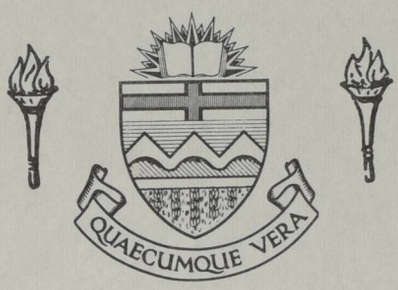
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PAPERS RELATING TO CANADA 1840-41

Colonies

Canada 14

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British Parliamentary Papers

CORRESPONDENCE AND OTHER PAPERS RELATING TO CANADA AND TO THE PROBLEM OF CLERGY RESERVES

1840-41

Colonies

Canada

14

IRISH UNIVERSITY PRESS

SHANNON · IRELAND

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GOVERNOR GENERAL OF CANADA.

Return to an Order of the Honourable The House of Commons, dated 18 February 1840;—*for*,

AN ACCOUNT of the EXPENSE incurred in the OUTFIT, as well as other Expenses immediately and particularly connected with the PASSAGE and MISSION of the Right honourable *Charles Poulett Thomson*, GOVERNOR GENERAL of *Canada*, and Suite, distinguishing the APPOINTMENTS, NAMES of the PERSONS attached to the said Mission, and the SALARIES proposed to be paid to each.

APPOINTMENTS AND SALARIES.

					£.	s.	d.	
Salary of the Governor General, the Right honourable C. Poulett Thomson*					7,000	–	–	p' ann.
Civil Salaries and Pay of Military Secretary and Aides-de-Camp; viz.								
T. W. Clinton Murdoch, Esq., Civil Secretary† for Lower Canada	£. 1,500	–	–	p' ann.				
Arthur Symonds, Esq., Private Secretary to the Governor General	500	–	–	„				
Major George D. Hall, Military Secretary and principal Aide-de-Camp	700	–	–	„				
Captain Le Marchant, Aide-de-Camp	300	9	–	„				
Captain Campbell - ditto	300	9	–	„				
					3,300	18	–	„
				£.	10,300	18	–	„

OUTFIT, PASSAGES, &c.

	£.	s.	d.
Expense of Outfit and Passages	3,741	4	5
Expense of Letters Patent of Appointment	387	17	4
£.	4,129	1	9

	£.	s.	d.
Appointments and Salaries	10,300	18	–
Outfit, Passage, &c.	4,129	1	9
£.	14,429	19	9

Colonial Office, Downing-street, 10 March 1840.

(signed) *R. Vernon Smith.*

* All extraordinary expenses to be incurred by the Governor General for removal from one Province to another, and for engaging Residencies for his occupation in any of the Provinces to which he may so remove, are to be defrayed at the Public Expense, such Expenses being subject to the approbation of Her Majesty's Secretary of State for the Colonies, and to the sanction of the Lords of the Treasury.

† Fees of the Civil Secretary carried to public Account.

GOVERNOR GENERAL OF CANADA.

ACCOUNT of the EXPENSE incurred in the OUTFIT and other EXPENSES connected with the MISSION of the Right honourable *Charles Poulett Thomson*, GOVERNOR GENERAL of *Canada*.

(*Colonel Sibthorp.*)

Ordered, by The House of Commons, *to be Printed*,
12 *March* 1840.

10

FRENCH CLAIMS.

RETURN to an Address of the Honourable The House of Commons, dated 10 July 1840;—*for*,

A RETURN of all MONIES awarded and paid by the COMMISSIONERS for CLAIMS on *France*, under the Conventions of the 20th day of November 1815, and April 1819, or under or by virtue of any Order or Minute of the Lords Commissioners of Her Majesty's Treasury to the following Canadian Establishments:—1. Les Administratrices de l'Hôpital Général de Quebec:—2. Les Filles de la Congrégation de Nôtre Dame de la Ville Marie en Canada:—3. Les Religieuses de l'Hôtel Dieu de Saint Joseph de Montreal en Canada:—4. Les Sœurs Administratrices de l'Hôpital Général de Montreal en Canada:—5. Les Supérieures et Religieuses de l'Hôtel Dieu de Quebec:—6. Les Supérieurs, Directeurs et Professeurs du Séminaire de Quebec; or any other similar Establishment in Canada; distinguishing the Capital from Interest and Compound Interest accrued thereon, up to the Period of Payment.

Number of the Award.	NAMES OF CLAIMANTS.	Capital, Rentes Perpétuelles.	Interest, Rentes Perpétuelles.
		Francs.	*Francs.* *cts.*
255.	Les Filles de la Congrégation de Nôtre Dame de Ville Marie en Canada.	2,288	1,026 79
256.	Les Directrices de la Congrégation de la Basse Ville de Quebec	178	79 89
257.	Les Filles de la Congrégation de Nôtre Dame de Ville Marie -	1,944	872 57
258.	Les Sœurs Administratrices de l'Hôpital Général de Montreal -	1,041	467 07
259.	Idem - - - - - - - - - - -	1,880	843 61
272.	Idem - - - - - - - - - - -	1,161	520 91
273.	Idem - - - - - - - - - - -	462	207 19
274.	Idem - - - - - - - - - - -	115	51 79
287.	Les Administratrices de l'Hôpital Général de Quebec - -	3,349	1,595 05
288.	Idem - - - - - - - - - - -	1,088	518 23
289.	Les Religieuses de l'Hôtel Dieu de Saint Joseph de Montreal -	1,390	662 33
331.	Les Administratrices de l'Hôpital Général de Quebec - -	238	119 99
339.	Les Sœurs Administratrices de l'Hôpital Général de Montreal -	817	410 80
341.	Les Religieuses de l'Hôtel Dieu de Saint Joseph de Montreal -	17,588	8,841 67
342.	Idem - - - - - - - - - - -	595	299 25
343.	Les Sœurs Administratrices de l'Hôpital Général de Montreal -	355	178 60
344.	Les Filles de la Congrégation de Nôtre Dame de Ville Marie -	330	164 98
386.	Les Religieuses de l'Hôtel Dieu de Saint Joseph de Montreal -	1,599	863 17
395.	Idem - - - - - - - - - - -	235	126 97
413.	Les Administratrices de l'Hôpital Général de Quebec - -	157	90 57
414.	Les Religieuses de l'Hôtel Dieu de Saint Joseph de Montreal -	7,897	4,552 74
415.	Les Filles de la Congrégation de Nôtre Dame de Ville Marie -	1,149	630 89
425.	Les Supérieures et Religieuses de l'Hôtel Dieu de Quebec -	4,696	2,807 36
426.	Les Supérieurs, Directeurs et Professeurs du Séminaire de Quebec.	5,114	2,948 17
437.	Les Dames Religieuses Hospitalières de l'Hôtel Dieu de Saint Joseph de Montreal.	482	394 18
	TOTAL - - -	56,148	29,274 77

N.B.—All the above Claims were subject to a deduction of Two per cent.

The Three following Claims were admitted to liquidation in 1826, and were paid in English money; viz.—

	Sums paid.
Evêque de Quebec - - - - - - - - -	£.3,478 10 –
Ursulines de Quebec - - - - - - - - -	2,949 7 –
Ursulines de Trois Rivières - - - - - - - -	1,739 7 –
	£.8,167 4 –

Office of French Claims, Whitehall-place, 20 July 1840.

Joseph Phillimore.
A. Helps.

FRENCH CLAIMS.

RETURN of all MONIES awarded and paid by the COMMISSIONERS for CLAIMS on *France*, under the Conventions of 20 November 1815 and April 1819, or under or by virtue of any Order or Minute of the Treasury, to certain Canadian Establishments.

(*Mr. Baldwin.*)

Ordered, by The House of Commons, *to be Printed,*
29 *July* 1840.

564.

10b

UPPER CANADA.—(PUBLIC LANDS.)

COPY of an ACT of the Legislature of *Upper Canada*, intituled, "An Act to provide for the Disposal of the Public Lands in this Province, and for other Purposes herein mentioned," (presented to this House upon the 1st day of December 1837.)

AN ACT to provide for the Disposal of the PUBLIC LANDS in this Province, and for other Purposes therein mentioned.

WHEREAS it is expedient to provide greater facilities for the disposal of the public lands in this Province, and for the issuing of patent deeds for the same, be it therefore enacted, by the King's Most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth Year of His Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province," and by the authority of the same, that from and after the passing of this Act no free grant shall be made of any of the public lands in this Province to any person or persons whomsoever, except U.E. loyalists and their children, and such other persons as are now entitled to a free grant of public land under or by virtue of any Order in Council, or other regulation of Government now in force and effect.

2. And be it further enacted, by the authority aforesaid, that it shall be the duty of the Surveyor-general so soon as conveniently may be after an Order in Council shall have been issued for the allowance of any claim for a free grant of land, to locate the party or parties entitled thereto, or the assignee or assignees of such party or parties, his, her, or their heirs or assigns, on such lands open for location in any district within this Province, under the authority of the Government, as he, she, or they shall think proper to select, and as shall not have been previously located to any other person or persons, or shall not have been otherwise specially reserved, and the patent deed or patent deeds of the lands so located shall be issued to the parties free of expense, or upon the payment of such patent fees only as are now payable under any present regulation respecting grants of a similar nature.

3. And be it further enacted, by the authority aforesaid, that after the allowance of any such claims under or by virtue of any Order in Council to be issued in respect thereof, such claims shall be assignable and transferable by the parties entitled thereto to any purchaser or purchasers thereof, any such purchaser or purchasers, his, her, or their heirs or assigns, shall be entitled to locate in respect thereof, and to have the patent deed or patent deeds of the same, to be issued in his, her, or their name or names.

4. And be it further enacted, by the authority aforesaid, that all claims for free grants of public lands shall after the passing of this Act be made and set forth by memorial or petition to the Governor, Lieutenant-governor, or person administering the government of this Province in council, and shall be accompanied by the requisite documentary proofs and evidence, and shall be signed by the claimant or claimants, his, her, or their attorney or agent, and shall be duly considered and disposed of in council only, and in no other manner (except as is hereinafter provided).

5. And be it further enacted, by the authority aforesaid, that it shall be the duty of His Majesty's Commissioner for the sale of Crown lands for the time being to

keep a book for the entry (at the option of the parties interested) of the particulars of any assignment made by as well the original nominee or locatee as also by any subsequent assignee or assignees of any such claims on the lands located in respect thereof; such assignment or assignments being first produced and exhibited to the Commissioner aforesaid, together with an affidavit of the due execution thereof, sworn before any justice of the peace, who is hereby fully authorised to administer the oath in this behalf; and such affidavit shall truly express the time of the execution of such assignment or assignments, and thereupon it shall be the duty of the said Commissioner to cause the material parts of every such assignment to be entered or registered in such book of entry or registry, and to indorse on every such assignment a certificate of such entry or registration; and every such assignment so entered and registered shall be valid against any other of a previous date or execution, but not then entered or registered, except in cases of express notice.

6. And be it further enacted, by the authority aforesaid, that after any Order in Council shall be made in respect to free grants of land as aforesaid, the party or parties interested therein, or the assignee or assignees of such party or parties, and the heirs or assigns of such assignee or assignees, shall, at their option, be entitled to locate lands in respect thereof, or to claim an allowance in lieu thereof, at the rate of 4*s*. per acre, in the purchase of any other public lands, upon the sale thereof, under the provisions of this Act, and whether the same consist of Crown lands, clergy reserves, school lands, or other public lands.

7. And be it further enacted, by the authority aforesaid, that any military or naval officer, or other person entitled to an allowance in money in lieu of lands, under any existing order or regulation, shall be entitled to purchase any of the public lands aforesaid, and shall receive credit upon any such purchase to the full extent of the said allowance.

8. And be it further enacted, by the authority aforesaid, that in case of the sale of any clergy reserves, or other lands appropriated for a specific public purpose, to any person or persons entitled under the provisions of this Act to purchase the same in lieu of locating or purchasing other lands as aforesaid, the proper funds to which the proceeds of the lands so sold shall belong shall be reimbursed the full amount of such sale from and out of the proceeds of the sale of Crown lands not so appropriated to any specific purpose, and it shall be the duty of the Commissioner of Crown lands to regulate his accounts accordingly.

9. And be it further enacted, by the authority aforesaid, that, except as aforesaid and as hereinafter is further provided, none of the public lands aforesaid shall be sold by private sale, unless the same shall have been first offered at public auction for sale at an up-set price, after which it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of this Province for the time being, to direct the sale of such lands at the up-set price thereof named at such public auction, to any person willing to purchase the same by private contract.

10. And be it further enacted, by the authority aforesaid, that the up-set price of such public lands shall be from time to time fixed by the Governor, Lieutenant-governor, or person administering the government of this Province, in council only and not otherwise, as also the terms and conditions of sale, and such other regulations respecting the same, not contrary to the provisions of this Act, as shall be deemed necessary.

11. And be it further enacted, by the authority aforesaid, that the management of such public sales, and the time and place of holding the same, shall be under the control and direction of the Commissioners of Crown lands, subject to any general or special Order in Council that shall from time to time be made to regulate the same, and the proceeds of such sales, as also of sales by private contract, shall be received by the Commissioner of Crown lands, and be duly accounted for and paid over by him to the Receiver-general of the Province.

12. And for the purpose of encouraging actual settlement on the lands purchased from the Crown under the provisions of this Act, be it further enacted, by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of this Province, to order and direct reservations to be made of such portions of land adjoining or adjacent to lands intended for immediate sale, as the Governor, Lieutenant-governor, or person administering the government of this Province, by and with the advice and consent of the Executive Council, shall deem requisite and advisable to order and direct; and the land so reserved shall, upon application, be granted free of expense to the purchaser or purchasers of the adjoining or adjacent lot so sold, provided the quantity

quantity in no case shall exceed 50 acres, upon its appearing upon inspection, and other sufficient proof, that such purchaser or purchasers, his, her, or their assignee or assignees, shall have been *bonâ fide* settled and resident upon the land so purchased for the space of five years, and shall have made such improvements thereon, as shall be required by any Order in Council respecting the same; provided always that such reservation shall not in any case exceed in quantity the lot or parcel of purchased land in respect of which such reserved land shall have been made, and also that the whole of such residence shall have been within 10 years from the time of such original purchase.

13. And be it further enacted, by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of this Province, by and with the advice and consent of the Executive Council, to nominate and appoint fit and proper persons in each district in the Province to be resident agents of the Commissioner of Crown lands, for the sale of public lands, in the manner hereinafter provided, and also to appoint the time and place in each district where such agents shall keep their offices.

14. And be it further enacted, by the authority aforesaid, that it shall be the duty of such resident agents, and they are hereby authorised and empowered, under the direction of the Commissioner of Crown lands, to make sales, as well by auction as also by private contract, of the public lands within their respective divisions, at such up-set prices as shall have been under the provisions of this Act duly fixed and ascertained.

15. And be it further enacted, by the authority aforesaid, that every such district agent shall be furnished by the Commissioner of Crown lands with correct lists and maps of the lands for sale from time to time in his division, and with such other means as may be necessary to enable him to give full and requisite information to purchasers; and the division allotted to each district agent shall be assigned and limited by the Commissioner of Crown lands; and such district agent shall not have any power to act out of such division, and shall keep regular accounts of sales, and make the same distinctly to appear on his plan or map.

16. And be it further enacted, by the authority aforesaid, that no sale of public lands, by auction or otherwise, shall be effected out of the district and division in which such lands are situate, unless under a special Order in Council.

17. And be it further enacted, by the authority aforesaid, that the purchase-money upon the sale of any such public lands, shall in the first instance be paid to the resident district agent, who shall transmit the same to the Commissioner of Crown lands whenever the same shall amount to the sum of 25*l.*, deducting therefrom his per-centage, as hereinafter provided; and in default of such remittance shall be liable to be charged penalty thereon, at the rate of 15 per cent for the time he shall retain the same in his hands after the amount shall become remittable as aforesaid; and upon the receipt of any such purchase-monies by the district agent, such district agent shall give the purchaser or purchasers, a receipt for the same, specifying therein the number of the lot or quantity of land purchased, and otherwise sufficiently describing the same, which receipt shall bear date the day on which it was actually signed; and the receipt so given shall authorise the purchaser to take immediate possession of the lot so sold, and to maintain actions of ejectment or for trespass against any wrongful possessor or trespasser thereon, in his own name, as fully and effectually as if the patent deed had been issued to such purchaser.

18. And be it further enacted, by the authority aforesaid, that so soon as the purchase-money of any particular lot or quantity of land shall have been paid up in the manner aforesaid, the purchaser or purchasers thereof shall thereupon become entitled to have and receive a free grant of the same by His Majesty's letters patent, under the great seal of the Province, granting the same to such purchaser or purchasers, his, her, or their heirs and assigns, in free and common soccage, and subject only to such reservations as are now usually reserved in letters patent of the same description; and such letters patent shall be transmitted by the Commissioner of Crown lands to the district agent of the division in which the lands are situate, within the space of 30 days after the whole of the purchase-money shall have been paid and duly notified to the Commissioner of Crown lands, unless by any unforeseen event or unavoidable necessity the same cannot be transmitted; and it shall be the duty of the district agent, upon the receipt of such letters patent, to deliver the same to the owner or owners, upon demand, without charge.

19. And

19. And be it further enacted, by the authority aforesaid, that it shall also be the duty of the Commissioner of Crown lands to furnish (every district agent with) a correct list of all lands which shall be from time to time open for location within his division to any claimant or claimants entitled to free grants; and it shall be the duty of such district agent to afford the requisite information to any such claimant or claimants; and also to receive and transmit to the office of the Commissioner of Crown lands any petition or application for location, to be laid before the Executive Government; and such district agent shall also receive and distribute to the parties concerned the necessary location-tickets, Orders in Council, letters patent, and other documents relative to grants of land, free of expense.

20. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the government of the Province, by and with the advice and consent of the Executive Council, to authorise and direct the expenditure by the Commissioner of Crown lands of any sum not exceeding 1,000 *l.* in each township in which the same shall be considered necessary and advisable, in the erection of one grist-mill and one saw-mill, or either of them, at such place in the township as shall be deemed most advisable and beneficial; and the money expended in the building of the same shall be paid by the Commissioner of Crown lands out of the proceeds of the sales of Crown lands in his hands, and shall be allowed in the accounts of the said Commissioner; and such saw-mill and grist-mill, or either of them, shall afterwards be disposed of and sold at such time, and upon such terms and conditions, as the Governor, Lieutenant-governor, or person administering the government for the time being shall, by and with the advice and consent of the Executive Council, authorise and approve, and the proceeds of any such sale shall be paid to the Commissioner of Crown lands direct, and be accounted for by him in the same manner as the proceeds of the sales of Crown lands.

21. And be it further enacted, by the authority aforesaid, that the Commissioner for the sale of Crown lands for the time being, as also every district agent, shall, before entering upon the duties of their respective offices, give good and sufficient security, to the satisfaction of the Executive Government, for the faithful discharge of their respective duties, and for the due payment of all public monies that shall come into their hands respectively; that is to say, for the payment of such monies that shall come into the hands of the district agent, to the Commissioner for the sale of Crown lands, and for the payment of such monies that shall be received by such Commissioner of Crown lands, or the balance remaining unexpended in his hands, to the Receiver-general of the Province.

22. And be it further enacted, by the authority aforesaid, that each of the district agents shall receive such a per-centage on the sale of lands made by them under the authority of this Act, as the Governor, Lieutenant-governor, or person administeringthe government of this Province for the time being, with the advice of the Executive Council, shall think reasonable for the service so performed.

23. And be it further enacted, by the authority aforesaid, that it shall be the duty of the Commissioner for the sale of Crown lands, to render his account in writing to the Receiver-general every three months of all public monies in hand, or received or paid by him, in which account shall be included the amount paid to district agents for their services, and for the inspection and sale of lands, and locating lands; and the said Commissioner shall pay over to the Receiver-general the balance of all public monies remaining in his hands at the time of rendering such half-yearly account, after retaining thereout a sufficient amount to meet contingent expenses of the Crown land department, not exceeding the sum of 500 *l.*

24. And be it further enacted, by the authority aforesaid, that it shall be the duty of the said Commissioner of Crown lands once in every year, within 10 days after the meeting of any session of the Legislature, to transmit to the Governor, Lieutenant-governor, or person administering the government of the Province, a true copy or copies of the accounts or lists of all sales and expenditure respecting the public lands of the Province under his control or management, and of all monies in hand; such accounts being brought up to within 30 days of the delivery of the same, in order that such accounts may be laid before Parliament.

25. And be it further enacted, by the authority aforesaid, that it shall also be the duty of the said Commissioner of Crown lands to cause a correct list and description of the names and residences of the district agents throughout the districts, as also a list of all lands intended to be offered for sale and location, with the up-set

prices

prices and conditions of sale, to be published in the Upper Canada Gazette, and in one newspaper of the district in which the lands are situate.

26. And be it further enacted, by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-governor, or other person administering the government of the Province, by and with the advice and consent of the Executive Council, to authorise and direct the Commissioner of Crown lands from time to time to make private sales at a fair valuation to any lessee or occupant of Crown lands, or to other individuals who, from the peculiar situation of the property applied for, may be liable to injury by the disposal thereof to any other person or persons than such lessees or occupants, or other individuals interested as aforesaid.

27. And be it further enacted, by the authority aforesaid, that if any person shall make oath or affirmation under the provisions of this Act, and such oath or affirmation shall be wilfully false, he shall be deemed guilty of wilful and corrupt perjury, and, on conviction thereof, shall suffer as in other cases of wilful and corrupt perjury.

28. And be it further enacted, by the authority aforesaid, that this Act shall continue in force for two years, and from thence to the end of the then next session of the Provincial Parliament, and no longer.

Commons House of Assembly, 27th February 1837.

Archibald M'Lean, Speaker.

Legislative Council Chamber, 3d March 1837.

John B. Robinson, Speaker.

I reserve this Bill for the signification of His Majesty's pleasure thereon.

F. B. Head, Lieut.-governor.

Secretary's Office, Upper Canada, 6 April 1837.

I certify that the foregoing is truly copied from the original Bill deposited in this office.

D. Cameron,
Secretary and Registrar.

[I certify that this Bill was reserved for the signification of His Majesty's pleasure thereon, on Saturday the fourth day of March, one thousand eight hundred and thirty-seven.—*D. Cameron*, Sy.]

UPPER CANADA.—(PUBLIC LANDS.)

AN ACT to provide for the Disposal of the PUBLIC LANDS in *Upper Canada*, and for other Purposes therein mentioned.

(*Presented, by Command of Her Majesty, 1 Dec.* 1837.)

Ordered, by The House of Commons, *to be Printed,*
5 *May* 1840.

274.

Under 1 oz.

16

UPPER CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons, dated 31 March 1840;—*for*,

RETURN of the RELIGIOUS BODIES or DENOMINATIONS of CHRISTIANS, who would be entitled, in the event of the Royal Assent being given to the CLERGY RESERVES BILL, passed by the Legislature of *Upper Canada*, to receive a Portion of the Proceeds of the Reserved Lands.

Colonial Office,
Downing-street, 9 April 1840.

R. VERNON SMITH

(Mr. Pakington.)

Ordered, by The House of Commons, *to be Printed*,
9 *April* 1840.

UPPER CANADA.

No Return has been received by the Colonial Department from Upper Canada of the Religious Bodies who would be entitled, in the event of the Royal Assent being given to the Clergy Reserves Bill, passed by the Legislature of Upper Canada, to receive a portion of the Reserves Fund. The clause in the Bill under which the distribution is made, provides that the residue of that fund, after the Churches of England and Scotland have received their moiety, "shall be divided among the other religious bodies or denominations of Christians now recognized by the constitution and the laws of this Province."

The following are the principal Acts, besides the Constitutional Act of 1791, relating to Religious Bodies. All these laws have been in operation since the date they were passed, with the exception of the Act 1 Will. 4, c. 1, which having been reserved by the Lieutenant-governor for the signification of His Majesty's pleasure thereon, was specially confirmed on the 2d March 1831.

— 1. —

9 Geo. 4, c. 2.—An Act for the Relief of the Religious Societies therein mentioned - - p. 3

— 2. —

1 Will. 4, c. 1.—An Act to make valid certain Marriages heretofore contracted, and to provide for the future Solemnization of Matrimony in this Province.—[Passed March 1829.] p. 3

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49 Geo. 3, c. 6.—An Act for the Relief of Menonists and Tunkers, in certain cases - - p. 6

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50 Geo. 3, c. 11.—An Act for the Relief of Minors of the Societies of Menonists and Tunkers, p. 6

— 5. —

2 Geo. 4, c. 29.—An Act to empower certain Trustees therein mentioned to sell and convey a certain Lot of Land in the Town of York, and to purchase another Lot or Tract of Land for the use and accommodation of a Roman-catholic Congregation. p. 7

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10 Geo. 4, c. 1.—An Act to provide for the admission of the Evidence of Quakers, Menonists, Tunkers, and Moravians in Criminal Cases - - - - - - - p. 8

— 7. —

10 Geo. 4, c. 18.—An Act to enable the Trustees of the Methodist Episcopal Church in York to exchange certain Real Estate now holden by them for other Real Estate in or near the said Town of York - - - - - - - - - - p. 8

— 8. —

4 Will. 4, c. 13.—An Act for the Relief of certain Religious Denominations of Persons called Menonists, Tunkers, and Quakers - - - - - - - - - - p. 10

— 9. —

7 Will. 4, c. 56.—An Act to Incorporate certain Persons therein named as a Board of Trustees, for the erection, superintending, and management of a Roman catholic College at Kingston, to be known by the name of "The College of Regiopolis," and for other Purposes therein mentioned - - - - - - - - - p. 11

UPPER CANADA.

— 1. —

9 Geo. 4, c. 2.—AN ACT for the Relief of the Religious Societies therein mentioned.

[Passed 25th March 1828.]

Whereas religious societies of various denominations of Christians find difficulty in securing the title of land requisite for the site of a church, meeting-house or chapel, or burying-ground, for want of a corporate capacity to take and hold the same in perpetual succession: And whereas it is expedient to provide some safe and adequate relief in such cases; be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, that whenever any religious congregation or society of Presbyterians, Lutherans, Calvinists, Methodists, Congregationalists, Independents, Anabaptists, Quakers, Menonists, Tunkers, or Moravians, shall have an occasion to take a conveyance of land for any of the uses aforesaid, it shall and may be lawful for them to appoint trustees, to whom and their successors, to be appointed in such manner as shall be specified in the deed, the land requisite for all or any of the purposes aforesaid may be conveyed, and such trustees, and their successors in perpetual succession by the name expressed in such deed, shall be capable of taking, holding, and possessing such land, and of commencing and maintaining any action or actions in law or equity for the protection thereof, and of their right thereto.

Preamble.

Provision in behalf of certain religious societies, allowing lands to be held for their use by trustees and their successors in perpetual succession.

2. And be it further enacted, by the authority aforesaid, that there shall not be held in trust for the purposes aforesaid more than five acres of land for any one congregation.

No one congregation shall hold more than five acres.

3. And be it further enacted, by the authority aforesaid, that such trustees shall, within 12 months after the execution of such deed, cause the same to be registered in the office of the register of the county in which the land lies.

Trust-deeds to be registered.

4. And be it further enacted, by the authority aforesaid, that all conveyances made before the passing of this Act, for all or any of the purposes aforesaid, shall be good and valid in law, in like manner as if the same had been made after the passing of this Act, and subject to the provisions of this Act, provided such conveyance shall have been already registered, or shall be hereafter registered as aforesaid, within 12 months after the passing of this Act.

Conveyances heretofore made for the purposes of this Act made valid.

Registry.

— 2. —

1 Will. 4, c. 1.—AN ACT to make valid certain Marriages heretofore contracted, and to provide for the future Solemnization of Matrimony in this Province.—[Passed March 1829.]

(The Royal Assent to this Bill was signified, by Message of his Excellency the Lieutenant-governor, to the Legislative Council and Assembly of this Province, on the 2d day of March 1831.)

Whereas doubts have arisen respecting the legality of certain marriages heretofore contracted and solemnized in this Province: And whereas the parties thereto, and their issue, may be subject to disabilities unless such marriages be confirmed by law; in order therefore to afford relief to such persons, and establish the legitimacy of their issue, be it therefore enacted, by the King's Most

Preamble.

UPPER CANADA.

Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, that the marriage or marriages of all persons, not being under any canonical disqualification to contract matrimony, that have been publicly contracted in this Province before any justice of the peace, magistrate, or commanding officer of a post, or before any minister or clergyman, before the passing of this Act, shall be and are hereby confirmed, and shall be considered good and valid in law; and the parties to such marriages, and the issue thereof, shall be entitled to all the rights, and subject to all the obligations resulting from marriage and consanguinity, any law, usage, or custom to the contrary in anywise notwithstanding.

Former marriages confirmed.

Method of preserving testimony of former marriages.

2. And to enable any person who may be desirous to preserve the evidence of their marriage, and of the birth of their children, be it further enacted, by the authority aforesaid, that it shall and may be lawful, at any time within six years after the passing of this Act, for any justice of the peace, at the request of either of the parties, to administer the following oath or affirmation, as the case may be, to the husband and wife, or either of them:—"I, *A. B.* do solemnly swear or affirm (as the case may be), that I did publicly intermarry with *C. D.* at on the day of in the year of our Lord and that there is now living issue of the said marriage, (as the case may be), *T. B.* born on the day of *M. B.* born on the day of and that such marriage was solemnized by *M. D.* of the district of ." Which form of attestation shall be subscribed by the party making the same, and certified under the hand and seal of the justice administering the said oath or affirmation, who shall be entitled to receive therefor 1 *s.*; and it shall be the duty of the clerk of the peace, upon payment of the sum of 2 *s.* 6 *d.*, to enter and record such attestation, duly certified as aforesaid, in a register or book, to be by him kept for that purpose, and such register, or an attested copy thereof, shall be considered sufficient evidence of such marriage and of the birth of the said children; and the said clerk of the peace is hereby required to give such copy duly certified to any person demanding the same upon payment of 2*s.*: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to make valid any marriage illegally solemnized, when the parties to such illegal marriage, or either of them, shall have subsequently contracted matrimony according to law.

Former marriages not to be rendered valid where a subsequent marriage has been legally contracted.

Ministers of certain denominations authorized to solemnize matrimony.

3. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for any clergyman or minister of any church, society, congregation, or religious community of persons, professing to be members of the Church of Scotland, Lutherans, Presbyterians, Congregationalists, Baptists, Independents, Methodists, Menonists, Tunkers, or Moravians, who shall be authorized in manner hereinafter mentioned, to solemnize the ceremony of marriage within this Province between any two persons, neither of whom is under any legal disqualification to contract matrimony.

Certificate to be obtained from the quarter sessions by ministers before they can solemnize matrimony.

4. Provided nevertheless, and be it further enacted, by the authority aforesaid, that no person shall be taken or deemed to be a clergyman or minister of such church, society, congregation, or religious community, within the intent and meaning of this Act, who shall not have been regularly ordained, constituted, or appointed, according to the rites and form of such church, society, congregation, or religious community of which he professes to be a clergyman or minister, and unless he shall be a subject of His Majesty, and shall appear before the justices of the district in which he shall reside, in general quarter sessions assembled, and unless he shall produce proof of his ordination, constitution, or appointment as such minister, and shall then and there take the oath of allegiance to His Majesty, which oath the said court shall then and there administer, and thereupon, if it shall appear to the majority of the justices then present that he has been regularly ordained, constituted, or appointed as aforesaid, they are hereby authorized and required to grant him a certificate under the seal of the court, and signed by the chairman and the clerk of the

the peace, for which the said clerk shall be entitled to receive the sum of 5*s.*, certifying him to be a minister or clergyman of such church, society, congregation, or religious community, which certificate may be in the following form :—

"Be it remembered, that at the general quarter sessions of the peace, holden at in and for district, on the day of in the year of our Lord before *A. B.* and others, esquires, justices of our Sovereign Lord the King, assigned to keep the peace in the said district, came *C. D.* of who professes to be a minister or clergyman of the church, society, congregation, or religious community (as the case may be). It appeared to a majority of the justices that he the said *C. D.* was duly ordained, constituted, or appointed (as the case may be), a minister or clergyman of the said church, society, congregation, or religious community.

"*E. F.* Chairman."

"*G. H.* Clerk of the Peace."

Banns to be published or licence obtained before the solemnization of any marriage.

5. Provided also, and be it further enacted, by the authority aforesaid, that no such minister or clergyman shall at any time celebrate the ceremony of marriage between any two persons as aforesaid, unless such their intention of marriage shall have been declared openly and in an audible voice in the church, chapel, meeting-house, or place of public worship of such congregation or religious community, on three several Sundays, either in some intermediate part of the service, or immediately before it began, or immediately after it ended, together with the number of times the said declaration shall have respectively been made, or unless such minister or clergyman shall have been duly authorized by licence under the hand and seal of the Governor, Lieutenant-Governor, or person administering the government of the Province, to celebrate the said ceremony between the two persons therein named.

Certificate of marriage to be given by the person solemnizing the same.

6. And be it further enacted, by the authority aforesaid, that every minister or clergyman, or justice of the peace, who has been or shall be authorized to celebrate marriage by virtue of this Act, or any other Act of this Province, shall, if required at the time by either of the parties married by such minister, clergyman, or justice of the peace, give a certificate under his hand of such marriage, specifying in such certificate the names of the parties, the time, and the names of two or more persons who witnessed such marriage, and whether such marriage has been solemnized by licence or by publication of banns; and

Return of marriages to be made annually to the clerk of the peace.

also once in every 12 months return a certified list under his hand of all marriages by him solemnized within the said term of 12 months, or since his last preceding return, to the clerk of the peace in and for the district in which such marriages shall have been respectively solemnized, specifying in such list the names of the parties so by him married, the respective dates of such marriages, and the names of two or more persons who witnessed each of said marriages, and whether such marriages respectively shall have been solemnized by licence or publication of banns, and such minister or clergyman, or justice of the peace, shall, at the time of returning a certified list as aforesaid, pay to the said clerk of the peace the sum of 2*s.* 6*d.*; and it shall thereupon be the duty

Clerk of the peace to record such return, which shall be evidence.

of the said clerk to record the said certified list in the register or book required by law to be kept by him of the registry of certified marriages of members of the Church of Scotland, Lutherans, Congregationalists, Baptists, Independents, Methodists, Menonists, Tunkers, Presbyterians, or Moravians; and such register, or a certified copy thereof, shall be considered, in case of the death or absence of the witnesses to any marriage, a sufficient evidence of the said marriages; and the said clerk of the peace is hereby required to give such copy of the registry of any of the said marriages, duly certified, to any person demanding the same, upon the payment of 2*s.*; and if any such minister or clergyman, or justice of the peace, shall refuse or neglect to return such

Persons neglecting to make returns to forfeit 40*l.*

certified list as aforesaid, he shall forfeit and pay the sum of 40*l.*, to be recovered by action of debt in His Majesty's Court of King's Bench, one moiety thereof to the use of the informer who shall sue for the same, and the other to be paid to the receiver-general of this Province, to and for the use of His Majesty, his heirs and successors, for the public uses of this Province, and the support of the civil government thereof, to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct.

UPPER CANADA.

(See 50 Geo. 3, c. 11.)

— 3. —

49 Geo. 3, c. 6.—AN ACT for the Relief of Menonists and Tunkers, in certain cases.

[Passed 9th March 1809.]

Preamble.

WHEREAS the religious societies of the Menonists and Tunkers, from scruples of conscience against taking an oath, are subject to many inconveniences to themselves and families, as well as to others who may require their evidence; for remedy whereof, be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that from and after the passing of this Act, every Menonist or Tunker, in any case in which an oath is required by law, or upon any lawful occasion, wherein the affirmation or declaration of a Quaker will by law be admitted, shall be, and is hereby permitted to make his or her affirmation or declaration in the same manner and form as a Quaker by the laws now in force is required to do, having first made the following affirmation or declaration, that is to say:

Menonists and Tunkers permitted to make the like affirmation with Quakers.

"I, *A. B.*, do solemnly, sincerely, and truly affirm and declare, that I am one of the society of Tunkers or Menonists," [as the case may be.]

Which affirmation or declaration as aforesaid of any Menonist or Tunker, except as hereinafter excepted, is hereby declared to be of the same force and effect to all intents and purposes, in all courts of justice and other places where by law an oath is or shall be allowed, authorized, directed, or required, as if such Menonist or Tunker had taken an oath in the usual form, and all and every person or persons who is, or are, or shall be authorized or required to administer any oath required by any law now in force or hereafter to be made, although no express provision is made for the purpose in any such law, shall be, and is or are hereby required to administer such affirmation or declaration.

False affirmation subject to the like punishment with that of a false oath.

2. And be it further enacted, by the authority aforesaid, that if any person making such affirmation or declaration shall be lawfully convicted of having wilfully, falsely, and corruptly affirmed and declared any matter or thing, which, if the same had been deposed in the usual form upon oath would have amounted to wilful and corrupt perjury, every such person so offending shall incur and suffer all the pains, penalties, forfeitures, and disabilities as by the laws now in force are to be inflicted on persons convicted of wilful and corrupt perjury.

Disabilities of Menonists and Tunkers. (See 50 Geo. 3, c. 11.)

3. And be it further enacted, by the authority aforesaid, that no Menonist or Tunker shall by virtue of this Act be qualified or permitted to give evidence in any criminal cases, or to serve on juries in criminal cases, or to hold or enjoy any office or place in the government in this Province, anything herein contained to the contrary notwithstanding.

— 4. —

50 Geo. 3, c. 11.—AN ACT for the Relief of Minors of the Societies of Menonists and Tunkers.

[Passed 12th March 1810.]

Preamble.

WHEREAS the sons of Menonists and Tunkers, who are minors, cannot avail themselves of the indulgence intended to be granted them by the 27th clause of an Act passed in the 48th year of His present Majesty, intituled, "An Act to explain, amend, and reduce to one Act of Parliament the several Laws now in being for the raising and training the Militia of this Province," by reason of not being able to obtain the certificate required by the abovementioned Act until they shall have attained the age of 21 years, according to the rules

rules and regulations of the said societies; for remedy whereof, be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, that the sons of Menonists and Tunkers liable to serve in the militia under the age of 21 years, shall, instead of the certificate required by the abovementioned Act, produce a certificate, stating his name, that his father is a Menonist or Tunker (as the case may be), and that such minor is brought up and educated in the principles of the Menonists or Tunkers (as the case may be), which certificate shall be signed by the clerk of the meeting of such society, or by any three or more of the people called Menonists or Tunkers; such minor shall then be entitled to all the benefits and indulgences in the said clause mentioned, subject nevertheless to all other restrictions and provisions of the said clause.

Certificate to be produced by the sons of Menonists and Tunkers, under the age of 21 years, to entitle them to the indulgence granted to them from serving in the militia, by the 48 Geo. 3, c. 1, s. 27, in place of the certificate required by the statute. (49 Geo. 3, c. 6.)

— 5. —

2 Geo. 4, c. 29.—AN ACT to empower certain Trustees therein mentioned to sell and convey a certain Lot of Land in the Town of York, and to purchase another Lot or Tract of Land for the use and accommodation of a Roman-catholic Congregation.

[Passed 14th April 1821.]

Whereas by letters patent under the great seal of this Province, bearing date the 25th day of March 1806, a certain lot of land in the town of York, in the Home district, described as lot No. 6, on the corner of George and Duke-streets, containing about one acre of land, was granted to the Honourable James Baby, the Rev. Alexander M'Donell, and John Small, Esq., in trust for the use and accommodation of a Roman-catholic congregation, in the said town of York and its vicinity: and whereas it hath been represented by the said trustees, that the said lot of land is insufficient and inconvenient for the use and purposes intended by the said grant; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, that the said trustees be empowered and authorized, and they or any two or more of them are hereby empowered and authorized, by deed of conveyance under their hands and seals, to grant, bargain, sell, and convey in fee simple the aforesaid lot of land, described as lot No. 6, on the corner of George and Duke-streets, in the town of York aforesaid, with its appurtenances, unto such person or persons as may be disposed to purchase the same.

Preamble.

Trustees of a certain lot of land in York to the use of a Roman-catholic congregation allowed to sell the same,

2. And be it further enacted, by the authority aforesaid, that the trustees aforesaid, or any two or more of them, shall and may, and they are hereby empowered and required to vest the money accruing from the sale of the lot of land aforesaid in the purchase of such other lot or tract of land in or near the town of York aforesaid, as they the said trustees shall in their discretion deem to be proper and convenient for the use and accommodation of a Roman-catholic congregation in the said town of York and its vicinity; and the said trustees, or any two or more of them, are hereby empowered and required to receive and take a conveyance of the land so to be by them purchased as aforesaid, with the money aforesaid, in trust for the use and purposes aforesaid, and with succession and limitation of the said trust as may be deemed expedient to secure the same in perpetuity, for the use and purposes aforesaid, according to the true intent and meaning of the letters patent hereinbefore mentioned.

and to purchase other land in York in trust for the same purpose.

UPPER CANADA.

— 6. —

10 Geo. 4, c. 1.—AN ACT to provide for the admission of the Evidence of Quakers, Menonists, Tunkers, and Moravians, in Criminal Cases.

[Passed 20th March 1829.]

Preamble.

WHEREAS the administration of the law in criminal proceedings is much impeded by reason that the evidence of persons belonging to certain religious sects, who from scruples of conscience decline taking an oath, cannot be received, to the impunity of offenders, and the consequent encouragement of crime; for remedy whereof, be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, that from and after the passing of this Act, every Quaker, Menonist, or Tunker, or person being a member of the church or congregation known by the name of "Unitas Fratrum," or the United Brethren, sometimes otherwise called the Moravian Church, in any criminal case in which an oath is required by law, or upon any lawful occasion whatever in the administration of the law, for the prevention or punishment of offences wherein the oath of any persons can be admitted, may make his or her affirmation or declaration in these words following; (that is to say), "I, *A. B.* do solemnly, sincerely, and truly declare and affirm," having first made the following declaration or affirmation, viz. "I, *A. B.* do solemnly, sincerely, and truly declare, that I am one of the society called Quakers, Menonists, Tunkers, or Unitas Fratrum, or Moravians" (as the case may be), which affirmation or declaration as aforesaid of any Quaker, Menonist, Tunker, or person being of the said church or congregation called Moravians or United Brethren, shall be and is hereby declared to be of the same force and effect to all intents and purposes, in all courts of law or other places where by law an oath is or shall be allowed, authorized, directed, or required for the purposes aforesaid, as an oath taken in the usual form; and all and every person and persons who is, or are, or shall be authorized or required to administer any oath for any of the purposes aforesaid, by any law now in force or hereafter to be made, although no express provision is made for that purpose in any such law, shall be and is or are hereby required to administer such affirmation or declaration.

Quakers, Menonists, Tunkers, and Moravians admitted to give evidence in criminal cases.

Form of affirmation.

Previous declaration.

Evidence so given to have the same effect as if on oath.

All persons authorized to administer oaths in criminal cases may take affirmations.

Perjury may be assigned on false affirmation.

2. And be it further enacted, by the authority aforesaid, that if any person making such affirmation or declaration shall be lawfully convicted of having wilfully, falsely, and corruptly affirmed and declared any matter or thing, which, if the same had been deposed in the usual form upon oath would have amounted to wilful and corrupt perjury, every such person so offending shall incur and suffer all the pains, penalties, forfeitures, and disabilities which by the laws now in force are to be inflicted on persons convicted of wilful and corrupt perjury.

Persons admitted to affirm under this Act not to serve on juries in criminal cases.

3. And be it further enacted, by the authority aforesaid, that no Quaker, Menonist, or Tunker, or person belonging to the society of United Brethren or Moravians, shall by virtue of this Act be qualified or permitted to serve on juries in criminal cases.

— 7. —

10 Geo. 4, c. 18.—AN ACT to enable the Trustees of the Methodist Episcopal Church in York to exchange certain Real Estate now holden by them for other Real Estate in or near the said town of York.

[Passed 20th March 1829.]

Preamble.

WHEREAS Thomas Stoyell, William Poyntz Patrick, John Doel, Matthew Walton, and James Rogers Armstrong, trustees to the Methodist Episcopal Church

Church in York, and others, official members signing in behalf of said church, have, by their petition, set forth, that the ground on which the chapel belonging to the Methodist society in York aforesaid stands is too small for the purposes and conveniences of the said church, and pray that the aforementioned trustees may be allowed to dispose of the said chapel and ground, should an opportunity be afforded them, and apply the proceeds thereof towards the purchasing of such other land and premises as may be suitable for the conveniences of the said church, and for the purposes for which the present land and premises are now by them holden: And whereas it is desirable and proper that such relief, by law, should be granted as to enable the said trustees or a majority of them, or their successors in office, nominated and appointed according to the rules and regulations of the said church, to sell and dispose of said land and premises, and purchase such other as may be suitable, not exceeding the quantity limited by law for such purposes; be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, that at any time after the passing of this Act, the said trustees, or their successors in office, or a majority of them, shall have full power and authority, and are hereby empowered and authorized, by deed of conveyance under their hands and seals, to grant, bargain, sell, and convey, in fee simple, the ground on which the Methodist chapel now stands, in York aforesaid, and the appurtenances appertaining thereto, which ground and premises is described in the deed of trust, now held by the petitioning trustees, as follows; that is to say, being about the one-sixth of an acre, and composed of part of lot No. 3, on the south side of King's-street, in that part of the said town of York, called the "New Town," which is bounded, or may be known as follows; that is to say, commencing at a post four chains and seven links from the north-east angle of lot No. 2, on the south side of King's-street, then south 16 degrees east, 132 feet; then south 74 degrees west, 52½ feet; then north 16 degrees west, 132 feet; then north 74 degrees east, 52½ feet, to the place of beginning, to such person or persons as may be disposed to purchase the same.

Certain trustees of the Methodist Episcopal Church in York empowered to convey away certain land in York,

2. And be it further enacted, by the authority aforesaid, that the trustees aforesaid, or a majority of them, shall and may, and they are hereby empowered and required to vest the money accruing from the sale of the abovementioned land and premises in the purchase of such other lot or tract of land, in or near the town of York aforesaid, and for the erection of a chapel or meeting-house thereon, as well as such other buildings as may be required for the residence of a minister, and his necessary purposes in such capacity, and for the necessary conveniences of the congregation which may attend such chapel or meeting-house, as they the said trustees shall, in their discretion, deem to be proper and convenient for the use and accommodation of the Methodist congregation in York aforesaid, and its vicinity; and the said trustees, or their successors in office, or a majority of them, are hereby empowered to receive and take a conveyance of the land so to be by them purchased as aforesaid, with the money as aforesaid, and such further sum as may be required for that purpose, in trust, for the use and purposes aforesaid, and with such succession and limitation of the said trust as may be deemed expedient to secure the same in perpetuity, for the uses and purposes aforesaid: provided always, that nothing in this Act contained shall extend, or be construed to extend, to allow the said trustees, or their successors in office, or a majority of them, to hold for the use and accommodation of any one congregation a greater quantity of land than five acres.

And to invest the monies arising from the sale thereof in the purchase of other lands for the use of the said church.

May accept deed of such lands to be purchased, upon the trusts to be therein declared.

No one congregation to be allowed to hold more than five acres under this Act.

UPPER CANADA.

— 8. —

4 Will. 4, c. 13.—AN ACT for the Relief of certain Religious Denominations of Persons called Menonists, Tunkers, and Quakers.

[Passed 6 March 1834.]

Preamble.

WHEREAS certain of the people called Menonists and Tunkers, subjects of His Majesty within this Province, have by their petition set forth that they are by the present militia laws of this Province subjected to an annual commutation in time of war, or when any portion of the militia are ordered out on actual service, the sum of 5 *l.*, and in time of peace the sum of 20 *s.*, annually, and which they pray may be reduced; and their sons, being minors as well as aliens, of their persuasion, may likewise be relieved from such commutation: And whereas it is expedient and necessary to afford further relief according to the prayer of their petition; be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, that the 27th section of an Act passed in the 48th year of the reign of George the 3rd, intituled, "An Act to explain, amend, and reduce to one Act of Parliament the several Laws now in being for the raising and training the Militia of this Province," be, and the same is hereby repealed.

48 Geo. 3, c. 1, s. 27, repealed.

Quakers, Menonists, and Tunkers, exempted from militia duty.

Who shall produce certificate, signed by clerk of society.

Names of persons from the age of 16 to 60 to be given to assessor.

Commutation 10 *s.* per annum in time of peace.

£5. in time of war, invasion, or insurrection.

2. And be it further enacted, by the authority aforesaid, that the persons called Quakers, Menonists, or Tunkers, shall not be compelled to serve in the militia of this Province; but every person who shall profess to be one of the people called Quakers, Menonists, or Tunkers, and who shall produce a certificate thereof, signed by the clerk of the meeting of the society to which he shall belong, shall be excused and exempted from serving in the said militia of this Province; provided, nevertheless, that every such person, from the age of 16 to 60, so claiming to be excused or exempted, shall on or before the 1st day of February in each and every year after the passing of this Act, give in his name and place of residence to the assessor or assessors of each and every town, township, or place where he shall reside; and shall pay in each and every year, in time of peace, the sum of 10 *s.*, and in time of actual invasion or insurrection, or when any of the militia of the district in which such person shall reside, shall be called out on actual service, the sum of 5 *l.*, which commutation-money shall be in lieu and discharge of such militia service, and shall be applied as hereinafter provided.

Duty of clerk of the peace.

Form of assessment-roll.

3. And be it further enacted, by the authority aforesaid, that it shall be the duty of the clerk of the peace in each district in this Province, and he is hereby required, to annex a column to each and every assessment-roll of each and every town, township, or place in his district, and therein insert the names of every such Quaker, Menonist, or Tunker, and also affix the sum of money so to be paid opposite thereunto, which sums of money it shall be the duty of each and every collector in each and every town, township, or place within this Province to collect, in the same manner as he is authorized by law to collect any ordinary assessment; and such collector shall pay the same into the hands of the treasurer of the district, to be expended within the township where the same shall have been levied, in aid of any road tax or assessment raised or levied therein.

Collector to receive commutation-money.

Money to be expended on public roads, &c.

4. And be it further enacted, by the authority aforesaid, that it shall be lawful to and for the said treasurer of the district wherein such town, township, or place lies, and he is hereby required, to pay out the said monies from time to time to the order of the road-master of the division wherein such fine shall have been levied, and to be expended on the public roads, highways, and bridges within such division.

5. And

5. And be it further enacted, by the authority aforesaid, that it shall be the duty of the path-masters in every township or place, and they are hereby required, to apply such sum or sums of money from time to time in the improvement of the said highways, roads, and bridges throughout this Province, after the manner and form, and upon such place or places as they shall be according to law directed, and to render an account thereof, upon oath, to the clerk of such town, township, or place, whose duty it shall be to report the same to the magistrates in general quarter sessions assembled.

Duty of path-masters in applying money under this Act.

Account to be rendered on oath.

6. And be it further enacted, by the authority aforesaid, that no Quaker, Menonist, or Tunker, from the age of 16 to 50, who shall produce the certificate of the surgeon of the regiment, setting forth his inability to perform militia service, by reason of bodily infirmity or ailment, such person, having first obtained such certificate, shall be held liable to pay such exemption-money; nor shall any Quaker, Menonist, or Tunker, being an alien, be held liable to pay such commutation-money, anything in this Act to the contrary notwithstanding.

Special exemptions.

Aliens.

— 9. —

7 Will. 4, c. 56.—AN ACT to Incorporate certain Persons therein named as a Board of Trustees, for the erection, superintending, and management of a Roman-catholic College at Kingston, to be known by the name of "The College of Regiopolis," and for other Purposes therein mentioned.

[Passed 4th March 1837.]

Whereas, by the petition of the Rev. Angus M'Donell, one of the trustees hereinafter mentioned, it appears that the Honourable and Right Rev. Alexander M'Donell, Roman-catholic Bishop of Kingston, hath, by deed, bearing date the 26th day of January, in the year of our Lord 1835, conveyed and transferred to, and vested in the Right Rev. Remigius Gaulin, Bishop of Trabacca; the Very Rev. Angus M'Donell, of Sandwich, in the Western District; the Rev. John Cullen, late of Bytown, in the Bathurst District; the Honourable John Elmsley, of the city of Toronto, in the Home District; and Walter M'Cuniffe, of the town of Kingston, Esq., and their successors, a certain piece of ground, containing three acres and three-fifths, known as part of Park Lot, No. 1, adjoining the town of Kingston (and now included therein, and now called the Park of Selma, and in the said deed more particularly described), in trust for the erection, use, and support of a Roman-catholic seminary, in the said town of Kingston: And whereas, by the said petition, legislative authority is requested to enable the trustees abovenamed, and their successors, to be elected and appointed in the manner described in the said deed, to take and hold the said land, as a corporate body, in perpetuity, for the purposes aforesaid; be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, that it shall and may be lawful for the said Remigius Gaulin, Angus M'Donell, John Cullen, John Elmsley, and Walter M'Cuniffe, to hold, receive, and take the said piece or parcel, conveyed to and vested in them, or intended so to be by the said deed, as trustees for the erection, support, and maintenance of a Roman-catholic seminary, under such prudential rules and regulations as may from time to time be made and ordained by them and their successors, as such trustees as aforesaid, for the good order, direction, and government of the same.

Preamble.

Recites conveyance of land by the Hon. and Right Rev. the Roman-catholic Bishop of Kingston, for the use and support of Roman-catholic seminary at Kingston, to trustees.

Trustees incorporated.

2. And in order to prevent the failure of such estate in succession, be it further enacted, by the authority aforesaid, that whenever it shall happen that any one or more of the trustees herein named shall die or become resident abroad, or shall resign his trust, or become incapable of acting therein, it shall

Manner of filling up vacancies among trustees.

UPPER CANADA.

and may be lawful for the remaining trustees, and they are hereby authorized and required, within three calendar months after the happening of such vacancy or vacancies, to elect and appoint others, being clergymen of the Roman-catholic religion, resident in the Province of Upper Canada, to complete the number of five trustees, for the purposes aforesaid, in accordance with the terms and provisions of the said deed of conveyance, and that all vacancies that shall from time to time happen in and among the said trustees shall be filled up in like manner: provided always, that the omission to elect and appoint new trustees, upon vacancies happening, as aforesaid, shall not operate as a forfeiture of the said land.

Omission to appoint trustees not to operate as a forfeiture of land.

Roman-catholic Bishop of Kingston ex-officio trustee.

3. And be it further enacted, by the authority aforesaid, that the present Roman-catholic Bishop of Kingston, during his natural life, and the Roman-catholic Bishop of Kingston for the time being, shall be ex-officio trustees, under this Act, and invested with such power and authority in relation to the management of the said land, and of the seminary to be erected thereon, as is in the said deed declared and set forth.

Trustees declared to be a body corporate.

4. And be it further enacted, by the authority aforesaid, that they the said trustees in this Act mentioned, and their successors, to be appointed in manner aforesaid, shall be and are hereby declared to be one body corporate and politic, in deed and in law, by the name of "The College of Regiopolis," and shall have perpetual succession, and a common seal, with power to change, alter, break, or make new the same; and they and their successors, by the name aforesaid, may have and hold the said piece or parcel of land in the said deed mentioned, in perpetuity, for ever; and that they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer or be answered unto, in all or any court or courts of record and places of jurisdiction within this Province; and that they and their successors, by the name aforesaid, shall be able and capable, in law, to have, hold, receive, enjoy, possess, and retain, for the end and purposes of this Act, and in trust and for the benefit of the said seminary, all such sum and sums of money as shall at any time or times hereafter be paid, given, devised, or bequeathed by any person or persons, to and for the ends and purposes in this Act mentioned.

Trustees to have power to make rules and regulations.

5. And be it further enacted, by the authority aforesaid, that the trustees for the time being for the purposes of this Act, shall have power at all times hereafter to make such rules and regulations, not repugnant to the laws of this Province, as may be necessary for the due management of the said land, and also of the Roman-catholic seminary to be erected thereon.

UPPER CANADA.

RETURN of the RELIGIOUS BODIES or DENOMINATIONS of CHRISTIANS, who would be entitled to receive a portion of the Proceeds of the Reserved Lands.

(Mr. Pakington.)

Ordered, by The House of Commons, *to be Printed,*
9 *April* 1840.

219.

Under 2 oz.

CANADA.

COPY of an Act passed by the Legislature of *Upper Canada*, to provide for the Sale of the CLERGY RESERVES, and for the Distribution of the Proceeds thereof; together with COPY of a DESPATCH from the Governor-General of *Canada*, dated the 22d January 1840.

Ordered, by The House of Commons, *to be Printed*, 23 *March* 1840.

— No. 1. —

(No. 36.)

The Right Honourable *C. Poulett Thomson* to Lord *John Russell.*

My Lord, Toronto, 22 January 1840.

THERE is no subject of such vital importance to the peace and tranquillity of this Province as the question of the Clergy Reserves; there is none, with reference to the future union of the two Provinces, which it is more necessary to determine without delay. The records of the Colonial Office will afford ample evidence of the fatal effect upon public affairs in Upper Canada of the state in which this matter has now for some years rested. But no one who has not had the opportunity of examining upon the spot the working of this question, can correctly estimate its importance. It has been, for many years, the source of all the troubles in the Province; the never-failing watchword at the hustings; the perpetual spring of discord, strife, and hatred. So universally is the truth of this proposition admitted, that I have scarcely met with one man of any party, or of any opinion with regard to the mode of settlement, who has not declared to me, that it would be far better that these Reserves should be altogether taken away from the Province, than that they should remain an object for contending parties to dispute about.

To leave this question undetermined, then, is to put an end to all hope of re-establishing tranquillity within this Province, even should it remain under a separate government; but to establish the union without a settlement of it, and to transfer the decision to the United Legislature, would be to add to the sources of discord which already unhappily prevail in the Lower Province, an entirely new element of strife; for amongst the various evils by which Lower Canada has been visited, one, and one only—perhaps the greatest of all—has been wanting—religious dissension.

Deeply impressed, therefore, with the immense importance of obtaining from the Legislature a solution of this long-agitated question, and in compliance with your Lordship's instructions, as well as with my own feelings, I have used every effort in my power to bring together the contending parties; and after much negociation, I determined on transmitting a message to the Legislature upon the subject, and on recommending a Bill which I thought offered some chance of being accepted by both branches of the Legislature.

I inclose copies of my message, and of the Bill which was introduced into the House of Assembly by the Solicitor-general, and I am happy to say, that, with some alterations, to which I entertain no objection, the measure has received the sanction of both Houses, and I have now the satisfaction of transmitting to your Lordship the Bill as passed, with the addresses from the Council and House of Assembly as required by law, and of my answer.

The Bill was passed by the House of Assembly, by a majority of 28 to 20, and in the Legislative Council, as I have been informed, by 13 to 5. The

address was agreed to in the House of Assembly, when the Bill was sent back from the Council, by a very much larger majority.

Under ordinary circumstances, a measure thus agreed to by large majorities of both branches of the Legislature, would, I am satisfied, need no additional argument to procure its ready acceptance; but the peculiar position in which every act of the Provincial Legislature upon this subject is placed under the provisions of the Act of 1791, subjecting it to rejection by an address to the Crown from either House of Parliament, leads me to think that I should not discharge my duty if I did not offer some observations upon it.

This Bill proceeds on the principle of devoting the revenue derivable from the lands when sold exclusively to religious instruction or religious purposes. It secures to the Churches of England and Scotland one-half of the future proceeds of the land, subject to no variation and to no contingency. It distributes the remainder for the support of religious instruction amongst the different persuasions of Christians recognised by the laws of the Province, in proportion to the population of each sect, to be ascertained at fixed periods; and it relieves the executive from any discretion with regard to the distribution amongst these different bodies. Whatever is now paid by the Crown to the Church of England, to the Church of Scotland, or to any other religious denomination, and to which its faith is pledged, remains as a first charge upon the fund, and must be first satisfied.

I will not conceal, however, from your Lordship, that even to this Bill, thus proceeding on the principle of so general distribution amongst different religious persuasions, nearly insuperable objections have been, and are entertained in this province. For many years past, the representatives of the people have uniformly refused to assent to an appropriation of this fund for religious purposes at all, and have steadily maintained its distribution to educational or general state purposes; and it is only the strong desire which is entertained of coming now to a settlement, which has led many, who formerly advocated these opinions with success, now to withdraw their opposition, and to assent to this measure. But I can safely say, that so far as this Province is concerned, their assent can never again be looked for. I entertain no doubt that the course taken by many members of the Assembly, in their conscientious and most laudable desire to put this question at rest, will occasion great opposition to their return at the next election; and I am satisfied that, in a future Assembly, if the matter were unfortunately again brought before it, it would not be possible to obtain any such terms for the Established Church, or for religious instruction.

In reality, the fund respecting which this violent contention exists, offers little to divide. It must, under any circumstances, be many years, supposing the lands to be sold, before the interest accruing from the sales will do more than discharge the claims which must necessarily be first provided for, and which are now borne by the casual and territorial revenues; and therefore an appropriation for purposes of education, would be of no immediate assistance to that important object. But, at the same time, the topic is too exciting not to be invariably used as a means of political and party agitation. One-seventh of the whole lands of the Province are declared to be unjustly withheld from the control of the people; and all those feelings of extreme jealousy of any establishment, or of any connection between the State and religion which prevail in this Province with a warmth of which, in England, we have no idea, are constantly roused and brought to bear in order to disturb tranquillity.

It has been, therefore, with no little pain, that I have found those who oppose this measure upon these grounds, assisted by some few members of the Church of England, who, of course, entertain views directly opposed to this; for, indeed, I can most conscientiously affirm, that in the advantages which it holds out, more particularly to the Church of England, it far exceeds what I could have anticipated. That this is felt to be true, your Lordship may easily learn, from the avowed support which the Bill has met with from the great majority of members of the Church of England in the Assembly, as well as from the fact of its being carried by a still greater number in the Legislative Council.

I will not believe that any successful opposition to the confirmation of this Bill by Her Majesty will be allowed to prevail; but as I am informed that representations may be made at home with that view, I shall beg to send, in this despatch,

despatch, a short account of the manner in which this question has for years past been treated in this country, as illustrative of the advantage which the settlement now arrived at by the Legislature holds out, as contradistinguished from all previous decisions.

I need not advert to the early history of disputes on this subject, until the years 1823–24, when a motion was made in the House of Assembly on the subject, by Mr. Morris, and an address to the Throne, praying for the recognition of the right of the Church of Scotland to share with the Church of England in the Reserves. In 1825, an Act having been passed (6 Geo. 4, c. 75,) by the Imperial Legislature, enabling the Crown to sell a portion of the Reserves in this province to the Canada Company, and to set apart other lands in lieu of them for the Church, an address was adopted in the House of Assembly, on the 27th of January 1826, by a majority of 14 to 8, deprecating any further appropriation of Clergy Reserves, and concluding in the following terms:—

"We further most humbly represent, most gracious Sovereign, that the lands set apart in this province, for the maintenance and support of a Protestant clergy, ought not to be enjoyed by any one denomination of Protestants to the exclusion of their Christian brethren of other denominations, equally conscientious in their respective modes of worshipping God, and equally entitled, as dutiful and loyal subjects, to the protection of your Majesty's benign and liberal Government. We therefore humbly hope it will, in your Majesty's wisdom, be deemed expedient and just, that not only the present Reserves, but that any funds arising from the sales thereof, should be devoted to the advancement of the Christian religion generally, and the happiness of your Majesty's subjects, of whatever denomination; or if such application or distribution should be deemed expedient, that the profits arising from such appropriation should be applied to the purposes of education, and the general improvement of this Province."

The Earl of Bathurst having, in reply to this address, stated that the House of Assembly had misunderstood the intention of the Act in question, "which had not for its object any increase of the amount of the Reserves specially allotted by the Imperial Parliament for the Established Church," the House of Assembly proceeded to pass, by a majority of 29 to 4, a series of Resolutions, among which the following are the most important:—

"Resolved, That the construction given to the Imperial Act, which appropriates the Clergy Reserves to individuals connected with the Church of England, and the determination of the clergy of that church to withhold from all other denominations of Protestants residing within the Province the enjoyment of any part of the benefit arising, or which may arise, from the sales so set apart, call for the immediate attention of the provincial Legislature to a subject of such vital interest to the public in general.

"Resolved, That a comparatively small proportion of the inhabitants of Upper Canada are members of the Church of England, and therefore ought not in justice to desire the sole enjoyment, by their clergy, of all the advantages which these lands present, to the exclusion of their fellow-subjects, although equally loyal and firm in their attachment to His Majesty's Government and the Constitution.

"Resolved, That in a thinly-inhabited country, such as Upper Canada, where the means of moral instruction to the poor are not easily obtained, it is the bounden duty of the Parliament to afford every assistance within its power towards the support of education.

"Resolved, That the present provision for the support of district and common schools is quite inadequate to the wants of the people, and ought, by every reasonable exertion, to be increased so as to place within the reach of the poorest inhabitant the advantages of a decent education.

"Resolved, That it is the opinion of the great proportion of the people of this Province, that the clergy lands, in place of being enjoyed by the clergy of an inconsiderable part of the population, ought to be disposed of, and the proceeds of their sale applied to increase the provincial allowance for the support of district and common schools, and the endowment of a respectable provincial seminary for learning, and in aid of erecting places of worship for all denominations of Christians."

A Bill was afterwards brought into the House, and carried by a majority of 19 to 7, for giving effect to these Resolutions, but was lost in the Legislative Council.

In March 1828, in an address to the Crown, on the subject of the Upper Canada University, which was carried by a majority of 21 to 9, the House expressed themselves as follows:—

"We would also beg leave to state, that it is the general desire of your Majesty's subjects in this Province, that the monies arising from the sale of any of the lands set apart in this Province for the support and maintenance of a Protestant clergy should be entirely appropriated to purposes of education and of internal improvement; we would most humbly represent, that to apply them to the benefit of one or two Christian denominations, to the exclusion of others, would be unjust as well as impolitic; and that it might perhaps be found impracticable to divide them among all. We have no reason to fear that the cause of religion would suffer materially from not giving a public support to its ministers, and from leaving them to be supported by the liberality of their people."

In 1829 and 1830, Bills for the sale of a part of the Clergy Reserves, "for the support and promotion of education, and for the general improvement of the Province," were passed *nem. con.* by the Assembly, but rejected in the Legislative Council.

On the 12th March 1831, a resolution was adopted in the Assembly, by a majority of 30 to 7, stating, "That it is unjust as well as impolitic to appropriate the said lands (*i. e.* the Reserves,) to the support of any one Church exclusively, and it is extremely difficult, if not altogether impracticable, to apportion or divide the same among the clergy of all denominations of Protestants. That a large majority of the inhabitants of this Province are sincerely attached to His Majesty's person and Government, but are averse to the establishment of any exclusive or dominant Church. That this House feels confident, that to promote the prosperity of this portion of His Majesty's dominions, and to satisfy the earnest desire of the people of this Province, His Majesty will be graciously pleased to give the most favourable consideration to the wishes of His faithful subjects. That to terminate the jealousy and dissension which have hitherto existed on the subject of the said Reserves, to remove a barrier to the settlement of the country, and to provide a fund available for the promotion of education, it is extremely desirable that the said lands so reserved be sold, and the proceeds arising from the sale of the same placed at the disposal of the provincial Legislature, to be applied exclusively for those purposes. That an humble address be presented to His Majesty, setting forth the subject of this resolution, and praying His Majesty will be graciously pleased to recommend to His Majesty's Parliament of Great Britain and Ireland, to pass an Act to authorize the sale of the Clergy Reserves remaining unsold, and to enable the Legislature of this Province to appropriate the proceeds thereof in such manner as may be considered most expedient for the advancement of education, and in aid of erecting places of public worship for various denominations of Christians."

The close of the session, on the 16th March, stopped any further proceedings at that time; but on the 14th December following, shortly after the opening of the next session, this resolution was embodied in an address to the Crown, which was carried by a majority of 28 to 6, the only alteration being, that the proceeds arising from the sales were to be applied to education only. Within a few days of the end of the session, a Bill was brought in by the Attorney-general, in conformity with the instructions of the Earl of Ripon, to re-invest the lands in the Crown, but was not proceeded with.

In the session of 1832-33, a Bill for the re-investment of the Reserves in the Crown was again brought in by the Attorney-general, but not proceeded with. In 1834, a Bill for the sale of the Clergy Reserves for purposes of education, was brought in and passed by a majority of 22 to 12. This Bill was lost in the Legislative Council.

In 1835 a Bill, intituled, "An Act for the disposal of the Clergy Reserves in this province, for the purposes of general education," was passed in the Assembly by a majority of 39 to 7; two previous motions for getting rid of it having been lost by majorities of 43 and 41 to 4.

This

This Bill having been sent up to the Legislative Council, that House, instead of proceeding with it, adopted a series of resolutions, stating the various claims which had been made upon the Clergy Reserves, and praying the Imperial Legislature to assume the decision of this question. These resolutions having been communicated to the House of Assembly, were referred by them to a Select Committee, who reported a resolution, which was adopted by the House, by a majority of 24 to 10. The opening sentences alone of that resolution need be quoted here; they are as follows:—

"Resolved, That this House has repeatedly expressed their opinion that the lands appropriated for the support and maintenance of a Protestant clergy within this Province, commonly called the 'Clergy Reserves,' ought, for various reasons, to be sold. That it would be unjust to apply the monies arising from the sale of the same to the benefit of one or more favoured religious denominations, and that it would be impracticable, and, from many considerations, inexpedient, to distribute the monies arising therefrom, among all denominations; and that this House has been unremitting in its endeavours to procure the sale of these lands, and the application of the funds produced by such sale, to objects of great importance and interest to the people of this province. That, with this view, the House has heretofore repeatedly passed Bills, providing for the sale of the Clergy Reserves, and the appropriation of the monies arising therefrom, to the support of education; which Bills have been rejected, without amendment, by the Legislative Council. That, with the same view, the House has repeatedly made known, by humble and dutiful addresses to His Majesty, its wishes and opinions, and the wishes and opinions of His Majesty's faithful subjects in this province, on this highly important subject; and this House takes this opportunity of declaring that these wishes and opinions, both on the part of this House and of its constituents, remain entirely unchanged."

In 1836, a Bill for the sale of the Clergy Reserves, for purposes of general education, was again passed, by a majority of 35 to 5, in the House of Assembly, and sent up to the Legislative Council. The Council amended the Bill, by re-investing the Reserves in the Crown, for the purposes of religion. The Bill was then re-amended in the House of Assembly, and brought back to its original state, and carried by a majority of 27 to 1; it was of course lost in the Legislative Council.

In the session of 1836–7 a resolution was adopted in the Assembly, by a majority of 35 to 21, in the following terms:—

"Resolved, That it is desirable that the lands commonly called Clergy Reserves, and the proceeds arising from the sales thereof, be appropriated for the promotion of the religious and moral instruction of the people throughout this Province."

This resolution was communicated, for concurrence, to the Legislative Council, who, in reply, stated, that if by "moral instruction," was meant nothing distinct from, or independent of, religion, they would be ready to concur in it, and that they would be ready to go any reasonable length in meeting the wishes of the other branches of the Legislature, keeping in view the necessity of making provision for the religious instruction of the people, and the maintenance of public worship. The matter does not appear to have been further proceeded with during that session.

In 1837–8 a resolution was adopted in the Assembly, by a majority of 21 to 17, for re-investing the Reserves in the Crown, "for the support and maintenance of the Christian religion within the Province;" and a Bill for that purpose was brought in. It was not, however, proceeded with, probably on account of the then disturbed state of the Province.

In 1839 the question engaged a very large portion of the attention of the Legislature. Early in the session a Select Committee was appointed, on whose report the House adopted a series of resolutions, among which the following was carried, by a division of 24 to 20:—

"Resolved, That all the Clergy Reserves now unsold, and which shall not be reserved for the foregoing purposes (*i. e.* for glebes for the Churches of England and Scotland, and the Wesleyan Methodists), be sold under the rules and regulations from time to time in force relative to the sale of Crown lands. That the proceeds of all past and future sales, subject to the necessary expenditure for the purchase of lots, from time to time, as limited in the foregoing

resolutions, be invested in provincial debentures, and the interest to be disposed of as follows :

" 1st. To pay to each clergyman of the Churches of England and Scotland, resident according to the first resolution, an annual stipend not to exceed 100*l.*

" 2d. To pay to the Wesleyan Methodist Church in Canada, in connexion with the English Conference, or their proper officer, a sum not to exceed 100*l.* per annum, for as many ministers of that Church as there shall be lots granted and conveyed in each circuit, according to the second resolution.

" 3d. The surplus of interest, not otherwise disposed of, to be expended in aid of the erection of places of public worship throughout the Province generally."

A Bill, founded on these resolutions, was afterwards introduced, and passed, after much opposition, on a division of 24 to 20 ; but having been amended in the Legislative Council, it was finally rejected in the Assembly, by a resolution carried on a division of 20 to 18, " That it is expedient for the peace, welfare, and good government of this Province, that the reservation of lands for the support of a Protestant clergy cease, and that the lands already set apart for that purpose be sold in the same manner as Crown lands are now sold, and the proceeds of such sales be paid into the hands of the receiver-general of this Province, for the general uses thereof; and that an humble address be presented to Her Majesty, praying that Her Majesty may be pleased to recommend to the Imperial Parliament to pass an Act, placing the funds arising from the sales of Clergy Reserves, heretofore made and invested in England, in the hands of the receiver-general of this Province, to be placed under the control of the local Legislature."

A Bill, framed by the Committee appointed in consequence of this resolution, was brought in, and passed through a Committee of the whole House, after numerous and very close divisions, being recommitted, was finally carried through the House by the casting vote of the Speaker. It was amended in the Legislative Council, by referring the appropriation of the proceeds to the Imperial Legislature, and restricting them to " religious purposes," instead of to " religion and education." These amendments were finally concurred in on the last day but one of the session, when some members, opposed to it, had left town, by a majority of 21 to 20, and the Bill was sent home. In the meantime an address to the Crown, praying for the appropriation of the Reserves to general purposes, had been brought forward in the Assembly, and negatived only by the casting vote of the Speaker.

This recapitulation, from which your Lordship will perceive, that since the year 1826 the House of Assembly have, on 14 different occasions, recorded their opinion that the Clergy Reserves ought to be sold, and the proceeds applied to educational or general purposes, will sufficiently prove the strong feeling that has heretofore prevailed in that House on the subject; and you will be able from it to estimate what ought to be the value of the present Bill in the eyes of those who are desirous of devoting these proceeds to the support of religion.

I am, however, satisfied, that the value of arriving at a settlement cannot be over estimated ; and that, strong as those feelings may have been, the immense advantage of having this question finally withdrawn from the sources of popular discussion and dispute, will reconcile all parties to it.

Most fervently, then, do I pray, that the settlement now agreed to may be final, and that no obstacle may be opposed to its confirmation by Her Majesty. Should it be otherwise, and the question should again be thrown back for decision here, I cannot foresee the consequences ; but, at least, I know, that peace and tranquillity must, in that event, long remain strangers to this Province.

I have, &c.

(signed) *C. Poulett Thomson.*

— No. 2. —

MESSAGE from the Governor-General, on the subject of the CLERGY RESERVES, and Bill for the Disposal of said Reserves, and Disposition of the Proceeds thereof.

C. POULETT THOMSON. Toronto, 6 January 1840.

PURSUANT to his notice, the Governor-General now begs to call the attention of the House of Assembly to the state of the Clergy Reserves.

As will appear from his Message to the House of Assembly, of the 23d ultimo, Her Majesty was compelled to withhold her royal assent from a Bill passed last Session, for re-investing the Clergy Reserves conditionally in the Imperial Legislature, and Her Majesty's Government were desirous that the Provincial Legislature should itself afford a solution of this much-debated and very complicated question.

The Governor-General does not conceal from himself the difficulties by which this subject is surrounded. The frequent agitation of it in both Houses—the various opinions which have been announced upon it—and the different schemes which have unsuccessfully been brought forward, render the settlement of it, even in this Province, a work of great embarrassment; but it becomes yet more difficult to arrive at a final solution, from the peculiar position in which the question stands as contradistinguished from other subjects which may engage the attention of the Legislature,—since, not merely is the assent of the Crown required to whatever may be ultimately determined upon here, but the decision of the provincial Parliament is open to rejection, by Address from either House of Parliament in England.

Still, in the opinion of the Governor-General, the circumstances of the present time imperiously demand a settlement of this long-agitated question. The probable approach of the union of the two Provinces would at once suggest the expediency of bringing to a termination, before that event shall occur, a matter so peculiarly affecting Upper Canada; nor is it less necessary, with a view to remove a source of unceasing excitement and discord within the Pro vince, the protracted existence of which opposes a bar to that tranquillity so necessary for its prosperity.

Deeply impressed with these feelings, the Governor-General has given to the subject all the attention in his power; and he has directed a measure to be prepared, to which he earnestly invites the consideration of the House of Assembly, in the anxious hope that it may lead to a final and satisfactory adjustment.

He proposes that the remainder of the land should be sold, and the annual proceeds of the whole fund, when realized, be distributed, according to terms which will be clearly defined between the Church of England, the Church of Scotland, and such other religious persuasions as are recognized by the law of Upper Canada, for the support of religious instruction within the province, and for the promotion there of the great and sacred objects for which these different bodies are established or associated.

He trusts that there will be found, in such a plan, a just regard to the objects for which this property was destined, tempered by a due consideration of the state of society, and of the feelings which have grown up in this province and in the Legislature upon the question; and he confidently recommends it for adoption, as the measure which, in his opinion, will afford the surest prospect, if assented to by the Legislature here, of proving final, and, if final, of conducing to the peace and happiness of the inhabitants of this Province generally.

DRAFT OF BILL.

WHEREAS it is expedient to provide for the final disposition of the lands called Clergy Reserves, in this Province, and for the appropriation of the yearly income arising, or to arise, therefrom, for the maintenance of religion, and the advancement of religious knowledge;

Be it therefore enacted, that from and after the passing of this Act, it shall and may be lawful for the Governor, by and with the advice of the Executive Council, and under such rules and regulations as may be from time to time in

Council established in that behalf, to sell, alienate, and convey, in fee simple, all or any of the said Clergy Reserves: Provided always, that in the letters patent granting such lands, they shall be designated as Clergy Reserves, and that no reservation of lands in respect of such grants shall be necessary; anything in the Act of the Imperial Parliament passed in the thirty-first year of the reign of His late Majesty King George the Third, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, ' An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," to the contrary, notwithstanding.

2. And be it enacted, that the proceeds of all past sales of such Reserves which have been, or may be invested under the authority of a certain other Act of the Imperial Parliament passed in the seventh and eighth years of the reign of His late Majesty King George the Fourth, intituled, " An Act to authorize the sale of part of the Clergy Reserves in the Provinces of Upper and Lower Canada," shall be and the same are hereby declared to be subject to such orders and directions as the Governor in Council shall from time to time make and establish for continuing the investment thereof in the same funds and upon the same securities as at present, or for investing them in, and upon, any other funds or securities in Great Britain or in this Province.

3. And be it enacted, that the proceeds hereafter to be received from the sales of all or any of the said Reserves, or any part thereof, may in like manner be invested, and the investment thereof be changed by the Governor in Council: Provided always, that the necessary expenses of such sales shall be borne and defrayed out of the first monies received therefrom.

4. And be it enacted, that the interest and dividends accruing upon such investments of the proceeds of all Clergy Reserves sold or to be sold, and also the interest to accrue upon sales on credit of Clergy Reserves, and all rents arising from Clergy Reserves that have been or may be demised for any term of years, shall be paid to the Receiver-General, and that together form an annual fund for the purposes hereinafter mentioned, and shall be paid by him, from time to time, in discharge of any warrant or warrants which may be issued by the Governor, in pursuance of the provisions of this Act; that is to say, in the first place, to satisfy all such annual stipends and allowances as have been heretofore assigned and given to the clergy of the Churches of England and Scotland, or to any other religious bodies or denominations of Christians in this Province, and to which the faith of the Crown is pledged, for and during the natural lives of the parties at present receiving and enjoying the same: Provided always, that until the annual fund so to be created and deposited with the Receiver-general shall suffice to meet the above-mentioned stipends and allowances, the same, or so much thereof as the said fund may be insufficient to meet, shall be defrayed as at present out of the casual and erritorial revenue of the Crown.

5. And be it enacted, that as soon as the said fund shall exceed the amount of the several stipends and allowances aforesaid, and subject always to the prior satisfaction and payment of the same, one-half of the said annual fund shall be allotted and appropriated to the Churches of England and Scotland in this Province; the said Church of Scotland to be held to include the Presbyterians of the United Synod in Upper Canada, and shall be divided between them in proportion to the number of their respective members, to be ascertained as hereinafter provided; and the share of each of the said Churches of England and Scotland (the latter including as aforesaid), shall be paid by the Receiver-general in discharge of any warrant or warrants which may be issued by the Governor in favour of the treasurer or other officer who shall be appointed by such churches respectively, according to the form and mode of their ecclesiastical constitution; and the amount so received shall be expended for the support and maintenance of public worship and the propagation of religious knowledge, under the authority of the convocation, synod, or other body, having authority for that purpose, according to the canons, laws, rules, or regulations of the said churches respectively: provided always, that the amount of the before-mentioned stipends and allowances which shall be paid to, and received by, any ecclesiastic or minister of any of the

the said Churches of England or Scotland in this Province, or of any minister of the said United Synod, shall be taken, as far as the same will go, as a part and portion of the share accruing to each church respectively, by virtue of this Act; that is to say, the stipends and allowances to any ecclesiastic or minister of the Church of England, as part and portion of the share accruing to the Church of England, and the stipends and allowances to any ecclesiastic or minister of the Church of Scotland, or of the said United Synod in this Province, as part and portion of the share accruing to the said Church of Scotland, so that neither of the said churches shall receive any further or other sum beyond such respective stipends and allowances, until the proportion of the said annual fund allotted to them respectively, in manner aforesaid, shall exceed the annual amount of such stipends and allowances.

6. And be it enacted, that it shall be lawful for the Governor of this Province as soon as may be after the passing of this Act, to appoint not less than five Commissioners, whose duty shall be with all possible diligence to inquire, ascertain, and report to the Governor, the number of members of each of the said Churches of England and Scotland in this Province, including with the members of the latter church the Presbyterians of the said United Synod; and that any one or more of such Commissioners may be directed to visit each or any district, township, city, or town, in this Province, and shall have power to require to be laid before him or them, for their perusal and examination, all records, rolls, assessments, population, or other district, township, city, or town, returns or lists, in whose custody soever the same may be; and who shall also have power to administer all necessary oaths and affirmations to any parties giving evidence before them, or any one or more of them, and generally to do all such other lawful acts as may be necessary for the proper discharge of the duty hereby imposed on them; and that the report of such Commissioners, or the majority of them, shall be final, and shall be the basis for estimating the proportion of the said annual fund to which the said Churches of England and Scotland shall be respectively entitled.

7. And be it enacted, that any person falsely swearing or affirming before the said Commissioners, or any or either of them, shall, if duly convicted thereof, be deemed guilty of perjury, and shall be liable to all the pains and penalties imposed by law on persons guilty of that offence; and that, if any person, having reasonable notice before such Commissioner or Commissioners, shall refuse to attend and give evidence before such Commissioner or Commissioners, or to produce to him or them any record, roll, assessment, population, or other return as aforesaid, whereof he shall have the possession or custody, such person shall be liable to a penalty not exceeding pounds, to be recovered by information and complaint before any two justices of the peace, who are hereby authorized to hear and determine every such information and complaint, and to levy the penalty by distress and sale of the offender's goods and chattels, and to pay the same, when collected, to the Receiver-general, to be by him added to the fund for payment of the expenses of the said Commissioners: provided always, that no person shall be obliged to attend before the said Commissioners out of the county wherein he is a stated resident.

8. And be it enacted, that the reasonable expenses of such Commissioners, or of any clerk or clerks they may find it necessary to employ, shall, subject to the approval of the Governor, be allowed and defrayed out of any monies now or hereafter to be reserved as rents of Clergy Reserves.

9. And be it enacted, that subject to the foregoing provisions, the residue of the said annual fund shall be divided among the other religious bodies or denominations of Christians now recognized by the laws of this Province, and not before mentioned in this Act, who shall prefer their claims for the same on the conditions and in manner following; that is to say, that each and every such religious body or denomination of Christians shall, on or before the day of in each and every year, send in to the Inspector-general of Public Accounts a statement in duplicate, setting forth in detail the amount received by each of them respectively during the year preceding the day of rendering such account, from the private contributions of the members of such religious bodies or denominations of Christians respectively, and by them ex-

pended in the same year for the maintenance of public worship and the propagation of religious knowledge; which account shall be verified in such manner as shall be from time to time required by the Governor in Council; and that on the approval of such accounts respectively, an amount of the residue of the said annual fund, proportioned to the amount of private contributions so appearing to have been received and expended in the previous year, shall be paid by the Receiver-general in discharge of any warrant or warrants which may be issued by the Governor in favour of the treasurer or other officer who may be appointed by such religious bodies or denominations of Christians respectively to receive the same; and such amount shall be expended and appropriated for the maintenance of public worship, and the propagation of religious knowledge, under the direction and authority of the conference or other governing body existing in or over every such religious bodies or denominations of Christians respectively, according to their respective discipline or form of church government: Provided always, that any such religious body or denomination of Christians, neglecting to send in their accounts on or before the said 30th day of June in any year, or neglecting or refusing to verify the same within 40 days, when thereto required as aforesaid, shall thereby waive and forfeit all claim to a proportion of the said annual fund for the year (but not longer) in respect whereof such neglect or refusal shall take place.

10. Provided also, and be it enacted, that no religious body or denomination of Christians shall be entitled to any such share or proportion of the said annual fund which shall not raise and expend as aforesaid, during the year, in respect of which the claim is preferred, the sum of at least *l.*

11. Provided also, and be it enacted, that the amount of such of the annual stipends and allowances hereinbefore mentioned, which shall be paid to any of the said religious bodies or denominations of Christians, or to any ecclesiastic or minister thereof, or in aid of any mission established by any of the said religious bodies or denominations of Christians, or for the propagation of religious knowledge, shall be taken and accounted, as far as the same will go, as a part and portion of the sum to which such religious body or denomination of Christians would be entitled under the provisions of this Act, and shall be deducted and allowed for accordingly.

12. And be it enacted, that accounts of the expenditure of all and every sum or sums of money so to be received out of the said annual fund, by the said Churches of England and Scotland, or any other religious body or denomination of Christians respectively, under the authority of this Act, shall be, on or before the day of in each year, rendered to the Governor in Council, and that until such accounts shall have been rendered, and the due and proper expenditure of the sum granted during any preceding year shall have been established to the satisfaction of the Governor in Council, no other or further sum, or proportion of the said annual fund, shall be paid or allowed to any or either of the churches, religious bodies, or denominations of Christians, failing, neglecting, or refusing to render such account, or to verify the same as aforesaid; and every such failure, neglect, or refusal, shall amount to a waiver or forfeiture of any share or proportion of the said annual fund for one year, but not longer.

13. And be it enacted, that whenever there shall appear to the Governor in Council sufficient reason to apprehend that there has been any misappropriation or non-appropriation of any sum or sums of money paid to any or either of the said churches, religious bodies, or denomination of Christians, out of the said annual fund upon direction for that purpose given by the Governor, it shall and may be lawful for the Attorney-general to apply summarily, either by petition or information to or in the Court of Chancery in this Province, setting forth the nature of the abuse apprehended, and praying discovery and relief in the premises as the nature of the case may require; and that if any five or more persons having any interest in the sum or sums paid to any of the said churches, religious bodies, or denominations of Christians, shall complain of any neglect or abuse in the expenditure or management of such sum or sums, it shall and may be lawful for them to apply to the said Court of Chancery

Chancery by petition in a summary manner for discovery or relief as the nature of the case may require, and that in all and every such case the decree or order of the Vice-chancellor shall be final, unless appealed from within days.

—No. 3.—

BILL AS PASSED.

AN ACT to provide for the Sale of the "Clergy Reserves," and for the Distribution of the Proceeds thereof.

WHEREAS it is expedient to provide for the final deposition of the lands called Clergy Reserves, in this Province, and for the appropriation of the yearly income arising, or to arise therefrom, for the maintenance of religion, and the advancement of Christian knowledge; be it therefore enacted, by the Queen's Most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the government of the Province of Quebec in North America,' and to make further provision for the government of the said Province," and by the authority of the same, that from and after the passing of this Act it shall and may be lawful for the Governor, by and with the advice of the Executive Council, and under such rules and regulations as may be from time to time in Council established in that behalf, to sell, alienate, and convey, in fee simple, all or any of the said Clergy Reserves; provided always, that in the letters patent granting such lands, they shall be designated as Clergy Reserves, and that no reservation of lands in respect of such grants shall be necessary, anything in the Act of the Imperial Parliament passed in the thirty-first year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, 'An Act for making more effectual provision for the government of the Province of Quebec, in North America,' and to make further provision for the government of the said Province," to the contrary notwithstanding.

2. And be it further enacted, by the authority aforesaid, that the proceeds of all past sales, of such Reserves which have been, or may be invested under the authority of a certain other Act of the Imperial Parliament, passed in the seventh and eighth years of the reign of his late Majesty King George the Fourth, intituled, "An Act to authorize the sale of part of the Clergy Reserves in the Provinces of Upper and Lower Canada," shall be, and the same are hereby declared to be subject to such orders and directions as the Governor in Council shall make and establish, for investing in any securities within this Province the amount now funded in England, together with the proceeds hereafter to be received from the sales of all or any of the said Reserves, or any part thereof; provided always, that the necessary expenses of such sales shall be borne and defrayed out of the first monies received therefrom.

3. And be it further enacted, by the authority aforesaid, that the interest and dividends accruing upon such investments of the proceeds of all Clergy Reserves sold, or to be sold, and also the interest to accrue upon sales on credit of Clergy Reserves, and all rents arising from Clergy Reserves that have been, or may be, demised for any term of years, shall be paid to the Receiver-general, and shall together form an annual fund for the purposes hereinafter mentioned, and shall be paid by him from time to time, in discharge of any warrant or warrants which may be issued by the Governor, in pursuance of the provisions of this Act; that is to say, in the first place, to satisfy all such annual stipends and allowances as have been heretofore assigned and given to the clergy of the Churches of England and Scotland, or to any other religious bodies or denominations of Christians in this Province, and to which the faith of the Crown is pledged, for and during the natural lives of the parties at present receiving and enjoying the same; provided always, that until the annual fund so to be created and deposited with the Receiver-general shall suffice to meet the above-

mentioned stipends and allowances, the same, or so much thereof as the said fund may be insufficient to meet, shall be defrayed, as at present, out of the casual and territorial revenue of the Crown.

4. And be it further enacted, by the authority aforesaid, that as soon as the said fund shall exceed the amount of the several stipends and allowances aforesaid, and subject always to the prior satisfaction and payment of the same, one-half of the said annual fund shall be allotted and appropriated to the Churches of England and Scotland in this Province; the said Church of Scotland to be held to include the Presbyterians of the United Synod in Upper Canada, and shall be divided between the said Churches of England and Scotland, in proportion to the number of their respective members, to be ascertained as hereinafter provided; and the share of each of the said churches shall be paid by the Receiver-general, in discharge of any warrant or warrants which may be issued by the Governor in favour of the treasurer or other officer who shall be appointed by such churches respectively, according to the form or mode of their ecclesiastical constitution; and the amount so received shall be expended for the support and maintenance of public worship, and the propagation of religious knowledge, under the authority of the convocation, synod, or other body having authority for that purpose, according to the canons, laws, rules, and regulations of the said churches respectively; provided always, that the amount of the before-mentioned stipends and allowances, which shall be paid to and received by any ecclesiastic or minister of any of the said Churches of England or Scotland in this Province, or of any minister of the said United Synod, shall be taken, as far as the same will go, as a part and portion of the share accruing to each church respectively, by virtue of this Act; that is to say, the stipends and allowances to any ecclesiastic or minister of the Church of England, as part and portion of the share accruing to the Church of England, and the stipends and allowances to any ecclesiastic or minister of the Church of Scotland, or of the said United Synod in this Province, as part and portion of the share accruing to the said Church of Scotland, so that neither of the said churches shall receive any further or other sum, beyond such respective stipends and allowances, until the proportion of the said annual fund allotted to them respectively, in manner aforesaid, shall exceed the annual amount of such stipends and allowances.

5. And be it further enacted, by the authority aforesaid, that it shall be lawful for the Governor of this Province, as soon as may be after the passing of this Act, to appoint not less than five Commissioners, whose duty it shall be with all possible diligence to inquire, ascertain, and report, to the Governor, the number of members of each of the said Churches of England and Scotland in this Province, including with the members of the latter church, the Presbyterians of the said United Synod; and that any one or more of such Commissioners may be directed to visit each or any district, township, city or town, in this Province, and shall have power to require to be laid before him or them, for their perusal and examination, all records, rolls, assessments, population, or other district, township, city, or town, returns or lists, in whose custody soever the same may be, and who shall also have power to administer all necessary oaths and affirmations to any parties giving evidence before them or any one or more of them, and generally to do all such other lawful acts as may be necessary for the proper discharge of the duty hereby imposed on them; and that the report of such Commissioners, or the majority of them, shall be final, and shall be the basis for estimating the proportion of the said annual fund to which the said Churches of England and Scotland shall be respectively entitled; provided also, and it shall be in the power of the said Governor to appoint, from time to time, further and other Commissioners, in case of any vacancy, so as to continue the said number to five, at least, at all times.

6. And be it further enacted, by the authority aforesaid, that the reasonable expenses of such Commissioners, or of any clerk or clerks they may find it necessary to employ, shall, subject to the approval of the Governor, be allowed and defrayed out of any monies now or hereafter to be received as rents of Clergy Reserves.

7. And be it further enacted, by the authority aforesaid, that subject to the foregoing provisions, the residue of the said annual fund shall be divided among

among the other religious bodies or denominations of Christians now recognized by the constitution and the laws of this Province, and not before mentioned in this Act, according to their respective numbers, to be ascertained once in every four years, as is hereinbefore provided by this Act, for ascertaining the numbers belonging to the Churches of England and Scotland, and who shall make written application to the Governor, Lieutenant-governor, or person administering the government, on or before the thirtieth day of June each and every year.

8. And be it further enacted, by the authority aforesaid, that any person falsely swearing or affirming before the said Commissioners, or any or either of them, shall, if duly convicted thereof, be deemed guilty of perjury, and shall be liable to all the pains and penalties imposed by law on persons guilty of that offence. And that if any person having reasonable notice to attend before such Commissioner or Commissioners, shall refuse to attend and give evidence before such Commissioner or Commissioners, or to produce to him or them any record, roll, assessment, population, or other return as aforesaid, whereof he shall have the possession or custody, such person shall be liable to a penalty not exceeding 10 *l.*, to be recovered by information and complaint before any two justices of the peace, who are hereby authorized to hear and determine every such information and complaint, and to levy the penalty by distress and sale of the offender's goods and chattels, and to pay the same, when collected, to the Receiver-general, to be by him added to the fund for payment of the expenses of the said commissioners; provided always, that no person shall be obliged to attend before the said Commissioners out of the county wherein he is a stated resident.

9. Provided always, and be it further enacted, by the authority aforesaid, that the amount of such of the annual stipends and allowances hereinbefore mentioned, which shall be paid to any of the said religious bodies or denominations of Christians, or to any ecclesiastic or minister thereof, or in aid of any missions established by any of the said religious bodies or denominations of Christians, or for the propagation of religious knowledge, shall be taken and accounted, as far as the same will go, as a part and portion of the sum to which such religious body or denominations of Christians would be entitled under the provisions of this Act, and shall be deducted and allowed for accordingly.

10. And be it further enacted, by the authority aforesaid, that accounts of the expenditure of all and every sum or sums of money so to be received out of the said annual fund by the said Churches of England and Scotland, or any other religious body or denomination of Christians respectively, under the authority of this Act, shall be on or before the twentieth day of July in each year rendered to the Governor in Council; and that until such account shall have been rendered, and the due and proper expenditure of the sum granted during any preceding year shall have been established to the satisfaction of the Governor in Council, no other or further sum or proportion of the said annual fund shall be paid, or allowed to any or either of the churches, religious bodies, or denominations of Christians failing, neglecting, or refusing to render such account, or to verify the same as aforesaid; and every such failure, neglect, or refusal shall amount to a waiver or forfeiture of any share or proportion of the said annual fund for one year, but not longer; and that copies of such accounts shall annually be laid before the Legislature.

11. And be it further enacted, by the authority aforesaid, that whenever there shall appear to the Governor in Council sufficient reason to apprehend that there has been any misappropriation or non-appropriation of any sum or sums of money paid to any or either of the said churches, religious bodies, or denominations of Christians, out of the said annual fund, upon direction for that purpose given by the Governor, it shall and may be lawful for the Attorney-general to apply summarily, either by petition or information, to or in the Court of Chancery in this Province, setting forth the nature of the abuse apprehended, and praying discovery and relief in the premises, as the nature of the case may require; and that if any five or more persons having an interest in the sum or sums paid to any of the said churches, religious bodies, or denominations of Christians, shall complain of any neglect or abuse in the expenditure or management of such sum or sums, it shall and may be lawful for them

to apply to the said Court of Chancery, by petition, in a summary manner, for discovery or relief, as the nature of the case may require; and that in all and every such case the decree or order of the Vice-chancellor shall be final, unless appealed from within forty days.

Passed the Commons House of Assembly, 15 January 1840.

Allan N. McNab,
Speaker.

Passed the Legislative Council Chamber, 20 January 1840.

Jonas Jones,
Speaker.

— No. 4. —

ADDRESS to the Governor.

To His Excellency the Right Honourable *Charles Poulett Thomson,* Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council and Commons House of Assembly in Provincial Parliament assembled, beg leave to inform your Excellency, that we have during the present Session passed a Bill, intituled, " An Act to provide for the sale of the Clergy Reserves, and for the distribution of the Proceeds thereof," which Bill contains clauses altering the provisions of the Imperial Statute passed in the 31st year of the reign of his late Majesty King George the Third, intituled, " An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, ' An Act for making more effectual provision for the government of the Province of Quebec in North America,' and to make further provision for the government of the said Province," respecting the allotment and appropriation of lands for the support of a Protestant clergy within this Province; and we further pray, that in order to give effect to the same, your Excellency will cause the said Bill to be transmitted to England without delay, for the purpose of being laid before Parliament, previous to the signification of Her Majesty's assent thereto.

Legislative Council Chamber, 21st day of January 1840.

Jonas Jones, Speaker.

Commons House of Assembly, 21st day of January 1840.

Allan N. McNab, Speaker

— No. 5. —

The Right Hon. *C. Poulett Thomson* to the Members of the Legislative Council and House of Assembly.

Honourable Gentlemen, and Gentlemen,

I WILL transmit the Bill for the sale of the Clergy Reserves, and for the distribution of the funds thereof, together with your respective addresses, as required by law, without any delay, to Her Majesty's Principal Secretary of State.

Accept my warmest acknowledgments for the ready attention you have given to this important subject, to which it was my duty to invite your consideration.

I congratulate

I congratulate you most sincerely upon having thus terminated, so far as depends on your exertions, the agitation of a question which has now for nearly 20 years been the fruitful source of disagreement in the Legislature, and of strife and contention amongst the people of this Province.

May the Great Author of all Peace prosper your work,—and, in the restoration of tranquillity in the country, and the extension of the blessings of religious instruction amongst the people, may you reap the reward of your labours.

I have, &c.
(signed) *C. Poulett Thomson.*

CANADA.

COPY of an ACT passed by the Legislature of *Upper Canada* to provide for the Sale of the CLERGY RESERVES.

(Presented to Parliament by Her Majesty's Command.)

Ordered, by The House of Commons, *to be Printed,*
23 *March* 1840.

148.

Under 3 oz.

COPIES OR EXTRACTS

OF

CORRESPONDENCE

RESPECTING THE

CLERGY RESERVES IN CANADA:

1819 to 1840.

Part I.

CORRESPONDENCE.

Ordered, by The House of Commons, *to be Printed,*
3 *April* 1840.

205.

SCHEDULE.

No.		DATE.	SUBJECT.	PAGE.
1.	Sir P. Maitland to Earl Bathurst	17 May 1819	Transmitting Petition of Presbyterian Inhabitants of Niagara	1
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COPIES OR EXTRACTS OF CORRESPONDENCE

RESPECTING THE

CLERGY RESERVES IN CANADA.

— No. 1. —

(No. 36.)

No. 1.
Sir P. Maitland to Earl Bathurst, 17 May 1819.

Copy of a DESPATCH from Lieutenant-Governor Sir *P. Maitland*, K. C. B. to Earl *Bathurst*.

My Lord, York, Upper Canada, 17 May 1819.

I HAVE the honour to transmit to your Lordship the copy of a petition from the Presbyterian inhabitants of the town of Niagara and its vicinity, praying for an annual allowance of 100*l.* to assist in the support of a preacher.

The actual product of the Clergy Reserves is about 700*l.* per annum. This petition involves a question on which, I perceive, there is a difference of opinion, viz. Whether the Act intends to extend the benefit of the Reserves for the maintenance of a Protestant clergy, to all denominations, or only to those of the Church of England. The law officers seem to incline to the ~~former~~ latter opinion. I beg leave to observe to your Lordship, with much respect, that your reply to this petition will decide a question which is of much interest, and on which there is a lively feeling throughout the province.

The alteration of the word "former," for "latter," made by request of Sir P. Maitland. *See* his Despatch, 28 Oct. 1823.

To similar requisitions of petitioners of our own church, it has been replied, that I hoped, when the bishop should arrive, some satisfactory arrangement might be made.

I have, &c.

(signed) *P. Maitland*,
Lieutenant-Governor.

Enclosure in No. 1.

Encl. in No. 1.

TO His Excellency Sir *Peregrine Maitland*, K. C. B. Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

The Petition of the Presbyterian Inhabitants of the Town of Niagara and its Vicinity,

Humbly showeth,

That previous to the late American war, they had built and erected, at great cost and expense, a very respectable Presbyterian church in the town of Niagara, and which was the first building set fire to and burnt down by the American army; they had also a clergyman for one-half of the time, and regret to state that they are now without a preacher, although they have again erected a very decent temporary house for worship, in part of which they have allowed the district school to be taught. From the losses sustained by

 those

No. 1.
Sir P. Maitland to Earl Bathurst, 17 May 1819.

Encl. in No. 1.

those of the congregation during the late war, and from several others having removed from the town, those remaining find themselves unable to pay such a sum as would be necessary to pay a preacher of respectability; and as they are truly anxious to obtain one of the Established Church of Scotland, if possible,

They, therefore, humbly pray, that your Excellency would take their peculiar case into consideration, and that you would be pleased to allow, or grant to the Presbyterian congregation of the town of Niagara, the annual sum of 100*l.* in aid, out of the funds arising from Clergy Reserves, or any other fund at your Excellency's disposal, of which sum, together with what the congregation would obligate themselves to pay, they trust would amount to such a sum as would be competent to induce a man of abilities and respectability to come from Scotland, or such other part of Great Britain as your Excellency might approve of and be pleased to recommend.

Should your Excellency not have it in your power to grant the prayer of your petitioners, may they, in such case, humbly pray your Excellency's friendship and interest with the Government at home.

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

37 Signatures.

Niagara, 30 March 1819.

— No. 2. —

No. 2.
Earl Bathurst to Sir P. Maitland, 6 May 1820.

COPY of a DESPATCH from Earl *Bathurst* to Lieutenant-Governor Sir *P. Maitland*, K. C. B.

Sir, Downing-street, 6 May 1820.

HAVING requested the opinion of His Majesty's law officers as to the right of the dissenting Protestant ministers resident in Canada, to partake of the lands directed by the Act of the 31st Geo. 3, c. 31, to be reserved as a provision for the support and maintenance of a Protestant clergy, I have now to acquaint you that they are of opinion that though the provisions made by the 31st Geo. 3, c. 31, ss. 36 & 42, for the support and maintenance of a Protestant clergy, are not confined solely to the clergy of the Church of England, but may be extended also to the clergy of the Church of Scotland; yet that they do not extend to dissenting ministers, since the terms "Protestant clergy" can apply only to the Protestant clergy recognized and established by law.

They are further of opinion, that with respect to the 38th clause, "which empowers His Majesty to authorize the Governor to constitute and erect parsonages or rectories according to the establishment of the Church of England," provides also, "that he may endow every such parsonage or rectory with so much of the lands allotted and appropriated in respect to any land within such township or parish which shall have been granted, as the Governor, with the advice of the Executive Council, shall judge to be expedient."

Under these terms any particular parsonage or rectory might be endowed with the whole lands allotted and appropriated in that township or parish; and it would be inconsistent with this discretionary power that any proportion of such lands should be absolutely retained for any other clergy than those mentioned in the 38th clause; and they are of opinion that it is not incumbent on His Majesty so to retain any proportion of such lands.

I have therefore to acquaint you, that although it would be, generally speaking, most expedient to make, in the first instance, a competent provision for the Church of England in the colony, yet in every parish in which the members of the Church of Scotland may greatly predominate, it appears both advisable and proper that a proportionate allotment should be reserved for the provision for a minister of that Church.

I have, &c.

(signed) *Bathurst.*

— No. 3. —

COPY of a DESPATCH from Lieutenant-Governor Sir *P. Maitland*, K. C. B. to Earl *Bathurst*.

No. 3.
Sir P. Maitland to Earl Bathurst, 25 April 1823.

My Lord, York, Upper Canada, 25 April 1823.

AT the request of the corporation for the management of the Clergy Reserves in the Province, I have the honour to forward to your Lordship three petitions addressed to His Majesty, to the House of Lords, and to the House of Commons, on the subject of those Reserves.

I have, &c.

(signed) *P. Maitland.*

Enclosure in No. 3.

Sir, York, 22 April 1823. Encl. in No. 3.

I HAVE the honour to acquaint you, for the information of his Excellency the Lieutenant-governor, Sir P. Maitland, that "the corporation for superintending, managing, and conducting the Clergy Reserves within the province of Upper Canada," have, at their meeting this day, agreed to petition the three branches of the Imperial Parliament on a subject which they consider of the greatest importance.

