the House of Commons in 1826, and the message of Sir John Colborne to the Colonial Parliament, of the 25th January, 1832, in favour of the claim, not one farthing of the funds arising from the sale of those lands has ever been paid to the ministers of the Scots church in that country. At the same time it is satisfactory to know that by your Lordship's late order, in favour of the clergy of Lower Canada, the principle for which we have long contended would seem to be fully recognised, and therefore it is to be hoped that justice will speedily be awarded to the ministers of the Scots church in both Provinces.

The Scots inhabitants of Canada consider it wrong, that with the authorities I have mentioned in favour of their claim, and with his late most gracious Majesty's declaration, that the lands were set apart as a provision for the support of the clergy of the church of Scotland, as well as of the church of England, that the management of the lands should be entrusted to a board, composed exclusively of ministers of the church of England, even if the creation of such a body were legal; and also that the proceedings of the Colonial Government should appear to be at direct variance with the policy of Her Majesty's Ministers, as expressed in the documents referred to; for it is a well known fact that the officers of the Provincial Government have invariably denied and resisted the claims of the Scots church.

With very few exceptions the Scots inhabitants have met with the most discouraging obstacles to their application for grants of land to their several churches, and when they see the facility with which the sister church is provided for, they cannot but feel that a mark of inferiority has long been attempted to be placed on them. But as I am unwilling to trespass too long on your Lordship's time, I will only mention what has been done in that way at the seat of Government, and I am persuaded that your Lordship will allow that the Scotsmen of that Province would be alike unworthy of their country and their church, did they rest satisfied with the glaring distinction which has been practised to their prejudice by the local authorities.

The Episcopal congregation at Toronto received from Government several most valuable grants of land, besides a donation of one thousand pounds to build their church; the latter was in consideration of accommodation furnished to the troops.

The Roman Catholic congregation received a grant of a large piece of ground on the east side of the town, where their church stands, a valuable building lot in the centre of the town, and recently another in the Garrison Reserve.

The Scots congregation, in connexion with the church of Scotland, build a commodious brick church without public aid, and although they set apart a handsome pew for the convenience of the Lieutenant Governor, should he see fit to attend that church, and have always furnished accommodation to the troops, yet, up to the time when I left Toronto, the congregation had never received a foot of land from the Government, and the trustees informed me that they had failed in every application they made for that purpose.

I would next mention the apparent design to exclude the ministers and members of the Scots church from a voice in the council of King's College, for although the recent act is well calculated to carry that object to the utmost extent, yet there is a power vested in the person administering the government, which might be exercised in a way that would remove this ground of complaint; but I regret

to say that this branch of the Lieutenant Governor's patronage or prerogative has extended to the members of the church of England only.

If it is true, that by virtue of the Treaty of Union between the kingdoms of England and Scotland, the clergy of the latter church are entitled to enjoy, in a British Colony, equal rights, privileges, and advantages, with the clergy of the former, it is surely wrong and unconstitutional that there should exist a provincial statute to deprive them of their national right of solemnizing marriage, and that this humiliating disability should be brought forward, by the provincial authorities, as an argument to prove that the church of Scotland has no right to share in the benefits of the provision made by law for the support of a Protestant clergy in Upper and Lower Canada, notwithstanding the repeated assurances of Her Majesty's Government to the contrary.

In conclusion may I request that your Lordship will have the goodness to give such instructions to the Governors of Canada, touching these grounds of complaint, as may, in your Lordship's wisdom, be requisite for restoring peace and contentment to all classes of the people.

(Signed)

WM. MORRIS.

TO THE RIGHT HON. LORD GLENELG, &c. &c. &c.

14th July—I saw Mr. Stephen at the Colonial Office, who said that he was unwilling that the Secretary of State should answer my letter without the advice of Sir George Grey, who had gone to the county to attend to his election, and that it should be sent after him this day. But when I explained my anxiety to sail from Portsmouth on the 20th, he said the letter should be answered without reference to Sir George, so that I might not be disappointed, and that I might call at the office again on Tuesday the 18th.

66, Jermyn Street, St. James', 17th July, 1837.