Anxious to send their petition through the proper channel, I have the honour to enclose, by order of the corporation, a correct copy to be laid before his Excellency the Lieutenant-governor, and most humbly to request, in their name, that he will be pleased to transmit the engrossed copies, now prepared, to the Right honourable Lord Bathurst, His Majesty's Principal Secretary of State for the Colonies, to be presented to His Majesty the King, and the other two branches of the Imperial Parliament.

I have, &c.

(signed) *John Strachan,*
Chairman of the Corporation.

Major Hillier, &c. &c. &c.

TO the Right honourable the Lords Spiritual and Temporal of the Kingdom of Great Britain and Ireland, in Parliament assembled.

The Petition of the Corporation for Superintending, Managing, and Conducting the Clergy Reserves within the Province of Upper Canada,

Most humbly showeth,

THAT your Lordships' petitioners have recently received information of the transmission of a petition to the Imperial Parliament from the ministers of the Kirk of Scotland in the Canadas, praying for a participation in the benefit arising from the lands which His Majesty has been graciously pleased to reserve for the support of a Protestant clergy in this Province, an object which cannot fail to impress them with the most serious alarm for the rights and property of the Church of England in this diocese, any infringement on which, as they are intimately convinced, will prove highly detrimental to religion itself.

That this measure having been concerted and carried into effect without the knowledge of the clergy of the Church of England, it has been found impossible to obtain any public expression of their sentiments, scattered, as they are, over a vast tract of country, in time to meet the representations of the ministers of the Kirk of Scotland. Under such circumstances, it becomes a duty imperative upon your Lordships' petitioners, who are constituted, by an Act of His Majesty's Government, the guardians and managers of the Clergy Reserves within the province of Upper Canada, most humbly to approach your Lordships; and though unacquainted with the arguments and reasonings by which such an extraordinary claim is attempted to be established, they feel convinced that the plain statement of facts elucidating the religious situation of this Province, which they now most respectfully submit to your Lordships, will not only invalidate the allegations of their opponents, but preserve to the Church of England those rights and privileges unimpaired which she has so long enjoyed in this colony.

Your Lordships' petitioners beg leave to remark, that the province of Upper Canada was settled by loyalists from the United States, formerly British colonies, soon after the termination of the American Revolution, the greater part of whom were Episcopalians, and sincerely attached to the Church of England, a denomination of Christians ever distinguished in the colonies on account of their affection for the parent State, and their incorruptible attachment to the King.

That the population, now greatly increased, and embracing in its bosom many denominations of Christians, still retains its prominent feature of being attached to the Church of England, the members of which, together with the Dutch and German Lutherans, who join them in communion, comprising by far the most numerous description of Christians in Upper Canada.

No. 3.
Sir P. Maitland to Earl Bathurst, 25 April 1823.

Encl. in No. 3.

That the very little progress made by the other denominations, compared to that of the Church of England, and the very recent establishment of their scanty congregations, has generally created in the minds of the people a veneration for it, as the established form of worship, a light in which it has always been presented to the inhabitants of the Province, from their earliest years; for the venerable Society for the Propagation of the Gospel in Foreign Parts, ever attentive to the spiritual wants of the colonies, sent missionaries to the principal stations of the Province on its first settlement, multiplying them as the population increased, till it pleased His Majesty to form Lower and Upper Canada into the diocese of Quebec, and to appoint a bishop to cherish, extend, and govern the infant church.

That under the superintendence of the Lord Bishop of Quebec, the number of clergymen of the Established Church in this part of the diocese is at present 22, who do not confine their services to the parishes in which they reside, but give occasional attendance in many other places, and make frequent journeys into the new settlements in their vicinity, baptizing children, and preaching to the people. That nearly 40 applications for clergymen have been made to the Bishop and Government from various parts of the Province, at most of which churches are built, or in progress, and twice that number of applications may be expected before the former can be satisfied, for owing to the want of means one-fourth of the clergy necessary for the population cannot be supported. Such, indeed, is now the state of the Province, and the desire for religious instruction according to the forms and discipline of the Church of England, that many intelligent persons well acquainted with the colony are of opinion, that along the greater part of the main road passing from one extremity of the Province to the other, a distance of nearly 600 miles, a church might be erected, and a clergyman profitably placed at the distance of every ten miles, and this exclusive of the parishes already established.

That when new missions are planted in any quarter, not only do those persons readily join who are not yet particularly attached to any denomination, but even Presbyterians and Congregationalists attend public worship with their families, so that on many occasions the whole neighbourhood becomes united to the Church, and not only are their dead buried according to its rites, but likewise the bodies of their friends and relations are frequently collected from private places of interment, and again consigned to their graves in the public burial ground, with the solemn offices of the Church. Moreover their children are baptized and educated in the bosom of the Church, and the greater number at length confirmed by the Bishop, and a congregation is thus in a few years formed, strongly attached to our venerable establishment; and even in those remote parts of the country where the Methodist itinerants are the most active, so soon as the population is sufficiently compact to admit and require the ministrations of a regular clergyman, he finds his congregation increasing by the gradual accession of their more respectable adherents.

That the Church is increasing so rapidly as to offer great encouragement to respectable families to bring up their children to the sacred profession; accordingly a list of more than 30 students now lies before your Lordships' petitioners, and many more young men than can possibly be provided for, are presenting themselves to the Lord Bishop as candidates for holy orders.

Your Lordships' petitioners beg further most humbly to represent it as their opinion, that the greater proportion of all the various denominations of Protestants may be expected to conform, so as at length to include the great mass of the population, a result which appears highly probable, from the following facts:

1st. The Lutheran clergymen have generally conformed, and brought their congregations along with them.

2d. Several Presbyterian or Congregational clergymen, for both names are used promiscuously in this country, have solicited the Lord Bishop to be admitted as candidates for holy orders; and the only Presbyterian clergyman in communion with the Kirk of Scotland, who lived in the Province before 1818, educated two of his sons for the Church of England, one of whom was in orders many years before the death of his worthy father, and the other has just finished his studies, and will be admitted in a few days.

3d. No objection is made by parents against teaching their children the Church Catechism and the Service of the Church from the Book of Common Prayer; on the contrary, all denominations are desirous of obtaining both for their own and their families edification.

4th. The whole neighbourhood bring their children to the resident clergyman to be baptized, and submit in great numbers, both old and young, to the rite of confirmation, send their youth to the Sunday schools, and allow them, after their tasks are heard, to walk in procession to the church. In fine, there evidently appears the fairest prospect that the Church of England, from the favourable disposition that now exists towards it, will be able to collect within its bosom the bulk of the inhabitants should no prospect of supporting their clergy be held out to the various Protestant denominations.

See App. (A.)

That with the exception of the Methodists, who have been deserted by their brethren in England, and left for instruction to itinerants from the United States, there appears no prominent denomination of Protestants in this Province but the Established Church capable of exciting public attention, for the Congregationalists or Independent Presbyterians, who are next in number to the Methodists, have only six small congregations, the teachers of whom have lately assumed the appellation of "The Presbytery of the Canadas," for the purpose of giving themselves importance, and consist of two Irish Presbyterians, one Scotch Seceder, one English Independent, and two American Congregationalists.

No. 3.
Sir P. Maitland to Earl Bathurst, 25 April 1823.

Encl. in No. 3.

That with regard to Presbyterians in communion with the Kirk of Scotland, your Lordships' petitioners most humbly remark, that they are the fewest in number of any Protestant denomination in Upper Canada, and possessed only one congregation in the Province from its first settlement in 1784 to 1822, a period of 38 years. This congregation consisted of a small number of loyal Highlanders, who removed from North Carolina with their clergyman during the American Revolution, and of officers and soldiers belonging to one or two Scotch regiments, disbanded in this country at the peace of 1783. Finding themselves, after the death of their first minister, scattered over an extent of country of more than 40 miles square, and being increased by natural causes and recent emigration, they divided themselves, in 1822, into three congregations instead of one; not that their numbers require the services of so many clergymen, but because they were too distant to assemble together, and because they became dissatisfied with occasional preaching.

That a number of Presbyterians in communion with the Kirk of Scotland assembled in the town of Kingston, for the first time as a congregation, in 1822; but when it was discovered that the land granted by the Provincial Government, on which to build their church, was expressly confined to a congregation and clergyman in full communion with the Kirk of Scotland, the greater portion broke away, and are now erecting a Congregational meeting-house, intending to choose a minister from the United States. There is no appearance in any other part of the Province of a third congregation in communion with the Kirk of Scotland being formed; nor is this denomination popular, for when the people leave the Established Church, they claim the privilege of electing their minister from any quarter they please, which the Kirk denies them. Indeed the Presbyterian form of discipline and church government is inconsistent with extension, as it cannot be complete out of Scotland, nor can its clergy be placed in a distant colony under vigilant superintendence. This appears to have been the opinion of its best friends, since, by the Articles of Union between England and Scotland, Presbyterianism is confined to Scotland, but the Church of England extends to all the colonies.

With regard to the Reserves, your Lordships' petitioners most humbly represent that they are as yet by no means productive, nor can be for a long time to come.

1st. Because many of the most valuable parts of the Province were granted and settled before the Reserves were ordered to be set apart.

2d. Because leases will not be in great demand, so long as gratuitous grants of land are made by the Crown to individuals.

3d. Because the Reserves participate in the quality of the surrounding land, and are not always fit for cultivation.

See App. (B.)

Moreover, the number of Reserves in a township of nine by twelve miles, is about 45, which if all under lease would average, during the first seven years, only 67 *l.* 10 *s.*, or 1 *l.* 10 *s.* each, not certainly enough for supporting a clergyman; and though this sum will gradually increase, yet the progress of leasing is so slow, that they will not afford a moderate living for one clergyman for very many years. And should the townships become populous, more than one clergyman will become necessary, so that instead of being ample, or more than necessary, the reserves do not hold the prospect at any future time of supplying more than a moderate compensation for the number of clergymen that may be required; and in the meantime your Lordships' petitioners are entirely dependent for support on the Society for the Propagation of the Gospel in Foreign Parts.

That with respect to the words "Protestant clergy," employed in the 36th clause of the 31 Geo. 3, c. 31, under which the ministers of the Kirk of Scotland endeavour, perhaps, to advance their claim to a participation of the Reserves, your Lordships' petitioners most humbly submit that those words are used as contra-distinguishing the clergy of the Church of England from the clergy of the Church of Rome, and cannot be further extended without producing the greatest confusion, for after passing the Church of England, where shall their meaning terminate? Congregationalists, Seceders, Irish Presbyterians, Baptists, Methodists, Moravians, Universalists, will undoubtedly prefer their claims, as they are each more numerous than the Presbyterians in communion with the Kirk of Scotland; and should such claims be rejected, as they certainly would be, these sectaries will consider themselves greatly aggrieved by the refusal of what they would never have dreamed of asking had not so trifling a fraction of the population of this flourishing Province, as the two congregations in communion with the Kirk of Scotland, succeeded in obtaining the same object.

That by the 38th & 39th clauses of the said 31 Geo. 3, c. 31, it is made lawful for His Majesty to constitute and erect within every township or parish one or more parsonage or rectory, or parsonages or rectories, according to the establishment of the Church of England, and from time to time to endow any such parsonage or rectory with so much or such part of the lands so allotted and appropriated as aforesaid, as shall be judged expedient by the person administering His Majesty's Government in the Province; and it is also made lawful for His Majesty, by his representative, to present to every such parsonage or rectory an incumbent or minister of the Church of England, who shall be duly ordained according to the rites of the said Church, and to supply from time to time such vacancies as may happen therein, the terms of the clause proceeding to secure such incumbent in all the rights and emoluments of such parsonage or rectory, in the same manner and upon the same conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or rectory in England. But there are no clauses which make it lawful for His Majesty to do in like manner for the Kirk of Scotland, or make any mention of that Church whatsoever.

That the construction which has always been put upon the Act by your Lordships' petitioners and by the members of the Church of England, is directly and most unequivocally

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confirmed, as well by His Majesty's instructions, which declare in express words that the powers and privileges of an Established Church in the Canadas belong only to the Protestant Church of England,—which declaration necessarily excludes the Church of Scotland from all participation in the reserved lands,—as by the appointment of a Bishop, now nearly 30 years ago; by the erection of these Provinces into a diocese, according to the establishment of the Church of England, of which it forms an integral portion, the Bishop of the see of Quebec being made subject to the metropolitan see of Canterbury, in the same manner as any bishop of any see within the province of Canterbury, in the kingdom of England; by the more recent Acts of His Majesty's Government ordering the erection of Protestant parishes, according to the establishment of the Church of England in 1819, and erecting the two Provinces into archdeaconries in 1821; and lastly, by erecting the clergy of this part of the diocese into a corporation in 1819, for the sole management of the land reserved for their support; moreover, so fully impressed was the Legislature of this Province, that the Reserves are to be exclusively appropriated to the support of the Church of England in this colony, that a doubt having been suggested as to the right of the clergy to exact tithes, a law was passed declaring that they had no such right, His Majesty having been pleased to reserve for the support of a Protestant clergy in this Province, one-seventh of all lands granted therein.

That your Lordships' petitioners will not presume to state to your Lordships the strong feeling which they entertain of the irregularity and inexpediency of introducing at this day a new religious establishment into the diocese of Quebec and province of Canterbury, but they are impelled by a sense of duty most earnestly, though most respectfully, to deprecate the rivalry to the Church of England, and those endless evils of disunion, competition, and irritation, of which a compliance with the ministers of the Kirk of Scotland cannot fail, in the opinion of your Lordships' petitioners, most widely to scatter the seeds. They deprecate the erection of a particular interest to strengthen prejudices which may exist against the Establishment, not otherwise insuperable, to alienate minds which are neutral and undecided, from conformity to the Church, and by so doing to cut away one of the surest and safest bands which might connect them with the State. They deprecate the extinction of that hope of religious unanimity in the future generations of Protestants who shall occupy these fine and extensive countries, which can only be fostered and matured under the blessing of Divine Providence, by the judicious protection of the English Church establishment already formed, and the completion of the plan already provided by the wisdom of Government.

Your Lordships' petitioners, therefore, express their humble but fervent hope that your Lordships will not entertain a petition so manifestly injurious to the rights and interests of the Church of England, and so fraught in their judgment with ill consequences to the inhabitants of this Province, as that which your Lordships' petitioners are informed has been brought before your Lordships by the ministers of the Kirk of Scotland residing in the Canadas. And your Lordships' petitioners, as in duty bound, will ever pray.

York, Upper Canada,
22 April 1823.

John Strachan, D. D.
Rector of York, Upper Canada, Chairman.

Appendix (A).

Ecclesiastical Chart of the Province of *Upper Canada*.

1.—The Established Church.

DISTRICTS.	CLERGYMEN.	TOWNSHIPS.	CHURCHES.		SERVICE.	
			Built.	Building.	Regular.	Occasional.
Eastern -	Rev. S. J. Mountain -	Cornwall - -	neat church -	- -	regular.	
	Rev. J. G. Weagant -	Williamsburgh -	small church -	- -	regular.	
		Osnabruck -	small church -	- -	- -	occasional.
Johnstown -	Rev. F. Myers - -	Edwardsburgh -	small church -	- -	regular.	
	Rev. J. Blakey - -	Prescott - -	neat church -	- -	regular.	
	Rev. J. Leeds - -	Brockville -	- - no church; uses court-house.	- -	regular.	
	Rev. M. Spatt - -	Bastard - -	small church -	- -	regular.	
	Rev. M. Harris - -	Perth - -	- - -	- church building.	regular.	
		Richmond -	- - -	ditto -	- -	occasional.

DISTRICTS.	CLERGYMEN.	TOWNSHIPS.	CHURCHES.		SERVICE.	
			Built.	Building.	Regular.	Occasional.
Midland -	Archdeacon Stuart -	Kingston - -	church - -	- -	regular.	
	Rev. J. Wilson - -	Navy Point -	- - -	building -	regular.	
		Waterloo - -	- - -	- -	- -	occasional.
	Rev. J. Stoughton -	Bath - -	church - -	- -	regular.	
		Napanee Mills -	- - -	- -	- -	occasional.
		Fredericksburgh	- - -	ditto -	- -	occasional.
	Rev. Job Deacon -	Adolphustown -	church - -	- -	regular.	
		Hallowell -	- - -	ditto -	- -	occasional.
	Rev. Thos. Campbell -	Bellville - -	church - -	- -	regular.	
		Head of the Bay	church - -	- -	- -	occasional.
		Indian village -	church - -	- -	- -	occasional.
Newcastle -	Rev. Wm. Macaulay -	Haldimand -	- - -	- -	- -	occasional.
		Cobourg - -	church - -	- -	regular.	
		Port Hope -	church - -	- -	- -	occasional.
	Rev. J. Thompson -	Cavan - -	church - -	- -	regular.	
Home -	Rev. John Strachan -	Whitby - -	- - -	- -	- -	occasional.
		York - -	church - -	- -	regular.	
		Yonge-street -	church - -	- -	- -	occasional.
		Purdy's Mills -	- - -	ditto -	- -	occasional.
		Newmarket -	- - -	ditto -	- -	occasional.
	Clergyman a Lutheran; under consideration.	Markham -	church - -	- -	regular.	
		Etobicoke -	- - -	ditto -	- -	occasional.
		Toronto - -	- - -	- -	- -	occasional.
Gore - -	Rev. R. Leeming - -	Ancaster - -	- - -	- -	- -	occasional.
		Barton - -	church - -	- -	regular.	
		Dundas - -	- - -	- -	- -	occasional.
		Woolwich -	church - -	- -	- -	occasional.
		Indian village -	church - -	- -	- -	occasional.
Niagara -	- - Rev. Mr. Sampson, lately killed by accident.	Grimsby - -	church - -	- -	regular.	
	Rev. Robert Addison -	Niagara - -	church - -	- -	regular.	
	Rev. R. W. Tunney -	Queenston -	church - -	- -	regular.	
		St. Catharine's -	church - -	- -	- -	occasional.
	Rev. Wm. Leeming -	Chippawa -	church - -	- -	regular.	
		Short Hills -	- - -	- -	- -	occasional.
		Fort Erie -	church - -	- -	- -	occasional.
London -	- - - - - -	Long Point -	- - -	ditto -	- -	occasional.
		Kettle Creek -	church - -	- -	- -	occasional.
		London - -	- - -	ditto.		
Western -	Rev. R. Pollard - -	Sandwich - -	church - -	- -	regular.	
		Chatham - -	church - -	- -	- -	occasional.
	Rev. R. Rolph - -	Amherstburgh -	church - -	- -	regular.	
		New settlement -	church - -	- -	- -	occasional.

Clergymen, and one Lutheran under consideration	22
Places where there is regular or occasional service	51
Churches	32
Churches building	10
Regular parishes	23
Service occasionally	27

2.—Ministers of the Independent Presbyterian order, and assuming the appellation of The Presbytery of the Canadas.

Rev. Joseph Johnston.—Educated principally at Glasgow; ordained in Ireland by the Synod of Ulster; preaches at Cornwall and Osnabruck, Eastern district.

Rev. William Smart.—Sent out to this country as a missionary by some society in London; settled at Brockville, Johnstown district.

Rev. William Bell.—Educated in Scotland; ordained among the dissenters from the Established Kirk; settled at Perth, now Bathurst district.

Rev. Robert M'Douall.—Ordained in the United States; settled in the Bay of Quinte, Midland district; has resided in the province many years.

Rev. James Harris.—Educated principally at Glasgow; admitted a licentiate by the Synod of Ulster; settled at York.

Rev. William Jenkins.—Ordained in the United States, for the purpose of residing among the Indians; came lately into the province, and settled in Markham, Home district.

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3.—Ministers in Communion with the Kirk of Scotland.

Rev. John M'Kenzie.—Has been about five years in the province, and is settled at Williamstown as minister of a part of the late Rev. John Bethune's congregation.

Rev. John M'Laurin.—Has been about five years in the province, and is settled at Lochiel as minister of another part of the late Rev. John Bethune's congregation.

Rev. Henry Leith.—Has been in the province only a few months, and is to be settled at Cornwall as minister of the remainder of the late Rev. John Bethune's congregation.

Rev. John Barclay.—Has been about 18 months in the province, and is settled at Kingston.

As the Methodists have no settled clergymen, it has been found difficult to ascertain the number of itinerants employed, but it is presumed not to be considerable, perhaps 10 or 12 in the whole province. The other denominations appear to have very few teachers, and these seemingly very ignorant.

Appendix (B.)

Amount of Receipts from the Lessees of the Clergy Reserves in this Province, after deducting the necessary Expenses.

	£.	s.	d.
In the Year 1820 - - - - - - -	259	15	6
— 1821 - - - - - - -	210	15	4
— 1822 - - - - - - -	150	6	8¾
£.	620	17	6¾
Average Receipt for each Year - - - - - -	£.206	19	2¼

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(No. 110.)

No. 4.
Sir P. Maitland to Earl Bathurst, 27 Dec. 1823.

Copy of a DESPATCH from Lieutenant-Governor Sir *P. Maitland*, K. C. B. to Earl *Bathurst*.

My Lord, Upper Canada, York, 27 December 1823.

The Bishop of Quebec and the clergy of this province have recently solicited my attention to the exertions of the ministers of the Kirk of Scotland, in order to obtain a share of the lands set apart within these colonies by Act of Parliament for the maintenance of a Protestant clergy.

With the nature and extent of those exertions, in as far as they have been directed to obtain the countenance and support of His Majesty's Government in England, your Lordship is necessarily acquainted; but it has been made an object by the Presbyterians to create within these provinces an interest in favour of their cause; and such steps have been taken for this purpose, that even had I not been addressed by the clergy, I should still have thought it my duty to bring the subject before your Lordship; and that it may be the better understood, I take the liberty to state at large the arguments which have been brought into the discussion by the respective parties.

It is said by the advocates of the claim of the Church of Scotland to participate in the Clergy Reserves, that by the fourth Article in the Act of Union it is declared, that "All the subjects of the United Kingdom of Great Britain shall from and after the Union have full freedom and intercourse of trade and navigation to and from any part or place within the said United Kingdom, and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges, and advantages which do or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed in these articles."

That the conquest of Canada having been made after the Union by the arms of both nations, Scotchmen who have settled in these provinces have as good a right as the English to have their church recognized as an established church, and have equal reason to claim for it the support of an establishment: that the 31 Geo. 3, c. 31, under the provisions of which the lands in question are reserved,

speaks

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speaks " of a Protestant clergy," without confining the support expressly to the clergy of the Church of England: that the clergy of the Church of Scotland are a Protestant clergy, and equally with the Church of England within the literal meaning of the term, and being on the principles of the Union as much entitled to expect such a provision, must be considered also as within the spirit and intention of the Act.

Secondly, They say that if the strict legal construction of the 31 Geo. 3 should exclude the clergy of the Church of Scotland, such an exclusion would be virtually a breach of the Articles of Union, and that they would have a just right to claim of His Majesty's Government some other adequate support.

In answer to the claim of right, it is said, on behalf of the Church of England, that the privileges and security intended to be afforded by the terms of the Union to the Presbyterian church government of Scotland are, by the very Act passed for that purpose, expressly confined to the Kingdom of Scotland; while by the corresponding Act, for " securing the Church of England as by law established," that Church is expressly declared to be the Established Church within the kingdoms of England and Ireland, the dominion of Wales, and town of Berwick-upon-Tweed, and the territories thereunto belonging.

That if by the territories thereunto belonging, we are to understand such territories only as belonged to England at the time of the Union, and not to construe the provision as extending prospectively to such as might be acquired by the arms of the United Kingdom, which would be " territories of Great Britain " rather than of England, it would only follow, that as the Presbyterian church government is clearly established only in Scotland, neither the one church nor the other would, according to the Articles of the Union, be entitled to be regarded as the Established Church within such subsequently acquired territories; and that consequently any privilege or advantage claimed for either must be grounded on the provisions of some positive law, which must bear its own construction: that to concede even this would, it is said, be granting too much, since by the Act of Union the statutes then in force for the establishment and preservation of the Church of England shall remain, it is declared, in full effect; some of which (1 Eliz. c. 2,) extend generally to the dominions of the Crown, while, as it has been before observed, the religion of Scotland, on the other hand, is, by the only Act which recognizes it, confined in terms to Scotland.

To reason thus, however, upon the right of the respective churches to be regarded as established in Canada, is to consider the question upon abstract principles, which cannot govern the point in issue, namely, for whose benefit the lands are reserved; because whether either or both of the churches be entitled to be considered as established in the province, as no right would be thereby acquired to either to have their clergy supported by a specific appropriation of lands reserved for their benefit, recourse must be had to the express words of the statute creating such support, in order to determine how it is to be bestowed.

The 31 Geo. 3, c. 31, does not in any manner recognize or allude to the clergy of the Church of Scotland; and if they can be brought within its provisions, it is only on the ground that the general term " Protestant clergy" necessarily embraces them: but upon the same construction the clergy of all other Protestant denominations must be admitted; and there are several denominations in Upper Canada far more considerable in number of teachers, and extent of congregations, than the Church of Scotland. Unless, therefore, the Scotch Church will agree to come in as one of these, under this general construction (and they disclaim to rest their claim on that ground), they must acknowledge the Act to be insufficient to support them, and must revert to the arguments founded on the Union, which have been already considered.

The expression " Protestant clergy" is certainly general, and, considered without reference to the context, is indefinite. Mention had been made in the previous clauses of the Bill of Roman-catholic clergy, and the word " Protestant" seems to have been adopted in contradistinction; but how it was meant to be limited in its application, may be learnt from the history of the statute, the terms of it, and the manner in which it was acted upon immediately after its passing.

When the Bill was first introduced by Mr. Pitt, it was one of the objections taken by its opponents, that the word " Protestant" was of too extensive signification. Afterwards, when the details were under discussion, Mr. Pitt

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expressly declared that the provisions were meant for the Established Church; that parishes were to be created and endowed, and rectors inducted, and that in time a bishop would be sent out, &c.

It was urged against the Bill, that the reservation of one-seventh of all the lands was too lavish a provision. The answer was, that it was not equal to the proportion in those cases in England, where tithes were commuted for land, nor equal to the tenth of the produce of the land, which is usually given in England.

This explanation of Mr. Pitt's clearly contemplates only one establishment, and that of the Church of England. The question was, not whether the reservation of lands was sufficient to support two religious establishments, but whether it was not more than sufficient for one; and it was declared to be barely adequate for one, by comparison with England, leaving out of view the consideration that it must be almost wholly unproductive for a long series of years.

Next, the statute itself, though it has the term "Protestant clergy," speaks only of a Protestant clergy, not of more than one; and if a Protestant clergy can mean more than one Protestant clergy, there can be no reason, from construction, why it should not mean every Protestant clergy. There must be something explanatory of such an intention in the Act before a Protestant clergy can be taken to mean two Protestant clergies, and only two.

The only explanation the Act affords, of the meaning intended to be given to the term, is to be found in a series of clauses following the reservation, all of which have relation expressly and solely to the Established Church of England, and which, besides, are followed by a clause which, in allusion to the preceding provisions, speaks of them as relating to the allotment and appropriation of lands for the support of a Protestant clergy.

If we are at liberty in any degree to infer the intention of the Act from what has been done under it, it is to be remarked, that the Royal Instructions, framed immediately after the passing, expressly declared that the preference of an established church within the province belongs only to the Church of England.

41st, 42d and 2d sections.

A bishop was sent out very soon afterwards. The King has recently vested in the English clergy, as a corporation, the management of all the reserved lands; and it is but lately that any claim to a participation has been advanced in behalf of the Church of Scotland.

With regard to the general merits of the question, independently of all technical constructions, assuming that the 31 Geo. 3, has made a provision in Canada, exclusively for the benefit of the Church of England, there is no reason to complain of the statute as an infraction of the Union, because, in the first place, it is a statute not of England, but of the United Parliament; and in the next place, it violates no express articles of the Union, but may be considered rather to comport with them so far as anything can be found in them bearing upon the subject.

Neither is there any pretence for saying that a Scotchman settling in Canada is wronged, because he finds no preacher of his own Church there paid by the Government for instructing him. He finds no such privilege in England, nor does an Englishman find such in Scotland, nor would either of them have found that privilege in Canada, except under the positive provision which has been made. In other British colonies since the Union, as, for instance, in the present United States of America, when they were dominions of Great Britain, there was no church establishment of any kind supported by the Government. In truth, it is expressly admitted that no subject of Great Britain emigrating to a colony carries with him any right to find provisions in force respecting the support of his religious teachers similar to those which prevailed in his own country. It is for the supreme power in the state to make such provision in this respect as may seem expedient. Natural right has nothing to do with it. Assuming, then, that the 31 Geo. 3, has made what seemed to be the best provision, and confined it to the Church of England, have the people of Scotland reason to complain of that preference as the disappointment of a just expectation authorized by the Act of Union? When a Scotchman who has all his life enjoyed his own system of civil and criminal law, emigrates to Canada, he finds he is no longer to enjoy the one or the other, because one British Act of Parliament has given to Canada the criminal law of England, and under the powers of another, the Provincial Legislature have adopted her civil code, so that a Scotchman

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who claims to find established here all the religious rites and forms of his country, finds none of the civil institutions he has left behind him, and yet the latter are secured to him by the very article on which he founds his claim to the former (so far as that article extends), in terms more applicable to the subject, and which are not explained away or limited by other provisions.

That he does find the English law here and not the Scotch, has arisen from the necessity of some one system being established, and from the power competent to make the selection having given preference to the former.

The same necessity of having but one religious establishment supported by the Government, where public countenance and support is given to any, seems acknowledged by uniform practice in all countries; and it is believed, that were the claim of the Church of Scotland admitted to be good to the extent to which it is urged, Canada would present the only instance of two church establishments in the same country; and if had happened that in other parts of the United Kingdom respectively there had been other forms of religion recognized as established, the same reason would have imposed on the Government the necessity of supporting in Canada many church establishments, and of paying their teachers, not merely for ministering in different forms of worship, but for inculcating opposite doctrines and principles of faith.

That such a system of things would not be politic anywhere, may be strongly inferred from its being adopted nowhere. If any form of religion is to be supported by the State, it is conceived to be the duty of the supreme power in that State, as it is of individuals, to decide which form is the purest and best, and having so decided, to encourage and support that, and to tolerate all others. The mischiefs of a different course may be easily predicted, though their extent cannot be foreseen. They may be readily illustrated by applying to the case under consideration.

In Upper Canada, the benevolent aid of the venerable Society for propagating the Gospel, and the prospect of additional support to be derived from the clergy reserves, have enabled and encouraged many clergymen of the Church of England to establish themselves in the province. Many churches have been built by their exertions, and congregations are assembling in them, who, before the arrival of regular clergy, had belonged to every class of Protestant dissenters. Even Lutheran and Calvinistic preachers have taken orders in the church, and with the Presbyterians, so long as no hope was excited of a rival establishment; this change was made with so little scruple, that (not to notice other proofs) two of the sons of a most respectable missionary of the Church of Scotland, who received a small stipend from the Government, and was till lately the only minister of that persuasion residing in the province, have taken orders in the Church of England, and are at this moment rectors of parishes.

Those, indeed, who in Scotland were zealous Presbyterians, are found everywhere in Canada among the most exemplary and active supporters of the English Church; and until these claims had begun to be agitated, any idea of the distinction between them appeared to be scarcely regarded among themselves, and had little observable influence of any kind upon their conduct.

The members of the Church of Scotland are perhaps the least numerous of any religious class in Upper Canada; and in most districts of the province there are but a few individuals, chiefly among the higher orders, who profess to belong to it. Until very recently there was but one minister sent from Scotland, at a very early period of the settlement, to the eastern part of the province, to which some Scotch Presbyterians had emigrated. Within these three or four years several other ministers have been sent out from that country, not so much because they were all required to supply the call of congregations desiring their ministry, as to extend the influence and strengthen the interests of that church. Since their arrival, these claims have been advanced with an eagerness which demonstrates the value they set upon the matter contended for. They have not contented themselves with addressing petitions to His Majesty's Government, but without waiting for the result, their advocates have endeavoured to extort from the Legislature an assertion of their right; and have laboured, at the hazard of exciting expectations among their flocks which may not be fulfilled, to obtain the judgment of a popular assembly upon a matter at this moment awaiting the decision of the King's Government; and when they found their claim of legal right to share in the appropriation of land not likely to be so supported, they

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changed their ground, and solicited a recognition of their just pretensions under the Act of Union to be maintained as an Established Church in Upper Canada.

If they should succeed on any ground in these claims or pretensions, and the Church of Scotland should be considered entitled as a church to the support of the Government, a rival establishment would be speedily built up, and encouraged to extend itself by means being held out to it in anticipation of its wants; there would be no longer that general disposition to harmonize with a church whose doctrines and whose government are so admirably congenial to the spirit and frame of our constitution; and those who now regard themselves as Episcopalians, and are bringing up their children members of the Church, would not merely desert her, but would contribute their most active services in concert with the Government to elevate another system of religion to a situation of equal power and influence. The jealousies and irritations that would attend the rivalry of two churches thus supported by Government against each other, cannot be calculated from any experience of circumstances entirely similar; for it is believed that the case would be without precedent; but the bitterness which might mark their progress may be inferred from the recollection of scenes which have been produced by the contests of religious sects when the objects of dispute were not so closely connected with great and obvious temporal interests, which in this case each church would expect to share in proportion to its progress.

To this consideration it may be added that the reserves in which the Scotch Church claims to participate, as they now yield scarcely anything, will never afford a provision more than adequate to the maintenance of one establishment, and that to divide it between two in proportion to the calls their respective exertions may be able to create, will have the certain effect of rendering it impossible that there should be a clergy supported upon that footing which was doubtless contemplated, and which can alone render them respectable and efficient.

It is besides not to be forgotten that the members of other religious sects in the province may be expected to look with a very justifiable degree of jealousy and uneasiness at a public encouragement afforded to the second church establishment, which perhaps, even more studiously than they, disclaims every dependance upon or control by the Government which would support then; and while it would derive every advantage over them which the aid of that Government can give, advances the same claim with themselves to popular favour by disclaiming that connexion with the State which the Episcopal Church, at whatever hazard of popularity, is ever ready to recognise.

I would not have your Lordship suppose, from the sentiments I have expressed upon the general question, that there is in my mind, or that there has ever been manifested by the Government of this province, a repugnance to acknowledge a claim of preference in the Church of Scotland over the different dissenting denominations to such assistance as His Majesty can conveniently provide them without material detriment to the Established Church. On the contrary, it has been the practice of my predecessors and myself to receive favourably every application which has been made for such assistance. Ground for the site of a church and church-yard, and an allotment of land for the residence of the minister, have been granted upon the call of any congregation in communion with the Scotch Church, and have been vested in the elders or in trustees nominated by the congregation according to their request. There have indeed been few applications of this kind, for there are even now but four clergymen of the Scotch Church in the whole province, and these are perhaps more in number than are really required, and have been sent here rather with a view to create congregations to than minister to them.

One of these newly arrived clergy, the Reverend Mr. Barclay, did indeed find occasion to prefer a request which I could not accede to, for a tract of land in the town of Kingston, reserved for military purposes, as an endowment to his church, so peculiarly situated, that I had been compelled to refuse it to the petition of the magistrates, who desired it for a public purpose. Your Lordship may recollect, that some time ago I addressed you on the subject of a stipend which had been granted by Government to Mr. Bell, an Independent Presbyterian preacher resident at Perth, in this province, and ventured to represent the propriety of confining such aid in future to those Presbyterians only who were members of the Church of Scotland, to which recommendation your Lordship was pleased to express your assent. This may prove sufficiently my desire

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to reeognize a distinction in favour of that church, on the ground of its being established in one portion of the United Kingdom; but while I would confine to the Church of Scotland the aid which the Government may choose to afford by occasional pecuniary provision when it is particularly called for by a pre-existing necessity, I am anxious as clearly to express my opinion, that it is to that kind of provision, given as it is wanted, and wholly in the discretion of the Government, the aid should be confined.

I cannot state so strongly as I would to your Lordship the importance I attach to the matter, without a risk of being unjustly thought to look with suspicion or unkindness upon the members of the church in whose claims I cannot concur. But there is something so peculiarly delicate in the situation of this valuable colony, that I must not be deterred, by any fear of misconstruction, from representing that a very great portion of its inhabitants have come from the neighbouring republic, where the Presbyterian Independent religion very much prevails; and though this would in time fall into communion with the Church of England, were there none other established, they will much more readily attach themselves to the Church of Scotland, if they can have ministers of that persuasion supported by the public.

The conclusion to which I would lead your Lordship is this: that in my view of the subject, the assistance to be afforded should not be to the Church of Scotland as a church, but should be granted to the prayer of a congregation which should be actually existing, and sufficient in number to require a teacher; that the provision should not appear to be held out by way of encouragement to the increase of that church, nor to be made at the expense of the Church of England.

Means do exist in most of the townships of this province, of affording a situation for a place of worship, and an allotment of land sufficiently extensive for the support of the pastor whenever it can be brought under cultivation, and which to succeeding incumbents would form a very valuable addition to the contributions they may receive from their congregations; and, with your Lordship's sanction, I should be happy to see them so applied.

I have addressed your Lordship at greater length than I would willingly have done, had I not considered the subject as highly important, and judged it to be of a nature to create a deep interest in your Lordship's mind.

I have, &c.

(signed) *P. Maitland.*

— No. 5. —

(No. 112.)

No. 5.
Sir P. Maitland to Earl Bathurst, 21 January 1824.

Copy of a DESPATCH from Lieutenant-Governor Sir *P. Maitland*, K. C. B. to Earl *Bathurst.*

My Lord, Upper Canada, York, 21 January 1824.

In transmitting the accompanying petition of the Commons House of Assembly of this province, to be laid before the King, relating to the claim of the Presbyterians of the Kirk of Scotland settled here, to participate in the lands reserved for the support of the Protestant clergy, under the provisions of the British Act of the 31st of his late Majesty, c. 31, I beg to refer your Lordship to the sentiments expressed upon that subject in my letter of the 27th of December last.

I have, &c.

(signed) *P. Maitland.*

No. 5.
Sir P. Maitland to Earl Bathurst, 27 Dec. 1823.

Encl. in No. 5.

Enclosure in No. 5.

To the King's Most Excellent Majesty.

Most Gracious Sovereign,

We, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most humbly beg leave to approach your Majesty, and to submit to your Majesty's most gracious consideration our earnest supplications on behalf of the clergy and members of the Established Church of Scotland in this portion of your dominions.

When the kingdoms of England and Scotland were (happily for both) united under the British Crown, the subjects of each were placed on a footing of reciprocity; they were to enjoy a full communication of every right, privilege, and advantage; and their respective Churches were established as "true Protestant Churches," within their particular limits; the clergy of both might therefore reasonably expect equally to participate in the benefits which might result from the Union.

Viewing the conquest of these provinces from the dominion of France by the United exertions of Great Britain and Ireland as one great advantage resulting from the Union, we humbly conceive that the Churches of England and Scotland had, after such conquest, equal rights as to the exercise and enjoyment of their respective religious privileges therein, and an equal claim to enjoy any advantages or support which might be derived from the newly acquired territory.

By an Act passed in the 31st year of the reign of our late revered Sovereign, whose memory will long live in our hearts, an appropriation is authorized to be made of one-seventh of the lands of the province for the support and maintenance of a Protestant clergy in this province, and under the general words, "a Protestant clergy," used in that Act, your Majesty's subjects in this province, who belong and are particularly attached to the Church of Scotland, fondly hoped that a provision had been made for the clergy of that Church as well as for those of the Church of England; and though the allotment of lands thus authorized has hitherto been in a great measure unproductive, they felt a degree of confidence that it would eventually afford a fair support to the clergy of both Churches the lands reserved under the said Act being claimed and enjoyed exclusively for the support and maintenance of the clergy of the Church of England in this province. We humbly entreat your Majesty's consideration of the subject, and if, in the legal construction of the said Act, it is considered that no provision for the clergy of the Church of Scotland was contemplated thereby, we would most respectfully and earnestly express to your Majesty our hope that your Majesty will be graciously pleased to extend to them your royal protection and consideration, by directing such provision to be made for their maintenance and support as to your Majesty may appear proper.

That your Majesty may long reign in the confidence and affection of all your subjects, to guard and secure their rights in every portion of your widely extended dominions, is the prayer of your Majesty's faithful subjects, the Commons of Upper Canada.

Commons House of Assembly, 5 January 1824. (signed) *Livius P. Sherwood*, Speaker.

—No. 6.—

No. 6.
Earl Bathurst to Sir P. Maitland, 8 May 1824.

Copy of a DESPATCH from Earl *Bathurst* to Lieutenant-governor Sir *P. Maitland.*

Sir, Downing-street, 8 May 1824.

I have the honour to acknowledge the receipt of your despatch of the 21st of January last, transmitting an Address from the House of Assembly of the Province of Upper Canada to his Majesty, relative to the claim advanced by the Presbyterians of the Kirk of Scotland, settled in the Province, to participate in the lands reserved for the support of a Protestant clergy under the Act of the 31 Geo. 3, and to acquaint you that the Address has been laid before The King.

I have, &c.

(signed) *Bathurst*

— No. 7. —

No. 7.
Rev. Dr. Mearns to Earl Bathurst, 21 April 1824.

COPY of a LETTER from the Rev. Dr. *Mearns* to Earl *Bathurst*, transmitting a Memorial of the General Assembly of the Church of Scotland.

King's College, Aberdeen,
21 April 1824.

My Lord,

I HAVE the honour of transmitting, and of respectfully soliciting your Lordship's attention to the accompanying memorial of a committee of the General Assembly of the Church of Scotland, relative to the condition of the Presbyterian clergy and people of the British Provinces of North America.

I have, &c.
(signed) *D. Mearns.*

Enclosure in No. 7.

MEMORIAL of a Committee of the General Assembly of the Church of Scotland, to the Right Honourable Earl *Bathurst*, K.G., His Majesty's Principal Secretary of State for Colonial Affairs, &c. &c. &c. Encl. in No 7.

THE memorialists beg leave to state, that having been appointed a Committee to inquire into the condition of the Presbyterian clergy and people of the British provinces in North America, as described in a petition presented by them to the General Assembly of the Church of Scotland; and being instructed to support, by all proper means in their power, the applications made to Government for their relief, they have, by means of a pretty extensive correspondence on the subject, ascertained, that the inconveniences and privations to which the Presbyterians of those provinces represent themselves as subjected, arising from deficient means of maintaining religious worship and instruction, are by no means overrated.

The Committee being aware that the religious and ecclesiastical condition of the North American colonies, has formed the subject of repeated communications transmitted to His Majesty's Government from these provinces, abstain from detailing at length the peculiar circumstances of hardship under which the districts inhabited solely or chiefly by Presbyterians severally labour. They deem it only necessary to state in general, that in many such districts already populous, the inhabitants, or a large proportion of them, possess no means of access to the ministrations of clergymen whose religious sentiments are congenial to their own; that in several less fully settled, but advancing in population, the people are wholly secluded from religious worship and instruction of every sort; and that in certain parts both of Upper Canada and Nova Scotia, so complete is this seclusion, or so great the repugnance to receive Christian ordinances at the hands of the Roman-catholic clergy, to whom only in some situations they have access, that the children of not a few Presbyterian families are at this moment growing up unbaptized.

It does not appear that the religious disadvantages under which the Presbyterians now labour are to be removed, or the danger to be apprehended from the impending influx of irreligion, or of sectarian principles subversive of sound morals and good Government excluded, by any other means than the appointment of a sufficient number of regular Presbyterian clergymen. It is true that instances are not wanting of Presbyterians, who, having no fixed pastors of their own to whom they can resort, have availed themselves of the services of Episcopal clergy. But the number is far greater of those who have in preference joined Irish, American or Scotch sectaries, or the English Methodists; while the great bulk of them remain stedfast to their own church under every disadvantage and privation.

With respect to the sources whence the funds necessary to afford a competent provision for a Presbyterian clergy in those provinces may be derived, your memorialists, while they would humbly recommend to the consideration of His Majesty's Government, the claims put forth on behalf of the Presbyterians for a share of the proceeds of lands reserved for the support of a Protestant clergy, are aware that this source must for a considerable space of time remain inadequate to the full accomplishment of the object for which it is destined. But they trust they may be excused for expressing a sanguine hope that for the accomplishment of an object which would prove so salutary and gratifying a boon to the great majority of the Protestant population of these colonies, adequate resources immediately available may, by the wisdom of His Majesty's Government, be discovered; nor can they entertain any doubt that the expense hereby incurred would be amply compensated by the improved character and condition of the people, and by the accelerated rapidity with which those fine provinces would become filled with settlers, capable of appreciating and assured of enjoying the solid advantages derived from the sacred institutions of their native country.

Should Government be induced, from a view of the pressing circumstances of the case, to provide for the settlement of Presbyterian clergymen in these colonies, the memorialists are authorized to state that the General Assembly of the Church of Scotland will rejoice to co-operate in the prosecution of so important a design, by making such arrangements

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Encl. in No. 7.

regarding them, as shall give to Government all the security for their good conduct and faithful discharge of their clerical duties, which subjection to regular ecclesiastical control can afford.

Signed in name and by appointment of the Committee of the General Assembly of the Church of Scotland, by

D. Mearns, D. D.
Professor of Divinity in the University of Aberdeen.

— No. 8. —

(No. 114.)

No. 8.
Sir P. Maitland to Earl Bathurst, 4 February 1824.

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *P. Maitland*, K. C.B. to Earl *Bathurst*; dated Upper Canada, York, 4 February 1824.

As Dr. Strachan intends to visit London, I have requested him to be the bearer to your Lordship of a proposition, which, at my suggestion, was some time ago reduced to writing by himself; and which, as it appears to me extremely well worthy of consideration, I am desirous to submit for your Lordship's judgment, while it is possible your attention may be, in a particular manner, called to the provision made for the church in this province by the Quebec Act. As Dr. Strachan is perfectly well acquainted with the present state of the Clergy Reserves in this province, and the prospects afforded by them of the future support of the church, I have put him fully in possession of my views with respect to the proposition which he will have the honour to lay before your Lordship; and if the principle of the measure should meet with the concurrence of your Lordship's judgment, I shall be happy that an opportunity has been afforded you of conferring upon its details with a person so well able to furnish complete and authentic information.

Although Dr. Strachan's visit to England is solely on his private affairs, I cannot, while taking the liberty of referring your Lordship to him for information upon the particular subject I have last adverted to, forbear to express the strong sense I entertain of Dr. Strachan's firm and zealous attachment to the Government, and of the great benefit he has conferred on this province, by his valuable services in the cause of education, during a residence of nearly 25 years.

Enclosure in No. 8.

CLERGY RESERVES.

Encl. in No. 8.

THE European nations, with the exception of the English, were particularly careful to provide for the religious instruction of their colonies, and from their very first settlement the provision for this important object kept pace with their growth.

This was particularly the case with France, Spain, and Portugal. Their provinces in America possessed the same religious establishments with the parent states, the same gradation of ranks, and still more abundant means of support.

The natural consequence was a more devoted attachment to their mother countries, and greater tranquillity among themselves, for had it not been for the revolt of the British Colonies, and the consequent convulsions of Europe, they would have still contained faithful.

In the British American settlements, no attention was paid by Government to the religious instruction of the people; they were left entirely to themselves, and but for the kindness of the Society for Propagating the Gospel in Foreign Parts, hardly one episcopal clergyman would have been found in British North America.

Of all denominations, the Established Church of England was the most destitute in the colonies, and laboured under the most serious difficulties, for parents were unable to bring up their children to the sacred profession, as they could not be ordained without going to Europe, a voyage at that that time both dangerous and expensive.

The effect of this was, that emigrants belonging to the Established Church, who settled in America, not having access to their own religious ministrations, became dissenters, and when the colonies rebelled, there was not among a population of three millions a single prelate, and but very few episcopal clergymen.

The folly of this policy was shown in the strongest light during the rebellion. The episcopal clergy and their congregations remained almost to a man loyal and faithful to the king, demonstrating by their conduct, that had proper care been taken to promote a religious establishment in union with that of England, the revolution would not have taken place.

Aware

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Aware of the pernicious effects of this narrow and unchristian policy, and sensible that the colonists ought to be attached to the parent state by religious as well as political feelings, the great William Pitt determined on forming a constitution for the Canadas, to provide for the religious instruction of the people, and to lay the foundation of an ecclesiastical establishment which would increase with the settlements.

This enlightened statesman well knew that the people of England consider a church establishment an essential part of their constitution; that Church and State are ideas inseparable in their minds, for the one is scarcely ever mentioned without mentioning the other, he was, therefore solicitous to produce the same community of feeling between Church and State in the Canadas that has been found so beneficial in England.

A religious establishment modelled on that of the mother country, became the more necessary, as a counterpoise to the Roman Catholic persuasion, which prevails in Lower Canada, so that in religion as well as in the preservation of their civil liberty, the Anglo-Canadians might look up to the British empire.

To accomplish this noble purpose, Mr. Pitt advised that one-seventh of the lands should be set apart in Upper and Lower Canada for the maintenance of a Protestant clergy.

In Upper Canada, this appropriation comprises one-seventh of the whole province; but in Lower Canada, one-seventh of those parts only which have been conceded since 1791.

When the order for setting aside one-seventh of the land for the maintenance of a Protestant clergy was sent to Canada, some difficulty was experienced in complying with its spirit. The whole district of Niagara, a large portion of the western district, and many townships along the St. Lawrence had been granted. The local government was therefore obliged to reserve blocks of land in the new townships that were nearest. Since that period, the Reserves have been chequered in every township as surveyed, according to a fixed principle.

The number of townships actually surveyed, appears to be 270, averaging, with a very few exceptions, 66,000 acres of land, one-seventh of which, 9,428 acres, equal 47 reserved lots of 200 acres each; consequently, in 270 townships, the number of such lots exceed 13,000, and contain more than two and a half millions of acres.

But as these lands partake of the quality of those around them, many lots will, from various causes, be found unfit for cultivation, so that the number of lots cannot be safely taken at present at more than 11,000, containing about 2,200,000 acres of land.

These numbers are only to be considered as the measure of the actual appropriation now made, but it goes on increasing as new townships are laid out and surveyed, so that the number of lots and quantity of land may be doubled by the time that the whole province is under grant.

This provision, ample as it appears to be, and as it must be in time, should nothing interfere to prevent its natural operation, has been hitherto inefficient, from causes now very obvious, though not perhaps anticipated in their full extent by the distinguished statesman who advised the appropriation.

These causes are:

1. The great encouragement given to settlers of good character in bestowing upon them great portions of land at a very trifling expense.

2. The gratuitous grants given to such persons as retained their loyalty during the American revolutionary war, and to sailors and soldiers who have served in the late war in Europe and America, as well as to the provincial militia.

So long as applicants can get lands for nothing, or a mere trifle, of the best quality, and in the most convenient situations, it cannot be expected that many leases will be taken up, and accordingly 1,000 leases only have issued in a period of 21 years.

That they will now begin to be taken up more rapidly is probable,

1. Because the best lands are nearly all conceded.

2. The lands remaining are so far back, that a lease near the market is becoming more desirable than a free grant.

3. Emigrants are anxious to remain in good settlements; and as there are no grantable lands in such, they will take leases.

4. Parents are commonly desirous of settling their children near them, and as purchasing is not always in their power, they will apply for leases.

But though leases will issue much faster during the next 21 years than they have done during the last, the difficulty experienced in collecting the rents, and the smallness of their amount, if strictly collected, prevent us from indulging the hope that the establishment will, under the present system of management, be able to keep pace with the wants of the people; for the whole revenue due at present from the leased Reserves amounts only to about 1,200 *l.* per annum, hardly sufficient, if all received, to support six clergymen; but scarcely 400 *l.* can be collected, without having recourse to legal process; so that as yet no clergymen have been borne on their proceeds.

That some attention in their management is necessary to make the Reserves sooner available for the purposes intended, is therefore very manifest, and will further appear from the fact that there are in the province about 150 townships, containing from 40 to 500 families, in most of which a clergyman might be usefully employed, and nearly double this number will be required before the expiration of 21 years, which, at the very moderate stipend of 200 *l.* sterling each, would require immediately 30,000 *l.* per annum, and, in the course of 21 years, 60,000 *l.* But let us suppose only 50 clergymen immediately required, and 200 by the end

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of 21 years; this would require a present revenue of 10,000 *l.* per annum, and 40,000 *l.* towards the end of the period. Now, in 21 years, only 1,000 leases have been taken up, yielding a revenue of about 1,200 *l.*; suppose that, in the next period of 21 years, four times as many leases are issued, and that the rents are rigidly exacted and collected, the revenue would hardly amount to 10,000 *l.* per annum; that is scarcely so much as is already required, on the lowest estimate.

The modification which appears most likely to secure the purposes of the appropriation is,

1st. To take out the clause of renewal, and allow, in lieu thereof, a compensation for the buildings when the reserve is sold or leased to another.

2d. To give the corporation power to sell as well as lease, at their discretion, reserving in each township such a portion of lands as may be sufficient to endow three or four parsonages, in case so many should be required.

3d. To place the money arising from the sales in the British Funds, the interest only to be made applicable to the support of the clergy.

Many important advantages would result from such modification:

1. The Reserves would no longer be made a temptation to rebellion, by an invading enemy offering them to the lessees.

2. One-seventh part of the country now locked up in mortmain, which in some degree impedes improvement, would be made free.

3. Means would soon be afforded to multiply clergymen to any number that might be equired.

4. A new link of attachment would be formed with the mother country.

5. The lessees would be more punctual in paying their rents, for fear of losing any claim to renewal or advantageous purchase.

Two hundred or 300 clergymen, living in Upper Canada in the midst of their congregations, presented to their livings by the king, and receiving the greater portion of their income from funds deposited in London, must attach the province to the parent state. Their influence would gradually spread; they would infuse into the population a tone and feeling entirely English, and acquiring by degrees the direction of education, which the clergy at home have always possessed, the very first feelings, sentiments, and opinions of the youth, must become British.

That in a very short time sales of lots would be more frequent than leases now are, will not be disputed by any who consider the manners and habits of the people of this country; they dislike all tenures except the fee-simple. It is therefore not extravagant to expect to sell 5,000 lots in the next 21 years, averaging 15 *s.* per acre; for though some might at first sell for 10 *s.*, yet many more would fetch 20 *s.*, and all, except bad lots, would gradually rise in price as the country improved and became full of people. Now 5,000 lots, averaging 15 *s.* per acre, 750,000 *l.*, which, at five per cent., would yield a revenue of 36,500 *l.*, and this added to the annual rents accruing from the leases, would amount to more than 40,000 *l.*, a revenue sufficient to pay nearly 200 clergymen.

The Clergy Reserves having never been broken in upon, are more numerous than those of the Crown, and therefore the result of the sales will be more favourable, and as many of the best Crown Reserves have been granted, the average price of the Clergy may be taken higher.

To secure the Reserves or their proceeds for the purposes mentioned, it appears necessary that the 41st section of the 31st of Geo. 3, c. 31, be repealed, by which alterations may be made by the provincial Legislature, in their disposition and extent, under certain restrictions and limitations.

Should any such alteration in the management and disposition of the Clergy Reserves, as is here contemplated, be deemed, after mature investigation, expedient, this appears a very proper time to propose it for the consideration of His Majesty's Government, when the claim of the Presbyterians to participate in their advantages is under deliberation, and will, as Dr. Stewart writes, be disposed of in this opening session of the Imperial Parliament.

SCHEME.

Let the corporation be empowered to sell as well as lease Clergy Reserves.

Let all the present lessees be warned that they may have their lots in fee-simple, at a reasonable price.

Let an office issue for each district, after due notice, restoring the lots of all such as have neglected to pay their rents.

Let the Reserves be leased or sold in lots of 200 acres, or in half lots of 100 acres, as may suit purchasers.

Let the rent on granting or renewing leases in townships, where Reserves have been sold, be one or two per cent. more than the interest of the money paid for such Reserves.

Let a portion of the Clergy Reserves not under lease, in populous townships, be put up to public sale from time to time, the up-set price increasing each time; this will command purchasers.

Let sales be limited or extended in number, at the discretion of the corporation, and let special Reserves be valued by a surveyor, to prevent imposition.

— No. 9. —

No. 9.
Earl Bathurst to Sir P. Maitland, 11 Dec. 1824.

COPY of a DESPATCH from Earl *Bathurst* to Lieutenant-Governor Sir *P. Maitland.*

Sir, Downing-street, 11 December 1824.

HIS Majesty's Government having entered into an arrangement for disposing of all the Crown Reserves, and part of the Clergy Reserves in Upper Canada, to a company which is about to be established, at a valuation to be fixed by Commissioners to be appointed for that purpose, I am to signify to you His Majesty's pleasure that you do intimate to the Corporation for managing the Clergy Reserves, that it will be necessary for them to abstain from granting leases of the Clergy Reserves until I communicate to you further instructions on this subject.

I have, &c.
(signed) *Bathurst.*

— No. 10. —

No. 10.
Sir P. Maitland to Earl Bathurst, 28 December 1825.

(No. 206.)

COPY of a DESPATCH from Lieutenant-Governor Sir *P. Maitland*, K.C.B. to Earl *Bathurst.*

My Lord, Upper Canada, York, 28 December 1825.

IN looking over the book containing my despatches to your Lordship, I observe an error in the entry of that of the 17th May 1819, which, as it may possibly also exist in the original transmitted to your Lordship, I am desirous should be corrected.

After stating that a difference of opinion prevails in this province, whether the 31st Geo. 3 intends that the proceeds of the Clergy Reserves should extend to Protestant ministers of all denominations, or be confined to those of the Established Church of England, the sentence, as recorded here, runs, "the law officers seems to incline to the former opinion;" whereas it should have been, "the law officers seem to incline to the latter opinion," the word "incline" having been used instead of one of more decided import, on account of some doubts having been entertained by the then Chief Justice of the province on the subject, but which have since, I have reason to think, been, on fuller consideration, entirely removed. The other law officers were always, I believe, decidedly of opinion that the Reserves appertained exclusively to the Church of England.

I am desirous that this explanation should be recorded, in case any future agitation of the question should render it necessary to refer to my communications on the subject.

I have, &c.
(signed) *P. Maitland.*

— No. 11. —

No. 11.
Sir P. Maitland to Earl Bathurst, 7 March 1826.

EXTRACT of a DESPATCH from Sir *P. Maitland*, K. C. B. to the Earl of *Bathurst*, dated Upper Canada, York, 7 March 1826.

IT becomes my duty to lay before your Lordship an Address to His Majesty, passed by the House of Assembly, in a committee of the whole, on the state of the province; and I have taken the liberty of transmitting with it copy of the answer given by me to the Address of the Assembly, together with such explanations as have appeared to me necessary.

Enclosure in No. 11.

TO The KING'S most Excellent Majesty.

May it please your Majesty,

Encl. in No. 11.

WE, your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada in provincial Parliament assembled, most humbly beg leave to approach your Majesty, to express our sentiments on a subject of deep interest to your faithful subjects of Upper Canada. We perceive, by the provisions of an Act passed during the last Session of the Imperial Parliament, that your Majesty is empowered to order the appropriation of a further allotment of land within this province for the support and maintenance of a Protestant clergy, in lieu of that portion of the lands already set apart for the purpose (called the Clergy Reserves), which has lately been, or is about to be sold to the Canada Land Com-

No. 11.
Sir P. Maitland to Earl Bathurst, 7 March 1826.

pany. We would most reluctantly appear to your Majesty as unfriendly to the cause of religion, but when we consider that one-seventh of all the surveyed lands within this province is already, by an Act passed in the thirty-first year of the reign of his late Majesty, applied to that object, and are of opinion that the extent of the present reservation is injurious to the prosperity of the colony, we feel a strong desire that no further appropriation may be made, but that your Majesty will be graciously pleased to submit to your Parliament the expediency of repealing so much of the late Act as permits the said further allotment.

We further most humbly represent, most gracious Sovereign, that the lands set apart in this province for the maintenance and support of a Protestant Clergy ought not to be enjoyed by any one denomination of Protestants to the exclusion of their Christian brethren of other denominations, equally conscientious in their respective modes of worshipping God, and equally entitled, as dutiful and loyal subjects, to the protection of your Majesty's benign and liberal Government; we therefore humbly hope it will, in your Majesty's wisdom be deemed expedient and just, that not only the present Reserves, but that any funds arising from the sales thereof, should be devoted to the advancement of the Christian religion generally, and the happiness of all your Majesty's subjects, of whatever denomination; or, if such application or distribution should be deemed inexpedient, that the profits arising from such appropriation should be applied to the purposes of education, and the general improvement of this province.

John Willson, Speaker.

Commons House of Assembly, 27 January 1826.

Gentlemen of the House of Assembly,

I WILL transmit to Earl Bathurst your Address to His Majesty, on the subject of the Clergy Reserves in this province; and I think it proper to make you aware that I have reason to believe the first object of your representation is grounded upon a misapprehension of the intention of the British statute to which you refer.

Note.—The Assembly were very distinctly assured, while this Address was in progress, that they were in error, if they supposed it was either the intention or effect of the Act of Parliament to which they refer to increase the reservation already made for the support of a Protestant clergy; and that the new reservation to be made, if the clergy desired it, was to be in lieu of that portion of the Clergy Reserves which the Canada Company were to purchase, and of which the proceeds were in that case to be transferred to the Crown.

The language of the Act, however, seems not very explicit, and, at all events, the construction given to it by the Assembly served as a pretence for an address upon the subject, the main object of which is to be found in the prayer with which it concludes.

I imagine if the Scotch Church had foreseen, as they easily might, that the claim advanced by them to participate as a Protestant Clergy in these Reserves, evidently set apart for the Established Church of England only, would have led to this claim in all other Protestant denominations to share equally, they would have paused before they made it; and it is not less probable, that if the Assembly had not had in view the opening the door to the present liberal application, they would not have been so forward to maintain the right of the Scotch Church when advanced singly.

As the matter now stands, I trust some good may arise from this Address, as it must show His Majesty's Government, that by giving away at all in a matter that, till very recently, was never agitated, they will not quiet expectations, but rather encourage discontent, unless they give way altogether, and leave the Church of England on a level with the dissenting sects. It would, I think, be at once useful and gratifying to be able to devise some means of affording support to the Church of Scotland within Upper Canada, and I believe a moderate provision would suffice; but I think this Address will plainly show how impolitic and unfortunate it would be to effect that object at the expense of the Church of England, and thus set an example that would encourage the clamours and attacks of every Protestant sect.

No. 12.
Earl Bathurst to Sir P. Maitland, 11 June 1826.

— No. 12. —

COPY of a DESPATCH from Earl *Bathurst* to Lieutenant-Governor Sir *P. Maitland*, K.C.B.

Sir, Downing-street, 11 June 1826.

I HAVE laid before the King the Address of the Legislative Assemby of Upper Canada, praying that His Majesty would be graciously pleased to submit to Parliament the propriety of repealing so much of the Act of 6 Geo. 4, c. 75, as permits the appropriation of lands in lieu of the Clergy Reserves. I have received His Majesty's commands to acquaint you that he is persuaded the House of Assembly would never have concurred in this Address, if they had been apprised of the true intent of the Act of Parliament referred to, which had not for its object any increase of the amount of the Reserves, specially allotted by the Imperial Parliament for the Established Church.

I have, &c.
(signed) *Bathurst.*

— No. 13. —

No. 13.
Earl Bathurst to Sir P. Maitland, 6 October 1826.

Copy of a DESPATCH from Earl *Bathurst* to Lieutenant-Governor Sir *P. Maitland*, K.C.B.

Sir, Downing-street, 6 October 1826.

You will receive instructions from the Treasury for the payment, from the funds to be derived from the Canada Company, of the sum of 750*l.* per annum for the salaries of the Presbyterian ministers, and a similar sum for the support of Roman-catholic priests.

I deem it advisable that the allowances which may be granted to ministers of the Presbyterian persuasion in Upper Canada should be limited to persons who are natural-born British subjects, who are in full communion with, and who are acknowledged by the Kirk of Scotland, by whom they should be recommended to the Lieutenant-governor for their appointments.

With respect to the Roman-catholic priests who are to receive an allowance from Government, they will be recommended to you by Bishop Macdonell, who will be considered responsible for their good conduct; and the Bishop himself, the Presbyterian minister, and also the priests, should be required to produce your certificate that they have been in the actual discharge of their duty for the period for which the salary is claimed, and that you have no objection to the payment being made.

I have, &c.
(signed) *Bathurst.*

— No. 14. —

(No. 5.)

No. 14.
Right Hon. W. Huskisson to Sir P. Maitland, 20 November 1827.

Copy of a DESPATCH from the Right Honourable *W. Huskisson* to Lieutenant-Governor Sir *P. Maitland*, K.C.B.

Sir, Downing-street, 20 November 1827.

The statute 7 & 8 Geo. 4, c. 62, s. 1, having empowered the Governor, Lieutenant-governor, or officer administering the government of Upper Canada, with the consent of the Executive Council, in pursuance of any instructions which may be issued by His Majesty, through one of his Principal Secretaries of State, to sell certain portions of the Clergy Reserves in that province, upon and subject to such conditions, provisoes, and regulations as His Majesty, by any such instructions, shall be pleased to appoint; I have received His Majesty's commands to convey to you the following instructions for your guidance in the sale of the lands mentioned in the statute in question.

It is His Majesty's pleasure that, with the advice of the Executive Council of the province, you do proceed with the sale of the lands, the alienation of which has been authorized by this Act of Parliament.

His Majesty, not being sufficiently informed of the various circumstances to which it may be necessary to advert in effecting the sale of these lands, is pleased to direct that you do select the particular lands to be offered to sale, with the advice of the Executive Council; and that, with their advice, you do further determine the proper time and manner of carrying into execution the powers of sale committed to you by the said Act of Parliament.

It is, however, His Majesty's pleasure that, in the selection of the lands to be offered for sale, such lands shall be preferred as, from their local situation, present the most serious obstacle to the general settlement of the province. The great object of the measure is to relieve the inhabitants from the difficulties which they have experienced in consequence of the wild lands reserved for the clergy remaining in an unimproved state in the immediate vicinity of improved tracts; every attention must therefore be paid to the accomplishment of this object. The obtaining an advantageous price, or the reservation to the clergy of tracts favourable for future settlement, are objects which, however important in themselves, must still be considered as subordinate to this first and principal design, and must, if necessary, be sacrificed to it. You will, however,

No. 14.
Right hon. W. Huskisson to Sir P. Maitland, 20 November 1827.

understand that no township should be entirely deprived of the whole of its Clergy Reserves, but that in each a tract of 300 or 400 acres should be reserved as a glebe for the Protestant clergymen who may in future times be settled in the township.

Considering the extent of the property thus to be alienated, and the importance of preserving the utmost order and punctuality in the accomplishment of so great an undertaking, it is His Majesty's pleasure that some proper person be appointed by you for the purpose of superintending the intended sales, so that there may be an officer individually and personally responsible for the due execution of this important trust.

His Majesty has been pleased to nominate for this employment Mr. Peter Robinson, a gentleman whose assiduity and zeal have been manifested in the discharge of various public services, in which he has been already engaged by the direction of His Majesty's Government. It is, however, His Majesty's pleasure that the appointment of Mr. Robinson should be suspended, if the Executive Council should state any objections which should, in your judgment, appear well founded, either to the employment of an agent for this particular service, or to the qualifications of this gentleman for the discharge of the duty in question. In that event, you will forthwith communicate the nature of such objections to me for His Majesty's decision.

You will fix, with the advice of the Executive Council, the proper rate of remuneration to be allowed to the agent; and with their advice you will issue such general instructions as may be necessary for his guidance. As the sale of the Clergy Reserves, under the authority of this statute, will probably be an operation of considerable length and difficulty, and as it is fit that some regular and systematic course of proceeding should be observed, in carrying into execution the intentions of Parliament in this respect, you will, with the advice of the Executive Council, prepare and transmit to me, for His Majesty's consideration, the draft of such general instructions to be issued by His Majesty, to the Lieutenant-governor of the province, as may be best adapted for the prevention of abuses, and for promoting method and punctuality in the sale of these lands. The draft, when so prepared, may form the basis of such general instructions as His Majesty will issue in pursuance of the powers vested in him by Parliament. But in the interval, and until such general instructions can be issued, it is His Majesty's pleasure that you do proceed, with the advice of the Executive Council, in effecting sales of the Clergy Reserves under the instructions conveyed to you in my present despatch.

I have, &c.
(signed) *W. Huskisson.*

— No. 15. —

No. 15.
Sir P. Maitland to the Right hon. W. Huskisson, 15 Dec. 1827.

EXTRACT of a DESPATCH from Lieutenant-governor Sir *P. Maitland* K.C.B. to the Right Honourable *W. Huskisson*; dated York, Upper Canada, 15 December 1827.

THE last point which I shall take the liberty at present to solicit your consideration of is, in my view of the subject, of greater consequence to the colony than any of the preceding; I mean the discussion, or rather the contest, about the Clergy Lands, which has arisen within these few years, and to which circumstances, which I confess I little anticipated, have concurred to give a more than ordinary importance.

It is deeply mortifying to me, and I assure you not a little painful to the well disposed and reflecting people of the Colony, to observe in the fragments of debates in Parliament, which find their way to us through the public prints, from what mistaken premises and in how false a spirit those few reason, who appear to take any interest in a question on which the moral and social welfare of these colonies so clearly turns.

Statements

No. 15.
Sir P. Maitland to the Right hon. W. Huskisson, 15 Dec. 1827.

Statements are assumed to be true which are quite unfounded, and the most groundless clamours of party seem to pass not merely for arguments, but facts. And, what is more extraordinary, the destruction of the only provision that exists for the religious instruction of the people, in a country which before the lapse of many years must contain millions, seems to be contemplated as a question of less than common concern, and to engage the attention of but two or three gentlemen who, for various reasons, have made up their minds to attack it.

I cannot believe that this question will be driven to a decision without its real merits being, at least, discussed, and without some exertion on the part of those from whom the maintenance of the national religion is expected to counteract what I consider the most injudicious and mischievous attempts against the welfare of this Colony that the worst enemy of the Government and of the people could devise.

It was in 1791 that the British Parliament made the provision for the support of a Protestant clergy, that is now absurdly attempted to be treated as a grievance; the country then contained some thousands of inhabitants, and people of various countries, and of all religions, have been pouring into it ever since. For 30 years no one ever heard or thought that the teachers of any religious sect, dissenting from the Established Church, claimed a right to participate in the Reserves.

The whole body of the Act shows that what was contemplated was the induction and endowment of a regular clergy of the Church of England, and that the expression of a Protestant clergy was used merely in contradistinction to the Roman Catholic clergy, whose rights had been treated of in previous clauses.

The acts of the British Government immediately after the statute was passed, as well as their declarations at the time, seem to me to indicate as clearly the same intention, and there is besides no want of evidence to the same effect from the witness of contemporaries.

That the Parliament of the mother-country and the Provincial Legislature had formerly, at least, no other impression, it is easy to show.

If Parliament meant in 1791, to endow a Scots Presbytery in Upper Canada, the Kirk certainly remained more than 30 years ignorant of that intention, and the one or two preachers sent by them to Canada, as well as their flocks, were utterly unconscious of what had been done for them during all that time.

It is about five or six years since I first heard of a mere suggestion being made (and that not by any persons professing to be their advocate), that the Act might receive such a construction, of course the notion spread, and from that time almost to this, the public mind has been unceasingly agitated by a discussion, started, I am convinced, in utter hopelessness of success, but assuming importance from the encouragement which fluctuating decisions held out to even the most unreasonable expectations. A firm and steady perseverance in a decision which certainly was once made, and which alone was expected, was all that was required, and is now all that is required to set the public mind for ever at rest in regard to the question.

The history of the discussion I think abundantly proves this; and it is not a little curious. During the whole time that it was taken for granted the Church of England was the National Church of the colonies, and that the portion of lands set apart for its maintenance was not to be distributed to bear the charge of preaching opposite doctrines, all was peace and contentment. The most cordial harmony and good will prevailed among the various sects. The Clergy Reserves were not complained of as a nuisance, any more than the thousands of acres in the hands of private speculators; the Church of England was not declaimed against as intolerant and grasping; her clergy were not calumniated, nor the columns of party newspapers filled with inflammatory abuse of all that good men revere; the Methodists, Quakers, Anabaptists, Independents, had as much love for the Church of England as they were observed to

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have for the Church of Scotland, and even the members of the latter Church, although they came from a portion of the empire where, and where only their religion is established, complained no more of finding the English Church exclusively supported by the State, than of finding the English laws alone in operation.

When the question was first started after this long period of quiet, it was not by the agency of the Kirk, or of their ministers in this country; at least, neither avowed it, but an individual member of the House of Assembly, having in charge no petition from that or from any other church, moved the question in rather a cautious manner, not appearing to trust much to a favourable decision on the point of legal right, but willing rather to show a readiness to accept a portion of the endowment as an acknowledgment of the claims of the Kirk to support, independent of the provisions of the British statute.

It is easy to understand the feelings and hopes which would ensure the mover of a resolution, disputing the property of the Church, the support of all the dissenting sects. It was only necessary to establish the position, that *a* Protestant clergy meant *two* Protestant clergy, and then the reasoning which had failed to oppose that construction successfully must have as little force in disputing that it meant a *dozen*, or indeed as many Protestant clergies as the province might contain. Any limitation of it afterwards must have been arbitrary, and irreconcilable with any legal or grammatical construction.

Address, with Despatch, No. 112 of 21 Jan. 1824.

It was in 1824, I think, that the first address went home. The decision of the King's Government was expressed in a manner that entirely confirmed the previous understanding of the Act. It was stated that, whenever the Church of Scotland could show that they had applied themselves, as the Church of England had long done, in collecting funds and making provision themselves for extending the Gospel in Upper Canada, the Government would be found willing to assist their exertions; an answer which clearly originated the claim of legal right, and placed the pledge of assistance upon a footing at once just and reasonable.

I believe there is little reason to doubt that the mother Church of Scotland thought so, and that the pecuniary aid which was not long after given by the Government to the few Scots ministers in the Province, was considered by them, and by the members of their Church in general, as a kind and satisfactory evidence of the disposition of the Government to aid them as far as they had reason to expect. But the disappointed hope of some few individuals has since led them into measures which must, I thought, have opened the eyes of the King's Government to the necessity of keeping a steady and decided course, and it clearly shows what will be the inevitable fruit of concessions little looked for, and more to be deprecated than I am able to express.

Despairing of establishing the legal claim of the Scotch Church to share the Reserves, the advocates of the cause have since resolved to address His Majesty, praying that the whole provision thus providently made for religious instruction shall be diverted from its object, and appropriated to the general purpose of education.

In this too, of course, they have had the still more hearty assent of the several dissenting sects, and nothing could be more acceptable to them than that by this sacrifice of her hopes by the Scots Church, on order to pull down the existing establishment, the National Church should be degraded to a sect, and all denominations be placed upon a level. Until this is done, or until all are allowed to share, and to share equally, a provision not more than adequate to the support of one establishment, it is as clear as the sun at noon-day, that no concession which may be made in favour of the Scots Church will in the end conciliate these their new allies; and it is equally clear that the anomaly of two establishments, the one connected with the Government, and the other independent of it, will yield no compensating advantage in any gratification it can be expected to afford to such inhabitants of the Colony as belong to either. That some of the well-disposed among the dissenters begin to perceive this, and have even now the honesty to avow it, will appear on the perusal of a pamphlet which I take the liberty of sending, and which we know to be the production

Pamphlet.

of

of a British Wesleyan minister settled in this Province. It is written with clearness, and not without talent, and will compensate any one for the trouble of reading it, who desires to understand the question at issue.

No. 15.
Sir P. Maitland to the Right hon. W. Huskisson, 15 Dec. 1827.

At an early stage of this question I endeavoured to place my view of it before Lord Bathurst, in a despatch dated the 27th of December 1823, to which you may perhaps think it worth while to refer. It contained the opinion of the legal advisers of the Government here upon the question, and I will add that subsequent observation and reflection have in no respect led me to change my opinions.

Note.-The opinions herein alluded to were not enclosed in Sir P. Maitland's Despatch of 27 Dec. 1823, but their substance embodied in it.

The Bishop and Clergy of the two provinces will not be wanting, I trust, in a duty which, on this occasion, they owe to their country rather than to themselves. But whatever their intentions may be, they have not made any communication of them to me, nor are they at all aware that an anxiety not less than their own in the final issue of the question has prompted me to address you on the subject. Some observations which were made last session in the House of Commons has produced an expectation that in the approaching session the question of the Church Establishment in these colonies will be fairly brought into discussion.

I earnestly hope it may speedily be decided, for nothing can be more hurtful to the cause of religion itself, and few things more unfavourable to the tranquillity of the country, than its remaining apparently a doubtful point. Hopes are indulged too absurd ever to be justified, and the means resorted to for obtaining success, have a pernicious influence upon the public mind.

I never have allowed myself to suppose for a moment that an endowment claimed under an Act of Parliament, and enjoyed by the National Church with the acquiescence of all mankind for more than 30 years, will be even in the slightest degree diminished by any measure of the Imperial Parliament, until every opportunity has been afforded to the Bishop and Clergy of the diocese to maintain their claim, and to show the fallacy of the arguments and principles on which it is attacked.

— No. 16. —

(No. 23.)

COPY of a DESPATCH from Lieutenant-governor Sir *P. Maitland*, K. C. B. to the Right Honourable *W. Huskisson*.

No. 16.
Sir P. Maitland to the Right hon. W. Huskisson, 12 May 1828.

Sir, Upper Canada, York, 12 May 1828.

I HAVE the honour to transmit to you an address of the House of Assembly to His Majesty, voted in their last session. It relates to the provision made by law for the maintenance of a Protestant clergy, and to the royal charter, by which an university has been recently founded in this Province.

20 March 1828.

With respect to the university of King's College, I feel it only necessary to observe that its charter was framed upon the most liberal principles. The exertions of Archdeacon Strachan were in reality chiefly required to be directed to that end, in order that the least possible ground might be left for cavil. The college has been actually endowed with the lands assigned for that purpose. The council has been formed, and measures are in progress for rendering it, as speedily as possible, productive of that advantage to the country which every good and enlightened person anxiously expects from so desirable an institution.

As regards those passages in the address which relate to the Clergy Reserves and to the Church of England, I beg to be distinctly understood as declining to give the slightest confirmation by my testimony to the statements and assumptions they contain, and in particular as to the general and rooted aversion to the Church of England, which is stated to exist in this Province.

I must declare that I observed no trace of such a feeling on my arrival here, nor for many years afterwards, and I wholly discredit its existence at this moment among the people generally, though I have not failed to observe the industrious exertions which have recently, for very obvious reasons, been used

No. 17.
Sir P. Maitland to the Right hon. W. Huskisson,
12 May 1828.

to excite it, by a party in whose public conduct there is but little which entitles them either to the respect of their fellow-subjects or to the attention of the Government.

I also beg leave to enclose a copy of my answer to the request of the Assembly to me, to forward their address to the King.

I have, &c.
(signed) *P. Maitland.*

Enclosure in No. 16.

TO The KING's Most Excellent Majesty.

Most Gracious Sovereign,

Encl. in No. 16.

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

We beg leave to inform Your Majesty, that of Your Majesty's subjects in this Province, only a small proportion are members of the Church of England; that there is not any peculiar tendency to that Church among the people, and that nothing could cause more alarm and grief in their minds than the apprehension that there was a design on the part of Your Majesty's Government to establish, as a part of the State, one or more Church or denominations of Christians in this Province, with rights and endowments not granted to Your Majesty's subjects in general of other denominations, who are equally conscientious and deserving, and equally loyal and attached to Your Majesty's royal person and Government. In following honestly the dictates of their conscience as regards the great and important subject of religion, the latter have never been conscious that they have violated any law or any obligation of a good subject, or done anything to forfeit Your Majesty's favour and protection, or to exclude themselves from a participation in the rights and privileges enjoyed by Your Majesty's other subjects.

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

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

We would also beg leave to state, that it is the general desire of Your Majesty's subjects in this Province, that the monies arising from the sale of any of the lands set apart in this Province for the support and maintenance of a Protestant clergy, should be entirely appropriated to purposes of education and internal improvement. We would most humbly represent, that to apply them to the benefit of one or two Christian denominations to the exclusion of others, would be unjust as well as impolitic, and that it might perhaps be found impracticable to divide them among all. We have no reason to fear that the cause of religion would suffer materially from not giving a public support to its ministers, and from leaving them to be supported by the liberality of their people. Many works for the internal improvement of the Province, of great importance to its prosperity and to the ease and comfort of Your Majesty's subjects, are necessarily neglected for the want of money in the provincial treasury; for although the taxes are only of a trifling amount, yet, from the scarcity

scarcity of money and the want of even a tolerable price for the productions of their farms, they are paid with great difficulty by many of Your Majesty's people; it is impossible, therefore, to raise by taxation the means necessary to undertake and carry on those works. It is also most desirable that a larger sum than is at present at our disposal should be employed to extend through the country the advantages of education.

No. 16.
Sir P. Maitland to the Right Hon. W. Huskisson, 12 May 1828.

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

Encl. in No. 16.

Commons House of Assembly, 20 March 1828. (signed) *John Willson*, Speaker.

Gentlemen of the House of Assembly,

I will transmit your address to His Majesty's Government; and I think I need scarcely assure you, that if the loyalty of the inhabitants of this Province has been impeached, of which I am not aware, it could neither require nor receive a stronger vindication than would be found in the representations which have been continually transmitted from this Government by my predecessors as well as by myself.

The great importance of providing for religious instruction, and for education generally, is happily exemplified in the moral condition of the people of the United Kingdom; and the measures which have been taken by His Majesty, in order to secure the same blessings to this colony, subjecting no portion of its inhabitants to burthens or to civil disabilities of any kind, cannot fail, in the end, to be rightly understood and gratefully appreciated.

— No. 17. —

Extract of DESPATCH from Secretary Sir *George Murray*, G.C.B. to Sir *John Colborne*, K.C.B.; dated Downing-street, 29 September 1828.

On the subject of Clergy Reserves, I have to acknowledge the receipt of a despatch from Sir Peregrine Maitland, dated the 12th of May, enclosing an address from the House of Assembly to His Majesty, praying that the monies arising from the sale of lands set apart in the Province for the support and maintenance of a Protestant clergy may be placed at the disposal of the Legislature of the Province, for defraying the expense of certain public works for the internal improvement of the country, and for the promotion of general education.

No. 17.
Sir G. Murray to Sir J. Colborne, 29 Sept. 1828.

In this address it is stated that only a small proportion of the inhabitants of the Province are members of the Church of England, and that the university recently established under the royal charter will produce no practical benefit to the majority of the people, but will be regarded with distrust, in consequence of the peculiar privileges which it confers upon members of the English Church. It is therefore desired that a new charter may be granted, upon more comprehensive principles.

Your Excellency will acquaint the House of Assembly that I have laid their address before the King; and that I have it in command to convey, through you, to the House, the expression of His Majesty's satisfaction in the assurances of loyalty and attachment to his person and Government which are contained in this address. You will further assure them that His Majesty will at all times receive with the most serious attention any representation which may be made to him by the Representatives of his faithful subjects in Upper Canada, in the Provincial Parliament assembled, for advancing the prosperity of this important and interesting portion of his dominions.

Your Excellency is, however, aware that the existing Acts of Parliament have placed in the hands of His Majesty's Government a very limited discretionary authority respecting the appropriation of the Clergy Reserves, or the proceeds arising from their sale. In case of it being deemed proper, however, to bring the whole of this subject under the revision of Parliament, with a view to the amendment of the existing statutes, it will be desirable that I should be provided with returns from your Excellency on the subject of the Clergy Reserves in Upper Canada, similar to those which I have directed Sir James Kempt to transmit to me with reference to the Reserves in the Lower Province.

It would be deservedly a subject of regret to His Majesty's Government if the university recently established at York should prove to have been founded upon principles which cannot be made to accord with the general feelings and opinions of those for whose advantage it was intended.

No. 18.
Sir J. Colborne to Sir G. Murray, 16 Feb. 1829.

— No. 18. —

(No. 4.)

EXTRACT of a DESPATCH from Lieutenant-general Sir *John Colborne*, K.C.B. to Sir *George Murray*, G.C.B; dated Upper Canada, Government-house, York, 16 February 1829.

I FORWARD also a copy of my Message, in answer to the Address respecting the Clergy Reserves.

Enclosure in No. 18.

(Extract.)

MESSAGE to the House of Assembly; signed *J. Colborne.*

Encl. in No. 18.

THE Lieutenant-governor acquaints the House of Assembly that His Majesty's Secretary of State for the Colonies has acknowledged the receipt of a despatch, with an address, from the House of Assembly of the last Parliament, praying that the monies arising from the sale of lands set apart in this Province for the support and maintenance of a Protestant clergy may be placed at the disposal of the Legislature of the Province, for defraying the expense of certain public works for the internal improvement of the country, and for the promotion of general education.

This address has been laid before the King, and His Majesty has been graciously pleased to express his satisfaction in the assurances of loyalty and attachment to his person and Government which are contained in it; and that His Majesty will at all times receive with the most serious attention any representation which may be made to him by the Representatives of his faithful subjects in Upper Canada, in Provincial Parliament assembled, for advancing the prosperity of this important and interesting portion of his dominions.

The Lieutenant-governor, however, is given to understand, from the Secretary of State, that the present statutes respecting the appropriation of the Clergy Reserves grant a very limited discretionary power to His Majesty's Government; and that in case a revision of them should be deemed necessary, with a view to any alteration in their provisions, much information on that subject, in all its bearings, is required, and will soon be obtained by His Majesty's Ministers.

— No. 19. —

(No. 13.)

No. 19.
Sir J. Colborne to Sir G. Murray, 11 April 1829.

EXTRACT of a DESPATCH from Lieutenant-general Sir *John Colborne*, K.C.B. to Sir *George Murray*, G.C.B.; dated Upper Canada, York, 11 April 1829.

IT is not probable that any means could be resorted to in this Province for making a provision for the support of the clergy, if funds for that purpose should not be created from the sale of the Reserves. The sums arising from these lands will, I conclude, be placed in the English funds; but wherever there is a Clergy Reserve, and a considerable congregation is collected, and a church built, I think the parish should be endowed with a glebe for the support of a minister.

If it be decided that the Presbyterians are to receive a proportion of the Reserves, the clamour of the other dissenters will be as great as that now raised by the former. Under these circumstances, would it not be prudent to propose some measure that would place the whole of the Clergy Reserves at the disposal of the Crown, for the future provision of a Protestant Episcopal clergy, or for the support of ministers of other Protestant Churches, in certain cases, to be decided on by His Majesty's Government.

The population being widely dispersed, few individuals, I believe, object to frequent the church nearest to them, whatever may be their creed; and where a preacher appears, the congregation is generally considerable. One of the clergy reports to me that he often finds families in the woods that belong to no church or sect, nor have scarcely heard of religion. It is evident, therefore, that no statement can be made that would afford information as to the numerical proportion which the Churches of England and Scotland bear to each other; nor

nor can any just estimate be formed from the number of their ministers or their churches.

No. 19.
Sir J. Colborne to Sir G. Murray, 11 April 1829.

The Methodists apparently exceed greatly the number of the former churches.

If a more ardent zeal be not shown by the Established Church, and a very different kind of minister than that which is generally to be found in this Province sent out from England, it is obvious that the members of the Established Church will soon be inconsiderable, and that it will continue to lose ground.

I should recommend that a travelling clergyman be appointed to take charge of each district, for the purpose of collecting congregations and establishing schools, before the churches are built.

If this plan be not adopted, and great exertions made, the lower classes will leave the Established Church. In three or four townships, where the clergymen are fit for this Province, the Methodists decrease.

Most of the Methodist preachers are reported to be natives of the United States. These certainly have shown the influence they possess at the general elections; and there can be no doubt that if the Wesleyan Methodists could be prevailed on, in England, to supply this Province with preachers, that the Methodists of this country would become, as a political body, of less importance than they are at present.

I shall have occasion to resume this subject in my reply to your despatch respecting the Indian department.

— No. 20. —

(No. 3.)

COPY of a DESPATCH from Lieutenant-Governor Sir *John Colborne*, K.C.B. to the Right Honourable Sir *George Murray*, G.C.B.

No. 20.
Sir J. Colborne to Sir G. Murray, 25 January 1830.

Sir, Upper Canada, York, 25 Jan. 1830.

WITH reference to Lord Bathurst's despatch of the 6th of October 1826, I have the honour to forward the enclosed copy of a memorial from the Presbyterian ministers of Upper Canada, not in direct communion with the Kirk of Scotland, praying that they may be considered entitled to share the advantages which are enjoyed by the ministers authorized to receive them by the despatch above mentioned.

I have, &c.

(signed) *J. Colborne.*

Enclosure in No. 20.

To His Excellency Sir *John Colborne*, K.C.B. Lieut.-Governor of the Province of Upper Canada, and Major-General Commanding His Majesty's Forces therein, &c. &c.

Encl. in No. 20.

The Petition of the Presbyterian Ministers of the United Presbytery of Upper Canada, convened at York the 1st of September 1829.

Humbly and respectfully Showeth,

THAT we, your dutiful and loyal petitioners, profess the doctrines and discipline of the Church of Scotland as contained in the Westminster Confession of Faith, and as provision has been made for the ministers of that communion, and as they themselves have declared in their resolutions (a copy of which is in your Excellency's possession), that whatever causes may have divided us in the mother country, there is no real cause why they and we should not be united in this Province; and as we are willing to unite with them when the said union shall be sanctioned by the general assembly of the Church of Scotland; but even if the anticipated and much desired union should not take place, we consider that we have strong and efficient claims entitling us to participate in any provision that has or may hereafter be made for the Presbyterian clergy in this province.

We are 12 in number, and have laboured indefatigably in the Gospel ministry from one to thirty years, and trust that our labours have succeeded in extending the blessings of education and promoting the good order of society, and in particular in promoting the spiritual and temporal welfare of His Majesty's subjects in the colony by every effort in our

No. 20.
Sir J. Colborne to Sir G. Murray, 25 January 1830.

Encl. in No. 20.

power, inculcating piety to God, loyalty to our king, and obedience to the laws. We therefore feel perfectly confident that your Excellency will and does appreciate these efforts, and in addition to our approving conscience, it affords us no small consolation to meet with the approbation of the representative of our beloved and revered sovereign. We have all been educated in seminaries the professors of which were of the first standing for talent and literature; the most of us have degrees from the Royal College of Glasgow, and preach in four or five different places, from 20 to 30 miles distant, and have 24 churches built and two building. From the difficulties we have encountered, the privations we have suffered, and our well-tried loyalty to His Majesty, we therefore most humbly pray that your Excellency will take our claims and situation into your favourable consideration, and recommend us to His Majesty's Government as being worthy to participate equally in any provision that has or may be hereafter made for the Presbyterian ministers, or in such a way as may seem most expedient to your Excellency, to promote the peace, comfort, and happiness of the Presbyterian church in this colony.

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

Signed in the name and behalf of the Presbytery.

(signed) *William Smart*, Moderator.
William Bell, Presbytery Clerk.

— No. 21. —

(No. 77.)

COPY of a DESPATCH from the Right Honourable Sir *George Murray*, G.C.B. to Lieutenant-Governor Sir *John Colborne*, K.C.B.

No. 21.
Sir G. Murray to Sir J. Colborne, 1 August 1830.

Sir, Downing-street, 1 Aug. 1830.

I HAVE the honour to acknowledge the receipt of your despatch of the 25th January last, enclosing the copy of a memorial from the Presbyterian ministers of Upper Canada, not in direct communion with the Church of Scotland, praying that they may be considered entitled to share the allowance granted to the ministers of the Church of Scotland from the fund of the Canada Company by Lord Bathurst's despatch of the 6th October 1826.

It appears to me very desirable, if such a measure could be accomplished, that the whole of the Presbyterian clergy of the Province should form a Presbytery or Synod, and that each Presbyterian minister who is to receive an allowance from Government should be recommended by that body, in like manner as the Roman-catholic priests who receive assistance from Government, are recommended by the Roman-catholic bishop. By this arrangement the whole of the Presbyterian clergy of Upper Canada would be placed upon the same footing, with respect to the assistance afforded by Government towards their support; whereas, under the present plan, the Government has an indirect connexion with a part only of the Presbyterian body in Upper Canada to the exclusion of the remainder.

You will therefore consider yourself authorized to consult with the leading members of the Presbyterian body in Upper Canada, as to their disposition to adopt a union of the nature which I have suggested in this despatch, and report to me on the subject.

I have, &c.
(signed) *G. Murray.*

— No. 22. —

(No. 37.)

COPY of a DESPATCH from Lieutenant-Governor Sir *John Colborne*, K.C.B. to the Right Honourable Sir *George Murray*, G.C.B.

No. 22.
Sir J. Colborne to Sir G. Murray, 4 Sept. 1830.

Sir, Upper Canada, York, 4 September 1830.

I HAVE the honour to transmit to you a Memorial from the Ministers of the United Presbytery of Upper Canada, in which they urge their claims to receive a portion of the allowance granted by His Majesty's Government for the support of Ministers of the Church of Scotland, officiating in this Province.

I beg to state that, as the Memorialists are some of the most diligent ministers in the Province, and have under their charge numerous congregations, it appears desirable for the interests of the large proportion of the population with whom they are connected, that they should not be excluded from any future arrangement that may be made for the temporary support of the Presbyterian ministers.

I have, &c.
(signed) *J. Colborne.*

No. 22.
Sir G. Murray to Sir J. Colborne, 4 Sept. 1830.

Encl. in No. 22.

Enclosure in No. 22.

To the Right Honourable Sir *George Murray*, His Majesty's Principal Secretary of State for the Colonies.

The Petition of the Ministers of the United Presbytery of Upper Canada,

Humbly Showeth,

That, in the year 1818 a number of Presbyterian Ministers, originally from different parts of Great Britain and Ireland, and at that time resident in different parts of the Province, being desirous of promoting the moral and religious prosperity of the Province, joined in forming the "The United Presbytery of Upper Canada," the fundamental principle of which was, and still is, an adherence to the doctrines, government, discipline, and manner of worship of the Church of Scotland, as set forth in the Westminster Confession of Faith.

The Presbytery being formed, public addresses were forwarded to His Grace the Duke of Richmond, Governor-in-Chief, and to His Excellency Sir Peregrine Maitland, stating the objects and views of the Presbytery, which met with cordial approbation.

The design of the Presbytery was to unite all the Presbyterians in the Province, in one body, without reference to those differences which had separated them in the mother country; and their efforts have been so successful, that, at the present time, there are 15 ministers belonging to the Presbytery, labouring in 77 congregations collected by them, besides 68 missionary stations which they occasionally visit. They have been principally educated at Scottish universities, and although they are not in actual communion with the Church of Scotland, they have been all ordained according to her forms.

A few years ago, the ministers in this country, in connexion with the Church of Scotland, who are much less numerous than your Petitioners, requested your Petitioners to join with them in an application to His Majesty's Government, for pecuniary assistance. They did so; and the signatures of their numerous congregations were attached to these petitions, as well as money forwarded to assist in sending home an agent to represent the Presbyterian claims in general. But, to their great surprise, the original petition, for which the signatures were obtained, was suppressed, and another substituted in its place, representing only the claims of the ministers of the Church of Scotland. In consequence of which, your Petitioners have been overlooked in the liberal provision made by the Government for Presbyterian ministers in Upper Canada, although the exertions of your Petitioners in promoting the loyalty of the people, as well as their moral and religious instruction, have been greater, their residence in the country being longer, and their congregations far more numerous. Your Petitioners, however, feel confident, from the known justice and liberality of His Majesty's Government, that when these circumstances are made known, a similar salary will be granted to your Petitioners. To deny this would be to throw a reproach upon the labours of your Petitioners, and to create unnecessary and invidious distinctions among His Majesty's Presbyterian subjects; and such distinctions have, in any case, a most pernicious tendency, but particularly so in this Province.

Your Petitioners, the Ministers of the United Presbytery of Upper Canada, do, therefore, most earnestly urge and entreat that their claims may be brought under the favourable consideration of His Majesty's Government, and such an allowance granted as they in their wisdom may deem expedient. And your Petitioners, as in duty bound, will ever pray.

Signed in the name of the Presbytery, York, 1st September 1830.

Robert M'Dowall, Moderator.
William Smart, Presbytery Clerk.

— No. 23. —

(No. 6.)

Copy of a DESPATCH from Viscount *Goderich* to Lieutenant-Governor Sir *John Colborne*, K.C.B.

Sir, Downing-street, 29 December 1830.

No. 23.
Viscount Goderich to Sir J. Colborne, 29 Dec. 1830.

With reference to Mr. Robinson's reports on the sales which have been made of certain portions of the Clergy Reserves in Upper Canada, I am to request that you will inform me whether the provisions of the Act 7 & 8 Geo. 4, have been complied with, as far as placing in the public funds of Great Britain the monies arising from the sale of Clergy Reserves, for which purpose it will not be necessary for you to wait for any further instructions from this department. I am also to request that you will direct Mr. Robinson to transmit the returns of the sales which have been made of Clergy Lands, as soon as possible after the 1st of July and 1st of January in each year, as the latest which have been received in my office are only made up to the 31st of December 1829.

I have, &c.
(signed) *Goderich.*

— No. 24. —

(No. 7.)

No. 24.
Sir J. Colborne to Viscount Goderich, 18 March 1831.

COPY of a DESPATCH from Lieutenant-governor Sir *John Colborne*, K.C.B. to Viscount *Goderich*.

Upper Canada, York,
18 March 1831.

My Lord,

I HAVE the honour to forward to your Lordship an Address to the King from the Legislative Council of this Province, respecting the reservation of land made by law for the support of a Protestant clergy in Upper Canada.

I have, &c.
(signed) *J. Colborne.*

Enclosure in No. 24.

To The KING's Most Excellent MAJESTY.

Most Gracious Sovereign,

Encl. in No. 24.

WE, Your Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly beg leave to address ourselves to Your Majesty on a subject of the utmost consequence to the future welfare of the colony.

We observe with great concern the efforts which are making in this colony to inculcate the opinion that it is an infringement of liberty to make provision for the support of the Christian religion, by maintaining some form of public worship, even although such a provision should be made (as in this Province it has been made) without imposing a burthen upon any class of the people, and without subjecting to any civil disability those persons who profess a different faith.

As one of the branches of the Legislature of this colony, we feel it to be our duty to declare our dissent from such a position, as being directly repugnant to principles which have been long and firmly established in every part of the British empire, and expressly at variance with the original constitution of this Province, and with the sacred pledge given by Your Majesty's late royal Father when Canada became a British province.

In the first arrangements made by his late Majesty and by Parliament by the government of Canada, it was their principal care to continue and assure to the inhabitants that provision which the French government had made for the support of religion, and, accordingly, the clergy of the Roman Catholic church were secured in the enjoyment of all their legal and accustomed rights; and many years afterwards, when the accession of a large English population, particularly in this portion of Canada, rendered it proper to divide the Province and to make provision for two separate governments, His Majesty, in a message to Parliament, expressly recommended to them to "consider of such provisions as should be necessary for enabling His Majesty to make a permanent appropriation of lands in the said Provinces for the support and maintenance of a Protestant clergy within the same."

Concurring in this recommendation of His Majesty, the Parliament of Great Britain, by the Statute 31 Geo. 3, c. 31, made a provision for the support of a Protestant clergy in this Province, in the terms of the Royal Message, and they secured it by enactments so direct and positive, and so particular in their details, that there can be no part of the British empire in which a public provision for the maintenance of religion stands on plainer ground than in the provinces of Canada.

It was not until after this provision had existed without complaint or remonstrance for more than 30 years that any attempt was made to excite a feeling of dissatisfaction in respect to it. Among the objections which have been urged against it since that period it has been stated, that the Reserves, by remaining waste, obstruct the settlement of the Province, and that the quantity of land reserved is excessive in proportion to the object.

With respect to the first objection, it has always been exaggerated, and the reasoning in support of it was daily becoming weaker in consequence of the occupation of the Reserves by lessees, even before the measures which have lately been taken for their sale under the authority of a recent Act of the Imperial Parliament.

Since they have been thus placed in a course of gradual alienation, there not only remains no fair objection of that kind, but it is in reality a great benefit to the country that respectable emigrants, coming at this late period from Europe, are enabled by the opportunity of purchasing these Clergy Reserves to obtain lands in eligible situations upon convenient and moderate terms.

With regard to the argument, that the allotment for religious purposes is excessive and disproportioned to the object, it is easy to set at rest any question on that point, and to afford the most exclusive assurance that nothing more than an adequate provision is desired. This Province is divided into townships, each of which contains about 100 square miles, and

and in many of which there are already populous villages, besides the agricultural population generally dispersed over the whole surface.

No. 24.
Sir J. Colborne to Viscount Goderich, 18 March 1831.

Encl. in No. 24.

It can easily be determined whether the support of two clergymen of the Church of England, or of any given number beyond that, would form a reasonable provision for the religious wants of such a subdivision of the country, having in view what must be the future condition of this colony.

There can be as little difficulty in determining what stipend would assure a barely adequate maintenance to such clergymen, and if Parliament were to place at the disposal of his Majesty the surplus of the endowment in any township that may remain, after this adequate maintenance shall have been secured, such a measure must necessarily remove the apprehension of those persons who conceive the provision to be improvident and lavish.

It is not our intention, on this occasion, to express any opinion respecting the claim which the Church of Scotland has preferred to a participation, being content that it rests with your Majesty and with Parliament to decide upon it.

We regret that it was ever thought advisable to agitate that question in this colony, where it could not be determined; and we earnestly hope, for the sake of religion itself, that it may be speedily set at rest by a final decision. In the meantime, we cannot forbear to express our conviction that the rulers of the Church of Scotland are more sincerely attached to the principles of Christianity than to desire that the only permanent provision for religious instruction which exists in this country should be entirely abolished, because it has appeared doubtful whether that particular Church had a right to share in it. They must be aware that is not with those feelings that the support of their venerable establishment is regarded in Scotland by their fellow-subjects of other denominations; and we do them the justice to believe that they would be forward to disavow any such sentiments in regard to this Province.

We find that the necessity of providing by public aid for the education of the various classes in society is felt and acted upon in this Province as well as in other countries, and we can by no means admit that their religious instruction can be treated as a matter of less important concern, and one that may with greater safety be left to the precarious liberality of individuals.

On the contrary, when we consider that the security of life and property, and all that is protected by the due administration of public justice, depends upon the religious obligation which the mind attaches to an oath, we feel that the best interests of society are involved in the maintenance of that provision which we earnestly desire to preserve.

We beg leave further to represent to your Majesty, that within the 40 years which have elapsed since this endowment was allotted, the population of Upper Canada has increased from 10,000 to 220,000 souls. The Province comprises within its present organized district a country not less in extent than the kingdom of England and Wales; the fertility of the soil, and the excellence of the climate, are favourable to the most rapid advancement in population; and we persuade ourselves that your Majesty will not consider it expedient or right that the millions of people who are to inhabit this country at no very remote period, shall be left dependent upon chance for the religious instruction they are to receive.

On the contrary, we fully trust that Your Majesty and the Imperial Parliament, maintaining one of the first principles of the British constitution, will preserve to the inhabitants of Upper Canada the advantage of an adequate and permanent provision for the support of public worship, convinced that by such means the best security will be provided for the moral conduct of the people, and for the peace and happiness of society.

(signed) *J. B. Robinson*,
Speaker.

Legislative Council Chamber,
16 March 1831.

[*It does not appear that any Answer was sent to this Address.*]

—No. 25.—

(No. 20.)

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-governor Sir *John Colborne*, K.C.B.

No. 25.
Viscount Goderich to Sir J. Colborne, 2 April 1831.

Sir, Downing-street, 2 April 1831.

THE Commissioner of Crown Lands in Lower Canada having experienced some difficulty as to the manner in which he was to carry into effect the provisions of the Act of Parliament 7 & 8 Geo. 4, c. 62, by investing in the public funds the proceeds, as they accrue, of the sale of Clergy Reserves, Lord Aylmer referred the subject to the Executive Council, with a suggestion that the Commissary-general should be invited to receive the proceeds in future from the Commissioner, and to transmit the same to the Lords of the Treasury, to be disposed of as their Lordships might be pleased to direct; and the Executive Council having adopted this suggestion, it was accordingly carried into effect in Lower Canada.

26 March 1831.

You will perceive, by the enclosed copy of a letter addressed to my under-secretary, that their Lordships have approved of the arrangement proposed by

No. 25.
Viscount Goderich to Sir J. Colborne, 2 April 1831.

Lord Aylmer, for remitting to this country the proceeds of the sale of the Clergy Reserves in Lower Canada; and as it is desirable that a uniformity of system should prevail in this respect, I am to desire that you will convey the necessary directions to Mr. Peter Robinson to pay over to the Commissary-general in Upper Canada the amount of any sum in his hands arising by the sale of Clergy Reserves in Upper Canada up to the 31st December last, and to continue to do so half-yearly, as soon after the termination of the half-year as circumstances will permit.

I have, &c.
(signed) *Goderich.*

Enclosure in No. 25.

Sir, Treasury Chambers, 26 March 1831.

Encl. in No. 25.

THE Lords Commissioners of His Majesty's Treasury having had under their consideration your letter of the 8th instant, transmitting the copy of a despatch from the Governor-general of Lower Canada, representing that the Commissioner of Crown Lands will pay into the hands of the Commissary-general the proceeds of the sale of the Clergy Reserves in that Province, I am commanded to acquaint you, for the information of Viscount Goderich, that my Lords approve of the measures adopted by Governor Lord Aylmer, for remitting to this country the proceeds of the sale of the Clergy Reserves in Canada; and my Lords request to be acquainted, from time to time, with the payments made on this account into the military chest, in order that my Lords may give directions for the investment of corresponding sums in the public funds, in pursuance of the provisions of the Act 7 & 8 Geo. 4, c. 62.

I have, &c.
(signed) *J. Stewart.*

R. W. Hay, Esq.
&c. &c. &c.

— No. 26. —

(No. 25.)

No. 26.
Sir J. Colborne to Viscount Goderich, 25 June 1831.

COPY of a DESPATCH from Lieutenant-governor Sir *John Colborne*, K.C.B. to Viscount *Goderich.*

My Lord, Upper Canada, York, 25 June 1831.

I HAVE the honour to transmit to your Lordship the accompanying petition to His Majesty from the Presbyterian ministers of Upper Canada, in communion with the Church of Scotland, respecting the Clergy Reserves.