My Lord—When I had the honour of conversing with Mr. Stephen on Friday last, I intimated to him my intention to sail from Portsmouth by the packet of the 20th inst., for New York, but upon application for a passage by her, I found that the berths were all taken up, and in consequence I shall sail from Liverpool by the packet of the 24th. This will allow Mr. Stephen a further opportunity to prepare an answer to my letter to your Lordship, of the 13th, and in the mean time to consider the contents of the accompanying letter, which I yesterday received from the Rev. William Rintoul, the Moderator of the Synod of Canada, in connexion with the church of Scotland.

(Signed)

WM. MORRIS.

TO THE RIGHT HON. LORD GLENELG, &c. &c. &c.

APPENDIX TO THE FOREGOING ABSTRACT.

1.—Note on column II.

The numbers in the column headed "number of families or individuals under ministry," must be understood as a mere approximation to the truth. They do not show the number of presbyterians within any particular bounds, but the number of those who are connected with the particular minister by contributing to his support or regularly attending his ministrations. Thus while the congregation at Niagara is reckoned 400 individuals, the whole number of persons professing attachment to the Presbyterian church, (as Mr. McGill notices in his petition,) within the township of Niagara, was, according to a census taken in 1828, 831, and Mr. McGill supposes they would now amount to 1000.

2.—Note on columns II. and III.

The columns are intended to show that the money promised to ministers is not always paid, and that the stipend does not always increase with the (presumed) improvement of the people's circumstances.

3.—Note on column IX.

In the above abstract, applications to Government for land are in several instances marked unsuccessful, although in the first instance they were favourably entertained by the Lieutenant Governor and Council. Congregations applying were told to select unappropriated lots, when it turned out, they could find none of this description in their immediate neighbourhood. It does not appear, however, that any such difficulty was experienced in obtaining endowments for the Rectories. Mr. Morris may remember in examining with Mr. Rintoul the books in the office of the Clergy Reserves, with the view of finding a vacant Reserve lot in the neighbourhood of the township of Toronto, none could be found. But, when the Rectory of Toronto was endowed, 400 acres of the finest land in Chincouacousy were found for it. Mr. Campbell of Brockville, states in his return, "since the settlement of their minister, the congregation have applied for a glebe. They received an order in Council to locate any vacant lot of land of 200 acres, but every location they have proposed has been refused, although they have expressed their willingness to take any one of a great number of vacant lots"

4.—Case of special hardship.

In the return from Niagara Mr. McGill thus writes—"No aid from Government for building our church. We have rather been deprived by it of what was justly due to us. Our church was burned down during the late war, while occupied as a military hospital. All buildings that were destroyed while given up for the King's use, were paid in full out of the Military Chest. But from some *malign influence* our just claim was refused from this source. The consequence was, that we were classed among the general sufferers notwithstanding the speciality of our case, and the special rule acted on in similar cases; and our claim of £600 was reduced to £400, and this sum was not received till the present year, (1837,) *without interest*. We reckon ourselves therefore injuriously kept out of £200 by the officers of Government, who reported on our claims, and the interest due on £600 for more than 20 years. We beg that the Hon. William Morris will draw the attention of His Majesty's Government to this hardship."

5.—Injustice to Ministers of the Church of Scotland.

The Scottish regiments in His Majesty's service, or detachments of the same, which from time to time have been stationed at Kingston, Toronto, and Niagara, have attended the Presbyterian churches there, and the ministers of these churches have acted as chaplains to such regiments or detachments, preaching to them, attending their hospitals, baptizing children, and burying the dead, without any remuneration for such services. Church of England ministers have been paid as

*The details of these "unsuccessful applications" may hereafter form an instructive chapter in the history of the Executive Council. It is really amusing to trace the shifts and turns and profound legal opinions that have been employed to defeat the applicants, although they were induced to apply in consequence of promises held out to them by the Lieutenant Governor.

chaplains, or acting chaplains, at the very time that the duty was performed by ministers of the church of Scotland. And while the use of the Episcopal churches, by the troops in the above mentioned towns, has been urged as a reason for the large contribution made by Government for the erection of those churches; the Scotch churches have been used by them in the same way, and no assistance given towards their erection. In the return from Niagara the church session writes thus: "our minister performed the duties of chaplain for three years, to detachments of Scotch regiments stationed at Fort George, and received no remuneration; the Episcopal minister drew the chaplain's allowance though he discharged no duty."