I have, &c.
(signed) *J. Colborne.*

Enclosure in No. 26.

To The KING's Most Excellent MAJESTY,

The PETITION of the Ministers of the Presbyterian Church in connection with the Church of *Scotland*, in the Province of Upper Canada.

Most Humbly Sheweth,

Encl. in No. 26.

THAT your Petitioners feel great reluctance, at a time of unusual excitement like the present, in bringing forward and urging on the consideration of Your Majesty claims, which, during the reign of their late much revered Sovereign, were submitted for the decision of His Government, but they feel that they cannot, without a dereliction of a sacred duty, abstain from presenting to Your Majesty their humble and earnest opposition to certain statements contained in a petition recently drawn up in behalf of the bishop and clergy of the diocese of Quebec, on the subject of the allotment or appropriation of lands made in the Provinces of Canada for the support of a Protestant clergy; and at the same time they deem it a duty which they owe to themselves, and their brethren of the same persuasion, humbly to solicit the favourable consideration of Your Majesty to the claims above referred to. It is scarcely necessary for Your Majesty's Petitioners to disclaim any desire "to attack the vested rights of the Church of England" in this Province, and they cannot but regret that the bishop of the diocese, and his clergy, should think so unworthily of them as to deem them capable of "joining various dissenting sects" in such attack. If, however, to assert what they regard as a right, belonging as well to their Church as to the Church of England, is to be construed as "an attack" upon the vested rights of the latter, then, indeed, Your Majesty's Petitioners must admit, that the charge is not unfounded. But your Petitioners have

No. 26.
Sir J. Colborne to Viscount Goderich, 25 June 1831.

Encl. in No. 26.

have yet to learn on what reasonable grounds the clergy of the Church of England can designate the appropriation of lands for the support of a Protestant clergy in this a British Province "a vested right," or why your Petitioners should refrain from questioning the exclusive claims urged by the sister Church, seeing these claims are set up in opposition to what your Petitioners conceive to be the plain meaning of the Act of Union—to the sense of the House of Assembly of Upper Canada, the legal opinion of Lord Lyndhurst, late Lord-chancellor, while Attorney-general, and of the late Lord Gifford, while Solicitor-general, as well as to the Report of the Committee of the House of Commons.

It is stated in the petition referred to, that "for a period of 30 years it never became a question but that it (the reserve of one-seventh of the Province) was made for the exclusive maintenance of the Church of England," and hence it is intended that it should be inferred that, during the whole of that period the exclusive claim of the Church of England was acquiesced in by the members and ministers of the Church of Scotland. Candour ought to have induced the Lord Bishop of Quebec and his clergy at the same time to state, that for nearly 30 years the Church of England derived no benefit from, and assumed no control over those Reserves; that during that period they produced very little, if anything, and that, up to the year 1820 there was but one clergyman in connection with the Church of Scotland resident in Upper Canada, from whom it could scarcely be expected that he should enter into a controversy for lands which till then were of no value. It is, however, well known, and can easily be established by proof, if necessary, that this gentleman frequently and earnestly represented to the Executive Government of the Province the impropriety of creating any distinction between two churches having equal claims, and the injustice of extending to the one a support which was withheld from the other. Immediately after the formation of the clergy of the Church of England into a corporation for managing the Clergy Reserves (a duty not generally considered compatible with those which belong to their station), the public attention was drawn to the subject, and during the year 1822 the House of Assembly addressed his late Majesty in behalf of the Church of Scotland. The proceedings of the Assembly on this occasion are, in the petition of the Lord Bishop of Quebec, attributed to the exertions of "an individual in the Legislature of the Province," and it is insinuated that they are "in the face of the plain enactments of the statute 31 Geo. 3, c. 31," because these declare, that the lands reserved shall be for the support of a (meaning one) Protestant clergy, and the claim was urged in behalf of the ministers of the Church of Scotland, as a part of the Protestant clergy recognised by the laws of the United Kingdom. Whether the construction of the statute, as given by his Lordship the Bishop of Quebec and his clergy in their own favour, strengthened by the opinion of any barrister, however eminent, or that which has been declared by the former law-officers of the Crown, and subsequently by the House of Assembly of Upper Canada, and by a Committee of the House of Commons sitting on Canadian affairs, is to be regarded as the most entitled to consideration, it is for Your Majesty's Government to determine, and to that decision the Petitioners look forward with every confidence that it will be guided and influenced by no considerations but those of justice and equity.

The difficulty which exists in a country having but a thin population, and not very abundant means, in procuring adequate support for clergymen duly qualified for the ministry are plainly and correctly stated in the Lord Bishop's petition to Your Majesty, and the anxiety of the members of the Church of Scotland to procure well-educated and efficient ministers to settle and officiate amongst them may be gathered from the fact, that since encouragement, small as it is to each individual, has been held out in Upper Canada, eight clergymen have been invited, and have arrived from Scotland, who are now engaged in the discharge of their duties in various parts of the Province, and many more would be immediately applied for if the sum allowed by Government were such in amount as to admit of further subdivision.

Your Majesty's Petitioners would exceedingly regret to see the clergy of the Church of England deprived of that support which is necessary to ensure their respectability or usefulness; but, belonging to the Established Church of a portion of the British empire, they could not but feel it humiliating and unfortunate that they should not be considered worthy of the same measure of support, when the means are not wanting to afford ample encouragement to both. The claim of the Church of Scotland, and of all natives of that portion of Your Majesty's dominions, is founded upon the Act of Union between the two kingdoms; which guarantees an equal communication of all rights and privileges to the inhabitants of both, and though the Church of England in this Province claims to be regarded as the Established Church, Your Majesty's Petitioners cannot perceive how such claim can be supported.

It is almost unnecessary to press on Your Majesty's attention, that the words "territories thereunto belonging," under any construction, can only refer to the possessions of the realm of England, and cannot, in accordance either with the words or the spirit of the said Act, extend to or include any accessions of territory that might subsequently be acquired by the United Kingdom.

The only question which creates any difference between the Churches of England and Scotland within this province is, whether the latter is entitled to share in the provision made by the before-mentioned Act of the British Parliament for the support of a Protestant clergy, and the assertion in the petition in behalf of the Episcopal Church, that "there is no more ground for concluding that emigrants from Scotland have a right to find their

No. 26.
Sir J. Colborne to Viscount Goderich, 25 June 1831.

Encl. in No. 26.

churches recognised and supported in the colonies than that they carry with them the right to enjoy the civil and criminal law of Scotland," appears to Your Majesty's Petitioners to afford no argument whatever against them. It may be asked whether the Church of England would or could be entitled to any support as such, or whether the laws of England would necessarily come into operation in these Provinces immediately after their conquest. If so, then the provisions of the Act under which that Church now claims one-seventh of the Province of Upper Canada, and the Act which introduces the criminal law of England into both Provinces, must be, if not wholly superfluous, at least in a great measure unnecessary. But such reasoning appears undeserving of further comment. If the Act 31 Geo. 3, c. 31, had been perfectly silent as to any provision for the support of religion, Your Majesty's Petitioners respectfully contend, that neither the one church nor the other would be entitled to claim any thing as a matter of absolute right. Provision having been made in that Act, as your Petitioners believe, fully sufficient for the support of all the Protestant clergy of the Province recognised by the laws of the United Kingdom, it is not unreasonable that the members of the Church of Scotland should desire to be placed on the same footing with their fellow-subjects of the Church of England. But having every reason, as well as every desire, to repose the most implicit confidence in the justice and liberality of Your Majesty's Government, your Petitioners humbly submit their case. And that Your Majesty may long reign to guard the rights of all classes of Your Majesty's subjects is the earnest prayer of Your Majesty's Petitioners.

(signed) *Hugh Urquhart.* *Archibald Connell.*
John Cruickshank. *Tho. Clarke Wilson.*
Al. Gale. *John Mackenzie.*
Robert M'Gill. *John Machar.*
Wm. Rintoul. *William M'Alister.*
Geo. Sheed. *Alexander Ross.*

St. Andrew's Church, Kingston, Upper Canada,
13 June 1831.

— No. 27. —

(No. 41.)

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-governor Sir *John Colborne*, K.C.B.

No. 27.
Viscount Goderich to Sir J. Colborne, 8 Sept. 1831.

Sir, Downing-street, 8 September 1831.

I HAVE the honour to acknowledge the receipt of your despatch, No. 25, of the 25th June last, transmitting a petition to the King from the Presbyterian Ministers of Upper Canada in communion with the Church of Scotland, respecting the Clergy Reserves; and I have to acquaint you that I shall take an early opportunity of laying the same at His Majesty's feet.

I have, &c.
(signed) *Goderich.*

— No. 28. —

(No. 26.)

COPY of a DESPATCH from Lieutenant-governor Sir *John Colborne*, K.C.B. to Viscount *Goderich*.

No. 28.
Sir J. Colborne to Viscount Goderich, 27 June 1831.

2 June 1831.

My Lord, Upper Canada, York, 27 June 1831.

I HAVE the honour to acquaint your Lordship, that on the receipt of your Lordship's despatch of the 29th of December, No. 6, I directed the Commissioner of Crown Lands to remit, through the Commissariat department, the sums collected by him on account of the proceeds of the Clergy Reserves sold in this Province, under the Imperial Act of the 7 & 8 Geo. 4, c. 62; and I have now to forward a communication from him, by which it appears that he has paid into the military chest 8,000*l.* currency, and to state that this is the first sum which has been remitted in compliance with the said Act.

I have, &c.
(signed) *J. Colborne.*

No. 28.
Sir J. Colborne to Viscount Goderich, 27 June 1831.

Encl. in No. 28.

Enclosure in No. 28.

Commissioner of Crown Lands Office, York,
2 June 1831.

Sir,

I HAVE the honour to acquaint you, that in obedience to the direction of the Lieutenant-governor, conveyed to me in your letter of the 23d April last, I paid into the military chest at this post on the 25th April 1831, the sum of 8,000*l.* provincial currency, on account of Clergy Reserves sold by me, for which I now enclose you the receipt of Fra. R. Foote, Esq. Assistant Commissary-general.

I beg further to remark, that concurring fully with his Excellency in the opinion that the money should be transmitted to the Treasury through the Commissariat, and the terms offered by the Bank of Upper Canada being not more advantageous than those of the Commissary, I did not hesitate paying the money, as I have stated, without entering into any further correspondence with the Bank on the subject.

I have, &c.

Z. Mudge, Esq.
&c. &c. &c.

(signed) *Peter Robinson.*

I hereby certify, that under the authority of his Excellency Major-general Sir John Colborne, K.C.B. Lieutenant-governor of Upper Canada, Peter Robinson, Esq. Commissioner for the sale of Clergy Reserves, paid into the military chest under my charge, on the 25th of April 1831, on account of the Right honourable the Secretary of State for the Colonies, the sum of thirty-two thousand dollars. $. 32,000.

And I further certify, that the rate of exchange for bills on His Majesty's Treasury, on the 25th of April 1831, was (50) fifty pence sterling per dollar.

(signed in duplicate)

Commissioner's Office, York,
Upper Canada, 17 May 1831.

Fra. R. Foote,
Assistant Commissary-general.

— No. 29. —

(No. 27.)

COPY of a DESPATCH from Lieutenant-governor Sir *John Colborne*, K.C.B. to Viscount *Goderich*.

My Lord,

Upper Canada, York, 28 June 1831.

No. 29.
Sir J. Colborne to Viscount Goderich, 28 June 1831.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 2d of April 1831, No. 20, respecting the manner of investing in the public funds the proceeds of the sales of the Clergy Reserves, and to state that I directed Mr. P. Robinson, on the receipt of your Lordship's despatch of the 29th of December, to pay over to the Commissary-general the amount of any monies in his hands arising from the sale of those Reserves; and that he has been instructed to remit in future, half-yearly, through the same channel, all sums accruing from that source.

I have, &c.

(signed) *J. Colborne.*

No. 30.
Viscount Goderich to Sir J. Colborne, 1 October 1831.

— No. 30. —

(No. 43.)

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-governor Sir *John Colborne*, K.C.B.

Sir, Downing-street, 1 October 1831.

J. Stewart, 17 August. R. W. Hay, 23 August. J. Stewart, 17 September.

I HAVE the honour to transmit to you herewith a copy of a correspondence which has passed between this department and the Board of Treasury, relative to the disposal of the sums arising from the sale of Clergy Reserves in Upper and Lower Canada, from which you will perceive that the necessary directions have been given for investing in the public funds the proceeds of the sales of these Reserves, jointly in the names of Mr. Hay, one of my under-secretaries of state, and the Honourable James Stewart, assistant-secretary to the Board of Treasury; and Mr. Sargent, of the Commissariat Department, has been directed to retain in his hands the dividends from the stock so invested, for the purpose of meeting the bills which may be drawn upon the Board of Treasury by yourself or the Governor of the Lower Province.

You will of course understand that sums so drawn must be exclusively set apart for the special objects for which the Reserves were originally destined; and that you will from time to time receive instructions as to the appropriation of the funds which may be at your disposal for the use of the Church of Upper Canada.

I have, &c.
(signed) *Goderich.*

Enclosure 1, in No. 30.

Sir, Treasury Chambers, 17 August, 1831.

Encl. 1, in No. 30. I AM commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you, for the information of Viscount Goderich, the enclosed copy of their Lordships' Minute of the 9th instant, relative to the sums arising from the sale of Clergy Reserves in Lower Canada.

I have, &c.

R. W. Hay, Esq.
&c. &c. &c.

(signed) *J. Stewart.*

COPY of Treasury Minute, dated 9th August 1831.

Read letter from Mr. Hay, dated 28th June 1831, transmitting, by direction of Viscount Goderich, copy of a despatch from Lieutenant-general Lord Aylmer, enclosing returns of the sales of Clergy Reserves in Lower Canada, from 1st July 1829 to 31st December 1830, the proceeds of which, as they accrue, are paid into the military chest by the Commissioner of Crown Lands, and requesting My Lords will give such instructions as may be necessary for investing the amount in the public funds, according to the arrangements approved by My Lords' letter of 26th March last.

Read letter from C. G. Routh, dated Quebec, 7th May 1831, reporting that the sum of 2,800 dollars, equal, at the currency-sterling of 4*s.* 4*d.* per dollar, to 606*l.* 13*s.* 4*d.*, has been paid into the military chest, under date of 4th May, on account of the sales of Clergy Reserves in Lower Canada.

Read also letter from Routh, dated 27th May last, reporting the receipt of 32,000 dollars into the military chest at York, on 25th April last, from the Commissioner for the sale of the Clergy Reserves.

My Lords read again the Acts of the 7 & 8 Geo. 4, c. 62, directing the proceeds of the sales of the Clergy Reserves in Canada to be invested in the public funds.

It appears that the sums already paid into the military chest in Canada upon the above accounts, as reported by Commissary-general Routh, amount, at the current rates of exchange quoted by him, to the sum of 7,241*l.* 5*s.*; viz.—

Upper Canada - - - - - -	£. 6,666	13	4
Lower Canada - - - - - -	574	11	8

My

No. 30.
Viscount Goderich to Sir J. Colborne Oct. 1831.

My Lords are therefore pleased to direct Mr. Sargent to cause the above sums to be invested separately in the Three per Cent. Consolidated Annuities, in their Lordships' names, and to direct a warrant to be prepared for issuing the said sum of 7,241 *l.* 5 *s.* to Mr. Sargent, out of Army Extraordinaries, to enable him to make the said investments.

My Lords will also execute a power of attorney, appointing Mr. Stewart to receive the dividends upon the said stock, from time to time, as they may become due; and they are pleased to direct Mr. Stewart to pay over the amount of all such dividends, when received by him, to Mr. Sargent, who will invest the same in stock, as he may be directed by this Board.

Encl. 1, in No. 32

Enclosure 2, in No. 30.

Sir, Downing-street, 23 August 1831.

Encl. 2, in No. 30

I HAVE laid before Viscount Goderich your letter of the 17th instant, transmitting for his Lordship's information, by command of the Lords Commissioners of the Treasury, a copy of their Lordships' minute of the 9th instant, relative to the sums arising from the sale of Clergy Reserves in Upper and Lower Canada.

Lord Goderich directs me to acquaint you that he concurs with the instructions which their Lordships have given for investing in the Three per Cent. Consolidated Annuities the sum of 7,241 *l.* 5 *s.*; viz.—

For Upper Canada - - - - - -	£.6,666	13	4
Lower Canada - - - - - -	594	11	8

On reference, however, to the Act of Parliament, 7 & 8 Geo. 4, c. 62, their Lordships will perceive, "that the dividends and interests accruing from such public funds so to be purchased shall be appropriated, applied, and disposed of for the purposes for which the said lands were so reserved as aforesaid, and for no other purpose whatsoever."

Lord Goderich is therefore of opinion that it would not be proper to invest the amount of the dividends in stock, but that the agent for commissariat supplies should receive the interest, keeping a separate account of the stock and dividends belonging to the clergy of Upper and Lower Canada, in order that the Governors of those Provinces may draw on their Lordships for the amount of interest due to each Province, the Secretary of State being acquainted from time to time of the purchases of stock which have been made, to enable him to give the necessary instructions for the guidance of the Governor of Lower Canada, and the Lieutenant-governor of Upper Canada, on this subject.

I have, &c.

J. Stewart, Esq. (signed) *R. W. Hay.*

Enclosure 3, in No. 30.

Sir, Treasury Chambers, 17 September 1831.

Encl. 3, in No. 30

THE Lords Commissioners of His Majesty's Treasury having had under consideration your letter of the 23d ultimo, relative to the sums arising from the sale of Clergy Reserves in Upper and Lower Canada, I am commanded to acquaint you, for the information of Viscount Goderich, that upon reference to the Act 7 & 8 Will. 4, c. 62, my Lords concur in opinion with his Lordship, that the dividends in question ought not to be invested in stock, and they have therefore directed Mr. Sargent, of this office, to retain the same in his hands, for the purpose of meeting the bills which may be drawn on this Board from Canada, as suggested in your said letter. My Lords have also, upon further consideration, directed that the stock to be purchased with the proceeds of the sales of the Clergy Reserves in Canada shall be invested jointly in your name, as under secretary of state, and in my name, as assistant-secretary to this Board; and we are authorized by their Lordships to execute a power of attorney, appointing Mr. Sargent to receive the dividends thereon.

I have, &c.

R. W. Hay, Esq.
&c. &c. &c.

(signed) *J. Stewart.*

— No. 31. —

(No. 55.)

No. 31.
Viscount Goderich to Sir J. Colborne, 21 Nov. 1831.

EXTRACT of a DESPATCH from Viscount *Goderich* to Sir *J. Colborne*, K.C.B. dated Downing-street, 21 November 1831.

WITH respect to the Clergy Reserves, I have no hesitation whatever in stating that I entirely concur with the Assembly in thinking that they form a great obstacle to the improvement and settlement of the province, without being productive of any corresponding advantage to make up for the inconvenience. During the 40 years the system of making these Reserves has existed, the total amount of the income they have afforded has not equalled the expense incurred in their management.

I find by the abstract of the income and expenditure of the corporation for managing the reserves that the receipts during the last nine years have not averaged more than 200 *l.* a year, and that the whole of these sums have been absorbed by the expenses of the officers of the corporation. It is indeed stated that a considerable number of leases have been granted, and that a yearly income may be expected from the land so let of 3,350 *l.* currency; it appears, however, that this sum is what is calculated upon as the amount of the rent which ought to be obtained, not what has been actually received; and I fear that when the expenses of management and collection come to be deducted, and the necessary allowance made for bad debts, the net proceeds would be very considerably reduced: even supposing the nominal rent to be collected, it would be but a small sum when compared with the burden inflicted upon the colony. It seems indeed to be proved by what has been experienced, not only in Canada but in the Australian colonies, that land in countries where so much remains unappropriated can only be profitably occupied by those who have the stimulus of personal and permanent interest. Hence the income derived from landed property, retained in the hands of the Government for any public purpose, is trifling compared to the inconvenience it occasions: the same sum raised in almost any other manner would be much less burdensome to the colony.

Under these circumstances I cannot entertain a doubt that an end should immediately be put to the system of reserving a seventh of the waste lands in Canada for the support of a Protestant clergy; that which would be an objectionable mode of raising a revenue for any public purpose is still more strongly to be condemned as a provision for the ministers of religion, since it must have a direct tendency to render odious to the inhabitants those to whom their good-will and affection are so peculiarly needful.

Such are the considerations by which His Majesty's Government have been influenced in coming to the conclusion that the retention of the Clergy Reserves in their present state is inexpedient. It is scarcely necessary to protest against this conclusion being construed into an acquiescence in the opinion expressed in a petition upon this subject, signed by a considerable number of the inhabitants of the province, "that any kind of Church establishment, circumstanced as Upper Canada is, is essentially antichristian and baneful to every interest of humanity." I am convinced that this is a sentiment which the great majority of those by whom the petition was signed would not seriously mean to adopt, and that in their eagerness to get rid of a practical grievance, they have incautiously sanctioned speculative opinions, which I have no doubt that upon mature reflection they would disavow. Believing this to be the case, I decline to enter into any argument for the purpose of refuting an assertion, the justice of which I so entirely deny. It is sufficient to repeat that His Majesty's Government have advised the abandonment of the Reserves, for the simple reason, that after an experience of 40 years they have been found not to answer the expectations entertained at the time the system was established, but have entailed a heavy burden upon the province without producing any corresponding advantage.

In a separate despatch I have described in detail the measure it will be necessary to adopt for the purpose of causing these Reserves to revert into the general mass of the Crown estate, when they will be managed by the same officers, and according to the same rules.

— No. 32.—

(No. 56.)

No. 32.
Viscount Goderich to Sir J. Colborne, 21 Nov. 1831.

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-Governor Sir *John Colborne*, K.C.B.

Sir, Downing-street, 21 November 1831.

IN my despatch of this date, (No. 55,) I have announced to you the intentions of His Majesty's Government on the subject of the Clergy Reserves in Upper Canada, and have apprized you that I should in a separate despatch describe in detail the measures it would be necessary to adopt for the purpose of causing those Reserves to revert into the general mass of the Crown estate. I now proceed to execute this purpose. The statute 31 Geo. 3, c. 31, s. 36 to 40, provides for the appropriation of lands for the maintenance of a Protestant clergy, and for the erection and endowment of rectories, the presentation of incumbents, and the manner in which such incumbents shall hold their livings. The 41st section, which immediately follows those enactments, is expressed in the following words:—

"Provided always, that the several provisions hereinbefore contained, respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said provinces, and also respecting the constituting, erecting, and endowing parsonages or rectories within the said provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said provinces respectively, and assented to by His Majesty, his heirs or successors, under the restrictions hereinafter provided."

The 42d clause then proceeds to enact, that whenever any Act shall be passed by the Legislative Council and Assembly for any of the before-mentioned purposes, such Act shall, "before any declaration or signification of the King's assent thereto," be laid before both Houses of Parliament in Great Britain, and that His Majesty shall not signify his assent until 30 days after the Act shall so have been laid before the two Houses.

Subsequently to the date of this Act of Parliament, the corporation for the management of the Clergy Reserves was established by a charter, issued under the Great Seal of the province; that body have granted leases of a considerable quantity of land, none of which, as I understand, are made to endure for more than 21 years from their respective dates.

The statute 7 & 8 Geo. 4, c. 62, authorized the governors of the provinces, with the consent of the Executive Council, in pursuance of any instructions which might be issued to them by His Majesty, through one of his Principal Secretaries of State, to sell a part of the Clergy Reserves, not exceeding one-fourth of the whole, provided that in no one year more than 100,000 acres were so sold; the money arising from the sales was to be invested in the public funds of this kingdom, and the interest of that investment was declared applicable either to the improvement of the unsold Reserves or to the purposes for which the Reserves were originally made.

It appears, that in pursuance of this statute, 74,819 acres of the Clergy Reserves have been sold up to the month of June last, for sums together amounting to 50,637 *l.* 7 *s.* 6 *d.* currency, and that the sum of *l.* was due by the purchasers, who, by the terms of their contracts, were liable to the payment of interest.

In order to accomplish effectually the designs which I have explained in the despatch already referred to, it will be necessary that so much of the statute 31 Geo. 3, c. 31, as relates to the allotment and appropriation of lands for the support of the Protestant clergy within the province of Upper Canada, should be repealed by an Act to be passed by the Council and Assembly, in exercise of the authority committed to them for that purpose by the 41st section of the Act. The Bill, if so passed, must be accompanied by an Address from the Legislative Council and Assembly, desiring that it may be "transmitted

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Viscount Goderich to Sir J. Colborne, 21 Nov. 1831.

to England without delay, for the purpose of being laid before Parliament previously to the signification of His Majesty's assent thereto."

A simple repeal of this part of the Act of 1791 would give birth to some questions of an embarrassing nature, the discussion of which it is very desirable to preclude. The questions which I anticipate would be, 1st, whether the Reserves already made would vest in his Majesty absolutely, or would be held by him upon any trust for the benefit of the Protestant clergy; 2dly, whether the leases granted by the corporation for managing the Reserves would be still subsisting; 3dly, whether the rent reserved on those leases would be payable to His Majesty, or to the corporation; 4thly, whether the money already raised by sales, under the Act of 1827, would remain applicable or not to the purposes expressly declared by that statute. It might be suggested, as a further doubt, whether the corporation would continue in existence, and whether the powers of sale, given by the Act of 1827 were to be exercised any further. The solution of those questions is, however, obvious: the corporation could not survive the extinction of the object for which it was erected; the power of sale could not be exercised after the subject of sale, viz. the Clergy Reserves, had ceased as such to exist.

To meet, however, still more effectually the two last-mentioned questions, you will, as soon as the Act shall have been introduced into the Assembly, intimate to the Clergy Corporation that it is the express desire of His Majesty's Government, that until the Bill shall have finally passed into a law, or shall have been finally rejected, they do abstain from granting any more leases of the Clergy Reserves; I cannot doubt their ready compliance, and am most reluctant to reason, even hypothetically, on the contrary supposition. But, as it will be necessary to prevent improvident leases, which on the haste and excitement of the moment might be made, you will, in the unfortunate contingency of the corporation persisting in making them, direct the Attorney-general to take such measures as may be best adapted to bring to trial the validity of the charter itself. I apprehend that the result must be to ascertain that it is void in point of strict law. But it is impossible to deprecate such a controversy too earnestly, or to contemplate it at all, except as an extreme remedy in a case of extreme importance.

Whenever the Act shall have been finally passed, the continued existence of the charter would be of no practical importance, though it would be, on the whole, desirable that the charter should be then surrendered.

With regard to the continuance of the power of sale under the statute 7 & 8 Geo. 4, c. 62, you will immediately signify to the officers employed under that statute, His Majesty's commands that they do abstain from acting any further in execution of it after the 30th June 1832, and that during the half year from January 1st to that date, the sales to be made should not exceed in number of acres the number actually sold in the preceding half year.

The difficulties which might oppose or partially frustrate the execution of the designs of His Majesty's Government being thus obviated, it remains to consider what provisions the proposed Act of Assembly should contain.

First, then, it should be enacted, that so much of the British statute of 1791 as relates to the appropriation of Clergy Reserves should be repealed. But as it is unnecessary, and would be highly inconvenient, to repeal so much of that Act as relates to the erection and endowment of parsonages, it will be fit, in order to obviate the possibility of mistake, that the precise words, upon which alone the repeal is to operate, should be quoted in the repealing Act.

Secondly, to remove all doubts as to the effect of the repeal, it should be expressly provided that the reserved lands should immediately vest in His Majesty, and be held by him, his heirs, and successors, in the same manner in every respect as if the provisions to be repealed had never been enacted.

Thirdly, the leases granted by the Clergy Corporation should be declared to be as valid as though the repealing Act had not been passed; but the tenant should be required to attorn to His Majesty, and to pay their rents to him, or to the receivers of his land revenue in the province.

Fourthly, all sales effected, and all Acts done under the statute 7 & 8 Geo. 4, c. 62, should be declared as valid as though the repealing Act had not been passed.

Fifthly, the only additional provision, the necessity of which I can anticipate, would be an enactment, declaring that henceforward no grant of lands, wherever

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ever made, shall be deemed invalid or ineffectual, by reason of the absence of a specification of the Clergy Reserves appropriated in respect of such grant. With reference to future grants, this, of course, would be superfluous; but it might obviate some inconvenient doubts as to the effect in future of past neglects of this part of the Act of 1791.

A provincial statute, embracing these provisions, and neither exceeding nor falling short of them in any material respect, would, I apprehend, effectually set at rest all the questions respecting the Clergy Reserves, to which I have adverted in my accompanying despatch, except in the possible, but I trust very improbable event, of either House of Parliament addressing His Majesty to withhold his assent. That, however, is a contingency against which no security can be taken, and upon which it could answer no practicable purpose to speculate.

It remains to consider what steps should be taken, in order to bring this question fairly under the notice of the two branches of the Provincial Legislature. For that purpose, it will be fit that they should be invited to the consideration of the question by a message from His Majesty. Anxious as I am to relieve you to the utmost possible extent from responsibility upon an occasion of so much gravity and importance, I enclose to you the copy of a message to be transmitted, in His Majesty's name, to both of the Houses of the Provincial Legislature.

The same motive induces me to transmit to you the draft of a Bill, which has been prepared under my direction, for carrying the views of His Majesty's Government into effect. Without intending to fetter the discretion of the law officers of your Government, I must express my earnest wish that the Bill might be introduced in terms corresponding as closely as possible with those of the accompanying draft.

I am not sufficiently conversant with the usages of the Canadian Assembly, to venture to prescribe anything respecting the manner in which this Bill should be brought forward. If I am not misled by the analogy of English Parliamentary proceedings, I should desire that the Act may be introduced to the notice of the Assembly by the Attorney-general, or, if he has not a seat in that House, then by any official member in whose ability and discretion you can place adequate confidence. Should the law pass, in any form, you will neither give nor refuse your consent, but will reserve the Bill for the signification of His Majesty's pleasure. Indeed, I conceive that to be the proper course of proceeding in every case in which an Act of the Canadas is required to be laid before the two Houses of Parliament.

I have, &c.
(signed) *Goderich.*

Enclosure 1, in No. 32.

DRAFT of a MESSAGE to the Legislature of *Upper Canada.*

Encl. 1, in No. 32.

THE Lieutenant-governor has received His Majesty's commands to make the following communication to the Legislative Council [the House of General Assembly], in reference to the lands, which, in pursuance of the Constitutional Act of this Province, have been set apart for the support and maintenance of a Protestant clergy.

The representations which have at different times been made to His Majesty and his Royal predecessors, of the prejudices sustained by his faithful subjects in this province from the appropriation of the Clergy Reserves, have engaged His Majesty's most attentive consideration. His Majesty has, with no less anxiety, considered how far such an appropriation of territory is conducive, either to the temporal welfare of the ministers of religion in this province, or to their spiritual influence. Bound no less by his personal feelings than by the sacred obligations of that station to which Providence has called him, to watch over the interests of all the Protestant churches within his dominions, His Majesty could never consent to abandon those interests, with a view to any objects of temporary and apparent expediency.

It has therefore been with peculiar satisfaction that, in the result of His inquiries into this subject, His Majesty has found that the changes sought for by so large a proportion of the inhabitants of the province may be carried into effect, without sacrificing the just claims of the Established Churches of England and Scotland. The waste lands which have been set apart as a provision for the clergy of those venerable bodies, have hitherto yielded no diposable revenue. The period at which they might reasonably be expected to become more productive is still remote. His Majesty has solid grounds for entertaining the hope

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Viscount Goderich to Sir J. Colborne, 21 Nov. 1831.

that, before the arrival of that period, it may be found practicable to afford the clergy of those Churches such a reasonable and moderate provision, as may be necessary for enabling them properly to discharge their sacred functions.

His Majesty therefore invites the Legislative Council [the House of General Assembly] of Upper Canada to consider how the powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal this part of its provisions, can be called into exercise most advantageously for the spiritual and temporal interests of His faithful subjects in this province.

Encl. 1, in No 32.

(signed) *Goderich.*

Enclosure 2, in No. 32.

DRAFT of a Bill to be laid before the Legislature of *Upper Canada.*

Encl. 2, in No. 32.

WHEREAS by an Act passed in the Parliament of Great Britain, in the 31st year of the reign of His late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," it was amongst other things enacted, that it should and might be lawful for his said late Majesty, his heirs and successors, to authorize the governor or lieutenant-governor of each of the said provinces respectively, or the person administering the government therein, to make, from and out of the lands of the Crown within such provinces, such allotment and appropriation of lands for the support and maintenance of a Protestant clergy within the same as may bear a due proportion to the amount of such lands within the same as had at any time been granted by or under the authority of His said late Majesty; and that whenever any grant of lands within either of the said provinces should thereafter be made by or under the authority of His Majesty, His heirs or successors, there should at the same time be made, in respect of the same, a proportionable allotment and appropriation of lands for the above-mentioned purpose within the township or parish to which such lands so to be granted should appertain or be annexed, or as nearly adjacent thereto as circumstances would admit; and that no such grant should be valid or effectual unless the same should contain a specification of the lands so allotted or appropriated in respect of the lands to be thereby granted, and that such lands so allotted and appropriated should be, as nearly as the circumstances and nature of the case would admit, of the like quality as the lands in respect of which the same should be so allotted and appropriated, and should be, as nearly as the same could be estimated at the time of making such grant, equal in value to the seventh part of the land so granted; and it was thereby further enacted, that all and every the rents, profits, or emoluments which might at any time arise from such lands, so allotted and appropriated as aforesaid, should be applicable solely to the maintenance and support of a Protestant clergy within the province in which the same should be situated, and to no other use or purpose whatever: And whereas, in pursuance of the said statute, divers tracts of land within this province have been allotted and appropriated for the support and maintenance of the Protestant clergy within the same: And whereas by certain letters patent, under the Great Seal of this province, bearing date the day of in the year his said late Majesty King George the Third did constitute *A. B.* and *C. D.* and their successors, to be a body corporate: And whereas the said corporation have, in pursuance of the powers so vested in them as aforesaid, demised various parts of the said Clergy Reserves within this province to divers persons for terms of years, by leases, in the name and under the seal of the said corporation, in which leases divers sums have been reserved and made payable as by way of rent: And whereas by a certain Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the seventh and eighth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to authorize the Sale of a part of the Clergy Reserves in the Provinces of Upper and Lower Canada," it is enacted, "that it shall and may be lawful for the Governor and Lieutenant-governor, or officer administering the government of the said provinces, or either of them, with the consent of the Executive Council appointed within such province for the affairs thereof, in pursuance of any instructions which may be issued to such Governor, Lieutenant-governor, or other officer as aforesaid by His Majesty, through one of His principal Secretaries of State, to sell, alienate, and convey in fee simple, or for any less estate or interest, a part of the said Clergy Reserves in each of the said provinces (not exceeding in either province one-fourth of the Reserves within such province), upon, under, and subject to such conditions, provisoes, and regulalations as His Majesty, by any such instructions as aforesaid, shall be pleased to direct and appoint; provided nevertheless, that the quantity of the said Clergy Reserves so to be sold as aforesaid in any one year, in either of the said provinces, shall not in the whole exceed 100,000 acres; provided also, that the monies to arise by, or to be produced from, any such sale or sales, shall be paid over to such officer or officers of His Majesty's revenue within the said provinces respectively as His Majesty shall be pleased to appoint to receive the same, and shall by such officer or officers be invested in the public funds of the United Kingdom of Great Britain and Ireland, in such manner and form as His Majesty shall from time to time be pleased to direct; provided also, that the dividends and interest accruing from such public funds so to be purchased shall be appropriated, applied, and disposed of for

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Viscount Goderich to Sir J. Colborne, 21 Nov. 1831.

Encl. 2, in No. 32.

for the improvement of the remaining part of the said Clergy Reserves, or otherwise for the purposes for which the said lands were so reserved as aforesaid, and for no other purpose whatsoever, save only so far as it may be necessary to apply the same or any part thereof in or towards defraying the expenses of or attendant upon any such sale or sales as aforesaid; and which appropriations shall be so made in such manner and form, and for such special purposes, as His Majesty from time to time shall approve and direct:" And whereas, in pursuance of the said last-recited Act, the Lieutenant-governor for the time being of this province, with the consent of the Executive Council, hath, in pursuance of instructions for that purpose issued by his late Majesty King George the Fourth, through one of His principal Secretaries of State, effected sales of divers parts of the said Clergy Reserves: And whereas, by an Address to both Houses of the Provincial Legislature, bearing date on the day of last, Major-general Sir John Colborne, Knight, Commander of the most honourable Military Order of the Bath, did signify to both of the Houses of the Provincial Legislature His Majesty's most gracious invitation to consider how the powers given to the Provincial Legislature by the Constitutional Act, to carry or repeal that part of its provisions which relates to the lands allotted and appropriated in this province for the support and maintenance of a Protestant clergy, could be called into exercise most advantageously for the spiritual and temporal interests of His Majesty's faithful subjects in this province: Now, therefore, be it and it is hereby enacted, &c., that so much as is hereinbefore recited of the said Act of the British Parliament, so passed as aforesaid in the 31st year of the reign of His said late Majesty King George the Third, shall be and the same is hereby repealed.

And be it further enacted, that from henceforth no grant heretofore made by or on the behalf of his Majesty or any of His Royal predecessors, of any lands situate within this province, shall be or be deemed invalid or ineffectual, or be liable to be impeached, vacated, or set aside by reason that any such grant did not contain a specification of the lands allotted or appropriated for the support and maintenance of a Protestant clergy in respect of the lands thereby granted, but every grant of lands within this province heretofore made by or on behalf of His Majesty or any of His Royal predecessors, in which any such specification may have been omitted, shall henceforth be and shall be deemed and taken from the day of the date thereof, to have been as valid and effectual in the law as though such grant had contained the specification aforesaid.

And be it further enacted, that all the lands heretofore appropriated within this province for the support and maintenance of a Protestant clergy now remaining unsold, shall be and the same are hereby declared to be vested in His Majesty, his heirs and successors, as of his and their original estate, absolutely discharged from all trust for, or for the benefit of a Protestant clergy, and of and from all and every the claims and demands of such clergy upon or in respect of the same.

And be it further enacted, that all and every the tenants or tenant of the lands so demised as aforesaid by the said Corporation shall and they each of them are and is hereby required to attorn, and during the remainder of the terms by such respective leases granted to pay the rents thereby respectively reserved to His Majesty, his heirs and successors, or to such person as shall by His Majesty, his heirs and successors, or by the Lords Commissioners of His Majesty's Treasury for the time being, be appointed to receive the same.

Provided always, and be it further enacted, that nothing herein contained shall take away or affect, or be construed to take away or affect, the right or title of any person or persons in or to any lands which may by any such person or persons be holden or enjoyed, or which any such person or persons may claim to hold or enjoy, by virtue of any sale, alienation, conveyance, or contract made, excepted, or entered into in pursuance of the above-recited Act of Parliament passed in the seventh and eighth year of his said late Majesty's reign, but that every such sale, alienation, or contract shall be as valid and effectual in the law, and shall henceforth have and continue to have the same force, virtue, and effect, as if this present Act had not been made.

— No. 33. —

No. 33.
Sir J. Colborne to Viscount Goderich, 14 December 1831.

(No. 48.)

COPY of a DESPATCH from Lieutenant-Governor Sir *John Colborne*, K. C. B. to Viscount *Goderich*.

My Lord, Upper Canada, York, 14 Dec. 1831.

WITH reference to your Lordship's despatch of the 9th September, transmitting an application from the Bishop of Quebec to allow certain ministers in his diocese to be paid part of their salaries out of the revenue derived from unexpired leases of Clergy Reserves, I have the honour to forward the accompanying report from the secretary of the clergy corporation, stating the probable future revenue that may arise from rents on leases of the lands reserved, and a statement from the Receiver-general of monies received and paid by him on account of rents on leases from the 30th October 1820 to the 31st December 1830.

3.

No. 33.
Sir J. Colborne to Viscount Goderich, 14 Dec. 1831.

I beg leave to transmit to your Lordship also the annexed letter from the Bishop of Quebec, in which he requests that Mr. Elliott may be paid 75 *l.* per annum, and to observe that the sum of 250 *l.* per annum, which appears in the Receiver-general's account charged additional for the salary of Dr. Strachan, and authorized by Lord Bathurst's despatch of the 1st July 1824, has been discontinued; the town lots set apart for the support of the minister of the Established Church at York now producing a revenue.

I have, &c.
(signed) *J. Colborne.*

Enclosure 1, in No. 33.

Encl. 1, in No. 33.

Sir, York, 6 December 1831.

I HAVE the honour to acquaint you, for the information of his Excellency the Lieutenant-governor, that the annual income in future to be derived from unexpired leases of Clergy Reserves will be about 2,000 *l.* per annum.

There are, besides, considerable sums due from lessees, a portion of which will probably be recovered, as the lots are not sold until the back rents have been paid up.

All monies coming into my hands are paid to the Receiver-general, I can therefore give no other account of the charges borne upon these rents than those incurred for collection. The salary of the secretary and receiver is 150 *l.* a year, added to which there is usually a contingent account for printing and stationery of about 20 *l.*

I have, &c.
(signed) *George H. Markland.*

Edward M'Mahon, Esq.
Civil Secretary.

Enclosure 2, in No. 33.

Encl. 2, in No. 33.

STATEMENT of Monies arising from Rents on Leases of Lands appropriated to the support of a Protestant Clergy in *Upper Canada*, from the 30th October 1820 to the 31st December 1830, inclusive.

DATE.	FROM WHOM RECEIVED.	Provincial Currency Dollars, a' 5 *s.* each.
		£. s. d.
31 Oct. 1820 -	From the Hon. George Crookshank, late acting receiver-general, being the amount of Lieut.-governor Sir P. Maitland's warrant, No. 4, dated 30th October -	2,214 5 11
1 May 1821 -	From the late Stephen Heward, esq. as secretary and receiver to the corporation for superintending, managing, and conducting the Clergy Reserves within this province - - - - - - - - - -	182 9 9½
2 Oct. 1821 -	From John Selleck, back-rent due for occupation of lot 29, tenth concession, Oxford, from 25th December 1815 to 24th December 1817, previous to his obtaining an order for a lease - - - - -	1 10 -
24 June 1822 -	From Mr. Mercer, as agent for Levi Beaty's back-rent, due on lot, No. 8, in first concession, and broken front of Cramahé, containing together about 280 acres, for three years' occupation of the same, previous to his obtaining an order for a lease - - - - -	3 3 -
26 June 1822 -	From the late Stephen Heward, esq. as secretary and receiver to the corporation, &c. &c. - - - -	110 15 -
5 Feb. 1823 -	From the late Stephen Heward, esq. as ditto - -	100 - -
19 March 1823	From Isaac Doolittle, back-rent due on lot 12, in second concession, Haldimand, for 5½ years' occupation, previous to his obtaining a lease of the same - -	4 2 6
11 April 1823 -	From Mr. Mercer, as agent for Simon Palmonteer, the back-rent due on lot 98, in fourth concession, Ameliasburgh, from 29th September 1815 to 25th March 1819, for occupation thereof previous to his obtaining a lease - - - - - - - - - -	2 12 6
3 Feb. 1824 -	From the late Stephen Heward, esq. secretary and receiver to the corporation, &c. &c. - - - -	150 3 6

No. 33.
Sir J. Colborne to Viscount Goderich, 14 Dec. 1831.

Encl. 2, in No. 33.

DATE.	FROM WHOM RECEIVED.	Provincial Currency Dollars, a' 5 *s.* each.
		£. *s.* *d.*
20 March 1824	From Hiram Harrison, back-rent due on lot, No. ; third concession, E. Gwillimbury, for three quarters of a year's occupation of the same previous to his obtaining a lease - - - - - - - - -	1 6 3
24 Feb. 1825 -	From the late Stephen Heward, esq. as secretary and receiver to the corporation, &c. &c. - - -	190 6 11 ½
4 August 1825	From the late Stephen Heward, esq. ditto - - -	100 – –
30 June 1829 -	From the Hon. Peter Robinson, commissioner - -	163 5 6
31 Dec. 1829 -	From the Hon. George Markland, as secretary and receiver to the corporation for managing the clergy reserves - - - - - - - - - -	200 – –
31 Dec. 1830 -	From the Hon. George H. Markland, secretary and receiver to the corporation, &c. &c. - - -	200 – –
30 June 1830 -	From the Hon. George H. Markland, as ditto - -	450 – –
	TOTAL amount received - - - £.	4,074 – 11

John H. Dunn, H.M.R.G.

Enclosure 3, in No. 33.

Encl. 3, in No. 33.

STATEMENT of the Expenditure of Monies appropriated to the Support of a Protestant Clergy in *Upper Canada*, from the 30th October 1820 to the 31st December 1830, inclusive.

DATE.	TO WHOM PAID, &c.	Provincial Currency Dollars, a' 5 *s.* each.
		£. *s.* *d.*
9 March 1821	To the Rev. John Stoughton, minister, Colin M'Kenzie and Sheldon Hawley, esqrs. churchwardens of St. John's Church, Bath, township of Ernesttown, 75 *l.* of which being to enable them to pay a debt incurred in building a parsonage-house, and the remaining 75 *l.* for the building of a kitchen to the same, as prayed for in their memorial, and recommended by the Executive Council, pursuant to Lieut.-governor Sir P. Maitland's warrant, No. 5, of this date - -	150 – –
24 April 1822	To paid the Rev. Ralph Leeming, rector, Samuel Tisdale and George Rousseau, wardens of the parish of Ancaster, being in aid of defraying the expenses incurred in erecting a parsonage-house in the said parish, as prayed for in the memorial of the said Rev. Ralph Leeming, and recommended by the Executive Council, and pursuant to Lieut.-governor Sir P. Maitland's warrant, No. 6, of this date - - - - - -	200 – –
8 Jan. 1824 -	To paid the Rev. William Macaulay, rector, Robert Henry and Walter Boswell, esqrs. churchwardens of the township of Hamilton, Newcastle district, being in aid of defraying the expense in erecting a parsonage-house in said township, as prayed for in the memorial of the Rev. William Macaulay, and recommended by the Executive Council, and pursuant to Lieut.-governor Sir Peregrine Maitland's warrant, No. 7, of this date - - - - - - -	300 – –

(*continued*)

No. 33.
Sir J. Colborne to Viscount Goderich, 14 Dec. 1831.

Encl. 3, in No. 33.

DATE.	TO WHOM PAID, &c.	Provincial Currency Dollars, à' 5s. each. £. s. d.
16 Dec. 1824 -	To paid the Hon. and Rev. Dr. John Strachan, to reimburse him his travelling expenses on his late journey to England on matters concerned with the property of the clergy in this province, authorized by Lord Bathurst's letter of 22d September 1824, pursuant to Lieut.-governor Sir P. Maitland's warrant, No. 8, of this date - - - - - - -	350 - -
7 Jan. 1825 -	To paid the Hon. and Rev. Dr. John Strachan, being in addition to his stipend as minister at York, from 1st July to 31st December 1824 inclusive, authorized by Lord Bathurst's despatch of 1st July 1824, pursuant to Lieut.-governor Sir Peregrine Maitland's warrant, No. 9, of this date - - - - - - -	125 - -
1 July 1825 -	To paid the Hon. and Rev. Dr. John Strachan, being in addition to his stipend as minister at York, from 1st January to 30th June 1825, inclusive, pursuant to Earl Bathurst's letter, and pursuant to Lieut.-governor Sir P. Maitland's warrant of this No. and date, (No. 10) - - - - - - - - -	125 - -
4 July 1825 -	To paid the Rev. Ralph Leeming, minister, William Shain and George Rousseau, wardens of the parish of Ancaster, being a further aid for repairs and insurance of the parsonage-house, as recommended by the Executive Council, and pursuant to Lieutenant-governor Sir Peregrine Maitland's warrant, No. 11, of this date - - - - - - - - -	100 - -
2 Jan. 1826 -	To paid the Rev. Dr. John Strachan, being in addition to his stipend as minister of York, from 1st July to 31st December 1825, inclusive, pursuant to Lieut.-governor Sir P. Maitland's warrant, No. 12, of this date - - - - - - - - - -	125 - -
23 Jan. 1826 -	To paid Jonas Jones, esq. one of the churchwardens at Brockville, being to reimburse him so much expended in repairing the parsonage-house belonging to said church, pursuant to Lieut.-governor Sir P. Maitland's warrant, No. 13, of this date - - -	125 - -
3 Feb. 1826 -	To paid the Rev. John Bethune, late minister of Brockville, to reimburse him so much expended in aid of the subscrpition at that place for a parsonage-house, pursuant to Lieut.-governor Sir P. Maitland's warrant, No. 14, of this date - - - - - -	175 - -
10 Feb. 1826 -	To paid the Hon. and Rev. Dr. John Strachan, rector of York, being in aid of repaying the expense of erecting a parsonage-house at York, authorized by Lord Bathurst, and pursuant to Lieut.-governor Sir P. Maitland's warrant, No. 15, of this date - -	300 - -
15 June 1826 -	To paid the Venerable George Mountain, archdeacon of Quebec, being to reimburse him his expenses incurred in his late journey to England on matters connected with the clergy of this province, pursuant to Lieut.-governor Sir P. Maitland's warrant, No. 16, of this date - - - - - - - - -	222 4 5¼
1 July 1826 -	To paid the Hon. and Rev. Dr. John Strachan, being in addition to his stipend as minister at York, from 1st January to 30th June 1826, inclusive, pursuant to Lieut.-governor Sir P. Maitland's warrant, No. 17, of this date - - - - - - - - -	125 - -
1 Jan. 1827 -	To paid the Hon. and Rev. Dr. John Strachan, being for the like service, from the 1st July to the 31st December 1826, inclusive, pursuant to Lieutenant-governor Sir P. Maitland's warrant, No. 18, of this date - - - - - - - - - -	125 - -

No. 33.
Sir J. Colborne to Viscount Goderich, 14 Dec. 1831.

Encl. 3, in No. 33.

DATE.	TO WHOM PAID, &c.	Provincial Currency Dollars, a' 5 *s.* each. £.	*s.*	*d.*
23 Feb. 1827 -	To paid Adam Gordon, esq. chief clerk in the Colonial-office, London, being to reimburse him a sum paid for patent constituting two archdeacons, York and Kingston, in Upper Canada, pursuant to Lieutenant-governor Sir P. Maitland's warrant, No. 19, of this date - - - - - - - - - -	147	–	–
2 July 1827 -	To paid the Hon. and Rev. Dr. John Strachan, being in addition to his stipend as minister at York, from 1st January to 30th June 1827, inclusive, pursuant to Lieut.-governor Sir Peregrine Maitland's warrant, No. 20, of this date - - - - - - -	125	1	–
1 Jan. 1828	To paid the Hon. and Rev. Dr. John Strachan, being in addition to his stipend as minister of York, from 1st July to 31st December 1827, inclusive, pursuant to Lieut.-governor Sir P. Maitland's warrant, No. 21, of this date - - - - - - - - -	125	–	–
1 July 1828 -	To paid the Hon. and Rev. Dr. John Strachan, being for the above service, from 1st January to the 30th June 1828, inclusive, pursuant to Lieut.-governor Sir P. Maitland's warrant, No. 22, of this date - -	125	–	–
12 July 1828 -	To paid the Hon. and Venerable John Strachan, D.D. archdeacon of York, being the moiety of his expenses incurred on a journey to and from England, and 18 months' detention there, at the instance of the Secretary of State, whilst engaged in soliciting from his Majesty's Government the charter of King's College, and attending to the affairs of the Established Church, authorized by Lord Goderich's despatch of 28th June 1827 - - - - - - - -	678	6	8
1 Jan. 1829 -	To paid the Hon. and Venerable John Strachan, D.D. rector of York, being in addition to his stipend as minister of York, from 1st July to 31st December 1828, authorized by Earl Bathurst's despatch, and pursuant to warrant of his Excellency Lieut.-governor Sir John Colborne, No. 1, of this date - - -	125	–	–
1 July 1829 -	To paid the Hon. and Venerable John Strachan, D.D. rector of York, being in addition to his stipend as minister of York, from 1st January to 30th June 1829, inclusive, pursuant to his Excellency the Lieut.-governor's warrant, No. 2, of this date - - -	125	–	–
12 July 1830 -	To paid the Hon. and Venerable John Strachan, D.D. rector of York, being for the above-mentioned service, from 1st July 1829 to 30th June 1830, inclusive, pursuant to his Excellency the Lieutenant-governor's warrant, No. 3, of this date - - - - -	250	–	–
13 July 1830 -	To paid the Rev. Geo. O. Stuart, being his half-year's salary as one of the established clergymen of this province, from 1st January to 30th June 1830, inclusive, pursuant to warrant of his Excellency the Lieut.-governor, No. 4, of this date - - -	55	11	1¼
	TOTAL Amount of Payments - - - £.	4,303	3	2½

In advance on the 31st December 1830 - - - £. 229 2 3½ currency.

Receiver-general's Office, York, U.C.
29 November 1831.

J. H. Dunn, H. M. R. G.

No. 33.
Sir J. Colborne to Viscount Goderich, 14 Dec. 1831.

Encl. 4, in No. 33.

Enclosure 4, in No. 33.

Sir, York, 18 November, 1831.

I AM obliged to your Excellency for communicating to me the despatch of Viscount Goderich respecting the sums I solicited for the Rev. D. Robertson, and the Rev. V. P. Mayerhoffer, to be paid out of the proceeds of the clergy reserved lands.

Permit me to request that your Excellency will, in replying to that despatch, recommend the grant of 75 *l.* per annum to Mr. Elliott, of York, to be paid out of the same fund, for which grant I also solicited when I applied for salaries for the other gentlemen.

I deem Mr. Elliott qualified to be ordained for a mission at Etabicoke, near this place, and the people there are willing to contribute to his support; but his ordination depends upon the sum solicited being granted.

I have, &c.

His Excellency Sir John Colborne, K.C.B. (signed) *C. J. Quebec.*
&c. &c. &c.

— No. 34.—

(No. 2.)

No. 34.
Sir J. Colborne to Viscount Goderich, 3 Feb. 1832.

COPY of a DESPATCH from Lieutenant-governor Sir *John Colborne*, K.C.B. to Viscount *Goderich*.

My Lord, Upper Canada, York, 3 Feb. 1832.

I HAD the honour to receive your Lordship's despatches of the 21st November (Nos. 55 and 56) on the subject of Clergy Reserves, on the 24th ultimo, the day fixed for the closing of the session. I lost no time in transmitting the message, a draft of which was enclosed in No. 56, to both Houses of the Provincial Legislature, and requested the Attorney-general to move for leave to bring in a Bill to enable His Majesty to resume the lands set apart for the support of a Protestant clergy. The Bill proposed for adoption was copied as nearly as possible from the draft prepared under your Lordship's directions.

No. 1.

The proceedings of the Assembly, on the motion of the Attorney-general, are annexed, by which your Lordship will perceive that there was no disposition on the part of the House to take up the question till next session.

On Tuesday, the 24th January, a few hours after the arrival of your Lordship's despatches, I communicated to the two Houses that I had received despatches from His Majesty's Government respecting the Clergy Reserves, which should be transmitted to them early the following morning.

25th January.

The Bill was proposed on Wednesday, but on finding that a strong majority in the Assembly would be decidedly against taking it into immediate consideration, I closed the session on Saturday the 28th.

The members were generally anxious to return home, and I do not think, had I prolonged the session, they could have been induced to take up the subject.

There are some passages of your Lordship's despatch, No. 57, on which I beg leave to make the following remarks. Your Lordship appears to suppose that there may be a reluctance on the part of the Clergy Corporation to abstain from granting leases: I may assure your Lordship that as far as the corporation are concerned in this question, they will in every respect readily comply with the wishes of His Majesty's Government. They have, from the period of receiving their charter, merely acted as agents, examining the pretensions of applicants, and recommending them accordingly to the Lieutenant-governor in Council. If their recommendations are approved of, the Attorney-general issues his fiat for a patent to be made out, to which the Great Seal of the province is affixed; and the same course is pursued as in all grants of the Crown.

All rents are paid in the first instance to the receiver of the corporation; but he has no power of appropriation. At the end of each half-year, the sums collected are paid in gross to the receiver-general, to be accounted for to the King's Government.

The receiver of the corporation keeps an account with every lessee in the province; he receives the rents, corresponds with persons making inquiry, and is obliged to keep his office constantly open.

The corporation have never claimed the right of granting leases, and will be glad to be relieved from the duties imposed on them. They have no power to expend any sum beyond their contingent expenses.

There

No. 34.
Sir J. Colborne to Viscount Goderich, 3 Feb. 1832.

There are at present several hundred applications which have been acted upon, and the parties promised leases as soon as they can be completed. The applicants have taken possession, relying on the Government, and have generally commenced improvements, with an understanding that they will be allowed to purchase their respective lots.

The Clergy Reserve leases have afforded great facilities to emigrants of establishing themselves and families, at the easy rate of seven dollars per annum, and a very considerable number of families have settled in this manner on land which would otherwise have remained in a wild state, and which, at the expiration of the leases, may be purchased at a valuation by the lessee.

As no leases can be granted without the sanction of the Lieutenant-governor in Council, and much disappointment and inconvenience would arise from withholding leases from the persons who have been given to understand that their applications would be complied with, I have directed the secretary of the Clergy Corporation to continue to forward recommendations for leases to those with whom he was in correspondence, previously to the intention of His Majesty's Government respecting the sale of Clergy Reserves being communicated to him; but to acquaint persons who may in future apply, that no more leases will be granted.

Applications have already been made to the Commissioner of Crown Lands, for the purchase or lease of about 150,000 acres. The parties having no doubt their proposals will be ultimately accepted, disappointment and discontent would be the result of the rejection of their applications. I have therefore authorized the Commissioner of Crown Lands to sell or lease to the amount of sales effected in the half-year ending the 30th of June 1831, instead of the last half-year, as the farmers generally transact their business on land matters in the winter months.

I have, &c.
(signed) *J. Colborne.*

Enclosure 1, in No. 34.

Encl. 1, in No. 34.

MESSAGE from Lieutenant-Governor Sir *John Colborne* to the Legislative Council and House of Assembly of *Upper Canada*, on 25th January 1832.—(signed) *John Colborne.*

The Lieutenant-governor has received His Majesty's commands to make the following communication to the {Legislative Council / House of Assembly} in reference to the lands which, in pursuance of the Constitutional Act of this Province, have been set apart for the support and maintenance of a Protestant clergy:

The representations which have at different times been made to His Majesty and his Royal predecessors, of the prejudice sustained by his faithful subjects in this province, from the appropriation of the Clergy Reserves, have engaged His Majesty's most attentive consideration.

His Majesty has with no less anxiety considered how far such an appropriation of territory is conducive either to the temporal welfare of the ministers of religion in this province, or to their spiritual influence. Bound no less by his personal feelings than by the sacred obligations of that station to which Providence has called him, to watch over the interests of all the Protestant churches within his dominions, His Majesty could never consent to abandon those interests with a view to any objects of temporary and apparent expediency.

It has, therefore, been with peculiar satisfaction that, in the result of these inquiries into this subject, His Majesty has found that the changes sought for by so large a proportion of the inhabitants of this province may be carried into effect without sacrificing the just claims of the Established Churches of England and Scotland. The waste lands which have been set apart as a provision for the clergy of those venerable bodies have hitherto yielded no disposable revenue; the period at which they might reasonably be expected to become more productive is still remote.

His Majesty has solid grounds for entertaining the hope, that before the arrival of that period it may be found practicable to afford the clergy of those churches such a reasonable and moderate provision as may be necessary for enabling them properly to discharge their sacred functions.

His Majesty, therefore, invites the {Legislative Council / House of Assembly} of Upper Canada to consider how the powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal this part of its provisions, can be called into exercise most advantageously for the spiritual and temporal interests of His Majesty's faithful subjects in this province.

Government House,
25 January 1832.
205.

No. 34.
Sir J. Colborne to Viscount Goderich, 3 Feb. 1832.

Encl. 2, in No. 34.

Enclosure 2, in No. 34.

House of Assembly, 25 January 1832.

Mr. Attorney-general, seconded by Mr. Willson, of Wentworth, moves for leave to bring a Bill to invest in His Majesty the lands set apart in this province for the support of a Protestant clergy in this province, discharged of all trusts whatsoever for that purpose, and that the 32d rule of this House be dispensed with for that purpose.

Which was granted, and the Bill read.

Mr. Attorney-general moves, seconded by Mr. Bidwell, that the Bill be read a second time to-morrow, and that it be the first item on the order of the day.

In amendment, Mr. Morris, seconded by Mr. Samson, moves that the whole of the original motion after the word "moves" be expunged, and the following inserted:

"That 500 copies of the Bill, and his Excellency's message of this day, on the subject of the Clergy Reserves, be printed for the use of members."

On which the House divided, and the yeas and nays were taken as follows:

Yeas:—Messrs. Berezy, Boulton, Burwell, Campbell, Chisholm, Duncombe, Elliott, Ingersoll, Jarvis, Jones, Ketchum, M'Call, M'Martin, M'Nab, Maçon, Morris, Norton, Randal, Robinson, Roblin, Samson, Shade, Shaver, Solicitor-general, Van Roughnett, Werden, J. Willson and W. Wilson, 28.

Nays:—Messrs. Attorney-general, Bidwell, Buell, Clark, Cook, Howard and Lyons, 7.

The question was carried in the affirmative by a majority of 21.

The original question, as amended, was then put and carried.

On the question for the second reading of the Bill to-morrow, the House divided, and the yeas and nays were taken as follows:

Yeas:—Messrs. Attorney-general, Berezy, Bidwell, Buell, Campbell, Chisholm, Clark, Cook, Duncombe, Elliott, Howard, Ingersoll, Jarvis, Ketchum, Lyons, M'Call, D. M'Donald, Maçon, Morris, Norton, Randal, Robinson, Roblin, Samson, Shade, Shaver, Werden, J. Willson and W. Wilson, 29.

Nays:—Messrs. Boulton, Burwell, Jones, M'Martin, M'Nab, Solicitor-general, and Van Roughnett, 7.

The question was carried in the affirmative by a majority of 22, and ordered accordingly.

Truly extracted from the Journal of Assembly.

(signed) *James Fitzgibbon*,
Clerk of the Assembly.

— No. 35. —

No. 35.
Viscount Goderich to Sir J. Colborne, 30 March 1832.

(No. 62.)

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-Governor Sir *John Colborne*, K.C.B.

Sir, Downing-street, 30 March 1832.

I HAVE the honour to acknowledge the receipt of your despatch of the 3d of February, in answer to my despatches upon the subject of the Clergy Reserves of Upper Canada.

You did perfectly right in making a communication to the two branches of the Legislature of the instruction which you had received, and of the important objects to which you were directed to call their attention; and although from the late period of the session at which those instructions reached you, and from other circumstances which had occurred during its progress, I am not surprised that the Legislature was anxious to avoid taking up at that time the consideration of such weighty matters, I flatter myself that the two Houses, and the people at large, will have seen in the course which you were instructed to pursue an additional proof of His Majesty's great anxiety to attend to all questions which appear to affect the prosperity and wellbeing of the province.

As the legislative consideration of this subject must now be postponed till another year, of course my former instructions as to the sale of Clergy Reserves, under the imperial Act of 1827, are no longer strictly applicable. You will therefore consider yourself at liberty to proceed with the sales or leases as usual up to the 30th June 1833; and as I have entire confidence in your judgment and discretion, I do not wish to put any restraint upon you as to the quantity of land which you may authorize to be sold during that year, limiting it of course to the quantity authorized by the Act referred to. I will thank you to keep me regularly informed, every half year, of the sales which may have taken place, and I am also very desirous of being regularly informed whenever any portion of the purchase-money may be paid in; no account of such payments has, as far as I know, been received here for the last 12 months.

In

No. 35.
Viscount Goderich to Sir J. Colborne, 30 March 1832.

In a private letter which you addressed to Mr. Hay on the 5th March 1831, you enclosed a paper showing the amount of interest which would be payable upon the received payments of the sales of 1829 and 1830; I will thank you to furnish me with a similar statement for the sales of 1831.

It is very material, with a view to a satisfactory consideration of the existing funds, which, under the present law, may be applicable to the Church expenditure, to have a precise and detailed account of those clergy lands which are under lease; the number of acres leased, the amount of rents receivable, the gross produce and net proceeds, after paying the charge of collection, together with some general statement of the localities and capabilities of the lands so leased, whether for building or for cultivation, are all matters with respect to which I am anxious for full information. In connexion with this question, and with reference to my despatch of the 21st November last, No. 57, in which I directed you to apply a certain portion of the casual and territorial revenue towards the income of the Bishop, I have now the honour to acquaint you that it has been determined to submit to Parliament an estimate for that service, to be annually voted during the life of the present Bishop. If this vote should be agreed to, it would of course not be necessary for you to carry into effect that part of my said instructions which referred to his Lordship, except it be convenient as an advance, to be repaid out of the Parliamentary grant. You will not, however, consider yourself at liberty, without further instructions, to apply that sum of 1,500*l.* to any other purpose, as it would be very convenient to keep it as a reserve with a view to the future.

I have, &c.

(signed) *Goderich.*

P. S.—Since the above despatch was written, I have received yours of the 14th December 1831, No. 48, which contains much useful information upon the topics of my present despatch. I do not, however, think that it entirely supersedes the necessity of information upon the other points referred to, and I have therefore made no change in what I have previously written.

Your hint as to the source whence the Bishop's 1,500*l.* should be drawn (if it be necessary to apply provincial resources at all to that object) is judicious, and you will attend to it accordingly; and the same observation will apply to the salaries of the two Archdeacons.

—No. 36.—

(No. 6.)

No. 36.
Sir J. Colborne to Viscount Goderich, 11 Feb. 1832.

COPY of a DESPATCH from Lieutenant-Governor Sir *John Colborne*, K.C.B. to Viscount *Goderich.*

Upper Canada,
York, 11 February 1832.

My Lord,

I HAVE the honour to transmit to your Lordship an Address to the King from the Commons of Upper Canada, in Provincial Parliament assembled, in which they pray that His Majesty will be graciously pleased to recommend that the Clergy Reserves may be sold, and the proceeds arising from the sale of them may be placed under the direction of the Legislature, to be applied to the advancement of the purposes of education.

I have, &c.

(signed) *J. Colborne.*

No. 36.
Sir J. Colborne to Viscount Goderich, 11 Feb. 1832.

Enclosure in No. 36.

TO The KING's Most Excellent Majesty.

Encl. in No. 36.

Most Gracious Sovereign,

We, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave most humbly to submit to your Majesty, that by an Act of the Parliament of Great Britain, 31st Geo. 3, one-seventh of the lands of this province was set apart for the support of a Protestant clergy:

That, under that Act, appropriations have from time to time been made, and which appropriations are, in the province, known by the name of "the Clergy Reserves;" that these appropriations having been generally made in lots of 200 acres throughout the several townships of this province, the value of the same has been much enhanced by the settlement of the country, and principally from the improvement of the lands in the neighbourhood of such appropriations by the labour of inhabitants composed of various denominations of Christians; that these Reserves being so interspersed with the lands of actual settlers, have materially retarded the improvement of the country; that by an Act passed in the reign of his late most gracious Majesty, provision was made for a sale of a portion of the said Reserves; that it is unjust, as well as impolitic, to appropriate the said land to the support of any one church exclusively, and it is extremely difficult, if not altogether impracticable, to apportion or divide the same among the clergy of all denominations of Protestants; that a large majority of the inhabitants of this province are sincerely attached to your Majesty's person and government, but are averse to the establishment of any exclusive or dominant church; that this House feels confident that, to promote the prosperity of this portion of your Majesty's dominions, and to satisfy the earnest desire of the people of this province, your Majesty will be graciously pleased to give the most favourable consideration to the wishes of your faithful subjects; that, to terminate the jealousy and dissension which have hitherto existed on the subject of the said Reserves, to remove a barrier to the settlement of the country, and to provide a fund available for the promotion of education, it is extremely desirable that the said lands so reserved be sold, and the proceeds arising from the sale of the same placed at the disposal of the Provincial Legislature, to be applied exclusively for that purpose; we therefore humbly pray that your Majesty will be graciously pleased to recommend to your Majesty's Parliament of Great Britain and Ireland to pass an Act to authorize the sale of the Clergy Reserves remaining unsold, and to enable the Legislature of this province to appropriate the proceeds thereof in such manner as may be considered most expedient for the advancement of education.

(signed) *Arch. M'Lean*,
Speaker.

Commons' House of Assembly,
14 December 1831.

— No. 37. —

(No. 73.)

No. 37.
Viscount Goderich to Sir J. Colborne, 1 June 1832.

Copy of a DESPATCH from Viscount *Goderich* to Lieutenant-Governor Sir *John Colborne*, K.C.B.

Sir, Downing-street, 1 June 1832.

I have the honour to acknowledge the receipt of your despatch of the 11th February last, enclosing an address from the Commons of Upper Canada, praying that His Majesty will be graciously pleased to recommend that the Clergy Reserves may be sold, and the proceeds arising from the sale of them be placed under the direction of the Legislature, to be applied to the advancement of the purposes of education.

As it appears from the date of the Address that it was agreed to by the House previous to the receipt of my despatch of the 21st November last, on the subject of the Clergy Reserves, I trust that the instructions therein conveyed to you will be considered as a sufficient reply to the present Address.

I have, &c.

(signed) *Goderich.*

— No. 38. —

No. 38.
Viscount Goderich to Sir J. Colborne, 5 April 1832.

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-Governor Sir John *Colborne*, K. C. B.

Sir, Downing-street, 5 April 1832.

IN my despatch, No. 57, of the 21st November 1831, I authorized you to apply in the year 1832, towards the maintenance of the Bishop and other ministers of the Church of England in Upper Canada, 5,000 *l.* out of the casual and territorial revenue of that province; and I estimated that the resources available to the same object from provincial funds by law applicable to it would amount to about 1,000 *l.*, making in the whole a sum of 6,000 *l.* I directed you at the same time to divide the sum into three parts, whereof one, amounting to 1,500 *l.*, was to be paid to the Bishop; another, amounting to nearly 1,000 *l.*, to the two Archdeacons of York and Kingston; and the third, of 3,500 *l.*, in aid of those payments which the Society for the Propagation of the Gospel in Foreign Parts is in the habit of making to the ministers of the Church of England who are denominated missionaries. You have since been informed by me in my despatch, No. 62, of the 30th March last, that His Majesty's Government have determined to call upon Parliament to vote, during the life of the Bishop, the whole of his income. The charge, therefore, for the maintenance of the clergy for the year 1832 will be reduced from 6,000 *l.* to 4,500 *l.* I have since learned from your private letter of the 16th of February, that the resources derivable from the funds set apart for this object will considerably exceed the amount at which, judging from the information in my possession, I had ventured to rate them. It now appears that the interest upon instalments to be paid in 1832, upon Reserves antecedently purchased, will amount to 1,200 *l.*, and that the net produce of the rents of clergy lands leased will not be less than 2,300 *l.* To these two sums will be to be added the interest upon the purchase-money of these Reserves vested in our funds, which will amount to about 300 *l.* The total of these items will be 3,800 *l.* instead of 1,000 *l.*, at which I had estimated them; and if to this total there be added from the casual and territorial revenue 1,000 *l.*, making in the whole 4,800 *l.*, there will be abundant means of meeting all the demands for salaries, including the two Archdeacons, for which I had intended to provide. A question therefore naturally arises as to the most advantageous mode of disposing of the 4,000 *l.* to be taken out of the casual and territorial revenue, which had been destined to this particular service, and which will no longer be required for that purpose. I have considered with great attention the observations contained in your private letter of the 16th of February, and the propositions which result from them; and I am happy to find that your practical views, founded upon personal knowledge and experience, are so coincident with those which upon a more speculative view I had been led to entertain. I quite concur with you in thinking that the greatest benefit to the Church of England would be derived from applying a portion at least of the funds under the control of the Executive Government in the building of rectories and churches, and I would add, in preparing, as far as may be, for profitable occupation that moderate portion of land which you propose to assign in each township or parish for increasing the future comfort, if not the complete maintenance, of the rectors. With this view, it appears to me that it would be most desirable to make a beginning in this salutary work by assigning to it a portion, at least, of the 4,000 *l.* to which I have before alluded, as being no longer required (during the present year at all events) for the payment of clerical salaries. I say a portion of this sum, because I am led to think that it would be expedient, with a view to prevent jealousy and attempts at interference with this territorial fund, to permit some part of it to be disposed of for religious objects generally, without reference to the particular modes of belief which certain classes of the community may entertain. Some of it might, for instance, be applied to churches for the Presbyterians, some for Roman-catholic chapels, and some even for the Methodists, particularly that portion of them who may be in communion with the Wesleyan Methodists of this country. It is obviously impossible to think of aiding every subdivision of religionists, whose varieties are too indefinite to enumerate; and I feel that even with respect to those classes to which I have alluded, I cannot well undertake to prescribe to you

No. 38. Viscount Goderich to Sir J. Colborne, 5 April 1832.

from hence the exact proportion of assistance which it might be fit to grant to each. £. 4,000 in the whole will be disposable, and I willingly leave it to your discretion to decide as to the proportionate distribution of that sum. I am well aware that in the execution of this duty you will have to steer a difficult course, and that it will require no small tact to determine by what practical means these important objects can best be attained; the diffusion of religious feelings and motives of conduct is the great point to be aimed at, and His Majesty's Government must naturally feel anxious that these should be as extensively as possible in unison with the Established Church of this country; but it cannot be forgotten, that the condition of society in such a country as Upper Canada presents difficulties in the pursuit of this object which are very serious, and that a state of religious peace is above all things essential in establishing in the minds of the people the efficacy of religious principles. Whilst, therefore, I admit without reserve my own extreme anxiety for the widest extension of the Church of England in Upper Canada, I feel it to be scarcely less important earnestly to urge the inexpediency of seeking to promote that great object by aiming at the exclusion or repression of other churches.

I communicate to you these sentiments on the part of the King's Government, with an entire reliance upon your judgment and coincidence of views; and the present temper of the majority of the House of Assembly, together with the increasing prosperity and general tranquillity of the province, encourage me to entertain a sanguine hope that the present opportunity, if wisely and judiciously used, may lead to the most important and beneficial results.

I have, &c.
(signed) *Goderich.*

P. S.—Upon a point so important as the distribution of the 4,000 *l.* referred to in this despatch, I should wish no actual step to be taken until I shall have had an opportunity of considering any suggestions which you may have to offer upon the subject, which I trust I may receive at as early a period as may be convenient for you to favour me with them.

— No. 39. —

No. 39. Sir J. Colborne to Viscount Goderich, February 1832.

COPY of a DESPATCH from Lieutenant-governor Sir *John Colborne*, K. C. B. to Viscount *Goderich*.

Dated Upper Canada, York, February 1832.

My Lord,

I HAVE the honour to transmit to your Lordship the copy of an address, which I received from the House of Assembly during the last Session, praying that the chaplain of the House may be dismissed from his office, and no other, in future, appointed.

In my reply to this request, I acquainted the House that I would forward the Address to His Majesty's Government.

The salary of the chaplain is fixed by a permanent Act of the Provincial Legislature; and as the appointment has been considered as one depending on the Crown, I do not think myself authorized to discontinue the office without receiving instructions from His Majesty's Government.

I beg your Lordship will have the goodness to inform me whether the prayer of the house, soliciting the dismissal of the chaplain, should be granted.

I have, &c.
(signed) *John Colborne.*

Enclosure in No. 39.

Encl. in No. 39.

TO His Excellency Sir *John Colborne*, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-governor of the Province of Upper Canada, Major General commanding his Majesty's forces therein, &c. &c. &c.

May it please your Excellency,

WE his Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave to inform your Excellency, that, deeming it inexpedient to sanction any act that might be constructed, either directly or indirectly, to recognize an Established

Established Church in this province; we have rescinded our rule requiring the business of the day to commence with prayer, and consequently, have no further occasion for the services of a chaplain, the office of which has thereby become a sinecure.

We therefore humbly pray your Excellency to dismiss said chaplain, from such his office, and that your Excellency may be pleased to appoint no other in his stead.

Commons House of Assembly, 21 January 1832. (signed) *Arch. M'Lean*, Speaker.

No. 41. Sir J. Colborne to Viscount Goderich, February 1832.

Encl. in No. 39.

— No. 40. —

(No. 95.)

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-Governor Sir *John Colborne*, K. C. B.

No. 40. Viscount Goderich to Sir J. Colborne, 25 Sept. 1832.

Sir, Downing-street, 25 September 1832.

I HAVE the honour to acknowledge the receipt of your despatch, No. 10, enclosing the copy of an address which you had received from the House of Assembly of Upper Canada during the last Session, praying that the chaplain of the House may be dismissed from his office, and no other in future appointed.

I have to desire that you will inform the House of Assembly, that in compliance with the wishes they have expressed, and with a view of saving the salary, which has been assigned for the performance of duties which it seems are no longer required, His Majesty, in the event of the situation of chaplain becoming vacant, will not make any fresh appointment. He trusts, however, that the House will acquiesce in the propriety of acting in the present instance upon the same principle, which in the reduction of offices is uniformly followed in this country, and that no objection will be made to the present chaplain being permitted during his life to continue in the enjoyment of the income he now receives, and which he has been led to consider as permanent.

I have, &c.
(signed) *Goderich.*

— No. 41. —

(No. 12.)

COPY of a DESPATCH from Lieutenant-Governor Sir *John Colborne*, K. C. B. to Viscount *Goderich*.

No. 41. Sir J. Colborne to Viscount Goderich, 18 February 1832.

My Lord, Upper Canada, York, 18 February, 1832.

I HAVE the honour to forward to your Lordship the accompanying petition from the Synod, formed of the Presbyterian Ministers in this province, not in communion with the Kirk of Scotland.

17 June 1831.

A similar statement was entrusted by them last year to the care of a Presbyterian Minister proceeding to England, but as the Synod have been informed that it was not presented, they have requested me to transmit again their petition to your Lordship.

I have, &c.
(signed) *J. Colborne.*

Enclosure in No. 41.

TO the Right Honourable Lord Viscount *Goderich*, His Majesty's Principal Secretary of State for the Colonies.

Encl. in No. 41.

The Petition of the Ministers of the United (Presbyterian) Synod of Upper Canada,
Humbly showeth,

That this Synod consists of Presbyterian ministers, principally from different parts of the mother country, adhering to the doctrines, government, discipline, and manner of worship of the Church of Scotland, as set forth in the Westminster Confession of Faith, and the other formularies of the Westminster Assembly; they have been principally educated at Scottish Universities, and, although not in actual communion with the Church of Scotland, they have all been ordained according to her forms.

In the year 1818, when your petitioners, desirous of promoting the moral and religious prosperity of the colony, joined in forming "the United Presbytery of Upper Canada," with the design of uniting all the Presbyterians in the Province in one body, without reference to those differences which had separated them in the mother country, addresses were sent to the Governor-in-chief, and the Lieutenant-governor of the Province, acquainting them

No. 41.
Sir J. Colborne to Viscount Goderich, 18 February 1832.

Encl. in. No. 41.

with the nature and objects of the Presbytery, which met with their cordial approbation. The ministers in communion with the Church of Scotland, then in the Province, were, at the same time, requested to co-operate; but they at that time declined.

A few years ago, however, when the subject of the Clergy Reserves came to be publicly discussed the ministers in communion with the Church of Scotland proposed a union with your petitioners, and requested them to join in an application to His Majesty's Government for pecuniary assistance. They did so, and the signatures of their numerous congregations were procured to a petition, prepared for that purpose, as well as money forwarded to assist in sending home an agent to represent the Presbyterian claims in general; but, to their great surprise, it was afterwards found that the original petition, for which the signatures were obtained was suppressed, and another substituted in its place, representing only the claims of the ministers of the Church of Scotland; and when their object was attained, the claims of your petitioners were remembered by them no longer. In consequence of this, your petitioners have been entirely overlooked, in the liberal provision made by the Government for Presbyterian ministers in Upper Canada, although the exertions of your petitioners, in promoting the loyalty of the people as well as their moral and religious instruction, have been greater, their residence in the country being longer, and their congregations more numerous.

Your petitioners, last year, represented these things to his Majesty's Government, in the full confidence that when these facts came to be known, a similar provision would be made for your petitioners, especially as they consider that their claims on the generosity and justice of the British Government are, at least, equal to those of the ministers of the Church of Scotland, their number being greater, and their labours more efficient. To deny this would be to throw a reproach upon the labours of your petitioners, and to create unnecessary, invidious, and vexatious distinctions among his Majesty's Prestbyterian subjects, and such distinctions have in any case a most pernicious tendency, but particularly so in this Province.

In accordance with a suggestion contained in a despatch from Sir George Murray, His Majesty's late Secretary of State for the Colonies, to his Excellency Sir John Colborne, the Lieutenant-governor of this Province, bearing date 1st August 1830, recommending a union of all the Presbyterians in the province, we have publicly expressed our willingness, and used our endeavours, to have that object effected; but these endeavours have been hitherto ineffectual, owing to a want of co-operation on the part of the ministers in connexion with the Church of Scotland, since the Government has granted them pecuniary support. However, the principal thing recommended in Sir George Murray's despatch (namely, the formation of a synod and presbyteries) has been attended to on our part. We have hitherto been known by the name of "The United Presbytery of Upper Canada;" but owing to the increase of our numbers, as well as the recommendation in Sir George Murray's despatch, we have, this day, formed ourselves into a synod, to be called "The United Synod of Upper Canada," thereby affording that guarantee required on the part of His Majesty's Government.

Your petitioners, the ministers of the United Synod of Upper Canada, do therefore most earnestly urge and intreat that their claims may be brought under the favourable consideration of His Majesty's Government, and such an allowance granted as they in their wisdom may deem expedient.

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

Signed in the name and by authority of the Synod,

Andw. Bell, Moderator.
William Smart, Synod Clerk.

Brockville, U. C., 17 June 1831.

— No. 42. —

No. 42.
Viscount Goderich to Sir J. Colborne, 29 July 1832.

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-Governor Sir *John Colborne*, K. C. B.

Sir, Downing-street, 29 July 1832.

I HAVE the honor to acknowledge the receipt of your despatch of the 18th February last, enclosing a petition addressed to me by the Presbyterian Ministers of the "United Synod of Upper Canada," praying that their claim may be brought under the favourable consideration of his Majesty's Government, and such an allowance granted them as may be deemed expedient.

I have to request that you will acquaint the petitioners that His Majesty's Government will ever be ready to promote, as far as it is in their power, the interests of a Church so respectable in point of numbers and character as that which is represented by the United Synod of Upper Canada.

I am therefore desirous of receiving your opinion as to the amount of pecuniary assistance which it would be proper to afford to the Presbyterian Church, not in communion with the Kirk of Scotland.

I have, &c.
(signed) *Goderich.*

—No. 43.—

(No. 43.)

COPY of a DESPATCH from Lieutenant-governor Sir *John Colborne*, K.C.B., to Viscount *Goderich*.

My Lord, Upper Canada, York, 5 September 1832.

No. 43. Sir J. Colborne to Viscount Goderich, 5 September 1832.

I HAVE delayed my reply to your Lordship's despatch of the 5th of April, respecting the provincial resources that may become available for the support of the ministers of the Church of England, till the Secretary of the Clergy Corporation and the Commissioner of Crown Lands could forward to me the accompanying returns. Nos. 1 & 2.

It appears that the sum due on account of rents arising from leases of the reserves amounts to 19,000*l.*, and that the expected revenue this year from the interest on instalments of the purchase-money for clergy reserves will not be less than 1,000*l.* Of the former sum, about 3,000*l.* may be paid to the Receiver-general before December next. The interest of the money remitted by the Commissioner of Crown Lands to England may be calculated at 600*l.*; 15,000*l.* currency having already been paid to the Assistant Commissary-general, according to the annexed Return. £. 18,697. 12. 10.

Assuming, therefore, that the sum at the disposal of his Majesty's Government at the end of this year will be 4,600*l.*, the salaries of the two Archdeacons, and the 3,500*l.* authorized to be paid to the clergy, in lieu of the grant formerly voted by the Imperial Parliament, may be defrayed from these proceeds; and as the revenue arising from the leases and sales of clergy reserves will increase considerably every year, I should recommend all the expenditure which may be incurred in preparing glebe lots for occupation, and in building rectories and churches, to be defrayed from the monies which may be paid into the hands of the Receiver-general on that account. No. 3.

From the annexed copy of a letter to the Bishop of Quebec, your Lordship will perceive the arrangements which have been suggested with a view of preparing the glebe lots for occupation, and the prospects which I have held out, that Government may be induced to authorize the payment of 100*l.* per annum to the missionaries that are now stationed in the province, and also to those which may in future be appointed to officiate in the new townships, under the persuasion that their respective congregations should be called on to make any further provision which may be considered necessary for their support or comfort. No. 4.

There are, I believe, about 30 missionaries in the province, and 15 more could be established with great benefit to the population. If, therefore, a salary of 100*l.* per annum can be secured to each missionary from the revenue arising from the rents on leases, and the interest on the sales of the reserves, &c., and the balance of these proceeds at the end of the year be applied to the purposes mentioned in your Lordship's despatch, viz. preparing glebe lots, and building rectories and churches, and that the zeal and qualifications of the ministers who may be sent out render them fit to discharge the duties required from missionaries in Upper Canada, the Church of England, I am persuaded, will flourish, and prove acceptable to the people.

I beg leave to transmit the enclosed copy of a letter from Mr. Alder, the Wesleyan minister, authorized by the British Conference to proceed to the province with the view of ascertaining the state of the Methodists' Society, and I have the satisfaction to observe, that it is probable that the influence of the British Conference will be exerted in promoting religious instruction and confidence in his Majesty's Government; and that the Episcopal Methodists will unite with the Wesleyans and place themselves under the direction of an agent of the Conference. No. 5.

In regard to the distribution of the pecuniary aid to the Presbyterians, Wesleyans and Roman Catholics, to enable them to build churches and chapels, proposed by your Lordship to be granted from the territorial revenue, I should recommend 900*l.* to be placed at the disposal of the Synod established by the Presbyterians in Upper Canada who are in communion with the Church of Scotland, on their application to the Lieutenant-governor of the province, and on their stating the manner in which the grant is to be applied; 900 *l.* at the disposal of the Roman Catholic Bishop, to be expended by such trustees as may be nominated to superintend the erection of the particular chapels required; 900 *l.*

No. 43.
Sir J. Colborne to Viscount Goderich, 5 September 1832.

No. 6.

at the disposal of the British Wesleyan Conference; and 600*l.* at the disposal of the Canadian Methodist Conference, a society which separated some years since from the Episcopal Methodists, and who have applied for assistance.

The account of sales of clergy reserves for the years 1829, 1830, 1831, and to June 1832, is annexed: the average price per acre is 13*s.* 3¼*d.* currency, and the amount obtained for the whole lots sold, 69,144*l.* 3*s.* 10½*d.* currency.

I have, &c.
(signed) *J. Colborne.*

Enclosure 1, in No. 43.

Encl. 1, in No. 43. THE ANNUAL AMOUNT which will be due from each District, from 1st July 1832 to 1st July 1834, as far as can be ascertained; subject to Increase by further Leases; subject also to Diminution by Sales, at which time the Rent ceases.

	£.	s.	d.
Eastern District	50	17	6
Johnstown District	196	–	–
Midland District	368	5	–
Newcastle District	422	3	6
Home District	900	1	3
District of Gore	252	3	9
London District	295	2	6
Ottawa District	36	–	–
District of Bathurst	102	17	6
£.	2,623	11	–

(signed) *George H. Markland,*
Secretary to the Corporation.

AGGREGATE of AMOUNT due from the Districts enumerated above, showing the Sum outstanding on the 1st July 1832.

	£.	s.	d.
Eastern District	1,473	11	3
District of Johnstown	2,740	9	5
Midland District	3,762	2	–
District of Newcastle	2,837	7	6
Home District	4,197	4	–
District of Gore	864	16	3
London District	2,374	4	9
Ottawa District	140	10	–
District of Bathurst	307	7	8
TOTAL Amount due from above Districts - £.	18,697	12	10

(signed) *George H. Markland,*
Secretary to the Corporation.

It is to be remarked with respect to lots leased under the first or old regulation, that many of them have never been occupied; an injustice would therefore be done to persons desiring to release, by exacting the whole back-rent upon a lot in its wild state. It therefore frequently occurs that the board relinquishes a portion, or perhaps the whole, of the arrearage due, in order to facilitate sales; which, together with other circumstances, renders it quite uncertain how much of the above may be collected.

Enclosure 2, in No. 43.

UPPER CANADA.

Statement of Sales of Clergy Reserves for the Years 1829 and 1830.

The terms of payment Ten per cent. at the time of purchase, and the remainder in Nine years' annual instalments of Ten per cent., with interest on each as it becomes due.

Year.	Total Number of Acres sold to the 31st Dec. 1829 and 1830.	Provincial Currency. Total Amount.	Average Price per Acre.	Interest payable in 1830.	Interest payable in 1831.	Interest payable in 1832.	Interest payable in 1833.	Interest payable in 1834.	Interest payable in 1835.	Interest payable in 1836.	Interest payable in 1837.	Interest payable in 1838.	Interest payable in 1839.
		£. s. d.	s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1829	18,014	13,229 – –	14 8¼	79 7 5¾	158 14 11½	238 2 5¼	317 9 11	396 17 4¾	476 4 10½	555 12 4¼	634 19 10	714 7 3¾	—
1830	34,717½	23,396 1 –	13 5¾	– –	140 7 6	280 15 –	421 2 6	561 10 –	701 17 6	842 5 –	982 12 6	1,123 – –	1,263 7 6
		Total – – £.		79 7 5¾	299 2 5½	518 17 5¼	738 12 5	958 7 4¾	1,178 2 4½	1,397 17 4¼	1,617 12 4	1,837 7 3¾	1,263 7 6

No. 43.
Sir J. Colborne to Viscount Goderich, 5 September 1832.

Enclosure 3, in No. 43.

Encl. 3, in No. 43.

UPPER CANADA.

MEMORANDUM of SUMS of MONEY paid to Assistant Commissary-general *Foote*, stationed at *York*, on account of Clergy Reserves sold by me.

		£.	s.	d.
1831	17 May	8,000	–	–
„	20 December	3,000	–	–
1832	3 April	2,000	–	–
„	6 June	2,000	–	–
	Provincial Currency £.	15,000	–	–

(signed) *Peter Robinson.*

Commissioner of Crown Lands Office, York,
4 September 1832.

Enclosure 4, in No. 43.

Government House, York,
4 September 1832.

My Lord Bishop,

Encl. 4, in No. 43.

HIS Majesty's Government having directed measures to be adopted with a view of gradually rendering available and preparing 600 acres in certain townships for the support of the ministers of the Church of England, I have the honour to inform your Lordship that these intentions of his Majesty's Government will be immediately carried into effect; and that so soon as I can ascertain the most convenient situation in new townships for building churches and rectories in which it may be necessary to appoint missionaries, pecuniary assistance will be granted for the purpose.

In respect to the townships where ministers are at present officiating, I shall endeavour to assign a glebe lot for the use or support of the missionary, and on the part of Government sanction, where it may be practicable, pecuniary aid to be applied in preparing the lots for cultivation.

Should these arrangements take place, and the sum of 100*l.* per annum be sanctioned by his Majesty's Government for the salary of every minister in this province, I trust your Lordship will coincide with me in thinking that the congregation under the charge of the missionary may be called on to provide the remainder of the stipend which it may be found expedient to grant for his support.

In recommending a commencement of this system in several townships lately located with emigrants from England, I beg leave to suggest the propriety of nominating a minister to take charge of the congregation which he may be able to collect previously to the erection of a church; being persuaded that a minister well qualified for his sacred office in Upper Canada will in most cases succeed in his exertions, by endeavouring in the first place to obtain the confidence of the inhabitants.

I have, &c.
(signed) *J. Colborne.*

The Honourable and Right Reverend
The Lord Bishop of Quebec.

Enclosure 5, in No. 43.

Montreal, 27 August 1832.

Sir,

Encl. 5, in No. 43

I BEG permission to inform your Excellency, that I have attended the Conference of the Methodist Church of Upper Canada, and to state confidentially for your information the result of my interview with that body—a result much more favourable than I allowed myself to anticipate.

They have resolved that their disciplinary system shall be so altered, as that it may be made to agree in all its parts with British Methodism, as speedily as prudence and a due regard to the safety of their chapel property will allow. The Conference has already agreed to the abolition of episcopacy, which was a great barrier in the way of the entire union. They have consented to place the whole of their Indian missions under the exclusive management of our missionary committee. In addition to these and other concessions of importance, I have required that no man who continues to pursue any secular calling shall be ordained to the office of the ministry; that the British Conference shall send to Canada such ministers as it may see fit to appoint; that no preachers shall be taken out in Canada without the consent of that body; that Kingston shall be exclusively occupied by a missionary from the British Conference, as it is a central station between the two provinces; that the propriety of continuing camp meetings shall be seriously considered, and that the "Christian Guardian" shall for the future be an exclusively religious journal. The Canadian Conference has appointed a representative to proceed to England, where the whole matter will be finally settled: the Rev. E. Ryorson has been appointed to this office.

This

No. 43.
Sir J. Colborne to Viscount Goderich, 5 September 1832.

Encl. 5, in No. 43.

This, your Excellency, was done at my request, as he and his brothers were the most eloquent advocates for the proposed alterations.

From these statements, your Excellency will perceive that I have rigidly adhered to those great principles to which I had occasion to advert during the several interviews with which you were pleased to honour me ; and it is only an act of justice to the Canadian Conference to state, that my frankness in stating my sentiments and principles, and my firm adherence to them, contributed to procure for me in no small degree the confidence of a large proportion of that body, of which a strong proof is furnished in the fact, that a unanimous request has been addressed to the British Conference, that in the event of the proposed arrangements being carried into effect, I may be appointed as their first president, with the understanding that I shall remain for two or three years, and exercise a general superintendency over the Methodist societies in both provinces.

I feel a strong conviction that for many reasons I should accept of such an appointment, especially as I possess a degree of local knowledge and influence which it would require a stranger some time to obtain. May I venture to ask your Excellency's opinion of such an arrangement, as it would have great weight with our missionary committee, as well as with myself?

I shall return to England by the way of Halifax, in which place I shall remain until the middle of September, after which my address will be " 8, Portland-street, Kingsdown, Bristol."

I remain, &c.

His Excellency Sir John Colborne, K. C. B.
&c. &c. &c.

(signed) *R. Alder.*

Enclosure 6, in No. 43.

Encl. 6, in No. 43.

Sales of Clergy Reserves.

	Acres.	Currency. £.	s.	d.
In - - 1829	18,014	13,229	–	–
In - - 1830	34,705 ½	23,352	4	–
In - - 1831	28,583 ¼	17,430	2	1½
To 30th June 1832	22,805 ¼	15,132	17	9
	104,108	69,144	3	10½

Average price per acre, 13*s.* 3¼*d.* currency.

Commissioner of Crown Lands Office, York,
4 September 1832.

No. 43.
Sir J. Colborne to Viscount Goderich, 5 September 1832.

Encl. 6, in No. 43.

THE CLERGY RESERVES were originally leased under Regulations established by the LIEUTENANT-GOVERNOR in COUNCIL; the within is an Abstract of the Number of Acres leased, and the Amount of Rent due, under those several Regulations, from each District, up to the 1st July 1832 inclusive.

EASTERN DISTRICT.

OLD REGULATION.

Rent per Annum.

1st 7 years - - - 10*s.* } per lot of 200 acres,
2d 7 years - - - 20*s.* } or
3d 7 years - - - 30*s.* } per lot of a less quantity.

No. of Acres Leased.		Amount of Rent due.
		£. s. d.
6,230	Amount due - - - -	1,043 15 -
	Regulation, 4th April 1811.	
	Rent per Annum.	
	1st 7 years - - - 15*s.* } per lot of 200 acres,	
	2d 7 years - - - 30*s.* } or	
	3d 7 years - - - 45*s.* } per lot of less quantity.	
3,512	Amount due - - - -	350 3 9
	Regulation, 13th April 1819.	
	Rent per Annum.	
	1st 7 years - - £. 1 15 - } per lot of 200 acres,	
	2d 7 years - - 3 10 - } or	
	3d 7 years - - 5 5 - } per lot of less quantity.	
700	Amount due - - - -	79 12 6
10,442	TOTAL No. of Acres. TOTAL due - - £.	1,473 11 3

DISTRICT OF JOHNSTOWN.

OLD REGULATION.

Rent per Annum.

1st 7 years - - - 10*s.* } per lot of 200 acres,
2d 7 years - - - 20*s.* } or
3d 7 years - - - 30*s.* } per lot of a less quantity.

No. of Acres Leased.		Amount of Rent due.
		£. s. d.
9,724	Amount due - - - -	1,640 - 8
	Regulation, 4th April 1811.	
	Rent per Annum.	
	1st 7 years - - - 15*s.* } per lot of 200 acres,	
	2d 7 years - - - 30*s.* } or	
	3d 7 years - - - 45*s.* } per lot of a less quantity.	
7,786	Amount due - - - -	664 - -
	Regulation, 13th April 1819.	
	Rent per Annum.	
	1st 7 years - - £. 1 15 - } per lot of 200 acres,	
	2d 7 years - - 3 10 - } or	
	3d 7 years - - 5 5 - } per lot of a less quantity.	
4,010	Amount due - - - -	436 8 9
21,520	TOTAL No. of Acres. TOTAL due - - £.	2,740 9 5

No. 43.
Sir J. Colborne to Viscount Goderich
5 September 1832.

Encl. 6, in No. 43.

MIDLAND DISTRICT.

Old Regulation.

Rent per Annum.

1st 7 years - - - 10*s.*
2d 7 years - - - 20*s.*
3d 7 years - - - 30*s.*
} per lot of 200 acres, or per lot of a less quantity.

No. of Acres Leased.		Amount of Rent due.
		£. s. d.
15,552	Amount due - - - -	1,728 18 –
	Regulation, 4th April 1811.	
	Rent per Annum.	
	1st 7 years - - - - 15*s.* 2d 7 years - - - - 30*s.* 3d 7 years - - - - 45*s.* } per lot of 200 acres, or per lot of a less quantity.	
19,483	Amount due - - - -	1,441 18 –
	Regulation, 13th April 1819.	
	Rent per Annum.	
	1st 7 years - - - £. 1 15 – 2d 7 years - - - 3 10 – 3d 7 years - - - 5 5 – } per lot of 200 acres, or per lot of a less quantity.	
3,896	Amount due - - - -	591 6 –
39,931	Total No. of Acres. Total due - - £.	3,762 2 –

NEWCASTLE DISTRICT.

Old Regulation.

Rent per Annum.

1st 7 years - - - 10*s.*
2d 7 years - - - 20*s.*
3d 7 years - - - 30*s.*
} per lot of 200 acres, or per lot of a less quantity.

No. of Acres Leased.		Amount of Rent due.
		£. s. d.
13,411	Amount due - - - -	1,761 10 –
	Regulation, 4th April 1811.	
	Rent per Annum.	
	1st 7 years - - - - 15*s.* 2d 7 years - - - - 30*s.* 3d 7 years - - - - 45*s.* } per lot of 200 acres, or per lot of a less quantity.	
11,643	Amount due - - - -	684 12 6
	Regulation, 13th April 1819.	
	Rent per Annum.	
	1st 7 years - - - £. 1 15 – 2d 7 years - - - 3 10 – 3d 7 years - - - 5 5 – } per lot of 200 acres, or per lot of a less quantity.	
2,758	Amount due - - - -	391 5 –
27,812	Total No. of Acres. Total due - - £.	2,837 7 6

No. 43.
Sir J. Colborne to Viscount Goderich, 5 September 1832.

Encl. 6, in No. 43.

HOME DISTRICT.

Old Regulation.

Rent per Annum.

1st 7 years - - - 10*s.* } per lot of 200 acres,
2d 7 years - - - 20*s.* } or
3d 7 years - - - 30*s.* } per lot of a less quantity.

No. of Acres Leased.		Amount of Rent due.
		£. s. d.
26,273	Amount due - - - -	2,478 10 –
	Regulation, 4th April 1811.	
	Rent per Annum.	
	1st 7 years - - - 15*s.* } per lot of 200 acres, 2d 7 years - - - 30*s.* } or 3d 7 years - - - 45*s.* } per lot of a less quantity.	
13,108	Amount due - - - -	844 18 –
	Regulation, 13th April 1819.	
	Rent per Annum.	
	1st 7 years - - £.1 15 – } per lot of 200 acres, 2d 7 years - - 3 10 – } or 3d 7 years - - 5 5 – } per lot of a less quantity.	
9,040	Amount due - - -	873 16 –
48,421	Total No. of Acres. Total due - - £.	4,197 4 –

DISTRICT OF GORE.

Old Regulation.

Rent per Annum.

1st 7 years - - - 10*s.* } per lot of 200 acres,
2d 7 years - - - 20*s.* } or
3d 7 years - - - 30*s.* } per lot of a less quantity.

No. of Acres Leased.		Amount of Rent due.
		£. s. d.
3,619	Amount due - - - -	426 4 6
	Regulation, 4th April 1811.	
	Rent per Annum.	
	1st 7 years - - - 15*s.* } per lot of 200 acres, 2d 7 years - - - 30*s.* } or 3d 7 years - - - 45*s.* } per lot of a less quantity.	
3,200	Amount due - - - -	250 16 9
	Regulation, 13th April 1819.	
	Rent per Annum.	
	1st 7 years - - £.1 15 – } per lot of 200 acres, 2d 7 years - - 3 10 – } or 3d 7 years - - 5 5 – } per lot of a less quantity.	
1,380	Amount due - - - -	187 15 –
8,199	No. of Acres. Total due - - £.	864 16 3

No. 43.
Sir J. Colborne to Viscount Goderich, 5 September 1832.

Encl. 6, in No. 43.

LONDON DISTRICT.

Old Regulation.

Rent per Annum.

1st 7 years - - - 10*s.*
2d 7 years - - - 20*s.* } per lot of 200 acres, or
3d 7 years - - - 30*s.* } per lot of a less quantity.

No. of Acres Leased.		Amount of Rent due.
		£. s. d.
17,082	Amount due - - - -	1,503 16 9
	Regulation, 4th April 1811.	
	Rent per Annum.	
	1st 7 years - - - - 15*s.* } per lot of 200 acres, or	
	2d 7 years - - - - 30*s.* } per lot of less quantity.	
	3d 7 years - - - - 45*s.* }	
10,895	Amount due - - - -	670 12 6
	Regulation, 13th April 1819.	
	Rent per Annum.	
	1st 7 years - - - £.1 15 – } per lot of 200 acres, or	
	2d 7 years - - - 3 10 – } per lot of a less quantity.	
	3d 7 years - - - 5 5 – }	
2,693	Amount due - - - -	199 15 6
31,270	Total No. of Acres. Total due - - £.	2,374 4 9

OTTAWA DISTRICT.

Regulation, 4th April 1811.

Rent per Annum.

1st 7 years - - - 15*s.* } per lot of 200 acres, or
2d 7 years - - - 30*s.* } per lot of less quantity.
3d 7 years - - - 45*s.* }

No. of Acres Leased.		Amount of Rent due.
		£. s. d.
830	Amount due - - - -	46 7 6
	Regulation, 13th April 1819.	
	Rent per Annum.	
	1st 7 years - - - £.1 15 – } per lot of 200 acres, or	
	2d 7 years - - - 3 10 – } per lot of less quantity.	
	3d 7 years - - - 5 5 – }	
1,200	Amount due - - - -	104 2 6

BATHURST DISTRICT.

Regulation, 13th April 1819.

Rent per Annum.

1st 7 years - - - £.1 15 – } per lot of 200 acres, or
2d 7 years - - - 3 10 – } per lot of less quantity.
3d 7 years - - - 5 5 – }

3,122	Amount due - - - -	307 17 8
5,052	Total No. of Acres. Total due - - £.	457 17 8

—No. 44.—

(No. 103.)

Copy of a DESPATCH from Viscount *Goderich* to Lieutenant-governor Sir *John Colborne*, K.C.B.

No. 44. Viscount Goderich to Sir J. Colborne, 22 Nov. 1832.

Sir, Downing-street, 22 November 1832.

I HAVE the honour to acknowledge the receipt of your despatch of the 5th September last, proposing an arrangement for the payment of the Church of England missionaries in the province of Upper Canada, and for affording aid to the Presbyterians, Wesleyan Methodists and Roman Catholics to build churches and chapels, the salaries of the clergy to be defrayed from the funds arising from the rents of the leased reserves, and the interest on instalments of the purchase-money for clergy reserves remitted to England by the Commissioner of Crown Lands; the pecuniary aid proposed to be given to the Presbyterians, Wesleyans and Roman Catholics, amounting to 3,300*l.* to be charged on the territorial revenue.

I have to acquaint you in reply, that the Lords Commissioners of the Treasury have sanctioned, at my recommendation, the several grants which you propose; and as I considered the memorial of the Presbyterian ministers not in communion with the Church of Scotland entitled to favourable consideration, I have also recommended that an allowance of 700*l.* should be made to them, on your approval of the manner in which the grant is to be applied; and you are, therefore, authorized to appropriate in the whole the sum of 4,000*l.* instead of 3,300*l.*, as proposed in your despatch.

I am not prepared at present to decide on the increase of the missionaries from 30 to 45, as suggested by you; and this addition to the ecclesiastical establishment of Upper Canada must therefore remain for future consideration.

I have, &c.
(signed) *Goderich.*

—No 45.—

(No. 4.)

Copy of a DESPATCH from Lieutenant-governor Sir *John Colborne*, K.C.B., to Viscount *Goderich.*

My Lord, Upper Canada, York, 16 January 1833.

No. 45. Sir J. Colborne to Viscount Goderich, 16 Jan. 1833.

I HAVE the honour to transmit a statement of the fund arising from the rents of lands and interest due on the sales of lands reserved for the support of a Protestant Clergy, and the annexed statements of the sums paid by the Commissioner of Crown Lands to the Assistant Commissary-general, and of the clergy reserves sold in the year 1832.

You will perceive the Bishop of Quebec's salary of 1,500*l.* has been charged on the Fund E., but this sum will be replaced so soon as the Bishop may be authorized to receive his salary from the supply voted by the Imperial Parliament.

The revenue arising from the rents of clergy reserves may be estimated at about 4,300*l.* for the current year, and I shall consider that I am authorized by your Lordship's despatch of the 23d November to issue warrants for the payment of part of the salaries of the missionaries of the Church of England in the province, and for defraying the expense of building such rectories and churches as may be most required, and also preparing glebe lots for cultivation.

I have, &c.
(signed) *J. Colborne.*

Enclosure

No. 45.
Sir J. Colborne to Viscount Goderich, 16 Jan. 1833.

Encl. in No. 45

Enclosure in No. 45.

STATEMENT of CLERGY RESERVES sold by the Commissioner of Crown Lands in 1832.

	ACRES.	CURRENCY. £.	s.	d.
The half-year ending 30th June - - - -	22,805 ¼	15,132	17	9
Average price per acre, 13 *s.* 3 ¼ *d.*				
The half-year ending 31st December - - -	25,679 ½	17,155	1	3
Average price per acre, 13 *s.* 4 ¼ *d.*				
TOTAL Number of Acres - -	48,484 ¾			
TOTAL Amount - - £.		32,287	19	–

Commissioner of Crown Lands Office, York,
15 January 1833.

(signed) *Peter Robinson.*

MEMORANDUM of SUMS of MONEY paid to Assistant Commissary-general *Foote*, stationed at *York*, on account of Clergy Reserves sold by me.

	£.	s.	d.
1831: 17 May - - - -	8,000	–	–
„ 20 December - - -	3,000	–	–
1832: 3 April - - - -	2,000	–	–
„ 6 June - - - -	2,000	–	–
„ 22 December - - -	4,000	–	–
Provincial Currency - - £.	19,000	–	–

Commissioner of Crown Lands Office, York,
12 January 1837.

(signed) *John Robinson.*

Dr. STATEMENT of FUND E. arising from RENTS of LANDS reserved for the Support of a PROTESTANT CLERGY. *Cr.*

1832.	£.	s.	d.
To cash paid the Honourable and Right Rev. Charles James Stewart, Lord Bishop of Quebec, being the amount due to him for the half-year from the 1st January to 30th June 1832 inclusive, of the proportion of his salary of 1,500 *l.* sterling per annum, to be paid in this province -	750	–	–
To cash paid the Rev. George Okill Stewart, Archdeacon of Kingston, his half-year's salary from 1st January to 30th June 1832 inclusive - -	150	–	–
To cash paid the Honourable and Rev. John Strachan, Archdeacon of York, his half-year's salary from 1st January to 30th June 1832 inclusive -	150	–	–
To paid the Rev. George Okill Stewart his half-year's salary as one of the established clergymen of this province, from the 1st January to the 30th June 1832 inclusive - - - - - - - - - - - -	50	–	–
To the like sums for the half-year from 1st July to the 31st December 1832 inclusive - - - - - - - - - - - - - -	1,100	–	–
Balance in the hands of the Receiver-general after completing the year 1832 - - - - - - - - -	867	5	8¼
£.	3,067	5	8¼

	£.	s.	d.
Balance remaining in the Receiver-general's hands, after deducting the monies paid to complete the year 1831 - - - - - - -	531	5	11½
By cash received from the Honourable George H. Markland, as treasurer for the Clergy Corporation, on account of this fund - -	1,818	–	–
By cash received from the Honourable P. Robinson, as Commissioner of Crown Lands, on account of this fund - - - - - -	717	19	8¾
£.	3,067	5	8¼

Receiver-general's Office, York, Upper Canada, 12 January 1833.

(signed) *John H. Dunn*, R. G.

—No. 46.—

(No. 114.)

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant-Governor Sir *John Colborne*, K.C.B.

No. 46.
Viscount Goderich to Sir J. Colborne, 1 March 1833.

Sir, Downing-street, 1 March 1833.

I HAVE the honour to acknowledge the receipt of your despatch, No. 4, of the 16th January last. I perceive, with satisfaction, that you are able to anticipate an increase this year of 1,000*l.* in the receipts for rents of Clergy Reserves, and I approve the construction which you have placed on my despatch, No. 103, of the 22d November last. It was my intention in that despatch to sanction the expenditure of the funds applicable to the support of the Church, so far as they may be found sufficient, in the manner which you again describe in the conclusion of your present despatch.

I have, &c.

(signed) *Goderich.*

— No. 47. —

(Private and confidential.)

COPY of a DESPATCH from Lieutenant-Governor Sir *John Colborne*, K.C.B. to the Right Honourable *E. G. Stanley*.

No. 47.
Sir J. Colborne to the Right Hon. E. G. Stanley, 21 April 1834.

Sir, Toronto, 21 April 1834.

WITH reference to the instructions which were conveyed to me in a despatch from the Secretary of State of the 5th April 1832, relative to the payment of the salaries of the ministers of the Church of England from the proceeds of the rents of leased Reserves, and the interest upon instalments to be paid upon Reserves sold by the Commissioner of Crown Lands, in pursuance of the Act of Geo. 4, I have to observe, that as a question may arise as to the right of appropriating the interest accruing from the instalments paid by the purchasers of Clergy Reserves, instead of remitting it with the proceeds of sales to be invested in the British funds, it may be considered expedient to refer the subject for the opinion of His Majesty's Attorney-general.

The interest to be paid on the instalments was fixed by the local Government, at the suggestion of the Commissioner of Crown Lands, and has hitherto been paid over by the Commissioner to the Receiver-general, and accounted for in his statements of the receipts and expenditure of the Clergy Reserve funds.

The Presbyterian Synod of Upper Canada, in connexion with the Church of Scotland, you will perceive, from their Memorial to me, accompanying my despatch of the 18th of April, (No. 32.) allude to the payments made to the ministers of the Church of England from the proceeds of rents on leased Reserves, and state their claims to participate in the advantages enjoyed by our Church, arising from the lands set apart for the clergy.

It is therefore probable, that on my laying before the House of Assembly the statements of the receipts and expenditure, which the House have requested may be prepared for their information, that the question to which I have adverted may be brought under discussion.

I have, &c.

(signed) *J. Colborne.*

No. 48.
Right Hon. T. Spring Rice to Sir J. Colborne, 22 July 1834.

— No. 48. —

(Confidential.)

COPY of a DESPATCH from the Right Honourable *T. Spring Rice* to Lieutenant-Governor Sir *John Colborne*, K.C.B.

Sir, Downing-street, 22d July 1834.

I HAVE received your confidential despatch dated the 21st of April last, observing that a question may arise as to the right of appropriating the interest accruing from the instalments paid by the purchasers of Clergy Reserves, instead of remitting it with the proceeds of sales to be invested in the British funds; and I have the honour to convey to you my opinion, that this money may, consistently with the Act 7 & 8 Geo. 4, c. 62, be devoted to the improvement of the unsold Clergy Reserves. This appears to me the most convenient mode of disposing of the interest on instalments of the purchase-money of Clergy Reserves, without in any way prejudicing the claims of the parties who may be considered to have a beneficial interest in the proper disposal of these lands.

I have, &c.
(signed) *T. Spring Rice.*

No. 49.
Right Hon. T. Spring Rice to Sir J. Colborne, 18 August 1834.

— No. 49. —

(No. 26.)

COPY of a DESPATCH from the Right Honourable *T. Spring Rice* to Lieutenant-Governor Sir *J. Colborne*, K. C. B.

Sir, Downing-street, 18 August 1834.

As I find that you have not received any permanent instructions for your guidance respecting the sale of the Clergy Reserves, until some measure shall be adopted upon the subject by the Provincial Legislature, I have the honour, in pursuance of what appears to me to have been the spirit of the course followed by my predecessors, to authorize you to continue, until you shall receive further instructions, the sales of the Clergy Reserves under the Imperial Act 7 & 8 Geo. 4, c. 62.

I have, &c.
(signed) *T. Spring Rice.*

No. 50.
Sir J. Colborne to the Right Hon. E. G. Stanley, 18 April 1834.

— No. 50. —

(No. 32.)

COPY of a DESPATCH from Lieutenant-Governor Sir *John Colborne*, K.C.B. to the Right Hon. *E. G. Stanley*.

Sir, Toronto, 18 April 1834.

15 January 1834.

I HAVE the honour to transmit to you the accompanying Memorial from the Synod of the Presbyterian Church, representing that there are 25 ministers of the Church of Scotland in Upper Canada, in charge of congregations; that the sum of 1,000*l.* per annum, authorized by His Majesty's Government, is not sufficient for their support; and soliciting that an adequate provision may be made for the ministers not receiving salaries; and that a portion of the Clergy Reserves, and the revenues arising from them, may be granted to the Presbyterian Church in connexion with the Church of Scotland.

I have to observe, with reference to this application on the part of the Synod, that the ministers of the Church of Scotland in Upper Canada are highly esteemed in the Province, and are active and zealous in the discharge of their professional duties, and that only 19 of them receive salaries out of the grant of 1,000*l.* As no further division of this sum can with propriety take place, and the sum of 350*l.* per annum will be required to defray the salaries, at the rate of 57*l.* per annum, of the six ministers, depending solely on their congregation for support, I recommend that an additional grant may be authorized by His Majesty's Government to the Church of Scotland.

6 August 1833.

The annexed Address has also been forwarded by the Synod of the Presbyterian Church, in which they express their anxiety to see King's College in operation under a modified charter.

I have, &c.
(signed) *J. Colborne.*

No. 50.
Sir J. Colborne to the Right Hon. E. G. Stanley, 18 April 1834.

Encl. 1, in No. 50.

Enclosure 1, in No. 50.

TO his Excellency Sir *John Colborne*, K.C.B.

THE Commission of the Synod of the Presbyterian Church of Canada, being assembled in York this 15th day of January 1834, and consisting of Messrs. William Rintoul, Robert M'Gill, Alexander Ross, Peter M'Naughton, M. Y. Stark, Alexander Gale, Peter Ferguson, ministers, and the Hon. Archibald M'Lean, elder, would now respectfully solicit your Excellency's attention to the following statements regarding the present and prospective condition of the Presbyterian Church in this Province.

It is known to your Excellency, that in the year 1827 His Majesty's Government was pleased to grant to the ministers of the Church of Scotland in Upper Canada the annual sum of 750*l.* sterling, with the view of securing a better provision than the people of this new colony were able to make for them. When this grant was made there were only five ministers in connexion with the Church of Scotland in Upper Canada, and this sum afforded to each a very considerable assistance. Since that period the number of ministers from the Church of Scotland has been increasing every year, and at present the presbyteries of Upper Canada, four in number, comprehend 25 clergymen; so that although the original grant for their support has been very recently raised to 1,000*l.* it affords in its subdivision a very inadequate assistance to each, and serious apprehensions are entertained that the usefulness and comfort of our ministers in this Province will be greatly diminished. From the expense of living in this country in a manner suited to the station and office of a minister, and the various calls of a charitable nature to which he is peculiarly subject, it seems desirable and necessary that each should have an annual stipend of not less than 200*l.* currency. We can state that our congregations in general are able and willing to contribute nearly 100*l.* of this sum, but this, in most cases, must be taken as the maximum of their efforts; and we humbly crave that your Excellency may be pleased to recommend to His Majesty's Government to place at your Excellency's disposal, in behalf of our Synod, a fund sufficient to make up the deficiency which thus remains to be supplied, both to the ministers now in connexion with it, and to such as shall hereafter be settled, according to the growing spiritual necessities of the Presbyterian community.

It is humbly represented as a fact known to your Excellency, that each of our ministers has a numerous congregation, the whole forming a large proportion of His Majesty's subjects in this Province; and we need scarcely, either, remind your Excellency, that very many congregations connected with our Synod are yet unprovided with pastors. We further crave that your Excellency may be pleased to recommend that the grants made to the Synod may, as early as possible, be drawn from the Clergy Reserves, a source from which we may hope to derive a more secure aid for the support of religion. To a share of these Reserves, and of the revenues arising from them, we humbly conceive that our legal claim has been acknowledged by His Majesty's Government; and your Excellency is competent to judge whether the services of our ministers, and the very large number of the Presbyterian population under their spiritual charge, do not greatly strengthen their claim.

It is further represented, that in addition to the stated ministers in connexion with the Synod, several missionaries have been and still are employed under its superintendence, supported by the voluntary contributions of societies in Scotland and Canada. By the labours of these missionaries several new churches are in progress of formation, and these look to His Majesty's Government for that assistance, without which they will not be able to procure the regular ministration of Christian ordinances.

In conclusion, it is respectfully represented, that delay in granting an adequate enlargement of the Government allowance will cause serious embarrassments to those ministers of our Church who have accepted charges in this country, in the hope that His Majesty's Government would extend its liberality in proportion to the growing necessities and usefulness of the Church; and we plainly foresee, that unless this liberality be extended, the most serious detriment must be sustained by the Presbyterian subjects of His Majesty in Canada, who will be in danger of sinking into spiritual ignorance and irreligion.

The Commission of the Synod of Canada submit these representations to your Excellency, and earnestly crave that your Excellency will afford such immediate relief as may be within your power, and also to recommend to His Majesty's Government to make a permanent and adequate provision for the ministers of our Church already settled in this Province, as well as appropriate a fund for the support of such ministers as may in future be settled, according to the wants of the Presbyterian population. And in the confidence of your Excellency's kind consideration of the foregoing representations, we have the honour to subscribe ourselves, most respectfully, your Excellency's most obedient humble servants.

In name, and by appointment of the Commission,

(signed) *William Rintoul*, Chairman of the Commission.
Archibald M'Lean, Clerk *pro tempore*.

No. 50.
Sir J. Colborne to the Right Hon. E. G. Stanley, 18 April 1834.

Encl. 2, in No. 50.

Enclosure 2, in No. 50.

TO his Excellency Sir *John Colborne*, K. C. B. Lieutenant-Governor of the Province of Upper Canada, and Major-General Commanding His Majesty's Forces therein, &c. &c.

May it please your Excellency,

THE Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, now in session at York, avail themselves of the opportunity afforded by their present meeting to renew the expression of those sentiments of respect and attachment which they feel towards your Excellency's person and administration, grounded on their sense of your enlightened zeal and unwearied exertions to promote the growing prosperity of this happy and flourishing Province.

The Synod, from a deep and solemn conviction of the inseparable connexion which subsists between the spiritual and temporal prosperity of communities, and of the benefits which the sacred cause of religion must ever derive from the fostering care of the Christian magistrate, and that your Excellency, in acting uniformly on the great principle, that righteousness exalteth a nation—that the throne is established in righteousness, has eminently fulfilled those sacred obligations, political, moral, and religious, which form the most intimate and indissoluble bond of union between a government and the people—identifying obedience to the powers that be with the holier sanctions of religion—feel, especially when they view the existing circumstances of the country, that they are not engaged in the mere formality of compliment, but in the fulfilment of a most solemn and bounden duty peculiarly suitable to their station and office, when they thus declare the sentiments of heartfelt satisfaction with which they observe your Excellency's enlightened and extensive support of the religious institutions in the colony.

The Synod have ordered an Address and Memorial to be prepared, which they will respectfully place in your Excellency's hands for transmission to His Majesty, containing their acknowledgments for the sum which has been recently placed at your Excellency's disposal for the erection of churches and the maintenance of ministers in connexion with the Synod; and they would assure your Excellency of their grateful sense of your kinp offices in obtaining this important aid, and of their best endeavours to insure its judicious application in accomplishing the objects for which it is granted.

The Synod would not omit representing to your Excellency the deep interest they take in the general advancement of education in Canada, and especially their anxious desire to see the college proposed to be instituted in this place in early operation, under such a charter as shall render it generally available, and secure to it the confidence and support of all denominations of Christians in this Province of the British empire; and would be happy to receive any information which your Excellency may be pleased to communicate to them in relation to this interesting subject.

That Almighty God may enrich your Excellency with every temporal and spiritual blessing, and after many years of usefulness and honour upon earth, receive you into his heavenly kingdom, is the earnest prayer of, may it please your Excellency, your Excellency's most faithful and most obedient servants.

In name and presence, and by appointment of the Synod at York, this 6th day of August 1833,

(signed) *John Machar*, Moderator.

— No. 51. —

(No. 21.)

COPY of a DESPATCH from the Earl of *Aberdeen* to Lieutenant-Governor Sir *John Colborne*.

Sir, Downing-street, 22 February 1835.

No. 51.
Earl of Aberdeen to Sir J. Colborne, 22 February 1835.

I HAVE the honour to acknowledge the receipt of your despatch, dated the 18th April last, accompanied by a Memorial from the Synod of the Presbyterian Church, requesting assistance from His Majesty's Government It appears that the number of Presbyterian ministers in Upper Canada is 25; of whom 19 receive

No. 51.
Earl of Aberdeen to Sir J. Colborne, 22 February 1835.

receive salaries out of the grant of 1,000 *l.* from the casual and territorial revenue, and the remainder depend solely upon their congregations for support. I have much satisfaction in acceding to your recommendation, that in order to afford salaries of 57 *l.* each to these latter ministers, an addition of 350 *l.* should be made to the annual grant to the Scotch Church from the casual and territorial revenue.

But it is evident that this new charge, together with another which I sanction by my despatch, No. 22, of this day's date, would be liable to render the burthens on the Crown revenue greater than the receipts, unless relief be afforded in some other direction. On this ground I have been induced to reconsider the instructions conveyed to you by my predecessor on the 22d of July last, for applying the interest on instalments of the purchase-money of Clergy Reserves to the improvement of land; and I have the honour to authorize you to appropriate that fund, as formerly, to the payment of the salaries of Church of England missionaries; an arrangement which will of course materially diminish the pressure on the Crown revenue for the maintenance of the salaries pledged to the existing missionaries in Upper Canada.

In sanctioning the present augmentation of the Scotch Church in Upper Canada, I would remind you that the whole grant proceeds from the bounty of the Crown, and that although it would not on any light grounds be curtailed or withdrawn, yet it may be well to intimate to the Presbytery that His Majesty's Government reserves its right of revising the grant at any future time, should the circumstances of the colony render such a proceeding advisable.

I have, &c.

(signed) *Aberdeen.*

— No. 52. —

No. 52.
Earl of Aberdeen to Earl Amherst, 2 April 1835.

Extract of ENCLOSURE No. 2, in the Earl of *Aberdeen*'s Despatch to Earl *Amherst*, dated Downing-street, 2 April 1835, entitled, "A Minute showing in what manner the Recommendations of the Canada Committee of 1828 have been carried into execution by His Majesty's Government."

5. The next in order of the recommendations of that Committee relates to the Clergy Reserves, a subject on which they employed the following language; "As your Committee entertain no doubt that the reservation of these lands in mortmain is a serious obstacle to the improvement of the colony, they think every proper exertion should be made to place them in the hands of persons who will perform upon them the duties of settlement, and bring them gradually into cultivation."

Although the views of the Committee were thus limited to the improvement of the Clergy Reserves, the Government advanced to the redress of the evil indicated in the report, by a measure not only far more decisive, but eminently remarkable for the confidence it expressed in the Provincial Legislature. The Constitutional Act, having authorised His Majesty, with the advice of the Legislative Council and Assembly, to vary or repeal any of the provisions therein made for the allotment and appropriation of lands for the support of the Protestant clergy, Lord Ripon, availing himself of that enactment, proposed that the power of repeal should be exercised by those bodies, and should be accompanied with a declaration that the Reserve Lands should merge in the general demesne of the Crown. The object of this proposal was to bring the Reserves within the reach of the general rules under which all the waste lands of the Province are progressively sold to the highest bidder. To prevent any possible misconception of the views of His Majesty's Government, the draught of a Bill for the accomplishment of this design was transmitted to Lord Aylmer, with instructions to give his assent, if such a law should be presented for his acceptance. To obviate the risk of offence being given, by suggesting to the House of Assembly

No. 52.
Earl of Aberdeen to Earl Amherst, 2 April 1835.

the exact language, as well as the general scope of a measure to originate with them, Lord Aylmer was directed to proceed with the most cautious observance of the privileges of that body, and of all the constitutional forms. Anticipating the contigency of the measure being adopted in substance, but with variations in the terms, Lord Ripon further stated, that in that event the Bill was not to be rejected by the Governor, but was to be specially reserved for the signification of His Majesty's pleasure.

In obedience to these directions, the Bill was introduced into the House of Assembly, but did not pass into a law. That it would have effectually removed the grievance pointed out by the Canada Committee has not been disputed, nor can the Ministers of the Crown be held in any sense responsible for the continuance of an evil for which they had matured so complete a remedy. The only explanation which has ever been given of the failure of the proposal is, that the Solicitor-general, Mr. Ogden, had used some expressions, whence it was inferred that His Majesty's Government would reject the Bill, if altered in a single word. It is scarcely credible that this should be an accurate surmise of the real cause of the loss of the Clergy Lands Appropriation Bill. It is not to be believed that the Assembly of Lower Canada would have rejected an unobjectionable proposal for the redress of a grievance of which complaint had been long and loudly made, for no other reason than that a public officer, not of the highest rank or consideration, had used some casual expression in which the ultimate views of His Majesty's advisers were inaccurately explained. To the Governor application could have immediately been made for more authentic information; and in fact the tenor of the despatch which had been received by Lord Aylmer was perfectly well known throughout the Province to every person who felt any interest on the subject. The measure has never since been revived; and it must be therefore assumed that the Assembly are less anxious than Lord Ripon supposed for the removal of this obstruction to agriculture and internal improvement. Be that as it may, the British Government are completely absolved from the responsibility thrown upon them by this part of the report of the Canada Committee.

— No. 53. —

No. 53.
Earl of Aberdeen to Lord Amherst, 2 April 1835.

Extract of ENCLOSURE No. 4, in the Earl of *Aberdeen*'s Despatch to Lord *Amherst*, dated Downing-street, 2 April 1835, entitled "A Minute comprising Notices of such of the Questions brought into Discussion by the House of Assembly of Lower Canada in their 92 Resolutions as are not disposed of in Lord Aberdeen's Despatch above-mentioned."

14. Although it would not be possible to find terms more large or distinct than those employed by Lord Ripon to invite the House of Assembly to regulate the application of the Clergy Reserves, yet it is stated that a member of the Assembly, holding office under the Crown, declared, in his place, that the House of Assembly would not be permitted to alter one word of the Bill which had been brought in under Lord Ripon's directions. To the Bill itself there was, it is said, no objection; but under such a menace the House could not act, and the failure of the proposal is referred to that cause. Lord Ripon's despatch of November 1831 had distinctly anticipated the contingency of the Bill being modified in its progress through the Provincial Legislature, and had directed the Governor, in that contingency, not to refuse his consent, but to reserve the Bill for the signification of the Royal pleasure. Any unauthorized language of the Solicitor-general, Mr. Ogden, ought not to have weighed against this authoritative declaration. It is said, however, that his Lordship's despatch of November 1831 on this subject was not before the House; Lord Amherst will therefore communicate to them a copy of that despatch, and invite them to resume the consideration of the subject to which it refers.

— No. 54. —

(No. 20.)

No. 54.
Sir J. Colborne to the Earl of Aberdeen, 20 May 1835.

COPY of a DESPATCH from Lieutenant-Governor Sir *John Colborne*, K. C. B. to the Earl of *Aberdeen*.

My Lord, Upper Canada, Toronto, 20 May 1835.

I HAVE the honour to transmit to you an Address to the King from the Legislative Council relative to the Clergy Reserves, in which they express their deep regret that the questions which have been agitated with respect to the Clergy Reserves should continue unsettled; but confiding in the wisdom and justice of His Majesty, and of Parliament, hope that with as little delay as the subject may admit of, such an enactment may be passed as shall not leave any room for doubt or question in regard to the objects to which the proceeds of the Clergy Reserves are to be applied, and that by some measure which shall be final and unequivocal, such an appropriation of them may be made as shall appear to be most consistent with a due regard to religion, to the principles of the constitution, and to the the permanent welfare and tranquillity of the Province.

No. 1.

The report referred to in the Address accompanies this despatch.

No. 2.

I have also to draw your Lordship's attention, at the request of the House of Assembly, to the resolutions adopted by the Assembly in consequence of a message to them from the Legislative Council, communicating the resolutions passed by the Legislative Council on the Clergy Reserves.

No. 3, p. 103.

A copy of the Bill which was passed by the House of Assembly to dispose of the Reserves, and rejected by the Legislative Council, has been forwarded with my despatch of 15th May, and is referred to in the observations on the rejected Bills noticed in the Address of the House of Assembly, in respect to the proceedings of the Legislative Council generally.

For copy of Bill passed by the Assembly, *vide* p. 98.

The subject of the Clergy Reserves has been so frequently brought before His Majesty's Government by the Legislative Council and House of Assembly, and the parties interested in the result of this important question, that it appears only necessary for me to state to your Lordship that I am convinced no measure will be ever concurred in by the Legislative Council and the House of Assembly that can lead to a satisfactory appropriation of the proceeds of the sales of the lands reserved for the support of the Protestant clergy.

I have, &c.

(signed) *J. Colborne.*

Enclosure 1, in No. 54.

TO the KING's Most Excellent MAJESTY.

Encl. 1, in No.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly beg leave to represent to your Majesty that the provision made for the support of a Protestant clergy in this Province by the statute passed in the 31st year of the reign of our late most gracious Sovereign King George the Third, has given rise to questions, which, after many years' agitation of them, are still unsettled, notwithstanding the earnest desire of your Majesty and of your Royal predecessor to bring them to a satisfactory issue.

The first occasion for discussing the intention and effect of the statute referred to was presented by a claim advanced on the part of the Church of Scotland to be allowed to share in the allotment of lands called Clergy Reserves, which claim was grounded upon the language of the statute and upon the alleged right of the Church of Scotland to be recognized in the colonies of the empire as an established church.

An opinion was not long afterwards publicly expressed, that not merely the Churches of England and Scotland, but every denomination of Protestants, without distinction, should be allowed to participate in the provision.

It is now many years since these claims and opinions were first advanced, and during the period which has intervened the minds of your Majesty's subjects in this Colony have been

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Sir J. Colborne to the Earl of Aberdeen, 20 May 1835.

rendered anxious and unsettled by the hopes which have been raised on the one side, and the apprehensions which have been excited on the other.

In the progress of the discussions to which this important subject has given rise, a new ground has been taken, and a measure has been proposed to us for our concurrence, which has for its object the entire destruction of the provision which your Majesty's late Royal father and his Parliament have wisely made for the maintenance of public worship, and the dispensing of religious instruction in this extensive and valuable colony.

In any measure of this description we feel it impossible to concur; and we are relieved from the apprehension that the Clergy Reserves will be ever appropriated to objects not immediately connected with religion by the very explicit assurance, conveyed through the Right honourable the Secretary of State for the Colonies, that your Majesty can never consent to abandon the interests in question, with a view to any objects of temporary and apparent expediency.

We look upon these allotments as the only resource from whence the ministers of religion can ever derive public support in this colony; but while we decline to take part in any measure which would deprive the present and future generations of advantages, in their nature inestimable, and which we consider it to be among the first and most sacred duties of a legislative body to ensure and perpetuate, we nevertheless deeply regret that the questions which have been agitated with respect to the Clergy Reserves should continue unsettled; and we think it is, for many reasons, much to be desired that a speedy and final decision should take place of the questions which have arisen upon the effect of the statute referred to, and that it should be plainly, certainly, and firmly established to what specific objects the Clergy Reserves shall be permanently applied.

Confiding freely in the wisdom and justice of your Majesty and of Parliament, we earnestly hope that, with as little delay as the subject may admit of, such an enactment may be passed as shall not leave any room for doubt or question in regard to the objects to which the proceeds of the Clergy Reserves are to be applied, and that, having regard to the present condition and future welfare of this colony, and maturely considering whatever has been urged or may be urged in regard to these Reserves, your Majesty and the Imperial Parliament will, by some measure, which shall be final and unequivocal, make such an appropriation of them as shall appear to be most consistent with a due regard to religion, to the principles of our constitution, and to the permanent welfare and tranquillity of the Province.

Being anxious to contribute to this desirable result by every means in our power, we have applied ourselves to this important subject during the present session, for the purpose of presenting, in as clear and connected a view as we are able, the questions which have arisen in regard to the Clergy Reserves, the grounds on which they have been raised, and the measures which have been taken in relation to them. We have endeavoured to accomplish this in a report, which accompanies this our humble address, and in which we have desired carefully to avoid entering into discussion or argument upon the several questions, reposing with entire confidence upon the wisdom of your Majesty and Parliament for a just and right decision, upon a dispassionate and impartial consideration of the existing law, and the interests of your Majesty's subjects in this Province.

We beg to renew upon this occasion our assurances of entire devotion to your Majesty's person and Government.

Legislative Council Chamber,
13th day of April 1835.

Jn. B. Robinson, Speaker.

Enclosure 2, in No. 54.

Encl. 2, in No. 54.

REPORT of a Select Committee of the Legislative Council of *Upper Canada* upon the Provision made by Law for the support of a Protestant Clergy in that Province.

The Select Committee to whom was referred the Bill sent up from the House of Assembly, intituled, "An Act for the disposal of the Clergy Reserves in this Province for the purposes of general Education," with instructions to report upon the principles and details of the Bill, and also upon the provision made by law for the support of religion in this Province, as well as upon the questions which have arisen respecting it, and the measures which have been taken in England and in this country in relation to the same, have examined into the matters referred to them, and have agreed upon the following Report, which they trust may serve to bring the subject under the view of your Honourable House in its several bearings, and in a connected manner.

When the country which now constitutes the Provinces of Upper and Lower Canada became part of the dominions of the British Crown, it contained a population of about 65,000 inhabitants, lately subjects of the French King, among whom the Roman-catholic religion exclusively prevailed. An ecclesiastical establishment with priests, curates, and missionaries, probably adequate in number to the religious care and instruction of the community, had existed under the protection of the French government, supported by tithes, and

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and by large endowments of real property derived from the Crown. In the articles of capitulation a very earnest and zealous desire was shown by the French commander to guarthe integrity of this provision, and to secure its perpetual continuance under the change of circumstances which the colony was about to undergo, and to that end it was stipulated, in the 27th and 34th Articles of the Capitulation, " That the people should be obliged by the English Government to pay to the priests the tithes they had been used to pay under the government of the French King; and that all the religious communities, and the priests, should preserve the property and revenues of the seigniories, and other estates which they possessed in the colony, and that the same estates should be preserved in their privileges, rights, tenures, and exemptions."

In the year 1774, when His Majesty and the British Parliament were making provision for the better government of the Province of Quebec, a just sense was shown of the obligation to maintain, for the benefit of these Roman-catholic subjects of the Crown, the provision which had been made among them for the support of religion and the maintenance of public worship, for in the 5th and 6th sections of the statute 14 Geo. 3, c. 83, it is expressly enacted, that the clergy of the Church of Rome, in the Province of Quebec, " may hold, receive, and enjoy their accustomed dues and rights with respect to such persons only as shall profess the said religion;" and with due regard to the interests of his Protestant subjects it was further enacted, " That it shall be lawful for His Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy within the said Province, as should from time to time be thought necessary and expedient."

In the year 1791 his late Majesty King George the Third, whose memory will ever be revered in this colony, deemed it expedient to divide the Province of Quebec into two separate Provinces, to be called Upper and Lower Canada; and in the Royal message sent to Parliament for the purpose of recommending the enactment of the necessary provisions for the good government of the said Provinces, His Majesty was pleased to express his desire " to be enabled to make a permanent appropriation of lands for the due and sufficient support and maintenance of a Protestant clergy within the said Provinces, in proportion to such increase as might happen in the population and cultivation thereof."

By this time (1791) a considerable number of persons of British origin had settled in Canada; and it may be observed in how much more express and particular a manner the intention to provide for the support of the Protestant religion is announced in this Act than it had been in the one which was passed in 1774. In that statute the principal object of attention evidently was to guard the rights of those who instructed the people in the prevailing religion, by giving the sanction of the law of England to the exaction of those tithes and dues which had been yielded to the clergy under the French government. It was deemed equitable to exempt from the payment of them such British subjects as were not members of the Roman-catholic Church; and inasmuch as from them no tithes were to be demanded by the clergy of the Church of Rome, it was enacted, that out of the rest of the said accustomed dues and rights, that is, out of those tithes or dues payable by Protestants, and therefore not to be received by the Roman-catholic clergy, His Majesty might make provision for the maintenance and support of a Protestant clergy. Instead of this provision, burthensome in its nature, and not certain to be sufficiently productive for the maintenance of a clergy among a widely dispersed population, the Act of 1791 made a much more just, adequate, and satisfactory provision by the allotment of lands in the proportion therein specified. His Majesty had, as we have already noticed, desired in his message to Parliament " that such appropriation should be permanent, and such as might best conduce to the due and sufficient support of a Protestant clergy in proportion to such increase as might happen in the population;" and Parliament, in this statute which they passed, declared their resolution of " fulfilling effectually His Majesty's gracious intentions, and of providing for the due execution of the same in all time to come."

In a series of clauses* forming a great portion of that statute from which we derive our constitution and form of government, direction is given to set apart such allotments of land in this Province as should be equal to one-seventh part of the quantity of land granted by His Majesty. The most scrupulous care is taken to ensure the appropriation being made, and it is expressly declared, " that all and every the rents, profits, or emoluments which may at any time arise from such lands so allotted and appropriated as aforesaid, shall be applicable solely to the maintenance and support of a Protestant clergy within the Province in which the same shall be situated, and to no other use or purpose whatever."

Particular provisions are next made respecting the erection of parishes, and the presentation of incumbents; and it is then enacted, that the several provisions in the statute respecting the allotment and appropriation of lands for the support of a Protestant clergy, and also respecting the constituting, erecting, and endowing parsonages or rectories, and the presentation of incumbents or ministers to the same, and the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provision for that purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of this Province, and assented to by His Majesty; provided that no Act for any of these purposes shall be assented to by His Majesty until 30 days after it shall have been laid before both Houses of Parliament in Great Britain; nor shall

* For these clauses of the British statute 31 Geo. 3, c. 31, *see* Appendix (A).

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shall it be assented to if within 30 days either House of Parliament shall address His Majesty to withhold his assent therefrom.

These are in substance the provisions by which public support is ensured for the maintenance of the Protestant religion in this Province. It will be remarked that they are framed with great care and circumspection, and with an evident desire that the provision should be permanent, and commensurate with the growing wants of the population. Different opinions, as your committee is aware, have been entertained respecting the power over this provision given to the Provincial Legislature by the 41st section of the Act; some persons conceiving that it extends only to the repeal of those clauses of the British statute which authorize allotments of land to be made, after which repeal any further appropriation of lands for the objects specified would from thenceforth cease; while others maintain that it enables the Provincial Legislature not merely to interfere prospectively, but to repeal and undo as it were the effect and past operation of the British statute, or, in other words, to abolish at any time whatever endowment might be in existence in consequence of the executed provisions of the Act, and thus to leave religion totally and absolutely without public support in the colony. Your committee merely advert to the doubt which has been raised on this point, and express no opinion upon it. It becomes the less material to determine which construction is proper, when it is considered that no Act passed by this Legislature affecting the Reserves in any manner can have the force of law unless it meets with the approbation of every branch of the Imperial Parliament.

The earnest attention with which the Sovereign and Parliament of Great Britain desired to secure an adequate support for a Protestant clergy within this colony is especially worthy of remark, when it is remembered that, in the period which intervened between the passing of the statute 14 Geo. 3 and the statute in question, a vast change had taken place in regard to the dominions of the Crown on this continent. A revolution had in that interval deprived Great Britain of colonial possessions more extensive and valuable than can ever again be acquired by any nation in the world. From various causes, and perhaps chiefly from the peculiar circumstances under which the most considerable of these colonies had first been settled, it had happened that the parent state had abstained from laying in any of them the foundations of an ecclesiastical establishment; besides, therefore, the experience on the one hand of the effect which the maintenance of a resident and regular clergy had upon the interests and happiness of the United Kingdom, His Majesty and the British Parliament had the opportunity on the other hand of judging from recent events how far the neglecting to make any such provision among a people was likely to prove consistent with the stability of government, and with a sound moral and religious condition of society.

The result of a mature consideration of the subject seems to have led the King and his Parliament to the resolution of making an adequate provision for the support of religion, and to protect that provision with scrupulous care.

At the time this foundation was laid, Upper Canada was supposed to contain 10,000 inhabitants, chiefly of British descent; the population at present is probably not less than 350,000, a small proportion of which is contained in towns and villages, and the remainder dispersed over a country not less in extent than England and Wales, and inhabiting about 300 townships or tracts of land, each of which is nearly 10 miles square. Allotments of land, called Clergy Reserves, have been regularly set apart since the passing of the statute, in proportion as grants of land have been made to individuals, and these Reserves have been usually distributed through the townships in lots of 200 acres each. For many years these lands produced little revenue, there being no power to alienate them, even if a suitable price could have been obtained; and so long as the Crown was in the course of making grants in fee simple, many of them gratuitously, and others on the payment of a moderate fee, to almost every one who applied for them, it was not to be expected that a considerable revenue could be obtained from rents of uncleared lands.

The fact is, that although a considerable number of lots were leased, the rents were very trifling, and were irregularly paid; and the few clergy of the Church of England who were stationed in the Province were indebted to the Society for Propagating the Gospel in Foreign Parts for their support.

Things were in this state until some time between the years 1819 and 1821, or nearly 30 years after the passing of the statute, when, for the first time, as your committee believe, a question was raised respecting the proper legal construction of the Act, and the intention of the Parliament in passing it; and it was in this manner that the question arose. The 39th section of that statute, it will be perceived, is very explicit and comprehensive in regard to the rights which an incumbent shall possess upon being inducted into a rectory or parish in Upper Canada when any shall be erected. The Legislature of the Province seemed clearly to apprehend that it could not have been intended that tithes should be demandable, considering the provision which Parliament had made for supporting a Protestant clergy by an appropriation of lands, and conceiving that an explicit declaration to this effect ought to precede any measure for dividing the Province into parishes, a short Act was brought into the Legislature for that purpose, which passed the two Houses, but being necessarily reserved for the assent of His Majesty, it failed to receive attention in England until the limited period of two years had elapsed, and it could not therefore become a law. In the year 1821 a similar Bill was passed, which being sent to England, was assented to in 1823, and is printed in our Statute Book, page 602*.

This

* *See* copy of this Act, Appendix (B).

No. 54.
Sir J. Colborne to the Earl of Aberdeen, 20 May 1835.

This Bill met with no opposition that we are aware of, and excited little or no discussion: its object obviously was just and reasonable; no imagination that a claim to tithes would ever be advanced by a clergyman of the Church of England in this Province had probably entered into the minds of any one; and it was from extreme caution, and most probably from a desire to remove any obstacle that might seem to exist to the erection of parishes, that the suggestion of such an enactment arose.

Encl. 2, in No. 54.

During the little attention to the subject of the Clergy Reserves, however, which the pendency of this Bill excited, an opinion was advanced, that the words "a Protestant clergy," used in the 31 Geo 3, were applicable to the clergy of the Church of Scotland as well as of the Church of England, and that that Church being established in one portion of the United Kingdom, the right of her clergy to be supported from the Reserves was apparent on the statute, and was also capable of being supported under the articles for the union of the two kingdoms.

This claim, on the part of the Church of Scotland, was from that period advanced and persevered in; the arguments in favour of it, and those in opposition, have been from time to time placed before His Majesty's Government in various shapes; but up to this time, as the committee apprehend, no decision of the question has been pronounced by any judicial authority, nor any definite measure taken in consequence.

In this country, where the first conception of such a claim seems to have originated, it is manifest it could not be finally decided, and therefore it is, perhaps, unfortunate that it should have been agitated here, since the discussion has hitherto led to no decisive result, and has been injurious, in no small degree, to the public interests and tranquillity. It soon led the way to less definite pretensions, and to claims which have depended for their support rather upon the feelings which could be excited by a course of industrious agitation, than upon any reasonable construction or constitutional principle. In a short time after a claim was put forward on behalf of the Church of Scotland, it began to be asserted that the term, "a Protestant Clergy," might, in law, and ought in equity, to receive such a construction as would comprehend the ministers of every denomination of Protestants, of which denominations there are in this Province at present many varieties; and to these many more may from time to time be added. A claim, however, to have the Reserves, or their proceeds, distributed among the several sects, has not been strenuously pressed, perhaps from the conviction that such a measure must obviously fail in affording an adequate support for Christianity in any form; or perhaps from a consideration of the never ending jealousies and contests to which the attempt at a proportionate distribution must give rise.

In 1827, His Majesty's Government proposed and procured from Parliament an Act authorising the sale, annually, of a limited portion of the Clergy Reserves, not to exceed in any year 100,000 acres, nor more in the whole than one-fourth of all the lands reserved*.

In this Act Parliament gave no evidence of any change of intention, in regard to the principles declared in the Statute 31 Geo. 3; on the contrary, the proceeds of the sales are expressly directed to be applied "either for the improvement of the remaining part of the said Clergy Reserves, or otherwise, for the purposes for which the said lands were so reserved as aforesaid, and for no other purpose whatsoever." Thus, any doubt which may have arisen upon the construction of the former Statute, 31 Geo. 3, was not cleared up when Parliament were again legislating upon the subject; nor was the legal effect of that Statute in any respect changed. The objects of this recent Statute seem to have been to render a portion of the Reserves more immediately available for the support of clergymen, by raising a fund to be applied in clearing and improving them; to diminish the pretence for complaining that the Reserves obstructed the settlement of the country, by providing for their gradual alienation; and to enable the Crown to change any of the Reserves for other lands, either belonging to the Government or to individuals, when such an exchange might seem desirable for any purpose.

In 1828, the petitions and complaints proceeding from the adjoining Province of Lower Canada, and the difficulties which had occurred there, occasioned the affairs and interests of that Province to be brought under the consideration of the House of Commons; and in the course of an inquiry, conducted by a Committee of that House, the subject of the Clergy Reserves was examined and considered, with reference to both these Provinces. The Attorney-general, Solicitor-general, and Advocate-general of England had, as it appears, been called upon in 1819, to give an opinion on the proper construction of the 31 Geo. 3, in regard to the words "Protestant Clergy;" and it will be seen from their opinion, which we subjoin in the Appendix†, that, in their judgment, the Church of England alone could be endowed with any portion of the lands; that pecuniary assistance, however, might be contributed to the support of the clergy of the Church of Scotland out of the rents or profits of the Reserves, in the discretion, as they apprehended, of the Colonial Government; and that dissenting ministers, not belonging to either of the national religious establishments, did not come within the term "Protestant Clergy," and could not, therefore, participate in the provision.

The Committee of the House of Commons, having this opinion of the Crown officers before them, declined expressing their own in regard to the proper legal construction of the Act; but, without defining what sense they give to the term "clergy," they seemed inclined to consider that the Church of England alone was intended to be endowed with lands; but that,

* *See* Appendix (C). † Appendix (D).

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that, with respect to the proceeds of the reserved lands generally, the Government might apply the money, if they so thought fit, to any "Protestant Clergy."

The learned counsel for the Colonial department, Mr. Stephen, on his examination before the Committee, seems to have taken a middle course between the Crown officers and the committee, giving it as his opinion that no clergy but those of England and Scotland can participate either in the Reserves or in the proceeds of them; but that, in respect to the lands themselves, although the clergy of the Church of England alone could receive endowments of any portion of them, as parochial ministers, yet the Crown might authorise a part of them to be appropriated in perpetuity to the sustentation of clergymen of the Church of Scotland. Thus, upon the occasion when this provision was most openly and minutely discussed in England, any doubts which had arisen upon the construction of the Statute were so far from being satisfactorily disposed of, that the Crown officers, and the learned counsel for the Colonial department, while they agreed in some respects, differed in others; and the committee, having their opinions before them, declined the attempt to dispose of the question as a legal question, but express sentiments as to the intention of Parliament, which are not in accordance with either.

The report of this committee, however, independently of the general and inconclusive terms in which their views are expressed*, could for no purpose be properly appealed to as decisive of the questions which had arisen, since the members of that committee formed but a portion, and a small portion, of one branch of the Legislature; and even in that House from which they were delegated, no vote of concurrence in the report was ever taken or proposed, that your committee is aware of; nor does the report seem to have been deliberately and expressly brought into discussion in either House, in any Parliamentary proceeding. The committee in their report, indeed, "earnestly press the early consideration of the subject of the Reserves upon His Majesty's Government, with the view to an adjustment that might be satisfactory to the Province;" but unfortunately at this distance of time, seven years nearly having elapsed since their report, the whole matter remains in the same state as at the time of their making this recommendation.

In 1831, the Legislative Council of this Province, feeling much anxiety for the speedy and certain adjustment of a matter so deeply interesting in its nature, united in an address to His Majesty, of which a copy is subjoined, and in which the sentiments of the Council, in regard to this important subject, are distinctly expressed†.

That address does not appear to have engaged the consideration of His Majesty's Government; at least your committee are not aware that it has been acknowledged or adverted to in any communication from the Colonial department; it may, nevertheless, have contributed, with representations from other quarters, to call the attention of the Government to a subject which appears to have occupied much of their thoughts. The result of the further consideration bestowed by His Majesty's Government upon it was communicated to the Legislature by his Excellency the Lieutenant-governor, in 1832, in a message in which it will be perceived that His Majesty's Government "invites the Legislature to consider how the powers given to them by the Statute (31 Geo. 3, c. 31), to vary or repeal its provisions, in respect to the support of a Protestant clergy, can be called into exercise most advantageously for the spiritual and temporal interests of His Majesty's faithful subjects in this Province." The Legislature were further put in possession of the views and desire of His Majesty's Government in more definite terms, for in the House of Assembly a Bill was introduced by the Attorney-general, as appears by the Journals, the principal object of which was to vest the Clergy Reserves in His Majesty, discharged from all trusts that had been created by the Statute 31 Geo. 3. The message with the draft of this Bill were printed by order of the House of Assembly, and a copy is subjoined to this Report‡. The Bill was merely introduced into the Assembly in that session, and was no further proceeded in. In the following session of 1832-3, the same Bill seems to have been again introduced into the Assembly by the Attorney-general, when it was read the first time, and moved in no further.

In 1834, a Bill similar to that which has been submitted to your committee, to be reported upon, was brought into the Assembly. Its object is distinctly in opposition to that which had been introduced by the Attorney-general, in conformity to the wishes expressed by His Majesty's Government; for, instead of providing that the Clergy Reserves should be vested in His Majesty, discharged of all trusts, in which case His Majesty could make such disposition of them as might seem expedient, either for the support of religion, or for any other purpose. The object of the Bill introduced in 1834 was to enable certain Commissioners, nominated by the Assembly, to sell the Clergy Reserves, and to pay over the proceeds to the receiver-general, to be disposed of for the promotion of education, under the direction of the Legislature, and for no other purpose.

Your committee need scarcely recall to the recollection of your Honourable House that a Bill, the same in substance, was passed by the Assembly in 1830, and rejected by the Legislative Council. In 1834, when it was again introduced into the Assembly, as we have just stated, the opportunity was resorted to, as appears by the Journals of the Assembly, of taking the sense of that House in regard to the measure that had been proposed under the sanction of the Government in the year 1832. An exact transcript of that Bill was moved to be substituted by way of amendment, in the place of the one introduced, but it was rejected,

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* *See* Report of Committee, Appendix (E). † Appendix (F). ‡ Appendix (G).

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rejected, as it appears, by a vote of 27 to 7; and the measure recommended by the Government being thus negatived, the original Bill, similar to that which has been referred to your committee, was proceeded in, and passed by the Assembly; but it was rejected by the Legislative Council, as it had been in 1830.

No measure has at any time originated in the Legislative Council, in consequence of the message of his Excellency the Lieutenant-governor in 1832; nor has any occasion arisen for taking the sense of the Legislative Council, in regard to such an enactment as is understood to have been recommended by His Majesty's Government.

Your committee having thus endeavoured to bring under view the facts and measures which have preceded the introduction of the Bill now referred to them, beg leave next to report upon the objects and provisions of that Bill*, which they have carefully examined; and before adverting to the principles and details, your committee think it not immaterial to remark, in respect to the grounds and reasons set forth in the preamble as the inducement to passing the Act:

1. That in reciting the provisions of the 31 Geo. 3, c, 31, it is not set forth that His Majesty's message to Parliament expressly proposed a permanent provision for the support of religion, which message is recited in the Act, and that it is expressly avowed in the 36th clause "to be the intention of Parliament to fulfil His Majesty's gracious intentions, and to provide for the due execution of the same in all time to come.

2. That it is alleged, "that the Bishop and clergy of the Church of England pretend, contrary to the spirit and meaning of the Act, to have an exclusive right to the Reserves, and to the rents, &c. arising from them;" for which allegation, though it would seem to imply the setting up an unexpected and unreasonable claim on the part of the Church of England, it must in justice be stated that there is no other ground, than that when a claim was for the first time advanced on the part of one or more churches to share in the provision, nearly 30 years after the statute was passed, the Church of England endeavoured to resist the efforts made to lessen or deprive her of the endowment, and acting on the defensive has contended for that construction of the Act, which up to that time, so far as we are aware, was never publicly called in question. Your committee states these facts, without prejudice to the claim of any other church.

3. That it is stated, "that notwithstanding such pretensions of the Church of England, and the liberal pecuniary aid annually enjoyed by the ministers thereof, from a benevolent society in England, the number of that church is small when compared to the number of some other sects of Protestants in this Province." In regard to this allegation your committee have to remark, in the first place, that the aid formerly enjoyed from the benevolent society alluded to, however liberal in proportion to their resources, clearly must have been, and always was very inadequate to the supply of a resident clergy throughout this extensive colony; and inadequate as it necessarily was, it has recently been withdrawn†, and withdrawn too, as your committee find, in consequence of the hope held out by his Excellency the Lieutenant-governor of this Province that an equal sum might soon be derived from the very provision which it is the object of this Bill to repeal; and in the next place, your committee cannot express their concurrence in the statement, that the number of members of the Church of England in this Province is exceedingly small, when compared to the number of many other sects of Protestants; because your committee are confident in the opinion, that the members of the Church of England in Upper Canada form a very numerous body dispersed generally over the country, and without desiring to speak disparagingly of any other Church, they will add that the language used in this part of the preamble is calculated to convey a very erroneous impression in regard to the actual state of the Church of England in this colony, which when her numbers were very much smaller was never so spoken of, until the design began to be entertained of depriving her of the provision in question.

Upon the general objects of the Bill, your committee beg to observe, 1st. that this measure is intended expressly and avowedly to abolish totally the provision made by the 31 Geo. 3, for the support of the Protestant religion in Upper Canada, without proposing to substitute in its place any other provision for the same object to any extent. 2d. That in proceeding to carry this intention into full execution, the bill provides for appropriating the proceeds of of sales made under the authority of the Imperial statute, passed in 1827, although the manner in which they shall be disposed of is expressly declared in that statute. In this respect the Bill assumes directly to overrule the enactments of Parliament.

Upon the reasons given in the Bill for this total abolition of the provision made by law for the support of the Protestant religion, your committee offer no remark, and they forbear from intruding upon your Honourable House any arguments of their own upon a question involving principles of so extensive and important a character, that it is impossible the considerations attending it can fail to present themselves upon a general discussion of the measure.

Your committee, therefore, proceed in the next place to remark upon the details of the Bill, by which it is proposed that this object shall be accomplished, and upon these they beg leave to state:

1. That although it might seem a reasonable consequence of repealing the enactments under which the Clergy Reserves are appropriated, that those Reserves should revert to His Majesty, upon whose gracious suggestion they had hitherto been set apart for so indispensable a purpose as the maintenance of religion, and that they should remain from thenceforth at

* Appendix (H). † Appendix (I).

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at the disposal of His Majesty, with other lands of the Crown; yet this Bill proposes a very different method of dealing with them, and provides that instead of being granted as His Majesty may think fit, they shall be sold as the Legislature may direct, for purposes which they shall appoint, and by Commissioners whom they have nominated; and no direction is given for an account to be rendered to His Majesty, through the Lords of the Treasury, of the receipt and expenditure of the monies, as is usual in regard to all other public monies received and expended in the colonies.

2. That the whole of the Reserves may be sold in four years by the Commissioners, at whatever price they may be willing to accept for them.

3. That the Commissioners are all named by the Assembly, one being selected for each district, 12 in all; that of these 12, six are members of the Assembly, and five are persons who were formerly in the Assembly, but none are members of the Legislative Council, or serving in any department of the Executive Government.

4. That it is provided, that the House of Assembly may, after the Act is passed, at any session of the Legislature, appoint, by vote of the House, any person to be Commissioner instead of any Commissioner named in the Act; a provision which appears to your committee to be so extraordinary, that it cannot be necessary to enlarge upon it.

5. That upon the sales which the Commissioners shall make of them, the Government are to issue patents free of any cost, though no provision is made for meeting the charge of preparing those patents, and though the Government is to have no control over the proceeds of those sales.

6. That each Commissioner is to give security in 1,000*l.* and to have authority to receive all the monies paid for Reserves sold in his district, of which there are some so valuable, that three or four lots would produce a sum larger than the whole extent of the security.

7. That the monies are to be disposed of by the Legislature, for the support and promotion of education, and to no other purpose whatever, it being clearly stated in the Bill that the education spoken of is not to include religious instruction or public worship through the ministry of any clergy supported by this fund; and it is worthy of remark, that this measure is introduced after the Legislature have been for three years entrusted, by the voluntary surrender of the Crown, with the management of very large tracts of land formerly set apart expressly for the maintenance of schools, in the course of which three years not one step has been taken, nor any measure proposed for the concurrence of the Legislative Council, for turning that liberal endowment to account.

Upon these provisions of the Bill your committee do not think it necessary to enter into any particular discussion; they are merely pointed out to the attention of your honourable House; and your committee omit to remark upon many minor points in the details which struck them as obviously unadvisable or improper, thinking them of slight importance in comparison with the objections which appear to your committee to exist against the general principles and scope of the Bill.

Your committee have already stated that it was not their intention to enter upon a discussion or even upon a statement of the arguments which have been used, or may be used, for or against the claim of right advanced by the Church of Scotland, or in behalf of any other denomination of Christians; and, for the same reasons for which they have omitted this, they have avoided also engaging in any discussion of the reasons for or against the maintenance of a religious establishment, whether those reasons are of general application, or such as may be deduced from the present condition and future prospects of this colony. All these considerations are too important to be in their nature overlooked, and before the question now pending can be finally decided by the only competent authorities, namely, the King and Parliament of Great Britain, they must and doubtless will be maturely weighed and wisely and justly disposed of. To show what has been done and attempted, for the purpose simply of presenting a connected view of facts and proceedings in relation to this interesting subject, has been the endeavour of the committee; and the following summary, deduced from what they have related more at length, will perhaps tend to bring the whole matter more clearly in review.

From what the committee have stated, it will be seen that His late Majesty King George the Third, having acquired the territory which now forms the Province of Upper Canada, gave immediate assurance of his protection and support to the prevailing religion of the country, which he found established.

That Parliament, a few years after (1774), secured to the clergy of that religion, by statute, the full enjoyment of their accustomed dues and rights, giving them the sanction of law for the exaction of tithes; that in the same statute the British Parliament declared their intention of providing for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy within the Province of Canada. That this intention was carried fully and effectually into execution in the year 1791, when His Majesty called upon Parliament, by Royal message, to concur with him in making a permanent appropriation of lands, in both the Provinces of Canada, for the maintenance and support of a Protestant clergy, and when Parliament, in consequence of that Royal message, declared their purpose of effectually fulfilling His Majesty's gracious intention, and of providing for the due execution of the same in all time to come, and proceeded by the statute, 31 Geo. 3, c. 31, to authorize the setting apart the allotments of land which form "the Clergy Reserves."

That the enactments contained in this statute, for effecting this declared object of His Majesty and the British Parliament, have not to this time been altered by any subsequent

statute

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statute in any particular that can affect their legal operation; so that, in order to determine what right the Church of England or Church of Scotland, or any other religious community, can legally claim in the Clergy Reserves or the proceeds of them, the question is still confined to the words of that statute, aided by such helps to the construction of it as can properly be admitted from the circumstances under which the statute was passed, the history of its passing, the evidence of contemporaneous construction, and the light in which its provisions have been found to be viewed, and the understanding with which they were carried into effect by those with whom it properly rested to place a construction upon the statute in Great Britain and in the colony.

That about 30 years after the passing of the Act questions were raised upon the object of its provisions; and the members of the Church of Scotland, in particular, advanced a claim to participate in the Reserves or their proceeds; first, on the ground that that Church is included in the words of the statute; and, secondly, on the principle that, as a national Church, she has a just claim to support, and ought to be considered as coming within the spirit and intention of the statute, unless the words can be shown expressly to exclude her.

That not long after, application was made to the Legislature of the colony and to the Government in England on behalf of all other denominations of Protestants generally, setting forth a claim on their part to participate in the advantages of the Clergy Reserves, which claim, it is proper to mention, received the support of the House of Assembly.

That upon the claim of the Church of Scotland, or of any other religious community, grounded upon the legal operation of the statute, no decision has yet been pronounced by any judicial authority empowered to determine the question.

That the Crown officers in England have (in 1819) expressed a qualified opinion in favour of the Church of Scotland, as regards the discretion of the Government in allowing her to participate in the rents and proceeds of the Reserves, but not as regards the right of her clergy to hold any portion of the same in the nature of parochial endowments.

That the legal adviser of the colonial department has expressed an opinion that the Church of Scotland may, if His Majesty thinks fit, have a portion of the lands set apart for the support of her clergy; and may also, in the discretion of the Government, be allowed to share in the rents or proceeds of the land.

That these legal advisers of the Government all concur in the opinion that the term "Protestant clergy," used in the statute, cannot be extended to the ministers or preachers of any dissenting sect not forming a Church established by law.

That although the construction of this statute has been in question about 15 years, no express declaration has been made by either House of Parliament in England upon the subject, nor any act done from which the understanding of either House might be implied.

That a Select Committee of the House of Commons have deliberated upon the Act, and that having received opinions respecting it, and examined witnesses, they have made a report in which they decline venturing any opinion upon the legal effect of the statute, but express their conviction that it was intended by its provisions to enable His Majesty, if he should think fit, to apply the money arising from the Reserves to any Protestant clergy; not, however, expressly defining what they mean by the term "Clergy."

That this report did not, as your committee believe, undergo a public discussion in the House of Commons in the session in which it was made, nor at any time afterwards; nor has a vote of concurrence in the report ever been proposed in that House, within the knowledge of your committee.

That His Majesty's Government have evidently an earnest desire to arrive at a satisfactory adjustment of the question, and so recently as 1832, have communicated to the Legislature of this Province a proposition, that the Reserves should, by a colonial Act, be vested in His Majesty, discharged from any trust created by 31 Geo. 3.

That in this communication His Majesty speaks of the Reserves, "as having been set apart as a provision for the clergy of the Established Churches of England and Scotland, declaring the sacred obligation incumbent upon him to watch over the interests of all the Protestant Churches within his dominions, and that His Majesty can never consent to abandon those interests, with a view to any objects of temporary and apparent expediency."

That to this recommendation of His Majesty respecting the vesting of the Clergy Reserves in the Crown, discharged from any trust, no effect has yet been given. That a measure for that purpose has been expressly rejected in one branch of the Legislature, and a Bill introduced of a different nature, which has for its object the total abolition of this provision for the support of religion, and the depriving the Crown of the right to dispose of the lands, which, in case of repealing the provision in question, ought, in the opinion of your committee, to revert to His Majesty.

That the Protestant religion has no assurance of public support for its ministers, of any denomination, in the Province of Upper Canada, except such as may be derived from the Reserves in question; nor does it appear to your committee that such support can be looked for from any other resource.

This being the actual state of the question, your committee believe it may be confidently assumed that no Bill of such a nature as is now before them will receive the concurrence of the Legislative Council; and indeed it is manifest that, if there were no doubt as to the power of this Legislature to pass such a Bill, subject to the confirmation of His Majesty and the British Parliament, the attempt to do so could not be successful; for it is not to

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be supposed that His Majesty and the British Parliament will disregard obligations admitted to be sacred, and surrender interests which His Majesty has solemnly pledged himself "should not be abandoned with a view to any objects of temporary and apparent expediency."

Your committee conceives it must be sufficiently evident that no prospect whatever exists of effecting a final settlement in regard to the Clergy Reserves by any Act to be passed within the colony. Without contending for the interests of any particular Church, or asserting or denying the validity of any claim that has been advanced, your committee is most desirous of impressing upon your Honourable House the propriety of interceding with His Majesty and the British Parliament to bring this long pending question to a decided and final termination. The continual agitation of the claims which have been advanced, and the indulgence of hopes which may or may not be ultimately fulfilled, have a most unfavourable influence upon the spiritual and temporal welfare of the people of this colony. The difficulty is rather increased than diminished by delay; and your committee is persuaded that no greater service could be rendered by the mother country to this Province than the putting a period, by an explicit and just measure, to all further contests and fruitless expectations in regard to the Reserves.

It is obvious that no Act that can be passed here can be effectual, unless it meets the approbation of His Majesty and both Houses of the Imperial Parliament. With that supreme authority it therefore rests to dispose of the question; and your committee are persuaded that the Legislative Council will not hesitate to declare their readiness to submit with cheerfulness to whatever course they may think it just to adopt. With this view, your committee have proposed several resolutions, which, if they shall be approved of by the Legislative Council, your committee recommend to be sent to the Assembly, for their concurrence, in order that a joint address to His Majesty and both Houses of Parliament, may be framed upon them. If the House of Assembly should not concur in them, then your committee recommend that an address from the Legislative Council should be transmitted to His Majesty and both Houses of Parliament, framed in conformity to the resolutions; and that a copy of this report, and the documents appended to it, should accompany the address.

It has occurred to your committee that it may appear just and reasonable, that before the interposition of Parliament is exercised, the legal claims which any party may have advanced, or may desire to advance, under the 31 Geo. 3, c. 31, should, if possible, be decided upon, and the rights of all ascertained by the judgment of some competent tribunal, if that can be effected. Upon that point, it is material to observe, that under a statute passed in England so lately as in August 1833, a provision is made, which it appears to your committee would completely meet this object. By the statute referred to (3 & 4 Will. 4, c. 41) a tribunal is constituted, called the "Judicial Committee of the Privy Council," to consist of the President of His Majesty's Privy Council for the time being, the Lord High Chancellor, such of the Members of the Privy Council as hold any of the offices following, namely, Chief Justice or Judge of the King's Bench, Master of the Rolls, Vice-Chancellor of England, Chief Justice or Judge of the Common Pleas, Chief Baron or Baron of the Court of Exchequer, Judge of the Prerogative Court, Judge of the High Court of Admiralty, Chief Judge of the Court of Bankruptcy, and all Members of His Majesty's Privy Council who shall have been president thereof, or held the office of Lord Chancellor of Great Britain, or any of the other offices before mentioned, and also any two other Members of the Privy Council whom His Majesty may choose to appoint. The tribunal thus composed is to have all the jurisdiction incident to the former Court of His Majesty in Council, as a Court of Appeal from the Colonies and Plantations, with powers very considerably enlarged; and it is expressly enacted in the fourth section of the Statute, "that it shall be lawful for His Majesty to refer to the said Judicial Committee, for hearing or consideration, any such other matters whatsoever as His Majesty shall think fit, and such Committee shall thereupon hear or consider the same, and shall advise His Majesty therein." Thus it is plain that the opinion of this Judicial Committee may be had on the true legal construction and effect of the Statute 31 Geo. 3, although no litigation respecting it is depending in any court; and if His Majesty, at the request of any of the respective claimants, should think fit under this clause of the Statute, to refer to this most respectable tribunal, such legal questions as have arisen upon the provision made for the support of religion under the Statute 31 Geo. 3, c. 31, their decision, after sufficient opportunity having been afforded to any party interested to be heard before them, must, in the opinion of all reasonable persons, be considered as conclusive in respect to the legal right.

All which is respectfully submitted.

(signed) *Thomas Clark*, Chairman.

Committee-room of the Legislative Council,
4 April 1835.

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RESOLUTIONS reported by the Select Committee, and afterwards adopted by the Legislative Council, and sent to the House of Assembly, for their concurrence.

The Select Committee appointed to report upon the Bill, intituled, "An Act for the disposal of the Clergy Reserves in this Province, for the purposes of General Education," have taken the same into consideration, and concur in not recommending it to your Honourable House, but have agreed upon certain Resolutions, which they beg leave to offer for its adoption.

Resolved, That his late Majesty, King George the Third, having been graciously pleased, by message to both Houses of Parliament, to express His royal desire to be enabled to make a permanent appropriation of lands in this Province for the support and maintenance of a Protestant clergy within the same, provision was made for that purpose by Parliament, in the Statute passed in the 31st year of His Majesty's reign, chap. 31, by directing a reservation of lands to be made and set apart, in the proportion of all the lands that should be granted by His Majesty in the said Province, and by declaring that all and every the rents, profits, or emoluments, which might at any time arise from such lands so allotted and appropriated as aforesaid, should be applied solely to the maintenance and support of a Protestant clergy within the Province, and to no other use or purpose whatever.

Resolved, That such allotments and appropriations as the Act directs having been made from time to time, and continuing to be set apart, under the designation of Clergy Reserves, a claim was advanced in the year 1821, on behalf of the Church of Scotland, to be allowed to share in those Reserves, or in the rents, profits, or emoluments to be derived from them, which claim was made, and has been urged upon the footing of a legal claim, grounded on the construction of the Statute, and on the rights of the Church of Scotland as a Church established in one part of the United Kingdom.

Resolved, That it has been advanced by other portions of the people of this Province, that all Protestant denominations have a right, in common with the Church of England, to have their clergy supported from the Reserves in question, and that no exclusive right can be vindicated under the Act, in favour of any one or more Protestant churches.

Resolved, That efforts have also been made to procure a total abolition of this provision for the support of religion, by obtaining an Act of the Provincial Legislature, directing the sale of the Reserves, and the appropriation of the proceeds to purposes of general education.

Resolved, That by these conflicting claims and opposing views, in regard to a subject of so great interest and importance, the minds of His Majesty's subjects in this Province have, for a long period, been rendered anxious and unsettled; and, in the opinion of the Legislative Council, it is, for many reasons, much to be desired, that a speedy and final settlement should take place of the questions which have arisen upon the effect of the enactments referred to, and that it should be plainly, certainly, and firmly established, to what specific objects the Clergy Reserves shall be permanently applied.

Resolved, That the Legislative Council, confiding in the wisdom and justice of His Majesty and the Imperial Parliament, think it expedient and proper humbly to address His Majesty and both Houses of Parliament, representing that the Legislature of this Province has been unable to concur in any measure respecting the Clergy Reserves, and earnestly requesting that the Imperial Parliament will, with as little delay as possible, make such an enactment on the subject as cannot appear to leave any room for doubt or question in regard to the objects to which the proceeds of the Clergy Reserves are to be applied; and that having regard to the present condition and future welfare of this colony, and maturely considering whatever has been urged, or may be urged, in regard to these Reserves, they will, by some measure which shall be final and unequivocal, make such an appropriation of them as shall appear to be most consistent, with a due regard to religion, to the principles of our constitution, and to the permanent welfare and tranquillity of the Province.

ADDRESS to the KING, reported by the Select Committee, and adopted by the Legislative Council.

To The KING's Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in provincial Parliament assembled, humbly beg leave to represent to your Majesty, that the provision made for the support of a Protestant clergy in this Province, by the Statute passed in the 31st year of the reign of our late most gracious Sovereign, King George the Third, has given rise to questions which, after many years agitation of them, are still unsettled, notwithstanding the earnest desire of your Majesty, and of your Royal predecessor, to bring them to a satisfactory issue.

The first occasion for discussing the intention and effect of the Statute referred to was presented by a claim advanced on the part of the Church of Scotland, to be allowed to share in the allotment of lands called Clergy Reserves, which claim was grounded upon the language of the Statute, and upon the alleged right of the Church of Scotland to be recognised in the colonies of the empire as an Established Church. An opinion was not long afterwards publicly expressed that, not merely the Churches of England and Scotland, but every denomination of Protestants, without distinction, should be allowed to participate in the provision.

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It is now many years since these claims and opinions were first advanced, and during the period which has intervened, the minds of your Majesty's subjects in this colony have been rendered anxious and unsettled, by the hopes which have been raised on the one side, and the apprehensions which have been excited on the other.

In the progress of the discussions to which this important subject has given rise, a new ground has been taken, and a measure has been proposed to us for our concurrence, which has for its object the entire destruction of the provision which your Majesty's late Royal father, and his Parliament, have wisely made for the maintenance of public worship, and the dispensing of religious instruction in this extensive and valuable colony.

In any measure of this description we feel it impossible to concur; and we are relieved from the apprehension that the Clergy Reserves will be ever appropriated to objects not immediately connected with religion by the very explicit assurance conveyed through the Right honourable the Secretary of State for the Colonies, that your Majesty can never consent to abandon the interests in question, with a view to any objects of temporary and apparent expediency.

We look upon these allotments as the only resource from whence the ministers of religion can ever derive public support in this colony; but while we decline to take part in any measure which would deprive the present and future generations of advantages, in their nature inestimable, and which we consider it to be among the first and most sacred duties of a legislative body to ensure and perpetuate, we nevertheless deeply regret that the questions which have been agitated with respect to the Clergy Reserves should continue unsettled, and we think it is for many reasons much to be desired, that a speedy and final decision should take place of the questions which have arisen upon the effect of the statute referred to, and that it should be plainly, certainly, and firmly established, to what specific objects the Clergy Reserves shall be permanently applied. Confiding freely in the wisdom and justice of your Majesty and of Parliament, we earnestly hope that with as little delay as the subject may admit of, such an enactment may be passed as shall not leave any room for doubt or question in regard to the objects to which the proceeds of the Clergy Reserves are to be applied, and that, having regard to the present condition and future welfare of this colony, and maturely considering whatever has been urged, or may be urged in regard to these Reserves, your Majesty and the Imperial Parliament will, by some measure which shall be final and unequivocal, make such an appropriation of them as shall appear to be most consistent with a due regard to religion, to the principles of our constitution, and to the permanent welfare and tranquillity of the Province.

Being anxious to contribute to this desirable result by every means in our power, we have applied ourselves to this important subject during the present session, for the purpose of presenting, in as clear and connected a view as we are able, the questions which have arisen in regard to the Clergy Reserves, the grounds on which they have been raised, and the measures which have been taken in relation to them. We have endeavourud to accomplish this in a report which accompanies this our humble address, and in which we have desired carefully to avoid entering into discussion or argument upon the several questions, reposing with entire confidence upon the wisdom of your Majesty and Parliament, for a just and right decision, upon a dispassionate and impartial consideration of the existing law, and the interests of your Majesty's subjects in this Province.

We beg to renew, upon this occasion, our assurances of entire devotion to your Majesty's person and government.

APPENDIX to the Report of the Select Committee to whom was referred the Bill sent up from the House of Assembly, intituled, "An Act for the disposal of the Clergy Reserves in this Province, for the purposes of General Education."

Appendix (A).

Clauses of the British Statute 31 Geo. 3, c. 31, which relate to the Maintenance and Support of a Protestant Clergy.

35. AND whereas, by the above-mentioned Act, passed in the 14th year of the reign of His present Majesty, it was declared, that the clergy of the Church of Rome, in the Province of Quebec, might hold, receive, and enjoy their accustomed dues and rights with respect to such persons only as should profess the said religion; provided nevertheless, that it should be lawful for His Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy, within the said Province, as he or they should from time to time think necessary and expedient: and whereas, by His Majesty's Royal instructions, given under His Majesty's Royal sign manual on the 3d day of January, in the year of our Lord 1775, to Guy Carleton, esq. now Lord Dorchester, at that time His Majesty's Captain-general and Governor-in-chief in and over His Majesty's Province of Quebec, His Majesty was pleased, amongst other things, to direct, "that no incumbent professing the religion of the Church of Rome, appointed to any parish in the said Province, should be entitled to receive any tithes for lands or possessions occupied by a Protestant, but that such tithes should be received by such persons as the said Guy Carleton, esq. His Majesty's Captain-general and Governor-in-chief in and over His Majesty's said Province of Quebec should appoint, and should be reserved in the hands of His Majesty's

Majesty's Receiver-general of the said Province, for the support of a Protestent clergy in His Majesty's said Province, to be actually resident within the same, and not otherwise, according to such directions as the said Guy Carleton, esq. His Majesty's Captain-general and Governor-in-chief in and over His Majesty's said Province, should receive from His Majesty in that behalf; and that in like manner all growing rents and profits of a vacant benefice should, during such vacancy, be reserved for and applied to the like uses:" and whereas His Majesty's pleasure has likewise been signified to the same effect in His Majesty's Royal instructions, given in like manner to Sir Frederick Haldimand, Knight of the Most Honourable Order of the Bath, late His Majesty's Captain-general and Governor-in-chief in and over His Majesty's said Province of Quebec; and also in His Majesty's Royal instructions, given in like manner to the said Right honourable Guy, Lord Dorchester, now His Majesty's Captain-general and Governor-in-chief in and over His Majesty's said Province of Quebec; be it enacted by the authority aforesaid, that the said declaration and provision contained in the said above-mentioned Act, and also the said provision so made by His Majesty in consequence thereof by his instructions before recited, shall remain and continue to be of full force and effect in each of the said two Provinces of Upper Canada and Lower Canada respectively, except in so far as the said declaration or provisions respectively, or any part thereof, shall be expressly varied or repealed by any Act or acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, his heirs or successors, under the restriction hereinafter provided.

36. And whereas His Majesty has been graciously pleased, by message to both Houses of Parliament, to express his royal desire to be enabled to make a permanent appropriation of lands in the said Provinces for the support and maintenance of a Protestant clergy within the same, in proportion to such lands as have been already granted within the same by His Majesty: and whereas His Majesty has been graciously pleased, by His said message further to signify His royal desire that such provision may be made with respect to all future grants of land within the said Provinces respectively, as may best conduce to the the due and sufficient support and maintenance of a Protestant clergy within the said Provinces, in proportion to such increase as may happen in the population and cultivation thereof; therefore, for the purpose of more effectually fulfilling His Majesty's gracious intentions, as aforesaid, and of providing for the due execution of the same in all time to come, be it enacted by the authority aforesaid, that it shall and may be lawful for His Majesty, his heirs or successors, to authorize the Governor or Lieutenant-governor of each of the said Provinces respectively, or the person administering the government therein, to make, from and out of the lands of the Crown within such Provinces, such allotment and appropriation of lands, for the support and maintenance of a Protestant clergy within the same, as may bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of His Majesty; and that whenever any grant of lands within either of the said Provinces shall hereafter be made, by or under the authority of His Majesty, his heirs or successors, there shall at the same time be made, in respect of the same, a proportionable allotment and appropriation of lands for the above-mentioned purpose, within the township or parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit; and that no such grant shall be valid or effectual unless the same shall contain a specification of the lands so allotted and appropriated, in respect of the lands to be thereby granted; and that such lands, so allotted and appropriated, shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

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

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

39. And be it further enacted by the authority aforesaid, that it shall and may be lawful for His Majesty, his heirs or successors, to authorize the Governor, Lieutenant-governor, or person administering the government of each of the said Provinces respectively, to present

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to every such parsonage or rectory an incumbent or minister of the Church of England, who shall have been duly ordained according to the rites of the said Church, and to supply from time to time such vacancies as may happen therein; and that every person so presented to any such parsonage or rectory, shall hold and enjoy the same, and all rights, profits, and emoluments thereunto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or rectory in England.

40. Provided always, and be it further enacted, by the authority aforesaid, that every such presentation of an incumbent or minister to any such parsonage or rectory, and also the enjoyment of any such parsonage or rectory, and of the rights, profits, and emoluments thereof, by any such incumbent or minister, shall be subject and liable to all rights of institution, and all other spiritual and ecclesiastical jurisdiction and authority, which have been lawfully granted by His Majesty's royal letters patent to the Bishop of Nova Scotia, or which may hereafter, by His Majesty's royal authority, be lawfully granted or appointed to be administered and executed within the said Provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other person or persons, according to the laws and canons of the Church of England, which are lawfully made and received in England.

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

42. Provided nevertheless, and be it further enacted by the authority aforesaid, that whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said Provinces, containing any provisions to vary or repeal the above-recited declaration and provisons contained in the said Act passed in the 14th year of the reign of His present Majesty; or to vary or repeal the above-recited provision contained in His Majesty's royal instructions, given on the 3d day of January, in the year of our Lord 1775, to the said Guy Carleton, esq. now Lord Dorchester; or to vary or repeal the provisions hereinbefore contained for continuing the force and effect of the said declaration and provisions; or to vary or repeal any of the several provisions hereinbefore contained respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said Provinces; or respecting the constituting, erecting, or endowing parsonages or rectories within the said Provinces; or respecting the presentation of incumbents or ministers to the same; or respecting the manner in which such incumbents or ministers shall hold and enjoy the same; and also that whenever any Act or Acts shall be so passed, containing any provisions which shall in any manner relate to or affect the enjoyment or exercise of any religious form or mode of worship; or shall impose or create any penalties, burthens, disabilities, or disqualifications, in respect of the same; or shall in any manner relate to or affect the payment, recovery, or enjoyment, of any of the accustomed dues or rights hereinbefore mentioned; or shall in any manner relate to the granting, imposing, or recovering any other dues or stipends, or emoluments whatever, to be paid to or for the use of any minister, priest, ecclesiastic, or teacher, according to any religious form or mode of worship, in respect of his said office or function; or shall in any manner relate to or affect the establishment or discipline of the Church of England, amongst the ministers and members thereof, within the said Provinces; or shall in any manner relate to or affect the King's prerogative touching the granting of waste lands of the Crown within the said Provinces, every such Act or Acts shall, previous to any declaration or signification of the King's assent thereto, be laid before both Houses of Parliament in Great Britain; and that it shall not be lawful for His Majesty, his heirs or successors, to signify his or their assent to any such Act or Acts, until 30 days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts, in case either House of Parliament shall, within the said 30 days, address His Majesty, his heirs or successors, to withhold his or their assent from such Act or Acts, and that no such Act shall be valid or effectual to any of the said purposes, within either of the said Provinces, unless the Legislative Council and Assembly of such Province shall, in the session in which the same shall have been passed by them, have presented to the Governor, Lieutenant-governor, or person administering the government of such Province, an address or addresses, specifying that such Act contains provisions for some of the said purposes hereinbefore specially described, and desiring that, in order to give effect to the same, such Act should be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of His Majesty's assent thereto.

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Appendix (B.)

AN ACT relative to the right of Tithes within this Province. (Passed by the Legislature of Upper Canada.)

[The Royal Assent to this Bill was promulgated by Proclamation, bearing date the 20th day of February 1823.]

WHEREAS notwithstanding His Majesty has been graciously pleased to reserve for the support of a Protestant clergy in this Province, one-seventh of all lands granted therein, doubts have been suggested that the tithe of the produce of land might still be legally demanded by the incumbent duly instituted, or rector of any parish, which doubt it is important to the well-doing of this colony to remove; be it enacted, by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, that no tithes shall be claimed, demanded, or received by any ecclesiastical parson, rector or vicar, of the Protestant Church within this Province, any law, custom, or usage, to the contrary notwithstanding.

Appendix (C.)

AN ACT of the Imperial Parliament, passed Anno Septimo & Octavo Georgii 4, Regis. Chap. 62.

AN ACT to authorize the Sale of a part of the Clergy Reserves in the Provinces of Upper and Lower Canada.—2 July 1827.

WHEREAS by an Act passed in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" it is among other things enacted, that it shall and may be lawful for his Majesty, His heirs or successors, to authorize the Governor or Lieutenant-governor of each of the Provinces of Upper Canada and Lower Canada respectively, or the person administering the government therein, to make, from and out of the lands of the Crown within such Provinces, such allotment and appropriation of lands as therein mentioned for the support and maintenance of a Protestant clergy within the same; and it was further enacted, that all and every the rents, profits, or emoluments which might at any time arise from such lands so allotted and appropriated as aforesaid, should be applicable solely for the maintenance and support of a Protestant clergy within the Province in which the same should be situated, and to no other purpose whatever: and whereas in pursuance of the said Act such allotments and appropriation of land as aforesaid have from time to time been reserved for the purpose therein mentioned, which lands are known within the said Provinces by the name of the Clergy Reserves: and whereas the said Clergy Reserves have in great part remained waste and unproductive, from the want of capital to be employed in the cultivation thereof, and it is expedient to authorize the sale of certain parts of such Clergy Reserves, to the intent that the monies arising from such sale may be employed in the improvement of the remaining part of the said Clergy Reserves, or otherwise for the purposes for which the said lands are so reserved as aforesaid; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the Governor and Lieutenant-governor, or officer administering the government of the said Provinces, or either of them, with the consent of the Executive Council appointed within such Province for the affairs thereof, in pursuance of any instructions which may be issued to such Governor, Lieutenant-governor, or other officer as aforesaid, by His Majesty, through one of his principal Secretaries of State, to sell, alienate and convey, in fee simple, or for any less estate or interest, a part of the said Clergy Reserves in each of the said Provinces (not exceeding in either Province one-fourth of the Reserves within such Province), upon, under, and subject to such conditions, provisoes, and regulations, as His Majesty, by any such instructions as aforesaid shall be pleased to direct and appoint; provided nevertheless, that the quantity of the said Clergy Reserves so to be sold as aforesaid in any one year, in either of the said Provinces, shall not in the whole exceed 100,000 acres; provided also, that the monies to arise by, or to be produced from any such sale or sales, shall be paid over to such officer or officers of His Majesty's revenue within the said Provinces respectively, as His Majesty shall be pleased to appoint to receive the same, and shall by such officer or officers be invested in the public funds of the United Kingdom of Great Britain and Ireland, in such manner and form as His Majesty shall from time to time be pleased to direct; provided also, that the dividends and interest accruing from such public funds, so to be purchased, shall be appropriated, applied, and disposed of for the improvement of the remaining

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part of the said Clergy Reserves, or otherwise for the purposes for which the said lands were so reserved as aforesaid, and for no other purpose whatsoever; save only so far as it may be necessary to apply the same, or any part thereof, in or towards defraying the expenses of or attendant upon any such sale or sales as aforesaid; and which appropriations shall be so made in such manner and form, and for such special purposes, as His Majesty from time to time shall approve and direct.

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2. And be it further enacted, that it shall and may be lawful for the Governor, Lieutenant-governor, or officer administering the government of the said Provinces, with the consent of such Executive Council as aforesaid, in pursuance of any instructions which may in manner aforesaid be issued to him, to give and grant, in exchange for any part of the said Clergy Reserves, any lands of and belonging to His Majesty within the said Provinces, of equal value with such Clergy Reserves so to be taken in exchange, or to accept in exchange for any such Clergy Reserves, from any person or persons, any lands of equal value; and all lands so taken in exchange for any such Clergy Reserves, shall be holden by His Majesty, his heirs and successors, in trust, for the several purposes to which the said Clergy Reserves are appropriated by the said Act, so passed in the 31st year of the reign of his late Majesty King George the Third, or by this present Act.

Appendix (D.)

Copy of the Opinion of His Majesty's Law Officers relative to the Clergy Reserves; dated 15th November 1819.

My Lord, Doctor's Commons, 15th November 1819.

We are honoured with your Lordship's commands of the 14th September last, stating that doubts have arisen how far, under the construction of the Act passed in the 31st year of His present Majesty, (c. 31.) the dissenting Protestant ministers resident in Canada have a legal claim to participate in the lands by that Act directed to be reserved as a provision for the support and maintenance of a Protestant Clergy.

And your Lordship is pleased to request, that we would take the same into consideration and report to your Lordship, for the information of the Prince Regent, our opinion, whether the Governor of the Province is either required by the Act, or would be justified in applying the produce of the reserved lands to the maintenance of any other than the clergy of the Church of England resident in the Province; and in the event of our being of opinion that the ministers of dissenting Protestant congregations have a concurrent claim with those of the Church of England, further desiring our opinion, whether, in applying the reserved lands to the endowment of rectories and parsonages, as required by the 38th clause, it is encumbent upon His Majesty to retain a proportion of those lands for the maintenance of the dissenting clergy, and as to the proportion in which, under such a construction, the provision is to be assigned to the different classes of Dissenters established within the Province.

We are of opinion, that though the provisions made by 31 Geo. 3, c. 31, ss. 36 & 42, for the support and maintenance of a Protestant clergy, are not confined solely to the clergy of the Church of England, but may be extended also to the clergy of the Church of Scotland, if there are any such settled in Canada (as appears to have been admitted in the debate upon the passing of the Act), yet that they do not extend to the dissenting ministers, since we think the terms "Protestant clergy" can apply only to Protestant clergy recognized and established by law.

The 37th section which directs, "that the rents and profits of the lands, &c. shall be applicable solely to the maintenance and support of a Protestant clergy," does not specify by what authority the rents and profits are to be so applied. Supposing the Governor to be duly authorized by the Act to make such application, we think that he will be justified in applying such rents and profits to the maintenance and support of clergy of the Church of Scotland, as well as those of the Church of England, but not to the support and maintenance of ministers of dissenting Protestant congregations.

With respect to the second question, the 38th clause, "which empowers His Majesty to authorize the Governor to constitute and erect parsonages or rectories according to the establishment of the Church of England;" provides also, "that he may endow every such parsonage or rectory with so much of the lands allotted and appropriated, in respect to any land within such township or parish which shall have been granted, as the Governor, with the advice of the Executive Council, shall judge to be expedient."

Under these terms he might endow any particular parsonage or rectory with the whole lands allotted and appropriated in that township or parish.

It would be inconsistent with this discretionary power, that any proportion of such lands should be absolutely retained for any other clergy than those mentioned in that clause, and we think that it is not incumbent on His Majesty so to retain any proportion of such lands.

We have the honour to be, my Lord,
Your Lordship's most obedient humble servants,
(signed) *Christ. Robinson.*
R. Gifford.
J. S. Copley.

Earl Bathurst,
&c. &c. &c.

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Appendix (E.)

Extract from the Report of the Select Committee of the House of Commons, appointed in 1827, to Report on the Civil Government of Canada.

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"It now remains for us to lay before the House the result of our inquiries into the Clergy Reserves, which appear, by the statements of the petitioners from Upper Canada, to be the cause of much anxiety and dissatisfaction in that Province. By the Act of 1791, the Governor is directed to make from and out of the lands of the Crown within such Provinces, such allotment and appropriation of lands for the support and maintenance of a Protestant clergy within the same, as may bear a due proportion to the amount of such lands within the same, as have at any time been granted by or under any authority of His Majesty. And it is further provided, that such lands so allotted and appropriated shall be, as nearly as the circumstances and the nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated; and shall be, as nearly as the same may be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

"The directions thus given have been strictly carried into effect, and the result is, that the separate portions of land which have been thus reserved, are scattered over the whole of the districts already granted.

"It was no doubt expected by the framers of this Act that, as the other six parts of the land granted were improved and cultivated, the reserved part would produce a rent, and that out of the profits thus realized, an ample fund might be established for the maintenance of a Protestant clergy. These anticipations, however, have not as yet been, and do not appear likely to be soon realized. Judging, indeed, by all the information the Committee could obtain on this subject, they entertain no doubt that these reserved lands, as they are at present distributed over the country, retard more than any other circumstance the improvement of the colony, lying as they do in detached portions in each township, and intervening between the occupations of actual settlers, who have no means of cutting roads through the woods and morasses which thus separate them from their neighbours. The allotment of those portions of reserved wilderness has, in fact, done much more to diminish the value of the six parts granted to these settlers, than the improvement of their allotments has done to increase the value of the Reserve. This we think must be apparent from the results of the attempts which have been made to dispose of these lands. A corporation has been formed within the Province, consisting of the clergy of the Church of England, who have been empowered to grant leases of those lands for a term not exceeding 21 years. It appears that in the Lower Province alone, the total quantity of Clergy Reserves is 488,594 acres, of which 75,639 acres are granted on leases, the terms of which are,—that for every lot of 200 acres, eight bushels of wheat, or 25*s.* per annum, shall be paid for the first seven years; 16 bushels, or 50*s.* per annum, shall be paid for the next seven years; and 24 bushels, or 75*s.* per annum, for the last seven years. Under these circumstances, the nominal rent of the Clergy Reserves is 930*l.* per annum. The actual receipt for the average of the last three years has been only 50*l.* per annum. The great difference between the nominal and net receipt is to be accounted for by the great difficulty of collecting rents, and by tenants absconding. We are informed also, that the resident clergy act as local agents in collecting the rents; that a sum of 175*l.* had been deducted for the expenses of management, and that at the date of the last communication on this subject, 250*l.* remained in the hands of the Receiver-general, being the gross produce of the whole revenue of an estate of 954,488 acres.

"An attempt has been made to dispose of this estate by sale. The Canada Company, established by the Act 6 Geo. 4, c. 75, agreed to purchase a large portion of these Reserves at a price to be fixed by commissioners; 3*s.* 6*d.* per acre was the price estimated, and at this sum an unwillingness was expressed on the part of the Church to dispose of the lands.

"The Government, therefore, have made arrangements with the company, and an Act has since been passed authorizing the sale of these lands to any person desiring to purchase them, provided the quantity sold does not exceed 100,000 acres each year.

"As your Committee entertain do doubt that the reservation of these lands in mortmain is a serious obstacle to the improvement of the colony, they think every proper exertion should be made to place them in the hands of persons who will perform upon them the duties of settlement, and bring them gradually into cultivation.

"That their value, whatever it may be, must be applied to the maintenance of a Protestant clergy, there can be no doubt. And your Committee regret that there is no prospect, as far as a present and succeeding generation is concerned, of their produce being sufficient for that object, in a country where wholly unimproved land is granted in fee for almost nothing, to persons willing to settle on it. It is hardly to be expected that with the exception of some favoured allotments, responsible tenants will be found who will hold on lease, or that purchasers of such land will be found at more than a nomina price.

"Your Committee, however, are happy to find that the principle of the progressive sale of these lands has already been sanctioned by an Act of the British Parliament. They cannot avoid recommending in the strongest manner the propriety of securing for the future any provision which may be deemed necessary for the religious wants of the community in those Provinces by other means than by a reservation of one-seventh of the land, according

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to the enactment of the Act of 1791. They would also observe that equal objections exist to the reservation of that seventh, which in practice appears to be reserved for the benefit of the Crown; and doubtless the time must arrive when these reserved lands will have acquired a considerable value from the circumstance of their being surrounded by settled districts, but that to value will have been acquired at the expense of the real interest of this Province, and will operate to retard that course of general improvement which is the true source of national wealth. Your Committee are of opinion, therefore, that it may be well for the Government to consider whether these lands cannot be permanently alienated, subject to some fixed moderate reserved payment (either in money or in grain, as may be demanded), to arise after the first 10 or 15 years of occupation. They are not prepared to do more than offer this suggestion, which appears to them to be worthy of more careful investigation than it is in their power to give it; but in this or in some such mode they are fully persuaded the lands thus reserved ought, without delay, to be permanently disposed of.

" To a property at once so large and so unproductive, it appears that there are numerous claimants.

" The Act of 1791 directs that the profits arising from this source shall be applied to a Protestant clergy; doubts have arisen whether the Act requires the government to confine them to the use of the Church of England only, or to allow the Church of Scotland to participate in them. The law officers of the Crown have given an opinion in favour of the rights of the Church of Scotland to such participation, in which your Committee entirely concur; but the question has also been raised, whether the clergy of every denomination of Christians, except Roman-catholics, may not be included; it is not for your Committee to express an opinion on the accuracy which the words of the Act legally convey. They entertain no doubt, however, that the intention of those persons who brought forward the measure in Parliament was to endow with parsonage houses and glebe lands the clergy of the Church of England, at the discretion of the local government; but with respect to the distribution of the proceeds of the reserved lands generally, they are of opinion that they sought to reserve to the government the right to apply the money, if they so thought fit, to any Protestant clergy.

" The Committee see little reason to hope that the annual income to be derived from this source is likely, within any time to which they can look forward, to amount to a sufficient sum to provide for the Protestant clergy of these Provinces; but they venture to press the early consideration of this subject on His Majesty's Government, with a view to an adjustment, that they may be satisfactory to the Province. Of the principle on which the proceeds from these lands are hereafter to be applied, and in deciding on the just and prudent application of these funds, the Government will necessarily be influenced by the state of the population, as to religious opinions, at the period when the decision is to be taken. At present it is certain that the adherents of the Church of England constitute but a small minority in the Province of Upper Canada. On the part of the Scotch Church claims have been strongly urged on account of its establishment in the Empire, and from the number of its adherents in the Province. With regard to the other religious sects, the committee have found much difficulty in ascertaining the exact numerical proportions which they bear one to the other; but the evidence has led them to believe, that neither the adherents of the Church of England, nor those of the Church of Scotland, form the most numerous religious body within the Province of Upper Canada."

Appendix (F.)

Address of the Legislative Council of Upper Canada on the subject of the Clergy Reserves.

Extract from the Journal of the Legislative Council, March 16, 1831.

To the King's Most Excellent Majesty.

Most gracious Sovereign,

We, your Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly beg leave to address ourselves to your Majesty on a subject of the utmost consequence to the future welfare of this colony.

We observe with great concern the efforts which are making in this colony to inculcate the opinion, that it is an infringement of liberty to make provision for the support of the Christian religion, by maintaining some form of public worship, even although such a provision should be made (as in this Province it has been made), without imposing a burthen upon any class of the people, and without subjecting to any civil disability those persons who profess a different faith.

As one of the branches of the Legislature of this colony, we feel it to be our duty to declare our dissent from such a position, as being directly repugnant to principles which have been long and firmly established in every part of the British empire, and expressly at variance with the original constitution of this Province, and with the sacred pledge given by your Majesty's late Royal father when Canada became a British Province.

In the first arrangements made by his late Majesty and by Parliament for the government of Canada, it was their principal care to continue and assure to the inhabitants that provision which the French government had made for the support of religion, and accordingly the clergy

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clergy of the Roman-catholic Church were secured in the enjoyment of all their legal and accustomed rights; and many years afterwards, when the accession of a large English population, particularly in this portion of Canada, rendered it proper to divide the Province, and to make provision for two separate governments, His Majesty, in a message to Parliament, expressly recommended to them to consider of such provisions as should be necessary for enabling His Majesty to make a permanent appropriation of lands in the said Provinces for the support and maintenance of a Protestant clergy within the same.

Concurring in this recommendation of His Majesty, the Parliament of Great Britain, by the statute 31 Geo. 3, c. 31, made a provision for the support of a Protestant clergy in this Province in the terms of the Royal message; and they secured it by enactments so direct and positive, and so particular in their details, that there can be no part of the British empire in which a public provision for the maintenance of religion stands on plainer ground than in the Provinces of Canada.

It was not until after this provision had existed, without complaint or remonstrance, for more than 30 years, that any attempt was made to excite a feeling of dissatisfaction in respect to it. Among the objections which have been urged against it since that period it has been stated, that the Reserves, by remaining waste, obstruct the settlement of the Province, and that the quantity of the land reserved is excessive in proportion to the object. With respect to the first objection, it has always been exaggerated, and the reasoning in support of it was daily becoming weaker in consequence of the occupation of the Reserves by lessees, even before the measures which have lately been taken for their sale, under the authority of a recent Act of the Imperial Parliament.

Since they have been thus placed in a course of gradual alienation, there not only remains no fair objection of that kind, but it is in reality a great benefit to the country, that respectable emigrants coming at this late period from Europe are enabled, by the opportunity of purchasing these Clergy Reserves, to obtain lands in eligible situations upon convenient and moderate terms.

With regard to the argument, that the allotment for religious purposes is excessive, and disproportioned to the object, it is easy to set at rest any question on that point, and to afford the most conclusive assurance that nothing more than an adequate provision is desired. This Province is divided into townships, each of which contains about 100 square miles, and in many of which there are already populous villages, besides the agricultural population generally dispersed over the whole surface.

It can easily be determined whether the support of two clergymen of the Church of England, or of any given number beyond that, would form a reasonable provision for the religious wants of such a subdivision of the country, having in view what must be the future condition of this colony.

There can be as little difficulty in determining what stipend would assure a barely adequate maintenance to such clergymen; and if Parliament were to place at the disposal of His Majesty the surplus of the endowment in any township that may remain after this adequate maintenance shall have been secured, such a measure must necessarily remove the apprehension of those persons who conceive the provision to be improvident and lavish.

It is not our intention on this occasion to express any opinion respecting the claims which the Church of Scotland has preferred to a participation, being content that it rests with your Majesty and with Parliament to decide upon it.

We regret that it was ever thought advisable to agitate that question in this colony, where it could not be determined; and we earnestly hope, for the sake of religion itself, that it may be speedily set at rest by a final decision. In the meantime, we cannot forbear to express our conviction that the rulers of the Church of Scotland are more sincerely attached to the principles of Christianity than to desire that the only permanent provision for religious instruction which exists in this country should be entirely abolished, because it has appeared doubtful whether that particular church has a right to share in it.

They must be aware, that it is not with those feelings that the support of their venerable establishment is regarded in Scotland by their fellow-subjects of other denominations; and we do them the justice to believe that they would be forward to disavow any such sentiments in regard to this Province.

We find that the necessity of providing by public aid for the education of the various classes in society is felt and acted upon in this Province, as well as in other countries; and we can by no means admit that their religious instruction can be treated as a matter of less important concern, and one that may with greater safety be left to the precarious liberality of individuals.

On the contrary, when we consider that the security of life and property, and all that is protected by the due administration of public justice, depends upon the religious obligation which the mind attaches to an oath, we feel that the best interests of society are involved in the maintenance of that provision which we earnestly desire to preserve.

We beg leave further to represent to your Majesty, that within the 40 years which have elapsed since this endowment was allotted, the population of Upper Canada has increased from 10,000 to 220,000 souls; the Province comprises within its present organized districts a country not less in extent than the kingdom of England and Wales; the fertility of the soil and the excellence of the climate are favourable to the most rapid advancement in population; and we persuade ourselves that your Majesty will not consider it expedient or right that the millions of people who are to inhabit this country at no very remote period, shall be left dependent upon chance for the religious instruction they are to receive.

On the contrary, we fully trust that your Majesty and the Imperial Parliament, maintain-

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ing one of the first principles of the British Constitution, will preserve to the inhabitants of Upper Canada the advantage of an adequate and permanent provision for the support of public worship, convinced that by such means the best security will be provided for the moral conduct of the people, and for the peace and happiness of society.

(signed) *John B. Robinson*, Speaker.

Legislative Council Chamber,
16 March 1831.

Appendix (G.)

MESSAGE

From his Excellency the Lieutenant-Governor, relative to the CLERGY RESERVES in this Province; and Copy of Bill for re-investing the same in His Majesty.—(Brought into the House of Assembly by the Attorney-general.)

(Copy.)
J. COLBORNE.

THE Lieutenant-governor has received His Majesty's commands to make the following communication to the House of Assembly, in reference to the lands which, in pursuance of the Constitutional Act of this Province, have been set apart for the support and maintenance of a Protestant clergy.

The representations which have at different times been made to His Majesty and his Royal predecessors, of the prejudice sustained by his faithful subjects in this Province from the appropriation of the Clergy Reserves, have engaged His Majesty's most attentive consideration.

His Majesty has, with no less anxiety, considered how far such an appropriation of territory is conducive, either to the temporal welfare of the ministers of religion in this Province, or to their spiritual influence. Bound, no less by his personal feelings than by the sacred obligations of that station to which Providence has called him, to watch over the interests of all the Protestant churches within his dominions, His Majesty could never consent to abandon those interests with a view to any objects of temporary and apparent expediency.

It has therefore been with peculiar satisfaction, that in the result of his inquiries into this subject, His Majesty has found that the changes sought for by so large a proportion of the inhabitants of this Province may be carried into effect without sacrificing the just claims of the Established Churches of England and Scotland. The waste lands which have been set apart as a provision for the clergy of those venerable bodies, have hitherto yielded no disposable revenue. The period at which they might reasonably be expected to become more productive is still remote. His Majesty has solid grounds for entertaining the hope, that before the arrival of that period it may be found practicable to afford the clergy of those churches such a reasonable and moderate provision as may be necessary for enabling them properly to discharge their sacred functions.

His Majesty therefore invites the House of Assembly of Upper Canada to consider how the powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal this part of its provisions, can be called into exercise most advantageously for the spiritual and temporal interests of His Majesty's faithful subjects in this Province.

Government House, 25 Jan. 1832.

WHEREAS by an Act passed in the Parliament of Great Britain, in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," it was amongst other things enacted, that it should and might be lawful for his said late Majesty, his heirs and successors, to authorize the Governor or Lieutenant-governor of each of the said Provinces respectively, or the person administering the government therein, to make, from and out of the lands of the Crown within such Provinces, such allotment and appropriation of the lands for the support and maintenance of a Protestant clergy within the same, as may bear a due proportion to the amount of such lands within the same as had at any time been granted by or under the authority of his said late Majesty, and that upon any grant of land within either of the said Provinces, which should hereafter be made by or under the authority of His Majesty, his heirs or successors, there should at the same time be made in respect of the same a proportionable allotment and appropriation of land for the above-mentioned purpose, within the township or parish to which such lands so to be granted should appertain or be annexed, or as nearly adjacent thereto as circumstances would admit; and that no such grant should be valid or effectual, unless the same should contain a specification of the lands so allotted or appropriated in respect of the land to be thereby granted; and that such land so allotted and appropriated should be, as nearly as the circumstances and nature of the case would admit, of the like quality as the lands in respect of which the said land should be so allotted and appropriated, and should be, as nearly as the same could be estimated at the time of making such grant, equal in value to the seventh part of the lands

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so granted. And it was thereby further enacted, that all and every the rents, profits, or emoluments, which might at any time arise from such lands so allotted and appropriated as aforesaid, should be applicable solely to the maintenance of a Protestant clergy within the Province in which the same should be situated, and to no other use or purpose whatever: And whereas various parts of the said Clergy Reserves within this Province have been demised by letters patent, under the great seal of this Province, to divers persons, for terms of years which have not yet expired: And whereas, by a certain Act of Parliament of the United Kingdom of Great Britain and Ireland, passed in the seventh and eighth years of the reign of his late Majesty King George the Fourth, intituled, "An Act to authorize the sale of a part of the Clergy Reserves in the Provinces of Upper and Lower Canada," it is enacted, that it shall and may be lawful for the Governor, Lieutenant-Governor, or officer administering the government of the said Provinces, or either of them, with consent of the Executive Council appointed within such Province for the affairs thereof, in pursuance of any instructions which may be issued to such Governor, Lieutenant-governor, or other officer as aforesaid, by His Majesty, through one of his Principal Secretaries of State, to sell, alienate, and convey, in fee-simple, or for any less estate or interest, a part of the said Clergy Reserves in each of the said Provinces, not exceeding in either Province one-fourth of the Reserves within such Province, upon, under, and subject to such conditions, provisoes, and regulations as His Majesty, by any such instruction as aforesaid, shall be pleased to direct and appoint; provided nevertheless, that the quantity of the said Clergy Reserves so to be sold as aforesaid, in any one year, in either of the said Provinces, shall not in the whole exceed 100,000 acres; provided also, that the monies to arise by, or to be produced from any such sale or sales, shall be paid over to such officer or officers of His Majesty's revenue, within the said Province respectively, as His Majesty shall be pleased to appoint to receive the same, and shall by such officer or officers be invested in the public funds of the United Kingdom of Great Britain and Ireland, in such manner and form as His Majesty shall from time to time be pleased to direct; provided also, that the dividends and interest accruing from such public funds so to be purchased shall be appropriated, applied, and disposed of for the improvement of the remaining part of the Clergy Reserves, or otherwise for the purposes for which the said lands were reserved, as aforesaid, and for no other purpose whatever, save only so far as it may be necessary to apply the same, or any part thereof, in or towards defraying the expenses of, or attendant upon, any such sale or sales as aforesaid, and which appropriations shall be so made, in such manner and form, and for such special purposes as His Majesty from time to time shall approve and direct: And whereas, in pursuance of the said last-recited Act, the Lieutenant-governor for the time being of this Province, with the consent of the Executive Council, hath, in pursuance of instructions for that purpose, issued by his late Majesty King George the Fourth, through one of his Principal Secretaries of State, effected sales of divers parts of the Clergy Reserves: And whereas by a message to both Houses of the Provincial Legislature, bearing date the 25th day of January 1832, his Excellency Major-general Sir John Colborne, K. C. B. hath signified to both Houses of the Legislature of this Province his Majesty's most gracious invitation to consider how far the powers given to the Provincial Legislature by the constitutional Act to vary or repeal that part of it provisions which relate to the lands allotted and appropriated in this Province to the support and maintenance of a Protestant clergy could be called into exercise for the spiritual and temporal interests of His Majesty's faithful subjects in this Province: Now, therefore, be it enacted, &c. that so much as is hereinbefore recited of the said Act of the British Parliament, so passed as aforesaid in the 31st year of the reign of his late Majesty King George the Third, shall be and the same is hereby repealed.

And be it, &c. That from henceforth no grant heretofore made by or on behalf of his Majesty, or any of his royal predecessors, of any lands situated within this Province, shall be or be deemed invalid or ineffectual, or be liable to be impeached, vacated, or set aside, by reason that any such grant did not contain a specification of the lands allotted and appropriated for the support and maintenance of a Protestant clergy, in respect of the lands thereby granted; but every grant of land within this Province, heretofore made by or on behalf of His Majesty or of any of his royal predecessors, in which any specifications made had been omitted, shall henceforth be, and shall be deemed and taken from the day of the date thereof to have been, as valid and effectual in the law as though such grants had contained the specification aforesaid.

And be it, &c. That all the lands heretofore appropriated within this Province, for the support and maintenance of a Protestant clergy, now remaining unsold, shall be and they are hereby declared to be vested in His Majesty, his heirs and successors, as of his and their estate, absolutely discharged from all trusts for the benefit of a Protestant clergy, and of and from all and every the claims and demands of such clergy upon or in respect of the same.

Provided always, and be it, &c. That nothing herein contained shall take away or affect, or be construed to take away or affect, the right or title of any person or persons in or to any lands which may by any such person or persons be holden or enjoyed, or which any such person or persons may claim to hold or enjoy, by virtue of any sale, alienation, conveyance or contract, made, executed, or entered into in pursuance of the above-recited Act of Parliament, passed in the seventh and eighth year of his said late Majesty's reign; but that every such sale, alienation, or contract shall be as valid and effectual in the law, and shall henceforth have and continue to have the same force and effect as if this present Act had not been made; provided also, that nothing herein contained shall extend or be construed to extend to render invalid or ineffectual any lease or demise of any part of the said Reserves so passed under the great seal of this Province as aforesaid.