Mr. Rintoul acted as chaplain to the 79th Regiment, in York, (now Toronto,) from June, 1831, until June, 1833, visiting the hospital at least once a week, besides preaching on Sabbath, and other occasional services, for which he received no remuneration. Mr. Machar of Kingston could make out a still stronger case. And it is believed the same injustice has been experienced in Montreal and Quebec.

Thursday, 20th July—I called at the Colonial Office at half past two o'clock, and was informed that Lord Glenelg had gone to the palace to attend the drawing room. I sent my card to Mr. Stephen, who desired the messenger to inform me that he was so much engaged that he could not see me, and that I must come some other time, whereupon I sent him the following note.

Colonial Office, Thursday, 20th July.

Mr. Morris begs to inform Mr. Stephen that he will leave town to-morrow night, and sail from Liverpool on the 24th. His only object in calling at this time is to receive an answer to his last letter, which Mr. Stephen promised to have ready before he set out. Mr. Stephen sent word that I might call next day at half past two o'clock.

Friday, 21st July—I called at the Colonial Office and was informed by the gentleman in charge of the Upper Canada department, that Lord Glenelg had desired him to acquaint me that the answer to my letter of the 13th, was a despatch to Sir F. Head, which, if I would walk into his room, he would read to me, which he did, and said he would send a copy of it to my lodgings in the evening.

Downing Street, 21st July, 1837.

Sir—I am directed by Lord Glenelg to transmit to you the accompanying answer, which, by Her Majesty's commands, Lord Glenelg has transmitted to the petition to His late Majesty, of which you were the bearer.

I have the honour to be, Sir,

Your most obedient humble servant,

JAS. STEPHEN.

To WM. MORRIS, Esq.

Downing Street, July, 1837.

Sir—I transmit for your consideration the enclosed copy of a petition to His late Majesty, from the delegates of the Presbyterian congregations in Canada, appointed to meet at Cobourg, which was placed in my hands by Mr. Morris, who

is acting in this country as agent for the petitioners. I also enclose copies of two letters addressed to me by Mr. Morris on the 13th and 17th inst. I have laid this petition before the Queen, and have received Her Majesty's commands to instruct you to convey to the petitioners the assurance that Her Majesty's Royal Prerogative will invariably be exerted in maintaining, in Upper Canada, those rights with which the churches of England and of Scotland are invested by law within the province. It is the earnest desire of the Queen that all the various communities of Christians existing in that part of Her Majesty's dominions, may unite together in the spirit of mutual toleration and good will in the diffusion of the knowledge and the principles of Christianity.

Her Majesty is persuaded that it would be superfluous to lay on you Her injunctions to afford your utmost support and countenance towards the completion of an object the most important of any to which your well proved zeal for the public good could be directed.

With reference to the remarks which Mr. Morris has made respecting the unequal share which the Scots church has hitherto received of the assistance of the Crown, you will acquaint the petitioners that the arrangements which have been made for the settlement of wild lands in Upper Canada, will hereafter render it impossible for Her Majesty's Government to redress that complaint, but that Her Majesty will gladly concur in any measure which the Legislative Council and Assembly may recommend for affording to the church of Scotland, in the Province, the means of advancing the great work of religious instruction.

The design which Mr. Morris conceives to be entertained of excluding the ministers and members of the Scots church from a voice in the council of King's College, will, I am convinced, not be adopted by you. On the contrary, you will, I am persuaded, exercise the patronage which the law has vested in you in that respect, in such a measure as effectually to remove any misgivings with which the petitioners may have been affected on that head.

I have, &c.

LORD GLENELG.

To SIR F. HEAD.

Saturday morning, 22d July—I left London for Liverpool, and on Tuesday the 25th sailed for New York, by the George Washington, Capt. Henry Holdiege.