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Appendix (H).

BILL for the Disposal of the CLERGY RESERVES in this Province, for the purpose of Education.

[Upon which this Committee has been instructed to report.—Passed by the Assembly in 1835, and sent up to the Legislative Council.]

WHEREAS by an Act passed in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" it was enacted, that it should and might be lawful for His Majesty, his heirs and successors, to authorize the Governor or Lieutenant-governor of each of the Provinces thereinbefore named respectively, or the person administering the government therein, to make, from and out of the lands of the Crown within such Provinces, such allotment and appropriation of lands for the support and maintenance of a Protestant clergy within the same as might bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of His Majesty; and that whenever any grant of lands within either of the said Provinces should thereafter be made by or under the authority of His Majesty, his heirs or successors, there should at the same time be made, in respect of the same, a proportionable allotment and appropriation of lands for the above-mentioned purpose, within the township or parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances would admit; and that no such grant should be valid and effectual unless the same should contain a specification of the lands so allotted and appropriated in respect of the lands to be thereby granted; and that such lands so allotted and appropriated should be, as nearly as the circumstances and nature of the case would admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and should be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted: And whereas it was, in and by the said in part recited Act, further enacted, that all and every the rents, profits, or emoluments which might at any time arise from such lands so allotted and appropriated as aforesaid should be applicable solely to the maintenance and support of a Protestant clergy within the Province in which the same should be situated, and to no other use or purpose whatever: And whereas, in pursuance of the said Act, such proportionable allotments and appropriations of lands as aforesaid have from time to time been reserved for the purposes therein mentioned, which lands are known by the name of "the Clergy Reserves:" And whereas also the Bishop and clergy of the Church of England pretend, contrary to the spirit and meaning of the said in part recited Act, to have an exclusive right to the said Reserves, and to the rents, issues, and profits arising from them, although, notwithstanding such pretensions, and the liberal pecuniary aid annually enjoyed by the ministers thereof from a benevolent society in England, the number of that Church is exceedingly small when compared to the number of some other sects of Protestants in this Province: And whereas the continuance of those lands, and the said pretensions of the said Bishop and clergy to an unjust monopoly of them, are exceedingly injurious to the interests and offensive to the feelings of a vast majority of the inhabitants of this Province, and to the harmony of the Christian community: And whereas it is wisely provided by the said Act, section 41st, "that the several provisions hereinbefore contained, respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said Provinces, and also respecting the constituting, erecting, and endowing parsonages or rectories within the said Provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same," shall be subject to be varied or repealed by any express provisions for that purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, his heirs or successors: And whereas it is inexpedient and unwise in this Province to have any one or more profession, denomination, or religious societies anywise connected with the State, or receiving any endowment, pension, sinecure, or salary for their ministers or clergy, from the proceeds of the Clergy Reserves or the public revenues of the State, but that it is expedient they should severally depend for their support upon the voluntary contributions of the people, and that the said Reserves should be sold for the purposes of general education: And whereas by another Act of Parliament of the United Kingdom of Great Britain and Ireland, passed in the eighth year of the reign of his late Majesty, intituled, "An Act to authorize the sale of a part of the Clergy Reserves in the Provinces of Upper and Lower Canada," it was enacted, that a part of the said Clergy Reserves (not exceeding one-fourth of the said Reserves in this Province) should be sold, in the manner and subject to the conditions and limitations in said last-mentioned Act contained: And whereas it is highly expedient and necessary to provide by law for the sale or leasing of so much of the said Reserves, whether converted into parsonages or rectories, or what are called glebes, as have not been sold under the authority of the last-mentioned Act, or which are not now under sale: And whereas it is also expedient to provide for the sale of such of the aforesaid lands that are now under lease, as soon as such lease shall expire: And whereas it is just and expedient that the proceeds arising from the sale of the said land, as well

such

such portions as have already been sold as those to be hereafter sold, and also arising from such as have been or hereafter shall be leased, should be applicable and appropriated to the support of general education, by which all His Majesty's subjects may equally participate: And whereas it is inexpedient that such reservations should hereafter continue to be made; Be it, &c. that so much of the said Act, intituled, " An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, ' An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,' " as is above recited, be and the same is hereby repealed.

2. And be it, &c. that the persons hereafter appointed, and their sucsessors duly appointed, agreeably to the provisions of this Act, shall be and are hereby declared to be commissioners, for taking charge of and superintending, selling, or leasing the said Reserves, and for the collecting the money arising from such sales or leases; and also for collecting the money now due, or hereafter becoming due, on such as have heretofore been sold and leased, and who shall be known by the names of " Commissioners of Clergy Reserves; " and it shall be the duty of the several commissioners for their respective districts to collect all such sum or sums as may be due as aforesaid, for the purchase or lease as aforesaid, for any lot or parcel of the said land situate in his district; and who is hereby authorized to use the same means to recover the rent due on any of the said leased Reserves that a landlord by law now has, and who shall pay over, once in every three months, all such sums as may come into his hands, by virtue of his office, to the receiver-general of the Province, for the purposes hereafter provided by this Act, except the sum of five per cent. as a compensation for his services, responsibility, &c. together with the expense of advertising the sales of lands in newspapers, as also such sum as may be allowed to the collectors and clerks of the several townships of the district, as a compensation for their services imposed upon them by this Act; and it shall be the duty of the respective commissioners to record in a book to be kept for that purpose all such sum or sums as he may receive and transmit as aforesaid, as well as all proceedings connected with their duties and office as commissioners as aforesaid, which book shall be carefully preserved and kept by such commissioners, and handed over to their successors in office, a copy of which they shall make out and transmit to the Governor, Lieutenant-governor, or person administering the government, on the 1st day of November in each and every year during their continuance in office, to be by him laid before the Legislature.

3. And be it, &c. that it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the government of this Province, for the time being, to cause to be made out a list of the said Reserves, in the several districts, contained in each township in the same, in this Province, and which list shall show distinctly the situation of the several lots, or parts of lots, whether sold or not; if sold, at what price, and how much has been been paid, what remains yet to be paid; if leased, the terms of the lease, together with its date, and time it will expire; as also what is due and unpaid on said lease; and also the applications that may have been made, the name or names of the applicant or applicants, with their place of residence, to purchase or lease any of the said Reserves which have not yet been sold or leased, and which list shall, with the least possible delay, be, after the passing of this Act, transmitted to the clerk of the peace of the respective districts, to be by him handed over to the commissioners of the said districts.

4. And be it, &c. that the said commissioners for the respective districts shall, immediately upon the receipt of such list, give public notice, by putting up a notice in three of the most public places in the several townships in which there are any lands as aforesaid, which have been applied for and mentioned in the list as aforesaid, but which has not either been sold or leased, at least for 30 days, stating that they will, on a certain day and hour, and at a certain place, meet the township clerk and the collector for the township, whose duty it shall be to meet the said commissioners at such time and place, for the purpose of hearing and determining upon the several claims for the several lots or parcels of land as aforesaid; and the said commissioner for any district, together with such township clerk and collector, shall form a Board to hear and determine upon all claims as aforesaid that may be brought before them, and may adjourn from time to time as they may deem expedient; and it shall be lawful for the said commissioner to issue a summons for the attendance of any witness or witnesses that may be desired by any party claiming any lot or parcel of land as aforesaid; and such Board to hear such witnesses upon oath as may be produced, which oath the said commissioner is hereby authorized to administer, which shall be in the form of the schedule to this Act, marked (C.); and also may hear the party or parties either under oath or otherwise, as they may deem expedient: and in case the said township clerk or collector shall neglect or refuse to attend and perform the duties imposed upon them by this Act, the said commissioner is hereby authorized and empowered to summon one or more disinterested freeholders, as occasion may require, to supply the place and act instead of the said township clerk or collector, for all the purposes of this Act.

5. And be it, &c. that it shall and may be lawful for any person or persons who may have made application to purchase or lease any land in said township, to prefer his, her, or their claim to the said Board, and sustain the same by such proof as he may be in possession of and desire to adduce.

6. And be it, &c. that the several township clerks and collectors, or such person or persons who perform the duties required of the township clerks and collectors by this Act, in case of their refusal, as is hereinbefore provided, shall be entitled to receive the sum of 5*s.*

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for each and every day which they may necessarily be employed in performing the said duties, which sum the commissioner is hereby authorized and required to pay out of any monies that may come into his hands by virtue of his office.

7. And be it, &c. that it shall and may be lawful for the said Board to hear and determine upon all such matters as aforesaid as may be brought before them, and decide the same according to the best of their ability and judgment; and in all cases where they find that according to equity and good conscience that any person is entitled to a lease for any lot or parcel of land as aforesaid, or purchase at private sale, as is provided by this Act, they shall record the same in the book to be kept as aforesaid, together with the amount that is found due and payable as back rent, in case it is to be leased on the said lot or parcel of land; and it shall and may be lawful for the said commissioner of any district, and he is hereby required, as soon as may be after the said Board for any township have finished their sitting, to proceed to examine and value all such lands as may have been decided to be liable to be purchased as aforesaid by any person or persons, and shall record his opinion of the value of the several lots or tracts of land in said book; and also transmit or deliver to the respective persons having a claim, and whose claim has been confirmed by said Board, on any land as aforesaid.

8. And be it, &c. that it shall and may be lawful for each person preferring such claim to pay, or cause to be paid, the first instalment on such land, within the space of six months after receiving such statement or valuation, which instalment shall be in proportion to the whole amount, according to the ratio hereinafter provided; provided always, that if such person neglects or refuses to pay such instalment within the time aforesaid, then and in that case the said lands shall be sold at public auction, in the same way and manner as other lands are provided to be sold by this Act.

9. And be it, &c. that the commissioners for their respective districts shall meet the collector and township clerk in the several townships, and form boards in regular rotation, giving due notice as aforesaid, beginning with the township containing the greatest number of souls; and no board shall continue its sittings more than one week, from the commencement of such sitting, in any one township; and that in all cases where a township is not entitled to hold a township meeting, it shall be taken and considered for the purposes of this Act to belong to the same township to which it belongs for the purposes of township meetings.

10. And be it, &c. that it shall and may be lawful for the several commissioners, after forming boards in the several townships, and after performing and completing the duties imposed upon them by the former provisions of this Act, and they are hereby required to make out a full and fair list of such lands as remain undisposed of, and record the same in the book as aforesaid; from which list they shall select annually such lots or parcels as in their discretion they shall deem expedient, not exceeding one quarter of what so remains in any one township, and expose the same for sale at public auction to the highest bidder in the township in which the land is situated, after first giving public notice of the time and place of sale, and the particular lots or parcels of land to be sold, by putting up a notice in three of the most public places in the township; and also causing it to be published in three public newspapers in most extensive circulation in the district, at least six months previous to said sale, and renew their sale every 12 months from the date of their first sale, until the whole be disposed of; provided always, that such lands shall be put up at such up-set price as shall be previously approved of and decided upon by the board of the said township.

11. And be it, &c. that in case any lot so exposed for sale shall not be sold, or shall be bid off by any person, and the conditions of the sale shall afterwards not be complied with, such lot shall be taken and considered as part of the land yet remaining to be sold, and offered again for sale at the next annual sale, and be subject to the same terms, and liable to be sold in the same way and manner, as though it had never been so exposed or offered for sale.

12. And be it, &c. that the conditions of all sales of lands sold under the provisions of this Act, shall be one-tenth down, and the remainder in nine equal annual instalments, with interest; provided always, that in case the board of any township shall think it right and expedient, they may allow any person a reasonable time to pay the first instalment on any land which they may find him entitled to purchase at private sale, not exceeding, however, the term of six months, free of all charge; provided also, that any purchaser, upon paying off the whole of the purchase-money within six months after such sale and purchase, shall be entitled to a deduction of 5*l.* upon every 100*l.* and so in proportion for any greater or less sum for the nine last instalments.

13. And be it, &c. that when and so often as any lease for any of the Reserves which are now given, or hereafter to be given, shall expire, the commissioners for the district in which the same are situated, shall proceed to sell the same, in the same way and manner as is provided by this Act for the public sale of other lands; provided always, that from and after the first four annual sales, all the lands in any township liable to be sold shall be exposed for sale at every annual sale until the whole be sold; provided always, that if the lessee, or any one claiming under him, shall desire again to renew his lease, or become the purchaser of any particular lot, or part of a lot, tract, or parcel of said Reserves, and shall make the same known to the commissioner for the district for the time being, it shall be the duty of

said

said commissioner (in case such person desires to purchase) to examine and appraise the said lot, tract, or parcel of land, and allow such person to purchase the same on the same terms and conditions that persons are allowed to purchase at private sale under the provisions of this Act; provided always, that all such land shall be valued at what it would be worth at the time of said valuation, in a state of nature, and no more; or such commissioner shall grant a lease for the same, as the case may be.

14. And be it, &c. that the following persons shall be and are hereby declared to be the commissioners for the respective districts, who shall continue to be such until other commissioners shall be appointed, as is hereinafter provided; viz.

For the Ottawa district, Charles Waters.
For the Eastern district, Peter Shaver.
For the Johnstown district, Matthew M. Howard.
For the Bathurst district, Donald Fraser.
For the Midland district, Peter Perry.
For the Newcastle district, Ebenezer Perry.
For the Home district, Jesse Ketchum.
For the Gore district, Caleb Hopkins.
For the Niagara district, William Woodruff.
For the London district, Charles Duncombe.
For the Western district, Francis Baby.
For the Prince Edward district, John Roblin.

Provided always, that in case any one or more of the said commissioners appointed under and by the provisions of this Act shall refuse to serve as such, or shall die, or remove out of the district for which he is appointed, it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the government, to appoint some other person instead thereof.

15. And be it, &c. that it shall and may be lawful for the House of Commons of this Province, at any session of the Legislature after the passing of this Act, to appoint by vote of the said House such person or persons as the said House may deem expedient, instead of any commissioner or commissioners that may have been appointed according to the provisions of this Act.

16. And be it, &c. that it shall be the duty of the Governor, Lieutenant-governor, or person administering the government for the time being, to notify the clerk of the peace of the respective districts of any commissioners appointed under the provisions of this Act within 30 days after such appointment; and it shall be the duty of the clerk of the peace for any district receiving such notice to acquaint such person of his appointment without delay, and request such person to come forward and qualify himself for his office according to law; and in case such person does not qualify himself for the duties of his office in the way and manner provided in this Act, within the space of 30 days, such clerk of the peace shall, without loss of time, communicate the circumstance to the Governor, Lieutenant-governor, or person administering the government for the time being, in order to the appointing another person in their stead.

17. And be it, &c. that no commissioner appointed under the provisions of this Act shall enter upon the duties of his office until he has taken and subscribed the oath in the Schedule to this Act, marked (A.) which he is hereby required to do within the space of 30 days after receiving notice of his appointment before the clerk of the district, which oath the said clerk is hereby authorized to administer to such commissioner, and also enter into bonds for the due performance of the duties of his office, of 1,000 *l.* with two good and sufficient sureties of 500 *l.* each, to be approved by said clerk; which bond shall be in the form of the Schedule to this Act, marked (B.), which bond shall be kept in the office of the clerk of the peace; and it shall and may be lawful for any commissioner so appointed and qualified for any district (except those commissioners appointed and named in this Act), and he is hereby authorized and required to proceed forthwith to demand and receive from his predecessor, his heirs, executors, or administrators, all such papers and documents in his or their possession relating to his office as said commissioner; and upon the receipt of the same, to transmit a true and correct copy of all such records as relate to the transactions of said commissioner in the duties of his office, to the Governor, Lieutenant-governor, or person administering the government, in order that the same may be laid before the Legislature; and in case such commissioner, or his heirs, executors, or administrators, shall refuse to deliver over such papers to such commissioner as aforesaid, then such commissioner shall report the same to the Governor, Lieutenant-governor, or person administering the government, in order to the prosecuting of any the bonds of such commissioner.

18. And be it, &c. that it shall and may be lawful for any commissioner having sold any lot or parcel of land upon the credit and on the terms aforesaid, to exchange with such purchaser a counterpart of a voucher under hand and seal, according to the form to this Act annexed.

19. And

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19. And be it, &c. that upon payment of the purchase-money it shall and may be lawful for the said purchaser, his heirs, executors, administrators, or assigns to ask, and for the Commissioner or his successor in office to give a certificate, indorsed upon the back of the said vouchers, that the terms of the sale have been fulfilled on such lot, parcel, or tract of land.

20. And be it, &c. that the money received from time to time by the commissioner under this Act, shall be paid into the hands of the Receiver-general of this Province, to be applied to the purposes of this Act and no other.

21. And be it, &c. that upon producing the commissioner's certificate as aforesaid, with the petition for a deed to the Lieutenant-governor in Council, it shall and may be lawful for the Governor in Council to make an order for a deed to issue to such person, with the least possible delay, and without any fees or other charge therefor.

21. And be it, &c. that every commissioner receiving monies by sales or otherwise under this Act, shall, and he is hereby required immediately, or once in at least three months, to transmit the same to His Majesty's Receiver-general, who shall annually prepare an account thereof for the Governor, Lieutenant-governor, or person administering the government of this Province for the time being, to be by him laid before the Provincial Legislature.

23. And be it, &c. that the monies raised and paid into the hands of the said Receiver-general as aforesaid, shall be by him credited as a fund under this Act for the support and promotion of education, in such manner and proportion as shall hereafter be provided by any law of this Province; and that the said fund shall be applied to the said purposes, and to no other purposes whatsoever.

24. And be it, &c. that the commissioner shall exchange with the said purchaser a counterpart of a voucher, under hand and seal, in the form following:

I, *A. B.* Commissioner of the district, under and by virtue of an Act passed , intituled, "An Act," &c. [here insert the title of this Act] have, for the consideration hereinafter mentioned, sold by public auction [or otherwise, as the case may be] to *C. D.* of , in the district, the Clergy Reserve known as lot number [or, as the case may be] in the concession, in the township of , in consideration whereof the said *C. D.* hath hereby undertaken to pay me and my successors the sum of *l.* in the manner following:

Sealed with my seal, and dated at this day of Witness,

25. And be it, &c. that in case any purchaser of a lot, tract, or parcel of land as aforesaid under this Act, shall neglect to comply with the conditions of the sale, and thereby forfeit his claim thereto, and shall not, within six months from the time when any of the said payments become due, pay all money due, with interest on the same from the time it became due, it shall and may be lawful for the commissioner, and he is hereby required to proceed again to the sale of such lot, in the same manner as if it had never been put up at auction; and every purchaser thereof at any second or subsequent sale, from forfeiture as aforesaid, shall and he is hereby empowered to proceed against any person or persons withholding the peaceable possession from him, in the same manner and form as for a forcible detainer by the laws of this Province.

Appendix (I.)

EXTRACT of a LETTER from *R. W. Hay*, Esq. to the Hon. *J. K. Stewart*; dated Downing-street, 23 April 1834.

"IN consequence of the withdrawal of the aid heretofore received from Parliament, the Society for the Propagation of the Gospel appears to have found it impossible to maintain its former establishments; and it announced last year that in Upper Canada, where Government had been able to provide an annual payment of 100*l.* to each missionary at present employed, the present average being 200*l.*, the allowances of the society to its missionaries would be discontinued after the year 1834; and that in all the other North American colonies they would be reduced, by one half, after the year 1835."

Enclosure 3, in No. 54.

No. 54.
Sir J. Colborne to the Earl of Aberdeen, 20 May 1835.

Encl. 3, in No. 54.

RESOLUTIONS of the House of Assembly of *Upper Canada*.

Resolved, That this House has repeatedly expressed the opinion, that the lands appropriated for the support and maintenance of a Protestant clergy within this Province, commonly called the Clergy Reserves, ought, for various reasons, to be sold; that it would be unjust to apply the monies arising from the sale of the same to the benefit of one or more favoured religious denominations, and that it would be impracticable, and, from many considerations, inexpedient, to distribute the monies arising therefrom among all denominations; and that this House has been unremitting in its endeavours to procure the sale of these lands, and the application of the funds produced by such sale to objects of great importance and interest to the people of this Province; that with this view the House has heretofore repeatedly passed Bills providing for the sale of the Clergy Reserves, and the appropriation of the monies arising therefrom to the support of education, which Bills have been rejected without amendment by the Legislative Council; that with the same view this House has repeatedly made known, by humble and dutiful address to His Majesty, their wishes and opinions, and the wishes and opinions of His Majesty's faithful subjects in this Province, on this highly-important subject, and this House takes this opportunity of declaring that these wishes and opinions, both on the part of this House and of their constituents, remain entirely unchanged; that, during the second session of the last Parliament, his Excellency the Lieutenant-governor, by message, informed this House that he had received His Majesty's instructions to declare that the representations which had at different times been made to His Majesty and his Royal predecessors of the prejudice sustained by His Majesty's faithful subjects of this Province from the appropriation of the Clergy Reserves had engaged His Majesty's most attentive consideration, and His Majesty has most graciously been pleased to invite the House of Assembly to consider how the powers given to the Provincial Legislature by the constitutional Act to vary or repeal the provisions which it contains for the allotment and appropriation of the Clergy Reserves could be most advantageeously exercised for the spiritual and temporal interests of His faithful subjects in this Province; that this House, in compliance with His Majesty's wishes thus graciously expressed, and with the strong and well-known desires of His Majesty's faithful subjects in this Province, has passed a Bill during the present session to provide for the sale of the Clergy Reserves, and to apply the monies arising from such sale to the support of education; that the Legislative Council has not passed the said Bill, has not amended it, and has not passed any other Bill on that subject; that under these circumstances this House cannot but express the extreme astonishment with which it has received the representations of the Legislative Council; that the Legislature of the Province has been unable to concur in any measure respecting the Clergy Reserves, and although this House has little expectation that the Legislative Council, as now constituted, will comply with the wishes of the people of the Province, yet it feels bound to declare that this House is, and always has been, ready and anxious to concur in any just and reasonable measure whatever, by which the Clergy Reserves could be applied to such useful purposes as would be most advantageous to His Majesty's faithful people in this Province, and most conformable to their well-known wishes; that this House cannot but express its confident hopes, that His Majesty will not be induced by any representation, whether secret or open, to depart from the gracious intentions which he has been pleased to intimate, of complying with the earnest and repeated solicitations of His Majesty's faithful subjects in this Province on that subject; that this resolution be laid before his Excellency the Lieutenant-governor, and that his Excellency be requested to transmit the same to the Colonial Secretary for the Colonies, and call the early attention of His Majesty's Government to the importance of the same to the interest, peace, welfare, prosperity, and happiness of His Majesty's faithful people of this Province."

Truly extracted from the Journals of Assembly of the 10th of April 1835.

(signed) *James FitzGibbon*,
Clerk of Assembly.

— No. 55. —

(No. 31.)

No. 55.
Lord Glenelg to Sir J. Colborne, 31 July 1835.

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor Sir *John Colborne*, K.C.B.

Sir, Downing-street, 31 July 1835.

I HAVE the honour to acknowledge the receipt of your despatch, No. 20, of the 20th May, transmitting an Address to His Majesty from the Legislative Council of Upper Canada, on the subject of the Clergy Reserves in that Province. You also enclose the copy of a resolution passed by the House of Assembly upon the rejection by the Council of a Bill to dispose of these Reserves, and the report of a committee of the Council upon the general sub-

No. 55.
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ject of the provision made by law for the support of a Protestant clergy in the Province.

I have had the honour to lay at the foot of the Throne the address from the Legislative Council, and His Majesty has commanded me to express to you His satisfaction at the expressions of attachment to His person and government, which are contained in it.

The disposal of the Clergy Reserves is, as you have described it, a question of great importance. It is a subject which has been frequently under the consideration of my predecessors, and to which I have found it necessary to devote much of my attention since I received the seals of this department. I am not, however, prepared at the present moment to give you any additional instructions upon it. However much I may regret the difference of opinion between the House of Assembly and the Council, which prevented its settlement during the season which has lately terminated, I cannot look upon that event as precluding the possibility of a more favourable result hereafter. I trust that in their next session the Legislature will resume, and will be enabled to conduct to a successful conclusion, some measure for the arrangement of this question. To take any immediate step with reference to your present despatch and its enclosures, under such circumstances, would be premature; and I must, therefore, for the present decline to interfere with the deliberations of the Provincial Legislature, by offering to them any suggestions of my own upon the subject of the Clergy Reserves.

I have, &c.

(signed) *Glenelg.*

— No. 56. —

No. 56.
Sir J. Colborne to Earl of Aberdeen, 23 May 1835.

(No. 24.)

COPY of a DESPATCH from Sir *John Colborne*, K.C.B., to the Earl of *Aberdeen*.

Toronto, Upper Canada,
23 May 1835.

My Lord,

I HAVE the honour to transmit, for the consideration of your Lordship, the accompanying copy of a memorial from Bishop Macdonell, on behalf of the Roman-catholic settlers of this Province.

I have, &c.

(signed) *J. Colborne.*

Enclosure in No. 56.

Encl. in No. 56.

Unto His Excellency Major-General Sir *John Colborne*, K.C.B., Lieutenant-Governor of Upper Canada, &c. &c. &c.

The Memorial of the Right Rev. Alexander Macdonell, Bishop of Regiopolis, on behalf of His Majesty's Roman-catholic Subjects of Upper Canada,

Humbly showeth,

THAT an Address of the Legislative Council, beseeching His Majesty to dispose of the Clergy Reserves in this Province, in such a manner as may give general satisfaction, affords confident hopes to your memorialist, that the claims of His Majesty's Roman-catholic subjects of Upper Canada to an equitable share of those Reserves will be admitted.

That the number of Roman-catholics throughout the Province, according to the most accurate return which your memorialist could procure from his clergy, were, in the close of last year, upwards of 60,000, and the annual influx of emigrants increases the number by some thousands.

That nine-tenths of the whole of our Catholics of Upper Canada bore arms in the service of their country during the late war between these provinces and the United States of America, or in other parts of the British dominions (almost all the Catholic emigrants from the United Kingdom being disbanded soldiers or sailors).

That

No. 56.
Sir J. Colborne to Earl of Aberdeen, 23 May 1835.

Encl. in No. 56.

That the conduct of the Catholics, since the first man of them settled in this Province, has ever been distinguished for loyalty and attachment to the person and Government of their Sovereign.

That your memorialist considers it a fortunate circumstance upon this occasion, to have it in his power to appeal for testimony of the brave and zealous exertions of the Catholics in defence of this Province, to the most distinguished military characters that commanded His Majesty's forces during the late war. Although much of that testimony is now in the grave with the much-lamented Major-general Sir Isaac Brock, Lieutenant-general Sir George Prevost, and Attorney-general John Macdonell, who fell by the side of his renowned chief on the heights of Queenston, there are still living high military characters, who will bear ample and honourable evidence of the essential services of the Catholics throughout the war. In this number may be reckoned Lieutenant-general Sir Gordon Drummond, Lieutenant-general Sir George Murray, and Lieutenant-general Sir James Kempt.

That your memorialist has no hesitation in appealing to Governor Gore, to Sir Peregrine Maitland, and to every person that administered the government of this province in time of peace, for testimony of the uniform peaceable and orderly conduct of the Catholics; but what affords your memorialist the greatest cause of exultation, are the proofs which the Catholics have given to your Excellency of their steady and unshaken loyalty during your Excellency's prosperous and happy administration of the government of this province. Your Excellency will bear evidence how strenuously they resisted the artful and insidious attempts of a reckless agitator, and disturber of the peace of the province, to inveigle them in his wild and lawless proceedings, notwithstanding his enlisting into his service a cunning, bold and unprincipled agent, whom he supposed to possess an extensive influence over the whole body.

Your memorialist humbly conceives, that nothing would tend so much to secure the attachment of the Catholics of Upper Canada to the person and Government of their Sovereign, and to the parent state, as rearing their children in the principles of that religion which impressed so powerfully upon their own minds the sacred obligation of discharging faithfully and conscientiously the duty which they owe to their God, to their country, and to their Prince.

That by obtaining a share of the Clergy Reserves, they would be able to educate and instruct their children in those principles of loyalty to their Sovereign, and submission to the laws, which they themselves have practised through life.

That without this advantage they shall be doomed to see, with grief, their children imbibe those democratical and irreligious principles which are universally taught in the common schools of this Province.

Your memorialist humbly conceives, that it will not be considered presumptuous in him to represent his own claim to come forward and be heard on behalf of his flock on this occasion.

Your memorialist has been for the long period of 40 years in connexion with, and has had the charge of, a considerable number of those Catholics whose cause he now ventures to plead.

As far back as the year 1792 he was deputed by the Catholics of the Highlands of Scotland with a loyal address to His Majesty, and an offer to raise a regiment of Roman Catholics, under the command of Alexander Macdonell, esq. of Glengarry.

The address having been graciously received, and the offer accepted, the Catholic Regiment of Glengarry Fencibles was embodied, and served in the islands of Jersey and Guernsey and Ireland until the peace of Amiens in the year 1802, when that corps, with all the fencible regiments, were disbanded.

Your memorialist on this occasion applied to Viscount Sidmouth, then Premier, for lands for this corps in Upper Canada, and permission to conduct them thither; and he obtained from Lord Hobart, Colonial Minister at the time, His Majesty's orders to grant 200 acres of land to every man of the corps whom your memorialist should recommend to the person administering the government in Upper Canada; thus turning into our own colonies the tide of emigration, which had been until then flowing into the United States of America.

Upon the breaking out of the war between Great Britain and the United States of America in 1812, your memorialist was the means of raising the second Glengarry Fencible Regiment in Canada.

That for the conduct of that corps, and of the rest of the Catholics in this Province, your memorialist begs leave to refer to the military characters above mentioned.

Suffice it to say, that the exertions of your memorialist himself, and of the Catholics under his influence, in defending the country against the enemy, had been acknowledged by his late Majesty, when Prince Regent, in a despatch from the Colonial Minister, Earl Bathurst, to Lieut.-general Sir Gordon Drummond, commanding His Majesty's forces in this Province, in the year 1813.

Having thus endeavoured to draw your Excellency's attention to the undeviating fidelity, essential services, and uniform good conduct of the Catholics of Upper Canada, your

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memorialist indulges in the confident hope that your Excellency, with your usual goodness, kind condescension, and impartial justice towards the Catholics, will be pleased to recommend them to their gracious Sovereign for a share of the Clergy Reserves.

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

Alexander Macdonell,
Bishop of Regiopolis.

Kingston, 16 May 1835.

— No. 57. —

No. 57.
Lord Glenelg to Sir J. Colborne, 31 July 1835.

(No. 32.)

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor Sir *John Colborne*, K. C. B.

Sir, Downing-street, 31 July 1835.

I HAVE the honour to acknowledge the receipt of your despatch of the 23d May, No. 24, enclosing a memorial from Bishop Macdonell on behalf of the Roman-catholic population of Upper Canada, praying that they may be allowed to participate in the benefits to be derived from the Clergy Reserves in the Province.

In my despatch of this date, No. 31, in reply to the address from the Legislative Council to His Majesty on the subject of these Reserves, I have informed you of the grounds upon which I must decline at present to interfere with the deliberations of the provincial legislature upon this subject. You will of course perceive that the same considerations must prevent my returning any conclusive answer to Dr. Macdonell's memorial. I have to request that you will inform Dr. Macdonell that His Majesty's Government is fully aware of the importance of the subject to which his memorial refers; but that, concurring in the views adopted in regard to it by the Earl of Ripon, they are anxious not in any way to interfere with the deliberations of the provincial legislature. It is therefore to those bodies that Bishop Macdonell should address himself on behalf of the Roman-catholic settlers of Upper Canada; and there can be no doubt that the claims which he may advance upon their account will be received with due consideration by the Legislature.

I have, &c.
(signed) *Glenelg.*

— No. 58. —

No. 58.
Lord Glenelg to Sir F. B. Head, 5 December 1835.

EXTRACT of a DESPATCH from Lord *Glenelg* to Sir *F. B. Head*, Bart. K.C.H.; dated Downing-street, 5 December 1835.

5. I PROCEED to the subject of the provision made for ecclesiastical establishments, and for the maintenance of the teachers of religion of various denominations.

On this head the House of Assembly maintain opinions from which, in their address to His Majesty of the 13th April, the Legislative Council have recorded their most entire and earnest dissent. The report states, that "the House of Assembly, in several successive parliaments, has expressed its entire disapprobation of the conduct of the Government in attempting to uphold particular religious sects by money grants. And in the 10th and 11th Parliaments has declared, that it recognises no particular denomination as established in Upper Canada, with exclusive claims, powers, or privileges."

It appears that the four religious communities, whose funds are aided by grants from the hereditary and territorial revenue, are, those of the churches of England, and Scotland, and Rome, and of the Wesleyan Methodist Society; the last being in two divisions, which respectively take the distinct appellation of the "Canadian" and the "British."

In

No. 58.
Lord Glenelg to Sir F. B. Head, 5 December 1835.

In the last session of the Provincial Parliament a Bill was passed by the Assembly, the object of which was to enable certain commissioners to sell the lands which, under the Constitutional Act of 1791, had been appropriated in Upper Canada to the maintenance of a Protestant clergy, and to pay over the proceeds to the Receiver-general, to be disposed of under the future direction of the Legislature, for the promotion of education, and for no other purpose whatever.

This Bill was rejected by the Legislative Council, on the grounds noticed in the address from that body to His Majesty, and in a report from a select committee appointed by them to take the Bill into consideration, which report is enclosed in Sir John Colborne's despatch of the 20th May, No. 20.

Your predecessor and the Council agree in the opinion, that it is vain to expect the concurrence of the two branches of the local legislature in any adjustment of this question, and they therefore invoke the interposition of Parliament; which interposition the Assembly, on the other hand, deprecate with equal earnestness.

The chief practical question, then, which at present demands consideration, is whether His Majesty should be advised to recommend to Parliament the assumption to itself of the office of deciding on the future appropriation of these lands. There are two distinct reasons, both of which appear to me conclusively to forbid that course of proceeding.

First: Parliamentary legislation on any subject of exclusively internal concern, in any British colony possessing a representative assembly, is, as a general rule, unconstitutional. It is a right of which the exercise is reserved for extreme cases, in which necessity at once creates and justifies the exception.

But important as is the question of the Clergy Reserves in Upper Canada, yet I cannot find in the actual state of the question any such exigency as would vindicate the Imperial Legislature in transferring to themselves the settlement of this controversy. The conflict of opinion between the two Houses upon this subject, much as it is to be lamented, yet involves no urgent danger to the peace of society, and presents no insuperable impediment to the ordinary administration of public affairs. Although a great evil, it is not such as to exclude every hope of mitigation by the natural progress of discussion, and by the influence of that spirit which, in public affairs, not seldom suggests to parties alike solicitous for the general good, some mutual surrender of extreme views, and some compromise on either side of differences which at first sight might have appeared irreconcileable. Until every prospect of adjusting this dispute within the Province itself shall have been distinctly exhausted, the time for the interposition of Parliament will not have arrived, unless, indeed, both Houses shall concur in soliciting that interposition; in which event there would of course be an end to the constitutional objections already noticed.

The second ground on which I think myself bound to abstain from advising His Majesty from referring this question immediately to Parliament, is that the authors of the Constitutional Act have declared this to be one of those subjects, in regard to which the initiative is expressly reserved and recognised as falling within the peculiar province and the special cognizance of the local legislature, although its ultimate completion is no less distinctly made to depend, in addition to the ordinary submission to His Majesty, on the acquiescence of the Imperial Parliament.

It is not difficult to perceive the reasons which induced Parliament in 1791 to connect with a reservation of land for ecclesiastical purposes, the special delegation to the Council and Assembly of the right to vary that provision by any Bill, which being reserved for the signification of His Majesty's pleasure, should be communicated to both Houses of Parliament for six weeks before that decision was pronounced. Remembering, it should seem, how fertile a source of controversy ecclesiastical endowments had supplied throughout a large part of the Christian world, and how impossible it was to foretel with precision what might be the prevailing opinions and feelings of the Canadians on this subject at a future period, Parliament at once secured the means of making a systematic provision for

No. 58.
Lord Glenelg to Sir F. B. Head, 5 December 1835.

a Protestant clergy, and took full precaution against the eventual inaptitude of that system to the more advanced stages of a society then in its infant state, and of which no human foresight could divine the more mature and settled judgment.

In the controversy, therefore, respecting ecclesiastical endowments, which at present divides the Canadian Legislature, I find no unexpected element of agitation, the discovery of which demands a departure from the fixed principles of the constitution, but merely the fulfilment of the anticipations of Parliament in 1791, in the exhibition of that conflict of opinion for which the statute of that year may be said to have made a deliberate preparation. In referring the subject to the future Canadian Legislature, the authors of the Constitutional Act must be supposed to have contemplated the crisis at which we have now arrived,—the era of warm and protracted debate, which in a free government may be said to be a necessary precursor to the settlement of any great principle of national policy. We must not have recourse to an extreme remedy, merely to avoid the embarrassment which is the present though temporary result of our own deliberate legislation.

I think, therefore, that to withdraw from the Canadian to the Imperial Legislature the question respecting the Clergy Reserves, would be an infringement of that cardinal principle of colonial government which forbids Parliamentary interference, except in submission to an evident and well-established necessity.

Without expressing any further opinion at present on the general objects of the Bill of last Session, I think the effect of that Bill would, as it appears, have been to constitute the Assembly not merely the arbiters respecting the disposal of the funds to be raised by the sale of these lands, but the active and independent agents in effecting those sales, and thus to invest them with the appropriate functions of the executive government.

—No. 59.—

(No. 83.)

No. 59.
Sir F. B. Head to Lord Glenelg, 19 Oct. 1836.

COPY of a DESPATCH from Lieutenant-Governor Sir *F. B. Head*, Bart. K. C. H. to Lord *Glenelg*.

My Lord, Toronto, Upper Canada, 19 Oct. 1836.

I HAVE the honour to transmit to your Lordship a Petition from the Synod of the Presbyterian Church of Canada to the King's Most Excellent Majesty.

I have also the honour to transmit to your Lordship an Address from the clergy of the Established Church; and in doing so, avail myself of the opportunity of expressing to your Lordship the high opinion I entertain of Archdeacon Strachan as a zealous and fearless supporter of the Established Church.

I have, &c.

(signed) *F. B. Head.*

Enclosure 1, in No. 59.

UNTO THE KING'S MOST EXCELLENT MAJESTY.

Encl. 1, in No. 59.

The Petition of Your Majesty's most faithful and loyal Subjects, the Ministers and Elders of the Presbyterian Church of *Canada*, in connexion with the Church of *Scotland*, in General Synod assembled,

Most humbly showeth,

YOUR petitioners, in now addressing to the Throne a complaint against an Act of the Local Administration, which deeply affects the interests of the whole Church which they represent, beg leave to renew to Your Majesty the assurance of their loyal attachment to Your Majesty's person and government.

The

No. 59.
Sir F. R. Head to Lord Glenelg, 19 Oct. 1836.

The Act to which your petitioners refer, is an Act of the late Lieutenant-governor, which established 57 rectories in this Province, according to the establishment of the Church of England, entitling them "to hold and enjoy all rights, profits, and emoluments, as fully and amply, and in the same manner and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a rectory in England."

Encl. 1, in No. 59.

Your petitioners complain of this Act, because it places them, and all the members of their congregations, in the same state of disability, in respect to the Church of England in this Province, as that in which Dissenters in England are placed in regard to the Established Church there; because they conceive the said Act is a violation of the articles of the Treaty of Union, which entitles them, in a British colony, to an equal communication of all rights, privileges, and advantages, equally with the subjects of England; because the Royal message to the Provincial Legislatures, in the year 1832, recognized "the just claims" of the Church of Scotland, while the Bills passed in both Houses of the Upper Province in 1835, consequent on said message, formally or expressly set aside the claims of the Church of England to dominancy or exclusive endowment.

Your petitioners willingly admit that the civil disabilities with which the Act complained of affects them, are partially mitigated by the provincial statutes on tithes and marriage; yet, as your petitioners believe that an undefined power is still left to the ministers of the Church of England by said Act, they are the rather called on earnestly to petition against it.

May it therefore please Your Majesty to institute an inquiry into the matter of which your petitioners complain, and to revoke the Act by which their proper status and equal rights have been invaded; or, if this cannot legally be done, by Royal authority to give effect according to these premises to such Acts of the Imperial and Provincial Legislatures as may be proper to remedy the same.

And your petitioners will ever pray.

Signed in our name, in our presence, and by our appointment,

Kingston, Upper Canada,
20 September 1836.

William Rintoul,
Moderator.

Enclosure 2, in No. 59.

To the King's Most Excellent Majesty.

Most Gracious Sovereign,

Encl. 2, in No. 59.

We, Your Majesty's most dutiful and loyal subjects, the clergy of the Established Church in the Province of Upper Canada, convened under authority of our Archdeacons, beg leave to approach Your Majesty with this our humble prayer, on matters of the utmost importance to the future welfare of this colony.

We beg to represent that the province of Upper Canada is now in a great measure peopled by emigrants from the mother country, comprising many families of the highest respectability, and a vast proportion of sincerely devoted adherents of the Church of England; that thousands of similar condition and with the same principles are arriving and settling in this province every year, and that in consequence of the rapid flow of emigration to this fast improving country, a proportionate increase of the numbers and efficiency of the Church of England is reasonably anticipated.

In proof of the justice of this expectation, we most dutifully represent to Your Majesty, that the most earnest and reiterated applications have been made for many years to the Bishop of the diocese, from almost every corner of this immense country, for the settlement amongst them of clergymen of the Church of England; but with these, from the want of funds for their support, it has been found impossible, in all except a very few instances, to comply.

Until the year 1833, the ministrations of the Church of England in this diocese had been wholly provided by the Society for the Propagation of the Gospel in Foreign Parts, aided by an annual grant from Your Majesty in Parliament; but in consequence of the discontinuance of this allowance the society have been forced to withdraw from the clergy of this Province the whole of the stipend which they had formerly allotted. Your Majesty's Government, however, by its gracious interposition, has established a provision for the support of the clergymen at present employed in Upper Canada, which restores to them 85 per cent.

 upon

No. 59.
Sir F. B. Head to Lord Glenelg, 19 Oct. 1836.

Encl. 2, in No. 59.

upon the 200 *l.* per annum, the maximum of income which they formerly possessed, while to a large number 100 *l.* per annum alone is the whole amount of stipend assigned. But it is with grief we are compelled to state to Your Majesty that the provision thus established contemplates the case of the present incumbents alone, and that no assurance is conveyed of its extension to their successors, or of the appropriation of any part of it to the supply of the same sacred services when they shall be interrupted by the deaths of the clergymen at present resident in the Province, much less to enable the Bishop to meet the increasing wants of the Church by assigning to any additional ministers the humblest permanent maintenance.

In laying before Your Majesty this lamentable fact, we beg leave to add that an extent of country containing many millions of people, and already inhabited by nearly 400,000 souls, and where, beyond the number already established, more than 100 efficient clergymen of the Church of England might at this moment be profitably and acceptably employed, would by this arrangement be left in a few years wholly dependent for religious instruction upon the voluntary contributions of its inhabitants, upon which, in all cases, but especially in a new country, no satisfactory reliance can be placed. The only resource therefore to which the friends of the Church in this Province can look, for the supply of the religious ministrations to which they are attached, is the reservation of lands recommended by Your Majesty's royal father of sacred memory, and secured by Parliament for the support of a Protestant clergy in Canada, by the statute passed in the 31st year of his reign. We are deeply concerned to be under the necessity of representing to Your Majesty that efforts are making in this colony to inculcate the opinion, that it is an infringement of liberty to make provision for the support of the Christian religion, by maintaining some form of public worship, even although such provision should be made, as in this Province it has been made, without imposing a burthen upon any class of the people, and without subjecting to any civil disability those persons who profess a different creed. In accordance with this principle it has been proposed to sell the whole of the lands reserved for the maintenance of a Protestant clergy, and to divert the proceeds from all purposes strictly religious, to the diffusion of general education. To such sentiments and proceedings we cannot but feel that the spirit of the Act referred to is directly contradictory; and we believe that we are but expressing the almost universal feeling of the members of the Church of England in this Province, when we declare that a rational and unprejudiced construction of the Act of the 31st Geo. 3, cannot fail to create the conviction that no other body than the clergy of the Church of England was contemplated in the provisions of that enactment; whilst every sincere upholder of British constitutional principles must contend against a proposition which aims at the alienation to foreign purposes of a grant specifically made for the support of religion. The testimony of experience, without adverting to the sanction of a higher authority, has proved that there can be no national prosperity without religion; that there can be no national religion without a respectable clergy; nor a respectable clergy without a decent maintenance annexed to the office. And when we consider that the security of life and property, and all that is protected by the due administration of public justice, depends upon the religious obligation which the mind attaches to an oath, we feel that the best interests of society are involved in the maintenance of that provision which we most earnestly desire to preserve.

We beg leave further to represent to Your Majesty, that this Province comprises within its present organized districts a country not much less in extent than England and Wales; the fertility of the soil and the excellence of the climate are favourable to the most rapid advancement in population, and we persuade ourselves that Your Majesty will not consider it expedient or right that the millions of people who are to inhabit this country at no remote period shall be left dependent upon fortuitous circumstances for the religious instruction they are to receive.

On the contrary, we fully trust that Your Majesty and the Imperial Parliament, maintaining one of the first principles of the British Constitution, will preserve to the inhabitants of Upper Canada the advantage of an adequate and permanent provision for the support of public worship, convinced that by such means the best security will be provided for the moral conduct of the people, and for the peace and happiness of society.

In contemplating the most obvious means of forwarding the interests of the Church in this Province, we would further humbly represent to Your Majesty the necessity of providing for a more extended Episcopal supervision of this vast diocese, comprehending at present the provinces both of Upper and Lower Canada. We cannot too strongly or too affectionately advert to the zeal and piety, to the anxious vigilance and unwearied labours of the present venerable Bishop of the diocese; but in a country of such immense extent, and where the means of travelling, especially to its more remote and newly settled portions, are so frequently obstructed, the efficient superintendence of the whole is beyond the ability of any one prelate, however zealous, or endowed with vigour of health and constitution.

Upon the importance of extending to us this advantage, we cannot too earnestly dwell, whether as regards the maintenance of the discipline of the Church or the enlargement of her borders; but our hope and anticipation of your Majesty's gracious assent to this humble recommendation are strengthened by the circumstance that the Roman-catholics, whose whole number in both Provinces does not exceed the united Protestant population of both,

though

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Sir F. B. Head to Lord Glenelg, 19 Oct. 1836.

Encl. 2, in No. 59.

though the proportion in each respectively be widely different, have at the present moment not less than five bishops, three in Lower, and two in Upper Canada.

As a present measure for conferring upon your petitioners this important advantage, we beg most humbly to represent to Your Majesty our belief, that this object would be best promoted by erecting Upper Canada into a separate diocese. In humbly suggesting this arrangement, we feel encouraged by the fact of Your gracious Majesty's assent to a recent division of the vast and important diocese of Calcutta, out of which four bishoprics have been formed.

Deeply impressed with the conviction that the suggestions we have offered would, if carried into effect, essentially conduce to the welfare of the Church, and render her more effective in promoting the great end of the establishment, "Glory to God in the highest, and on earth peace, good will towards men," we implore for them Your Majesty's most gracious consideration.

That Almighty God may take Your Majesty into His holy keeping, and preserve to Your loyal subjects the blessings which they enjoy under Your Majesty's reign, is the fervent and devout prayer of the clergy of Upper Canada.

In the name and on behalf of the clergy of Upper Canada,

John Strachan, D.D. LL.D.
Archdeacon of York.

George Okill Stuart, A.M. LL.D.
Archdeacon of Kingston.

Toronto, Upper Canada,
7 October 1836.

No. 60.

(No. 118.)

COPY of a DESPATCH from Lord *Glenelg* to Sir *Francis B. Head*, K.C.H.

No. 60.
Lord Glenelg to Sir F. B. Head, 19 Dec. 1836.

Sir, Downing-street, 19 December 1836.

I HAVE had the honour to lay at the foot of the Throne the Address to His Majesty from the synod of the Presbyterian church in Canada, which accompanies your despatch of the 19th October, No. 83, and His Majesty was pleased to receive this Address very graciously.

On the complaint of the petitioners respecting the recent erection of a considerable number of rectories within the province, it has not been in my power to submit any advice to His Majesty. No report on the subject having been received from Sir John Colborne, and the information respecting it called for by my despatch of 31st August last, not having yet reached me, I have been unable to bring the question in any satisfactory manner under His Majesty's notice, nor can His Majesty, for this reason, form any opinion at present how far the complaint is well founded.

With reference to the claim of the Scotch Church to participate equally with the Church of England in the benefit of the Clergy Reserves, I can only express my hope, that as the question of the Clergy Reserves has again been brought under the notice of the Legislature in your speech at the opening of the session, and as the Council and Assembly, in their replies, have pledged themselves to devote to it their serious attention, the present session will not pass away without the enactment of some Bill for settling on a liberal and comprehensive basis this important question. His Majesty's Government would be most anxious to co-operate with the Provincial Legislature in any measure having this object in view, and which should extend not only to the Church of Scotland, but to the other large communities of Christians within the province, an assistance proportioned to their growing wants and demands.

I have, &c.

(signed) *Glenelg*.

— No. 61. —

(No. 119.)

No. 61.
Lord Glenelg to Sir F. B. Head, 20 Dec. 1836.

COPY of a DESPATCH from Lord *Glenelg* to Sir *Francis B. Head*, K.C.H.

Sir, Downing-street, 20 December 1836.

I HAVE had the honour to lay at the foot of the Throne the Address of His Majesty from the Clergy of the Church of England in Upper Canada, which accompanied your despatch of the 19th October, No. 83, and His Majesty has been pleased to receive this Address very graciously.

The subjects to which the petitioners principally refer are two: 1st, The application of the Clergy Reserves to the maintenance of Ministers of the Church of England; and, 2d, The erection of a new diocese coincident in extent with the province of Upper Canada.

On the first of these questions I do not at present feel myself at liberty to enter. The views of His Majesty's Government, and the grounds on which they have referred the consideration of it to the Provincial Legislature, have already been fully explained in my own despatches, and in those of my predecessors. It is only necessary now to observe, that from those views I see no reason to depart.

In regard to the erection of a separate diocese in Upper Canada, I have, by His Majesty's command, submitted that portion of the Address for the opinion of his Grace the Archbishop of Canterbury, and whenever the views of the most Reverend Prelate shall have been ascertained, His Majesty will resume the consideration of the subject; but whatever may be His Majesty's ultimate decision on this point, it is my duty distinctly to state, that even if that decision should be favourable to the prayer of the Address, it would not be in His Majesty's power to provide for the new bishopric any pecuniary emoluments, or other endowment.

I have, &c.
(signed) *Glenelg.*

— No. 62. —

(No. 231.)

No. 62.
Lord Glenelg to Sir F. B. Head, 7 Sept. 1837.

COPY of a DESPATCH from Lord *Glenelg* to Sir *F. B. Head*, Bart. K.C.H.

Sir Downing-street, 7 September 1837.

DURING the present year I have received numerous communications from gentlemen, either resident in England, or deputed hither by communities in connexion with the Churches of England and Scotland, on the subject of the present state of the ecclesiastical establishments in the Canadian provinces, and more especially with reference to the appropriation of the Clergy Reserves. In answer to these communications, I have entered at considerable length into the question, and have fully explained to the applicants the position and the views of Her Majesty's Government respecting it. I herewith enclose for your information copies of this correspondence, of which a schedule accompanies this despatch.

With the previous knowledge which you possess of the subject, and the information contained in the accompanying letters, it is unnecessary for me to enter into any detailed exposition of the present state of the case. It is sufficient to observe, that, notwithstanding the instances which, as you will perceive, have been addressed to me by some of the deputies, the objections against any interference of the Imperial Parliament, except at the invitation of the Canadian Legislatures, appear to be insuperable.

At the same time there is scarcely any question connected with public affairs in

No. 62
Lord Glenelg to Sir F. B. Head, 7 Sept. 1837.

in Canada the settlement of which on a comprehensive and liberal basis would be hailed with more satisfaction by Her Majesty's Government.

Independently of its intrinsic interest, this question derives an importance which can scarcely be exaggerated from the nature of the feelings which it calls into action. Involving much of a religious character, it is approached with sentiments far more serious and deeply rooted than are brought to the discussion of ordinary political questions. It is therefore with no groundless anxiety that Her Majesty's Government have long contemplated the unsettled state of this question, an anxiety which has been fully justified by the events of the last session in Upper Canada. On referring to the public journals I find that the settlement of the Clergy Reserves engaged much of the attention of the Assembly of that Province, and gave rise to discussions of unusual length and animation. The intensity of the public feeling on the subject is attested by the large space devoted to the discussion of it, no less than by the direct evidence of many of the gentlemen who have addressed me; while the difficulty of devising a final settlement of the antagonist claims, and the ill consequences resulting from their continual agitation, have induced some of those gentlemen earnestly to invoke the interposition of the Imperial Legislature.

Under these circumstances you will readily understand my anxiety to contribute by all means in my power to an adjustment of the question, and it has appeared to me that the experience acquired in other of the British colonies might perhaps be useful in suggesting to the Legislatures of Upper and Lower Canada the arrangement of a measure which might be satisfactory to all parties. In the colony of New South Wales a great deficiency existed in the means of religious instruction, a deficiency which the unassisted efforts of the inhabitants would have been quite inadequate to supply. To remedy this difficulty, Her Majesty's Government proposed a plan, the principles and details of which you will find fully explained in those parts of the accompanying Parliamentary paper which relate to a provision for the erection of places of worship and the maintenance of ministers in the Australian colonies, and which have since been adopted and embodied in a Legislative enactment passed by the Governor and Council of New South Wales, and also enclosed for your information.

The circumstances of the Australian colonies differ so widely from those of Canada, that it would be plainly impossible to transfer to the latter country the entire system which has been adopted with success in the former. Nor should I venture to prescribe to the Legislatures of the Canadian provinces the principles on which they should endeavour to make provision for the religious wants of their fellow colonists. The inhabitants of the Australian colonies belong almost exclusively to the Churches of England, of Scotland, and of Rome; but in the Canadas the case is different. There are in those provinces many other persuasions of Christians forming large communities, each superintended by a controlling body. The exclusion of these communities from the benefit of a public provision made for religious purposes would be quite inconsistent with the design of Her Majesty's Government. It is, on the contrary, their anxious wish that to all such Christian communities assistance should be afforded, in proportion to their numbers and to their necessities. To the maintenance of the actual ministers of the Churches of England and Scotland in their existing emoluments, the faith of Her Majesty's Government is, as you are aware, distinctly pledged; but should any arrangement be hereafter concluded with the Legislatures of Upper and Lower Canada for the cession to them of the Crown Revenues, there would be at the disposal of the Legislature from that fund, and from the other sources of revenue, ample means of providing for the erection of places of worship, and the salaries of ministers throughout the Provinces.

I have, &c.

(signed) *Glenelg.*

No. 63.
Sir F. B. Head to Lord Glenelg, 10 Sept. 1837.

— No. 63. —

EXTRACT of a DESPATCH from Sir *F. B. Head*, Bart. K.C.H. to Lord *Glenelg*, dated Government-house, Toronto, 10 September 1837.

THE story of Mr. Hagerman's conduct on the great subject of the Clergy Reserves was shortly as follows;

When that question was about to be brought before the Assembly I foresaw it would give rise to a most angry debate, which would probably end in nothing.

I therefore, although I had no precise instructions on the subject, determined to use all the influence in my power to help the question to a conclusion; and I accordingly determined to recommend that the Reserves should be divided among the Churches of England, Scotland, Rome, and Wesleyan Methodists, in the proportions which the population of those great sects relatively bear to each in the mother country.

On submitting this abstract proposition to Mr. Hagerman, he at once assented to the Church of England, the Church of Scotland, and the Methodists sharing the Reserves, but he avowed to me that unless strong arguments were adduced he could not conscientiously be the advocate of the Roman Church.

The more I argued in favour of that part of my proposition the more did Mr. Hagerman urge his objections to it; and I can truly add, the more did I respect him for doing so. He firmly adhered to his opinion; but he concluded by observing, that though he could not promise to vote in favour of the Catholics, yet for my sake he would retire from opposing their admission.

I conceive that on a question of conscience, Mr. Hagerman ought not to have done more than he did. However, after all, the proposition never came to a division.

Finding that party feeling was running so high that it was impossible for any man breathing to guide it, I became of opinion that it would be prudent to abandon the contest, by placing the Reserves at the disposal of his Majesty, or, in other words, by re-uniting them in the crown.

This proposition I explained to Mr. Hagerman, who brought it forward in the House of Assembly, advocated it most ably, and failed in carrying it only by one vote.

The great discussion having thus failed, it was therefore abandoned in despair by all parties; but a memorial was addressed to the House of Assembly by the ministers, elders, and congregation of Lancaster in connexion with the Church of Scotland, complaining that "there appeared to have been an organized system pursued by the different provincial administrations of thwarting them in the attainment of their just and legal rights;" that the endowment of the fifty-seven rectories was "unjust, illegal, and unconstitutional;" and "that your memorialists complain especially of the power which the Act under which rectories have been established gives to the Church of England of lording it over our consciences, and exercising a spiritual tyranny over us, to which, as conscientiously attached to the doctrine, discipline, and worship of the Presbyterian Church, we cannot submit."

It was impossible for any one acquainted with the religious feelings which existed at that moment in the House of Assembly to read the language of this petition without foretelling that it would be productive of a violent religious debate, and accordingly as soon as the subject was broached the conflict began. Sometimes the Scotch got uppermost, sometimes the English; but what was ejaculated by either I believe no man living can declare. However, it happened that Mr. Mackenzie's newspaper came out the next day, and as he is not only a Scotchman, but one of Mr. Hagerman's bitterest enemies, your Lordship may easily conceive that Mr. Hagerman's speech was purposely and mischievously made as offensive as possible to the Scotch.

— No. 64. —

No. 64.
Sir F. B. Head to Lord Glenelg, 16 Sept. 1837.

(No. 103.)

EXTRACT of a DESPATCH from Sir *F. B. Head*, Bart. K.C.H. Lieutenant-governor of Upper Canada, to Lord *Glenelg*; dated Toronto, 16 September 1837.

I AM further requested to forward a memorial from the Synod of Canada, in connexion with the Church of Scotland, addressed to your Lordship, having reference to the claim of that Church to a share of the revenue accruing from the Clergy Reserves, and to the rectories lately constituted in this province.

Enclosure in No. 64.

MEMORIAL of the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, to the Right Honourable Lord *Glenelg*, one of Her Majesty's principal Secretaries of State. Encl. in No. 64.

My Lord,

Your memorialists, ministers and elders of the Presbyterian Church of Canada, in connexion with the Church of Scotland, in Synod assembled, beg leave respectfully to represent to your Lordship that we have received information through the Honourable William Morris, that it is the intention of Her Majesty's Government to appropriate for the use of ministers of the Church of England in this province, the whole interest of the monies already realized from the sales of the Clergy Reserves, made under the Act 7 and 8 Geo. 4, chap. 62.

Your memorialists cannot, without betraying the sacred interests intrusted to them, cease most solemnly to protest against an appropriation of the proceeds of these Reserves, in which their rights as ministers and people in connexion with the Church of Scotland, are overlooked. And they cannot refrain from expressing their deep mortification on account of an Act, which they look upon as so singularly partial and unjust, made in the face of claims long preferred, as founded on constitutional rights, variously acknowledged by the highest legal authorities, and at different times distinctly recognised by the Imperial Government.

Your memorialists, on these grounds, take this occasion of calling your Lordship's attention and that of Her Majesty's Government, to the circumstances and claims of the Scotch Church in this province. In Upper Canada alone there are 11 ministers of this church, who came to the country on the understanding that suitable assistance would be granted them by Government, who have never received any such aid, and who are quite inadequately maintained by their poor and scattered flocks.

To these cases your memorialists earnestly crave the attention of your Lordship, were it only to provide a temporary aid, and they urge attention to them not only upon principles of justice, but also of expediency. The Scotch population here, alike from their principles and their feelings, can never be brought under an Episcopalian Establishment, and unless the Church of Scotland be supported as it ought to be by the Government in these provinces, the members of that church will be driven from her connexion, and either left altogether without moral and religious instruction, or given over to the guidance of teachers generally illiterate and self interested, dependent entirely on popular support, and of course in danger of being actuated much more by principles that will advance their own popularity, than the best interests of their flocks and of the country at large.

Your memorialists, therefore, crave that they may be invested with all their just rights, as constituting a branch of one of the established churches of the empire.

Your memorialists are, with profound respect, my Lord, your Lordship's most obedient humble servants.

In name and by appointment of Synod, the 6th day of September 1837.

Alex. Gale,
Moderator.

To the Right Hon. Lord Glenelg,
&c. &c. &c.

— No. 65. —

(No. 3.)

No. 65.
Lord Glenelg to Sir George Arthur, 23 Dec. 1837.

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor Sir *George Arthur*, K.C.H.

Sir, Downing-street, 23 December 1837.

I HAVE received your predecessor's despatch, No. 103, of the 16th September, transmitting two memorials from the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, having reference to the claim of that Church to a share of the revenue accruing from the Clergy Reserves, and to the rectories lately constituted in the province of Upper Canada.

With respect to the first of these subjects, I am led to believe, from the terms of the memorial, that some misapprehension exists on the part of the Synod as to the declared intention of Her Majesty's Government. In order that they may be clearly understood, I have to request that you will communicate to the Synod so much of the correspondence enclosed in my despatch to Sir Francis Head, of the 7th September last, No. 231, as relates to the claims of the Scotch Church in Upper Canada, and the views of Her Majesty's Government in reference to those claims.

With respect to the constitution of the rectories, you will inform the Synod that, without entering on the discussion of the question as to the legality of these endowments, or the policy of the measure by which they were created, I trust that an arrangement will shortly be effected, by which the conflicting claims of various religious denominations in Upper Canada will be satisfactorily adjusted, and the means of Christian worship and instruction, in connexion with the Presbyterian Church in the Province, be materially extended.

I have, &c
(signed) *Glenelg.*

— No. 66. —

No. 66.
Sir George Arthur to Sir Geo. Grey, 25 Dec. 1837.

COPY of a DESPATCH from Lieutenant-Governor Sir *George Arthur*, K.C.H. to Sir *George Grey*, Bart.

Sir, Oak House, Feltham, 25 December 1837.

I HAVE considered with much attention the question of the Clergy Reserves in Upper Canada, and the various interests therewith connected, and request you will do me the honour to submit the enclosed memorandum for Lord Glenelg's consideration.

To hope for a satisfactory adjustment of this long-debated subject, one point, as a preliminary, viz. the securing to each communion the full extent of aid which is at present afforded to it, appears to be absolutely indispensable.

Whether this aid be, under all circumstances, rightly apportioned, depends upon various considerations, into any discussion of which, however, it will be desirable not to enter, but rather to deal with the case, in this particular, just as it is.

Certainly, the aid derived by the Established Church of England far exceeds that enjoyed by any other communion; but then it is to be borne in mind that, in consideration of this very circumstance, under an arrangement with the Government, the Society for the Propagation of the Gospel largely contributes to the support of the mission to New Brunswick; and further, it is undeniable that, whilst it is doubtful what the claims of the Church of Scotland may be upon the Reserves, a most munificent provision, intended for the Church of England, is henceforth proposed to be shared by her only in common with other communions.

The revenue derived from the proceeds of the Reserves that have been sold, and from such as have been leased, amounts to no more than 6,392*l.* per annum. It is assumed, if the sum of 68,953*l.* now vested in the English funds

No. 66.
Sir George Arthur to Sir Geo. Grey, 25 Dec. 1837.

funds were transferred to the province, and there lent at even less than the usual rate of interest,—if the purchase-money for land sold, amounting to the sum of 161,058*l.*, were paid up, and if the lands now leased, viz. 361,000 acres, were sold, and the proceeds vested in the province,—that there would be ample funds to meet all existing claims, whilst large tracts of land would still remain to be disposed of in aid of religious instruction and education.

I have, &c.
(signed) *Geo. Arthur.*

Enclosure in No. 66.

Encl. in No. 66.

STATEMENT of CLERGY RESERVES of *Upper Canada.*

	£.	
There have been sold, to the end of the year 1836, 368,428 acres of land for currency	250,655	at an average of 13*s.* 7*d.*
Received in part payment	89,597	per acre.
Leaving due, and bearing interest £.	161,058	
Of the sum received in part payment for lands sold, viz.	89,597	
There is invested in English Three per Cents. Stock, in sterling £. 62,278		
Add for difference of exchange 6,675		
	68,953	producing, sterling £. 1,880
		add $\frac{1}{9}$, difference of exchange 209
		£. 2,089
Leaving this amount to be accounted for £.	20,644	
The actual income for the present is,		
Interest of 62,278*l.* sterling, equal to 68,953*l.* currency	2,089	
Ditto of unpaid instalments of purchase money	2,162	
Rent of 361,000 acres on lease	2,141	
£.	6,392	
The following income may be produced:		
By loan of the sum now in the English Stocks, currency, 68,953*l.* in the Province at six per cent.	4,137	
By receipt of purchase money, due for land sold, 161,058*l.* in the Province at six per cent.	9,663	
By sale of land now leased, 361,000 acres at 12*s.* 189,600*l.* in the Province at six per cent.	11,376	
	25,176	
Suppose the sum lent at five per cent only, then deduct one-sixth	4,196	
	20,980	
Total Clergy Expenditure for the year 1836	12,317	
In aid of the Wesleyan Mission £. 900	8,663	
Salary to the Bishop (exclusive of house rent and travelling expenses) 1,000		
	1,900	
Leaving an unappropriated annual Surplus of, Currency	6,763	

Remain for the disposal of the Crown, in aid of the Erection of Churches, Support of Clergy, and General Education, 1,525,245 acres, at 12*s.* per acre, 915,147 *l.*

Sold	368,423
Leased	361,000
	729,423

No. 66.
Sir George Arthur to Sir Geo. Grey, 25 Dec. 1837.

Encl. in No. 66.

CLERGY EXPENDITURE for the Year 1836.

	£.	s.	d.
Missionaries of the Church of England	2,565	12	6
Ministers of the Church of Scotland	1,541	10	–
Ministers of the United Presbytery and Synod of Upper Canada	699	19	11
Priests of the Roman-catholic Clergy	1,500	–	–
House-rent of Lord Bishop of Quebec	180	–	–
Clergy Expenditure	6,487	2	5
Erection of Parsonage Houses	367	2	5
Missionaries of the Church of England*	4,500	7	–
Archdeacon of York and Kingston	600	–	–
Secretary to the Clergy Corporation	270	–	–
Contingent expenses of the Office of the Clergy Corporation	92	13	11
	12,317	5	9
Independent of the claim of the Wesleyan Missionary Society	900	–	–
£.	13,217	5	9

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

	Acres.
Total quantity of Land reserved	2,254,668
Sold and rented	729,423
Remain to be disposed of, either for the erection of Churches in Aid of Ministry, or for General Education	1,525,245

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

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

— No. 67. —

No. 67.
Lord Glenelg to Sir Geo. Arthur, 26 Dec. 1837.

(No. 4.)

COPY of a LETTER from Lord *Glenelg* to Lieutenant-Governor Sir *George Arthur*, K.C.H., dated Downing-street, 26 December 1837.

Sir,

AMONGST the questions to which your attention will be called upon your arrival in Upper Canada, one of the most important is that which relates to the provision for the maintenance and diffusion of Christian knowledge throughout the increasing population of the province.

This subject has recently engaged much of the public attention in Upper Canada, with reference to the recent beneficial appropriation of the lands set apart by the Act of 1791 for religious purposes, and known by the name of Clergy Reserves. It could scarcely be expected that the discussion of this question

No. 67.. Lord Glenelg to Sir Geo. Arthur. 26 Dec. 1837.

tion could fail to produce considerable controversy and excitement, or that its settlement could be accomplished without serious difficulty. I entertain, however, a confident hope that some plan may at an early period be agreed to, by which the difficulties which have hitherto opposed a satisfactory adjustment of the conflicting claims of various religious denominations may be removed, and an adequate provision be made for meeting, on comprehensive principles, the religious wants of the great body of the inhabitants.

I regret that the agitated question of the endowment of 57 rectories in the commencement of the year 1836 has introduced a new element of dissension. The correspondence which has taken place between Her Majesty's Government and your predecessor on this subject will place you fully in possession of the facts of this case. How far the view originally taken of that subject by the law officers of the Crown may be altered when they shall have maturely considered the explanations which have recently, for the first time, reached me, as to the grounds on which the Lieutenant-governor and Executive Council really proceeded, I am at present unable to state. In the meantime, however, before I can receive their Report, I think it right to acquaint you with the view which I at present entertain of the course which it may be desirable to pursue with reference to this subject.

The House of Assembly of Upper Canada, as appears from their Journals of the 9th February 1837, adopted a series of resolutions relative to these endowments, of which the sixth declared, " That this House regards as inviolable the rights acquired under the patents by which rectories have been endowed, and cannot therefore either invite or sanction any interference with the rights thus established." On the part of Her Majesty's Executive Government, I cannot hesitate to avow our entire adoption of the principle by which this resolution was dictated. Although the endowments of the rectories in the year 1836 did not take place with the previous concurrence or knowledge of the present Ministers of the Crown, yet, as they appear to have been made at least under a presumed authority from the Secretary of State, and as considerable time has now elapsed since the parties were put in possession of the lands, I should much regret to be compelled to disturb that settlement, or to dispossess the clergy of the Church of England of the lands which have been assigned for their maintenance.

Should the legal right now appear to the law officers of the Crown to be indefeasible, no practical question will of course remain for the decision of the Government; but, even on the contrary supposition, I feel that, with the concurrence of the local legislature, the endowments which have actually been made might be ratified in connexion with some general scheme for the future appropriation of the Clergy Reserves which would satisfy the reasonable claims of other denominations of Christians. As a basis of such a settlement I would propose that, under the peculiar circumstances of the case, the right of the Church of England to the endowments of January 1836 should be acknowledged and ratified. I would further suggest that this measure should be accompanied by a legislative declaration that the establishment and endowment of rectories in the province shall not be construed to confer any right to exercise any ecclesiastical or spiritual power whatever, " except over the members of the Church of England." I quote these words from the resolutions of the Assembly of the 9th of February 1837, to which I have already referred. That House, indeed, proposes that this declaration should proceed, not from the local Legislature, but from Parliament. But I conceive that, if the arrangement I suggest should meet with general acceptance, there will be no difficulty in obtaining an Act of General Assembly for the purpose, and that the interference of Parliament in the internal affairs of the province may thus be avoided.

In the next place, I have to refer you to my despatch to Sir F. Head, of the 7th of September, (No. 231,) in which, and in the enclosures accompanying it, will be found an explanation of the system established on my advice by his late Majesty, for providing for the religious instruction of the inhabitants of the Australian colonies. I do not here enter into the details of that measure, with which you are already familiar, but I confine myself to the statement that the general principle of it is, that the contributions of the State towards the support of the different Christian communions should be regulated by the extent of the voluntary efforts which the members of each should make for the promotion of the same general end. Of the success of that plan in New South Wales I have

No. 67.
Lord Glenelg to Sir Geo. Arthur, 26 Dec. 1837.

the most satisfactory proofs. The result in that colony, even during the short period which has elapsed since the provisions of this measure have been in operation, has been greatly to increase the spontaneous exertions of the various denominations of Christians, the number of ministers, and the means applicable to the general diffusion of Christian instruction. If the Clergy Reserves of Upper Canada should be converted into a fund subject to a similar appropriation, I perceive no reason to doubt of a corresponding result. If, by the adoption of this scheme, with any modifications which the knowledge possessed by the local legislature of the circumstances of the province, and the comparative numbers of the religious denominations existing in it, may suggest, concord and a mutual good understanding could be restored amongst the different Christian societies existing in Upper Canada, an object of the highest importance would be attained. We should have closed a controversy hostile to the general peace of Her Majesty's subjects inhabiting that part of her dominions, and should have brought to an end a debate painful to every one who is justly alive to the interests of the Christian faith, which we all acknowledge and profess, under various forms of ecclesiastical government.

You are therefore authorized to convey these or any other suggestions which you consider better adapted to effect the object in view, to the Legislative Council and House of Assembly, in whatever manner may be most consistent with constitutional forms, and with a careful respect for their rights and privileges; and I earnestly hope that they will cordially co-operate with Her Majesty's Government and with yourself, in the adoption of such measures, with reference to this important subject, as will most effectually conduce to the advancement of the best interests of all classes of Her Majesty's subjects in the province.

I have, &c.
(signed) *Glenelg.*

— No. 68. —

No. 68.
Sir Geo. Grey to Lieut.-governor Sir Geo. Arthur, 29 Dec. 1837.

COPY of a LETTER from Sir *George Grey*, Bart. to Lieutenant-Governor Sir *George Arthur*, K. C. H.

Sir, Downing-street, 29 December 1837.

I HAVE laid before Lord Glenelg your letter of the 25th instant, transmitting a memorandum on the subject of the Clergy Reserves in Upper Canada, for his Lordship's consideration; and I am to inform you in reply, that Her Majesty's Government, so far as the adjustment of this question depends on them, would willingly concur in any settlement of it which the two branches of the provincial legislature might concur in adopting as best calculated to promote the interest of religion and education in the province. Should the satisfactory adjustment of it be facilitated as you anticipate, by securing to each communion the full extent of aid, which is at present afforded to it, Her Majesty's Government would not entertain the slightest objection to such an arrangement. On the other hand, Lord Glenelg would distinctly disclaim, on the part of Her Majesty's Government, the wish or the intention to insist on any such condition as an indispensable preliminary to an adjustment of the question; such an interference on the part of the Government with the functions of the provincial legislature, would, as his Lordship apprehends, tend to create a not unreasonable suspicion of the sincerity with which the Legislature have been invited to the exercise of the power reserved to them on this subject by the Constitutional Act of 1791; nor could any conclusive reason be assigned for insisting on the continuance to each communion of the precise payment at present received by it, the respective amounts received by the several communions resting on no accurate calculation or estimate of their respective numbers, or of the claims which they may possess to pecuniary aid. Lord Glenelg further directs me to observe, with reference to your remark, that "it is doubtful what the claims of the Church of Scotland may be on the Reserves," that a decided opinion was given by the law officers of the Crown in this country in 1819, in favour of the right of the Church of Scotland to participate in the proceeds of these Reserves, and that, in accordance with this opinion, this right has been distinctly

distinctly admitted by Lord Glenelg in a recent correspondence with members of that Church. On this subject I am to request that you will refer to his Lordship's despatch to Sir Francis Head, of the 7th September, No. 231, and to the enclosures contained in it. Lord Glenelg has no doubt, that by such an arrangement as that to which you have alluded for the disposal of the Clergy Reserves, and the investment of the proceeds of the sale, a very large fund would be rendered available for the purposes of religious instruction and education, a result which his Lordship earnestly hopes may at an early period be attained; and he entertains the fullest confidence that no exertion will be wanting on your part to bring this matter to a conclusion, at once conducive to the best interests of the province, and satisfactory to the various parties who are peculiarly interested in its settlement.

No. 68.
Sir Geo. Grey to Lieut.-governor Sir Geo. Arthur, 29 Dec. 1837.

I have, &c.
(signed) *George Grey.*

— No. 69. —

(No. 16.)

No. 69.
Sir F. B. Head to Lord Glenelg, 9 February 1838.

COPY of a DESPATCH from Sir *F. B. Head* to Lord *Glenelg.*

My Lord, Toronto, 9 February 1838.

THE petition from the United Synod of the Presbyterian Church of Upper Canada, which I have now the honour to enclose to your Lordship, to be laid at the foot of the Throne, would have been transmitted to your Lordship several months since had it not been mislaid, and remained undiscovered to the present time. I trust, however, that no inconvenience may result to the petitioners from the delay.

23 June 1837.

I have, &c.
(signed) *F. B. Head.*

Enclosure in No. 69.

Encl. in No. 69.

TO His Most Gracious Majesty WILLIAM THE FOURTH, King of Great Britain and Ireland, &c. &c. &c.

The Petition of the United Synod of the Presbyterian Church of *Upper Canada,*

Humbly showeth,

THAT your petitioners, dutiful and loyal subjects, the Ministers and Elders composing the United Synod of the Presbyterian Church of Upper Canada, beg leave to approach Your gracious Majesty, and humbly submit their claims to your favourable consideration.

Your petitioners were the first to enter the field for the moral cultivation of Upper Canada, and that they have, from a very early settlement of the country, suffered great privations and fatigues, arising from the peculiar circumstances of the people, and the state of the roads; that they have spent their best days and strength in forming congregations, building churches, promoting education, and otherwise extending the intelligence and comfort of the inhabitants; thus labouring, and zealously attached to the British Government, your petitioners continued, upwards of 30 years, unrecognized by any pecuniary aid from Your Majesty.

By the kind and benevolent recommendation of their justly esteemed late Lieutenant-governor Sir John Colborne, knowing the difficulties under which they laboured, and their just claim to Your Majesty's patronage, the sum of 700 *l.* was granted to the United Synod of Upper Canada, in the year 1832, then consisting of 14 members; but in consequence of the widely-extended field of their labour, their number has so increased that seven of their ministers remain yet unprovided for by any Government allowance.

Your petitioners having had the pledge of Sir John Colborne that an augmentation would be granted in proportion to the increase of their ministers, they therefore most humbly pray that Your most gracious Majesty will be pleased to grant such a sum to your petitioners as will afford those ministers, who are not receiving any Government allowance, an equal provision with those who are already in the receipt of Your Majesty's royal bounty.

Your petitioners would further most humbly represent to Your most gracious Majesty, that they are fully aware that the paternal grant of the one-seventh of the province is equal to support all the Protestant clergy that now exist in the country, or will for many years to come, on the principle that these lands are to be disposed of for said purpose; at the same time, fully confiding in the justness of the administration of Your Majesty's Government, and that in any distribution of Your royal bounty no invidious distinction will be

 made,

No. 69.
Sir F. B. Head to Lord Glenelg, 9 February 1838.

Encl. in No. 69.

made, as they are Protestants by principle and education, they conceive themselves justly entitled, in proportion to their numbers, to an equal share of the proceeds of these Reserves. The ministers of the United Synod are British-born subjects from the mother country, and educated for the ministry in the public seminaries of learning in England, Scotland, and Ireland, and their congregations are constantly increasing from emigration and otherwise; and unless succour is afforded by Your Majesty, the growing population of this province must grow up with unrestrained licentiousness.

Your petitioners would further represent to Your gracious Majesty, that as it is in contemplation to dispose of the lands set apart in the province for the support of the Protestant clergy, and as these lands have been a source of much contention, they would be perfectly satisfied in their being appropriated to education and public improvement; but if, in the wisdom of Your Majesty, it should be deemed best to appropriate them or their proceeds to the support of different denominations, they beg respectfully, but earnestly, to press upon Your most gracious Majesty the consideration of the past labours and just claims of the United Synod of Upper Canada to an equal share with their fellow-subjects. They respectfully claim this at the hands of their gracious Sovereign, which will be in perfect accordance with the sentiment expressed by Your Majesty's present representative, his Excellency Sir F. B. Head, the Lieutenant-governor, "That equal justice should be done to all;" and that in further accordance with this principle it was that your petitioners were inserted in the Report of the Select Committee to the House of Assembly, at the last session of the Legislature, on the division of Clergy Reserves.

That Your Majesty's valuable life may be long preserved, Your reign prosperous and happy in this world, and in the world to come receive an unfading Crown of glory.

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

In the name, presence, and by appointment of the United Synod of the Presbyterian Church of Upper Canada.

(signed) *Robert Boyd*, Moderator.
William Smart, Stated Clerk.

Prescott, 23 June 1837.

— No. 70. —

No. 70.
Lord Glenelg to Sir Geo. Arthur, 21 March 1838.

(No. 45.)

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor Sir *George Arthur*, K.C.H.

Sir, Downing-street, 21 March 1838.

I HAVE had the honour to receive Sir Francis Head's despatch of the 9th February, No. 16, enclosing a petition to his late Majesty, from the United Synod of the Presbyterian Church of Upper Canada. I have laid this petition before the Queen, and Her Majesty was pleased to receive it very graciously.

In regard to the prayer of the petitioners to be admitted to a proportionate share in the proceeds of the Clergy Reserves, I can only refer you for an answer to the instructions which have been conveyed to yourself and your predecessors on this subject.

I have, &c.
(signed) *Glenelg.*

— No. 71. —

No. 71.
Sir F. B. Head to Lord Glenelg, 17 March 1838.

(No. 35.)

EXTRACT of a DESPATCH from Sir *F. B. Head*, Bart. to Lord *Glenelg*.

My Lord, Upper Canada, Toronto, 17 March 1838.

I HAVE the honour to transmit to your Lordship herewith, in compliance with the request of the House of Assembly, to be laid at the foot of the Throne, an Address from that House to Her Most Gracious Majesty, passed during the late session, on transferring certain charges on the casual and territorial revenue to the Clergy Reserve Fund.

Enclosure in No. 71.

To the Queen's Most Excellent Majesty.

No. 71.
Sir F. B. Head to Lord Glenelg, 17 March 1838.

Encl. in No. 71.

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in provincial Parliament assembled, humbly represent to Your Majesty, that in the opinion of this House, the casual and territorial revenue of this province should not continue to be burthened with the sum of 7,295 *l.* for religious purposes; but that this charge should be borne out of the proceeds arising out of the sales and leases of the Clergy Reserves.

Commons House of Assembly, 26 February 1838.

(signed) *Allan N. MacNab*, Speaker.

— No. 72. —

No. 72.
Lord Glenelg to Lieut.-governor Sir Geo. Arthur, 25 May 1838.

(No. 75.)

Copy of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor Sir *George Arthur*, K.C.H.

Sir, Downing-street, 25 May 1838.

I have had the honour to lay at the foot of the Throne the address to Her Majesty from the House of Assembly of Upper Canada, dated the 26th February last, stating the opinion of that House, that the charge now borne on the casual and territorial revenue of the province for religious purposes should be transferred to the fund arising out of the sales and leases of the Clergy Reserves.

Her Majesty was pleased to receive this address very graciously, and she has commanded me to state to you, in reply, that, under the existing arrangements, in proportion as the income arising from the sales and leases of Clergy Reserves shall increase, the charge now sustained by the casual and territorial revenue on account of the clergy of the Churches of England and Scotland will be diminished; but that an immediate transfer of the whole of that charge to the Clergy Reserve Fund would occasion a very great deficiency in the amount applicable towards the support of the ministers of those Churches now stationed in the province.

I have, &c.
signed) *Glenelg.*

— No. 73. —

No. 73.
Lieut.-governor Sir Geo. Arthur to Lord Glenelg, 11 July 1838.

Extract of a DESPATCH from Lieutenant-Governor Sir *G. Arthur*, K. C. H. to Lord *Glenelg*, dated Toronto, 11 July 1838.

At the first meeting of the Legislature I propose to cause a Bill to be introduced for re-investing the lands reserved for the clergy in the Crown to be applied for religious purposes, and I have reason to think it will be carried by a considerable majority.

— No. 74. —

No. 74.
Lieut.-governor Sir Geo. Arthur to Lord Glenelg, 25 July 1838.

(No. 42.)

Copy of a DESPATCH from Lieutenant-Governor Sir *George Arthur*, K.C.H. to Lord *Glenelg*.

Government House, Toronto, 25 July 1838.

My Lord,

I have the honour to transmit to your Lordship the petition of the United Synod of the Presbyterian Church of Upper Canada to Her Majesty, which your Lordship will be pleased to lay at the foot of the Throne.

This Petition, though dated on the 1st May, was not presented to me for transmission to your Lordship until the 5th June, and I should have despatched it at an earlier period had not matters of greater urgency engrossed my time.

No. 74.
Lieut.-governor Sir Geo. Arthur to Lord Glenelg, 25 July 1838.

I cannot omit this occasion of recording the highly favourable opinion which I have been led to form of the character and general sentiments of the religious society from whom this petition to the Queen has emanated.

I have reason to believe that this denomination of Presbyterians have been distinguished for their good conduct and loyalty on all occasions, as well as for their great and praiseworthy moderation during the discussions respecting the Clergy Reserves, by which the province has been for several years more or less agitated.

Your Lordship will observe that while this society renews the application which it appears to have made on more than one former occasion for a participation in the benefits arising from the clergy lands, reserved under the Quebec Act, it at present contents itself with a request that, pending the discussion of the questions relating to the disposal of the lands reserved for the clergy, it may be allowed an augmentation of the Royal bounty granted to its ministers in the year 1833.

The claims of a communion so highly respectable will, I am satisfied, receive from Her Majesty's Government the fullest consideration.

I cannot, indeed, express myself too highly as to the true Christian spirit by which the United Synod of the Presbyterian Church of Upper Canada appear to be influenced. Their ministers seem to shrink from contending about the status or the temporalities of the church, but go peacefully forward preaching the Gospel. I must, however, acknowledge to your Lordship my impression that nothing can be conveniently done towards satisfying their reasonable desires, until the measure relating to the settlement of the questions of the Clergy Reserves, which I design to prepare, shall have been submitted and matured at the next session of the Provincial Legislature.

I have, &c.
(signed) *Geo. Arthur.*

Enclosure in No. 74.

Encl. in No. 74.

To Her Most Gracious Majesty, Victoria, Queen of Great Britain and Ireland, &c. &c. &c.

The Petition of the United Synod of the Presbyterian Church of Upper Canada,

Most Humbly showeth,

That we, your Majesty's loyal and dutiful subjects, were the first organized Presbyterian body in Canada, and among the very first collegiately educated ministers who manifested a disinterested spirit, by leaving our native homes, breaking up our early and tender associations, encountering the unspeakable difficulties of a new country, and carrying from house to house, and from place to place, "peace and good will, and the pure word of life," to the people of this colony. When we entered upon the moral culture of the wide desolated field of Upper Canada, there were but very few ministers of the Church of England, and only one of the Church of Scotland, and he was soon called to his everlasting home. We are all British-born subjects, and have occupied the field for upwards of 30 years.

Your Majesty's petitioners do not only affirm our devoted and Christian loyalty to the British throne and British constitution, but all ranks and classes of men in the province can, and would bear ample testimony to the well-known fact, was it deemed necessary. Perhaps the "Clergy Reserve question" tended more than any other question ever agitated in this province to annoy the Government, to excite angry feelings, and produce dissatisfaction in the minds of the people. We confidently aver to your Majesty that we never attempted to annoy the Government upon that all-exciting question, or any other subject. The late governors, as well as the Parliament, can testify to the fact; and as the Reverend and Venerable Dr. Strachan, Archdeacon of Toronto, has testified to it in his last address to the clergy of the diocese, we take the liberty to quote his words. He says, "in passing from the petitions against the rectories by the clergy and members of the Scotch Church, I may be allowed, as an act of justice, to contrast their anxiety for the destruction of our Church in the colony, with the mildness which characterizes the petition of the United Synod of the Presbyterian Church in Upper Canada, not in connexion with the Church of Scotland. In urging their claim to share in the Reserves, this respectable body truly states that they were the first organized Presbyterian institution in the province; that they have suffered as many privations as any of their fellow Christian labourers, and yield not, in loyalty to the Queen and attachment to the British constitution, to any body of professing Christians in the colony; and in conclusion pray that, in any distribution of the Reserves, they may be included as well as the Church of Scotland."

As an evidence of this our firm attachment to the institutions of our early home, and now to this our adopted country, and deeply sensible of the favours and rational liberties which we

No. 74.
Lieut.-governor Sir Geo. Arthur to Lord Glenelg, 25 July 1838.

Encl. in No. 74.

we have ever enjoyed under the British Government, whilst we deeply sympathize with Your Royal Majesty on account of the altogether uncalled-for, wicked, and unnatural rebellion which lately broke out, at an unexpected moment, in Canada, against Your Majesty's Government, and so shortly after Your Royal Majesty's ascension to the Throne of England; we have this lasting consolation, which, no doubt, will be pleasing to Your Royal Majesty's feelings, that we are not aware that any one connected with our congregations, scattered as they are over the whole province, was found in arms against Your Majesty, or brought under the charge of sedition or high treason. This proves that we have not refrained to inculcate upon the people, "fear God and honour the King." With these principles, we assure Your Majesty that our people were among the very first, in the depths of a Canadian winter, to leave their homes and families, to rush to the posts of danger, and will be among the last to desert them; and, therefore, equal in danger, in taxation and loyalty, and ever ready to uphold British supremacy against republican institutions, we justly claim from Your Royal Majesty equal favours and equal liberties. It gladdens our hearts that God in his kind Providence has placed an august personage on the Throne of England, and in that personage Your Royal Majesty has proclaimed to the empire, from that ever-illustrious Throne, that Your Majesty's subjects shall enjoy equal rights and equal liberties, and we are confident that the stain of deception shall never rest there.

We beg to state to Your Majesty, that before we received the Royal grant of 700*l.*, in the year 1833, we refused assistance from missionary societies and other resources in the United States of America, and could still receive such aid from the same quarter, but on account of the political influence it not only might, but has produced, in the minds of some people; as it is a well known fact, that in some parts of the province, where congregations have received such aid, there has been everything but a display of attachment to the Government and person of Your Majesty, and on this account we have not availed ourselves of the generous offer.

We would also beg leave most humbly to impress upon Your Majesty's most favourable consideration, that seven of our brethren, who joined the Synod since we received the royal grant, receive no Government allowance. Sir John Colborne, before leaving this province, assured us that we would receive an augmentation, and recommended us to apply for it; and Sir Francis Bond Head informed us personally, that "equal justice in every respect would be done to us;" yet we have received no augmentation, although we have frequently petitioned for it. The reason, we presume, arose from the very protracted delay of the settlement of the "Clergy Reserves;" and as that subject is not likely to come to any final decision for some time, we therefore most humbly pray Your Royal Majesty to take your petitioners' just claims into Your Majesty's most favourable consideration, by granting such an augmentation of Royal bounty in the meantime as will put our brethren upon an equality with us, as it regards the Government allowance.

And may God, "by whom kings and queens reign, and princes determine justice," adorn Your Royal Majesty's mind with every Christian grace, protect your royal person from intestine broils and foreign invasion, and at last assign your Majesty a place upon his right hand among his kings and priests in his Royal palace, is the most ardent and faithful prayer of Your Majesty's most faithful, loyal, and dutiful subjects, and most humble petitioners.

Signed in the name, and on behalf, of the United Synod of the Presbyterian Church of Upper Canada.

(signed) *Robert Boyd*, Moderator.
Prescott, 1 May 1838. *William Smart*, Clerk of United Synod.

— No. 75. —

(No. 140.)

No. 75.
Lord Glenelg to Lieut.-governor Sir Geo. Arthur, 5 September 1838.

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor Sir *George Arthur*, K.C.H.

Sir, Downing-street, 5 September 1838.

I HAVE received your despatch, No. 42, of the 25th July, transmitting a Petition to Her Majesty from the United Synod of the Presbyterian Church of Upper Canada. I have had the honour of laying this Petition at the foot of the Throne, and Her Majesty was pleased to receive the same very graciously.

The Queen has commanded me to express the satisfaction with which Her Majesty has observed the high testimony borne by you to the character and loyalty of the petitioners, and to the spirit of moderation and liberality by which they are distinguished.

It would be very gratifying to Her Majesty, if there were any means of complying at once with the prayer of the Petition; but I regret to be compelled to concur in your opinion, that this is not practicable pending the adjustment of

No. 75.
Lord Glenelg to Lieut.-governor Sir Geo. Arthur, 5 September 1838.

the Clergy Reserve question. I trust, however, that the settlement of that question is much nearer at hand than the petitioners anticipate, and that it may be effected on a basis calculated to satisfy their reasonable desires.

I have, &c.
(signed) *Glenelg.*

— No. 76. —

No. 76.
Sir Geo. Arthur to Lord Glenelg, 21 Sept. 1838.

(No. 63.)

COPY of a DESPATCH from Lieutenant-govesnor Sir *George Arthur*, K. C. H. to Lord *Glenelg*.

Government-House, Toronto,
My Lord, 21 September 1838.

IN compliance with your Lordship's despatch of the 30th March, No. 48, communicating the copy of an Address agreed to by the House of Lords on the 20th March 1838, requesting certain Returns relative to the Clergy Reserves and rectories in Upper and Lower Canada respectively, and desiring me to furnish you with information, so far as the province of Upper Canada is concerned, I have now the honour to transmit to your Lordship herewith the following Returns:—

No. 1. 1st. The Return from the Crown Lands Office, showing the amount of Clergy Reserves sold in Upper Canada in each year since 1827, and the number of acres sold in each year; the total amount for which they were sold; the total amount of money received in each year upon such sales, distinguishing principal from interest; the disposal of sums received on account of principal and interest, and the total amount invested or paid over.

No. 2. 2d. The Receiver-general's account of monies received by him from various sources, and of payments made therefrom for the support of the Protestant clergy within Upper Canada, in each year from 1827 to 1837 inclusive, respectively.

No. 3. 3d. The Surveyor-general's statement of the rectories created in Upper Canada, with an account of the lands assigned to each.

No. 4. 4th. Statement of the salary paid to each of the incumbents of rectories in Upper Canada by warrant on the Receiver-general.

From these Returns your Lordship will gather all the information which this Government can afford in answer to the requisition of the House of Lords.

Upon one of the heads of inquiry, the information can only be officially furnished by the proper department in London, where the amount of the proceeds of successive sales of clergy lands is from time to time understood to be vested in the public funds.

The officer receiving such proceeds in this province pays the amount each year into the military chest, under the authority of a despatch from the Secretary of State, dated 2 April 1831.

I have, &c.
(signed) *Geo. Arthur.*

No. 1.

AN ACCOUNT of CLERGY RESERVES sold in *Upper Canada* in each Year since 1827, stating the Number of Acres sold in each Year, the Total Amount for which they were sold, the Total Amount of Money received in each Year upon such Sales, distinguishing Principal from Interest, the disposal of Sums received on account of Principal and Interest, and the Total Amount invested or paid over.

YEAR.	Total Number of Acres sold in each Year.	Total Amount for which sold, Provincial Currency.	Total Amount of Money received in each Year.	Total Amount of Money received in each Year.	Application of Monies received.			Balances in hands of the Agent for the Sale of Clergy Reserves.	REMARKS.
					Amount of contingent Account for Salary and Disbursements.	Amount paid each Year into the Military Chest.	Amount paid over to the Receiver-general.		
		£. s. d.	Principal. £. s. d.	Interest. £. s. d.	£. s. d.	Principal. £. s. d.	Interest. £. s. d.	£. s. d.	
1827 (*a*)	—	—	—	—	—	—	—	—	(*a*) The agent for the sale of clergy reserves did not enter upon the duties of his office until the 1st April 1828.
1828	None.	- - -	- - -	- - -	(*b*) 996 6 10	—	—	—	(*b*) Amount of contingent account due to the agent.
1829	18,014	13,229 - -	2,466 1 3	None.	1,162 19 6	(*c*) 996 6 10	- - -	306 14 11	(*c*) Credit taken by the agent for advance of last year.
1830	34,705 ½	23,452 4 -	6,216 1 11	None.	829 13 2	None.	None.	5,693 3 8	(*d*) This balance is the amount for which the late Commissioner for the sale of the clergy reserves was apparently responsible upon the face of the Accounts rendered by him on his retirement from office; but his public accounts are in a course of investigation, undertaken at his request, in order to ascertain whether this balance is correctly stated, and in the meantime the representatives of his estate are making payments provisionally into the Bank of Upper Canada, and upon the balance being finally ascertained there will be no delay (as the Government are assured) in closing the account. The Honourable Peter Robinson retired from office 13 July 1836.
1831	28,563 ¼	17,362 12 1 ½	8,010 2 11	259 14 9 ½	1,207 13 -	11,000 - -	None.	1,755 8 4 ½	
1832	48,484 ¾	32,287 19 -	10,239 9 7 ½	473 17 2	1,010 15 -	8,000 - -	797 15 3	2,660 4 11	
1833	62,282 ¼	44,747 19 9	14,080 16 8 ½	854 4 3 ½	1,285 11 9 ½	,500 - -	708 7 9	6,101 6 4 ¼	(*e*) Honourable R. B. Sullivan commences as agent for the sale of clergy reserves.
1834	59,526	41,376 18 7	14,467 9 5 ½	1,182 11 4	1,886 13 7 ½	10,000 - -	1,062 11 4	8,802 9 6	(*f*) The different sums of principal appearing in the seventh column as having been paid into the military chest were so paid under authority of a Despatch from Lord Goderich of 2d April 1831, and this department has no knowledge of the investment or application of such sums in England.
1835	59,003 ½	40,973 15 8	17,000 3 5 ½	1,841 6 3 ½	2,308 16 2 ½	23,000 - -	2,107 9 1 ½	227 12 11	
1836 to 13 July inclusive.	19,076	13,229 4 5	9,396 19 9	1,395 18 6	1,259 11 5	3,500 - -	1,317 17 9 ½	(*d*) 4,943 2 11 ½	These sums to be added together to show total amount.
From (*e*) 14 July to 31 December inclusive, 1836.	44,364 ½	27,755 10 - ½	9,076 3 10 ½	1,084 1 6 ½	1,023 4 3 ¼	None.	None.	9,137 1 1 ¾	£. 8,560. 8 *s.* 5 ½ *d.* paid over within a few days of the close of 1836, and brought into first semi-annual account current of 1837.
1837	81,549	52,253 7 4	18,318 6 8	2,637 8 8	1,266 5 4 ½	22,475 6 11	1,302 18 7	2,463 4 1	
1838 to 30 June	11,173 ¾	7,481 9 3	5,346 19 3	1,120 - 7	1,444 16 -	6,000 - -	954 10 8	530 17 3	First half year of 1838 only.
TOTAL - -	466,742 ½	314,150 - 2	114,618 14 10 ½	10,849 3 2	15,682 6 2 ¼	(*f*) 94,471 13 9	8,251 10 6	Inclusive, from year to year.	

Crown Lands Office, Toronto,
25 August 1838.

R. B. Sullivan.

No. 2.

AN ACCOUNT of Monies received from various Sources by Her Majesty's Receiver-general of *Upper Canada*, and of Payments made therefrom for the Support of a Protestant Clergy within the said Province, in each Year, from 1827 to 1837 inclusive, respectively.

Year.	RECEIPTS.	Sterling, Dollars at 4 *s.* 6 *d.*	Year.	PAYMENTS.	Sterling, Dollars at 4 *s.* 6 *d.*
		£. *s.* *d.*			£. *s.* *d.*
1827	By balance remaining on the 1st January in the fund applicable to the support of a Protestant clergy -	574 13 10½	1827	To paid the additional stipend to the rector of York for the present year - - - - - -	225 - -
	By received from the Casual and Territorial Fund under warrants -	600 - -		To paid salaries to two archdeacons for the same period - - -	600 - -
				To paid for patents constituting the two archdeaconries of York and Kingston - - - - - -	132 6 11
1828	By received from the Casual and Territorial Fund under warrants -	600 - -	1828	To paid salaries to two archdeacons for the year 1828 - - -	600 - -
				To paid additional stipend to the rector of York for the same period	225 - -
				To paid the Hon. Dr. John Strachan his travelling expenses on account of the clergy, on his mission to England - - - - - -	610 10 -
1829	By received from the officers collecting the rents of clergy reserves under lease - - - - -	326 18 11½	1829	To paid the salaries of two archdeacons for the year 1829 - -	600 - -
	By received from the Casual and Territorial Fund under warrants -	600 - -		To paid additional stipend to the rector of York for the same period	225 - -
1830	By received from the officer collecting the rents of clergy reserves under lease - - - - -	585 - -	1830	To paid the salaries of two archdeacons for the year 1830 - -	600 - -
				To paid additional stipend to the rector of York for the same period	225 - -
	By received from the Casual and Territorial Revenue Fund under warrants - - - - - -	600 - -		To paid salary to the Rev. George O'Kill Stuart, as one of the established clergymen of this province, for the same period - - -	100 - -
1831	By received from the sureties of the late Stephen Steward, esq., on account of a defalcation in his accounts as secretary to the Clergy Corporation - - - - -	360 - -	1831	To paid the salaries of two archdeacons for the year 1831 - -	600 - -
				To paid additional stipend to the rector of York, in full satisfaction of all further claims on this head -	90 -
	By received from the officers for collecting the rents of clergy reserves under lease - - - - -	630 - -		To paid salary to the Rev. George O'Kill Stuart, as one of the established clergymen of this province, for the year 1831 - - -	100 - -
	By received from the Casual and Territorial Revenue Fund under warrants - - - - - -	600 - -			
	By received from the Crown Fund, 14 Geo. 3. - - - - -	100 - -			
1832	By received from the officer collecting the rents of clergy reserves under lease - - - - -	450 - -	1832	To paid two archdeacons for the year 1832 - - - - -	787 10 -
				To paid salary to the Rev. George O'Kill Stuart, as one of the established clergymen of this province, for the same period - - -	100 - -
	By received from the officer collecting the interest on clergy lands sold - - - - - - -	717 19 8¾		To paid salaries to the following missionaries, for the six months from 1st July to 31st December 1832 inclusive; viz.	
	By received from the Casual and Territorial Revenue Fund under warrants - - - - - -	- none.		28 missionaries - £. 100 - each 3 ditto - 75 - „ 5 ditto - 50 - „ 2 ditto - 43 15 „	
					2,362 10 -

No. 2.—Account of Monies received and Payments made for Support of a Protestant Clergy in *Upper Canada*, &c.—*contd.*

Year.	RECEIPTS.	Sterling, Dollars at 4 *s.* 6 *d.*	Year.	PAYMENTS.	Sterling, Dollars at 4 *s.* 6 *d.*
		£. *s.* *d.*			£. *s.* *d.*
1833	By received from the officer collecting the interest on clergy lands sold - - - - - - -	637 10 11¾	1833	To paid two archdeacons for the year 1833 - - - - - -	920 6 8
	By received from the officer collecting the rents of clergy reserves under lease - - - - -	1,689 6 –		To paid salary to the Rev. George O'Kill Stuart, as one of the established clergymen of the province, for the same period - - -	100 – –
	By received from the officer in London for receiving the dividends on monies founded in England arising from the sale of clergy lands, and remitted by the proper officer -	864 18 7½		To paid salaries to the following missionaries, for the half year from 1st January to 30th June 1833 inclusive; viz.— 26 missionaries - £. 100 each; 2 ditto - - 75 „; 2 ditto - - 65 „; 3 ditto - - 25 „; 7 ditto - - 50 „	3,305 – –
				To paid salaries for the half year ending the 31st December 1833:— 1 missionary £. 70 – –; 19 ditto - 46 13 4 each; 4 ditto - 25 – – „; 1 ditto - 35 – –; 1 ditto - 15 – –; 5 ditto - 33 6 8 each	1,272 6 8
				To paid for the erection of a house, and preparing a glebe at Adelaide, on account - - - - -	45 – –
				To paid on account of a parsonage-house at the Mohawk Settlement -	90 – –
1834	By received from the officer collecting the rents of clergy reserves under lease - - - - -	3,685 11 3¾	1834	To paid two archdeacons for the year 1834 - - - - - -	1,003 15 –
	By received from the officer collecting the interest on clergy leases sold - - - - - - -	956 6 3½		To paid salary to the Rev. George O'Kill Stuart, as one of the established clergymen, &c. same period	100 – –
	By received from the officer in London for receiving the dividends on monies funded arising from the sale of clergy lands, and remitted by the proper officer - - -	486 10 –		To paid salary to the secretary of the Clergy Corporation, for the period from the 1st March 1833 to 31st December 1834, inclusive - -	349 8 6¾
	By received from the Casual and Territorial Revenue Fund, under warrant to enable the Receiver general to pay 85 per cent. on the salaries of the missionaries of the Church of England in this province, and pensions to retired missionaries and widows, formerly paid by the Society for the Propagation of the Gospel, in part -	2,301 5 –		To paid salaries to the following missionaries, for the half year from 1st January to 30th June 1834 inclusive; viz.— 32 missionaries - £. 70 each; 13 ditto - - 50 „; 2 ditto - - 25 „	2,870 – –
				To paid 85 per cent. on the missionaries' salaries, and pensions to retired missionaries and widows, formerly paid by the Society for the Propagation of the Gospel, for the half year ending the 31st December 1834; viz.— 1 missionary £. 120 – –; 24 ditto - 100 – – each; 3 ditto - 57 10 – „; 11 ditto - 50 – – „; 1 ditto - 33 6 8; 4 ditto - 30 – – each; 2 retired miss. 50 – – „; 1 ditto - 15 – –; 2 widows - 25 – – each	3,560 16 8
				To paid for the ordinary and incidental expenses of the office of the Clergy Corporation during 1834 -	155 7 11¼
				To paid expenses incurred in the inspection of clergy reserves, same period - - - - -	559 12 10¼

(*continued.*)

No. 2.—Account of Monies received and Payments made for Support of a Protestant Clergy in *Upper Canada*, &c.—*contd.*

Year.	RECEIPTS.	Sterling, Dollars at 4 *s.* 6 *d.*	Year.	PAYMENTS.	Sterling, Dollars at 4 *s.* 6 *d.*
		£. *s.* *d.*			£. *s.* *d.*
1835	By received from the officer collecting the rents of clergy reserves under lease - - - - -	3,801 19 6½	1835	To paid two archdeacons for the year 1835 - - - - - -	1,003 15 –
	By received from the officer collecting interest on clergy lands sold -	1,896 15 1¼		To paid salary to the Rev. George O'Kill Stuart, as one of the established clergymen of this province, for the same period - - -	100 – –
	By received from the officer in London for receiving the dividends on monies funded arising from the sale of clergy lands, and remitted by the proper officer - - -	1,089 15 4¾		To paid salary to the secretary of the Clergy Corporation, for the same period - - - - - -	270 – –
	By received from the Casual and Territorial Fund under warrants -	2,529 11 8		To paid salaries to the under-mentioned missionaries, and pensions to retired missionaries and widows, for the half year from the 1st January to the 30th June 1835, inclusive; viz.—	
				1 missionary £.127 10 – (including arrears.)	
				24 missionaries - 85 – – each	
				1 ditto - 70 – –	
				2 ditto - 63 15 – each	
				15 ditto - 50 – – „	
				2 retired miss. 50 – – „	
				1 ditto - 15 – –	
				2 widows - 25 – – each	
				1 ditto - 33 6 8 (including arrears.)	
				1 widow ditto - 50 – –	3,363 6 8
				To paid ditto for the half year ending 31st December 1835; viz.—	
				1 missionary - £. 70 – (including arrears.)	
				24 missionaries - 85 – each	
				2 ditto - 63 15 „	
				14 ditto - 50 – „	
				3 retired miss. - 50 – „	
				1 ditto - 15 – „	
				4 widows - 25 – each	3.202 10 –
				To paid on account of the glebe houses in Carradoc and Adelaide -	118 18 1¾
				To paid ordinary and incidental expenses of the Clergy Corporation Office, for the year 1835 - -	65 18 10
1836	By received from the officer in London for receiving the dividends on monies funded arising from the sale of clergy lands, and remitted by the proper officer - - -	655 7 1¾	1836	To paid two archdeacons for the year 1836 - - - -	1,063 14 6
	By received from the officer collecting the rents of clergy reserves under lease - - - - -	2,141 5 1¼		To paid salary to the Rev. George O'Kill Stuart, as one of the established clergymen, for the same period - - - - -	100 – –
	By received from the officer collecting the interest on clergy lands sold - - - - - - -	1,186 2 3¾		To paid salary to the secretary of the Clergy Corporation, same period -	270 – –
	From the Casual and Territorial Revenue Funds under warrants -	2,565 12 6		To paid salaries to the under-mentioned missionaries and pensions to retired missionaries and widows, for the half year from 1st January to 30th June 1836, inclusive; viz.—	
				22 missionaries £.85 – each	
				1 ditto - - 76 –	
				1 ditto - - 70 –	
				2 ditto - - 63 15 each	
				16 ditto - - 50 – „	
				2 retired miss. - 50 – „	
				1 ditto - - 15 –	
				7 widows - - 25 – each	2,233 10 –

No. 2.—Account of Monies received and Payments made for Support of a Protestant Clergy in *Upper Canada*, &c.—*contd.*

Year.	RECEIPTS.	Sterling, Dollars at 4 *s.* 6 *d.*	Year.	PAYMENTS.	Sterling, Dollars at 4 *s.* 6 *d.*
		£. *s.* *d.*			£. *s.* *d.*
1836			1836	To paid salaries to the under-mentioned missionaries, and pensions to retired missionaries and widows, for the half year ending 31st December 1836; viz.—	
				23 missionaries £. 85 – each	
				1 ditto - 70 –	
				1 ditto - 63 15	
				19 ditto - 50 – each	
				2 retired miss. - 50 – ,,	
				1 ditto - 15 –	
				7 widows - 25 – each	
					3,328 15 –
				To paid expenses for the inspection of clergy reserves - - -	23 2 –
				To paid ordinary and incidental expenses of the Clergy Corporation Office, for the year 1836 - -	92 13 10¾
				To paid on account of the parsonage house for the Rev. Saltern Givins, Mohawk Indians, Bay of Quinté -	270 – –
				To paid on account of the parsonage house at Adelaide - - -	97 2 5¼
1837	By received from the officer in London for receiving the dividends on monies funded arising from the sale of clergy lands, and remitted by the proper officer - - -	1,105 – –¼	1837	To paid two archdeacons for the year 1837 - - - - - -	1,003 14 6
				To paid salary to the Rev. George O'Kill Stuart, as one of the established clergy, for the same period	100 – –
	By received from the officer collecting the rents of clergy reserves under lease - - - - -	1,798 16 5		To paid salary to the secretary of the Clergy Corporation, for the year 1837 - - - - - -	270 – –
				To paid salaries to the under-mentioned missionaries, and pensions to retired missionaries and widows, for the half year ending the 30th June 1837; viz.—	
	By received from the officer collecting the interest on clergy lands sold - - - - - - -	3,499 4 1¼		22 missionaries £. 85 – each	
				1 ditto - 75 – (including arrears.)	
				2 missionaries - 70 – each	
	By received from the Casual and Territorial Revenue Fund under warrants - - - - - -	2,588 6 8		2 ditto - 63 15 ,,	
				17 ditto - 50 – ,,	
				2 retired miss. - 50 – ,,	
				1 ditto - 15 –	
				7 widows - 25 – each	
					3,352 10 –
				To paid ditto, for the half year ending the 31st December 1837; viz.—	
				22 missionaries £. 85 – – each	
				1 ditto - 70 – –	
				1 ditto - 63 15 –	
				18 ditto - 50 – – each	
				1 ditto - 38 6 8	
				2 retired miss. - 50 – – each	
				1 ditto - 15 – –	
				7 widows - 25 – – each	
					3,232 1 8
				To paid contingencies of the Clergy Corporation Office, for the year 1837 - - - - -	55 10 10¾

Receiver-general's Office, Toronto, Upper Canada, 11 June 1838.