WM. MORRIS.

Agent for the Scots Congregations in Canada.

The preceding correspondence of Mr. Morris happily reached the Synod during the session in Toronto, on the 31st August last, and having been read, the Synod agreed to an address to His Excellency Sir Francis Bond Head, requesting that he might be pleased to communicate to the Synod any information he had received from Her Majesty's Government affecting the interests of the church. The following was received:—

Gentlemen—In reply to the enquiries contained in your address of yesterday's date, I have to inform you that I have last night received from Her Majesty's Secretary of State for the Colonies, a dispatch on the subject of the petition which the Synod last year addressed to His late Majesty, by which it appears that on a consideration of the statement which has been submitted to the Law Officers of the Crown, those learned gentlemen have declared it to be their opinion that the election and endowment of the fifty-seven Rectories by His Excellency Sir John Colborne, are not lawful and valid acts.

His Lordship, however, feels it is possible that the statement on which the Law Officers of the Crown may have founded their opinion may be erroneous or

defective, and also that they may have misapprehended the law, and His Lordship has therefore directed me to invite the Bishop of Montreal and Archdeacon of York, to inform me whether they are aware of any material fact omitted in the case laid before the Crown Lawyers, or inaccurately stated there, or of any important argument which may be supposed to have escaped the notice of those learned persons, and that if any such error or oversight should appear to me to have been committed, I am directed by his Lordship to suspend all further proceedings until I shall have reported on the case to his Lordship, and shall have received his Lordship's further instructions.

His Lordship concludes by remarking that your request for the grant of certain peculiar advantages to your own church proceeds on an assumption, the accuracy of which is yet to be decided—the assumption, namely, that the church of England has acquired a valid and lawful title to the endowments made in her favor in January, 1836, and to the spiritual jurisdiction which is supposed to be incident to those endowments.

1st September, 1837.

On this subject the Synod addressed the following memorial to Lord Glenelg:

To the Right Honorable Lord Glenelg, one of Her Majesty's principal Secretaries of State, the Memorial from the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland.

MY LORD—Your memorialists, in Synod assembled, have received through His Excellency Sir Francis Bond Head, an extract of a dispatch from Your Lordship, signifying that the Law Officers of the Crown have given an opinion that the acts of the late Lieutenant Governor, Sir John Colborne, establishing fifty-seven Rectories in Upper Canada, against which the Presbyterian body of this Province petitioned His late Majesty, were not valid and lawful acts, and further that your Lordship instructed the Lieutenant Governor to the following effect: "That Your Lordship feels it is possible that the statement on which the Law Officers of the Crown may have founded their opinion may be erroneous or defective, and also that they may have misapprehended the law, and Your Lordship has therefore directed His Excellency to invite the Bishop of Montreal and Archdeacon of York, to inform His Excellency whether they are aware of any material fact omitted in the case laid before the Crown Lawyers, or inaccurately stated there, or of any important argument which may be supposed to have escaped the notice of these learned persons, and that if any error or oversight should have been committed, His Excellency is directed by Your Lordship to suspend all further proceedings until His Excellency shall have reported to Your Lordship on the case, and shall have received Your Lordship's further instructions."

Your memorialists not being aware of the reasons why an appeal for information should be made to the Bishop of Montreal and the Archdeacon of York, in reference to the grounds on which the local Government acted in this instance, especially as all these grounds must have been in possession of Her Majesty's Government at the time the case was submitted to the Law Officers of the Crown:— Yet since it has pleased Your Lordship to make such a reference, your memorialists, whose rights are very materially involved in the proper adjudication of this question, respectfully crave that Your Lordship may be pleased to put them in possession of all such information as may be necessary to defend the members of the church of Scotland, in this province, from the injury that may arise from *ex parte* evidence.

Your memorialists are given to understand, from high authority, that since the dispatch of Lord Goderich has been declared insufficient ground for the establishment of these Rectories, that the abettors of the act will alledge some dis-

patch of Lord Bathurst, in one thousand eight hundred and twenty-five, as better authority. Your memorialists crave Your Lordship's attention to the inconvenience and injustice that may arise to Her Majesty's subjects in this Colony, from the administrators of the local Government acting on dispatches of very old date, especially when dispatches of a more recent date are in their possession, and when the position of Colonial affairs which called forth the former may be entirely changed.

Finally, that as your memorialists are of opinion that several of the clauses in the act 31, Geo. III. referring to the establishment of the church of England in this province, with the same plenitude of privileges she possesses in England, are an infringement of the rights of members of the church of Scotland in a British Colony, as granted by the Treaty of Union, they respectfully crave that Your Lordship may be pleased to advise the withholding of the Royal assent to the establishment of Rectories, until the Presbyterian body in this country shall have been fully heard in their own defence.

Your memorialists are, with profound respect, My Lord,

Your Lordship's most obedient, humble Servants,

In name and by appointment of Synod, this 6th day of Sep. 1837.

(Signed)

ALEX. GALE, Moderator.

Perth, 7th Sept., 1837.

Dear Sir—I last night received a letter from the Rev. P. C. Campbell, enclosing a copy of the reply of His Excellency Sir Francis Bond Head, to the address of the Synod on the subject of the proceedings of Her Majesty's Government with respect to the establishment of Rectories in this Province; and as Mr. Campbell requested me to write you immediately in explanation of my understanding of Lord Glenelg's dispatch, I take the earliest opportunity of informing you, that had Sir Francis thought proper to put you in possession of the entire document, the members of our church, I feel confident, would have been perfectly satisfied with His Lordship's views and intentions which it conveys.

By the communication from His Excellency the public would be led to believe that His Lordship disapproves of the opinion of the Law Officers of the Crown, and is anxious to procure information which might set it aside. Whereas were the dispatch made public, it would clearly appear, that His Lordship approves of the decision, and at great length explains to His Excellency what steps he is to take in order to the removal of the Rectories in a legal manner. It is true that His Lordship directs Sir Francis to give the Bishop of Montreal, or the Archdeacon of York, an opportunity of justifying the matter of which the delegates complained. Yet when you see how this is done, and that it is in order that the parties may have an impartial hearing, I doubt not but you and all concerned will duly appreciate His Lordship's motives.

As His Lordship has given Sir Francis permission to communicate *the whole dispatch*, and has told him that *secrecy is not desirable*, I think it very unfortunate that His Excellency should have put you in possession of such parts only of his instructions as would seem—apart from the rest—to create a doubt of the soundness of the opinion in question. I would advise the Commission of Synod to apply forthwith for a copy of the dispatch, and should it meet with a refusal, it is to be hoped that the Legislature will adopt early measures to procure it.

The despatch of Lord Glenelg of the 21st July—a copy of which marked No. 4, I sent to the Convener of the commission of Synod—could not have been forwarded from the Colonial Office by Major Bonnycastle, as that gentleman left London on the 19th. I remain, &c.

(Signed)

WM. MORRIS.

REV. ALEXANDER GALE, Moderator of Synod.

Perth, 14th Sept., 1837.

Dear Sir—Your esteemed favor of the 8th inst. reached me last night. I am much surprised that Sir Francis declined giving you farther information touching Lord Glenelg's instructions on the subject of the Rectories. This alone would have convinced me, even had you not mentioned his private opinion, that he is lending himself to assist those who advised their establishment, *and who will resort to almost any expedient to sustain their unlawful proceedings.* I am glad to find that you are about to forward a representation to Lord Glenelg of the very singular features which the case has assumed under the management of His Excellency Sir Francis; and I am much mistaken if Her Majesty's Government—constituted as it was when the dispatch of the 6th July was written—will suffer the Colonial Council to seek shelter from public censure under any other authority than that which formed a part of the case laid before the Crown Lawyers.

I cannot believe that they will be permitted to take refuge behind the sanction of Lord Bathurst's authority issued in the early part of a former reign, and which can be regarded in no other light than as an obsolete document resorted to by the Council when every other ground of justification appeared to slip from under their feet. For I understood that no mention was made in the proceedings of Council, forwarded to His Excellency by Lord Glenelg, of any authority to create Rectories which they had received but what was contained in Lord Glenelg's dispatch.