John H. Dunn,
Her Majesty's Receiver-general.

No. 3.

STATEMENT of LANDS recommended by an Order in Council, dated 15 January 1836, to be set apart for the ENDOWMENT of the CHURCHES in the Townships under-mentioned.

No.	Name of Incumbent.	Rectory.	Land assigned.				Remarks.
			Lot.	Con.	Township.	Acres.	
1	Hon. and Venerable Archdeacon Strachan	Toronto - -	6, 9, 22	2d Con. from Bay	York - - -	800	
			17	3 do.			
2	Rev. R. F. Grout -	Grimsby - -	11, 12, 13, 14	6	Grimsby - -	400	
3	Rev. John Miller -	Ancaster - -	39, 40	5	Ancaster - -	400	
4	Rev. George Mortimer	Thornhill - -	N. ½ 27	1	Vaughan - -	105	
5	Rev. John Gamble Geddes - -	Hamilton, District of Gore -	6	13	Flamborough East	400	Patent not completed.
			2	14			
6	Rev. Francis Evans -	Woodhouse -	S.W. ¼ 1	3	Woodhouse - -	402	
			S. ½ of N. ½ 1	3			
			S.W. ¼ 2	3			
			N. pt 6	1			
			Pt of 10	4			
7	Rev. John Grier -	Ameliasburgh -	96, 102	2	Ameliasburgh -	400	Patent not completed.
8	Rev. F. Mack - -	Wellington-square	2	2	Flamborough East	400	
			10	4			
9	Rev. R. Blakey -	Augusta - -	18, 19, and Commons between.	4	Augusta - -	450	
10	Rev. Samuel Armour	Cavan - -	17	4	Cavan - - -	400	
			10	10			
11	Rev. William Macaulay	Hallowell - -	N. E. pt Block D.	- -	Sophiasburgh -	About 400	
12	Rev. Michael Harris -	Perth - -	17	7	Bathurst - -	200	
			4	1	Drummond - -	200	
13	Rev. W. H. Gunning	Elizabethtown -	19, 20	5	Elizabethtown -	400	
14	Rev. H. Patton -	Oxford, J. D. -	E. ½ 15	1	Oxford, J. D. -	450	
			16	1			
			16	6			
15	Rev. John Anderson -	Bertie - -	6, 7	5	Bertie - - -	400	
			6, 7	6			
16	Rev. R. H. D'Olier -	Peterborough -	17	2	Smith - - -	About 420	
			40	13			
			Park Lots 15 and 16 in 13	13 Con.	Monaghan - -		
			Town Lots 1, 2, 3, 4, on Hunter Water & Brock Streets - - -		Town of Peterborough - -		
17	Rev. William Betteridge	Woodstock -	2	1	Oxford West -	400	
			16	5	Oxford East -		
18	Rev. Charles Matthews	St. John's Church, Yonge-street -	14	2d E. Y. S.	York - - -	200	
19	Rev. A. N. Bethune -	Cobourg - -	Pt of 15 Bro. Ft B.		Hamilton - -	About 400	
			W. ¼ 15 Bro. Ft A.				
			27	6 Con.			
			E. ½ 2	7			
20	Rev. George Archbold	Cornwall - -	19 and Wt 150 ac. of 38.	8	Cornwall, 350 ac.	410	
			Also a strip of land between rear boundary of town of Cornwall and front of 2d Con. of Cornwall, as reckoned by eastern boundary, 64 ac. - - - - - -				

No. 3.—STATEMENT of Lands recommended to be set apart for the Endowment of Churches, &c.—*continued*

No.	Name of Incumbent.	Rectory.	Land assigned.				Remarks.
			Lot.	Con.	Township.	Acres.	
21	Rev. J. G. Beck Lindsay	Williamsburgh	Part of Centre Commons.	1st and 2d Con.	Williamsburgh, 37½ acres	400½	Patent not completed.
			Centre Commons between Lots 18 & 19.	1st, 3d, and 4th Con.	Of Matilda, 163 acres		
			19	5th W. By.	Matilda		
22	Rev. Dominick E. Blake	Adelaide	12	1st N.E.R.	Adelaide	401	
			25	1st S.E.R.			
			8 and 9	Front A.	Town of Adelaide		
23	Rev. T. Phillips, D. D.	Etobicoke	3 and 4 W. p^{t} 3	1st range	Etobicoke	205	
				2^{d} range			
			4	2^{d}, 3^{d}, and 4th ranges			
24	Rev. Edward J. Boswell	Carleton Place	26	2 Con.	Ramsay	400	Patent not completed.
			2	7			
25	Rev. Mark Burnham	St. Thomas	5	7	Yarmouth	400	ditto.
			17	4	Southwold		
26	Rev. John Ratcliffe	Warwick	15 and 25	1st S.E.R.	Warwick	400	
27	Rev. V. P. Meyerhoffer	Markham	9	5	Markham	400	
			19	9	Vaughan		
28	Rev. A. H. Burwell	Bytown	17 and 18	1st Con. on Ottawa	Gloucester	about 400	Patent not completed.
29	Rev. James Magrath	Toronto	23	2	Chinguacoury	about 400	ditto.
			29	4th E.H.S.			
			9	Indian reserve on credit, part of Racey property, Toronto			
30	Rev. John Cochrane	Belleville	16 and 17 R^{t} p^{t} 4	3 Con.	Thurlow	418	
				1			
31	Parish Church	Bath	F^{t} 50 ac. 12	4	Ernestown	400	
			13 W. ¾ 14				
32	Rev. Saltern Givins	Napanee	15 and 16	4	Richmond	400	
33	Parish Church	Williamsburgh	18 and 19	4	Williamsburgh	400	
34	Rev. James Padfield	March	2 and 32	4 on Rideau	Nepean	400	Patent not completed.
35	Parish Church	Town of Richmond	24	5	Goulburn	400	
		Dist. of Bathurst	17	9	Fitzroy		
36	Rev. R. Lugger	Brantford	3	2	Burford	400	Patent not completed.
			9	3			
37	Rev. Benjamin Cronyn, 2d church in township of London	London	12	Con. C.	London	404½	
			15	7			
			N.E. corner of 16	3			
			being 4½ acres deeded by Rev. Benjamin Cronyn to the Crown				
38	Rev. Romain Rolph	Amherstburg	80 and 81	7	Malden	400	
39	Rev. James Clarke	St. Catharine's	3	5	Grantham	400	
			3	6			
40	Rev. James Clarke	Louth	11, 12	4	Louth	300	
			12	5			
41	Rev. James Clarke	Thorold	98, 99, 10, and 121	- -	Thorold	400	
42	Rev. William Leeming	Chippewa	72, 88, 89, and 106	- -	Stamford	400	
43	Rev. Richard Flood	Delaware	22	1st range, N. of S.W.R^{d}	Carradoc	435	Patent not completed.
			16	1 Con.			
44	Rev. Job Deacon	Adolphustown	24, 25	1 Con.	Adolphustown	164	
			6, 7, 8	N. of 3^{d} S^{t}	Town of Adolphus town		
			7, 7, 8	S. of 4th S^{t}			

(*continued.*)

No. 3.—STATEMENT of Lands recommended to be set apart for the Endowment of Churches, &c.—*continued.*

No.	Name of Incumbent.	Rectory.	Land assigned.				Remarks.
			Lot.	Con.	Township.	Acres.	
45	Rev. Job Deacon -	Fredericksburgh	9, 10, 11	2d Con.	Fredericksburgh -	250	
46	Rev. William Johnson	Sandwich - -	3 Ft in N. ½, 1 bet. River aux Puce and River aux Peche - - - 8	E. of River aux Puce Bro. front	Maidstone - - Tilbury West -	about 400	Patent not completed.
47	Parish Church of St. George - -	Clarke - -	20, 27 15 ac. on lot 34.	2d Con. N. of road 2d Con.	Clarke - -	400 15	given by S. S. Wilmot, Esq.
48	Parish Church of St. John - - -	Darlington -	25, 31	1 Con.	Darlington - -	400	
49	Rev. Jonathan Shortt	Beckwith - -	N.E. ½ 21 W. ½ 26 17	2 2 1	Beckwith - -	400	
50	Parish Church - -	Chatham - -	8, 15 2 bet. Belle River and River Ruscum - - -	1 Con.	Tilbury West - Rochester - -	about 400	Patent not completed.
51	Rev. Thomas Creen -	Niagara - -	126, 127, 128, 130	- -	Niagara - -	400	
52	Rev. Arthur Palmer -	- - -	- - Lot C. division A., reserve lot bet. C. and River Speed, lots 14 and 15, division A. - - - Centre Pt of St. George's-square - - - Rt ½ 3 and 4 Bro. 3 and 4	 10 Con. 11	Guelph, 86 acres - Town of Guelph, 54½ perches - Puslinch - -	326	
53	The Archdeacon -	Kingston - -	Block C. adjoining town of Kingston, 18 acres - E. ¾ 12 13 W. ¾ 14 42	 4 Con. 3	 Kingston - - Earnestown - -	700	
54	Parish Church - -	Barrie - -	28 10 10 131, 132, 133, N. of Marks-street - - 114, 115, N. of Worsley-street - - 116, S. of M'Donald-street - - -	13 14 8	Innisfil - - Town of Barrie -	420	
55	Rev. J. Coghlan -	Port Hope -	Pt of 9 27 6	1 Con. 4 8	Hope - - - Hope - - - Hope - - -	36 400	Being land surrendered by Mr. Coghlan.
56	Rev. Benjamin Cronyn	London - -	13 Pt of 15	Con. C. 3 Con.	London - -	375	
57	Rev. Wm. Betteridge	Woodstock -	- Lots Nos 1 to 15, bounded on west by Bexley-street and River Thames, and on east by Givins-street -		Town of Woodstock	29	Assigned by Order in Council, 27 Nov. 1834.
					TOTAL Number of Acres - - -	22,116	

Surveyor-general's Office, Toronto, U. C.,
7 September 1838.

R. B. Sullivan.

No. 4.

LIST of SALARIES and PENSIONS paid to the CLERGY and MISSIONARIES of the CHURCH OF ENGLAND in *Upper Canada*, and their WIDOWS, for the Half-year ending the 30th June 1838.

	£.	s.	d.	
Archibald, George	85	–	–	Cornwall, Eastern District.
Anderson, John	85	–	–	Fort Erie, Niagara District.
Atkinson, A. F.	50	–	–	Bath, Midland District.
Armour, Samuel	85	–	–	Cavan, New Castle District.
Bethune, A. N.	85	–	–	Coburg, New Castle District.
Betteridge, William	50	–	–	Woodstock, London District.
Blake, D.	50	–	–	Adelaide, London District.
Blakey, Robert	85	–	–	Prescott, Johnstown District.
Boswell, E. J.	85	–	–	Carlton-place, Bathurst District.
Burnham, —	85	–	–	St. Thomas, London District.
Clarke, James	85	–	–	St. Catharine's, Niagara District.
Cochrane, John	50	–	–	Belleville, Hastings District.
Creen, Thomas	85	–	–	Niagara, Niagara District.
Crenyer, Benjamin	50	–	–	London, London District.
Deacon, Jacob	85	–	–	Adolphustown, Midland District.
Denroche, Edward	50	–	–	Brockville, Johnstown District.
Evans, Francis	85	–	–	Simcoe, Talbot District.
Flood, Richard	50	–	–	Delaware, London District.
Fuller, F. B.	50	–	–	Chatham, Western District.
Geddes, S G.	50	–	–	Hamilton, Gore District.
Givins, Saltern	85	–	–	Bay of Quinto, Midland District.
Grier, J.	85	–	–	Carrying-place, Prince Edward District.
Grant, G. H. F.	85	–	–	Grimsby, Niagara District.
Gunning, W. H.	85	–	–	Elizabethtown, Johnstown District.
Harris, M.	85	–	–	Perth, Bathurst District.
Johnson, W.	50	–	–	Sandwich, Western District.
Leeming, W.	85	–	–	Chippawa, Niagara District.
Lindsay, J. G. B	85	–	–	Williamsburgh, Eastern District.
Macaulay, W.	85	–	–	Picton, Prince Edward District.
Mach, Frederick	50	–	–	Amherstburgh, Western District.
Magrath, James	63	15	–	Toronto Township, Home District.
Mayerhoffer, V.	50	–	–	Markham, Home District.
Miller, John	85	–	–	Ancaster, Gore District.
Mortimer, George	50	–	–	Thornhill, Home District.
Padfield, James	50	–	–	Beckwith, Bathurst District.
Palmer, Arthur	50	–	–	Guelph, Gore District.
Patta, Henry	85	–	–	Kempville, Bathurst District.
Phillips, Thomas	70	–	3	Etobicoke, Home District.
Radcliff, John	50	–	–	Warwick, London District.
Rogers, R.	50	–	–	Richmond, Bathurst District.
Rolph, Romaine	85	–	–	Osnabruck, Eastern District.
Short, Jonathan	50	–	–	Port Hope, New Castle District.
Stuart, George O'Kill	85	–	–	Kingston, Midland District.
Strachan, John	116	17	6	Toronto, Home District.
Wade, W. F. L.	50	–	–	Peterborough, New Castle District.
£.	3,155	12	6	

RETIRED MISSIONARIES:

Leming, Ralph	50	–	–	Ancaster, Gore District.
Patterson, John	15	–	–	Markham, Home District.
Thompson, Joseph	50	–	–	Cavan, New Castle District.
£.	115	–	–	

WIDOWS RECEIVING PENSIONS:

Mrs. Mountain	25	–	–	Cornwall, Eastern District.
Mrs. Sampson	25	–	–	Grimsby, Niagara District.
Mrs. Addison	25	–	–	Niagara, Niagara District.
Mrs. Moseley	25	–	–	Bay of Quinto, Prince Edward District.
Mrs. Campbell	25	–	–	Bath, Midland District.
Mrs. Weogant	25	–	–	Williamsburgh, Eastern District.
Mrs. Stoughton	25	–	–	Bath, Midland District.
£.	175	–	–	

RECAPITULATION OF THE FOREGOING ACCOUNT.

	£.	s.	d.
Salaries to Missionaries, &c.	3,155	12	6
Pensions to retired ditto	115	–	–
Pensions to Widows	175	–	–
Amounting to	£. 3,445	12	6 Sterling.

Recciver-general's Office, Toronto,
21 September 1838.

John H. Dunn, H. M. R. G

205.

RETURN to an Address of the House of Lords, of the 20th March 1838, calling for RETURNS showing the Amount of the CLERGY RESERVES sold in *Lower Canada* since 1827, &c., made by Order of his Excellency Sir *John Colborne*, Administrator of the Government, dated 7th May 1838, so far as it is in the power of this Department to furnish the same.

Year.	Acres sold on Quit Rent.	Capital.	Number of Acres sold absolutely.	Price.	Quit Rent received.	Instalments received.	Amount paid to Commissary-general.	Amount paid to Presbytery of Quebec.
		£. s. d.		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1827	nil	nil	nil	nil	nil	nil	nil	nil.
1828	—	—	—	—	—	—	—	—
1829	900	190 – –	200	40 – –	13 10 –	10 – –	—	—
1830	1,800	360 – –	8,156	1,250 3 –	18 – –	543 17 –	—	—
1831	5,700	1,140 – –	5,632	1,525 9 3	57 – –	541 7 6	700 – –	—
1832	– –	– – –	6,873	1,278 11 8	– –	533 2 6	700 – –	—
1833	– –	– – –	37,278	12,791 17 5	– –	3,454 11 6½	3,500 – –	—
1834	– –	– – –	77,265	17,875 19 1	15 – –	7,461 8 4¼	6,437 – –	—
1835	– –	– – –	111,275	23,415 16 11½	– –	10,676 11 10¼	9,500 – –	—
1836	– –	– – –	34,310	8,568 15 4	– –	15,159 11 2½	11,000 – –	—
1837	– –	– – –	18,822½	5,457 4 7½	25 5 –	11,916 5 6¾	10,146 5 3½	555 11 1
						50,296 15 6½		
	Gross Expense of Collection and other contingent Expenses of Printing, Stationery, Postage, &c., during the above years – – – –					4,929 1 8½		
TOTAL	8,400	1,690 – –	299,811½	72,203 17 4	128 15 –	45,367 13 10	41,983 5 3½	555 11 1

The Account of Collections and Disbursements from 1st of January to 6th of August 1836 has not been rendered by the late Mr. Felton.

No Rectories have been created in Lower Canada.

Office of Crown Lands, Quebec, 21 May 1838.

(signed) *John Davidson.*
T. Bouthillier.

— No. 77. —

(No. 95.)

COPY of a DESPATCH from Lieutenant-governor Sir *G. Arthur*, K. C. H. to Lord *Glenelg*; dated Toronto, 28 November 1838.

No. 77.
Sir G. Arthur to Lord Glenelg, 28 Nov. 1838.

My Lord,

AT the request of the Bishop of Montreal, and the clergy of the Church of England in this province, I have the honour to transmit herewith an Address to your Lordship from that body, adopted at their recent visitation held in this city, in which they express their sentiments respecting the appropriation of the Clergy Reserves, and pray for a judicial decision of that question,—the present fruitful cause of agitation in this country.

An address of similar import they have presented to me, of my answer to which I beg to enclose your Lordship a copy.

The bishop and clergy presented to me, at the same time, an address of congratulation on my assuming the government of this province; a copy of which, and my reply to it, I have also the honour to enclose.

I have, &c.

(signed) *Geo. Arthur.*

Enclosure 1, in No. 77.

To the Right honourable Lord *Glenelg*, Her Majesty's Principal Secretary of State for the Colonies, &c. &c. &c.

Encl. 1, in No. 77.

May it please your Lordship,

WE, the Clergy of the Established Church of Upper Canada at this time assembled under the authority of the Lord Bishop of the Diocese, beg leave to present this our memorial to your Lordship, touching a question of the most vital interest to your memorialists, and deeply affecting the inhabitants of the province at large.

Your memorialists beg to represent, that by the Act of 31 Geo. 3, c. 31, one-seventh of the lands of this province has been set apart for the support of the Protestant clergy therein.

That your memorialists, after a careful and patient investigation of all the arguments which have been advanced on the subject of this reservation, remain not only unchanged, but more confirmed in the opinion that the Clergy Reserves were by that Act designed solely and exclusively for the Church of England.

That your memorialists, from a careful examination of that Act, and of every authority which can be brought to illustrate it, can arrive at no other conviction than that the power delegated therein to the Provincial Legislature, to "vary or repeal" its provisions, has no application to the reservations of land which have already been made, but can be construed merely into a permission to vary the amount of appropriation, or regulate and restrain it for the future.

That whereas doubts have been raised as to the legality of the exclusive claim of your memorialists to the Clergy Reserves, they have uniformly expressed a willingness to submit the question to a judicial tribunal competent to pronounce a decision, and respectfully to yield to the judgment which in such case should be awarded.

That against any proposal for the settlement of this question which should go to alienate the Clergy Reserves from the original object of their appropriation, the religious instruction of the people of this province, your memorialists feel bound by a most solemn sense of duty to record their decided protest.

That, with a view to the settlement of this question, any plan for the division of this property amongst various sects and denominations, which would directly compromise the principles as well as interests of the Established Church, endanger the cause of Protestantism, and lead to a religious discord, which must prove the fruitful and permanent source of civil disunion, your memorialists are constrained, from an equal sense of duty, to oppose.

That your memorialists feel bound to express it as their decided conviction, that the agitation which has ensued from the discussion of this question, and the excitement of

No. 77. Sir G. Arthur to Lord Glenelg, 28 Nov. 1838.

Encl. 1, in No. 77.

which it has been rendered the instrument, are not to be ascribed to the simple merits of the question itself, but to the misrepresentations and abuse of the public mind, which in many cases, for interested and unhallowed purposes, have been industriously made.

That although, in the opinion of your memorialists, the operation of the Act for the appropriation of the Clergy Reserves, as understood by themselves, could not possibly prove a grievance, but a blessing of the highest order to the community, they do not view without pain and anxiety the political disquiet and religious animosity to which the agitation of this question has unhappily given rise, and that they are most desirous of its adjustment upon some basis which may ensure the peace, as well as preserve the religious interests of the country.

That, from the influence of conflicting prejudices and interests, your memorialists are firmly of opinion that an impartial, equitable, and satisfactory adjustment of the question of the Clergy Reserves cannot be expected from the Provincial Legislature.

That your memorialists, not deeming themselves competent to make any concession which may compromise or appear to compromise in any degree the interests of the Church and their successors in the ministry, earnestly pray, for the sake of peace, a judicial decision of the question before a competent tribunal, either the Judges of England or the judicial branch of Her Majesty's most Honourable Privy Council; or should this their honest prayer be found, after every effort, unavailing, that then an Act be passed by the Provincial Legislature, reinvesting the Clergy Reserves in the Queen in Parliament, to be appropriated for the support of a Protestant clergy in this province, according to the spirit and intention of the Constitutional Act.

Wherefore your memorialists most earnestly solicit your Lordship to interpose the influence of your high station in behalf of this their prayer.

That the Divine wisdom and blessing may direct the consultations of your Lordship to the glory of God and to the good of his people, is the fervent prayer of the clergy of Upper Canada.

In the name and on behalf of the Clergy,

(signed) *G. Montreal.*
George O'Kill Stuart, LL.D.
Archdeacon of Kingston.
John Strachan, D.D. LL.D.
Archdeacon of York.

Toronto, Upper Canada,
11 October 1838.

Enclosure 2, in No. 77.

Encl. 2, in No. 77.

To the Reverend the Clergy of the Established Church of *England*, in Visitation assembled, under the Authority of the Lord Bishop of the Diocese of *Montreal*.

I HAVE perused with deep attention the Memorial wherein you bring under my consideration the question of the Clergy Reserves, praying that they may not be alienated from the original object of their appropriation, but that they may be preserved to the exclusive benefit of the Established Church of England in Upper Canada.

It is my intention to bring before the Legislature, at its next session, a Bill, reinvesting these Reserves in the Crown, as a primary measure, and, in discussing with them the Church question generally, to devise such remedies as may prove the means of effecting an equitable and a satisfactory adjustment of the claims both of yourselves and others.

Believe me, that I feel the most lively interest in this matter; and that it is, and long has been, my earnest desire to reconcile the differences to which the agitation of the question forming the subject of your Memorial has given rise.

The present unsettled state of the province is a serious impediment to the calm and dispassionate consideration of points affecting the interests of the Church; but I look with confidence to the eventual establishment of order, and to the return of confidence and security.

(signed) *George Arthur.*

— No. 78. —

(No. 198.)

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor Sir *G. Arthur*, K.C.H., dated Downing-street, 15 November 1838.

No. 78.
Lord Glenelg to Sir G. Arthur, 15 Nov. 1838.

Sir,

I HAVE the honour to acknowledge the receipt of your Despatch of the 28th November last, No. 95, transmitting an address to me from the Bishop of Montreal and clergy of the Church of England in Upper Canada, praying for a judicial decision of the question respecting the clergy reserves, either before the Judges of England, or before the Judicial Committee of Her Majesty's Privy Council.

In reply I have to inform you, that as Her Majesty's Government see no reason to doubt the correctness of the opinion delivered on this subject in 1819 by the law officers of the Crown, they do not consider it necessary to originate any proceedings on the subject before the Judges of England or the Privy Council.

I have, &c.

(signed) *Glenelg.*

— No. 79. —

EXTRACT of Sir *George Arthur*'s Speech to the Legislature of *Upper Canada*, at the opening of the Session, 27 February 1839.

No. 79.
Extract of Sir George Arthur's Speech, 27 February 1839.

THE strongly excited feelings to which the long-agitated question of the clergy reserves has given rise in the province, have sensibly impaired that social harmony which may be classed among the first of national blessings, and have augmented the hopes of the enemies of the country, in proportion as they have created divisions among its defenders. It is painful to reflect, that a provision piously and munificently set apart for the maintenance of religious worship, should have become the cause of discord among the professors of the same faith, and servants of the same Divine Master; and I feel that, on every account, the settlement of this vitally important question ought not to be longer delayed. I therefore earnestly exhort you to consider how this desirable object may be attained, and I confidently hope, that if the claims of contending parties be advanced, as I trust they will, in a spirit of moderation and Christian charity, the adjustment of them by you will not prove insuperably difficult. But should all your efforts for the purpose unhappily fail, it will then only remain for you to re-invest these reserves in the hands of the Crown, and to refer the appropriation of them to the Imperial Parliament, as a tribunal free from those local influences and excitements which may operate too powerfully here. My ardent desire is, that, keeping in view as closely as you can the true spirit of the object for which these lands were originally set apart, this embarrassing question may be settled on equitable principles, in a manner satisfactory to the community at large, and conducive to the diffusion of religion and true piety throughout the province.

— No. 80.—

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *G. Arthur*, K.C.H., to the Marquess of *Normanby*, dated Toronto, 12 April 1839.

No. 80.
Sir G. Arthur to the Marquess of Normanby, 12 April 1839.

THE present state of the clergy reserve question, and the opinions entertained thereon by different parties, will be best explained to your Lordship by the following recapitulative statement.

The House, having received the Report of the Committee, to whom was referred that part of the Speech from the Throne bearing on the subject, rejected, after much discussion, the measure of relief which the Committee had suggested.

No. 80.
Sir G. Arthur to the Marquess of Normanby, 12 April 1839.

The Report of a Select Committee to whom had been referred the Report of a Committee of the whole House, into which the House had resolved itself, in regard to the future appropriation of the clergy reserves, next came under discussion, and was finally superseded by resolutions for dividing the reserves among the three Protestant denominations of—

The Church of England,
The Church of Scotland,
The Wesleyan Methodist Church in connexion with the English Conference.

These resolutions, passed yesterday, were referred, to be reported on, to a Select Committee composed entirely of members of the Church of England; the object of such selection being probably to ascertain what suggestions would emanate from that party if left to itself.

Independent of these general measures of the House on this subject, two Bills in connexion with it have been introduced in the Assembly by individual Members; one of them, by Mr. Boulton, being to declare the powers of rectors, and to provide for their removal in certain cases; and the other, by Mr. Prince, being to reinvest in Her Majesty the lands set apart for a Protestant clergy.

The former of these Bills has been read twice, and been in Committee of the whole House, who have reported progress, and obtained leave to sit again; the latter has not yet gone beyond its first reading.

5. Copies of all these documents are herewith transmitted for your Lordship's information.

From such conflicting testimonies it is of course impossible to form any decided opinion as to what will be the eventual result of the proceedings in this matter.

First Enclosure in No. 80.

Enclosure No. 1.

REPORT of the Committee of the House of Assembly of Upper Canada on the Clergy Reserves.

To the Honourable the Commons House of Assembly in Provincial Parliament assembled.

The Committee, to whom was referred that part of his Excellency's opening Speech which related to the Clergy Reserves, beg leave to make the following Report:

That, deeply impressed with the importance of the subject, and anxious, if possible, to suggest some measure which might be acceptable to the community, keep in view the spirit of the object for which the reserves were set apart, and avoid the excitement of any feelings on this most difficult topic, your Committee determined to commence and prosecute their labours with calm and impartial feelings.

Their first object was to fix on some leading principles as the basis of the plan they might recommend to your honourable House, the adoption of which would tend to reduce the question to one of mere detail; and the following subjects were carefully considered:—

First.—The propriety of carrying into full operation the system commenced under the authority of the Imperial Parliament; viz. selling all the clergy reserves.

Second.—The funds in which the proceeds of all sales should be invested.

Third.—The purposes to which the sums so raised should be devoted, and whether the principal monies or the annual interest only should be appropriated.

Fourth.—The mode by which such appropriation should be carried into effect.

Your Committee, on the first of these points, came to a determination to recommend to your honourable House that all the clergy reserves should be sold. Among other arguments which weighed with your Committee in arriving at this conclusion, it may suffice to mention, that there appeared no other certain mode of obtaining an immediate income to any considerable amount from these lands.

In considering the next question, your Committee, while they would advise the investment of the proceeds of all sales of the reserves in provincial funds, feel it their duty strongly to press on your honourable House that the interest should be so safely secured that hereafter no difficulty may be experienced in its collection. At the same time, it was their desire that the proceeds should be loaned to the province, so as to be of immediate service for its internal improvement; and, with a view of combining these two objects, your Committee have resolved to recommend to your honourable House that the monies accruing from

No. 80.
Sir G. Arthur to the Marquess of Normanby, 12 April 1839.

Enclosure No. 1.

from such sales shall be immediately invested in provincial debentures bearing an interest of six per cent. per annum, and shall (if only the interest be appropriated) be expended in making and improving the public highways throughout the province; the interest to be secured by tolls on such roads, by a tax on the districts wherein the money shall be laid out, and by any other mode which your honourable House shall see fit to adopt.

The third and most important subject of deliberation with your Committee was, to what purposes the proceeds of these sales should be applied, and whether the appropriation should be confined to the interest or extend also to the principal money.

Your Committee have felt themselves bound, by every consideration of the future welfare of this province, to urge on your honourable House that the proceeds of these lands should be exclusively appropriated to religious purposes, and they have selected three objects to which they think the expenditure may be properly made applicable:—

First.—The maintenance of public worship.
Second.—The erection of churches and chapels.
Third.—The education of individuals for the office of the ministry.

Considering also that these invaluable benefits should be secured not only to the present but to future generations; your Committee submit, that only the annual interest should be thus expended.

Your Committee have not found it, in their judgment, advisable to offer any plan of distribution of the interest of the sales which would be complete in all its details, but have thought it more advisable to leave them unsettled to a certain extent, so as to leave to the Executive Government a power to provide for any changes from time to time in the circumstances of different religious bodies in the community. They have, therefore, resolved to recommend to your honourable House that the Lieutenant-Governor in council should be empowered to appropriate such interest in the following manner:—

First.—Not more than one-fourth to the Church of England.
Second.—Not more than one-fourth to the Church of Scotland.
Third.—The residue among such bodies of Christians as he shall think fit, in order to promote to the uttermost the "diffusion of religion and true piety throughout the province."

In order to carry out the recommendation of your Committee, independently of the general sanction of the home Government, the direct assistance of the Imperial Parliament will be necessary to authorize the transfer of the proceeds of clergy reserves already sold from the British funds into provincial securities.

Your Committee have prepared a series of resolutions in accordance with this Report, which they respectfully offer for the adoption of your honourable House.

Your Committee are well aware that no plan can be brought for the settlement of this interesting question to which objections will not be found and urged, or which can be made palatable to those who will not abate one jot of their own opinions, and still less to such as desire to prolong the contention to which this subject has unhappily given rise. Your Committee have, on their part, earnestly endeavoured to suggest a scheme which will tend to allay any present irritation, and will form the basis of an ultimate and satisfactory solution of all the difficulties which have either arisen from or been increased by the long delay of legislation on the subject.

All which is respectfully submitted.

Committee Room, House of Assembly,
18 March 1839.

Wm. H. Draper, Chairman.

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1. Resolved, That the lands set apart from time to time as reserves for the support and maintenance of a Protestant clergy be sold in the same manner as other Crown lands in this province.

2. Resolved, That the proceeds of past and future sales of any such lands be loaned to the province at an interest of six per cent. per annum, to be invested in debentures, which may be authorized by the Legislature for the making and improving the Queen's public highways throughout this province; the interest on such debentures to be secured by tolls on such highways, by a tax on the districts within which the outlay shall take place, and by such other means as the Legislature may deem fitting and proper.

3. Resolved, That the annual interest arising from such debentures be appropriated and divided, under the authority and direction of the Lieutenant-Governor in council, in manner following:

Not more than one-fourth to the Church of England.
Not more than one-fourth to the Church of Scotland.
The residue to such other religious denominations as the Lieutenant-Governor in council shall see fit, to be by them expended for the following purposes:—

The maintenance of public worship.
The erection of churches or chapels.
The education of persons for the ministry.

4. Resolved,

No. 80.
Sir G. Arthur to the Marquess of Normanby,
12 April 1839.

Enclosure No. 1.

4. Resolved, That accounts of the expenditure of all sums granted, duly verified, shall be, when required, rendered by the Churches or bodies of Christians receiving the same, and that the Lieutenant-Governor be authorized to withhold further aid from any Church or body of Christians until previous grants have been duly accounted for.

5. Resolved, That annual accounts of the receipt and expenditure be laid before each branch of the Legislature.

6. Resolved, That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to recommend to the Imperial Parliament the passing such enactments as may be necessary for carrying the foregoing resolutions into full effect.

Resolved, That the resolutions this day adopted upon the subject of the clergy reserves be referred to a Select Committee, with liberty to report by Bill or otherwise; and that said Committee consist of Messrs. Attorney-general, Solicitor-general, Prince, Sherwood and Gowan.

Resolved, That there be reserved or purchased in each and every township in the province one or more lots of land of 100 acres each for a glebe or residence for ministers of the Churches of England and Scotland, to be granted or conveyed to such clergymen for the time being, and their successors lawfully appointed according to the ecclesiastical constitution of such Churches respectively; no such grant or conveyance to be made until a resident clergyman be appointed; provided that no such provision shall be made for more than two clergymen of each Church in any one township, and that every clergyman already enjoying an endowment or provision by grant of lands from the Crown shall be reckoned as if he were provided for pursuant to this resolution.

That a similar reservation or purchase of one or more lots be made in each circuit for the resident ministers of the Wesleyan Methodist Church in Canada in connexion with the English Wesleyan Conference, to be granted or conveyed in trust for such resident ministers for the time being, and their successors under the discipline of the said Church; provided that the number of circuits be limited to 100 in the whole, and that not more than two such lots be reserved or purchased in any one circuit; and that no such grant or conveyance be made until there is a resident minister within such circuit for each and every such lot, and not less than one chapel or place of worship built within the circuit.

That all the clergy reserves now unsold, and which shall not be reserved for the foregoing purposes, be sold under the rules and regulations from time to time in force relative to the sale of Crown lands; that the proceeds of all past and future sales, subject to the necessary expenditure for the purchase of lots from time to time as limited in the foregoing resolutions, be invested in provincial debentures, and the interest be disposed of as follows:—

1st. To pay to each clergyman of the Churches of England and Scotland, resident according to the first resolution, an annual stipend not to exceed 100 *l.*

2d. To pay to the Wesleyan Methodist Church in Canada in connexion with the English Conference, or their proper officer, a sum not to exceed 100 *l.* per annum, for as many ministers of that Church as there shall be lots granted and conveyed in each circuit, according to the second resolution.

3d. The surplus of interest not otherwise disposed of to be expended in aid of the erection of places of public worship throughout the province generally.

That a Board of Three Commissioners be appointed to carry out the provisions of an Act to be passed in conformity with the foregoing resolutions.

That an humble address be presented to Her Majesty, praying that she will be graciously pleased to lay this subject before the Imperial Parliament, and to recommend the passing of an Act to give effect to so much of these resolutions as relates to the proceeds of clergy reserves sold under the authority of the imperial statute.

Second Enclosure in No. 80.

REPORT of the Select Committee on the Clergy Reserves.

To the Honourable the Commons House of Assembly.

Enclosure No. 2.

The Select Committee, to whom was referred the Report of the Committee of the whole House on the subject of the Clergy Reserves, beg leave to report the following Resolutions, which they recommend to the adoption of your honourable House:—

1. Resolved, That there be reserved or purchased in each and every township of the province one or more lots of land of 100 acres each lot, for a glebe or residence for one or more resident ministers of the Churches of England and Scotland, so soon as a resident minister or ministers of either Church may be appointed: Provided always, that the lands heretofore appropriated to either Church be taken into account in the general appropriation.

2. Resolved,

No. 80.
Sir G. Arthur to the Marquess of Normanby, 12 April 1839.

2. Resolved, That a similar allotment be reserved or purchased in each and every circuit for one or more resident ministers of the "Wesleyan Methodist Church in Canada in connexion with the English Wesleyan Conference," so soon as a resident minister or ministers may be appointed.

Enclosure No. 2.

3. Resolved, That the whole of the remainder of the clergy reserves be sold as Crown lands are at present sold, and that the interest of the proceeds thereof, with the interest of those already sold, be disposed of as follows:—

1st. To secure to each and every resident minister of the Churches of England and Scotland the sum of 75*l.* per annum.

2d. To secure to the "Wesleyan Methodist Church in Canada in connexion with the English Conference," at the rate of 75*l.* per annum for each and every minister of that Church regularly authorized and actually officiating in the discharge of his ministerial duties.

3d. That the residue of interest be paid annually to the several Conferences, or other bodies representing the several other Christian denominations recognized by law, and not otherwise provided for from any public source, in proportion to the number of ascertained ministers regularly authorized and actually officiating in the discharge of their ministerial duties of each denomination respectively; such sum in no case to exceed the sum of 75*l.* per annum for each minister, and to be appropriated in such manner as the respective denominations may from time to time determine, according to the respective rules and regulations of their Church government, and whose religious tenets do not prohibit their bearing arms.

4th. The surplus interest (if any) to be expended in the erection of suitable places for public worship in the several townships, and for the religious and moral education of youth within the same.

4. Resolved, That there be secured to the ministers of the Churches of England and Scotland at present resident in this province the several amounts at present paid to them; but that on the death or removal from office as a minister of the present incumbents, their successors shall become subject and liable to the same regulations as to salary and allowances as the other ministers of those Churches hereafter to be appointed.

5. Resolved, That the amount of the sales of the clergy reserves already invested in the English funds, and the proceeds of future sales, be invested in the debentures of this province, in the discretion of the Board of Commissioners hereafter to be appointed.

6. Resolved, That Three Commissioners be appointed by the Legislature to carry out the provisions of a Bill embodying the foregoing resolutions, who shall remain in office for four years; but in case of a vacancy by death, resignation or otherwise, the vacancy to be supplied by the Lieutenant-Governor.

Committee-room, House of Assembly,
9 April 1839.

Ogle R. Gowan, Chairman.

Third Enclosure in No. 80.

BILL to authorize the future Appropriation of the Clergy Reserves to the purposes of all recognized religious Denominations.

Enclosure No. 3.

WHEREAS by an Act passed in the Parliament of Great Britain in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America,' and to make further Provision for the Government of the said Province," it was amongst other things enacted, that it should and might be lawful for his said late Majesty, his heirs and successors, to authorize the Governor or Lieutenant-Governor of each of the said provinces respectively, or the person administering the government therein, to make from and out of the lands of the Crown within such provinces such allotment and appropriation of the lands for the support and maintenance of a Protestant clergy within the same as may bear a due proportion to the amount of such lands within the same as had at any time been granted by or under the authority of his said late Majesty, and that upon any grant of land within either of the said provinces which should thereafter be made by or under the authority of his Majesty, his heirs or successors, there should at the same time be made in respect of the same a proportionable allotment and appropriation of land for the above-mentioned purpose within the township or parish to which such lands so to be granted should appertain or be annexed, or as nearly adjacent thereto as circumstances would admit; and that no such grant should be valid or effectual unless the same should contain a specification of the lands so allotted or appropriated in respect of the land to be thereby granted, and that such land so appropriated and allotted should be, as nearly as the circumstances and nature of the case would admit, of the like quality as the lands in respect of which the said land should be so allotted and appropriated, and should be, as nearly as

No. 80.
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the same could be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted; and it was thereby further enacted, that all and every the rents, profits or emoluments which might at any time arise from such lands so allotted and appropriated as aforesaid should be applicable solely to the maintenance of a Protestant clergy within the province in which the same should be situated, and to no other use or purpose whatever: And whereas various parts of the said clergy reserves within this province have been demised, by letters patent under the great seal of the province, to divers persons for terms of years which have not yet expired: And whereas by a certain Act of Parliament of the United Kingdom of Great Britain and Ireland, passed in the seventh and eighth years of the reign of his late Majesty King George the Fourth, intituled, "An Act to authorize the Sale of a part of the Clergy Reserves in the Provinces of Upper and Lower Canada," it is enacted, that it shall and may be lawful for the Governor, Lieutenant-Governor or officer administering the government of the said provinces, or either of them, with consent of the Executive Council appointed within such province for the affairs thereof, in pursuance of any instructions which may be issued to such Governor, Lieutenant Governor or other officer as aforesaid, by his Majesty, through one of his Principal Secretaries of State, to sell, alienate and convey in fee-simple, or for any less estate or interest, a part of the said clergy reserves in each of the said provinces, not exceeding in either province one-fourth of the reserves within such province, upon, under and subject to such conditions, provisions and regulations as his Majesty, by any such instruction as aforesaid, shall be pleased to direct and appoint; provided nevertheless, that the quantity of the said clergy reserves so to be sold as aforesaid, in any one year, in either of the said provinces, shall not in the whole exceed 100,000 acres; provided also, that the monies to arise by or to be produced from any such sale or sales shall be paid over to such officer or officers of his Majesty's revenue within the said province respectively, as his Majesty shall be pleased to appoint to receive the same, and shall by such officer or officers be invested in the public funds of the United Kingdom of Great Britain and Ireland, in such manner and form as his Majesty shall from time to time be pleased to direct; provided also, that the dividend and interest accruing from such public funds so to be purchased shall be appropriated, applied and disposed of for the improvement of the remaining part of the said clergy reserves, or otherwise for the purposes for which the said lands were reserved as aforesaid, and for no other purpose whatsoever, save only so far as it may be necessary to apply the same or any part thereof in or towards defraying the expenses of or attendant upon any such sale or sales as aforesaid, and which appropriation shall be so made in such manner and form, and for such special purposes, as his Majesty from time to time shall approve and direct: And whereas in pursuance of the said last-recited Act, the Lieutenant-Governor for the time being of this province, with the consent of the Executive Council, hath, in pursuance of instructions for that purpose issued by his late Majesty King George the Fourth, through one of his Principal Secretaries of State, effected sales of divers parts of the clergy reserves: And whereas by a message to both Houses of the Provincial Legislature, bearing date the 25th day of January in the year of our Lord 1832, his Excellency Major-general Sir John Colborne, K.C.B., signified to both Houses his Majesty's most gracious invitation to consider how far the powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal that part of its provisions which relate to the lands allotted and appropriated in this province to the support and maintenance of a Protestant clergy, could be called into exercise for the spiritual and temporal interest of his Majesty's faithful subjects in this province: And whereas it is desirable that this power should be now exercised in making provision for the religious instruction of the people of this province; be it, &c., That except as is hereinafter provided, all the lands heretofore or to be hereafter set apart within this province, under the provisions of the said Act passed in the 31st year of the reign of his late Majesty King George the Third, for the support and maintenance of a Protestant clergy, be sold, alienated, granted and conveyed in fee-simple in like manner and subject to the same regulations, and under and upon the same conditions, limitations and provisions as now are or at any time hereafter shall be in force and use for the sale, alienation, grant and conveyance of Crown lands in this province: Provided always, that the expenses of or attendant upon any such sale or sales shall be defrayed out of the first monies arising therefrom.

2. And be it, &c., That the grant of every lot so reserved shall specify and declare such lot to be of the description commonly known as clergy reserves, and that no grant of any such lot heretofore made or hereafter to be made by or on behalf of Her Majesty, or Her successors, or of any of Her royal predecessors, shall be or be deemed to be invalid or ineffectual, or be liable to be impeached, vacated or set aside by reason that any such grant does not contain a specification of lands allotted and appropriated for the support and maintenance of a Protestant clergy in respect of the lands thereby granted, and that hereafter no such specification, allotment or appropriation shall be made as aforesaid in respect of any such lot or lots commonly called clergy reserves, in the grant thereof to the purchaser or grantee of the same.

3. And be it, &c., That the monies to arise and be produced and henceforth received from any such sale or sales, after deducting the expenses as aforesaid, shall be paid over to such officer or officers of Her Majesty's Government within this province as Her Majesty shall be pleased to appoint to receive the same, and shall be by such officer or officers invested in the public debentures of this province, bearing interest at the rate of not less than six per centum per annum, in the name or on the behalf of the Board of Commissioners hereinafter appointed.

4. And

No. 80.
Sir G. Arthur to the Marquess of Normanby, 12 April 1839.

Enclosure No. 3.

4. And be it, &c., That there shall be reserved and set apart in each and every township in this province one or more clergy reserves, containing 100 acres each, for glebes or residences for one or more clergymen of the Church of England and Scotland, and of all the other Christian denominations recognized by the laws and statutes of this province; and that as soon as there shall be one or more clergymen of either of the said Churches respectively duly appointed to and becoming resident in any township, it shall and may be lawful for Her Majesty, Her heirs and successors, to grant to every such clergyman, and his successors to be lawfully appointed, according to the ecclesiastical constitution of such Churches respectively, one such lot of 100 acres, to be held by such incumbent or resident clergyman and his successors, as a corporation sole.

5. And be it, &c., That whenever there shall not be a sufficient number of clergy reserves unsold in any township, or from situation or other reasonable cause a convenient reservation for the purposes aforesaid cannot be made in such township, it shall and may be lawful for the Board of Commissioners hereinafter created, and they are hereby required to purchase at the most reasonable prices in their discretion, one or more lots, containing 100 acres each, as glebes or residences for one or more clergymen of the said Churches, which lots, when so purchased, shall be respectively conveyed in like manner and for the same purposes, and with and under the same powers, limitations, provisions and restrictions as are in this Act contained and expressed of and concerning grants to be made by Her Majesty to the resident clergymen of the said Churches.

6. Provided always, and be it, &c., That nothing in this Act shall extend or be construed to extend to prevent the bishop, synod or other person or body of and in the said Churches respectively, having lawful authority, according to the canons and constitution of such Churches, from removing or depriving any such clergyman from his office or situation as incumbent or resident clergyman of or in any such township, and from appointing a successor, from time to time and as often as it may be necessary; nor to give to or vest in any such clergyman any right, title or interest in the said land, other than that which he may hold as a corporation sole as aforesaid, and while he shall so be the incumbent or resident clergyman in and for the township wherein such land shall lie.

7. Provided always, and be it further, &c., That such reservations, grants, purchases and conveyances shall not be made to or for more than two clergymen of any one denomination in any one township in this province; provided further, that every clergyman of either of the said churches, who shall have received any endowment or grant of lands from the Crown, either to or in trust for the use and benefit of him and his successors as rector or resident minister, or otherwise in his character and capacity as a clergyman in any township, shall be, for the purposes herein contained, considered as if such endowment or grant of lands had been given or conveyed to him under the authority and in pursuance of the provisions of this Act.

8. And be it, &c., That the annual dividends and interests arising from the investment of the proceeds of all and every sale of clergy reserves in this province, whether past or future, and wheresoever and howsoever invested, shall be appropriated and applied by the Board of Commissioners hereinafter created, to and for the following uses and purposes; that is to say, to pay to each clergyman of the Churches of England and Scotland, who shall be in the actual occupation and enjoyment of any present or future grant or endowment of lands as a resident clergyman as aforesaid, an annual stipend not to exceed 100 *l.*, and in like manner to pay to the treasurer or other officer who shall be duly authorized and appointed by the several denominations to receive the same, an annual sum not to exceed 100 *l.* for each and every minister now or hereafter to be appointed by the said Churches within this province, according to the provisions of this Act; and after these several payments and appropriations, and the payment of the necessary charges and expenses of conducting the said commission, to apply the residue of such annual interest or dividends in aid of the erection of places of public worship in this province for any denomination of Christians.

9. And be it, &c., That the treasurer or other proper officer of the said Churches shall, once in every year, render to the said Board of Commissioners a true and faithful account of the expenditure of the monies received by him under the authority of this Act, and that further payments to and for the use of the said Churches shall from time to time be suspended until the preceding payments and grants are duly accounted for.

10. Provided always, and be it further, &c., That nothing in this Act contained shall be construed to limit and prevent the Board of Commissioners hereinafter named from laying out and expending from time to time such sum or sums of money, whether principal monies arising from the sale of clergy reserves, or interest accruing from the investment thereof in provincial debentures, as shall be found necessary for the purchase of any lot or lots of land to be conveyed to and for the several uses and intents hereinbefore declared, nor for such purpose from selling any debenture or debentures that they may find necessary; provided that the said Board of Commissioners shall not lay out in the purchase of any one lot of 100 acres a greater sum than 200 *l.*

11. And

No. 80.
Sir G. Arthur to the Marquess of Normanby, 12 April 1839.

Enclosure No. 3.

11. And be it, &c., That there be constituted and created a Board of Three Commissioners, a majority of whom shall form a quorum for transacting business, who shall be appointed on the joint recommendation of both Houses of the Legislature, by the Lieutenant-governor, by letters patent under the great seal of this province, and who shall hold office for the term of four years, subject however to be sooner removed, and another or others appointed in the stead of him or them so removed, on a like joint address; which board is hereby constituted and declared to be a body corporate and politic in fact, by the name of the Commissioners for Religious Instruction, and by that name they and their successors shall have continued succession, and shall be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors shall have a common seal, and may change and alter the same at their will and impleasure, and that they and their successors may and shall be capable in law of purchasing, taking and conveying any such real estate from time to time as may be necessary for the carrying into full effect the purposes of this Act, and that they and their successors shall have full power and authority to do every other necessary act, matter and thing in and for the proper discharge of the several duties required to be performed and done in and by the different clauses of and provisions of this Act.

12. And be it, &c., That it shall be the duty of the said Commissioners, and they are hereby required, to distribute and pay the several stipends and annual sums hereinbefore directed to be paid and allowed in such manner as to give no undue priority, preference or advantage to any or either the Churches hereinbefore mentioned to the other or others of them.

13. And be it, &c., That the said Commissioners shall have power to appoint such clerks and officers for carrying on and fulfilling the duties hereby required of them, with such salaries as they may think reasonable and proper, and from time to time to remove such clerks: Provided always, that such appointment and the amount of the salaries shall be subject to the approval of the Lieutenant-governor.

14. And be it, &c., That the said Commissioners shall once in every year make a full and particular return to the Lieutenant-governor of all monies received by them; of the amount of monies invested and of the dividends thereon; the number of lots, and to whom granted or conveyed; the number of stipends paid to the clergymen of the said Churches, and the amount of each such stipend, and the return made of the expenditure thereof; the number of their clerks and officers, and their salaries, together with the amount of all expenses incurred in conducting the affairs of the said commission; and generally of every other matter and thing relating to their duties as such commissioners; and that copies of such annual returns be laid before both branches of the Legislature of this province.

Fourth Enclosure in No. 80.

BILL to declare the Powers of Rectors, and to provide for their Removal in certain cases.

Enclosure No. 4.

WHEREAS fears are entertained and doubts expressed as to the extent of power and authority conferred upon the incumbents of rectories constituted under the provisions of the Act passed in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province;" which it is essential, for the quieting of those fears and restoring peace and harmony to all religious communities, and promoting a spirit of charity among different denominations, should be removed: And whereas it is necessary to provide for the resignation or removal of rectors or parsons from their rectories or parsonages in certain cases, and for the appointment of select vestries and churchwardens; be it, &c., That no parson or rector now or hereafter to be instituted and inducted into any parsonage or rectory now or hereafter to be constituted and erected under the provisions of the said Act shall have, hold, exercise or enjoy any right, power, authority or pre-eminence whatever, either ecclesiastical or civil, beyond the limits of his rectory, which any other clergyman duly licensed by the bishop of the diocese to perform duty within the same shall not possess.

2. And be it, &c., That when and so often as any parson or rector shall be desirous of resigning his parsonage or rectory, it shall and may be lawful for such parson or rector to signify such his desire by an instrument under his hand and seal to his diocesan, who shall, so soon as to him shall seem meet, cause the same to be notified to the vestry and churchwardens of such parsonage or rectory, who shall make an entry thereof in the books of the vestry, whereupon it shall be lawful for the bishop to institute and induct a successor, who shall thenceforth be the parson or rector of such parsonage or rectory.

3. And

No. 80.
Sir G. Arthur to the Marquess of Normanby, 12 April 1839.

Enclosure No. 4.

3. And be it, &c., That it shall and may be lawful for the bishop of the diocese in which any rectory or parsonage in this province shall be situate, at any visitation or convocation of his clergy, to hear any complaint against, or to institute any inquiry into the conduct, life or demeanor of the parson or rector of any such parsonage or rectory, and if a majority of the clergy present at any such visitation or convocation shall, under the direction and authority of the bishop there present, declare the charges to be proven, it shall and may be lawful for the said bishop to proceed to admonish such parson or rector, or to deprive him of his parsonage or rectory, according to his discretion, having a due regard to the interests of religion and the purity and morals of the clergy.

4. And be it, &c., That it shall and may be lawful for the pewholders of any church in this province, in the presence of the parson or rector, on every Easter Tuesday, to choose from among the said pewholders such a number of vestrymen, not less than seven, as they shall think proper, to manage the affairs of the church during the ensuing year, who shall appoint a vestry clerk and one churchwarden, who, together with one other churchwarden to be appointed by the parson or rector, shall be possessed of the chattel property of the church, and shall collect the pew rents and other dues for the use and benefit of the public frequenting the same, and attending divine service thereat, and for the decent and orderly celebration of divine worship in such church.

Fifth Enclosure in No. 80.

BILL to reinvest in Her Majesty the Lands set apart for a Protestant Clergy.

Enclosure No. 5.

Whereas in and by an Act of the Parliament of Great Britain passed in the 31st years of the reign of his late Majesty King George the Third, intitlued, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," it is among other things recited and declared, that his said late Majesty had been graciously pleased, by message to both Houses of Parliament, to express his royal desire to be enabled to make a permanent appropriation of lands in the said provinces for the support and maintenance of a Protestant clergy within the same, in proportion to such lands as had been already granted within the same by his Majesty; and further, that such provision might be made with respect to all future grants of land within the said provinces respectively as might best conduce to the due and sufficient support and maintenance of a Protestant clergy within the said provinces, in proportion to such increase as should happen in the population and cultivation thereof: And whereas, for the purpose of more effectually fulfilling his said Majesty's gracious intentions as aforesaid, and of providing for the due execution of the same in all time to come, certain provisions were made in and by the said Act respecting the support and maintenance of a Protestant clergy within the said provinces, which provisions are contained in the 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42d clauses of the said statute passed in the 31st year of the reign of his late Majesty King George the Third, and are in the following words; that is to say,

35. "And whereas by the above-mentioned Act passed in the 14th year of the reign of his present Majesty, it was declared, that the Clergy of the Church of Rome in the province of Quebec might hold, receive and enjoy their accustomed dues and rights with respect to such persons only as should profess the said religion; provided, nevertheless, that it should be lawful for his Majesty, his heirs or successors, to make such provisions out of the rest of the said accustomed dues and rights for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy within the said province, as he or they should from time to time think necessary and expedient: And whereas, by his Majesty's royal instructions given under his Majesty's royal sign manual, on the 3d day of January in the year of our Lord 1775, to Guy Carleton, esquire, now Lord Dorchester, at that time his Majesty's Captain-general and Governor-in-chief in and over his Majesty's province of Quebec, his Majesty was pleased, amongst other things, to direct 'that no incumbent professing the religion of the Church of Rome, appointed to any parish in the said province, should be entitled to receive any tithes for lands or possessions occupied by a Protestant, but that such tithes should be received by such persons as the said Guy Carleton, esquire, his Majesty's Captain-general and Governor-in-chief in and over his Majesty's said province of Quebec, should appoint, and should be reserved in the hands of his Majesty's Receiver-general of the said province for the support of a Protestant clergy in his Majesty's said province, to be actually resident within the same, and not otherwise, according to such directions as the said Guy Carleton, esquire, his Majesty's Captain-general and Governor-in-chief in and over his Majesty's said province, should receive from his Majesty in that behalf, and that in like manner all growing rents and profits of a vacant benefice should, during such vacancy, be reserved for and applied to the like uses:' And whereas his Majesty's pleasure has likewise been signified to the same effect in his

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Majesty's royal instructions given in like manner to Sir Frederick Haldimand, Knight of the most honourable Order of the Bath, late his Majesty's Captain-general and Governor-in-chief in and over his Majesty's said province of Quebec, and also in his Majesty's royal instructions given in like manner to the said Right honourable Guy Lord Dorchester, now his Majesty's Captain-general and Governor-in-chief in and over his Majesty's said province of Quebec ; be it enacted by the authority aforesaid, That the said declaration and provision contained in the said above-mentioned Act, and also the said provision so made by his Majesty in consequence thereof by his instructions above recited, shall remain and continue to be of full force and effect in each of the said two provinces of Upper Canada and Lower Canada respectively, except in so far as the said declaration or provisions respectively, or any part thereof, shall be expressly varied or repealed by any Act or Acts which may be passed by the Legislative Council and Assembly of the said provinces respectively, and assented to by his Majesty, his heirs or successors, under the restrictions hereinafter provided.

36. " And whereas his Majesty has been graciously pleased, by message to both Houses of Parliament, to express his royal desire to be enabled to make a permanent appropriation of lands in the said provinces for the support and maintenance of a Protestant clergy within the same, in proportion to such lands as have been already granted within the same by his Majesty: And whereas his Majesty has been graciously pleased by his said message further to signify his royal desire that such provision may be made with respect to all future grants of land within the said provinces respectively as may best conduce to the due and sufficient support and maintenance of a Protestant clergy within the said provinces, in proportion to such increase as may happen in the population and cultivation thereof; therefore, for the purpose of more effectually fulfilling his Majesty's gracious intention as aforesaid, and of providing for the due execution of the same in all time to come; be it enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor or Lieutenant-governor of each of the said provinces respectively, or the person administering the government therein, to make from and out of the lands of the Crown within such provinces such allotment and appropriation of lands for the support and maintenance of a Protestant clergy within the same as may bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of his Majesty; and that whenever any grant of lands within either of the said provinces shall hereafter be made by or under the authority of his Majesty, his heirs or successors, there shall at the same time be made in respect of the same a proportionable allotment and appropriation of lands for the above-mentioned purpose within the township or parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit; and that no such grant shall be valid or effectual unless the same shall contain a specification of the lands so allotted and appropriated in respect of the lands to be thereby granted; and that such lands so allotted and appropriated shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

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

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

39. " And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor, Lieutenant-governor, or person administering the government of each of the said provinces respectively, to present to every such parsonage or rectory an incumbent or minister of the Church of England, who shall have been duly ordained according to the rites of the said Church, and to supply from time

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time to time such vacancies as may happen therein; and that every person so presented to any such parsonage or rectory shall hold and enjoy the same, and all rights, profits and emoluments thereto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or rectory in England.

40. "Provided always, and be it further enacted by the authority aforesaid, That every such presentation of an incumbent or minister to any such parsonage or rectory, and also the enjoyment of any such parsonage or rectory, and of the rights, profits and emoluments thereof, by any such incumbent or minister, shall be subject and liable to all rights of institution and all other spiritual and ecclesiastical jurisdiction and authority which have been lawfully granted by his Majesty's royal letters patent to the Bishop of Nova Scotia, or which may hereafter by his Majesty's royal authority be lawfully granted or appointed to be administered and executed within the said provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other person or persons, according to the laws and canons of the Church of England which are lawfully made and received in England.

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

42. "Provided nevertheless, and be it further enacted by the authority aforesaid, That whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said provinces containing any provisions to vary or repeal the above-recited declaration and provisions contained in the said Act passed in the 14th year of the reign of his present Majesty, or to vary or repeal the above-recited provision contained in his Majesty's royal instructions given, on the 3d day of January in the year of our Lord 1775, to the said Guy Carleton, esquire, now Lord Dorchester; or to vary or repeal the provisions hereinbefore contained for continuing the force and effect of the said declaration and provisions; or to vary or repeal any of the several provisions hereinbefore contained respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said provinces, or respecting the constituting, erecting or endowing parsonages or rectories within the said provinces, or respecting the presentation of incumbents or ministers to the same, or respecting the manner in which such incumbents or ministers shall hold and enjoy the same; and also that whenever any Act or Acts shall be so passed containing any provisions which shall in any manner relate to or affect the enjoyment or exercise of any religious form or mode of worship, or shall impose or create any penalties, burdens, disabilities or disqualifications in respect of the same; or shall in any manner relate to or affect the payment, recovery or enjoyment of any of the accustomed dues or rights hereinbefore mentioned; or shall in any manner relate to the granting, imposing or recovering any other dues, or stipends or emoluments whatever to be paid to or for the use of any minister, priest, ecclesiastic or teacher, according to any religious form or mode of worship, in respect of his said office or function; or shall in any manner relate to or affect the establishment or discipline of the Church of England amongst the ministers and members thereof within the said provinces; or shall in any manner relate to or affect the King's prerogative touching the granting of waste lands of the Crown within the said provinces; every such Act or Acts shall, previous to any declaration or signification of the King's assent thereto be laid before both Houses of Parliament in Great Britain; and that it shall not be lawful for his Majesty, his heirs or successors, to signify his or their assent to any such Act or Act until 30 days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts in case either House of Parliament shall, within the said 30 days, address his Majesty, his heirs or successors, to withhold his or their assent from such Act or Acts; and that no such Act shall be valid or effectual to any of the said purposes within either of the said provinces unless the Legislative Council and Assembly of such province shall, in the session in which the same shall have been passed by them, have presented to the Governor, Lieutenant-governor, or person administering the government of such province an address or addresses specifying that such Act contains provisions for some of the said purposes hereinbefore specially described, and desiring that, in order to give effect to the same, such Act should be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of his Majesty's assent thereto."

And whereas since the passing of the said Act, divers allotments and appropriations of land have been made within the province of Upper Canada in pursuance of the aforesaid provisions for the support and maintenance of a Protestant clergy, which allotments are commonly known by the name of clergy reserves, and have been made in the proportion of one-seventh of the lands granted or to be granted within the said province: And

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whereas of these allotments of land, some portions have been demised by his said late Majesty or his successors for term of years, and other portions have been from time to time sold under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the seventh and eighth years of the reign of his late Majesty King George the Fourth, intituled, "An Act to authorize the Sale of a part of the Clergy Reserves in the Province of Upper and Lower Canada," under the provisions of which Act the monies accruing from such lands sold are to be appropriated, applied and disposed of for the purposes for which the said lands were so reserved as aforesaid, and for no other purpose whatsoever, and the residue of the said allotments or reserves, not being leased or otherwise disposed of, continue vested in the Crown, subject to the provisions of the Act first herein recited:

And whereas doubts have arisen respecting the proper legal construction of the said Act passed in the 31st year of the reign of his late Majesty King George the Third, and it has been made a question to what sects or denominations of Protestants the term "Protestant clergy" used in the said Act was intended to be applicable, and what clergy can of right claim to participate or can be legally admitted to participate in the advantages of the said allotments or reserves:

And whereas the continuance of such doubts, and the controversies to which they have given rise, are in a high degree prejudicial to the peace and good government of this province, and unfavourable to the spiritual and temporal interests of the people thereof, and it is expedient to put an end to such doubts and controversies, by enabling Her Majesty, Her heirs or successors, to dispose of the said allotments or appropriations of land, and of the monies which have accrued or may hereafter accrue from the sale or other disposal of the same, or any part thereof, in such manner as to Her Majesty, Her heirs or successors, may seem just and fit for the maintenance of public worship and the support of religion within this province:

Be it therefore enacted by The Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," and by the authority of the same, that the 36th and 37th clauses of the said statute, and so much of the 38th clause thereof, as relates to the endowment of any parsonage or rectory with land, shall be and the same are hereby repealed; and that all and every the lands which are now vested in Her Majesty, and which before the passing of this Act were reserved, allotted and appropriated for the maintenance and support of a Protestant clergy within this province, under the authority of the said Act of the Parliament of Great Britain passed in the 31st year of his said late Majesty's reign, shall be and remain vested in Her Majesty, Her heirs and successors, freed and absolutely discharged from all and every of the trusts, conditions, limitations or restrictions contained in or imposed or declared by the said last-mentioned Act: Provided always, nevertheless, that the said lands are by this Act vested in Her Majesty, Her heirs and successors, discharged from the trusts and conditions aforesaid, to the intent and in order that the same lands may be, by and under the authority of the Parliament of the United Kingdom of Great Britain and Ireland, applied and appropriated, by way of endowment or otherwise, solely for the maintenance of public worship and the support of religion within this province, and to no other use or purpose whatsoever.

2. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend to interfere with or make void any grant, sale, lease, endowment or other appropriation, which before the passing of this Act may have been made of any part or portion of the said allotments or appropriations of land called Clergy Reserves: Provided nevertheless, that the monies which shall have arisen and accrued, and which now remain unexpended, or which shall hereafter arise and accrue from such sale, or in consequence of such lease having been made, shall be applicable to the same purposes to which the lands so allotted and appropriated as aforesaid shall be applicable after the passing of this Act, and to no other; and that such monies shall be paid over, applied and accounted for in such manner and form as Her Majesty, Her heirs or successors, shall be graciously pleased to direct.

3. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, no grant, sale, lease or other disposition of any of the said allotments or appropriations of land, or of any part thereof, shall be made otherwise than in pursuance of instructions which shall from time to time be given by Her Majesty, Her heirs or successors, after the passing of this Act.

— No. 81. —

(No. 110.)

COPY of a DESPATCH from Lieutenant-Governor Sir *G. Arthur*, K. C. H., to the Marquis of *Normanby*, dated Toronto, 14 May 1839.

No. 81.
Sir G. Arthur to the Marquess of Normanby, 14 May 1839.

My Lord,

WITH reference to my Despatch to your Lordship of this date (No. 108), I have the honour to enclose herewith the reserved Bill passed by the Provincial Legislature, intituled, "An Act to dispose of the Lands commonly called the 'Clergy Reserves,' and for other purposes therein mentioned."

No. 1.

The object of this Act is to provide that the proceeds of all the reserves sold, or to be sold, be paid into the hands of the Receiver-general of the province, to be applied by the Imperial Parliament for religious purposes.

By the enclosures numbered (A.) to (D.), your Lordship will perceive the various measures which were successively proposed and finally rejected prior to the passing of the Bill, which has referred the decision on the matter to the Imperial Government, and which was carried in the Assembly by a majority of one vote, in a House of 44 members, at a late hour on the night preceding the day of prorogation.

(A.) to (D.)

In the various stages of the discussions on this subject, the different plans that were proposed and adopted were carried in the Assembly by very small majorities, and I believe I may add, without the hearty concurrence of any considerable number of Members; while, on the other hand, the various schemes which were proposed, and which failed, were supported and opposed without any unanimity or determination of opinion.

The Assembly was in fact divided into many small parties; negative majorities were easily procured; but an affirmative vote, in which a majority might concur from conscientious approval, could not be obtained. The several Bills on the subject of the clergy reserves which passed in the Assembly may indeed be said not to have met with the positive approval of a majority of that body; and when every other expedient had been tried in vain, the vote referring the decision of the question in England was carried by the bare majority which I have mentioned.

The question of the distribution of these reserves is in its nature most exciting, and tends to give rise to the fiercest discussions, both in regard to political and religious principles. The mischiefs which its animated discussion here necessarily introduced have been much aggravated by the invitation to legislate being pressed upon the local government, and time has added to the evil, by showing to political agitators how readily they could influence the popular mind by extreme and impracticable views on the subject. Thus, while many were conscientiously opposed to the several measures devised, it cannot be denied that others would gladly have kept the question open to be used, as before, for the purposes of agitation.

In this state of affairs I acknowledge that, after every effort had been tried, unsuccessfully, to bring parties to any thing like unanimity of sentiment, I was gratified to see the matter referred to the Imperial Parliament, even by the small majority of a single vote.

It now only remains that a liberal and just appropriation of the clergy reserve funds should be made in England.

Before I left Van Diemen's Land a Bill was drafted, under my direction, for the disposal of the clergy lands in that province; I believe, with some modification, it subsequently passed into a law; and as I am of opinion that its provisions would answer well for Upper Canada, I should strongly recommend it, so far as it can be adopted consistently with the interests of incumbents in this province who are now receiving small salaries from the clergy reserve fund, and to whom the faith of Government must be considered as in a manner pledged.

 Whatever

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Whatever might have been the legal interpretation in the present Act of the term, "Protestant clergy," it is my duty to state that no such limitation will now satisfy the people of this country. Above all things, my Lord, I would urgently recommend promptitude of action in the matter, as I am sure that public meetings will be held throughout the province with a view to influence proceedings in England, and every means will be taken still to agitate the question.

I have, &c.

(signed) *Geo. Arthur.*

Enclosure No. 1, in No. 81.

(No. 1147.)

AN ACT to dispose of the Lands commonly called "Clergy Reserves," and for other Purposes therein mentioned.

This Bill reserved for the signification of Her Majesty's pleasure thereon, on Saturday the 11th day of May 1839.

(signed) *R. A. Tucker,* Provincial Secretary.

Enclosure No. 1.

WHEREAS by an Act passed in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his late Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," it was enacted, that it should and might be lawful for his Majesty, his heirs and successors, to authorize the Governor or Lieutenant-governor of each of the provinces hereinbefore named respectively, or the person administering the government therein, to make from and out of the lands of the Crown within such provinces such allotment and appropriation of lands for the support and maintenance of a Protestant clergy within the same, as might bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of his Majesty; and that whenever any grant of lands within either of the said provinces should thereafter be made by or under the authority of his Majesty, his heirs or successors, there should at the same time be made in respect of the same a proportionable allotment and appropriation of lands for the above-mentioned purpose within the township or parish to which such lands so to be granted should appertain or be annexed, or as nearly adjacent thereto as circumstances would admit; and that no such grant should be valid and effectual unless the same should contain a specification of the lands so allotted and propropriated in respect of the lands to be thereby granted, and that such lands so allotted and appropriated should be, as nearly as the circumstances and nature of the case would admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and should be, as nearly as the same can be estimated at the time of the making such grant, equal in value to the seventh part of the lands so granted: And whereas it was in and by the said in part recited Act further enacted, that all and every the rents, profits or emoluments which might any time arise from such lands so allotted and appropriated as aforesaid, should be applicable solely to the maintenance and support of a Protestant clergy within the province in which the same should be situated, and to no other use or purpose whatever: And whereas in pursuance of the said Act such proportionable allotments and appropriations of land as aforesaid have from time to time been reserved for the purposes therein mentioned, which lands are known by the name of "Clergy Reserves:" And whereas it is wisely provided by the said Act section 41st, "that the several provisions hereinbefore contained respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said provinces, and also respecting the constituting, erecting and endowing parsonages or rectories within the said provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said provinces respectively, and assented to by his Majesty, his heirs and successors: And whereas by a message to both Houses of the Provincial Legislature, bearing date the 25th day of January in the year of our Lord 1832, his Excellency Major-general Sir John Colborne, K.C.B., signified to both Houses his Majesty's most gracious invitation to consider how far the powers given to the Provincial Legislature by the Constitutional Act to vary or repeal that part of its provisions which relate to the lands allotted and appropriated in this province to the support and maintenance of a Protestant clergy, could be called into exercise for the spiritual and temporal interests of his Majesty's faithful subjects in this province: And whereas it is expedient for the peace, welfare and good government of this province, that this power should be now exercised; Be it therefore enacted

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Sir G. Arthur to the Marquess of Normanby, 14 May 1839.

Enclosure No. 1.

enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," and by the authority of the same, that the 36th and 37th clauses of the said Act of the Imperial Parliament, passed in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," be and the same are hereby repealed.

2. And be it further enacted by the authority aforesaid, That all the lands heretofore set apart within this province under the provisions of the said Act passed in the 31st year of the reign of his late Majesty King George the Third, for the support and maintenance of a Protestant clergy, and now ungranted, be sold, alienated, granted and conveyed in fee-simple in like manner, and subject to the same regulations, and under and upon the same conditions, limitations and provisions as now are or at any time hereafter shall be in force and use for the sale, alienation, grant and conveyance of Crown lands in this province: Provided always, that nothing in this Act contained shall be construed to make void any sale heretofore made for which the patent from the Crown has not issued; but such sales shall be and the same are hereby declared to be as valid as if the same had been made under the provisions of this Act: Provided always, that all sums due or hereafter to become due shall be applied in the same manner as the proceeds of sales made under this Act.

3. And be it further enacted by the authority aforesaid, That the monies to arise and to be produced and henceforth received from any such sale or sales shall be paid into the hands of Her Majesty's Receiver-general of this province, to be appropriated and applied by the Imperial Parliament for religious purposes.

Legislative Council Chamber, 10th day of May 1839. } *Jonas Jones*, Speaker.

Commons House of Assembly, 10th day of May 1839. } *Allan N. Mac Nab*, Speaker.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

George Arthur,
Lieutenant-governor.

Enclosure (A.) in No. 81.

Enclosure (A.)

BILL to authorize the future Appropriation of the Clergy Reserves to the purposes of all recognized religious Denominations.

This Bill is precisely the same as that in page excepting the 4th and 7th clauses, which are amended as follows:—

4. "And be it, &c., That there shall be reserved and set apart in each and every township in this province, one or more clergy reserves, not exceeding 100 acres each, for glebes or residences for one or more clergymen of the Church of England and Scotland, and of all other Christian denominations recognized by the laws and statutes of this province: and that as soon as there shall be one or more clergymen of either of the said Churches respectively duly appointed to and becoming resident in any township, it shall and may be lawful for Her Majesty, Her heirs and successors, to grant, for the use of every such clergyman and his successors, to be lawfully appointed according to the ecclesiastical constitution of such churches respectively, one such lot not exceeding 100 acres, to be held by such incumbent or resident clergyman and his successors as a corporation sole."

7. "Provided always, and be it further, &c., That such reservations, grants, purchases and conveyances shall not be made to or for more than two clergymen of any one denomination in any one township in this province: Provided also, that in any township where 200 acres or more have already been granted to a minister or ministers of any one of the said churches or denominations, no further appropriation shall be made for the ministers of such church or denomination in such township."

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Sir G. Arthur to the Marquess of Normanby, 14 May 1839.

Enclosure (B.)

Enclosure (B.) in No. 81.

REPORT of the Select Committee of the Legislative Council upon the Clergy Reserve Lands Disposition Bill, and an Amendment to the same, submitted by them for the adoption of the House.

Your Committee, to whom was referred the Bill sent up from the Assembly, relating to the disposal of the Clergy Reserves in this province, have prepared the following Amendments, which they respectfully recommend for the adoption of your honourable House:

After "Whereas," in the Preamble, strike out the remainder of the Bill, and insert as in the annexed draft.

R. B. Sullivan, Chairman.

Committee Room, 30 April 1839.

For the advancement of the Christian religion, and the promotion of good morals in Upper Canada, it is expedient to appropriate the lands called Clergy Reserves, and the yearly income arising from the interest, rents and proceeds of sales thereof, in aid of the maintenance of the ministers of religion; Be it therefore enacted, &c., That it shall and may be lawful for the Lieutenant-governor of this province, by and with the advice of the Executive Council, to cause to be sold and alienated, granted and conveyed, all or any portion of the clergy reserves in this province, in like manner as other lands of the Crown now are or shall be sold or alienated: Provided always, that the necessary expenses attending such sale shall be defrayed out of the first monies arising therefrom.

2. And be it further enacted, &c., That the letters patent alienating such lands shall describe the same as clergy reserves, and that no further reservation in respect of such lands shall be necessary.

3. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-governor, by and with the advice of the Executive Council, to cause to be invested the monies proceeding from such sales, and also all monies which have heretofore arisen from such sales, in the public funds, in the name of the Receiver-general in England, or in the public debentures of the province; and such investment to withdraw and change, in the whole or in part, from time to time as circumstances may require.

4. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-governor, by and with such advice as aforesaid, in the name of Her Majesty, Her heirs and successors, to grant and appropriate portions of the said reserves, not exceeding 100 acres in each case, as residences for officiating clergymen or ministers of religion, and for the building churches, chapels, and places of public worship therein, and, in case such clergy reserves shall not be found in the neighbourhood required, to procure, by exchange of such clergy reserves, not exceeding 100 acres, or by purchase, for any sum not exceeding ——— in each case, convenient sites for the purposes in this clause mentioned, and to grant and appropriate the lands so required for such purposes, which grant or appropriation shall be made to the officiating clergyman and his successors as a corporation sole, or to trustees named for the purpose by the respective congregations, as the tenets and discipline of such churches or denominations of Christians shall respectively require.

5. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-governor, with the advice of the Executive Council, to order and direct by his warrant the payment of the yearly stipends, at present payable to the clergy or ministers of religion out of public funds in this province, to be paid out of the yearly interest accruing on sales of the said clergy reserves, and upon the investment of the proceeds thereof during the incumbency of the present clergymen or ministers.

6. And be it further enacted, &c., That it shall and may be lawlul for the Lieutenant-governor, by and with the advice of the Executive Council, to appropriate and direct the payment out of the said interest money of stipends towards the support of clergymen and ministers of religion, duly appointed according to the rules of their respective church or congregation, in the following cases; that is to say, whenever there shall be shown to the said Lieutenant-governor in council, that there is resident, within reasonable distance of any church, chapel or place of public worship, a population of adults, who shall subscribe a declaration setting forth their desire to attend such church, chapel or place of public worship, and shall subscribe and pay to the said clergyman or minister of religion a yearly sum of money, not less than ——— pounds, then and in such case the public stipend or salary to be paid to such clergyman or minister of religion shall be equal to the said private subscription: Provided always, that in no case shall such public stipend amount to more than ——— pounds.

7. And be it further enacted, &c., That the interest money aforesaid shall be chargeable, in the first place, with the stipends or salaries of the clergy or ministers of religion now paid out of any public funds in this province, and that in the case of alteration by death or removal of any of the said incumbents, and also in case of the establishment of new churches, chapels and places of public worship, the interest money aforesaid shall be paid and distributed as in this Act directed, preference and priority being given according to the priority of time in the building such church, chapel or place of public worship, and to the priority of time in subscribing and paying a clergyman or minister of religion attached thereto out of private funds as aforesaid.

8. And

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Enclosure (B.)

8. And be it further enacted, &c., That a book shall be kept in the office of the provincial secretary and registrar, in which shall be yearly entered the township or place at which each church, chapel or place of public worship shall be erected, the name of the officiating clergyman, the number of adults attached to his congregation, and the name of the church or denomination of Christians to which he belongs; which entries shall be founded on yearly returns, signed by the respective clergymen or ministers of religion, certified under the hands of at least 12 freeholders of his congregation.

9. And be it further enacted, &c., That no public aid under this Act shall be given to any clergyman or minister of religion who shall not, in the first place, take and subscribe the oath of allegiance, and who is not a natural-born or naturalized subject of the British Crown.

10. And be it further enacted, &c., That no public aid shall be extended to any clergyman or minister of religion who shall not produce satisfactory proof of his ordination and appointment by authority of some church or denomination of Christians having within this province or within Her Majesty's dominions due power of ordination and appointment, or unless such clergyman or minister of religion shall be wholly devoted to his religious duties, without secular employment.

11. And be it further enacted, &c., That in any case of one clergyman or minister of religion having the care of two or more congregations, amounting in number to 100 adults, who shall subscribe and declare as in the sixth clause of this Act mentioned, and who shall subscribe and pay towards the support and maintenance of such clergyman or minister of religion a sum not less than , as in the said clause mentioned, then and in such case, and until the said congregations shall increase so as respectively to come within the scope and meaning of the said sixth clause, it shall and may be lawful for such public aid and stipend to be paid to such clergyman or minister of religion in like manner as if the private aid and subscription came from one congregation.

12. And be it further enacted, &c., That nothing in this Act contained shall extend or be construed to extend to interfere with or deprive any bishop, synod, conference, or other church government of any power of appointment, suspension or deprivation of any clergyman or minister of religion, but that the functions of church government in the several churches and denominations of Christians shall continue to be exercised as heretofore, and that no clergyman or minister of religion shall be considered as having any right to any of the public aid, stipend, or land or benefit, other than he shall hold under, during and by virtue of his incumbency.

13. And be it further enacted, &c., That accounts of the receipt and expenditure, state of investment, together with a full report of all proceedings under this Act, shall be laid before the Houses of the Provincial Parliament within one month from the beginning of such session.

14. And be it further enacted, &c., That the 35th, 36th and 37th clauses of an Act passed in the Parliament of Great Britain in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," be and the same are hereby repealed, in so far as the said clauses confine the disposition of the lands mentioned therein to the support and maintenance of a Protestant clergy.

15. And be it further enacted, &c., That for and notwithstanding any thing in the said last-mentioned Act contained, and also for and notwithstanding any law, act or usage to the contrary, no bishop, rector, priest, synod, conference, or other church dignitary or government shall levy any tithes or church dues, or other compulsory payments for the support of religion, or exercise any temporal or ecclesiastical jurisdiction over the laity or over any clergy or ministers not belonging to his or their church or denomination of Christians.

Enclosure (C.) in No. 81.

BILL for the future Disposal of the Clergy Reserves in this Province, as reported by the Committee of the whole in the Legislative Council.

Enclosure (C.)

WHEREAS, for the advancement of the Christian religion and the promotion of good morals in Upper Canada, it is expedient to appropriate the lands called Clergy Reserves, and the yearly income arising from the interest, rents and proceeds of sales thereof, in aid of the maintenance of the ministers of religion; Be it therefore enacted, &c., That it shall and may be lawful for the Lieutenant-governor of this province, by and with the advice of the Executive Council, to cause to be sold and alienated, granted and conveyed, all or any portion of the clergy reserves in this province, in like manner as the clergy reserve lands have hitherto been sold: Provided always, that the necessary expenses attending such sale shall be defrayed out of the first monies arising therefrom: Provided always, that nothing herein contained shall be taken or held to interfere with any incomplete grant, order of council, or other act or undertaking of Government heretofore made for the granting or alienating any portion of the said reserves, notwithstanding that the same may be found to contain more than 100 acres.

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Enclosure (C.)

2. And be it further enacted, &c., That the letters patent alienating such lands shall describe the same as clergy reserves, and that no further reservation in respect of such lands shall be necessary.

3. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-governor, by and with the advice of the Executive Council, to cause to be invested the monies proceeding from such sales, and also all monies which have heretofore arisen from such sales, in the public funds, in the name of the Receiver-general in England, or in the public debentures of the province, and such investment to withdraw and change, in the whole or in part, from time to time as circumstances may require.

4. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-governor, by and with such advice as aforesaid, in the name of Her Majesty, Her heirs and successors, to grant and appropriate portions of the said reserves, not exceeding 100 acres in each case, as residences for officiating clergymen or ministers of religion, and for the sites of churches, chapels and places of public worship therein, and in case such clergy reserves shall not be found in the neighbourhood required, to procure by exchange of such clergy reserve, not exceeding 100 acres, or by purchase, for any sum not exceeding 200 *l.* in each case, convenient sites for the purposes in this clause mentioned, and to grant and appropriate the land so required for such purposes ; which grant or appropriation shall be made to the officiating clergyman and his successors, as a corporation sole, or to trustees named for the purpose by the respective congregations, as the tenets and discipline of such Churches or denominations of Christians shall respectively require.

5. And be it further Enacted, &c., That it shall and may be lawful for the Lieutenant-governor, with the advice of the Executive Council, to order and direct, by his warrant, the payment of the yearly stipends at present payable to the clergy or ministers of religion, out of any public funds in this province, to be paid out of rents of said reserves, and out of the yearly interest accruing on sales of the said clergy reserves, and upon the investment of the proceeds thereof during the incumbency of the present clergymen or ministers.

6. Provided always, and be it further enacted, &c., That nothing in this Act contained shall extend or be construed to extend to authorize the payment of any stipend towards the support of clergymen and ministers of religion, other than such as belong to the Churches of England and Ireland, the Church of Scotland, the United Synod Presbyterians of Upper Canada, the Roman Catholic clergy, and the ministers of the Wesleyan Methodists: Provided further, that no sect or denomination shall be recognized or receive any aid from the said fund unless the parties representing such sects shall acknowledge and subscribe their belief in the doctrine of the Holy Trinity.

7. And be it further enacted, &c., That, notwithstanding any thing in this Act contained, it shall and may be lawful for the Lieutenant-governor, by and with the advice of the Executive Council, to extend occasional assistance to the support and maintenance of the Christian religion and its ministers belonging to denominations of Christians other than those for whom aid is by this Act permanently provided, in the way of grants of portions of the said reserves for religious purposes, or by appropriations of money out of the said interest money.

8. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-governor, by and with the advice of the Executive Council, to appropriate and direct the payment out of the said rents and interest money of stipends towards the support of clergymen and ministers of religion, duly appointed according to the rules of their respective Church or congregation, in the following cases ; that is to say, whenever there shall be shown to the said Lieutenant-governor in Council that there is resident, within reasonable distance of any church, chapel or place of public worship, a population of adults, who shall subscribe a declaration setting forth their desire to attend such church, chapel or place of public worship, and shall subscribe and pay to the said clergyman or minister of religion, a yearly sum of money, not less than 50 *l.*, then and in such case the public stipend or salary to be paid to such clergyman or minister of religion shall be equal to the said private subscription: Provided always, that in no case shall such public stipend amount to more than 200 *l.* ; and provided also, that the money so subscribed shall be paid to the treasurer of the district in which such church, chapel or place of public worship may be situated, for the use of such clergyman or minister, and the certificate of the said treasurer to that effect transmitted to the Lieutenant-governor before any payment is made, as provided for in this Act; but no such stipend shall exceed the amount mentioned in such certificate as being actually paid to the treasurer, which sum shall be paid over to the clergyman by said district treasurer within ten days after receiving the same.

9. And be it further enacted, &c., That the rents and interest money aforesaid shall be chargeable, in the first place, with the stipends or salaries of the clergy or ministers of religion, now paid out of any public funds in this province: Provided always, that such church, chapel, or place of public worship, whose officiating clergyman or minister is paid out of any public funds of this province, shall, upon the death or removal of such clergyman or minister, be entitled to priority over all new claimants as contemplated by this Act.

10. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant-governor, by and with the advice of the Executive Council, and he is hereby required to appropriate and set apart such portion of the clergy reserves or proceeds thereof as may be required to form a suitable provision for a Bishop of the Church of England and Roman Catholic Bishop in this province: Provided always, that the annual income to be derived from such appropriation shall not exceed 800 *l.* for the former, and 500 *l.* for the latter, and that until such bishops shall be consecrated, the income so appropriated or set apart shall form part of the general fund applicable to the purposes of this Act.

11. And

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Enclosure (C.)

11. And be it further enacted, &c., That all applications for public aid under this Act shall be made by memorial to the Lieutenant-governor in Council, on or before the 30th day of June in each and every year, and the private contributions for the support of the respective clergymen and ministers of religion shall be proved to have been duly paid before that time, and that until the fund arising from the rents and interest aforesaid shall be fully equal, after paying the stipends and annuities hereby charged upon the said fund, to pay an equal amount of stipends to the amounts contributed privately, the funds remaining in the hands of the Receiver-general shall be distributed amongst the applicants, in proportion to the amount of the private contributions in their favour respectively: Provided always, that no new applications shall be favourably entertained until, by the increase of the said fund, the stipends payable to the clergymen or ministers of religion whose applications shall have been approved shall equal the full amount of the private contributions, according to the true intent and meaning of this Act.

12. And be it further enacted, &c., That a book shall be kept in the office of the provincial secretary and registrar, in which shall be yearly entered the township or place at which each church, chapel or place of public worship shall be erected, the name of the officiating clergyman, the number of adults attached to his congregation, and the name of the Church or denomination of Christians to which he belongs; which entries shall be founded on yearly returns, signed by the respective clergymen or ministers of religion, certified under the hands of at least twelve freeholders of his congregation.

13. And be it further enacted, &c., That no public aid under this Act shall be given to any clergyman or minister of religion who shall not, in the first place, take and subscribe the oath of allegiance, and who is not a natural-born or naturalized subject of the British Crown.

14. And be it further enacted, &c., That no public aid shall be extended to any clergyman or minister of religion who shall not produce satisfactory proof of his ordination and appointment by authority of some Church or denomination of Christians having within this province, or within Her Majesty's dominions, due power of ordination and appointment, or unless such clergyman or minister of religion shall be wholly devoted to his religious duties, without secular employment, other than the education of youth.

15. And be it further enacted, &c., That in any case of one clergyman or minister of religion having the care of two or more congregations, amounting in number to 100 adults, who shall subscribe and declare as in the sixth clause of this Act mentioned, and who shall subscribe and pay, towards the support and maintenance of such clergyman or minister of religion, a sum not less than 50 *l.* as in the said clause mentioned, then and in such case, and until the said congregations shall increase so as respectively to come within the scope and meaning of the said sixth clause, it shall and may be lawful for such public aid and stipend to be paid to such clergyman or minister of religion in like manner as if the private aid and subscription came from one congregation.

16. And be it further enacted, &c., That nothing in this Act contained shall extend or be construed to extend to interfere with or deprive any bishop, synod, conference or other Church government of any power of appointment, suspension or deprivation of any clergyman or minister of religion, but that the functions of Church government in the several Churches and denominations of Christians shall continue to be exercised as heretofore; and that no clergyman or minister of religion shall be considered as having any right to any of the public aid, stipend, or land or benefit, other than he shall hold under, during and by virtue of his incumbency.

17. And be it further enacted, &c., That accounts of the receipt and expenditure, state of investment, together with a full report of all proceedings under this Act, shall be laid before the Houses of the Provincial Parliament within one month from the beginning of each session.

18. And be it further enacted, &c., That the 35th, 36th and 37th clauses of an Act passed in the Parliament of Great Britain in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," be and the same are hereby repealed, in so far as the said clauses confine the disposition of the lands mentioned therein to the support and maintenance of a Protestant clergy.

19. And be it further enacted, &c., That for and notwithstanding any thing in the said last-mentioned Act contained, and also for and notwithstanding any act, law or usage to the contrary, no bishop, rector, priest, synod, conference or other church dignitary or government shall levy any tithes or church dues, or other compulsory payments for the support of religion, or exercise any temporal or ecclesiastical jurisdiction over the laity, or over any clergy or ministers not belonging to his or their Church or denomination of Christians.

20. And be it further enacted, &c., That it shall be lawful for any clergyman or minister of religion, belonging to any Church or denomination of Christians named in this Act, to celebrate marriage according to the forms of their respective Churches or denominations, without any license from the quarter sessions, or qualification other than their respective ordination or appointment, any law or usage to the contrary thereof in anywise notwithstanding.

No. 81.
Sir G. Arthur to the Marquess of Normanby, 14 May 1839.

Enclosure (D.)

Enclosure (D.) in No. 81.

A BILL to dispose of the Lands commonly called "Clergy Reserves," and for other purposes therein mentioned.

WHEREAS by an Act passed in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," it was enacted, that it should and might be lawful for his Majesty, his heirs and successors, to authorize the Governor or Lieutenant-governor of each of the provinces hereinbefore named respectively, or the person administering the government therein, to make, from and out of the lands of the Crown within such province, such allotment and appropriation of lands for the support and maintenance of a Protestant clergy within the same, as might bear a due proportion to the amount of such lands within the same, as have at any time been granted by or under the authority of his Majesty, and that whenever any grant of lands within either of the said provinces should thereafter be made, by or under the authority of his Majesty, his heirs or successors, there should at the same time be made in respect of the same a proportionable allotment and appropriation of lands for the above-mentioned purpose within the township or parish to which such lands so to be granted should appertain or be annexed, or as nearly adjacent thereto as circumstances would admit; and that no such grant should be valid and effectual unless the same should contain a specification of the lands so allotted and appropriated in respect of the lands to be thereby granted; and that such lands so allotted and appropriated should be, as nearly as the circumstances and nature of the case would admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and should be, as nearly as the same can be estimated at the time of the making such grant, equal in value to the one-seventh part of the lands so granted: And whereas it was in and by the said in part recited Act further enacted, that all and every the rents, profits or emoluments which might at any time arise from such lands so allotted and appropriated as aforesaid, should be applicable solely to the maintenance and support of a Protestant clergy within the province in which the same should be situated, and to no other use or purpose whatever: And whereas, in pursuance of the said Act, such proportionable allotments and appropriations of lands as aforesaid have from time to time been reserved for the purposes therein mentioned, which lands are known by the name of clergy reserves: And whereas it is wisely provided by the said Act, section 41st, that the several provisions hereinbefore contained respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said province, and also respecting the constituting, erecting and endowing parsonages or rectories within the said province, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said provinces respectively, and assented to by his Majesty, his heirs and successors: And whereas, by a message to both Houses of the Provincial Legislature, bearing date the 25th day of January in the year of our Lord 1832, his Excellency Major-general Sir John Colborne, K.C.B., signified to both Houses his Majesty's most gracious invitation to consider how far the powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal that part of its provisions which relate to the lands allotted and appropriated in this province to the support and maintenance of a Protestant clergy, could be called into exercise for the spiritual and temporal interests of his Majesty's faithful subjects in this province: And whereas it is expedient for the peace, welfare and good government of this province, that this power should be now exercised; Be it therefore enacted by The Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," and by the authority of the same, That the 36th and 37th clauses of the said Act of the Imperial Parliament, passed in the 31st year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," be and the same are hereby repealed.

2. And be it further enacted by the authority aforesaid, That all the lands heretofore set apart within this province, under the provisions of the said Act passed in the 31st year of the reign of his late Majesty King George the Third, for the support and maintenance of a Protestant clergy, and now ungranted, be sold, alienated, granted and conveyed in fee-simple, in like manner and subject to the same regulations, and under and upon the same conditions, limitations and provisions, as now are or at any time hereafter shall be in force and use for the sale, alienation, grant and conveyance of Crown lands in this

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this province: Provided always, that nothing in this Act contained shall be construed to make void any sale heretofore made for which the patent from the Crown has not issued, but such sales shatl be and the same are hereby declared to be as valid as if the same had been made under the provisions of this Act: Provided always, that all sums due or hereafter to become due shall be applied in the same manner as the proceeds of sales made under this Act.

3. And be it further enacted by the authority aforesaid, That the monies to arise and to be produced and henceforth received from any such sale or sales shall be paid into the hands of Her Majesty's Receiver-general of this province, to be appropriated and applied by the Provincial Legislature for religion and education.

— No. 82. —

(No. 135.)

Copy of a DESPATCH from Lieutenant-Governor Sir *G. Arthur*, K.C.H., to the Marquess of *Normanby*, dated Toronto, 8 June 1839.

No. 82.
Sir G. Arthur to the Marquess of Normanby, 8 June 1839.

My Lord,

In my Despatch (No. 110) I apprized your Lordship of the circumstances under which, after many weeks spent in fruitless and unsatisfactory discussions, a Bill for the disposal of the whole of the clergy reserves, and for the subsequent appropriation of their proceeds, by the Imperial Parliament, to religious purposes, was at length agreed upon by both Houses of the Provincial Legislature, at nearly the last moment of the session.

Having transmitted this Bill to your Lordship, in conformity to the 42d section of the Constitutional Act, I shall now proceed to submit for your Lordship's consideration some remarks upon this very important measure, confining myself principally to the investigation of facts, and abstaining, as far as possible, from any expression of opinion upon those great points, which Her Majesty, with the advice of Her Parliament, will consider and dispose of in the manner most conducive to the temporal peace and concord, as well as the effectual advancement of the spiritual interests of the loyal people who occupy this portion of Her Majesty's dominions.

By the Act 14 Geo. 3, c. 83, regulating the government of the old province of Quebec, and securing to the Roman Catholic subjects of the Crown in that colony the free exercise of their religion, and to the clergy of the Church of Rome all their accustomed dues and rights from the members of that Church, a right was expressly reserved to the Crown of "making such provision out of the said accustomed dues and rights for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy, as might be thought from time to time necessary and expedient."

In the year 1791, when the King was pleased, with the advice of Parliament, to confer on this province its present form of government, and separate it from the French settlements in the eastern parts of the old province of Quebec, now known as Lower Canada, it was determined to provide, by a liberal endowment of land, for the support of the Protestant religion; and a reservation was accordingly directed to be made of a portion of the surveyed lands equal in quantity to a seventh part of the lands granted throughout the province. The lands so ordered to be set apart, and subsequently called clergy reserves, were to be permanently appropriated for the support and maintenance of a Protestant clergy, and, as the Declaratory Act of the Provincial Legislature passed a few years since, intituled, "An Act relative to the Right of Tithes within this Province," fully shows, were intended to be substituted for the tithes which, in the previous state of things, might have been collected for Protestant purposes.

This Act was passed in 1821, and received the royal Assent in 1823.

In pursuance of this provision of the Constitutional Act, lands have from time to time been set apart, until, in the progress of surveys and settlements, the quantity of land reserved for the support of a Protestant clergy has amounted to nearly 2,400,000 acres.

As these reserves were found in a long course of years to have yielded a very slender revenue, it became a question of policy, about the period when emigration to Canada had commenced on an extensive scale, whether the original principle of the appropriation might not be partially set aside without prejudice to religious interests.

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The discussion of this question ended in the passing of the Imperial Act 7 & 8 Geo. 4, cap. 62, by which the sale of a fourth part of the whole actual reservation was authorized, and the proceeds of the sales directed to be vested in the national stocks, the semi-annual dividends thereupon being held applicable to the improvement of the remaining reserves, or to the original purposes of the appropriation.

In pursuance of the policy thus adopted, I find the clergy reserves have been sold to the extent of nearly 500,000 acres, leaving about 100,000 acres yet liable to sale under the provisions of the Act.

In forming this estimate, it is, however, to be observed, that such lands only as have been actually taken in specification on account of lands granted are to be considered as clergy reserves liable to immediate sale.

By the Provincial Bill, which now awaits the sanction of the Imperial Parliament, a total change in the original plan of endowment is proposed to be effected, by providing that all the remaining reserves, *i. e.* about 1,800,000 acres, shall be sold in the manner in which the Crown lands are now alienated, and that the proceeds thereof shall be applied, under the directions of the Imperial Parliament, to religious purposes.

In the reference of this important matter to the wisdom of Parliament a preliminary question presents itself for consideration, viz., whether religion is to be sustained in this province by an inalienable endowment of land, or by an endowment in money funded in national or other public securities, and to be produced at the present state of settlement and cultivation by the sale of the lands reserved within the several townships of the province.

With respect to a fixed endowment in land, the chief advantage to be derived from it appears to consist in the increasing revenues which land would yield as the country advanced in cultivation and wealth, and in the number of its inhabitants. Such increase of profits or emoluments would be found to bear some sort of proportion to the growing wants of the people for spiritual insstruction.

Looking beyond the present age, and to the period when this country, instead of 400,000, may contain 4,000,000 souls, we may feel assured that lands which now produce a yearly rent of 5*s.* will a century hence yield 20*s.* or 30*s.* per acre, and that lands which would not now sell for more than 10*s.* or 15*s.* per acre will then be worth nearly as many pounds.

But there is another advantage in an endowment in land, which arises from its security. While funded property is frequently liable to great and sudden fluctuations in value, to losses, and even sometimes to ruin, land remains a sure and never-failing means of support, which in the lapse of many ages can be but momentarily affected by the vicissitudes of the seasons, or by the embarrassments resulting to nations from a vicious and ill-regulated currency, or the excessive developments, periodically recurring, of a speculative commercial spirit.

Among the schemes of settlement brought forward in the progress of the discussion at the recent session, a middle course, between an entire alienation of the land and a mere funded provision for the maintenance of religion, was suggested, having it in view to assign small portions of land to the ministers of religion in each township, as glebes, and providing them with stipends from the revenues derivable from the sales of the remainder of the reserves.

This plan of settlement, however, though it certainly had merit, and claimed some consideration, did not ultimately obtain the general approbation of the Provincial Legislature.

But, without engaging in a speculative inquiry into the comparative advantages of endowments in land and such as rest entirely upon investments in public stocks, the subject is to be viewed practically in connexion with the present posture of the question respecting the clergy reserves, and the peculiarities existing in the social and political condition of the colony.

A departure has been already made from the original scheme for supporting the clergy by means of the rents and profits of the reserved lands, and of these lands nearly one-fourth part has been sold.

It has also been considered by Her Majesty's Government that the clergy of the Church of Scotland may participate, conjointly with the Church of England, in the revenues arising from the sales of the reserves, and the Despatches from the Colonial Office contain repeated expressions of the anxiety felt by Her Majesty's Ministers, that not only the Church of Scotland, but the other large communities of Christians within the province, should receive from the

funds

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funds produced by the sales an assistance proportioned to their growing wants and demands.

The Bill transmitted to your Lordship opens for imperial legislation a field even more extensive than Her Majesty's Ministers may have expected; for it admits of an appropriation of the rents and profits arising from future sales to religious purposes generally, and without restricting them to such only as are Protestant.

It appears, indeed, to go much beyond the object of the Imperial Act 7 & 8 Geo. 4, cap. 62, in authorizing not only the interest or profits of the sums of money to be produced by the sales of lands, but even those capital sums also, to be applied to any immediate religious purpose as fast as they may be collected.

But as the application of the money directly produced by the sale of the whole mass of reserves to present and fleeting purposes would be at complete variance with the original design of the appropriation, as well as the views which appear to have been always entertained by Her Majesty's Government, such a course can hardly be favoured so long as the support of religion forms an object of public policy.

It may, indeed, be reasonably presumed that the Provincial Legislature, notwithstanding the latitude of construction which the Bill may bear, did not intend that the benefits to be dispensed by it should be transient, and open to the participation of none but the passing generation.

In devoting to religious purposes the funds arising from the sale of a portion of land equal in value to one-seventh of all the lands granted in the province, it can scarcely be supposed that there was any other object in view than to extend the blessed influences of the Christian faith, by affording to the people, steadily and permanently, through successive generations, the means of religious instruction; and in the carrying of such views duly into effect, it seems most prudent and judicious that the interest on the principal produced by the sales, and vested in the public funds, and the *interest alone*, should be annually distributed in some determinate and satisfactory manner.

On the presumption that views somewhat similar to these may be entertained by Her Majesty's Government, it would have afforded me the utmost gratification if the sources of information within my reach had enabled me on this occasion to transmit to your Lordship a full and particular statement of the numbers belonging to the various religious communities at present existing in the province.

Great and manifold are the differences of opinion which have prevailed upon this point; and in order to terminate them, a provision was last year introduced into the Act for the regulation of the duties of township officers, requiring each assessor, in taking the customary annual census, to specify in separate columns the various religious professions of the inhabitants within the circuit of his duty.

A few of these returns have been already received from the clerks of the peace; but as the time for their transmission to the Government has been extended by the Act until the 1st day of July in each year, I shall not immediately have in my possession the means of supplying your Lordship with a full return for all the districts of the province. I shall not, however, lose a moment in transmitting a general abstract as soon as the returns on which it must be founded shall have reached this Government.

The tabular statement marked (A.) which is herewith enclosed accordingly, contains all the information upon this subject which I can now submit to your Lordship. (A.)

One of the points most controverted is the actual numerical strength of the Church of England in this province, which on one side seems to have been as systematically depressed as on the other it may have been unreasonably raised. If the present returns may be considered as warranting a conjecture upon this head, I should say, that, upon the completion of the census, the members of the Church of England will be found to form the most numerous body of Christians in the province, and that next in succession to that body, in point of numbers, are to be ranked the members of the Church of Scotland, the Roman Catholics, and the Methodists of the British Wesleyan connexion.

In offering these explanations in connexion with the very imperfect religious returns which I now submit, I am anxious to guard your Lordship against errors

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injurious to the interests of any of the religious communities to which I have adverted.

It is certainly my impression that I am borne out in my estimates by the actual strength of the several religious bodies; but it is very probable that some of the sects may have formed a conjectural estimate of their own numbers very different from mine.

Many inaccuracies are found naturally to slide into the ordinary census, even when carefully taken by the most conscientious persons, and these errors may perhaps be multiplied when a religious census is required to be taken, more especially at a moment of peculiar excitement on questions connected with religion. Hence I consider that it will only be after an opportunity shall have been afforded of comparing the returns of the population for a few consecutive years, that a satisfactory approach to exactness in estimating the actual relative strength of the various Christian denominations in the province can be arrived at. In the meanwhile I am of opinion that no sect will be satisfied with the returns: it is indeed probable that in general they will be greatly disappointed.

I have been thus careful in laying before your Lordship all the information which I now possess, respecting the numerical strength of the sects, under an impression that, however imperfect, it may yet be in some measure acceptable.

When the returns from all the districts shall have been received, they will supply your Lordship with a much better general view of the diversities of religious profession which now exist in the province than the present statement. In the meanwhile I am sure that your Lordship will remark with pain the great numbers of persons who are returned as belonging to *no religious denomination whatever*.

Your Lordship may perhaps next look to me for some explanation of the clashing views and wishes of the people of Upper Canada upon the subject of the reserves. It was at first my full intention to undertake this task: but on a careful review of its nature I have become deeply sensible of its extreme difficulty and delicacy, and of the hazard which, if it were persevered in, I should incur of doing injustice to the claims of particular denominations. Thus impressed, I have thought it most advisable to forego my original design; and I have more readily come to this conclusion because the whole course of the discussions respecting the reserves is now fully before Her Majesty's Government, and the great diversity of opinion prevailing in the colony with regard to their appropriation is a fact well known in England.

A clamour will naturally be made by such as dislike and disapprove of the measure for replacing the reserves under the control of the Imperial Parliament for a renewed appropriation; a similar display of hostility would probably accompany any other conceivable mode of dealing with this most arduous question.

I am, however, induced, after a close and anxious inquiry, to believe (and I hope I am not mistaken in this belief) that the great mass of the considerate and loyal people of the country sincerely desire the extinction of so great a source of excitement as the clergy reserves have long supplied to the lovers of agitation, and that they would gladly see those lands wisely and equitably appropriated to religious purposes by the supreme legislative power of the empire.

I have no hesitation in adding that, according to my impressions, an effectual settlement of the question can now be accomplished by no other than that supreme authority, and that any further delay which may be suffered to occur in resolutely grappling with and overcoming its difficulties must inevitably produce consequences the most hurtful to the common peace and welfare of the country.

Presuming, from these considerations, that a decisive and final measure will be founded by Her Majesty's Government upon the provincial Bill, I have ordered some explanatory statements respecting the reserves to be prepared; and in submitting them to your Lordship, I entertain no doubt that, in the devising of any general scheme for the appropriation of the funds which may be produced by the sale of the clergy reserves, regard will be shown to the existing claims for aid of those religious bodies to whom specific allowances have been annually granted from the Crown funds, and that under any new arrangements which may be formed with respect to the casual and territorial

revenue,

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revenue, or to the appropriation of the monies produced by the sale of the reserves, Her Majesty's Government will hold those claims valid and binding to the full extent to which the royal faith may be understood as having been pledged.

By a statement marked (B.), which I have the honour to enclose, the total amount of the aid annually granted to the five principal religious communities is shown to be 13,548 *l.* currency. (B.)

Of the sum paid to the ministers of the Church of England, amounting to 8,568 *l.* 0 *s.* 2 *d.*, a certain proportion is defrayed from the monies entered in the account (E.), commonly called the Clergy Fund, and the deficiency is supplied from the casual and territorial revenue.

The Clergy fund comprises the rents received on leased lands, the dividends upon the monies vested in the national funds, and the interest collected by the Commissioner of Crown Lands on sales of land. The amount of annual revenue arising from these several sources is expended in paying the salaries of the ministers of the Church of England, in conformity to a Despatch from the Secretary of State (No. 20), dated 5th August 1834, to which Despatch, and the printed papers it enclosed, I beg to draw your Lordship's particular attention.

The whole of the allowances to the other religious bodies have hitherto formed charges upon the casual and territorial revenue.

By one of the Bills which your Lordship will find among those reserved for Her Majesty's consideration, it is, however, proposed, that the casual and territorial revenue shall be surrendered to the control of the Provincial Legislature, upon certain conditions, which do not embrace any provision for the religious bodies. I have in a more particular manner noticed these conditions, and the extent to which they correspond with the terms proposed by Her Majesty's Government, in another Despatch, which your Lordship will receive simultaneously with this. No. 118.

Should this Bill be sanctioned, it would then remain to provide the religious grants, hitherto supplied by the Crown revenues, from other sources; and I am not aware that such can be found, except to a certain extent, in the improving revenues which may arise from the sale of the clergy reserves.

Those revenues are not at present equal to the admitted demands of one of the five parties who claim public aid, viz., the Church of England; but it forms a fit subject for consideration, whether some means may not be devised for speedily rendering them capable of sustaining the charges which the Assembly wishes to cast upon them.

According to the statement of the Commissioner of Crown Lands, which I enclose, marked (C.), the total receipts of money upon sales paid into the military chest, since the year 1829, for investment in the public funds, amounts to 108,475 *l.* 6 *s.* 11 *d.* currency. (C.)

These payments have been made in pursuance of the Despatch from the Colonial Department, dated 1st October 1831. No. 43.

By it instructions were given with respect to the mode in which the dividends upon the stock, periodically received by Mr. Sargeant, were to be drawn and applied to the use of the Church of Upper Canada; and upon reference to the office of the Receiver-general of the province, I find that drafts, grounded on those instructions, have been made upon the Board of Treasury since the year 1833, at the periods and to the extent specified in the enclosed statement marked (D.) (D.)

The irregularity in the amount and date of the several drafts which is apparent on the face of this statement, and which I take this occasion to notice, has arisen, as I learn from the Receiver-general, from the circumstance that no regular exhibition has hitherto been made to this Government of the state of the investment, or of the dividends periodically received upon the stock.

It is fit that I should draw your Lordship's attention to the expediency of causing a semi-annual statement respecting these funds to be transmitted to this Government, in order that the Receiver-general may be directed to draw at regular periods for the dividends, and neither for more nor for less than their exact amount, as it may from time to time appear in the account.

 I understand

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I understand from Mr. Dunn that of late he has periodically received from Mr. Sargeant a statement of this account; but it does not appear to be made out in so full a manner as, under present circumstances, would appear to be essentially necessary.

(E.)

The statement marked (E.), which I transmit, exhibits the amount of annual receipts since 1st June 1833 for rent of leased reserves, and the quantity of land now yielding rent, which is stated at 300,000 acres.

Under the operation of the Bill for the further disposal of the reserves (if it should be sanctioned), this source of revenue will be gradually absorbed, in proportion as the sales of those lands are proceeded with, and the extent under lease is reduced; in the meanwhile, however, the sums collected for rents in arrear will continue for a short time to keep the fund moderately productive.

(F.)

The statement marked (F.) shows the sum now in advance from the Crown funds in aid of the Clergy fund, or, as it is called, Account (E.)

The Parliamentary grant for the Missionaries of the Church of England ceased on 1st July 1832, and the support of those clergymen was thus suddenly thrown upon the revenue arising from the clergy reserves, unaided by any other resources.

For the latter six months of the year 1832, the sum of 4,600*l.* was required for the salaries of the archdeacons and other clergy; and the expenditure for the same purpose in the year 1833, including a few other minor disbursements connected with the Church, and deducting the sum of 599*l.* 5*s.* 8 ¼ *d.* remaining in the fund on the 1st January 1833, amounted to 9,918*l.* 17*s.* 10¼*d.*, while the income for the same year only amounted to 3,457*l.* 9*s.* 1¼*d.*, showing a balance against the fund of 6,461 *l.* 8*s.* 9*d.*

No. 221.

The revenue, however, improved in the following years, and by the method pursued (in conformity to a Despatch, dated 5th August 1834, authorizing payments from the Crown funds), the sum in advance has been gradually reduced to 4,230*l.* 4*s.* 3*d.* sterling.

This debt, which under present arrangements is in a rapid course of reduction, should be taken into consideration when any new arrangement is made with respect to the payment of the clergy.

From the statement marked (C.) your Lordship will collect that the total sales of clergy reserves amount to the sum of 326,911*l.* 19*s.* 1*d.*, that the sum received and vested amounts, as already mentioned, to 108,475*l.* 6*s.* 11*d.*, and that the amount remaining to be paid is 199,990*l.* 9*s.* 4½*d.* currency.

The average price obtained at these sales is about 13*s.* 2*d.* currency per acre.

If the remaining reserves shall be offered for sale by virtue of the Bill now under consideration, the average rate of purchase could not be so high as 13*s.* 2*d.* per acre, because the best lots have been most sought after, and among the unsold lots there must be a proportionable number barren or swampy, and comparatively worthless. Hence it would seem unreasonable to estimate the remaining lands at a price exceeding 10*s.* currency per acre; and if eventually the sales should reach that average, the produce would be about 900,000*l.* I am aware the argument may be raised that the inferior lands will have an increased value from the fact of the settlement and cultivation of the superior soils; but I should not confide in any such calculation.

After deducting from this sum of 900,000*l.* the annual expense of management, it would form, with the present amount of actual sales, a total fund, applicable to religious purposes, of about 1,200,000*l.* currency.

It is proper, however, to add, that the day is yet distant when such a result may be attained.

(G.)

Another return, marked (G.), which has been prepared in the office of the Commissioner of Crown Lands, and which I now transmit to your Lordship, affords a general and comprehensive view of the state of the sales made by that officer, and the future prospects of revenue.

It exhibits the quantity of land sold and the quantity remaining unsold, the total amount of sales (semi-annually specified) from the year 1829 to the year 1838 inclusive, the estimated amount remaining unpaid on sales on 25th May 1839, the estimated amount due and unpaid on 30th June instant, the interest on the amount unpaid accruing annually, the amount of interest due accruing annually,

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annually, and the sum of the principal and the interest estimated to be due on the 30th instant.

These papers will, I trust, furnish your Lordship with the means of estimating the extent to which it may be practicable at the present time to transfer to the clergy revenues the burden of the annual appropriations in aid of the religious bodies, which have hitherto been chiefly drawn from the Crown funds.

In addition to the annual dividends arising from the public stock, managed under the directions of the Board of Treasury, of which I have no exact information, and the annual income derived from leased lands, which has been already explained, there are payments (noted in the return marked (C.)) made, on account of interest, to the Commissioner of Crown Lands, with reference to which, for the sake of facilitating your Lordship's inquiries into this important branch of the subject, I transmit a copy marked (H.), of the instrument by which the sale of a clergy reserve is usually acknowledged, and which exhibits the conditions on which it is made. (H.)

Your Lordship will see that the payments are extended in all cases, except when the purchasers choose to make them at earlier periods, over a term of nine years, and that the interest does not become payable upon any instalment of principal until such instalment shall itself be due.

This system of sales is, I believe, open to no objection; it accommodates itself to the means and circumstances of the purchaser, and to the general state of things in this country. I am not aware that it would be practicable to hasten in any advantageous manner the collection of instalments upon sales. Much, indeed, must always depend on the contingencies of harvests and prices; and when in both respects they are favourable to the farmer, payments for land are usually more prompt and frequent than at periods when circumstances are discouraging and untoward.

The returns show that, while the annual amount of interest which now accrues upon sales not yet realized is estimated at 12,048*l.* 11*s.* 0½*d.*, the total amount of actual receipts upon account of interest for a term of ten years is but 13,646*l.* 19*s.* currency.

It is at the same time to be seen, by a reference to the fifth column of the Return marked (G.), that instalments have annually fallen in arrear, and that, in fact, there are instalments still due for every year since 1829, on which interest continues to accrue, as stated in column No. 7 of the same Return.

The great uncertainty which is thus proved to attend the payment of instalments on sales is of a nature to disturb any calculation which may be attempted respecting the prospective annual receipts of interest.

The average receipts upon this account during the whole period reaching from 1831, when the system of sales began fairly to take effect, to the close of the year 1838, a period of eight years, is 1,480*l.* 9*s.* 3*d.*, and for the latter half of that term 2,268*l.* 6*s.* 8*d.* currency.

The amount of principal, which is estimated by the fifth column in the Return marked (G.) to be now due, viz. 76,120*l.* 16*s.* 8*d.*, in connexion with the amount of interest which has accrued on the aggregate of sales, estimated at 23,000*l.*, holds out a prospect of increased revenue from this source.

With respect to the present year, I am disposed to estimate the receipts of interest at 4,000*l.*; possibly they may amount to 5,000*l.*, as the sum of 1,800*l.* has already been paid within the current year; but I think it important that they should not be over-rated.

Assuming then 4,000*l.* currency as the limit for the present year, I shall proceed to submit to your Lordship an estimate of the total amount of the revenues which appear to be available for the religious charges. First, on the public stock of Great Britain, which in the absence of any statement, I set down at hazard as 96,000*l.*, the dividends for the year, at three per cent., would make 2,880*l.* sterling, which, with premium, would be - - - £. 3,500

Rents of leased reserves - - -	1,100
Interest collected - - - -	4,000
	£. 8,600

But the sum to be provided is 13,548*l.*, showing a deficiency in the supply of 4,948*l.* currency.

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Looking forward a few years, and estimating the effect of the ordinary process of payments on purchases, and corresponding investments of the sums received in the public funds of the United Kingdom or of the province, I think much is to be expected from the accumulation of interest upon the principal to be realized from sales, which at the present time amount, as stated in the eighth column of the statement marked (C.) to nearly 200,000*l.*

The income from this source will progressively improve, and bear a proportion to the amount of the unpaid principal created by the sales of the land and the degree of punctuality observed by the purchasers in fulfilling their engagements; while it will at the same time occur, that as fast as instalments of the principal are collected and invested in public stock, a more regular and steady income will be provided in another form.

But while time is required for the due development of the resources which the reserves are capable of yielding, and which, under the most favourable circumstances, cannot satisfy all claimants, your Lordship will remark, that there is no immediate prospect of extending that additional degree of aid to the ministers of various religious denominations which, in consideration of the spiritual destitution of the province under the circumstances of an increasing population, your Lordship will naturally be most solicitous to afford.

There is a mode of increasing the annual revenues which yet remains to be noticed; viz. the sale of the national stock, and the investment of the proceeds thereof in provincial securities, by which measure the interest obtained would be increased from three per cent. payable in London, to six per cent. payable here.

The propriety of such a transfer of the investment from national to provincial securities will depend much upon the view which Her Majesty's Government may take of the state of the finances of this country. Into this subject I have fully entered in another Despatch (No. 131).

Assuming, however, that all the means of improving the income from the reserves have been resorted to, I find that there will be a deficiency, which, if the Bill relating to the casual and territorial revenue should be assented to in its present shape, can be supplied from no other disposable fund.

It is true that, to meet the exigencies of the day, the capital constituting the endowment may be trenched upon; but I hold this point as, at the present moment, suitable only for discussion by Her Majesty's Ministers and the Imperial Parliament, since it involves a question in which future generations are peculiarly interested, viz. whether or not there shall be a permanent provision for the inculcation of the Christian faith among the people of this province in all time to come.

Although I have bestowed much time upon this important subject, I think it proper to inform your Lordship that much still remains for me to do in the investigation of many details connected with the clergy reserves; for although I have thought it most prudent to keep within bounds in estimating their proceeds, I shall be much disappointed if they cannot be made, at a very early period, far more productive.

No. 110.

In my Despatch of 14th ultimo, I expressed my belief that meetings would be called for the purpose of prolonging the agitation which has existed in this country respecting the clergy reserves, and of influencing the proceedings in England upon the Bill authorizing their disposal; I am, however, happy to say that my anticipations upon this point have not been realized. No public meetings, that I am aware of, have been held in any part of the country, and the agitation that I expected seems confined to the columns of some of the newspapers.

I have, &c.

(signed) *George Arthur.*

STATEMENT

STATEMENT (A.)

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

DISTRICTS.	Church of England.	METHODISTS.					PRESBYTERIANS.						Roman Catholics.	BAPTISTS.				Lutherans.	Dutch Reformed Church.	Menonists.	Tunkers.	Moravians.	Quakers.	Society of Peace.	Universalists.	Restorationalists.	Unitarians.	Latitudinarians.	Deists.	Free Thinkers.	Irvingites.	Reformers.	Christians.	Bible Christians.	Disciples.	Mormons.	Other Denominations.	No Profession.
		British Connexion.	Episcopal.	Canadian Wesleyan.	Primitive.	Under the general term of Methodists, without distinction.	Church of Scotland.	Seceders from the Church of Scotland.	Independents.	Congregationalists.	Nonconformists.	Under the general term of Presbyterians, without reference to Sects.		Returned under the general term of Baptists, without reference to distinctions.	Open Communion.	Close Communion.	Free Will.																							
LONDON - -	8,768	3,375	2,102	1,504	–	–	3,351	618	117	263	–	2,814	1,850	–	1,001	2,638	611	9	–	166	57	–	1,109	–	90	7	–		–	–	–	27	–	–	4	–	6,727
TALBOT - -	353	166	425	355	–	–	43	4	2	21	18	238	52	–	87	941	10	37	–	36	7	–	22	–	28	–	–	–	–	–	–	–	–	–	–	–	–
GORE - -	6,141	4,975	2,175	–	–	–	6,246	–	–	–	–	4,007	2,301	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	6,243	4,475
NIAGARA -	4,120	641	444	8	6	4,073	–	–	8	–	–	3,780	981	947	–	–	–	422	44	1,615	316	–	480	5	45	–	4	–	4	24	–	4	76	–	95	–	–	10,902
HOME - -	16,717	1,040	64	–	100	7,279	1,087	885	469	289	–	10,884	4,095	1,299	–	–	–	456	–	857	545	7	864	–	28	–	10	–	–	–	146	–	557	–	–	66	–	2,950
NEWCASTLE -	10,815	–	–	–	–	6,643	9,045	–	91	–	–	–	4,572	1,471	–	–	–	–	–	–	–	–	595	9	190	1	–	6	–	49	–	9	564	270	21	76	–	1,918
PRINCE EDWARD	2,354	3,806	1,862	343	–	–	383	–	71	98	–	925	1,097	220	–	–	–	21	–	–	–	–	1,060	–	–	10	–	–	–	2	–	–	67	–	220	–	–	–
EASTERN -	4,281	1,792	74	–	–	–	11,293	–	19	30	–	–	9,200	434	–	–	–	1,338	–	–	–	–	14	–	25	–	–	–	–	–	–	–	–	–	–	29	–	329
BATHURST -	8,239	–	–	–	–	1,745	–	–	–	–	–	8,660	5,414	255	...	–	–	–	–	–	–	–	22	–	10	–	45	–	–	42	–	–	–	–	–	65	–	–
	61,788	15,795	7,146	2,210	106	19,740	31,448	1,507	777	701	18	31,308	29,562	4,626	1,088	3,579	621	2,283	44	2,674	925	7	4,166	14	416	18	59	6	4	75	188	13	1,291	270	336	240	6,243	27,301

REMARKS on the foregoing STATEMENT, applied to each DISTRICT separately.

LONDON.—There are six townships not returned, viz. Aldborough, Dorchester, North and South Dunwich, Blandford and Zorra, together containing a population of 5,000 souls; Zorra, containing 2,461 inhabitants, is chiefly settled by Scotch emigrants. In other respects the Returns are complete. Population, 38,539.

TALBOT.—This Return is stated by the Clerk of the Peace to be erroneous. The total population of the district is returned as amounting to 9,046, but the religious census gives only 2,845, and probably comprises but the heads of families, which, averaging four persons for each family, would nearly agree with the general statement of the population.

GORE.—The Returns for this district have not been received. Its total population last year was 50,319. In Nelson 259 persons are returned generally as of "other denominations," who are understood to be principally Canadian Wesleyan Methodists. In Waterloo there are 2,382, and in Wilmot 854 persons returned in the column of "other denominations," who are understood to be principally Menonists and Tunkers. The Return for Ancaster, which contains, according to a former census, 2,460 souls, is exceedingly defective. The assessors for Barton, containing 1,401 souls, and the town of Hamilton, containing 3,116, have not yet made their Returns; and those for Brantford, containing 4,445, and for Esquesing (a Scotch settlement), containing 2,635 souls, have returned the ordinary census, without any information whatever respecting religious denominations.

Remarks on the foregoing Statement—*continued.*

NIAGARA.—The Returns for this district are complete, with the exception of the township of Cayuga, which has been heretofore stated to contain 672 souls. The total population of the district is 30,522; but some inaccuracy most assuredly exist in the Return of not less than 10,140 souls in the county of Lincoln, as belonging to no religious community.

HOME.—The Returns for this district are not complete. Its population last year amounted to 57,314 souls. The Returns for the following townships are deficient; viz. Caledon, 1,422; Etobicoke, 1,727; W Gwilliambury, 2,145; Sunnidale, 146; Orillia, 139; Tiny, 293; Tay, 81. The St. Lawrence Ward of the city of Toronto:—The religious Returns of this district are very unsatisfactorily made, in some cases they have been totally omitted, and in others the heads of families only have been returned.

NEWCASTLE.—The total population of this district is 35,755. Returns are deficient for Verulem, 205; Harvey, 68; part of Emily, (about) 200.

PRINCE EDWARD.—This district contains 13,212 souls. The Clerk of the Peace reports that the Methodists are overrated in these Returns. The assessors for Hallowell and Ameliasburgh are represented as having included within that denomination all persons who did not positively belong to some other.

EASTERN.—The Return for this district is complete. Population, 28,827.

BATHURST.—No regular Returns have been received from this district. Its total population is 23,436.

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Statement (B.)

Statement (B.)

Annual Payments to Religious Bodies in *Upper Canada*, to which the Faith of Her Majesty's Government is pledged.

	Sterling.			Currency.		
	£.	s.	d.	£.	s.	d.
Clergy of the Church of England - - -	7,711	4	1	8,568	–	2
Presbyterian Clergy in connexion with the Church of Scotland - - - - - - -	1,582	–	–	1,757	15	6
Presbyterian Ministers of the United Synod of Upper Canada, not in connexion with the Church of Scotland - - - - -	700	–		777	15	6
British Wesleyan Methodists - - -	700	–	–	777	15	6
Roman Catholic Bishop and Priests - -	1,500	–	–	1,666	13	4
£.	12,193	4	1	13,548	–	–

STATEMENT (C.)

STATEMENT showing the Amount of CLERGY RESERVES sold in *Upper Canada* in each Year since 1828, the Number of Acres sold in each Year, the Total Amount for which sold, the Total Amount of Money received in each upon such Sales, distinguishing Principal from Interest, the Disposal of Sums received on account of Principal and Interest, the Total Amount invested or paid over, the Annual Amount of Interest accruing upon Sales not yet realized, and the Amount of Principal remaining unpaid upon such Sales, to the 30th day of April 1839 inclusive.

Year.	Number of Acres sold in each Year.	1. Total Amount for which sold (Provincial Currency).	2. Total Amount of Money received in each Year (Principal).	3. Total Amount of Money received in each Year (Interest).	4. Amount paid in each Year into Military Chest (Principal).	5. Amount paid in each Year to Receiver-general (Interest).	6. Amount of contingent Account for Salary and Disbursements	7. Annual Amount of Interest on Sales not yet realized.	8. Amount of Principal on Sales not yet realized.	REMARKS.
		£. s. d.	£. s. d.	£. s. d.	£. s. d	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
1828 -	None -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	This department has no knowledge of the investment of the different sums of principal paid into the Military Chest, under the authority of a Despatch from Lord Goderich of 2 April 1831, or of the annual amounts of dividends accruing thereon. Honourable Peter Robinson, agent for the sale of clergy reserves during this period. The disproportion between the amounts charged in each year for contingent expenses arise from charges for surveys, inspection and valuation made at uncertain periods when necessary, as well as from the salary of agents, printing, accounts, &c., for services rendered in one year not being presented for payment until after the commencement of the next, as will appear upon reference to the accounts current rendered to the Government, from which this column is filled up.
1829	18,014	13,229 - -	2,466 1 3	- - -	- - -	- - -	1,162 19 6	645 15 6	10,762 18 9	
1830 -	34,705½	23,452 4 -	6,216 1 11	- - -	- - -	- - -	829 13 2	1,034 3 4	17,236 2 1	
1831 -	28,563¼	17,362 12 1½	8,010 2 11	259 14 9½	11,000 - -	- -	1,207 13 -	561 2 11½	9,352 9 2½	
1832 -	48,484¾	32,287 19 -	10,239 9 7½	473 17 2	8,000 - -	797 15 3	1,010 15 -	1,322 18 2	22,048 9 4½	
1833 -	62,282¼	44,747 19 9	14,080 16 8½	854 4 3½	9,500 - -	708 7 9	1,285 11 9½	1,840 - 7	30,667 3 -½	
1834 -	59,526	41,376 18 7	14,467 9 5½	1,182 11 4	10,000 - -	1,062 11 4	1,886 13 7½	1,614 11 4	26,909 9 1½	
1835 -	59,003½	40,973 15 8	17,000 3 5½	1,841 6 3½	23,000 - -	2,107 9 1½	2,308 16 2½	1,438 8 4	23,973 12 2½	
To 13 July 1836 inclusive -	19,076	13,229 4 5	9,396 19 9	1,395 18 6	3,500 - -	1,317 17 9½	1,259 11 5			
From 14 July 1836 to 31 December inclusive -	44,364½	27,755 10 -½	9,076 3 10½	1,084 1 6½	- - -	- - -	1,023 4 3¼	1,350 13 10	22,511 10 10	
1837 -	81,549	52,253 7 4	18,318 6 8	2,637 8 8	22,475 6 11	3,888 - 1½	1,266 5 4½	2,036 2 -	33,935 - 8	Honourable R. B. Sullivan, agent for the sale of clergy reserves during this period.
1838 -	21,475¾	14,324 2 7	10,910 18 1	2,114 11 9	11,000 - -	1,949 1 10	2,160 16 -	204 15 -	3,413 3 6	
									200,809 18 9½	
1839, to 30 April inclusive -	9,823	5,919 5 7	*6,738 15 -	1,803 4 8	10,000 - -	- - -	336 18 4	- - -	819 9 5	* This sum is deducted, being the amount by which the receipts exceed the sales this year, such surplus receipts being on account of former sales.
TOTAL -	486,867½	326,91 19 1	126,921 9 8½	13,646 19 -	108,475 6 11	11,831 3 2½	15,738 17 8¼	12,048 11 -½	199,990 9 4½	

Crown Lands Office, Toronto, 16 May 1839.

(signed) *R. B. Sullivan.*

No. 82.
Sir G. Arthur to the Marquess of Normanby, 8 June 1839.

Statement (D.)

Statement (D.) STATEMENT of Drafts by the Receiver-general upon *London*, between the 30th June 1833 and the 19th January 1838 inclusive, on account of Dividends paid upon the proceeds of Sales of the Clergy Reserves funded in *England*, under the Provisions of an Act of the Imperial Parliament 7 & 8 Geo. 4, c. 62.

	Sterling Dollars at 4s. 6d.	Currency Dollars at 5s.
	£. s. d.	£. s. d.
On 30 June 1833	400 – –	480 19 7
31 December 1833	400 – –	480 – –
6 January 1834	175 – –	202 4 5¼
3 July 1834	300 – –	338 6 8
29 September 1835	1,000 – –	1,210 17 1¼
30 January 1836	600 – –	728 3 6
14 March 1837	1,000 – –	1,227 15 7
19 January 1838	2,900 – –	3,480 – –

The above monies are credited in account of the Clergy Fund, designated by the Letter (E.)

Statement (E.)

Upper Canada.

Statement (E.) STATEMENT of the Annual Amount of Rents paid to the Receiver-general on account of Rents of leased Clergy Reserves, from 1 January 1834 to 31 December 1838 inclusive.

Period.	£. s. d.	Currency. £. s. d.	Sterling. £. s. d.
From 1 Jan. to 31 Dec. 1834	3,124 9 4½ 970 12 1	4,095 1 5½	3,685 11 4
From 1 Jan. to 31 Dec. 1835	1,411 17 2 2,812 11 2½	4,224 8 4½	3,801 19 6½
From 1 Jan. to 31 Dec. 1836	1,325 19 11 1,053 3 6½	2,379 3 5½	2,141 5 1½
From 1 Jan. to 31 Dec. 1837	1,188 13 9½ 810 – –	1,998 13 9½	1,798 16 5
From 1 Jan. to 31 Dec. 1838	427 7 11 651 8 5	1,078 16 4	970 18 8½
	£.	13,776 3 5	12,398 11 1½

Clergy Corporation Office, Toronto, 6 June 1839.

(signed) *Thos. Baines.*

No. 82.
Sir G. Arthur to the Marquess of Normanby, 8 June 1839.

Statement (F.)

Statement (F.)

Account (E.) Clergy.

			Sterling.
	£. s. d.		£. s. d.
Balance in advance, after defraying the service of 1833 - - - - - - - - -	- - -		6,461 8 10
Revenue of the year 1834 - - - - -	6,642 15 11		
Expenditure - ditto - - - - -	6,280 2 -¼		
			362 13 10¾
Blue Book - - - - £. 5,979 16 9	- - -		6,098 14 11
Revenue of the year 1835 - - - - -	6,888 10 -½		
Expenditure - ditto - - - - -	5,736 1 1½		
			1,152 8 11
Blue Book - - - - £. 4,676 4 2	- - -		4,946 6 -¼
Revenue of the year 1836 - - - - -	3,982 14 3¼		
Expenditure - ditto - - - - -	5,560 4 3½		
			1,577 10 -
Blue Book - - - £. 5,547 1 10	- - -		6,523 16 -¼
Revenue of the year 1837 - - - - -	6,403 - 6¾		
Expenditure - ditto - - - - -	5,525 11 10		
			877 8 8¾
Blue Book - - - £. 4,619 12 4	- - -		5,646 7 3½
Revenue of the year 1838 - - - - -	5,857 2 4		
Expenditure - ditto - - - - -	5,418 15 3		
			438 7 1
Blue Book - - - - £. 4,230 4 3	- - -		5,208 - 2½

Inspector-general's Office,
22 May 1839.

(signed) *James Nation*,
Acting Inspector-general.

STATEMENT (G.)

STATEMENT showing AMOUNT of SEMI-ANNUAL SALES of CLERGY RESERVES from the Year 1829 to 1838 inclusive, including Estimate of Amount remaining unpaid and overdue on each Semi-annual Sale, Interest annually accruing, and Amount of Principal and Interest overdue.

1. Year	2. Period embraced.	3. Amount of Sales during the Six Months.	4. Estimated Amount remaining unpaid 25 May 1839.	5. Principal Estimated Amount remaining unpaid 30 June 1839.	6. Interest on Amount unpaid, accruing annually.	7. Amount of Interest overdue, accruing anuually.	8. Principal and Interest due and overdue, 30 June 1839.
	Six Months ending	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1829	30 June - -	10,136 - -	853 13 9	853 13 3	51 4 5	51 4 5	1,365 17 10
—	31 December -	3,093 - -	734 14 9	734 14 9	44 1 8	44 1 8	1,153 10 7
1830	30 June - -	13,713 14 -	1,830 19 9	1,830 19 9	109 17 2	109 17 2	2,819 14 3
—	31 December -	9,738 10 -	2,696 8 9	2,396 16 8	161 15 9	143 16 3	3,619 4 9
1831	30 June - -	13,944 11 6½	4,559 10 4	4,052 18 1	273 11 5	243 3 6	5,998 6 1
—	31 December -	3,418 - 7	1,811 1 9	1,408 12 7	108 13 4	84 10 4	2,042 8 2
1832	30 June - -	15,132 17 9	4,777 19 4	3,716 4 -	286 13 7	222 19 5	5,276 19 11
—	31 December -	17,155 1 3	9,376 8 -	6,250 18 8	562 11 6	375 1 -	8,688 14 8
1833	30 June - -	20,567 2 3	10,417 15 10	6,945 3 11	625 1 3	416 14 2	9,443 8 11
—	31 December -	24,180 17 6	14,997 16 11	8,332 2 9	899 17 5	499 18 7	11,081 15 -
1834	30 June - -	20,169 14 10	11,948 15 9	6,638 4 3	716 18 6	398 5 10	8,629 13 5
—	31 December -	21,207 3 9	14,766 8 4	6,562 17 1	885 19 8	393 15 5	8,334 16 5
1835	30 June - -	17,624 8 4	10,650 18 7	4,733 15 -	639 1 1	284 - 6	5,869 17 -
—	31 December -	23,349 7 4	18,415 17 8	6,138 12 7	1,104 19 -	368 6 4	7,427 14 9
1836	30 June - -	10,136 9 5	6,997 5 8	2,332 8 7	419·16 9	139 18 11	2,752 5 4
—	31 December -	30,848 5 -½	24,883 12 3	5,529 13 11	1,493 - 3	331 15 7	6,359 2 11
1837	30 June - -	25,867 19 7	20,382 9 3	4,529 8 9	1,222 18 11	271 15 3	5,072 19 3
—	31 December -	26,385 7 9	21,949 2 6	2,438 15 10	1,316 18 11	146 6 6	2,658 5 7
1838	30 June - -	7,473 19 3	6,253 2 -	694 15 9	375 3 9	41 13 8	736 9 5
—	31 December -	6,850 3 4	4,770 9 8	Not due.	—	—	—
		320,992 13 6	193,074 10 10	76,120 16 8	11,298 4 4	4,567 4 6	99,331 4 4

REMARKS.

Note.—The 8th Column includes the sums entered in the 5th, together with the annual interest in Column 7, multiplied by the number of years for which interest is charged by the conditions of sale.

Memorandum.—Statement of clergy reserves surveyed in the different districts in this province, unsurveyed ditto, number of acres sold, and the number of acres unsold.

	Acres.
Eastern - - - - - -	104,791
Ottawa - - - - - - -	97,327
Johnstown - - - - - -	141,646
Bathurst - - - - - -	157,283
Prince Edward - - - - -	26,200
Midland - - - - - -	248,856
Newcastle - - - - - -	273,660
Home - - - - - - -	418,333
Gore - - - - - - -	146,940
Niagara - - - - - -	25,450
Talbot - - - - - - -	52,400
London - - - - - -	238,019
Western - - - - - -	211,240
Total surveyed - - -	2,142,145
Add Clergy Reservation for the Six Nation Indians in the Gore District - - -	96,400
Also Clergy Reserves taken for the Huron Tract	157,142
TOTAL - - -	2,395,687
Number of Acres sold - - - -	489,867½
BALANCE - - -	1,905,819½

Crown Lands Office, Toronto, 25 May 1839.

(signed) *R. B. Sullivan.*

No. 82.
Sir G. Arthur to the Marquess of Normanby, 8 June 1839.

Statement (H.)

STATEMENT (H.)

Commissioner for Crown Lands Office,
Toronto, 18

£. Currency.

RECEIVED from the sum of pounds shillings and pence, currency, being the instalment on lot, No. in the in the township of in the district, a Clergy Reserve, containing acres, more or less, sold to him at the rate of currency, per acre, amounting to pounds shillings and pence, currency, upon condition of actual settlement, and of paying ten per cent. down, and the remainder in nine years, by annual instalments of ten per cent., with interest on each instalment as it becomes due.

No. Commissioner of Crown Lands.

MEMORANDUM OF SALE.

Acres, at per acre, amounting to £. currency.

Instalments due, and payable as follows; viz.

2d	Instalment,	£.	currency, due	18
3d	ditto	£.	ditto	18
4th	ditto	£.	ditto	18
5th	ditto	£.	ditto	18
6th	ditto	£.	ditto	18
7th	ditto	£.	ditto	18
8th	ditto	£.	ditto	18
9th	ditto	£.	ditto	18
10th	ditto	£.	ditto	18

—No. 83.—

(Separate.)

COPY of a DESPATCH from the Marquess of *Normanby* to Lieutenant-Governor Sir *G. Arthur*, K.C.H., dated Downing-street, 26 June 1839.

No. 83.
The Marquess of Normanby to Sir G. Arthur, 26 June 1839.

Sir,

As you inform me in your Despatch of the 14th May, No. 108, that you propose to address to me a separate communication on each of the Bills passed by the Legislative Council and Assembly of Upper Canada, and reserved by you for the signification of Her Majesty's pleasure, I shall of course postpone, until I receive these communications, the advice which I may feel called on to tender to Her Majesty in respect to these Bills. But with reference to the Bill for disposing of the clergy reserves, I wish to call your attention to one point on which it is necessary that I should receive information.

By the 42d section of the Statute 31 Geo. 3, c. 31, it is provided, that no Act passed, in conformity with the preceding sections, for altering or repealing any part of that Statute, or affecting in any way the King's prerogative, shall be valid or effectual "unless the Legislative Council and Assembly of such province shall, in the session in which the same shall have been passed by them, have presented to the Governor, Lieutenant-governor or person administering the government of such province, an address or addresses specifying that such Act contains provisions for some of the purposes hereinbefore specified, and desiring that, in order to give effect to the same, such Acts should be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of Her Majesty's assent thereto."

It is evident that the Bill now before me comes within the scope of this provision, but I do not find in your Despatches any allusion to this point, although in your speech at the close of the session you advert to an address on the subject presented to you by the Legislature. I would request you to furnish me with the necessary information on this point; but you will of course distinctly understand, that in specially calling your attention to this question of form, I do not

No. 83.
The Marquess of Normanby to Sir G. Arthur, 26 June 1839.

pronounce any opinion on the essential principles of the Bill, nor in any way indicate the advice which, on a more mature consideration of its provisions, I may feel it my duty to tender to Her Majesty.

I have, &c.
(signed) *Normanby.*

—No. 84.—

(Separate.)
COPY of a DESPATCH from Lieutenant-Governor Sir *G. Arthur*, K.C.H., to the Marquess of *Normanby*, dated Toronto, 27 July 1839.

No. 84.
Sir G. Arthur to the Marquess of Normanby, 27 July 1839.

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Separate," of the 26th ultimo, wherein, with reference to the reserved Bill for the disposal of the clergy reserves, your Lordship directs my attention to the 42d section of the statute 31 Geo. 3, c. 31, and observes that the address from the Legislative Council and House of Assembly, as required by the provisions of the aforesaid section to be furnished, had not accompanied my Despatch respecting the reserved Bill in question.

In my speech on the prorogation of the Parliament, of which I had the honour to transmit your Lordship a copy, I stated that I would transmit the Bill in question, "with your address thereon."

How, therefore, it escaped me to transmit the address which I have now the honour to forward, I am at a loss to conceive, and I beg your Lordship will believe that I regret the omission deeply.

I have, &c.
(signed) *Geo. Arthur.*

Enclosure in No. 84.

To his Excellency Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

Encl. in No. 84.

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council and Commons House of Assembly in Provincial Parliament assembled, have passed a Bill for the Sale of the Clergy Reserves, and for placing the proceeds of such sales in the hands of the Receiver-general of this province, subject to the disposition of the Imperial Parliament, for religious purposes; and we humbly request, that, in order to give effect to the same, the Bill may be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of Her Majesty's assent thereto.

Legislative Council Chamber, 11 May 1839. — *Jonas Jones*, Speaker.
Commons House of Assembly, 11 May 1839. — *Allan N. Mac Nab*, Speaker.

—No. 85.—

AN ACCOUNT of the TOTAL AMOUNT of the PROCEEDS of the CLERGY RESERVES sold in *Upper* and *Lower Canada*, and at present invested in the Three per Cent. Consolidated Annuities.

No. 85.

UPPER CANADA.

£. 82,210 10 8 - Producing an annual interest of - £. 2,466 6 2

LOWER CANADA.

£. 31,398 1 3 - Producing an annual interest of - £. 941 18 10

Pay Office, Civil Services, Treasury Chambers, 26 August 1839.

Samuel Beltz,
For the Paymaster of Civil Services

—No. 86.—

(No. 190.)

No. 86.
Sir George Arthur to the Marquess of Normanby, 14 Sept. 1839.
For Sir G. Arthur's Despatch, 8 June, No. 135, *vide* Papers ordered by the House of Lords to be printed 26 August 1839, No. 191, p. 26. Ditto - ditto by the House of Commons, 15 Aug. 1839, No. 537, p. 26.

COPY of a DESPATCH from Lieutenant-Governor Sir *G. Arthur*, K.C.H., to the Marquess of *Normanby*.

My Lord, Government House, Toronto, 14 Sept. 1839.

WITH reference to my Despatch to your Lordship of the 8th June, No. 135, I have the honour to transmit herewith a general tabulated Abstract of the Returns, showing the religious census of the population of Upper Canada, which have been received from the clerks of the peace of the various districts of the province, in accordance with a requisition of the House of Assembly.

In transmitting this document, it would have been satisfactory to me to have been able to express my confidence in the correctness of its details; but I regret to state that the imperfections of the returns from which they have been compiled are such as must altogether invalidate them as statistical data for any safe deductions.

It will at once be apparent to your Lordship that these returns exhibit three material defects.

1st. The general want of uniformity pervading them as regards sectarian divisions of particular denominations.

2d. The incredible relative disproportions between the details for the various districts, as compared with one another, and considered with reference to the entire district community.

3d. The great and striking deficiency between the aggregate of the different religious denominations, and that of the entire population of the province, as instanced more particularly in the cases of the Midland, Home, Gore, Talbot, and Western districts.

The first defect is best accounted for by the circumstance of no sufficiently precise form of return having been prescribed by the House of Assembly, to the want of experience of the returning officers in matters of this nature, and to the inadequate value which was probably attached to the compilation, notwithstanding the repeated injunctions of the Government.

The second defect is readily explained by the acknowledged fact, that in many instances the returns comprise the number of *families* of any particular religious persuasion, and in others the number of individuals, without, however, such discrepancies being in any case so pointed out as to admit of their being rectified.

The third defect may be, in part, though perhaps not wholly explained by the observation applicable to the second; and the only means of solving the difficulty presented by the difference of numbers, would seem to be by dividing the deficiency, amounting to nearly a sixth part of the population, among the chief denominations, according to the proportions which they severally bear to each other, as they at present stand.

The large proportion of persons who appear in the returns as professing no religion, must be viewed, I fear, as a lamentable and distressing result of the sectarian disagreements that have agitated this community for so many years past, and be further traced to the consequent want of adequate religious instruction generally.

To an extent, however, it may probably be referred to carelessness on the part of the officers who were required to ascertain the religious sentiments of the parties, or, to what is no less likely, the refusal of many of the parties themselves to avow them.

For these considerations, my Lord, I feel that I cannot safely recommend the present document as exhibiting more than an approximate estimate of the numbers of the various religious bodies into which this community is divided; and, as such, in the absence of more authentic information on the subject, I trust that it may not prove altogether useless to Her Majesty's Government.

Considering the present state of the question respecting the clergy reserves, the imperfections in the returns now furnished are much to be regretted; but as they are so conspicuous, it is to be hoped that the Provincial Legislature will see the propriety, in the ensuing Session, of devising means to insure greater accuracy in similar returns in future.

I have, &c.
(signed) *Geo. Arthur.*

Enclosure in No. 86.

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

DISTRICTS.	Church of England.	METHODISTS.						PRESBYTERIANS.			
		British Connexion.	Episcopal.	Canadian Wesleyan.	Primitive.	Under the general term of Methodists without distinction.	Total.	Church of Scotland.	Seceders from the Church of Scotland.	Under the general term of Presbyterians without, reference to Sects.	Total.
Eastern	4,281	1,792	74	- -	-	- -	1,866	11,293	- -	- -	11,293
Ottawa	1,561	745	58	- -	-	- -	803	2,428	- -	- -	2,428
Johnstown	10,374	3,820	1,843	259	-	- -	5,922	1,244	4,453	- -	5,697
Bathurst	7,671	- -	- -	- -	-	1,802	1,802	- -	- -	8,933	8,933
Prince Edward	2,354	3,806	1,862	343	-	- -	6,011	383	- -	925	1,308
Newcastle	10,017	- -	- -	- -	-	6,863	6,863	8,851	- -	- -	8,851
Midland	2,739	2,943	2,017	- -	-	668	5,628	691	1,379	- -	2,070
Home, including City of Toronto	18,013	- -	76	- -	119	8,507	8,702	1,485	760	10,884	13,129
Niagara	4,102	641	444	8	6	4,073	5,172	98	- -	3,682	3,780
Gore	6,141	4,975	2,175	- -	-	- -	7,150	6,236	- -	4,007	10,25 3
Talbot	353	166	425	355	-	- -	946	43	4	238	285
London	9,184	3,445	2,195	1,839	-	- -	7,479	4,674	622	2,979	8,275
Western	2,196	- -	- -	- -	-	2,744	2,744	2,081	- -	- -	2,081
TOTAL	79,754	22,333	11,169	2,804	125	24,657 (*a*)	61,088	39,517	7,218	31,648 (*b*)	78,383

DISTRICTS.	ROMAN CATHOLICS.	BAPTISTS.					MISCELLANEOUS.					
		Returned under the general Term of Baptists, without reference to distinction.	Open Communion.	Close Communion.	Free Will.	Total.	Independents.	Congregationalists.	Non-Conformists.	Lutherans.	Dutch Reformed Church.	Menonists.
Eastern	9,200	434	- -	- -	- -	434	19	30	- -	1,338	—	—
Ottawa	3,315	259	- -	- -	- -	259	- -	33	35	—	—	—
Johnstown	3,985	794	- -	- -	- -	794	14	19	—	—	—	—
Bathurst	5,509	264	- -	- -	- -	264	- -	2	—	—	—	—
Prince Edward	1,097	220	- -	- -	- -	220	71	98	- -	21	—	—
Newcastle	4,144	1,472	- -	- -	- -	1,472	85	—	—	—	—	—
Midland	1,918	404	- -	- -	- -	404	18	5	- -	231	—	—
Home, including City of Toronto	4,591	1,323	- -	- -	- -	1,323	558	516	- -	456	- -	851
Niagara	981	974	- -	- -	- -	974	8	- -	- -	422	44	1,615
Gore	2,301	—	—	—	—	—	—	—	—	—	—	—
Talbot	52	- -	87	941	10	1,038	2	21	18	37	- -	36
London	1,868	- -	1,258	2,851	638	4,747	223	272	- -	9	- -	175
Western	4,068	1,039	- -	- -	- -	1,039	—	—	—	—	—	—
TOTAL	43,029	7,183	1,345	3,792	648	12,968 (*c*)	998	996	53	2,514	44	2,677

(*a*) Of these a certain proportion must be considered as belonging to each of the other four divisions.

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

(*c*) The remark applicable to column marked (*a*) applies also here.

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

DISTRICTS.	MISCELLANEOUS.											
	Tunkers.	Moravians.	Quakers.	Society of Peace.	Universalists.	Restorationalists.	Unitarians.	Latitudinarians.	Deists.	Free Thinkers.	Irvingites.	Reformers.
Eastern	—	—	14	—	25	—	—	—	—	—	—	—
Ottawa	—	—	8	—	34	—	—	—	—	—	—	—
Johnstown	—	—	357	—	113	—	—	—	17	—	—	—
Bathurst	—	—	27	—	19	—	28	—	5	—	37	—
Prince Edward	—	—	1,060	—	—	10	—	—	—	2	—	—
Newcastle	—	—	595	9	190	1	—	6	—	55	—	9
Midland	—	—	168	—	64	—	—	—	5	2	—	7
Home, including City of Toronto	545	7	871	—	28	—	16	—	—	—	146	—
Niagara	316	—	480	5	45	—	4	—	4	24	—	4
Gore	—	—	—	—	—	—	—	—	—	—	—	—
Talbot	7	—	22	—	28	—	—	—	—	—	—	—
London	57	—	1,119	—	99	7	—	—	—	30	—	—
Western	—	—	57	—	—	—	—	—	—	—	—	—
TOTAL	925	7	4,778	14	645	18	48	6	31	113	183	20

DISTRICTS.	MISCELLANEOUS.									
	Christians.	Bible Christians.	Disciples.	Mormans.	Other Denominations.	No Profession.	Liberators.	Total.	Total Religious Denominations.	Total Population, according to Returns of 1839.
Eastern	—	—	—	29	—	308	—	1,763	28,837	28,837
Ottawa	7	—	—	—	—	—	—	117	8,483	8,483
Johnstown	2	—	—	71	—	5,299	—	5,892	32,664	32,669
Bathurst	—	—	—	77	—	258	—	453	24,632	24,632
Prince Edward	67	—	220	—	—	—	—	1,549	12,539	14,018
Newcastle	564	270	21	76	—	1,917	—	3,798	35,145	35,146
Midland	8	—	—	10	—	780	—	1,298	14,057	38,254
Home, including City of Toronto	557	—	—	66	211	2,986	—	7,814	53,572	57,800 12,153
Niagara	76	—	95	—	—	10,847	—	13,989	28,998	29,953
Gore	—	—	—	—	6,243	4,475	—	10,718	36,563	51,000
Talbot	—	—	—	—	—	—	—	171	2,845	9,053
London	27	—	—	4	—	7,336	35	9,393	40,946	42,325
Western	—	—	—	—	—	554	—	611	13,507	16,023
TOTAL	1,308	270	336	333	6,454	34,760	35	57,566	332,788	400,346

SUMMARY:

Church of England	79,754
Methodists (of all denominations)	61,088
Presbyterians — ditto	78,383
Roman Catholics	43,029
Baptists (of all denominations)	12,968
Miscellaneous	22,806
No Profession	34,760
TOTAL	332,788
Deficiency as compared with the entire Population, being nearly one-sixth	67,558
	400,346

—No. 87.—

EXTRACT of a DESPATCH from Lord *John Russell* to the Right honourable *C. Poulett Thomson*, dated Downing-street, 7 September 1839.

No. 87.
Lord J. Russell to Governor Thomson, 7 September 1839.

THE last of the reserved Bills of the late Session has reference to the long controverted subject of the clergy reserves. To this Bill the royal assent could not have lawfully been given, until it had been laid 30 days before either House of Parliament. It was not until the 15th August that I received from the Lieutenant-governor the document necessary to enable me to fulfil the requisition of the Constitutional Act of 1791. It was therefore impossible that the Bill should be finally enacted by the Queen in Council until after the commencement of the Parliamentary Session of 1840. But had this difficulty not arisen, there were other motives which would have effectually prevented the acceptance of this measure by Her Majesty. Parliament delegated to the local legislature the right of appropriating the clergy reserves, and the effect of the Bill is to re-transfer this duty from the local legislature to Parliament, with a particular restriction. I am advised by the law officers of the Crown that this is an unconstitutional proceeding. It is certainly unusual and inconvenient. Her Majesty cannot assume that Parliament will accept this delegated office ; and if it should not be so accepted, the confirmation of the Bill would be productive of serious prejudice, and of no substantial advantage. It would postpone indefinitely the settlement of a question which it much concerns the welfare of the provinces to bring to a close ; besides, I cannot admit that there exist in this country greater facilities than in Upper Canada for the adjustment of this controversy ; on the contrary, the provincial legislature will bring to the decision of it an extent of accurate information as to the wants and general opinions of society in that country, in which Parliament is unavoidably deficient. For all these reasons Her Majesty will decline to give her assent to this Bill.

—No. 88.—

(No. 32.)

COPY of a DESPATCH from the Right honourable *C. Poulett Thomson* to Lord *John Russell*.

No. 88.
Governor Thomson to Lord J. Russell, 21 January 1840.

My Lord, Toronto, 21 January 1840.

I HAVE the honour to transmit herewith, for your information, the copy of an address recently presented to me by the Bishop and Clergy of Toronto, together with a copy of the answer which I returned to that address.

I have, &c.

(signed) *C. Poulett Thomson.*

Enclosure 1, in No. 88.

Encl. 1, in No. 88.

To his Excellency the Right honourable *Charles Poulett Thomson*, one of Her Majesty's most honourable Privy Council, Captain-general and Governor-in-chief in and over all the British North American Provinces, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the bishop and clergy of the see of Toronto, embrace with much satisfaction the first opportunity that circumstances permitted to approach your Excellency with our congratulations on your safe arrival in the province and assumption of its government.

Being well assured that your Excellency, as the representative of our most gracious Sovereign, regards with deep interest whatever affects the prosperity and security of the Established Church of the empire, we are encouraged to hope that your Excellency's powerful influence will be exerted in bringing under the favourable consideration of the Imperial Government the necessity of relieving the branch of that church which constitutes this diocese from the difficulties and embarrassments occasioned by the disputes respecting her temporalities, and in recommending that the same be arranged in accordance with the provisions set forth in the 31st of his late Majesty King George the Third, chapter 31, and the fundamental principles of the British constitution.

Your

No. 88.
Governor Thomson to Lord J. Russell, 21 January 1840.

Enc. 1, in No. 87.

Your Excellency has had ample opportunity of observing how essential sound religion is to the peace and happiness of every community, and can therefore form an accurate judgment of the spiritual destitution of this province when we state that, for the instruction of the members of the Established Church in their pure system of faith and worship scattered over this extensive country, nearly as great as England, we have only about 80 clergymen. To remedy this lamentable evil, and to build up and render efficient the glorious edifice of the Church of England in all her solidity, harmony and beauty, will be a source of grateful recollection to your Excellency when the pleasures attending a course of the most brilliant political success shall have passed away as the dews of the morning.

We fervently pray that your Excellency's administration of the Canadas may be blessed to the healing of all the evils which at present afflict them, and that you may long live to see their loyal inhabitants happy and prosperous, fearing God, honouring the Queen, and bound to the parent state by a growing attachment that shall never be broken.

In the name and on behalf of clergy of the see or bishopric of Toronto,

(signed) *John Toronto.*

Toronto, 30 December 1839.

Enclosure 2, in No. 88.

Encl. 2, in No. 88.

My Lord Bishop and Reverend Gentlemen,

I THANK you most sincerely for the expression of your kind feelings towards me.

I am not unacquainted with the spiritual destitution under which this province suffers, and it will afford me the most heartfelt satisfaction if, by any efforts of mine, I can assist in removing it.

The question to which you specially draw my attention is one of great importance but of no less difficulty.

I should indeed rejoice if, through my instrumentality, that which has hitherto been the fruitful source of discord and contention might become the means for extending religion and piety through this land; but you must be well aware, from the experience of the past, that, in order to afford a prospect of a satisfactory settlement, great concessions must be made on all sides.

For the promotion of this and of every object which may advance the interests of religion, of which you are the sacred teachers, you may rely on my earnest and most sincere co-operation.

(signed) *C. Poulett Thomson,* Governor.

(No. 89.) —No. 89.—

COPY of a DESPATCH from Lord *John Russell* to the Right honourable *C. Poulett Thomson.*

No. 89.
Lord J. Russell to Governor Thomson, 23 March 1840.

Sir, Downing-street, 23 March 1840.

I HAVE to acknowledge the receipt of your despatch, No. 32, of the 21st of January, transmitting the copy of an address which has been presented to you by the bishop and clergy of Toronto, together with a copy of the answer which you returned to it, and I beg, in reply, to convey to you my approval of that answer.

I have, &c.

(signed) *J. Russell.*

(No. 89.) —No. 90.—

COPY of a DESPATCH from the Right honourable *C. Poulett Thomson* to Lord *John Russell.*

No. 90.
Governor Thomson to Lord J. Russell, 5 February 1840.

My Lord, Toronto, 5 February 1840.

I BEG to transmit a copy of an address which has appeared in the public prints of this province, from the bishop of Toronto to the clergy of his diocese, with reference to the Bill for the clergy reserves.

I very much regret that the right reverend prelate has deemed it befitting his station and character to endeavour thus to produce excitement here, and an erroneous impression upon the subject at home, and I am the more surprised, because such a course was but recently most properly deprecated by the bishop and clergy of the diocese of Quebec, which, until last year, included Upper Canada. In a memorial addressed by that body to his Majesty in 1831, it is stated by these high authorities, that little importance can be attached "to even

No. 90.
Governor Thomson to Lord J. Russell, February 1840.

more than an ordinary number of names to any petition," and they state, "that it appears to them that the peace of society and the interests of religion are best consulted by their forbearing to excite even their own congregations to an expression of opinion in this popular form,"—a view of the subject, which is no less true in itself than it is applicable to the present state of things in this province; and I humbly conceive, therefore, that it would have been better to have left the solemn decision of the legislature to the judgment of the tribunal to which by law it is referred, unattended with any attempt to overrule that decision by such aid, and unaccompanied by further excitement within this country.

It becomes my duty, however, to inform your Lordship, that whatever may be the success of the Bishop of Toronto in procuring signatures to petitions, the opinions which his Lordship holds upon the Clergy Reserve Bill are not shared by the great majority of the communicants of the Church of England, and that the charges so unhesitatingly brought against the members of the legislature, belonging to that church, "of defection and treachery," are entirely without foundation.

It is notorious to every one here, that of 22 members being communicants of the Church of England, who voted upon this Bill, only eight recorded their opinion in favour of the views expressed by the right reverend prelate, whilst in the legislative council the majority was still greater; and amongst those who gave it their warmest support are to be found many gentlemen of the highest character for independence and for their attachment to the church, and whose views in general politics differ from those entertained by Her Majesty's Government.

Upon this latter point, I should not, perhaps, have thought it necessary to say any thing, but that the accusation thus brought against a most respectable body of men, and which is likely to be repeated in England, has produced a very strong feeling here, and I have been urged to take an opportunity of affording the means of contradicting it.

With regard to the feeling generally upon this Bill, I am most happy to be able to state, that, apart from some irritation which has been produced by his address amongst those who consider themselves maligned by it, there prevails the utmost contentment. Since the Bill passed the Assembly, I have had the opportunity of receiving communications from different parts of the province, and it is with sincere pleasure I have learned, that men of all political and religious opinions, with very few exceptions, unite in a feeling of satisfaction at the question being disposed of. Opinions have not indeed been changed with regard to the disposition of the fund. Its appropriation to education or public works, instead of to religious purposes, would have been preferred by the majority, but still the immense advantage of removing this exciting and irritating subject from the arena of discussion is admitted by all, except the very extreme parties on either side. Many members of the Assembly, who, whilst they admitted the importance of arriving at a settlement, felt themselves compelled, by their former pledges, to oppose the distribution contained in the Bill, have, since its passing, communicated to me the satisfaction with which their constituents viewed the termination to agitation on the subject which may now be expected; and I believe that no circumstance would tend so materially to diminish good feeling towards the mother country, or shake the confidence which is felt in the British Parliament, as any difficulty which might be interposed in England to the confirmation, by Her Majesty, of the measure.

I have, &c.

(signed) *C. Poulett Thomson.*

Enclosure in No. 90.

(Circular.)

Toronto, Upper Canada, 15 January 1840.

My Rev. Brethren of the Clergy and Laity of the Bishopric and See of Torronto,

Encl. in No. 90.

On the 27th of May last, I congratulated you on the passing of a Bill by the provincial legislature, which referred the disposition of the clergy reserves to the Imperial Government; not that I approved of its details, for they went to alienate the whole of the church property, and to deprive the state of the power of redeeming its sacred pledge to all her members

No. 90.
Governor Thomson to Lord J. Russell, 5 February 1840.

Encl. in No. 90.

members in the colony, by extending the ministrations of religion as the settlements and population increased. The Bill was nevertheless valuable on two grounds :—

1. It removed a source of contention which was disturbing the province, and testified that, after many repeated trials, the colonial legislature had become convinced, that the only tribunal by which it could be satisfactorily adjusted was that of the supreme Government.

2. It was an invitation to the Imperial Government finally to settle a question involving so many opposing interests as to render it impossible to be fairly considered by the local authorities. Viewing it in this light, I was induced to believe that the invitation would be gladly accepted, and therefore did I rejoice, that all religious contention would disappear, and that henceforth the only rivalry among the different bodies of Christians in the province would be to promote the glory of God and the salvation of souls.

The distance of the supreme authority from the scene of conflict and hostile opinions which irritate neighbourhoods and perplex the province renders it best qualified to explain its own act; and if it be necessary to modify the provisions of the 31st Geo. 3, c. 31, for the maintenance of a Protestant clergy, it is the only authority in whose decison the parties more immediately interested will be found willingly disposed to acquiesce.

Instead of this wise and conciliatory course, other counsels have unfortunately prevailed. The question of the clergy reserves has been again returned, and a bill has been introduced into the House of Assembly, by authority, as injurious to the Established Church as it is repugnant to the 31st of Geo. 3, c. 31, and the fundamental principles of the British Constitution.

It is not my intention, on the present occasion, to enlarge on the numerous evils which this Bill, were it unhappily to become law, must inevitably produce; but a brief notice of some of the more prominent is required, in order to convince you of the necessity of a prompt appeal to the supreme Legislature.

It begins with depriving the national church of nearly three-fourths of her acknowledged property, and then, as it would seem in mockery and derision, offers her back a portion of her own, so trifling as would be totally insufficient to maintain her present establishment, which is chiefly supported by the offerings of the faithful in England—offerings which ought to be transferred to other destitute colonies, so soon as the clergy reserves become productive. The Bill proceeds not only to compromise the principles and interests of the church, but to endanger the cause of protestantism, by fostering endless division, and perpetuating religious discord.

By the provisions of the Bill, the clergy and ministers of religion are made stipendiaries and dependents on the colonial government; and to seal their degradation, it confers on the Governor in council power to invest the funds arising from the sales of the reserves in provincial debentures (at present unsaleable), which the first financial difficulty will sweep away. It thus leaves (in such an event) the clergy and their families in helpless and irremediable poverty.

The Bill next proceeds to trample on the faith of the British Government, by destroying the birth-right of all the members of the Established Church who are now in the province, or who may hereafter come into it; to all of whom the ministrations of their religion are secured by the most solemn pledges and the law of the land.

Moreover, the details of the Bill promote error, schism and dissent, against which we are bound to pray; and while it seeks to degrade the clergy of the Church of England to an equality with unauthorized teachers, it sacrifices to expediency the highest and holiest principles.

Such are a few of the many evils which the measure is calculated to produce, but fortunately it is one of those which must be tested by much higher authority than in the colony. After passing our legislature, it has to be submitted to the British Parliament; and we may rest assured, that a measure so completely subversive of all that forms the glory of the British Constitution will never be allowed by that august and enlightened body to become law in any colony of the empire.

On the whole, we need be under no great apprehensions in regard to any measure likely to pass the provincial legislature on the subject of the clergy reserves; reckless injustice in their disposition will not be permitted; and although the church may appear friendless and in peril, from the defection and treachery of some professing members, she has many devoted sons in the colony. But if any of her children incline to despondency, let them turn their eyes to England, where we have protectors, both numerous and powerful, watching our struggles, and holding out the hand of fellowship and assistance.

In London, the venerable societies for the propagation of the gospel, and for promoting christian knowledge, with our reverend primate and the bishops and clergy, and a large portion of the laity, have manifested a lively interest in the welfare of the colonial church. They have entered into our present depressed condition with kind and affectionate feeling. They rejoiced in the testimony which I gladly bore to the exemplary piety and zealous labours of my clergy, and the generous efforts of our people, which have been increased under the discouragement of many difficulties and trials to which they have been exposed for several years.

These venerable bodies and individuals have made, and continue to make, exertions for the benefit of the distant members of the church, much beyond all former efforts; and the result of these pious exertions, while it calls for our heartfelt gratitude to God, and affectionate thankfulness to our benevolent fathers and brethren, is full of encouragement both for them and for us.

No. 90.
Governor Thomson to Lord J. Russell, 5 February 1840.

Encl. in No. 90.

Numerous meetings have been also held in the rural parts of England, to make known the present condition of the colonial church, and awaken the sympathy and call forth the assistance which that destitute condition requires. The most solemn appeals have been made from the pulpit for the same objects, and very numerous parochial associations have been formed under the immediate sanction of the archbishops and bishops, which aim at enrolling every member of the church as a contributor to the good work, that the rich of their abundance may give plenteously, and the poor may do their diligence gladly to give of their little, and that the prayers of all of every condition may continually ascend for unceasing blessings upon this labour of love. The work is succeeding with increasing success; the amount of contributions and yearly subscriptions to the incorporated society for the propagation of the gospel has been doubled within the last two years, and they are encouraged to hope that the present amount may be so augmented by continued and unwearied efforts among all the members of the church, as to render the society competent to the full discharge of their duty as agents of the church, in the wide extended field of her missionary labours, which now happily embraces the four quarters of the world.

It can hardly be necessary to inform you, that these pious exertions call for corresponding efforts among those whose spiritual welfare engages such affection in England, and prompts such beneficent assistance. Well may it be hoped, that every member of the church in this colony will now feel a double obligation laid upon him to co-operate most cordially in the work which aims at the promotion of his own eternal welfare. Even the poorest settler will feel constrained to give of his poverty, and offer up his fervent prayers for a blessing upon his gift, when he learns that the poorest members of the church at home are called upon and readily contribute their weekly pence, that they may have a part in sending forth the gospel of the Son of God, and all the blessings of the church as he founded it, to every portion of the British empire.

Were each member of the church in the province, who has the ability, to devote one hundred acres of land towards its support, as an instrument in the hands of God for the spiritual instruction of the people, an endowment nearly equal to that set apart by the constitution might in time be accumulated, and the church, freed from all anxiety, would flourish to the lasting benefit of the country. Were, indeed, each communicant to give a few acres of land, it would in time ensure the independence of the church; nor would any such assistance be long wanting, were we all, both clergy and laity, animated wholly by the principles of the gospel; for in that case the same liberal spirit and enlarged views which animated the first Christians in every land of their conversion, would produce the same fruits, and a portion for the Lord would be first set apart; it would also be permanent, and not allowed to fluctuate according to the varying tempers and dispositions of the people.

You are probably aware, that during the last session of Parliament petitions were presented from many parishes in England on behalf of the colonial church. The feeling which prompted them will probably produce many more petitions in the next session. Having had an opportunity of communicating with the distinguished Members of both Houses of Parliament, lay and clerical, as well as with two of the colonial bishops, I am happy to inform you that all concurred in opinion, that it is the duty of every one of our congregations in every settlement, large or small, to forward similar petitions. They should be grounded upon a sincere concern for the spiritual destitution of the colonies, and the terms in which they are expressed should be marked by that Christian moderation which will receive the respect which they ought to show for the Imperial Parliament. They should be so perfectly free from everything like party or political feeling, that they may be fit for presentation by men of all parties who can feel for the spiritual wants of their distant brethren. Their prayer must be cautiously expressed, that it may not ask for more than it is in the power of the two Houses to grant. They must be written, not printed, and forwarded to me, to save postage, by any friend who will take the trouble of handing them.

To assist you in preparing such petitions, I annex a form similar to that which is now in course of signature in the diocese of Novia Scotia, which may serve merely as a model You will observe that the prayer is for all the colonies, as it is the earnest desire of the friends of the church to induce the British Government to adopt a general measure for the religious instruction, through her ministration, of every foreign dependency belonging to the Crown.

I have thus been carried much further than my inclination would lead me into the secular concerns of the diocese, by a persuasion that our attention to them has unfortunately been made necessary. But we must not allow them to occupy such undue portion of our regard as would interfere with our more solemn duties: we have higher and holier objects than any which are limited to this world of change to engage our attention and quicken our exertions. Let these be ever in our thoughts to assuage all anxiety for less important things, and prompt the continued aspirations of our hearts for unceasing blessings from Him who can order all things for the benefit of his church, and will supply protection and consolation under every trial and affliction which his unerring wisdom may permit to come upon his servants.

Let our faithful seeking be for the kingdom of God and his righteousness, with fullest faith in his divine assurance, that all things necessary for us will then be added from the exhaustless storehouse of his mercy.

Fervently commending you to that unfailing mercy, and earnestly desiring that our hearts and prayers may be united, and continually ascend in devout supplication to the most Holy Trinity for the richest blessings upon all our labours in the Lord,

I am, my Brethren of the Clergy and Laity,
Your affectionate Friend and Brother,

Toronto, 15 January 1840. *John Toronto.*

FORM

No. 90.
Governor Thomson to Lord J. Russell, 5 February 1840.

Encl. in No. 90.

FORM OF PETITION IN BEHALF OF THE COLONIAL CHURCH.

1. To the Right Honourable the Lords Spiritual and Temporal;
2. To the Honourable the Commons of Great Britain and Ireland; [in Parliament Assembled.]

The Petition of the undersigned Minister, Churchwardens and other Inhabitants of the Parish or Township of* in the County of

Humbly showeth,

That your [Lordships'] petitioners are filled with the deepest regret, that throughout Her Majesty's colonial possessions, and especially in these North American provinces, the provision for religious instruction, according to the doctrine and discipline of the United Church of England and Ireland, is totally inadequate to the wants of the inhabitants.

That such wants have been largely increased of late years by extensive emigration from Great Britain and Ireland; and that the religious destitution of the emigrants, thus removed from the spiritual advantages which they enjoyed at home, and cut off from the opportunities which were there afforded them for worshipping God after the manner of their fathers, is truly deplorable.

That the provision hitherto made for the religious instruction of the members of the Established Church in these colonies, and more especially the tracts of land in this province of Upper Canada called clergy reserves, which have been set apart, under the authority of Parliament, for the maintenance of a protestant clergy, are sought, not merely by individuals, but by Her Majesty's present Administration, to be alienated and diverted from their original destination.

That your petitioners therefore humbly pray,

That your {Lordships / Honourable House} will be pleased to continue your protection and encouragement to the bishops and clergy throughout the British colonies, and will make provision for increasing their number to such an amount as may be required by the circumstances of the different provinces; that you[r Lordships] will devise measures for readering the clergy reserves in the Canadas, and all other lands in British America intended for the benefit of the church, available for the sacred purposes to which they were originally destined; and that you[r Lordships] will refuse to pass or sanction any law depriving the colonial church of endowments solemnly conveyed to her by grants from the Crown, or by the Parliament of Great Britain.

And your petitioners will ever pray.

*** *The petitions may be written on common paper.—The signatures, as in the petitions of last year, to have the residence and number of the family opposite, and the clergyman's signature testifying to their authenticity.*

* Or as the proper designation of the petitioners may be.

(Separate.) —No. 91.—

Copy of a DESPATCH from Lord *John Russell* to the Right honourable *C. Poulett Thomson.*

No. 91.
Lord J. Russell to GovernorThomson, 20 March 1840.

Sir, Downing-street, 20 March 1840.

I have to acknowledge the receipt of your despatch of the 5th of February, enclosing a copy of an address, which has appeared in the public journals of Upper Canada, from the Bishop of Toronto to the clergy and laiety of his diocese, urging them to petition against the progress of the Bill which has been passed by the legislature of the province for the final disposition of the clergy reserves.

After the full and free discussion which this question has recently undergone, and the deliberate decision which the legislature have expressed upon it, I was not prepared to expect that the Bishop of Toronto would see fit to engage in this species of agitation against the measure.

The recorded opinions of his Lordship, as to the injury to society and to the interests of religion which is likely to spring from such a system of excitement, would, as you have shown, have justified the expectation that he would have abstained from adopting it on this occasion.

It is, however, highly satisfactory to know, beyond the possibility of dispute, that so many respectable and influential members of the Church of England in the province have viewed the measure in a calmer and wiser spirit; and I earnestly trust, that if not obstructed in its passage, it will be found to realise the object for which it was framed, and on account of which it has been so strongly supported by all classes, and will remove an element of discussion which has been so long the fruitful source of irritation and discontent, and which could only be protracted at the risk of the best interests of the province.

I have, &c.

(signed) *J. Russell.*

—No. 92.—

(No. 47.)

EXTRACT of a DESPATCH from the Right honourable *C. Poulett Thomson* to Lord *John Russell*, dated Toronto, 13 February 1840.

No. 92.
Governor Thomson to Lord J. Russell, 13 February 1840.

I MUST impress upon you the necessity of distinguishing between the state of the two provinces, both with reference to the subject of tithes, and also to that of the clergy reserves.

In Lower Canada, not only does the law give the tithes, but they are paid without a murmur, and no difficulty whatever exists in their collection, according to the scale which usage has justified; but in this province, though it might perhaps be contended that by law tithes could be exacted by the Roman Catholic clergy, any attempt to enforce such a provision would utterly fail; and there is no legal support whatever practically afforded to the clergy of that denomination, which is now becoming so numerous.

Again, the disposal of the clergy reserves in Lower Canada has never produced the least excitement. The Catholic Clergy being well provided for, the Catholics have no need of any share, and have no claim to any. The distribution may be provided for either by the Imperial Parliament or by the united legislature; and in either case I would recommend that the division should be made, according to numbers, amongst the different religious denominations of Protestants. It is, however, a matter of very little moment in that province; but in Upper Canada, as I have already informed your Lordship, this question is the one all-absorbing and engrossing topic of interest, and has been for years past the principal cause of the discontent and disturbance which have arisen, and under which the province laboured.

COPIES OR EXTRACTS

OF

CORRESPONDENCE

RESPECTING THE

CLERGY RESERVES IN CANADA:

1819 to 1840.

Part II.

EXTRACTS of the JOURNALS of the LEGISLATIVE COUNCIL and HOUSE OF ASSEMBLY of UPPER CANADA respecting the CLERGY RESERVES.

(1819—1840.)

Ordered, by The House of Commons, *to be Printed,*
3 *April* 1840.

205—II.

SCHEDULE.

House of Assembly.

19th June 1819.—Motion for Address to the Lieutenant Governor relative to Monies arising from Leases of the Clergy Reserves, agreed to; and Committee appointed to draft Address - - - - - - - - - - - - - - - - p. 3

2d July 1819.—Draft Address reported and agreed to, passed and signed; and Committee appointed to wait on the Lieut. Governor to know when he will receive the same - - p. 3

5th July 1819.—Lieut. Governor's Answer to Address - - - - - - - p. 3, 4

22d Dec. 1826.—Resolutions relative to the Appropriation of the Clergy Reserves - p. 4

17th Jan. 1829.—Message from the Lieut. Governor - - - - - - - - - p. 5

27th Jan. 1829.—House ordered to be put into Committee on the Message - - - p. 5

26th Feb. 1829.—Leave granted to bring in a Bill to provide for the Sale of a Part of the Clergy Reserves.—Bill brought in and read 1ª - - - - - - - - - p. 5, 6

27th Feb. 1829.—Clergy Reserves Sale Bill read 2ª; House in Committee, and Bill reported, p. 6

28th Feb. 1829.—Clergy Reserves Sale Bill read 3ª and passed, and sent to the Legislative Council for their Concurrence - - - - - - - - - - - p. 6

Legislative Council.

2d Mar. 1829.—Bill to provide for the Disposal of a Part of the Clergy Reserves, brought from the House of Assembly - - - - - - - - - - - - - - p. 6

9th Mar. 1829.—Master in Chancery ordered to acquaint the Assembly with an Informality on the Delivery of the Bill - - - - - - - - - - - - - - p. 6

11th Mar. 1829.—Message from the House of Assembly thereupon.—Bill read 1ª, and to be read 2ª "this Day Three Months" - - - - - - - - - - p. 6

House of Assembly.

13th Jan. 1830.—Resolutions relative to the Appointment of Chaplain to the House p. 6—8

25th Jan. 1830.—Leave granted to bring in a Bill to provide for the Sale of a Part of the Clergy Reserves.—Bill brought in and read 1ª - - - - - - - - - p. 8

29th Jan. 1830.—Clergy Reserves Sale Bill read 2ª and committed, and Bill reported - p. 8

1st Feb. 1830.—Clergy Reserves Sale Bill read 3ª and passed - - - - - - p. 8

20th Feb. 1830.—Committee appointed to search the Journals of the Legislative Council for Proceedings on the Clergy Reserves Sale Bill - - - - - - - - - p. 8

23d Feb. 1830.—Report of the Committee - - - - - - - - - - - p. 8

Legislative Council.

1st Feb. 1830.—Clergy Reserves Sale Bill read - - - - - - - - - - p. 8

House of Assembly.

2d Feb. 1831.—Notice of Motion for Address to the Lieut. Governor relative to Proceeds arising from Leases and Sales of the Clergy Reserves (Mr. Morris) - - - - - p. 9

3d Feb. 1831.—Address on Motion agreed to, passed, and signed. Committee appointed to wait on the Lieut. Governor to know when he will receive the same - - - p. 9

4th Feb. 1831.—Lieut. Governor's Answer to Address - - - - - - - p. 9

25th Feb. 1831.—Motion for an Address to His Majesty on the Subject of the Sale of Clergy Reserves for Purposes of Education and general Improvement, and Modification of the Charter of King's College.—Amendment made, That the Question be not now put, and Resolved in the Affirmative - - - - - - - - - p. 10, 11

26th Feb. 1831.—House in Committee on Resolution relative to Clergy Reserves, &c.—Report received - - - - - - - - - - - - - - - p. 11, 12

12th Mar. 1831.—House in Committee on Resolutions relative to Clergy Reserves.—Resolutions reported; Amendment proposed and negatived; original Question put, and agreed to; and Committee appointed to draft Address to His Majesty.—Address reported, and read 1ª - - - - - - - - - - - - - - p. 12—14

13th Dec. 1831.—Resolutions relative to Clergy Reserves moved (Mr. Samson)—Amendments proposed and negatived; original Question put, and agreed to.—Committee appointed to draft Address.—Address reported, and read 1ª and 2ª - - p. 14—17

14th Dec. 1831.—Address to His Majesty read 3ª, passed, and signed - - - p. 17—18

27th Dec. 1831.—Lieut. Governor's Answer to Address - - - - - - - p. 18

24th and 25th Jan. 1832.—Messages from the Lieut. Governor on the Subject of the Clergy Reserves - - - - - - - - - - - - - - - - p. 18, 1

25th Jan. 1832.—Leave granted to bring in a Bill to revest the Clergy Reserves in His Majesty.—Bill brought in and read 1ª - - - - - - - - - - p. 19, 20

SCHEDULE.

Legislative Council.

26th Jan. 1832.—Order of the Day for Committee on Lieut. Governor's Message respecting Clergy Reserves read and discharged - - - - - - - - - - - p. 20

House of Assembly.

6th Nov. 1832.—Notice of Bill to dispose of Clergy Reserves (Mr. Perry); and Notice of Clergy Reserves Revestment Bill (Mr. Attorney General) - - - - - - p. 20

7th Nov. 1832.—Motion for bringing in Clergy Reserves Sale Bill; Amendment that an Address be sent to the Lieut. Governor on the Subject.—On Question, agreed to; and a Committee appointed to draft Address.—Address reported, and read 1ª and 2ª - p. 21

8th Nov. 1832.—Address read 3ª, passed, and signed; and a Committee appointed to wait on the Lieut. Governor to know when he will receive the same - - - - - p. 21, 22

9th Nov. 1832.—Lieutenant Governor's Answers to Addresses - - - - - p. 22

12th Nov. 1832.—Leave granted to bring in the Clergy Reserves Sale Bill.—Bill brought in and read 1ª - - - - - - - - - - - - - - - - - p. 22, 23

13th Nov. 1832.—Leave granted to bring in the Clergy Reserves Revestment Bill.—Bill brought in and read 1ª - - - - - - - - - - - - - - - p. 23

2d Dec. 1833.—Notice of Clergy Reserves Sale Bill (Mr. Perry) - - - - p. 23

12th Dec. 1833.—Leave granted to bring in the Clergy Reserves Sale Bill.—Bill brought in and read 1ª - - - - - - - - - - - - - - - - - p. 23

15th Jan. 1834.—Motion for Address to the Lieut. Governor for a full and detailed Account of Monies arising from Clergy Reserves; on Question, resolved in the Affirmative, p. 23, 24

16th Jan. 1834.—Draft Address reported, and read 1ª and 2ª - - - - - - p. 24

17th Jan. 1834.—Address read 3ª, passed, and signed; and Committee appointed to wait on the Lieut. Governor to know when he will receive the same - - - - - p. 24

27th Jan. 1834.—Lieutenant Governor's Answer to Address - - - - - - p. 25

7th Feb. 1834.—Notice of Motion for Address to His Majesty for Alteration of the Constitutional Act as regards Clergy Reserves (Mr. Morris) - - - - - - p. 25

19th Feb. 1834.—Clergy Reserves Sale Bill read 2ª and committed - - - p. 25, 26

20th Feb. 1834.—Clergy Reserves Sale Bill reported - - - - - - - - p. 26

24th Feb. 1834.—Clergy Reserves Sale Bill read 3ª.—On Question of passing Amendments, proposed and negatived; original Question put and agreed to; Bill passed, and sent to the Legislative Council.—1,000 Copies of the Bill ordered to be printed, p. 26—30

Legislative Council.

25th Feb. 1834.—Speaker reports the Receipt of the Clergy Reserves Sale Bill from the Assembly.—Bill read 1ª - - - - - - - - - - - - - - p. 30

House of Assembly.

16th Jan. 1835.—Leave granted to bring in a Bill for the Sale and Leasing of the Clergy Reserves.—Bill brought in, read 1ª, and referred to a Select Committee - p 30

10th Feb. 1835.—Message from Lieut. Governor with Statements of Receipts and Expenditure of Clergy Reserves - - - - - - - - - - - - - p. 30, 31

21st Feb. 1835.—Clergy Reserves Sale Bill reported from the Select Committee; Report received, and Bill to be read 2ª - - - - - - - - - - - p. 31

2d Mar. 1835.—Clergy Reserves Sale Bill read 2ª and committed - - - - p. 31, 32

4th Mar. 1835.—Clergy Reserves Sale Bill read 3ª and passed, and sent to the Legislative Council - - - - - - - - - - - - - - - p. 32, 33

19th Mar. 1835.—Message from Lieut. Governor with Statements relative to Sale of Crown Lands and Clergy Reserves - - - - - - - - - - p. 33

27th Mar. 1835.—Message from Legislative Council with Resolutions on Clergy Reserves Sale Bill.—Resolutions referred to a Select Committee - - - - - p. 33, 34

10th April 1835.—Select Committee on Resolutions relating to the Clergy Reserves Sale Bill report Resolution; Resolution read 1ª - - - - - - - - p. 34, 35

11th April 1835.—Resolution read 2ª, and adopted - - - - - - p. 35—37

15th April 1835.—Lieut. Governor's Answer to Address - - - - - - p. 37

Legislative Council.

9th Mar. 1835.—Speaker reports the Receipt of the Clergy Reserves Sale Bill from the Assembly.—Bill read 1ª, and to be printed - - - - - - - p. 37

16th Mar. 1835.—Clergy Reserves Sale Bill read 2ª, and referred to a Select Committee, p. 37

20th Mar. 1835.—Report of the Select Committee on Clergy Reserves Sale Bill presented and read - - - - - - - - - - - - - - - - - - p. 37, 38

26th Mar. 1835.—Clergy Reserves Sale Bill, and the Report of the Select Committee thereon re-committed.—Resolutions reported, read 1ª and 2ª, and sent to the House of Assembly for their Concurrence - - - - - - - - - p. 38, 39

SCHEDULE.

4th April 1835.—Second Report upon the Clergy Reserves Sale Bill presented - - p. 40

8th April 1835.—Order of the Day for Committal of the Clergy Reserves Sale Bill discharged. p. 40

9th April 1835.—Further Report of the Committee upon the Clergy Reserves Sale Bill committed.—Report adopted, and referred to Select Committee, with Instructions to frame an Address to the King thereupon - - - - - - - - - p. 40

13th April 1835.—Draft Address presented, adopted, passed, and signed.—Address to the Lieut. Governor requesting him to transmit the foregoing Address.—Resolutions ordered to be printed - - - - - - - - - - - - - - p. 40, 41

14th April 1835.—Lieut.-Governor's Answer to Address - - - - - - p. 41

House of Assembly.

29th Jan. 1836.—Leave granted to bring in a Bill for the Sale of the Clergy Reserves.—Bill brought in, and read 1ª - - - - - - - - - - - - - p. 42

20th Feb. 1836.—Clergy Reserves Sale Bill read 2ª - - - - - - - - p. 42

22d Feb. 1836.—Clergy Reserves Sale Bill committed; Amendment proposed and negatived; and Bill reported - - - - - - - - - - - p. 42, 43

24th Feb. 1836.—Clergy Reserves Sale Bill read 3ª and passed, and sent to the Legislative Council for their Concurrence - - - - - - - - - - - - p. 43

7th Mar. 1836.—Message from the Lieut. Governor with Despatch on the Subject of Clergy Reserves - - - - - - - - - - - - - - - p. 43

22d Mar. 1836.—Clergy Reserves Sale Bill sent down from the Legislative Council with Amendments; Amendments read 1ª, and Bill referred to a Select Committee - p. 43—49

7th April 1836.—Report from Select Committee on Amendments to the Clergy Reserves Sale Bill, presented, and read 1ª and 2ª - - - - - - - - - p. 49—51

Legislative Council.

26th Feb. 1836.—Speaker reports the Receipt of the Clergy Reserves Sale Bill from the Assembly.—Bill read 1ª and 2ª - - - - - - - - - - - - - p. 51

1st Mar. 1836.—Clergy Reserves Sale Bill committed - - - - - - - p. 51

7th Mar. 1836.—Clergy Reserves Sale Bill re-committed, reported, and referred to a Select Committee.—Message from the Lieut. Governor, transmitting Copy of a Despatch on the Subject of the Clergy Reserves - - - - - - - - - p. 51

11th Mar. 1836.—Amendment to the Clergy Reserves Sale Bill reported by the Select Committee, read 1ª, and ordered to be printed - - - - - - - - - p. 52—56

14th Mar. 1836.—Amendment to the Clergy Reserves Sale Bill read 2ª - - - p. 56

15th Mar. 1836.—Order of the Day for Committee on Clergy Reserves Sale Bill discharged, p. 56,57

21st Mar. 1836.—Amendments to Clergy Reserves Sale Bill committed; reported with an Amendment, and Amendment adopted - - - - - - - - - p. 57

22d Mar. 1836.—Clergy Reserves Sale Bill read 3ª, and passed, and sent to the Assembly for their Concurrence - - - - - - - - - - - - - - p. 57

8th April 1836.—Clergy Reserves Sale (amended) Bill returned from the House of Assembly, with Amendments; Amendments read 1ª - - - - - - - - p. 57, 58

9th April 1836.—Amendments to the Amendments to the Clergy Reserves Sale Bill read 2ª, p. 58

11th April 1836.—Amendments to the Amendments to the Clergy Reserves Sale Bill committed - - - - - - - - - - - - - - - - - p. 58

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9th Nov. 1836.—Extract from Lieut. Governor's Speech on opening the Session. Notice of Motion for leave to bring in the Clergy Reserves Sale Bill (Mr. Norton) - - p. 58

18th Nov. 1836.—Motion for Address to the Lieut. Governor on the Subject of the Clergy Reserves, agreed to; Draft Address reported, and read 1ª and 2ª - - p. 58, 59

21st Nov. 1836.—Address read 3ª, passed, and signed; and Committee appointed to wait on the Lieut. Governor to know when he will receive the same - - - - - p. 59

23d Nov. 1836.—Lieut. Governor's Answer to Address - - - - - - - p. 59

8th Dec. 1836.—Leave granted to bring in the Clergy Reserves Sale Bill.—Bill brought in, and read 1ª - - - - - - - - - - - - - - - - - p. 59

13th Dec. 1836.—Clergy Reserves Sale Bill read 2ª and committed - - - - p. 59

14th Dec. 1836.—House in Committee on Clergy Reserves Sale Bill - - - - p. 60

15th Dec. 1836.—House again in Committee on Clergy Reserves Sale Bill - - - p. 60

16th Dec. 1836.—House again in Committee on Clergy Reserves Sale Bill.—Resolution as to the Application of the Clergy Reserves to Religious and Moral Instruction reported; Amendment proposed and negatived; original Question put, and agreed to.—Resolution communicated to Legislative Council for their Concurrence - - p. 60, 61

SCHEDULE.

21st Dec. 1836.—Message from the Legislative Council desiring a Conference on the Subject Matter of the Resolution; Committee appointed on behalf of the House of Assembly - - - - - - - - - p. 61

22d Dec. 1836.—Report made from Committee of Conference, and same referred to a Select Committee; Rev. R. M'Gill's Petition also referred - - - - p. 62

10th Jan. 1837.—Motion made to alter Committee on Clergy Reserves; Amendment proposed and negatived; original Question put, and agreed to - - - - p. 62

11th Jan. 1837.—Report of Select Committee on Report of Committee of Conference on Clergy Reserves presented - - - - - - - - p. 63

2d Mar. 1837.—Leave granted to bring in a Bill for the Disposal of the Clergy Reserves, and the Consideration thereof postponed till next Session - - - - p. 64

29th Dec. 1837.—Leave granted to bring in a Bill to re-invest the Clergy Reserves in Her Majesty. —Bill brought in and read 1ª - - - - - - - p. 64

15th Jan. 1838.—Bill to re-invest the Clergy Reserves read 2ª, and committed - p. 64, 65

19th Feb. 1838.—House in Committee on Report on Clergy Reserves (last Winter); Resolution reported; and Select Committee appointed to draft Bill on Resolution - p. 65, 66

26th Feb. 1838.—Draft Bill reported from Select Committee; Bill read 1ª - - p. 66, 67

18th Mar. 1839.—Order of the Day for Committee on Clergy Reserves discharged - p. 67

19th Mar. 1839.—Petition of Bishop and Clergy of Church of England to be entered on Journals. —Notice of Motion for Leave to bring in a Bill to re-invest the Clergy Reserves in the Crown - - - - - - - - p. 67, 68

22d Mar. 1839.—Item on Clergy Reserves restored to the Order of the Day - - p. 68

28th Mar. 1839.—House in Committee on Report of Committee on Clergy Reserves - p. 68

1st April 1839.—House again in Committee on Report of Committee on Clergy Reserves - p. 68

2d April 1839.—House again in Committee on Report of Committee on Clergy Reserves; Resolution reported, and again re-committed - - - - p. 68, 69

3d April 1839.—Motion for E. Ryerson to be heard at the Bar negatived.—House in Committee on Clergy Reserves - - - - - - p. 69, 70

11th April 1839.—House in Committee on Report of Committee on Clergy Reserves - p. 70

12th April 1839.—House again in Committee on Report of Committee on Clergy Reserves; Resolutions reported, and, on Question, agreed to; Resolutions referred to a Select Committee to report by Bill or otherwise - - - - p. 70—76

17th April 1839.—Select Committee report Drafts of an Address to Her Majesty, and Bill.—Address read 1ª, and Bill read 1ª - - - - - p. 76

18th April 1839.—Clergy Reserves Appropriation Bill read 2ª and committed - - p. 76—78

22d April 1839. Clergy Reserves Appropriation Bill re-committed; Bill reported as amended p. 78, 79

24th April 1839.—Clergy Reserves Appropriation Bill read 3ª; on Question of passing, many Amendments proposed and negatived; Bill passed, and sent to the Legislative Council for their Concurrence - - - - - p. 79—84

7th May 1839.—Clergy Reserves Appropriation Bill returned from the Legislative Council, with Amendments.—Amendments read 2ª, and committed to a Committee of the Whole p. 84, 85

8th May 1839.—Amendments to Clergy Reserves Appropriation Bill again committed.—Resolution reported, and Committee appointed to draft a Bill and Address thereupon - p. 85, 86

9th May 1839.—Committee report Bill, and Address to Her Majesty on Clergy Reserves.—Bill and Address read and passed.—Clergy Reserves Appropriation Bill read 3ª, and passed by the casting Vote of the Speaker, and sent to the Legislative Council for their Concurrence - - - - - - - - - p. 86—94

10th May 1839.—Address to Her Majesty on Clergy Reserves read 3ª; on Question of passing, lost by casting Vote of the Speaker.—Message from Legislative Council with the Clergy Reserves Bill (2d), with Amendments.—Amendments considered and concurred in, and the Legislative Council acquainted therewith - - - - p. 94—96

11th May 1839.—Addresses to Lieutenant Governor on the Clergy Reserves Bill read, agreed to, passed, and signed.—Committee appointed to meet Committee of Legislative Council to wait on his Excellency respecting Address on Clergy Reserves Bill.—Address on sending Commissioners to England again committed.—Lieutenant Governor's Answer to Address. —Extract from Lieutenant Governor's Speech at Close of Session - - p. 96—98

Legislative Council.

25th April 1839.—Clergy Reserves Lands Disposition Bill brought up from the Assembly, and read 1ª and 2ª - - - - - - - - - 98, 99

26th April 1839.—Clergy Reserves Lands Disposition Bill re-committed, reported, and referred to a Select Committee - - - - - - - - - p. 99

30th April 1839.—Report of the Select Committee upon Clergy Reserves Lands Disposition Bill presented, and ordered to be printed.—Petition of the Bishop and Clergy of the Established Church read, and ordered to be entered on the Journals.—Several Petitions on the Subject of the Clergy Reserves also ordered to be entered - - p. 99—105

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2d May 1839.—Clergy Reserve Lands Disposition Bill re-committed - - - p. 105

3d May 1839.—Clergy Reserve Lands Disposition Bill again re-committed - - p. 105

4th Ma y1839.—Clergy Reserve Lands Disposition Bill again re-committed; Bill reported with One Amendment; Amendment read twice and adopted - - - p. 106—109

6th May 1839.—Clergy Reserve Lands Disposition Bill read 3ª as amended; Bill as amended passed and sent to the Assembly for their Concurrence - - - p. 109

7th May 1839.—Protest of the Hon. and Ven. the Archdeacon of York, and of the Hon. John Simcoe Macaulay, against the passing of the Clergy Reserve Lands Disposition Bill, as amended - - - - - - - p. 110, 111

9th May 1839.—Nineteenth Rule of the House dispensed with so far as it regards the Clergy Reserves Re-investment Bill - - - - - p. 111

10th May 1839.—Clergy Reserves Re-investment Bill committed, reported, and read 3ª.—Clergy Reserves Disposition Bill brought up from the Assembly, and read 1ª, 2ª, and committed; Amendments reported, and read twice and adopted; Bill read 3ª and passed, p. 111, 112

11th May 1839.—Message that the Amendments to Clergy Reserves Disposition Bill had been acceded to by the Assembly.—Address to the Lieut. Governor, requesting him to transmit to England without Delay the Clergy Reserves Disposition Bill.—Committee appointed to meet the Committee of the House of Assembly to know when the Lieut. Governor would receive the joint Address.—Addresses presented - p. 112, 113

EXTRACTS.

Journals of the House of Assembly.

19th *June* 1819.

Mr. Nichol, seconded by Mr. Hatt, moves, " That it be resolved that an humble Address be presented to his Excellency the Lieutenant Governor, praying him to direct an Account to be transmitted to this House of the Clergy Reserves leased in this Province; the Amount paid in to the Receiver General on account of Rent for the same; together with the Appropriations of that Fund."—Which was carried.

Mr. Jones, seconded by Mr. Cameron, moves, " That Messrs. Nichol and Hatt be a Committee to draft an Address to his Excellency the Lieutenant Governor in pursuance of the Resolution of this House on the Subject of the Clergy Reserves."—Which was ordered.

2d *July* 1819.

Mr. Nichol, of the Committee to draft an Address to his Excellency the Lieutenant Governor on the Subject of the Clergy Reserves in this Province, reported, That the Committee had agreed to a Draft, which he was ready to submit to the House.

Ordered, That the Report be received; and the Draft was read the First Time.

Mr. Nichol, seconded by Mr. Hatt, moves, " That the Address to his Excellency the Lieutenant Governor on the Subject of Clergy Reserves be adopted."—Which was carried.

Mr. Nicholl, seconded by Mr. Hatt, moves, " That the Address to His Excellency the Lieutenant Governor on the Subject of Clergy Reserves be ingrossed, and read a Third Time this Day."—Which was ordered.

The Address to his Excellency the Lieutenant Governor relative to Clergy Reserves was read the Third Time, passed, and signed by the Speaker as follows:

" To his Excellency Sir Peregrine Maitland, K. C. B., Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces within the said Province.

" May it please your Excellency,

" We, His Majesty's dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, most humbly request that your Excellency would be pleased to direct the proper Officer to lay before this House an Account of the Clergy Reserves leased, with the Revenue arising therefrom, and its Appropriation up to the 31st of December last, so far as the same is ascertained."

Mr. Hatt, seconded by Mr. Nichol, moves, " That Messrs. Nelles and Cryster be a Committee to wait on his Excellency the Lieutenant Governor, to know when he will be pleased to receive the Address on the Subject of Clergy Reserves, and to present the same." Which was ordered.

5th *July* 1819.

Mr. Nelles, of the Committee to wait upon his Excellency the Lieutenant Governor with the Address of this House on the Subject of Clergy Reserves, reported that they had delivered the same, and that his Excellency was pleased to make thereto the following Reply:

" Gentlemen,

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" Gentlemen,

" The Clergy Reserves, and the Revenue arising from them, an Account of which you have requested to be laid before you, are placed by the British Parliament under the Control of the King ; I shall therefore pray for the Instructions of His Royal Highness the Prince Regent on the Subject of your Address."

The Journals of the Legislative Council and House of Assembly of Upper Canada for the Years 1824, 1825, 1826, *and* 1827 *have not been received by the Colonial Department.*

Resolutions relative to the Appropriation of the Clergy Reserves, passed by the Commons House of Assembly of Upper Canada in the 3d Session and 9th Parliament of 7 Geo. IV., 22d December 1826. (Abstracted from the Report of the Select Committee of the House of Commons on the Civil Government of Canada, 1828, Appendix, Page 343, the Journals of the Assembly not having been received by the Colonial Department.

1.—Resolved, That the Despatch of the Right Honourable Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, communicated to this House on the 12th instant by his Excellency the Lieutenant Governor, in answer to the Address to His Majesty of this House at its last Session respecting the Clergy Reserves, is unsatisfactory to this Assembly, inasmuch as it is silent on a material Part of the respectful Representation of this House contained in the said Address.

5.—Resolved, That the Construction given to the Imperial Act, which appropriates the Clergy Reserves to Individuals connected with the Church of England, and the Determination of the Clergy of that Church to withhold from all other Denominations of Protestants residing within the Province the Enjoyment of any Part of the Benefits arising or which may arise from the Lands so set apart, call for the immediate Attention of the Provincial Legislature to a Subject of such vital Interest to the Public in general, and that such Claim by the Protestant Episcopal Church is contrary to the Spirit and Meaning of the 31 Geo. 3., and most injurious to the Interests and Wishes of the Province.

Yeas, 28.—Nays, 3.—Majority, 25.

6.—Resolved, That a comparatively small Proportion of the Inhabitants of Upper Canada are Members of the Church of England, and therefore ought not in Justice to desire the sole Enjoyment, by their Clergy, of all the Advantages which these Lands present, to the Exclusion of their Fellow Subjects, although equally loyal and firm in their Attachment to His Majesty's Government and the Constitution.

7.—Resolved, That in a thinly inhabited Country, such as Upper Canada, where the Means of moral Instruction to the Poor are not easily obtained, it is the bounden Duty of the Parliament to afford every Assistance within its Power towards the Support of Education.

8.—Resolved, That the present Provision for the Support of District and Common Schools is quite inadequate to the Wants of the People, and ought by every reasonable Exertion to be increased, so as to place within the Reach of the poorest Inhabitant the Advantages of a decent Education.

9.—Resolved, That it is the Opinion of a great Proportion of the People of this Province, that the Clergy Lands, in place of being enjoyed by the Clergy of an inconsiderable Part of the Population, ought to be disposed of, and the Proceeds of their Sale applied to increase the Provincial Allowance for the Support of District and Common Schools, and the Endowment of a Provincial Seminary for Learning, and in aid of erecting Places of Public Worship for all Denominations of Christians.

Yeas, 31.—Nays, 2.—Majority, 29.

Resolved, That the Number of the Protestant Episcopal Church in the Provinces bears a very small Proportion to the Number of other Christians, notwithstanding the pecuniary Aid long and exclusively received from the Benevolent Society in England by the Members of that Church, and their Pretensions to a Monopoly of the Clergy Reserves.

Yeas, 30.—Nays, 3.—Majority, 27.

Journals of the House of Assembly.

17th *January* 1829.

Mr. Secretary Mudge brought down from his Excellency the Lieutenant Governor a Message, and having presented the same to the Speaker, retired.

The Speaker then announced to the House the Receipt of a Message from his Excellency the Lieutenant Governor, and rising uncovered, read the same to the House as follows:—

J. COLBORNE,

The Lieutenant Governor acquaints the House of Assembly that His Majesty's Secretary of State for the Colonies has acknowledged the Receipt of a Despatch with an Address from the House of Assembly of the last Parliament, praying that the Monies arising from the Sale of Lands set apart in this Province for the Support and Maintenance of a Protestant Clergy may be placed at the Disposal of the Legislature of the Province, for defraying the Expense of certain public Works for the internal Improvement of the Country, and for the Promotion of general Education; and praying that the University recently endowed may be established on more comprehensive Principles than those on which it is placed by the present Charter.

This Address has been laid before the King, and His Majesty has been graciously pleased to express his Satisfaction in the Assurances of Loyalty and Attachment to His Person and Government which are contained in it; and that His Majesty will at all Times receive with the most serious Attention any Representation which may be made to him by the Representatives of His faithful Subjects in Upper Canada, in Provincial Parliament assembled, for advancing the Prosperity of this important and interesting Portion of His Dominions.

The Lieutenant Governor, however, is given to understand, from the Secretary of State, that the present Statutes respecting the Appropriation of the Clergy Reverves grant a very limited discretionary Power to His Majesty's Government, and that in case a Revision of them should be deemed necessary, with a view to any Alteration in their Provisions, much Information on that Subject in all its Bearings is required, and will soon be obtained by His Majesty's Ministers.

The Lieutenant Governor has no doubt that it would be deservedly a Subject of Regret to His Majesty's Government if the Principles on which the University is founded cannot be made to accord with the general Feeling and Opinion of those for whose Advantage it was intended; and he believes that the first Change in the Charter which should be recommended, and which would conduce more than any other to its becoming eminently useful to the Province, is the connecting the Royal Grammar School with King's College, in such a Manner that its Exhibitions, Scholarships, and chief Support may depend on the Funds of that Endowment.

The Advantages that will result from an Institution conducted by Nine or Ten able Masters, under whose Tuition the Youth of the Province could be prepared for any Profession, are indisputable; and if such a School were permanently established, and the Charter so modified that any Professor shall be eligible for the Council, and that the Students in the College shall have Liberty and Faculty of taking Degrees in the Manner that shall be hereafter directed by the Statutes and Ordinances framed by His Majesty's Government, the University must flourish, and prove highly beneficial to the Colony.

Government House,
17th January 1829.

27th *January* 1829.

Mr. Perry, seconded by Mr. Thomson, moves, "That this House do resolve itself into a Committee of the Whole on Monday next, on that Part of his Excellency's Message of the Seventeenth January that relates to the Clergy Reserves in this Province:"—Which was ordered.

26th *February* 1829.

Agreeably to Notice, Mr. Perry, seconded by Mr. Hornor, moves for Leave to bring in a Bill to provide for the Sale of a Part of the Clergy Reserves in

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this Province, and that the Forty-first Rule of this House be dispensed with so far as relates to the same.

Which was granted, and the Bill read, and ordered for a Second Reading To-morrow.

Adjourned till Four o'Clock P.M. To-morrow.

27th *February* 1829.

Agreeably to the Order of the Day, the Clergy Reserves Bill was read the Second Time, and referred to a Committee of the Whole House.

Mr. Berczy was called to the Chair.

The House resumed.

Mr. Berczy reported the Bill as amended.

The Report was ordered to be received, and the Bill to be engrossed, and read a Third Time To-morrow.

28th *February* 1829.

Agreeably to the Order of the Day the Clergy Reserves Bill was read the Third Time and passed, Nem. Con.

Mr. Perry, seconded by Mr. Woodruff, moves, "That the Bill be intituled "An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province."—Which was ordered. And Messrs. Perry and Woodruff were ordered by the Speaker to carry the same up to the Honourable the Legislative Council, and to request their Concurrence thereto.

Journals of the Legislative Council.

Legislative Council, 1829.

2d *March* 1829.

A Deputation from the Commons House of Assembly brought up a Bill, intituled "An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province."

9th *March* 1829.

Ordered, That the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have remarked, that on the Delivery of the Bill, intituled "An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province," from the House of Assembly, at the Bar of this House, the usual Form of requesting the Concurrence of this House has been omitted.

11th *March* 1829.

A Deputation from the Commons House of Assembly brought up and delilivered at the Bar of this House a Message in the following Words:

"Mr. Speaker.

"The Members of this House deputed to carry to the Honourable the Legislative Council the Bill, intituled "An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province," having reported to this House that they have Reason to think that they undesignedly omitted to desire the Concurrence of that Honourable House to the same, the Assembly will take it well if the Legislative Council will overlook the Omission, and proceed upon the said Bill as if the usual Request had accompanied the same.

Commons House of Assembly, 9th March 1829. } (Signed) MARSHALL S. BIDWELL, Speaker."

Ordered, That the Bill, intituled "An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province," be now read.

The Bill, intituled "An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province," was read; and the same was ordered to be read a Second Time this Day Three Months.

Journals of the House of Assembly.

House of Assembly, 1830.