Please pay particular attention to the words of the statute:—*that it shall and may be lawful for His Majesty, His heirs and successors, to authorize the Governor, &c. &c. with the advice of the Council, &c. &c.*—certainly this means *the Governor for the time being—not one in prospective.* How could the authority of GEORGE IV. in 1825, to SIR PEREGRINE MAITLAND to do an act which he disobeyed, have force in 1836, during the administration of SIR JOHN COLBORNE—in another reign—and with COUNCILLORS who were not in office when the order issued—if ever it did issue—according to law. For I am of opinion that an ordinary letter from the Secretary of State communicating his opinion in favor of such a measure will not be considered as a compliance with the act, which, says *His Majesty*, may authorize the Governor, &c.

I hope you will send to His Lordship a copy of the reply of His Excellency to the application of the Synod, and at the same time explain what I mentioned in my letter to you, as contained in His Lordship's instructions, and your great mortification that Sir Francis had not put you in possession of full information on the subject. * * * *

I am happy to find by your closing remarks that the members of the Synod were pleased with my exertions.

(Signed)

WM. MORRIS.

THE REV. ALEXANDER GALE, Moderator of Synod.

Hamilton, Sept. 20th, 1837.

Sir—I, as moderator of the Synod of the Presbyterian church of Canada, in conjunction with a few of my brethren, have been entrusted by the Synod, with the various documents communicated to us by His Excellency the Lieutenant Governor, and the Hon. Wm. Morris, respecting the agency of that gentleman with Her Majesty's Government in behalf of the claims of our church. These documents were committed to us in order that information of their contents might be laid before the parties by whom Mr. Morris was delegated to Britain, and we find that that information will be very incomplete unless we obtain a copy of the despatch of the Right Hon. Lord Glenelg to His Excellency, containing the opinion of the Law Officers of the Crown on the institution of Rectories in this province. A copy of this despatch Mr. Morris was permitted to read by Lord

Glenelg after it had been forwarded, and in his communications to us on this subject he evidently proceeds on the supposition that a full copy of it would on our application be placed at our disposal by His Excellency. My object therefore in thus addressing you is respectfully to submit through you a request that a copy of this despatch may be furnished to me.

I have the honor to be, Sir, &c. &c.

(Signed) ALEXANDER GALE, Moderator of Synod.

J. JOSEPH, Esq. Private Secretary, &c.

Government House, 25th Sept., 1837.

Sir—Having laid before His Excellency the Lieutenant Governor your letter of the 20th inst., requesting a copy of the despatch from Her Majesty's Principal Secretary of State for the Colonies, on the subject of the late endowment of Rectories, I am directed by His Excellency to state to you, that he regrets he must decline to comply with your request.

I have the honor to be, Sir,

Your most obedient humble servant,

J. JOSEPH.

The Rev. Alexander Gale, Moderator of Synod, Hamilton.

Thus, then, the matter stands, and must to all appearance stand, until the Legislature succeed in stripping off the concealment which Executive power persists in throwing around one of its own furtive and illegal acts. We trust it will yet more fully appear in the administration of Colonial affairs, that "honor—(and honesty also, though a homelier virtue)—is the principle of monarchy." That there should be even a suspicion that its representative is opposing himself to the revocation of an act that bears every evidence of being both DISHONORABLE and DISHONEST, or even that he is shielding from merited obloquy the advisers of it, is much to be regretted. Whatever creates distrust of the IMPARTIALITY of those in power, is a serious evil, because it tends to unsettle in the public mind that confidence in Government which is essential to its effective administration.

The preceding correspondence is now submitted to a portion of the community, as competent as any other, to form a correct judgment upon it. It will not be denied that they merit some praise for the patient and steady temper with which they have endeavored to obtain the removal of a manifest injustice. At least the Presbyterians of Canada will not forget to render due honor, both to their delegates and to their agent. But as it is too painfully evident that their work is not yet done, it may be hoped that the progress they have already made will urge them to use every means by which their success may be rendered complete.

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