13th *January* 1830.

Agreeably to Notice, Mr. Mackenzie, seconded by Mr. Randal, moved a Series of Resolutions relative to the Appointment of a Chaplain to the House of Assembly.

The

The First Resolution was then put and carried, Nem. Con., as follows:

Resolved, That the Christians of various Denominations in this Province have already been deeply wounded in their Feelings by false and calumniating Misrepresentations, made for the Purpose of establishing an exclusive and proselyting System, which it has hitherto been attempted to strengthen and extend, by rendering subservient to it the Patronage of the Executive Government, and the unjust Appropriation of the extensive School Reserves, for the Support of an University, against the Sectarian Character of which this House can never cease solemnly to protest, as they already have done.

Present—Messrs. Baldwin, Blacklock, Brouse, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Henderson, Hornor, Ketchum, Kilborn, Lefferty, Lockwood, Longley, Lyons, M'Call, Mackenzie, Malcolm, Perry, Peterson, Randal, Geo. Rolph, Shaver, Smith, Terry, Wilkinson, James Wilson, and Woodruff.

The Second Resolution was then put and carried, Nem. Con., as follows:

Resolved, That there justly is, in the Minds of the People of this Province, a strong and settled Aversion to a dominant Church connected with the Government, and upheld by that Government in a Claim to a Monopoly of the Clergy Reserves, and to the Enjoyment of peculiar Privileges, to the Exclusion and Prejudice of various Denominations of Christians in this Province.

Present—Messrs. Baldwin, Blacklock, Brouse, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Henderson, Hornor, Ketchum, Kilborn, Lefferty, Lockwood, Longley, Lyons, M'Call, Mackenzie, Malcolm, Perry, Peterson, Geo. Rolph, Shaver, Smith, Terry, Wilkinson, James Wilson, and Woodruff.

The Third Resolution was then read as follows:

Resolved, That this House regard the Assumption by the Executive Government to appoint a Chaplain for them of the Church of England, even without previous Reference to them for the Expressions of their Feelings and Wishes on the Subject, as Part of a System conducive to the Extension and Perpetuation of this injurious and alarming Policy.

In Amendment, Mr. Dalton, seconded by Mr. Dickson, moves, "That after the Word 'Resolved' the whole be expunged, and the following inserted: 'That this House consider it an imperative Duty to mark their strong Disapprobation of the Advice which has dictated to his Excellency the Lieutenant Governor to appoint them a Chaplain without previous Reference to them for an Expression of their Feelings on the Subject, and that the said Appointment appears to be in furtherance of the exclusive Policy so universally and justly decried.'"—Which was carried Nem. Con.

Present—Messrs. Baldwin, Blacklock, Brouse, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Henderson, Hopkins, Hornor, Ketchum, Kilborn, Lefferty, Lockwood, Longley, Lyons, M'Call, Mackenzie, Malcolm, Perry, Peterson, Randal, Geo. Rolph, Shaver, Smith, Terry, Wilkinson, James Wilson, and Woodruff.

The Fourth Resolution was then read as follows:

Resolved, That this House considers it inexpedient to receive the Reverend Doctor Phillips as their Chaplain.

In Amendment, Mr. Perry, seconded by Mr. Peterson, moves, "That after the Word 'Resolved' all be expunged, and that the following be inserted: 'That this House deem it inexpedient to receive as their Chaplain any one appointed by the Executive Government.'"—On which the House divided, and the Yeas and Nays were taken as follows:

Yeas—Messrs. Baldwin, Blacklock, Brouse, Cawthra, Dalton, Fraser, Henderson, Hopkins, Hornor, Ketchum, Kilborn, Lefferty, Lockwood, Longley, Lyons, M'Call, Mackenzie, Malcolm, Perry, Peterson, Randal, Geo. Rolph, Shaver, Smith, Terry, Wilkinson, James Wilson, and Woodruff—28.

Nays—Messrs. Dickson, Ewing, and Fothergill—3.

The Question was carried in the Affirmative by a Majority of Twenty-five.

The Fifth Resolution was then read as follows:—

Resolved, That the Ministers of the different Christian Congregations in this Town be requested to officiate during the present Parliament as Chaplains to

PART II.

Extracts from the Journals.

House of Assembly, 1830.

the House of Assembly, under such an Arrangement as may be made by the Speaker.

In Amendment, Mr. Perry, seconded by Mr. Lyons, moves, " That after the Word 'Resolved' all be expunged, and that the following be inserted in lieu thereof:—'That the Ministers of the different Christian Congregations in this Town be requested to say Prayers in the House of Assembly during the present Parliament, under such an Arrangement as may be made by the Speaker.'"—Which was carried.

25th *January* 1830.

Agreeably to Notice, Mr. Perry, seconded by Mr. Shaver, moves for Leave to bring in a Bill to provide for the Sale of a Part of the Clergy Reserves in this Province.

Which was granted, and the Bill read, and ordered for a Second Reading To-morrow.

29th *January* 1830.

Agreeably to the Order of the Day, the Clergy Reserve Bill was read a Second Time, and referred to a Committee of the Whole House.

Mr. Shaver was called to the Chair.

The House resumed.

Mr. Shaver reported the Bill without Amendment.

The Report was received, and the Bill was ordered to be ingrossed, and read a Third Time on Monday next.

1st *February* 1830.

Agreeably to the Order of the Day, the Clergy Reserve Sale Bill was read a Third Time, and passed.

20th *February* 1830.

Mr. Perry, seconded by Mr. Smith, moves, " That a Select Committee be appointed to search the Journals of the Honourable the Legislative Council, and report to this House the Proceedings had by that Honourable House on the Bill, intituled 'An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province;'" and that Messrs. Ewing and M'Call be a Committee for that Purpose.—Which was ordered.

23d *February* 1830.

To the Honourable the House of Assembly.

Your Committee appointed to examine the Journals of the Honourable the Legislative Council, and report what Proceedings have been had by that Honourable House on the Bill, intituled " An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province," beg leave to report, " That the Bill was received and read on the First Day of February instant, the First Time."

All which is respectfully submitted.

22d February 1830. DUNCAN M'CALL, Chairman.

Journals of the Legislative Council.

Legislative Council, 1830.

1st *February* 1830.

The Bill, intituled " An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province," was read.

Journals of the House of Assembly.

2d *February* 1831.

Mr. Morris gives Notice that he will, on To-morrow, move for an Address to his Excellency the Lieutenant Governor, requesting his Excellency to communicate to this House a Statement on Detail of all Monies collected in this Province by the leasing and Sale of the Clergy Reserves; also a particular Account of the Expenditure of such Monies, and the Balance now on hand, the Number of Acres of these Reserves sold in each District up to the First Day of January 1831, together with the average Price per Acre.

3d *February* 1831.

Mr. Morris, seconded by Mr. A. Fraser, moves, "That an humble Address be presented to his Excellency the Lieutenant Governor, requesting his Excellency to communicate to this House a Statement in Detail of all Monies collected in this Province by the leasing and Sale of the Clergy Reserves; also a particular Account of the Expenditure of such Monies, and the Balance now on hand, the Number of Acres of these Reserves sold in each District up to the First Day of January 1831, together with the average Price per Acre, and that Messrs. Thomson and M'Martin be a Committee to draft and report the same."—Ordered.

Mr. Thomson, from the Committee to draft an Address to his Excellency the Lieutenant Governor relative to Receipts and Expenditures of Monies arising from Clergy Reserves, reported a Draft, which was received, and read twice, adopted, and ordered to be ingrossed, and read a Third Time this Day.

Agreeably to the Order of the Day the Address to his Excellency the Lieutenant Governor for Information as to Sales and leasing of Clergy Reserves was read the Third Time, passed, and signed, and is as follows:—

To his Excellency Sir John Colborne, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

We, His Majesty's most dutiful and loyal Subjects, the Commons of Upper Canada in Provincial Parliament assembled, most respectfully request that your Excellency may be pleased to communicate to this House a Statement in detail of all Monies collected in this Province by the leasing and Sale of the Clergy Reserves; and also a particular Account of the Expenditure of such Monies, and the Balance now on hand, the Number of Acres of these Reserves sold in each District up to the 1st Day of January 1831, together with the average Price per Acre.

ARCHD. M'LEAN,
Speaker.

Commons House of Assembly,
3d Day of February 1831.

Mr. Morris, seconded by Mr. M'Martin, moves "That Messrs. Chisholm and Ingersoll be a Committee to wait on his Excellency the Lieutenant Governor, to know when he will be pleased to receive the Addresses of this House on the Subject of School Townships, the Sales by the Commissioner of Crown Lands, and the Monies raised by the leasing and Sale of Clergy Reserves, and to present the same."—Ordered.

4th *February* 1831.

Mr. Ingersoll, from the Committee to wait upon his Excellency the Lieutenant Governor with the Address of this House for Information relative to the Proceeds arising from Sales and leasing of Clergy Reserves, reported delivering the same, and that his Excellency had been pleased to make thereto the following Answer:

"Gentlemen,

"I will direct the Statements for which you apply in this Address to be laid before the House of Assembly."

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Extracts from the Journals.

House of Assembly, 1831.

25th *February* 1831.

Mr. Bidwell, seconded by Mr. Campbell, moves, "That it be resolved that an humble Address be presented to His Majesty, setting forth that in and by an Act of the Parliament of Great Britain passed in the Thirty-first Year of the Reign of His Majesty's illustrious Father King George the Third Provision was made for the Allotment and Appropriation of One Seventh of the Land of this Province for the Support and Maintenance of a Protestant Clergy within the same; and that it was further enacted, that all and every the Rents, Profits, or Emoluments which might at any Time arise from such Lands so allotted and appropriated should be applicable solely for the Maintenance and Support of a Protestant Clergy within the Province, and to no other Purposes whatever.

"That in pursuance of the said Act such Allotment and Appropriation of Land as aforesaid have from Time to Time been reserved for the Purpose therein mentioned, which Lands are known in this Province by the Name of the Clergy Reserves. That by an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Eighth and Ninth Years of the Reign of His late Majesty George the Fourth, Provision was made for the Sale of Part of these Reserves. That these Reserves are scattered through the Country, and have derived their present Value chiefly from the Labours of the People of this Province, who belong to various Religious Denominations. That we think it our Duty to inform His Majesty that but a small Minority of the People of this Province are Members of the Church of England, and that His Majesty's Subjects in this Colony are Members of various religious Denominations, equally conscientious in their Opinion, equally attached to His Majesty's Person and Government, and equally obedient to the Laws, and meritorious in their general Conduct.

"That we consider it moreover our Duty to declare, that the Sentiments and Feelings of His Majesty's Subjects generally in this Province are strongly opposed to any Connexion between the Government and any particular Church or Churches, as well as to any Favour or Assistance on the Part of His Majesty's Government to One or more religious Denominations not equally bestowed upon all, and to the Grant by Law of any Rights, Powers, or Privileges to any such Denomination which are not extended to all.

"They desire an Equality of civil and religious Rights among all religious Denominations.

"That in these Sentiments His Majesty's faithful Commons would humbly express their most hearty Concurrence.

"That under these Circumstances His Majesty's faithful Commons have, more than once, approached the Throne to make known the Wishes of His Majesty's Subjects in relation to these Matters; and while they recollect with just Gratitude the gracious Manner in which their Representations were listened to by His late Majesty, they humbly request that inasmuch as the Objects solicited on those Occasions by His Majesty's Subjects have not yet been attained His Majesty will be pleased to take them into His most favourable Consideration.

"That His Majesty's faithful Commons, deeply impressed with the Injustice and Impolicy of excluding any of His Majesty's Subjects in this Province from an equal Share of the Benefit and Assistance to be derived from the Clergy Reserves, and sensible of the Impracticability of a just and equal Distribution of their Proceeds among all religious Denominations, as well as convinced that while they are applied in any Mode according to the Object of their original Appropriation they will furnish Occasion for endless Contentions and Jealousies, have desired that they should be sold, and the Money produced by the Sale be applied, under the Direction and Control of the Provincial Legislature, to the general Improvement of the Province, and the Support of Education. This House, therefore, have more than once passed a Bill authorizing the Sale of the said Reserves for the Purposes we have mentioned, which has failed in the other Branch of the Legislature; they have also repeatedly made known their Wishes by Address to the Throne. Entertaining still the same Sentiments, His Majesty's faithful Commons humbly request that His Majesty will be graciously pleased to recommend to His Majesty's Parliament of Great Britain and Ireland such Measures, consistent with our Constitution, as will lead to a Sale of all the Clergy Reserves in this Province, and will leave the Appropriation of all Monies arising

arising from such Sales, or from any Sale made under any Statute now in force, at the Disposal of the Provincial Legislature, for the Purposes which we have mentioned.

" That we beg leave also humbly to represent that the Charter of King's College, which we are persuaded was intended for the Benefit of His Majesty's Subjects generally, contains Principles of religious Supremacy and Exclusion in favour of the Church of England which are inconsistent with that Equality of Rights and Privileges which Christians of all Denominations in this Province deserve, and which they confidently expect from His Majesty's gracious and paternal Feelings towards them.

" That we most humbly request that His Majesty will be pleased to take the Charter into His most gracious Consideration, and to cause such a Modification to be made in its Provisions as will entirely remove from it every thing of a sectarian or exclusive Character, and adapt it to the Wants and Wishes of the People of this Province; and that Messrs. Perry and Lyons be a Committee to draft and report said Address; and that the Thirty-second Rule of this House be dispensed with so far as relates to this Motion."

In Amendment, Mr. Van Koughnett, seconded by Mr. Mac Nab, moves, " That the Question be not now put; but that the House do on To-morrow resolve itself into a Committee of the Whole upon the Resolution."

On which the House divided, and the Yeas and Nays were taken as follow:

Messrs.		Yeas.	
Attorney General,	J. Crooks,	Jessup,	Robinson,
Berczy,	W. Crooks,	Lewis,	Samson,
Boulton,	Elliott,	M'Martin,	Thomson,
Brown,	A. Fraser,	MacNab,	Van Koughnett,
Burwell,	R. Fraser.	Macon,	J. Willson,
Chisholm,	Ingersoll,	Morris,	W. Wilson.—27.
Clark,	Jarvis,	Mount,	
Messrs.		Nays.	
Beardsley,	Duncombe,	A. M'Donald,	Roblin,
Bidwell,	Howard,	D. M'Donald,	Shaver,
Buell,	Ketchum,	Mackenzie,	White.—18.
Campbell,	Lyons,	Perry,	
Cook,	M'Call,	Randal,	

The Question of Amendment was carried in the Affirmative by a Majority of Nine, and ordered accordingly.

26th *February* 1831.

Agreeably to the Order of the Day the House went into Committee of the Whole on the Resolution relative to the Clergy Reserves.

Mr. Shaver was called to the Chair.

The House resumed.

Mr. Shaver reported Progress, and asked Leave to sit again in One Hour.

The Report was received, and Leave granted.

The House adjourned for One Hour.

The House met pursuant to Adjournment.

Agreeably to the Order of the Day, the House went again into Committee on the Resolution relative to the Clergy Reserves.

Mr. Shaver in the Chair.

The House resumed.

Mr. Shaver reported, " That the Committee had risen, and asked Leave to sit again on Monday next."

On the Question for receiving the Report the House divided, and the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Attorney General,	Cook,	A. M'Donald,	Roblin,
Boulton,	J. Crooks,	M'Martin,	Samson,
Brown,	Ingersoll,	M'Nab,	Solicitor General,
Burwell,	Jarvis,	Morris,	Van Koughnett,
Chisholm,	Jessup,	Mount,	J. Willson.—20.

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Messrs.		Nays.	
Beardsley,	Duncombe,	D. M'Donald,	Shaver,
Bidwell,	Howard,	Mackenzie,	White.—14.
Buell,	Lyons,	Perry,	
Campbell,	M'Call,	Randal,	

The Question was carried in the Affirmative by a Majority of Six, and Leave was granted accordingly.

12th *March* 1831.

Agreeably to the Order of the Day the House went into Committee of the Whole on the Resolutions relative to Clergy Reserves, &c.

Mr. Roblin was called to the Chair.

The House resumed, the Black Rod being at the Door,

Agreeably to the Order of the Day the House went again into Committee on the Resolutions on the Subject of the Clergy Reserves.

Mr. Roblin in the Chair.

The House resumed.

Mr. Roblin reported the Resolutions.

The Report was received.

The First Resolution was read as follows:

Resolved, That by the Act of Parliament of Great Britain and Ireland, 31st Geo. 3., One Seventh of the Lands of this Province was set apart for the Support of a Protestant Clergy: That under that Act Appropriations have from Time to Time been made, and which Appropriations are, in this Province, known by the Name of "The Clergy Reserves." That these Appropriations having been generally made in Lots of 200 Acres, throughout the several Townships of this Province, the Value of the same has been much enhanced by the Settlement of the Country, and principally from the Improvement of the Lands in the Neighbourhood of such Appropriations, by the Labour of the Inhabitants, composed of various Denominations of Christians; that these Reserves being so interspersed with the Lands of actual Settlers have materially retarded the Improvement of the Country.

That by an Act passed in the Reign of His late most Gracious Majesty, Provision was made for the Sale of a Portion of the said Reserves. That it is unjust as well as impolitic to appropriate the said Lands to the Support of any one Church exclusively, and it is extremely difficult, if not altogether impracticable, to apportion or divide the same among the Clergy of all Denominations of Protestants: That a large Majority of the Inhabitants of this Province are sincerely attached to His Majesty's Person and Government, but are averse to the Establishment of any exclusive or dominant Church: That this House feels confident that to promote the Prosperity of this Portion of His Majesty's Dominion, and to foster and insure the Affection and Gratitude of the People of this Province, His Majesty will be graciously pleased to give the most favourable Consideration to the Wishes of His faithful Subjects.

That to terminate the Jealousy and Dissension which have hitherto existed on the Subject of the said Reserves, to remove a Barrier to the Settlement of the Country, and to provide a Fund available for the Promotion of Education, it is extremely desirable that the said Lands so reserved be sold, and the Proceeds arising from the Sale of the same placed at the Disposal of the Provincial Legislature, to be applied exclusively for those Purposes: That an humble Address be presented to His Majesty, setting forth the Subject of this Resolution, and praying His Majesty will be graciouly pleased to recommend to His Majesty's Parliament of Great Britain and Ireland to pass an Act to authorize the Sale of the Clergy Reserves remaining unsold, and to enable the Legislature of this Province to appropriate the Proceeds thereof in such Manner as may be considered most expedient for the Advancement of Education, and in aid of erecting Places of Public Worship for various Denominations of Christians.

In Amendment, Mr. Solicitor General, seconded by Mr. Burwell, moves, "That it be resolved that the Imperial Parliament, in pursuance of the gracious Recommendation of our late revered Sovereign Lord King George the Third, hath appropriated for the Main nance and Support of a Protestant Clergy within

within this Province, a certain Allotment of Lands usually known as "the Clergy Reserves."

That the Diffusion of Religious Knowledge and Instruction is an Object of the first Importance to the Happiness and Welfare of Mankind.

That the Land appropriated for the Support of Ministers of Religion in this Province, having been made with a view to this Object, it is repugnant to the best Interests of the Inhabitants of Upper Canada to apply them to any other Use.

That it is the Opinion of this House that an humble Address be presented to His Majesty, praying that His Majesty will not comply with any Request which may be made to recommend to Parliament the Alienation of the Clergy Reserves in this Province to any other Purpose than that for which they were set apart.

That His Majesty be at the same Time informed that it is the earnest Desire of his faithful Subjects of Upper Canada to submit to the same Imperial Parliament that conferred the Land in question to determine on such Alteration in the Distribution or Disposal thereof as in their Wisdom may be deemed best calculated to carry their original Intention into effect, and that this Desire is expressed with a view to the final Settlement of a Question which has caused much Discussion and Difference of Opinion on this important Subject among His Majesty's Subjects in Upper Canada.

On which the House divided, and the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Boulton,	Jarvis,	Robinson,	Van Koughnett.—7.
Burwell,	Lewis,	Solicitor General,	

Messrs.		Nays.	
Beardsley,	Duncombe,	M'Call,	Randal,
Berczy,	Elliott,	D. M'Donald,	Roblin,
Bidwell,	A. Fraser,	Mackenzie,	Samson,
Campbell,	Howard,	M'Martin,	Shaver,
Chisholm,	Ingersoll,	Maçon,	White.—29.
Clark,	Jones,	Morris,	
J. Crooks,	Ketchum,	Mount,	
W. Crooks,	Lyons,	Perry,	

The Question of Amendment was decided in the Negative by a Majority of Twenty-two.

In Amendment to the First Resolution, Mr. Morris, seconded by Mr. Berczy, moves, "That the Words 'foster and ensure the Affection and Gratitude,' be expunged after the Words 'and to' and the following inserted: 'satisfy the earnest Desire.'"—Which was carried.

On the original Question as amended being put, the House divided, and the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Beardsley,	Duncombe,	Lyons,	Perry,
Berczy,	Elliott,	M'Call,	Randal,
Bidwell,	A. Fraser,	D. M'Donald,	Roblin,
Campbell,	Howard,	Mackenzie,	Samson,
Chisholm,	Ingersoll,	M'Martin,	Shaver,
Clark,	Jones,	Maçon,	White.—30.
J. Crooks,	Ketchum,	Morris,	
W. Crooks,	Lewis,	Mount,	

Messrs.		Nays.	
Boulton,	Jarvis,	Robinson,	Van Koughnett.—7.
Burwell,	Jessup,	Solicitor General,	

The original Question, as amended, was carried in the Affirmative by a Majority of Twenty-three, and is as follows:

Resolved, That by the Act of the Parliament of Great Britain and Ireland, 31st Geo. 3d, One Seventh of the Lands of this Province were set apart for the Support of a Protestant Clergy.

That under that Act Appropriations have from Time to Time been made, and which Appropriations are in this Province known by the Name of "the Clergy

 Reserves;"

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Reserves:" That these Appropriations having been generally made in Lots of Two hundred Acres throughout the several Townships of this Province, the Value of the same has been much enhanced by the Settlement of the Country, and principally from the Improvement of the Lands in the Neighbourhood of such Appropriations by the Labour of Inhabitants composed of various Denominations of Christians: That these Reserves, being so interspersed with the Lands of actual Settlers, have materially retarded the Improvement of the Country: That by an Act passed in the Reign of His late most Gracious Majesty Provision was made for the Sale of a Portion of the said Reserves: That it is unjust as well as impolitic to appropriate the said Lands to the Support of any One Church exclusively, and it is extremely difficult, if not altogether impracticable, to apportion or divide the same among the Clergy of all Denominations of Protestants: that a large Majority of the Inhabitants of this Province are sincerely attached to His Majesty's Person and Government, but are averse to the Establishment of any exclusive or dominant Church: That this House feels confident that to promote the Prosperity of this Portion of His Majesty's Dominions, and to satisfy the earnest Desire of the People of this Province, His Majesty will be graciously pleased to give the most favourable Consideration to the Wishes of His faithful Subjects: That to terminate the Jealousy and Dissension which have hitherto existed on the Subject of the said Reserves, to remove a Barrier to the Settlement of the Country, and to provide a Fund available for the Promotion of Education, it is extremely desirable that the said Lands so reserved be sold, and the Proceeds arising from the Sale of the same placed at the Disposal of the Provincial Legislature to be applied exclusively for those Purposes: That an humble Address be presented to His Majesty, setting forth the Subject of this Resolution, and praying His Majesty will be graciously pleased to recommend to His Majesty's Parliament of Great Britain and Ireland, to pass an Act to authorize the Sale of the Clergy Reserves remaining unsold, and to enable the Legislature of this Province to appropriate the Proceeds thereof in such Manner as may be considered most expedient for the Advancement of Education, and in aid of erecting Places of public Worship for various Denominations of Christians.

Mr. Samson, seconded by Mr. White, moves, "That Messrs. Elliott and Mount be a Committee to draft and report an Address pursuant to the Resolutions on the Subject of the Clergy Reserves."—Ordered.

Mr. Elliott, from the Select Committee to draft an Address to His Majesty grounded on the Resolution of this House relative to the future Disposition of the Clergy Reserves, reported a Draft, which was received and read, and ordered to be read a Second Time on Monday next.

House of Assembly, 1831-32.

Journals of the House of Assembly.

13th *December* 1831.

Agreeably to Notice, Mr. Samson, seconded by Mr. Clark, moves that it be Resolved,—That by the Act of the Parliament of Great Britain, Thirty-first George III., One Seventh of the Lands of this Province was set apart for the Support of a Protestant Clergy.

That under that Act Appropriations have from Time to Time been made, and which Appropriations are in this Province known by the Name of "the Clergy Reserves:" That these Appropriations having been generally made in Lots of Two hundred Acres throughout the several Townships of this Province, the Value of the same has been much enhanced by the Settlement of the Country, and principally from the Improvement of the Lands in the Neighbourhood of such Appropriations, by the Labour of the Inhabitants composed of various Denominations of Christians: That these Reserves, being so interspersed with the Lands of actual Settlers, have materially retarded the Improvement of the Country: That by an Act passed in the Reign of His late most Gracious Majesty Provision was made for the Sale of a Portion of the said Reserves: That it is unjust as well as impolitic to appropriate the said Lands to the Support of any One Church exclusively, and it is extremely difficult, if not altogether impracticable, to apportion or divide the same among the Clergy of all

all Denominations of Protestants: That a large Majority of the Inhabitants of this Province are sincerely attached to His Majesty's Person and Government, but are averse to the Establishment of any exclusive or dominant Church: That this House feels confident, that to promote the Prosperity of this Portion of His Majesty's Dominions, and to satisfy the earnest Desire of the People of this Province, His Majesty will be graciously pleased to give the most favourable Consideration to the Wishes of his faithful Subjects: That to terminate the Jealousy and Dissension which have hitherto existed on the Subject of the said Reserves, to remove a Barrier to the Settlement of the Country, and to provide a Fund available for the Promotion of Education, it is extremely desirable that the said Lands, so reserved, be sold, and the Proceeds arising from the Sale of the same placed at the Disposal of the Provincial Legislature, to be applied exclusively for that Purpose: That an humble Address be presented to His Majesty, setting forth the Subject of this Resolution, and praying His Majesty will be graciously pleased to recommend to His Majesty's Parliament of Great Britain and Ireland to pass an Act to authorize the Sale of the Clergy Reserves remaining unsold, and to enable the Legislature of this Province to appropriate the Proceeds thereof in such Manner as may be considered most expedient for the Advancement of Education.

In amendment, Mr. Perry, seconded by Mr. Bidwell, moves, "That after the Word "Education," in the Original, the following Words be added: 'or other Improvements in which the Inhabitants of the Province will generally and equally participate.'"

On which the House divided, and the Yeas and Nays were taken as follows:

Messrs.		YEAS.		
Beardsley,	Campbell,	Howard,	Shaver.	7.
Bidwell,	Cook,	Perry,		

Messrs.		NAYS.		
Attorney General,	Crooks,	Lewis,	Samson,	
Berczy,	Duncombe,	M'Martin,	Shade,	
Boulton,	Elliott,	Maçon,	Solicitor General,	
Buell.	A. Fraser,	Morris,	Thomson,	
Burwell,	Ingersoll,	Mount,	Warren,	
Chisholm,	Jones,	Roblin,	Werden.	26.
Clark,	Ketchum,			

The Question of Amendment was decided in the Negative by a Majority of Nineteen.

In Amendment to the original Motion, Mr. Solicitor General, seconded by Mr. Burwell, moves, "That all the Words after the Word 'Resolved,' be expunged, and the following inserted: "That the Imperial Parliament, in pursuance of the gracious Recommendation of our late revered Sovereign Lord King George the Third, hath appropriated for the Maintenance and Support of a Protestant Clergy within this Province a certain Allotment of Land usually known as "the Clergy Reserves."

"That the Diffusion of Religious Knowledge and Instruction is an Object of the first Importance to the Happiness and Welfare of Mankind.

"That the Lands appropriated for the Support of Ministers of Religion in this Province, having been made with a view to this Object, it is repugnant to the best Interests of the Inhabitants of Upper Canada, to apply them to any other Use.

"That it is the Opinion of this House, that an humble Address be presented to His Majesty, praying that His Majesty will not comply with any Request which may be made to recommend to Parliament the Alienation of the Clergy Reserves in this Province to any other Purpose than that for which they were set apart.

"That His Majesty be at the same Time informed that it is the earnest Desire of His faithful Subjects, that the same Power which bestowed the Land in question should be referred to to determine on any Alteration in the Distribution or Disposal thereof which in their Wisdom may be deemed necessary to carry their original Intention into effect; and that this Desire is expressed with a View to the final Settlement of a Question which has caused much Discussion and Difference of Opinion on this important Subject among His Majesty's Subjects in Upper Canada."

PART II. Extracts from the Journals.

House of Assembly, 1831-32.

On which the House divided, and the Yeas and Nays were taken as follows:

Messieurs	YEAS.		
Attorney General,	Burwell,	Lewis,	
Boulton,	R. Fraser,	Solicitor General.—6.	

Messieurs		NAYS.	
Beardsley,	Crooks,	M'Call,	Roblin,
Berczy,	Duncombe,	M'Martin,	Samson,
Bidwell,	Elliott,	Maçon,	Shade,
Buell,	A. Fraser,	Morris,	Shaver,
Campbell,	Howard,	Mount,	Thomson,
Chisholm,	Ingersoll,	Perry,	Warren,
Clark,	Jones,	Randal,	Werden.—30.
Cook,	Ketchum,		

The Question of Amendment was decided in the Negative by a Majority of Twenty-four.

In Amendment to the original Motion, Mr. Attorney General, seconded by Mr. Elliott, moves, "That after the Word 'Resolved' in the original Motion, the whole be expunged, and the following be inserted: 'That His late Majesty King George the Third, of illustrious Memory, was graciously pleased, by Messages to both Houses of Parliament, in the Thirty-first Year of His Reign, to express His Royal Desire that an Appropriation of Land for the Support and Maintenance of a Protestant Clergy, in proportion to the Lands already granted by His said Majesty within this Province, and that such Provision might be made with respect to all future Grants of Land, as might best conduce to the due and sufficient Support and Maintenance of a Protestant Clergy within the said Province, in proportion to such Increase as might happen in the Population and Cultivation thereof.

That in accordance with the gracious Intentions expressed in the said Message, both Houses of Parliament concurred with His Message, in declaring, by an Act passed in the Thirty-first Year of His said Majesty's Reign, that a Proportion equal in Value to One Seventh of the Lands granted or to be granted by His said Majesty, His Heirs or Successors, within the said Province, should be appropriated to the Support and Maintenance of a Protestant Clergy within the same.

That Provision was also made by the said Act for constituting and erecting Parsonages or Rectories within the said Province according to the Establishment of the Church of England; and for endowing every such Parsonage or Rectory with so much of the Lands so appropriated as aforesaid as by the Executive Government of this Province might be judged expedient, but no Provision was made for appropriating any Part of the Lands towards the Support of any other Protestant Clergy.

"That Doubts have been entertained upon the Construction of the Term "Protestant Clergy," made use of in the said Act, whether the same was intended to apply exclusively to the Clergy of the Church of England, or to the Clergy of any and what other Church or Churches within the said Province.

That the Population of this Province is composed of Persons of various Christian Denominations, and that such of the Inhabitants as profess the Doctrines of the Church of England unquestionably compose but a Minority of the Whole, and consequently it would be unjust towards their fellow Subjects of other Denominations, who are equally attached to His Majesty's Person and Government, and have equal Claims upon the Protection and Royal Favour of their Sovereign, and by whose Industry the Value of the Clergy Reserves have been materially enhanced, that the whole of the said Appropriation of Lands directed by the said Act to be set apart for the Support and Maintenance of a Protestant Clergy should be applied exclusively for the Benefit of such of the Inhabitants as profess to belong to the Church of England, and for relieving them from the Necessity of contributing to the Support of their own Clergy while others are left to make such necessary Provision for the Support of their Clergy out of their own private Means, or are driven to solicit voluntary Contributions for the Attainment of this primary Object of all Christian Communities; and that whatever might have been the Intention of Parliament in

making

making the said Appropriation, it is expedient that the said Act should be amended, and that it should be explicitly declared that the Term Protestant Clergy shall be held to embrace the Clergy of such Denominations as in England are called Dissenters, as well as the Clergy ordained according to the Rites and Ceremonies of the Established Church of England and Ireland, and that Provisions be made for carrying such Declaration into effect.

On which the House divided, and the Yeas and Nays were taken as follows:

Messieurs,	YEAS.		
Atty. General,	Burwell,	Elliott.	3.

Messieurs,		NAYS.		
Beardsley,	Cook,	Lewis,	Randal,	
Berczy,	Crooks,	M'Call,	Samson,	
Bidwell,	A Fraser,	M'Martin,	Shade,	
Buell,	Howard,	Maçon,	Shaver,	
Campbell,	Ingersoll,	Morris,	Thomson,	
Chisholm,	Jones,	Mount,	Van Koughnett,	
Clark,	Ketchum,	Perry,	Warren.	28.

The Question of Amendment was decided in the Negative by a Majority of Twenty-five.

On the original Question the House divided, and the Yeas and Nays were taken as follows:

Messieurs,		YEAS.		
Beardsley,	Cook,	Ketchum,	Randal,	
Berczy,	Crooks,	M'Call,	Samson,	
Bidwell,	Elliott,	M'Martin,	Shade,	
Buell,	A. Fraser,	Maçon,	Shaver,	
Campbell,	Howard,	Morris,	Thomson,	
Chisholm,	Ingersoll,	Mount,	Warren.	
Clark,	Jones,	Perry,		*27.*

Messieurs,		NAYS.		
Atty. General,	Burwell,	Lewis,	Van Koughnett.	4.

The Question was carried in the Affirmative by a Majority of Twenty-three.

Mr. Samson, seconded by Mr. Mount, moves, "That Messrs. A. Fraser and Maçon be a Committee to draft and report an Address, pursuant to the Resolution of this House, on the Subject of the Clergy Reserves."—Ordered.

Mr. A. Fraser, from the Select Committee to draft an Address to His Majesty on the Subject of the future Disposition of the Clergy Reserves, reported a Draft, which was received and read Twice, concurred in, and ordered to be ingrossed, and read a Third Time To-morrow.

14th *December* 1831.

Agreeably to the Order of the Day, the Address to His Majesty on the Subject of the Clergy Reserves was read a Third Time.

On the Question for passing the same, the House divided, and the Yeas and Nays were taken as follows:

Messieurs,		YEAS.		
Beardsley,	Cook,	Ketchum,	Roblin,	
Berczy,	Crooks,	M'Call,	Samson,	
Bidwell,	Duncombe,	A. M'Donald,	Shade,	
Brown,	Elliott,	Morris,	Shaver,	
Buell,	Howard,	Mount,	Thomson,	
Campbell,	Ingersoll,	Perry,	Warren,	
Clark,	Jones,	Randal,	Werden.	28.

Messieurs,		NAYS.		
Atty. General,	A. Fraser,	Robinson,	Van Koughnett.	
Burwell,	Lewis,			6.

The Question was carried in the Affirmative, by a Majority of Twenty-two; and the Address was signed by the Speaker, and is as follows:

PART II. Extracts from the Journals.

House of Assembly, 1831-32.

To the King's most Excellent Majesty.

Most Gracious Sovereign,

WE, Your Majesty's dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, beg leave most humbly to submit to Your Majesty that by an Act of the Parliament of Great Britain, 31 Geo. III., One Seventh of the Lands of this Province was set apart for the Support of a Protestant Clergy.

That under that Act Appropriations have from Time to Time been made, and which Appropriations are, in this Province, known by the Name of the "Clergy Reserves:" That these Appropriations having been generally made in Lots of Two hundred Acres, throughout the several Townships of this Province, the Value of the same has been much enhanced by the Settlement of the Country, and principally from the Improvement of the Lands in the Neighbourhood of such Appropriations by the Labour of Inhabitants composed of various Denominations of Christians: That these Reserves being so interspersed with the Lands of actual Settlers have materially retarded the Improvement of the Country: That by an Act passed in the Reign of His late most Gracious Majesty Provision was made for the Sale of a Portion of the said Reserves: That it is unjust, as well as impolitic, to appropriate the said Lands to the Support of any One Church exclusively, and it is extremely difficult, if not altogether impracticable, to apportion or divide the same among the Clergy of all Denominations of Protestants: That a large Majority of the Inhabitants of this Province are sincerely attached to Your Majesty's Person and Government, but are averse to the Establishment of any exclusive or dominant Church: That this House feels confident, that to promote the Prosperity of this Portion of Your Majesty's Dominions, and to satisfy the earnest Desire of the People of this Province, Your Majesty will be graciously pleased to give the most favourable Consideration to the Wishes of Your faithful Subjects: That to terminate the Jealousy and Dissension which have hitherto existed on the Subject of the said Reserves, to remove a Barrier to the Settlement of the Country, and to provide a Fund available for the Promotion of Education, it is extremely desirable that the said Lands, so reserved, be sold, and the Proceeds arising from the Sale of the same placed at the Disposal of the Provincial Legislature, to be applied exclusively for that Purpose. We therefore humbly pray that Your Majesty will be graciously pleased to recommend to Your Majesty's Parliament of Great Britain and Ireland to pass an Act to authorize the Sale of the Clergy Reserves remaining unsold, and to enable the Legislature of this Province to appropriate the Proceeds thereof in such Manner as may be considered most expedient for the Advancement of Education.

ARCHIBALD M'LEAN,
Speaker.

Commons House of Assembly,
14th December 1831.

27th *December* 1831.

The House met.

At Ten o'Clock the Speaker, Clerk, Serjeant-at-Arms, and Members present waited upon his Excellency the Lieutenant-Governor with the Address of the House to his Excellency, requesting his Excellency to transmit the Address to His Majesty on the Subject of the Clergy Reserves, and returned.

The Minutes of Yesterday were read.

The Speaker reported that the House had waited upon his Excellency the Lieutenant-Governor with its Address, requesting his Excellency to transmit the Address to His Majesty to His Majesty's Principal Secretary of State for the Colonies, and that his Excellency had been pleased to make thereto the following Answer:—

Gentlemen,

I will take an early Opportunity of transmitting to the Secretary of State for the Colonies the Address to His Majesty.

24th *January* 1832.

The House resumed to receive a Message.

Mr. Acting Secretary M'Mahon brought down from his Excellency the Lieutenant Governor a Message, which the Speaker read as follows:—

J. COL-

J. COLBORNE.

The Lieutenant Governor acquaints the House of Assembly that he has a few Hours since received from His Majesty's Government certain Information respecting the Clergy Reserves, and that he will communicate it to the House early To-morrow.

Government House,
Tuesday, 24th January 1832.

25th *January* 1832.

Mr. Acting Secretary M^c^Mahon brought down from his Excellency the Lieutenant Governor a Message, which was read as follows:

J. COLBORNE.

The Lieutenant Governor has received His Majesty's Commands to make the following Communication to the House of Assembly in reference to the Lands which, in pursuance of the Constitutional Act of this Province, have been set apart for the Support and Maintenance of a Protestant Clergy.

The Representations which have at different Times been made to His Majesty and His Royal Predecessors of the Prejudice sustained by His faithful Subjects in this Province from the Appropriation of the Clergy Reserves have engaged His Majesty's most attentive Consideration.

His Majesty has, with no less Anxiety, considered how far such an Appropriation of Territory is conducive either to the temporal Welfare of the Ministers of Religion in this Province or to their Spiritual Influence. Bound no less by his personal Feelings than by the sacred Obligations of that Station to which Providence has called him, to watch over the Interests of all the Protestant Churches within His Dominions, His Majesty could never consent to abandon those Interests with a view to any Objects of temporary and apparent Expediency.

It has therefore been with peculiar Satisfaction that in the Result of His Inquiries into this Subject His Majesty has found that the Changes sought for by so large a Proportion of the Inhabitants of this Province may be carried into effect without sacrificing the just Claims of the Established Churches of England and Scotland. The Waste Lands which have been set apart as a Provision for the Clergy of those venerable Bodies have hitherto yielded no disposable Revenue. The Period at which they might reasonably be expected to become more productive is still remote.

His Majesty has solid Grounds for entertaining the Hope that before the Arrival of that Period it may be found practicable to afford the Clergy of those Churches such a reasonable and moderate Provision as may be necessary for enabling them properly to discharge their sacred Functions.

His Majesty, therefore, invites the House of Assembly of Upper Canada to consider how the Powers given to the Provincial Legislature by the Constitutional Act to vary or repeal this Part of its Provisions can be called into exercise most advantageously for the spiritual and temporal Interests of His Majesty's faithful Subjects in this Province.

Government House,
25th January 1832.

[A similar Message sent to the Legislative Council.]

Mr. Attorney General, seconded by Mr. J. Willson, moves for Leave to bring in a Bill to revest in His Majesty the Lands set apart in this Province for the Support of a Protestant Clergy in this Province, discharged of all Trusts whatsoever for that Purpose; and that the Thirty-second Rule of this House be dispensed with for that Purpose.

Which was granted, and the Bill read.

Mr. Attorney General, seconded by Mr. Bidwell, moves, "That the Bill be read a Second Time To-morrow, and that it be the First Item on the Order of the Day."

In Amendment, Mr. Morris, seconded by Mr. Samson, moves, "That the whole of the original Motion after the Word 'moves' be expunged, and the following inserted: 'That Five hundred Copies of the Bill, and his Excel-

PART II.

Extracts from the Journals.

House of Assembly, 1831-32.

lency's Message of this Day on the Subject of the Clergy Reserves, be printed for the Use of Members.'"

On which the House divided, and the Yeas and Nays were taken as follows:

Messieurs,		YEAS.	
Berzcy,	Ingersoll,	Maçon,	Shade,
Boulton,	Jarvis,	Morris,	Shaver,
Burwell,	Jones,	Norton,	Sol. General,
Campbell,	Ketchum,	Randall,	Van Koughnett,
Chisholm,	M'Call,	Robinson,	Werden,
Duncombe,	M'Martin,	Roblin,	J. Willson,
Elliott,	Macnab,	Samson,	W. Wilson. 28.

Messieurs,		NAYS.	
Atty. General,	Buell,	Cook,	Lyons. 7.
Bidwell,	Clark,	Howard,	

The Question was carried in the Affirmative by a Majority of Twenty-one.

The original Question as amended was then put and carried.

On the Question for the Second Reading of the Bill To-morrow the House divided, and the Yeas and Nays were taken as follows:

Messieurs,		YEAS.	
Atty. General,	Duncombe,	M'Call,	Roblin,
Berzcy,	Elliott,	D. M'Donald,	Samson,
Bidwell,	Howard,	Maçon,	Shade,
Buell,	Ingersoll,	Morris,	Shaver,
Campbell,	Jarvis,	Norton,	Werden,
Chisholm,	Ketchum,	Randal,	J. Willson,
Clark,	Lyons,	Robinson,	W. Wilson. 29.
Cook,			

Messieurs,		NAYS.	
Boulton,	Jones,	Macnab,	Van Koughnett. 7.
Burwell,	M'Martin,	Sol. General,	

The Question was carried in the Affirmative by a Majority of Twenty-two, and ordered accordingly.

Journals of the Legislative Council.

Legislative Council, 1832.

26th *January* 1832.

The Order of the Day for the House being put into a Committee of the Whole, on his Excellency's Message of Yesterday, on the Subject of the Clergy Reserves in this Province, being read, it was ordered that it be discharged, and that the same do stand upon the Order of the Day for To-morrow.

Journals of the House of Assembly.

House of Assembly, 1832.

6th *November* 1832.

Mr. Perry gives notice that he will, on To-morrow, move for Leave to bring in a Bill to dispose of the Clergy Reserves in this Province.

Mr. Attorney General gives notice that he will, on To-morrow, move for Leave to bring in a Bill to revest in His Majesty certain Lands set apart for the Support and Maintenance of a Protestant Clergy in this Province, and for discharging those Lands of the several Trusts upon which they are now held.

Agreeably

7th *November* 1832.

Agreeably to Notice, Mr. Perry, seconded by Mr. Bidwell, moves for Leave to bring in a Bill for the Disposal of the Clergy Reserves in this Province.

In Amendment, Mr. Samson, seconded by Mr. Crooks, moves, " That after the Word ' moves ' the Remainder be expunged, and the following inserted : ' That an Address be presented to his Excellency the Lieutenant Governor, praying his Excellency to inform this House if any Answer has been received from His Majesty's Government to the Address of this House of last Session on the Subject of the Clergy Reserves.' "

On which the Yeas and Nays were taken as follows :

Messieurs		YEAS.	
Atty. General,	Elliott,	Morris,	Shade,
Boulton,	D. Fraser,	Merritt,	Sol. General,
Burwell,	R. D. Fraser,	Pinhey,	John Willson,
Chisholm,	Jarvis,	Samson,	Wm. Wilson.—18.
Crooks,	Macnab,		

Messieurs		NAYS.	
Bidwell,	Howard,	A. Macdonald,	Randal,
Clark,	Ketchum,	Norton,	Shaver,
Cook,	Lewis,	Perry,	Werden.—14.
Duncombe,	McCall,		

The Question of Amendment was carried in the Affirmative by a Majority of Four.

The original Question, as amended, was then put and carried.

Mr. Samson, seconded by Mr. Shade, moves, " That Messieurs Elliott and Crooks be a Committee to draft and report an Address to his Excellency the Lieutenant Governor, praying his Excellency will be pleased to inform this House if any Answer has been received to the Address of this House of last Session on the Subject of the Clergy Reserves."—Ordered.

Mr. Elliott, from the Committee to draft an Address to his Excellency the Lieutenant Governor, for Information relative to Answer to Address on Clergy Reserves, reported a Draft, which was received and read twice.

On the Question for concurring in the Address, the House divided, and the Yeas and Nays were taken as follows :

Messrs.		YEAS.	
Boulton,	D. Fraser,	A. Macdonald,	Samson,
Buell,	R. D. Fraser,	Macnab,	Shade,
Burwell,	Howard,	Morris,	Sol. General,
Cook,	Jarvis,	Merritt,	Werden,
Crooks,	Ketchum,	Perry,	J. Willson,
Duncombe,	Lewis,	Randal,	W. Wilson.—25.
Elliott,			

Messrs.		NAYS.	
Clark,	McCall,	Norton,	Shaver.—4.

The Question was carried in the Affirmative by a Majority of Twenty-one ; and the Address was ordered to be engrossed, and read a Third Time To-morrow.

8th *November* 1832.

Agreeably to the Order of the Day, the Address to his Excellency the Lieutenant Governor, for Information relating to the Clergy Reserves, was read a Third Time and passed, and is as follows :

To his Excellency Sir John Colborne, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, Major General Commanding His Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, humbly request that your Excel-

PART II. Extracts from the Journals.

House of Assembly, 1832.

lency will be pleased to inform this House if any Answer has been received to our Address of last Session to His Majesty on the Subject of the Clergy Reserves.

ARCHIBALD McLEAN,
Speaker.

Commons House of Assembly,
8th November 1832.

Mr. Samson, seconded by Mr. Crooks, moves, "That Messieurs Elliott and Shade be a Committee to wait on his Excellency the Lieutenant Governor, to ascertain when he will be pleased to receive the Address of this House on the Subject of the Clergy Reserves, and to present the same."—Ordered.

9th *November* 1832.

Mr. Elliott, from the Committee to wait upon his Excellency the Lieutenant Governor with the Address of this House, for Information relative to the Address of this House at its last Session to His Majesty, on the Subject of the future Disposition of the Clergy Reserves, reported delivering the same; and that his Excellency had been pleased to make thereto the following Answer:

Gentlemen,

I have received an Answer to the Address of the House of Assembly on the Subject of Clergy Reserves, which I shall take an early Opportunity of communicating to the House.

J. COLBORNE.

The Lieutenant Governor transmits to the House of Assembly a Copy of a Despatch* which he has received from His Majesty's Secretary of State for the Colonies respecting the Address of the House to the King of last Session on the Subject of the Clergy Reserves.

Government House,
9th November 1832.

12th *November* 1832.

Mr. Perry, seconded by Mr. Bidwell, moves for Leave to bring in a Bill for the Disposal of Clergy Reserves in this Province, and that the Thirty-first Rule of this House be dispensed with so far as relates to the same.

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Bidwell,	R. D. Fraser,	Merritt,	Roblin,
Buell,	Howard,	Morris,	Samson,
Clark,	Hornor,	Norton,	Shade,
Cook,	Ketchum,	Perry,	Shaver,
Crooks,	Lewis,	Pinhey,	Werden,
Duncombe,	M'Call,	Randal,	John Willson,
Elliott,	A. Macdonald,	Robinson,	Wm. Wilson.—29.
A. Fraser,			

NAY,
Mr. Burwell.—1.

The Question was carried in the Affirmative by a Majority of Twenty-eight, and the Bill was read a First Time.

On the Question for the Second Reading of the Clergy Reserves Sale Bill, To-morrow, the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Bidwell,	Hornor,	Norton,	Samson,
Buell,	Howard,	Perry,	Shade,
Cook,	Ketchum,	Pinhey,	Shaver,
Crooks,	M'Call,	Randal,	Werden,
Elliott,	A. Macdonald,	Robinson,	John Willson,
A. Fraser,	Merritt,	Roblin,	Wm. Wilson.—26
D. Fraser,	Morris,		

* For Despatch, vide Clergy Reserve Papers, Part. I, p. 54.

Messrs.

Messrs. NAYS.
Burwell, R. D. Fraser.—2.

The Question was carried in the Affirmative by a Majority of Twenty-four.

13th *November* 1832.

Mr. Attorney General, seconded by Mr. Richard D. Fraser, moves for Leave to bring in a Bill to declare the Lands heretofore set apart for the Support of a Protestant Clergy discharged from all Trusts for that Purpose.

In Amendment, Mr. Perry, seconded by Mr. Roblin, moves, "That after the Word 'moves' in the original Motion the whole be expunged, and the following inserted: 'That so much of the Order of the Day as relates to a Notice for a Bill to invest in His Majesty the Clergy Reserves be discharged.'

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Buell,	Howard,	A. Macdonald,	Roblin,
Cook,	Hornor,	Perry,	Shaver.—11.
A. Fraser,	Ketchum,	Randal,	

Messrs.		NAYS,	
Attorney General,	Duncombe,	Jarvis,	Shade,
Boulton,	Elliott,	Morris,	Werden,
Burwell,	D. Fraser,	Pinhey,	John Willson,
Clark,	R. D. Fraser,	Robinson,	Wm. Wilson.—17.
Crooks,			

The Question was decided in the Negative by a Majority of Six.

On the original Question the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Attorney General,	Duncombe,	Jarvis,	Shade,
Boulton,	Elliott,	Morris,	Werden,
Burwell,	D. Fraser,	Pinhey,	John Willson,
Clark,	R. D. Fraser,	Robinson,	Wm. Wilson.—17.
Crooks,			

Messrs.		NAYS.	
Buell,	Hornor,	A. Macdonald,	Roblin,
Cook,	Howard,	Perry,	Shaver.—11.
A. Fraser,	Ketchum,	Randal,	

The Question was carried in the Affirmative by a Majority of Six, and the Bill was read a First Time, and ordered for a Second Reading To-morrow.

Journals of the House of Assembly.

House of Assembly, 1833-34.

2d *December* 1833.

Mr. Perry gives Notice that he will, on Thursday next, move for Leave to bring in a Bill to dispose of the Clergy Reserves in this Province.

12th *December* 1833.

Agreeably to Notice, Mr. Perry, seconded by Mr. Howard, moves for Leave to bring in a Bill to provide for the Sale and leasing of the Clergy Reserves in this Province.

Which was granted, and the Bill read, and ordered for a Second Reading To-morrow.

15th *January* 1834.

Mr. Perry, seconded by Mr. Campbell, moves, "That an humble Address be presented to his Excellency the Lieutenant Governor, requesting him to lay before this House, with as little Delay as practicable, a full and detailed Account of the Receipts and Expenditure of all Monies arising from the Sale or leasing of the Clergy Reserves in this Province, and of Glebes, Rectories, or

 Parsonages,

PART II.

Extracts from the Journals.

House of Assembly, 1833-34.

Parsonages, showing the Amount received and paid in each Year, from the several Sources, by whom collected, and to whom paid, and for what Object or Services; and also setting forth the Per-centage or Allowance for collecting and paying the same; and also a Statement showing how much of the Reserves has been set apart for Glebes, &c., and the Quantity so set apart in each Year; and that the Thirty-first Rule of this House be dispensed with so far as relates to the same; and that Messrs. Buell and Campbell be a Committee to draft and report the said Address."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Berczy,	Elliott,	Lewis,	Roblin,
Bidwell,	Fraser, A.	M'Martin,	Samson,
Boulton,	Fraser, D.	Macnab,	Shade,
Buell,	Fraser, R. D.	M'Neilledge,	Shaver,
Burwell,	Hornor,	Morris,	Vankoughnet,
Campbell,	Howard,	Norton,	Werden,
Chisholm,	Jarvis,	Perry,	White,
Clark,	Jones,	Randal,	Wilson, W.—33.
Crooks,			

NAY.

Mr. Brown.—1.

The Question was carried in the Affirmative by a Majority of Thirty-two.

16th *January* 1834.

Mr. Buell, from the Select Committee to draft an Address to his Excellency the Lieutenant Governor for Information relative to the Clergy Reserves, reported a Draft, which was received and read Twice, and ordered to be engrossed, and read a Third Time To-morrow.

17th *January* 1834.

Agreeably to the Order of the Day, the Address to his Excellency the Lieutenant Governor, for Information relative to selling and leasing of the Clergy Reserves, was read the Third Time, passed, and signed, Nem. Con., and is as follows:

To his Excellency Sir John Colborne, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, Major General commanding His Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subiects the Commons of Upper Canada in Provincial Parliament assembled, humbly request that your Excellency will be pleased to lay before this House, with as little Delay as practicable, a full and detailed Account of the Receipts and Expenditure of all Monies arising from the Sale or leasing of the Clergy Reserves in this Province, and of Glebes, Rectories or Parsonages, showing the Amount received and paid in each Year from the several Sources, by whom collected and to whom paid, and for what Object or Services; and also setting forth the Per-centage or Allowance for collecting and paying the same; and also a Statement showing how much of the Reserves has been set apart for Glebes, &c., and the Quantity so set apart in each Year.

ARCHIBALD M'LEAN,
Speaker.

Commons House of Assembly,
17th January 1834.

Present.—Messrs. Bidwell, Boulton, Buell, Burwell, Campbell, Chisholm, Duncombe, Alexander Fraser, Donald Fraser, Richard D. Fraser, Hornor, Howard, Jarvis, Jones, Lyon, Archibald Macdonald, Morris, Norton, Perry, Robinson, Shade, Shaver, Werden, White, John Willson, and Wm. Wilson.

Mr. Buell, seconded by Mr. Perry, moves, "That Messrs. Roblin and Shaver be a Committee to wait on his Excellency to know when he will be pleased to receive said Address, and present the same."—Ordered.

27th *January* 1834.

Mr. Roblin, from the Committee to wait upon his Excellency the Lieutenant Governor with the Address of this House for Information relative to the Clergy Reserves, reported delivering the same, and that his Excellency had been pleased to make thereto the following Answer:

Gentlemen,

I will direct the King's Receiver General, the Surveyor General, the Commissioner of Crown Lands, and the Secretary of the Clergy Corporation, to prepare the Returns which the House of Assembly request may be laid before them.

7th *February* 1834.

Mr. Morris gives Notice that he will on Monday next move an Address to His Majesty, requesting that he will be pleased to submit to the Imperial Parliament the Expediency of passing an Act to repeal so much of the Act 31 Geo. 3. Chap. 31. as declares that no Grant of Land shall be valid within this Province unless the same shall contain a Specification of One Seventh for the Support of a Protestant Clergy.

19th *February* 1834.

Agreeably to the Order of the Day the Clergy Reserve Sale Bill was read a Second Time.

On the Question for referring the same to a Committee of the Whole House, Mr. Samson, seconded by Mr. Berczy, moves in Amendment, "That the House do resolve itself into a Committee of the Whole on the Clergy Reserve Bill on To-morrow, and that the same be the first Item on the Order of the Day after referring Petitions."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Berczy,	M'Martin,	Robinson,	Vankoughnet,
Fraser, A.	Morris,	Samson,	Wilson, W.—9.
Macdonald, A.			

Messrs.		NAYS.	
Bidwell,	Cook,	Howard,	Perry,
Buell,	Duncombe,	Ketchum,	Roblin,
Campbell,	Elliott,	M'Donald, D.	Shaver,
Chisholm,	Fraser, D.	Merritt,	White.—17.
Clark,			

The Question of Amendment was decided in the Negative by a Majority of Eight.

On the Question for going into Committee of the Whole on the Bill, the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Bidwell,	Elliott,	M'Donald, D.	Roblin,
Buell,	Fraser, A.	M'Martin,	Samson,
Campbell,	Fraser, D.	Merritt,	Shaver,
Clark,	Howard,	Morris.	White,
Cook,	Ketchum,	Perry,	Wilson, W.—22.
Duncombe,	Macdonald, A.		

Messrs.		NAYS.
Berczy,	Robinson,	Vankoughnet.—3.

The Question was carried in the Affirmative by a Majority of Nineteen, and Mr. Alexander Fraser was called to the Chair.

The House resumed.

Mr. Fraser reported that the Committee had risen for Want of a Quorum.

Present,—Messrs. Berczy, Bidwell, Buell, Campbell, Chisholm, Clark, Cook, Duncombe, Alexander Fraser, Donald Fraser, Howard, Ketchum, A. M'Donald, M'Martin, Perry, Robinson, Roblin, Samson, Shaver, Vankoughnet, and White.—21.

At

At a Quarter past Seven o'Clock P.M. the Speaker declared the House adjourned for Want of a Quorum.

20th *February* 1834.

The House met.

The Minutes of Yesterday were read.

Agreeably to the Order of the Day, the Committee of the Whole House resumed on the Clergy Reserve Bill.

Mr. Donald M'Donald in the Chair.

The House resumed.

Mr. M'Donald reported the Bill as amended.

On the Question for receiving the Report, the Yeas and Nays were taken as follows:

Messrs.		Yeas,	
Bidwell,	Cook,	Ketchum,	Samson,
Buell,	Duncombe,	M'Neilledge,	Shaver,
Campbell,	Fraser, D.	Perry,	White,
Chisholm,	Hornor,	Randal,	Wilson, W.—19.
Clark,	Howard,	Roblin,	

Messrs.		Nays.	
Boulton,	Fraser, A.	M'Martin,	Robinson,
Burwell,	Macdonald, A.	Morris.	Vankoughnet.—9.
Crooks,			

The Question was carried in the Affirmative by a Majority of Ten, and the Report was received.

On the Question for the Third Reading of the Bill on Monday next, the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Bidwell,	Cook,	Ketchum,	Samson,
Buell,	Duncombe,	M'Neilledge,	Shaver,
Campbell,	Fraser, D.	Perry,	White,
Chisholm,	Hornor,	Randal,	Wilson, W.—19.
Clark,	Howard,	Roblin,	

Messrs.		Nays.	
Boulton,	Fraser, A.	M'Martin,	Robinson,
Burwell,	Macdonald, A.	Morris,	Vankoughnet.—9.
Crooks,			

The Question was carried in the Affirmative by a Majority of Ten, and the Bill was ordered to be engrossed, and read a Third Time on Monday next.

Adjourned.

24th *February* 1834.

Agreeably to the Order of the Day, the Clergy Reserve Bill was read the Third Time.

On the Question for passing the Bill, Mr. Morris, seconded by Mr. Samson, moves in Amendment, "That the Bill do not now pass, but that it be referred to the Consideration of a Select Committee, to be composed of Messrs. Perry, A. Macdonald, and Duncombe, and that it be an Instruction to the said Committee to report a Bill for the Sale of the Clergy Reserves, with the following Preamble:—

"Whereas it is expedient to repeal the Law now in force which authorizes the Reservation of One Seventh of the Lands in this Province for the Support of a Protestant Clergy, and to dispose of the said Lands for the Benefit of general Education," and with such enacting Clauses as shall give to the several Sheriffs of the Province Power and Authority to sell the said Reserves.

On which the Yeas and Nays were taken as follows:—

Messieurs		YEAS.	
Berczy,	Fraser, D.	Macdonald, A.	Samson,
Chisholm,	Lewis,	Morris,	Willson, J.—9.
Fraser, A.			

Messieurs		NAYS.	
Bidwell,	Clark,	Jarvis,	Robinson,
Boulton,	Cook,	Ketchum,	Roblin,
Brown,	Crooks,	M'Donald, D.	Shaver,
Buell,	Duncombe,	M'Martin,	Vankoughnet,
Burwell,	Hornor,	Perry,	White.—23.
Campbell,	Howard,	Randal,	

The Question of Amendment was decided in the Negative by a Majority of Fourteen.

In Amendment, Mr. Vankoughnet, seconded by Mr. Burwell, moves, "That the Bill do not now pass, but that the whole be expunged from the Word 'whereas,' and the following inserted: 'by an Act passed in the Parliament of Great Britain in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province," it was amongst other Things enacted, that it should and might be lawful for His late Majesty, His Heirs and Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, to make, from and out of the Lands of the Crown within such Provinces, such Allotment and Appropriation of the Lands for the Support and Maintenance of a Protestant Clergy within the same as may bear a due Proportion to the Amount of such Lands within the same as had at any Time been granted by or under the Authority of His said late Majesty; and that upon any Grant of Lands within either of the said Provinces which should hereafter be made by or under the Authority of His Majesty, His Heirs and Successors, there should at the same Time be made in respect of the same a proportionable Allotment and Appropriation of Lands for the above mentioned Purpose within the Township or Parish to which such Lands so to be granted should appertain or be annexed, or as nearly adjacent thereto as Circumstances would admit; and that no such Grant should be valid or effectual unless the same should contain a Specification of the Lands so allotted or appropriated in respect of the Land to be thereby granted, and that such Land so allotted and appropriated should be as nearly as the Circumstances and the Nature of the Case would admit, of the like Quality as the Lands in respect of which the said Land should be so allotted and appropriated, and should be, as nearly as the Sum could be estimated at the Time of making such Grant, equal in Value to the Seventh Part of the Lands so granted; and it was thereby further enacted, that all and every the Rents, Profits, or Emoluments which might at any Time arise from such Lands so allotted and appropriated as aforesaid should be applicable solely to the Maintenance of a Protestant Clergy within the Province in which the same shall be situated, and to no other Use or Purpose whatever: And whereas various Parts of the said Clergy Reserves within this Province have been demised by Letters Patent, under the Great Seal of this Province, to divers Persons, for Terms of Years which have not yet expired: And whereas by a certain Act of Parliament of the United Kingdom of Great Britain and Ireland, passed in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, intituled, 'An Act to authorize the Sale of a Part of the Clergy Reserves in the Provinces of Upper and Lower Canada,' it is enacted, that it shall and may be lawful for the Governor, Lieutenant Governor, or Officer administering the Government of the said Provinces, or either of them, with Consent of the Executive Council appointed within such Province, for the Affairs thereof, in pursuance of any Instructions which may be issued to such Governor, Lieutenant Governor, or other Officer as aforesaid, by His Majesty, through One of His Principal Secretaries of State, to sell, alienate, and convey in Fee Simple, or for any less Estate or Interest, a Part of the said Clergy Reserves in each of the said Provinces, not exceeding in either Province One Fourth of the Reserves within such Province, upon,

 under,

under, and subject to such Condition, Provisoes, and Regulations as His Majesty by any such Instructions as aforesaid shall be pleased to direct and appoint; provided nevertheless, that the Quantity of the said Clergy Reserves so to be sold as aforesaid in any One Year, in either of the said Provinces, shall not in the whole exceed One hundred thousand Acres; provided also, that the Monies to arise by or to be produced from any such Sale or Sales shall be paid over to such Officer or Officers of His Majesty's Revenue within the said Provinces respectively as His Majesty shall be pleased to appoint to receive the same, and shall by such Officer or Officers be invested in the public Funds of the United Kingdom of Great Britain and Ireland, in such Manner and Form as His Majesty shall from Time to Time be pleased to direct; provided also, that the Dividends and Interests accruing from such public Funds so to be purchased shall be appropriated, applied, and disposed of for the Improvement of the remaining Part of the said Clergy Reserves, or otherwise for the Purposes for which the said Lands were reserved as aforesaid, and for no other Purpose whatsoever, save only so far as it may be necessary to apply the Sum or any Part thereof in or towards defraying the Expenses of or attendant upon any such Sale or Sales as aforesaid, and which Appropriations shall be so made in such Manner and Form and for such special Purposes as His Majesty from Time to Time shall approve and direct: And whereas, in pursuance of the said last-recited Act, the Lieutenant Governor for the Time being of this Province, with the Consent of the Executive Council, hath in pursuance of Instructions for that Purpose, issued by His late Majesty King George the Fourth through one of His Principal Secretaries of State, effected Sales of divers Parts of the said Clergy Reserves: And whereas by a Message of both Houses of the Provincial Legislature, bearing Date the Twenty-fifth Day of January 1832, His Excellency Major General Sir John Colborne, K. C. B., hath signified to both Houses of the Legislature of this Province His Majesty's most gracious Invitation to consider how far the Powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal that Part of its Provisions which relates to the Lands allotted and appropriated in this Province to the Support and Maintenance of a Protestant Clergy, could be called into exercise for the spiritual and temporal Interests of His Majesty's faithful Subjects in this Province; Now therefore be it, &c., That so much as is herein-before recited of the said Act of the British Parliament so passed as aforesaid in the Thirty-first Year of the Reign of His late Majesty King George the Third shall be and the same is hereby repealed.

"And be it, &c., That from henceforth no Grant heretofore made by or on behalf of His Majesty, or any of His Royal Predecessors, of any Lands situated within this Province, shall be or be deemed invalid or ineffectual, or be liable to be impeached, vacated, or set aside, by reason that any such Grant did not contain a Specification of the Lands allotted and appropriated for the Support and Maintenance of a Protestant Clergy in respect of the Lands thereby granted, but every Grant of Land within this Province heretofore made by or on behalf of His Majesty or of any of His Royal Predecessors, in which any Specifications made have been omitted, shall henceforth be and shall be deemed and taken from the Day of the Date thereof to have been as valid and effectual in the Law as though such Grants had contained the Specification aforesaid.

"And be it &c., That all the Lands heretofore appropriated within this Province for the Support and Maintenance of a Protestant Clergy, now remaining unsold, shall be and they are hereby declared to be vested in His Majesty, his Heirs and Successors, as of his and their Estate absolutely, discharged from all Trusts for the Benefit of a Protestant Clergy, and of and from all and every the Claims and Demands of such Clergy upon or in respect of the same.

"Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall take away or affect the Right or Title of any Person or Persons in or to any Lands which may by any such Person or Persons be holden or enjoyed, or which any such Person or Persons may claim to hold or enjoy by virtue of any Sale, Alienation, Conveyance, or Contract made, executed, or entered into in pursuance of the above-recited Act of Parliament passed in the Seventh and Eighth Year of His said late Majesty's Reign; but that every such Sale, Alienation, or Cortract shall be as valid and effectual in the Law, and shall henceforth have and continue to have the same Force and Effect as if this present Act had not been made: Provided

vided also, that nothing herein contained shall extend or be construed to extend to render invalid or ineffectual any Lease or Demise of any Part of the said Reserves so passed under the Great Seal of this Province as aforesaid."

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Boulton,	Crooks,	Robinson,	Willson, J.—7.
Burwell,	Jones,	Vankoughnet,	

Messrs.		Nays.	
Berczy,	Cook,	Lewis,	Randal,
Bidwell,	Duncombe,	Macdonald, A.	Roblin,
Brown,	Fraser, A.	M'Donald, D.	Samson,
Buell,	Fraser, D.	M'Neilledge,	Shade,
Campbell,	Hornor,	Merritt,	Shaver,
Chisholm,	Howard,	Morris,	White.—27.
Clark,	Ketchum,	Perry,	

The Question of Amendment was decided in the Negative by a Majority of Twenty.

On the Question for passing the Bill the Yeas and Nays were taken as follows:

Messrs.		Yeas,	
Bidwell,	Cook,	M'Donald, D.	Roblin,
Brown,	Duncombe,	M'Neilledge,	Samson,
Buell,	Hornor,	Merritt,	Shade,
Campbell,	Howard.	Perry,	Shaver,
Chisholm,	Ketchum,	Randal,	White.—22.
Clark,	Lewis,		

Messrs.		Nays.	
Berczy,	Crooks,	Jones,	Robinson,
Boulton,	Fraser, A.	Macdonald, A.	Vankoughnet.
Burwell,	Fraser, D.	Morris,	Willson, J.—12.

The Question was carried in the Affirmative by a Majority of Ten, and the Bill was passed.

Mr. Perry, seconded by Mr. Bidwell, moves, "That the Bill be intituled 'An Act to provide for the Sale of the Clergy Reserves in this Province, for the Purposes of general Education in the same.'"

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Bidwell,	Cook,	M'Donald, D.	Roblin,
Brown,	Duncombe,	M'Neilledge,	Samson,
Buell,	Hornor,	Merritt,	Shade,
Campbell,	Howard,	Perry,	Shaver,
Chisholm,	Ketchum,	Randall,	White.—22.
Clark,	Lewis,		

Messrs.		Nays.	
Berczy,	Fraser, A.	Macdonald, A.	Robinson.
Boulton,	Fraser, D.	Macnab,	Vankoughnet,
Burwell,	Jarvis,	Morris,	Willson, J.—14.
Crooks,	Jones,		

The Question was carried in the Affirmative by a Majority of Eight, and Messieurs Perry and Bidwell were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their Concurrence thereto.

Mr. Jarvis, seconded by Mr. Vankoughnet, moves, that Five hundred Copies of the Bill for the Sale of the Clergy Reserves, together with the Amendments moved thereto, and the Yeas and Nays taken upon the same, be printed for the Use of Members.

PART II.

Extracts from the Journals.

House of Assembly, 1833-34.

In Amendment, Mr. Perry, seconded by Mr. Howard, moves, "That 'Five hundred' be expunged from the Original, and 'One thousand' inserted."—Which was carried.

On the original Question, as amended, being put, the Yeas and Nays were taken as follows:

Messieurs		YEAS.	
Bidwell,	Cook,	Merritt,	Samson,
Boulton,	Fraser, A.	Morris,	Shade,
Buell,	Howard,	Perry,	Shaver.
Campbell,	Jarvis,	Robinson,	Vankoughnet,
Chisholm,	Lewis,	Roblin,	White.—22.
Clark,	Macdonald, A.		

Messieurs		NAYS.	
Berczy,	Crooks,	Jones,	M'Donald, D.
Brown,	Fraser, D.	Ketchum,	M'Neilledge.—9.
Burwell,			

The Question was carried in the Affirmative by a Majority of Thirteen, and ordered accordingly.

Journals of the Legislative Council.

Legislative Council, 1834.

25th *February* 1834.

His Honour the Speaker reported to the House that a Deputation from the Commons House of Assembly had brought up a Bill, intituled "An Act to provide for the Sale of the Clergy Reserves in this Province, for the Purposes of general Education in the same;" to which they requested the Concurrence of this House.

The Bill, intituled "An Act to provide for the Sale of the Clergy Reserves in this Province, for the Purposes of general Education in the same," was then read.

Journals of the House of Assembly.

House of Assembly, 1835.

16th *January* 1835.

Mr. Perry, seconded by Mr. Chisholm, moves for Leave to bring in a Bill for the Sale and leasing the Clergy Reserves in this Province for the Purposes of general Education, and that the Thirty-first Rule of this House be dispensed with, so far as relates to the said Bill.—Which was granted, and the Bill read.

On Motion of Mr. Perry, seconded by Mr. Shaver,

Ordered, that the Bill be referred to a Select Committee of Five Members, to examine and amend, and report the same to this House; and that Messrs. Perry, Morrison, Small, Chisholm, and Norton do compose said Committee.

10th *February* 1835.

Mr. Secretary Rowan brought down from his Excellency the Lieutenant Governor several Messages and Documents.

The Messages were read by the Speaker as follows:

J. COLBORNE.

The Lieutenant Governor, with reference to an Address last Session, transmits to the House of Assembly a Return of Lands set apart for Glebes, &c., Statements of Receipts and Payments of Monies arising from Sales of Clergy Reserves by the Commissioner of Crown Lands, and other Documents connected with the Arrangements authorized by His Majesty's Government for the Support of the Clergy. The Inspector General will furnish the Assembly with any

any further Vouchers relative to these Accounts which may be required, and specified by the House.

Government House, 10th February 1835.

On Motion of Mr. Perry, seconded by Mr. Bruce,

Ordered, that the Message of his Excellency, and accompanying Documents of this Day, relative to the Clergy Reserves, be referred to the Committee to whom was referred the Clergy Reserve Bill.

21st *February* 1835.

Mr. Perry, from the Select Committee to which was referred the Bill for the Sale of the Clergy Reserves, informed the House that the Committee had agreed to report the Bill, as delivered to them for Examination, whenever the House would be pleased to receive the same.

The Report was received, and the Bill was ordered to be read a Second Time on Monday next.

2d *March* 1835.

Pursuant to the Order of the Day, the Bill to authorize the Sale of the Clergy Reserves was read the Second Time.

The House was put into Committee on the Bill.

Mr. Hopkins in the Chair.

The House resumed.

Mr. Hopkins reported that the Committee had gone through the Bill, amended the same, and submitted it for the Adoption of the House.

On the Question for receiving the Report, Mr. Morris, seconded by Mr. Walsh, moves that the Report be not received, but that the Bill be referred to the Consideration of a Select Committee, with Instructions to report to the House in what Manner the Clergy Reserves may be most usefully applied to the Support of Religion in this Province, by giving Aid to the various Denominations of Christians in the Maintenance of their religious Teachers, or in the Erection of Places of Worship, as the said Denominations may think proper.

On which the Yeas and Nays were taken as follows:

Messieurs	Yeas.		
M'Kay,	Robinson,	Walsh,	Wilkinson.—6.
Morris,	Tayler,		

Messieurs,	Nays.		
Alway,	Lount,	Norton,	Small,
Bruce,	M'Crae,	Parke,	Smith,
Chisholm,	M'Donell of Stormont,	Perry,	Sol. General,
Cook,	M'Intosh,	Richardson,	Strange,
Duncombe of Oxford,	Mackenzie,	Roblin,	Thorburn,
Duncombe of Norfolk,	M'Micking,	Rykert,	Wells,
Durand,	Macnab,	Rymal,	Wilson,
Gibson,	Malloch,	Shaver,	Woolverton,
Gilchrist,	Moore,	Shibley,	Yager.—38.
Hopkins,	Morrison,		

The Question of Amendment was decided in the Negative by a Majority of Thirty-two, and the Report was received.

On the Question for the Third Reading of the Bill on Wednesday next, the Yeas and Nays being taken, were as follows:

Messieurs	Yeas.		
Alway,	Lount,	Norton,	Smith,
Bruce,	M'Crae,	Parke,	Strange,
Chisholm,	M'Donell of Stormont,	Perry,	Tayler,
Cook,	M'Intosh,	Richardson,	Thorburn,
Duncombe of Oxford,	Mackenzie,	Roblin,	Walsh,
Duncombe of Norfolk,	M'Micking,	Rykert,	Wells,
Durand,	Macnab,	Rymal,	Wilkinson,
Gibson,	Malloch,	Shaver,	Wilson,
Gilchrist,	Moore,	Shibley,	Woolverton,
Hopkins,	Morrison,	Small,	Yager.—40.

Messieurs		Nays.	
M'Kay,	Morris,	Robinson,	Sol. General.—4.

The Question was carried in the Affirmative by a Majority of Thirty-six, and the Bill was ordered to be read a Third Time on Wednesday next.

4th *March* 1835.

Pursuant to the Order of the Day, the Clergy Reserves Sale Bill was read a Third Time.

On the Question for passing the Bill,

Mr. Solicitor General, seconded by Mr. Boulton, moves, in Amendment, "That the Bill do pass this Day Three Months."—On which Debates ensued.

On the Question of the Solicitor General, That the Bill might pass this Day Three Months, the Yeas and Nays being taken, were as follows:

Messieurs		Yeas.	
Boulton,	M'Lean,	Robinson,	Solicitor General.—4.

Messieurs		Nays.	
Alway,	M'Crae,	Morris,	Smith,
Bruce,	M'Donell of	Morrison,	Strange,
Caldwell,	Glengarry.	Norton,	Tayler,
Chisholm,	M'Donell of	Parke,	Thorburn,
Cook,	Stormont,	Perry,	Waters,
Duncombe of	M'Intosh,	Richardson,	Wells,
Norfolk.	M'Kay,	Roblin,	Wilkinson,
Durand,	Mackenzie,	Rykert,	Wilson,
Gibson,	M'Micking,	Rymal,	Woolverton,
Gilchrist,	Malloch,	Shaver,	Yager.—43.
Hopkins,	Merritt,	Shibley,	
Lount,	Moore,	Small,	

The Question was decided in the Negative by a Majority of Thirty-nine.

In Amendment to the Question for passing the Bill,

Mr. Morris, seconded by Mr. Robinson, moves, "That the Bill do not now pass, but that it be referred to the Consideration of a Select Committee, with Instructions to report to the House in what Manner the Clergy Reserves may most usefully be applied to the Support of Religion by aiding the several Denominations of Christians in this Province in the Maintenance of their Religious Teachers."

On which the Yeas and Nays being taken, were as follows:

Messieurs		Yeas.	
M'Lean,	Morris,	Robinson,	Tayler.—4.

Messieurs		Nays.	
Alway,	Hopkins,	Moore,	Small,
Boulton,	Lount,	Morrison,	Smith,
Bruce,	M'Crae,	Norton,	Solicitor General,
Caldwell,	M'Donell of	Parke,	Thorburn,
Chisholm,	Stormont,	Perry,	Waters,
Cook,	M'Intosh,	Richardson,	Wells,
Duncombe of	M'Kay,	Roblin,	Wilkinson,
Norfolk.	Mackenzie,	Rykert,	Wilson,
Durand,	M'Micking,	Rymal,	Woolverton,
Gibson,	Malloch,	Shaver,	Yager.—41.
Gilchrist,	Merritt,	Shibley,	

The Question of Amendment was decided in the Negative by a Majority of Thirty-seven.

On the Question for passing the Bill the Yeas and Nays being taken, were as follows:

Messieurs — Yeas.

Alway,	Lount,	Morrison,	Smith,
Bruce,	M'Crae,	Norton,	Strange,
Caldwell,	M'Donell of	Parke,	Thorburn,
Chisholm,	Stormont,	Perry,	Waters,
Cook,	M'Intosh,	Richardson,	Wells,
Duncombe of	M'Kay,	Roblin,	Wilson,
Norfolk,	Mackenzie,	Rykert,	Woolverton,
Durand,	M'Micking,	Rymal,	Yager.—39.
Gibson,	Malloch,	Shaver,	
Gilchrist,	Merritt,	Shibley,	
Hopkins,	Moore,	Small,	

Messieurs — Nays.

Boulton,	Morris,	Solicitor General,	Wilkinson.—7.
M'Lean,	Robinson,	Tayler,	

The Question was carried in the Affirmative by a Majority of Thirty-two, and the Bill was signed.

Mr. Perry, seconded by Mr. Morrison, moves, "That the Bill be intituled, "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

Which was carried, and Messrs. Perry and Roblin were ordered by the Speaker to carry the same up to the Honourable the Legislative Council, and to request their Concurrence thereto.

19th *March* 1835.

J. COLBORNE.

The Lieutenant Governor transmits to the House of Assembly Statements of the Receipts and Expenditure on account of the Sale of Crown Lands and Clergy Reserves for the Half Year ending the 31st December 1834.

Government House,
18th March 1835.

27th *March* 1835.

Message from the Legislative Council read:

Mr. Speaker,

The Legislative Council have passed the accompanying Resolutions on the Subject Matter of the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education;" to which they request the Concurrence of the Commons House of Assembly.

Legislative Council Chamber, JOHN B. ROBINSON,
26th Day of March 1835. Speaker.

Resolutions of Legislative Council on Clergy Reserve Bill.

Resolved, That His late Majesty King George the Third having been graciously pleased, by Message to both Houses of Parliament, to express His Royal Desire to be enabled to make a permanent Appropriation of Lands in this Province for the Support and Maintenance of a Protestant Clergy within the same, Provision was made for that Purpose by Parliament in the Statute passed in the Thirty-first Year of His Majesty's Reign, Chapter 31, by directing a Reservation of Lands to be made and set apart in the Proportion of all the Lands that should be granted by His Majesty in the said Province, and by declaring that all and every the Rents, Profits, or Emoluments which might at any Time arise from such Lands so allotted and appropriated as aforesaid should be applied solely to the Maintenance and Support of a Protestant Clergy within the Province, and to no other Use or Purpose whatever.

Resolved, That such Allotments and Appropriations as the Act directs having been made from Time to Time, and continuing to be set apart under the Designation of Clergy Reserves, a Claim was advanced in the Year 1821 on behalf of the Church of Scotland, to be allowed to share in those Reserves, or in the Rents, Profits, or Emoluments to be derived from them, which Claim was made and has been urged upon the Footing of a legal Claim, grounded on the Construction of the Statute, and on the Rights of the Church of Scotland, as a Church established in one Part of the United Kingdom.

Resolved, That it has been advanced by other Portions of the People of this Province, that all Protestant Denominations have a Right, in common

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with the Church of England, to have their Clergy supported from the Reserves in question, and that no exclusive Right can be vindicated under the Act in favour of any one or more Protestant Churches.

Resolved, That Efforts have also been made to procure a total Abolition of this Provision for the Support of Religion, by obtaining an Act of the Provincial Legislature, directing the Sale of the Reserves, and the Appropriation of the Proceeds to Purposes of general Education.

Resolved, That by these conflicting Claims and opposing Views in regard to a Subject of so great Interest and Importance the Minds of His Majesty's Subjects in this Province have for a long Period been rendered anxious and unsettled; and, in the Opinion of the Legislative Council, it is for many Reasons much to be desired that a speedy and final Settlement should take place of the Questions which have arisen upon the Effect of the Enactments referred to, and that it should be plainly, certainly, and firmly established to what specific Objects the Clergy Reserves shall be permanently applied.

Resolved, That the Legislative Council, confiding in the Wisdom and Justice of His Majesty and the Imperial Parliament, think it expedient and proper humbly to address His Majesty and both Houses of Parliament, representing that the Legislature of this Province has been unable to concur in any Measure respecting the Clergy Reserves; and earnestly requesting that the Imperial Parliament will, with as little Delay as possible, make such an Enactment on the Subject as cannot appear to leave any Reason for Doubt or Question in regard to the Objects to which the Proceeds of the Clergy Reserves are to be applied; and that, having Regard to the present Condition and future Welfare of this Colony, and maturely considering whatever has been urged or may be urged in regard to these Reserves, they will, by some Measure which shall be final and unequivocal, make such an Appropriation of them as shall appear to be most consistent with a due Regard to Religion, to the Principles of our Constitution, and to the permanent Welfare and Tranquillity of the Province.

Truly extracted from the Journal of the Legislative Council of the 26th Day of March 1835.

GRANT POWELL,
Clerk Legislative Council.

Mr. Perry, seconded by Mr. Bruce, moves, "That the Resolutions sent down to this House from the Honourable the Legislative Council, on the Subject of the Clergy Reserves, be referred to a Select Committee, with Power to send for Persons and Papers, and Leave to report thereon; and that Messrs. Roblin, M'Micking, Shaver, and Duncombe of Norfolk, do compose said Committee."

On which the Yeas and Nays being taken, were as follows:

Messrs.	YEAS.		
Alway,	Durand,	M'Micking,	Shibley,
Bruce,	Gilchrist,	Moore,	Smith,
Chisholm,	Hopkins,	Perry,	Thorburn,
Cook,	Lount,	Roblin,	Waters,
Cornwall,	M'Donell of Stormont,	Rykert,	Wells,
Duncombe of Oxford,	M'Intosh,	Rymal,	Wilson,
Duncombe of Norfolk,	Mackenzie,	Shaver,	Yager.—28.

Messrs. NAYS.
Gowan, Walsh.—2.

The Question was carried in the Affirmative by a Majority of Twenty-six, and ordered accordingly.

10th *April* 1835.

Mr. Perry, from the Select Committee to which were referred the Resolutions sent down from the Honourable the Legislative Counsel on the Subject of the Clergy Reserves, reported that the Committee had agreed to a Resolution which he was ready to submit whenever the House would be pleased to receive the same.

The Report was received, and the Resolution was read as follows:

Resolved,—That this House has repeatedly expressed their Opinion that the Lands appropriated for the Support and Maintenance of a Protestant Clergy

Clergy within this Province, commonly called "The Clergy Reserves," ought, for various Reasons, to be sold: That it would be unjust to apply the Monies arising from the Sale of the same, to the Benefit of One or more favoured Religious Denominations; and that it would be impracticable, and, for many Considerations, inexpedient, to distribute the Monies arising therefrom among all Denominations; and that this House has been unremitting in its Endeavours to procure the Sale of these Lands, and the Application of the Funds produced by such Sale to Objects of great Importance and Interest to the People of this Province: That, with this View, the House has heretofore repeatedly passed Bills providing for the Sale of the Clergy Reserves, and the Appropriation of the Monies arising therefrom, to the Support of Education; which Bills have been rejected, without Amendment, by the Legislative Council: That with the same View this House has repeatedly made known, by humble and dutiful Addresses to His Majesty, their Wishes and Opinions, and the Wishes and Opinions of His Majesty's faithful Subjects in this Province, on this highly important Subject; and this House take this Opportunity of declaring that these Wishes and Opinions, both on the Part of this House and of their Constituents, remain entirely unchanged: That during the Second Session of the last Parliament his Excellency the Lieutenant Governor, by Message, informed this House, that he had received His Majesty's Instructions to declare that the Representations which had at different Times been made to His Majesty and His Royal Predecessors, of the Prejudice sustained by His Majesty's faithful Subjects of this Province from the Appropriation of the Clergy Reserves, had engaged His Majesty's most attentive Consideration, and His Majesty has most graciously been pleased to invite the House of Assembly to consider how the Powers given to the Provincial Legislature, by the Constitutional Act, to vary or repeal the Provisions which it contains for the Allotment and Appropriation of the Clergy Reserves, could be most advantageously exercised for the Spiritual and Temporal Interests of his faithful Subjects in this Province: That this House, in compliance with His Majesty's Wishes, thus graciously expressed, and with the strong and well known Desires of His Majesty's faithful Subjects in this Province, has passed a Bill, during the present Session, to provide for the Sale of the Clergy Reserves, and to apply the Monies arising from such Sale to the Support of Education: That the Legislative Council has not passed the said Bill, has not amended it, and has not passed any other Bill on that Subject: That, under these Circumstances, this House cannot but express the extreme Astonishment with which it has received the Representations of the Legislative Council, that the Legislature of this Province has been unable to concur in any Measure respecting the Clergy Reserves; and although this House has little Expectation that the Legislative Council, as now constituted, will comply with the Wishes of the People of the Province, yet it feels bound to declare that this House is, and always has been, ready and anxious to concur in any just and reasonable Measure whatever, by which the Clergy Reserves could be applied to such useful Purposes as would be most advantageous to His Majesty's faithful People in this Province, and most conformable to their well-known Wishes: That this House cannot but express its confident Hopes that His Majesty will not be induced by any Representation, whether secret or open, to depart from the gracious Intentions which he has been pleased to intimate of complying with the earnest and repeated Solicitations of His Majesty's faithful Subjects in this Province on that Subject; that this Resolution be laid before his Excellency the Lieutenant Governor; and that his Excellency be requested to transmit the same to the Secretary for the Colonies, and call the early Attention of His Majesty's Government to the Importance of the same, to the Interest, Peace, Welfare, Prosperity, and Happiness of His Majesty's faithful People of this Province.

On Motion of Mr. Perry, seconded by Mr. Chisholm,
Ordered, That the Resolution be engrossed, and read again To-morrow.

11th *April* 1835.

Pursuant to the Order of the Day, the Resolution in relation to the future Disposition of the Clergy Reserves was read a Second Time.

 On

On the Question for adopting the same, the Yeas and Nays were taken as follows:

Messieurs	Yeas.		
Alway,	Gilchrist,	Parke,	Smith,
Bruce,	M'Intosh,	Perry,	Waters,
Chisholm,	M'Micking,	Roblin,	Wells,
Cook,	Malloch,	Rymal,	Wilson,
Duncombe of Norfolk,	Moore,	Shaver,	Woolverton,
Durand,	Morrison,	Shibley,	Yager.—24.

Messieurs	Nays.		
Brown,	M'Lean,	Strange,	Walsh,
Caldwell,	Morris,	Tayler,	Wilkinson.—10.
M'Donnell of Glengary.	Robinson,		

The Question was carried in the Affirmative by a Majority of Fourteen, and the Resolution was adopted as follows:—

Resolved,—That this House has repeatedly expressed their Opinion, that the Lands appropriated for the Support and Maintenance of a Protestant Clergy within this Province, commonly called "The Clergy Reserves," ought, for various Reasons, to be sold: That it would be unjust to apply the Monies arising from the Sale of the same to the Benefit of one or more favoured Religious Denominations, and that it would be impracticable, and, from many Considerations, inexpedient, to distribute the Monies arising therefrom among all Denominations; and that this House has been unremitting in its Endeavours to procure the Sale of these Lands, and the Application of the Funds produced by such Sale to Objects of great Importance and Interest to the People of this Province: That with this view the House has heretofore repeatedly passed Bills providing for the Sale of the Clergy Reserves, and the Appropriation of the Monies arising therefrom to the Support of Education; which Bills have been rejected without Amendment by the Legislative Council: That with the same view this House has repeatedly made known, by humble and dutiful Addresses to His Majesty, its Wishes and Opinions, and the Wishes and Opinions of His Majesty's faithful Subjects in this Province on this highly important Subject; and this House takes this Opportunity of declaring that these Wishes and Opinions, both on the Part of this House and of its Constituents, remain entirely unchanged: That during the Second Session of the last Parliament his Excellency the Lieutenant-Governor, by Message, informed this House that he had received His Majesty's Instructions to declare that the Representations which had at different Times been made to His Majesty and His Royal Predecessors, of the Prejudice sustained by His Majesty's faithful Subjects of this Province from the Appropriation of the Clergy Reserves, had engaged His Majesty's most attentive Consideration, and His Majesty has most graciously been pleased to invite the House of Assembly to consider how the Powers given to the Provincial Legislature by the Constitutional Act to vary or repeal the Provisions which it contains for the Allotment and Appropriation of the Clergy Reserves could be most advantageously exercised for the Spiritual and Temporal Interests of His faithful Subjects in this Province. That this House, in compliance with His Majesty's Wishes thus graciously expressed, and with the strong and well-known Desires of His Majesty's faithful Subjects in this Province, has passed a Bill, during the present Session, to provide for the Sale of the Clergy Reserves, and to apply the Monies arising from such Sale to the Support of Education: That the Legislative Council has not passed the said Bill, has not amended it, and has not passed any other Bill on that Subject: That under these Circumstances this House cannot but express the extreme Astonishment with which it has received the Representations of the Legislative Council, that the Legislature of this Province has been unable to concur in any Measure respecting the Clergy Reserves; and although this House has little Expectation that the Legislative Council, as now constituted, will comply with the Wishes of the People of the Province, yet it feels bound to declare that this House is, and always has been, ready and anxious to concur in any just and reasonable Measure whatever, by which the Clergy Reserves could be applied to such useful Purposes as would be most advantageous to His Majesty's faithful People in this Province, and most conformable to their well-known Wishes: That this House cannot but express its confident Hopes that His Majesty

Majesty will not be induced by any Representation, whether secret or open, to depart from the gracious Intentions which he has been pleased to intimate of complying with the earnest and repeated Solicitations of His Majesty's faithful Subjects in this Province on that Subject: That this Resolution be laid before his Excellency the Lieutenant-Governor, and that his Excellency be requested to transmit the same to the Secretary for the Colonies, and call the early Attention of His Majesty's Government to the Importance of the same, to the Interest, Peace, Welfare, Prosperity, and Happiness of His Majesty's faithful People of this Province.

On Motion of Mr. Shaver, seconded by Mr. Roblin,

Ordered, That Messrs. Duncombe of Norfolk and Perry be a Committee to wait on his Excellency with the Resolution and present the same.

15th *April* 1835.

Mr. Perry, from the Select Committee to wait on his Excellency the Lieutenant Governor with the Address of this House requesting his Excellency to transmit to His Majesty's Government Copy of a Resolution passed by this House in relation to the Clergy Reserves, reported delivering the same, and that his Excellency had been pleased to say that he would transmit the Resolution.

Journals of the Legislative Council.

9th *March* 1835.

His Honour the Speaker reported to the House, That a Deputation from the Commons House of Assembly had brought up a Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," to which they requested the Concurrence of this House.

The Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," was read.

And it was Ordered, That the same be read a Second Time on Monday next, and that in the meantime it be printed for the Use of Members; and Ordered, That the Members in Town be summoned to attend in their Places on that Day.

16th *March* 1835.

Pursuant to the Order of the Day, the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," was read a Second Time;

And it was Ordered, That it be referred to a Select Committee, with Power to send for Persons and Papers, and to report thereon by Amendment or otherwise; and Ordered, That the Honourable Mr. Clark, the Honourable and Venerable the Archdeacon of York, and the Honourable Messieurs Markland, Elmsley, and Crooks, do compose the same for that Purpose.

20th *March* 1835.

The Honourable Mr. Markland, from the Select Committee to whom was referred the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," presented their Report.

Ordered, That it be received;

And the same was read by the Clerk as follows:—

The Select Committee appointed to report upon the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," have taken the same into consideration, and concur in not recommending it to your Honourable House, but have agreed upon certain Resolutions which they beg leave to offer for its Adoption.

Resolved, That His late Majesty King George the Third, having been graciously pleased, by Message to both Houses of Parliament, to express His Royal Desire to be enabled to make a permanent Appropriation of Lands in this Province, for the Support and Maintenance of a Protestant Clergy within the same, Provision was made for that Purpose by Parliament in the Statute passed in the 31st Year of His Majesty's Reign, Cap. 31, by directing a Reser-

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Legislative Council, 1835.

vation of Lands to be made and set apart in the Proportion of all the Lands that should be granted by His Majesty in the said Province, and by declaring that all and every the Rents, Profits, or Emoluments which might at any Time arise from such Lands so allotted and appropriated as aforesaid should be applied solely to the Maintenance and Support of a Protestant Clergy within the Province, and to no other Use or Purpose whatever.

Resolved, That such Allotments and Appropriations as the Act directs having been made from Time to Time, and continuing to be set apart, under the Designation of Clergy Reserves, a Claim was advanced in the Year 1821, on behalf of the Church of Scotland, to be allowed to share in those Reserves, or in the Rents, Profits, or Emoluments to be derived from them, which Claim was made and has been urged upon the Footing of a legal Claim, grounded on the Construction of the Statute, and on the Rights of the Church of Scotland, as a Church established in one Part of the United Kingdom.

Resolved, That it has been advanced by other Portions of the People of this Province, that all Protestant Denominatians have a Right, in common with the Church of England, to have their Clergy supported from the Reserves in question, and that no exclusive Right can be vindicated under the Act in favour of any One or more Protestant Churches.

Resolved, That Efforts have also been made to procure a total Abolition of this Provision for the Support of Religion, by obtaining an Act of the Provincial Legislature directing the Sale of the Reserves, and the Appropriation of the Proceeds to the Purposes of general Education.

Resolved, That by these conflicting Claims and opposing Views in regard to a Subject of so great Interest and Importance, the Minds of His Majesty's Subjects in this Province have for a long Period been rendered anxious and unsettled, and, in the Opinion of the Legislative Council, it is for many Reasons much to be desired that a speedy and final Settlement should take place of the Questions which have arisen upon the Effect of the Enactments referred to, and that it should be plainly, certainly, and firmly established to what specific Objects the Clergy Reserves shall be permanently applied.

Resolved, That the Legislative Council, confiding in the Wisdom and Justice of His Majesty and the Imperial Parliament, think it expedient and proper humbly to address His Majesty and both Houses of Parliament, representing that the Legislature of this Province has been unable to concur in any Measure respecting the Clergy Reserves; and earnestly requesting that the Imperial Parliament will, with as little Delay as possible, make such an Enactment on the Subject as cannot appear to leave any Room for Doubt or Question in regard to the Objects to which the Proceeds of the Clergy Reserves are to be applied, and that, having regard to the present Condition and future Welfare of this Colony, and maturely considering whatever has been urged or may be urged in regard to these Reserves, they will, by some Measure which shall be final and unequivocal, make such an Appropriation of them as shall appear to be most consistent with a due Regard to Religion, to the Principles of our Constitution, and to the permanent Welfare and Tranquillity of the Province.

Ordered, That the last-mentioned Bill, and the Report of the Select Committee thereon, be referred to a Committee of the Whole House on Thursday next; and, Ordered, That the Members in Town be summoned to attend in their Places on that Day.

26th *March* 1835.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole upon the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," and the Report of the Select Committee thereon.

The Honourable Mr. Markland took the Chair.

After some Time the House resumed.

The Chairman reported, That the Committee had taken the said Bill, and the Report of the Select Committee thereon, into consideration, and recommended the Series of Resolutions therein referred to, together with a further Resolution, to the Adoption of the House.—Ordered that it be received;

And the said Resolutions were then read by the Clerk as follows:

Resolved, That His late Majesty King George the Third having been graciously pleased, by Message to both Houses of Parliament, to express His Royal

Royal Desire to be enabled to make a permanent Appropriation of Lands in this Province for the Support and Maintenance of a Protestant Clergy within the same, Provision was made for that Purpose by Parliament in the Statute passed in the 31st Year of His Majesty's Reign, Chap. 31., by directing a Reservation of Lands to be made and set apart in the Proportion of all the Lands that should be granted by His Majesty in the said Province, and by declaring that all and every the Rents, Profits, or Emoluments which might at any Time arise from such Lands so allotted and appropriated as aforesaid should be applied solely to the Maintenance and Support of a Protestant Clergy within the Province, and to no other Use or Purpose whatever.

Resolved, That such Allotments and Appropriations as the Act directs having been made from Time to Time, and continuing to be set apart, under the Designation of Clergy Reserves, a Claim was advanced in the Year 1821, on behalf the Church of Scotland, to be allowed to share in those Reserves, or in the Rents, Profits, or Emoluments to be derived from them, which Claim was made and has been urged upon the Footing of a legal Claim, grounded on the Construction of the Statute, and on the Rights of the Church of Scotland, as a Church established in one Part of the United Kingdom.

Resolved, That it has been advanced by other Portions of the People of this Province that all Protestant Denominations have a Right, in common with the Church of England, to have their Clergy supported from the Reserves in question, and that no exclusive Right can be vindicated under the Act in favour of any One or more Protestant Churches.

Resolved, That Efforts have also been made to procure a total Abolition of this Provision for the Support of Religion, by obtaining an Act of the Provincial Legislature directing the Sale of the Reserves, and the Appropriation of the Proceeds to Purposes of general Education.

Resolved, That by these conflicting Claims and opposing Views, in regard to a Subject of so great Interest and Importance, the Minds of His Majesty's Subjects in this Province have for a long Period been rendered anxious and unsettled, and in the Opinion of the Legislative Council it is for many Reasons much to be desired that a speedy and final Settlement should take place of the Questions which have arisen upon the Effect of the Enactments referred to, and that it should be plainly, certainly, and firmly established to what specific Objects the Clergy Reserves shall be permanently applied.

Resolved, That the Legislative Council, confiding in the Wisdom and Justice of His Majesty and the Imperial Parliament, think it expedient and proper humbly to address His Majesty and both Houses of Parliament, representing that the Legislature of this Province has been unable to concur in any Measure respecting the Clergy Reserves; and earnestly requesting that the Imperial Parliament will, with as little Delay as possible, make such an Enactment on the Subject as cannot appear to leave any Room for Doubt or Question in regard to the Objects to which the Proceeds of the Clergy Reserves are to be applied, and that, having regard to the present Condition and future Welfare of this Colony, and maturely considering whatever has been urged or may be urged in regard to these Reserves, they will, by some Measure, which shall be final and unequivocal, make such an Appropriation of them as shall appear to be most consistent with a due Regard to Religion, to the Principles of our Constitution, and to the permanent Welfare and Tranquillity of the Province.

Resolved, That it is the Opinion of this Committee that the same Select Committee to whom was referred the Bill sent up from the Assembly, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," be instructed to report upon the Principles and Details of the Bill, and also upon the Provision made by Law for the Support of Religion in this Province, as well as upon the Questions which have arisen respecting it, and the Measures which have been taken in England and in this Country in relation to the same.

The said Resolutions being read a Second Time, and the Question of Concurrence put on each, they were severally agreed to by the House;

And it was Ordered, That a Copy of the first Six Resolutions be sent to the Commons House of Assembly, by the Master in Chancery, for their Concurrence.

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Legislative Council, 1835.

4th *April* 1835.

The Honourable and Venerable the Archdeacon of York, from the Select Committee to whom was again referred the Bill, intituled " An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," presented their further Report.

Ordered that it be received ; and,

The same was then read by the Clerk.*

8th *April* 1835.

The Order of the Day being read for the House to be put into a Committee of the Whole upon the further Report of the Select Committee to whom was referred the Bill, intituled " An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education,"

It was Ordered to be discharged, and that the same do stand upon the Order of the Day for To-morrow.

9th *April* 1835.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole upon the further Report of the Select Committee to whom was referred the Bill, intituled " An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

The Honourable Mr. Allan took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

The House was then again put into a Committee of the Whole upon the further Report of the Select Committee to whom was referred the Bill, intituled " An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

The Honourable Mr. Allan took the Chair.

After some Time the House was resumed.

The Chairman reported that the Committee had gone through the said Report of the Select Committee, and recommended the same to the Adoption of the House.

Ordered, that the Report be received ;

And, Ordered, that it be referred (together with the Resolutions on the same Subject) to the same Select Committee, with Instructions to frame an Address to the King and the Two Houses of the Imperial Parliament thereon.

13th *April* 1835.

The Honourable Mr. Clark, from the Select Committee appointed to prepare an Address to His Majesty, on the Subject Matter of the Appropriation of the Clergy Reserves in this Province, reported a Draft thereof, which he read in his Place.

Ordered, that the Report be received ;

And the Draft was then again read by the Clerk ;

And it was Ordered, that the House be put into a Committee of the Whole presently, to take the said Address into Consideration.

The House was then put into a Committee of the Whole accordingly.

The Honourable Mr. Clark took the Chair.

After some Time the House was resumed.

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* For Report, vide Part I., Clergy Reserves Papers, p. 78.

The Chairman reported that the Committee had gone through the said Address, and recommended the same without Amendment to the Adoption of the House.

Ordered, that the Report be received;

And, Ordered, that the said Address be ingrossed, and the same read a Third Time on Monday next.

Pursuant to the Order of the Day, the Address to the King on the Subject Matter of the Appropriation of the Clergy Reserves in this Province, was read a Third Time and passed,

Whereupon the Speaker signed the same.*

Ordered, that an Address be presented to his Excellency the Lieutenant Governor, in the following Words:—

To his Excellency Sir John Colborne, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

The Legislative Council have passed an humble Address to His Majesty, on the Subject of the Clergy Reserves in this Province, which they pray your Excellency will be pleased to transmit, together with the accompanying Documents, to His Majesty's Principal Secretary of State for the Colonies, to be by him laid at the Foot of the Throne.

Ordered, that the Honourable Messieurs Dickson and Crookshank be a Committee to wait upon the Lieutenant Governor to know when his Excellency would be pleased to receive this House with the Address to the King.

On Motion made and seconded, it was

Ordered, that One thousand Copies of the Resolutions, as also the Report of the Select Committee, with the Appendix and the Address to His Majesty, on the Subject Matter of the Appropriation of the Clergy Reserves in this Province, be printed in a Pamphlet Form.

14th *April* 1835.

The Honourable Mr. Dickson, from the Committee appointed to wait upon the Lieutenant Governor to know when his Excellency would be pleased to receive this House with their Address to the King on the Subject Matter of the Appropriation of the Clergy Reserves in this Province, reported that they had done so, and that his Excellency had been pleased to name this Day, at the Hour of Twelve of the Clock at Noon, for receiving the same.

At the Time appointed the Legislative Council proceeded to the Government House with their Address to the King on the Subject Matter of the Appropriation of the Clergy Reserves in this Province; and being returned,

His Honour the Speaker reported, that his Excellency had been pleased to receive the Address of this House to the King, and to reply thereto as follows:

Gentlemen,

I will take an early Opportunity of transmitting to the Secretary of State for the Colonies this Address to the King on the important Subject of the Clergy Reserves, to be laid before His Majesty.

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* For Address to the King, vide Part I., Clergy Reserves Papers, p. 77.

PART II.

Extracts from the Journals.

House of Assembly, 1836.

Journals of the House of Assembly.

29th *January* 1836.

Pursuant to Notice, Mr. Perry, seconded by Mr. C. Duncombe, moves for Leave to bring in a Bill for the Sale of the Clergy Reserves in this Province for the Purposes of Education; which was granted, and the Bill read.

Ordered, that the Clergy Reserve Sale Bill be read a Second Time To-morrow.

20th *February* 1836.

Pursuant to the Order of the Day, the Clergy Reserve Bill was read a Second Time.

On the Question for the House to go into Committee of the Whole on the Bill:

In Amendment, Mr. Perry, seconded by Mr. Roblin, moves, "That the House do go into Committee on the Bill on Monday next, and that it be the first Item on the Order of the Day for that Day;" which was carried.

22d *February* 1836.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Clergy Reserve Sale Bill.

Mr. M'Crae in the Chair.

The House resumed.

Mr. M'Crae reported, that the Committee had gone through the several Clauses of the Bill, amended the same, and submitted it for the Adoption of the House.

On the Question for receiving the Report,

Mr. Solicitor General, seconded by Mr. M'Lean, moves that the Report be not now received, but that it be

Resolved, That whereas the Right Honourable the Secretary of State for the Colonies having, in his Despatch of the 5th December last addressed to his Excellency Sir Francis Bond Head, intimated that His Majesty would consider the constitutional Objections to the Interposition of the Imperial Parliament in the long-agitated Question of the Clergy Reserves at an End, if both Branches of the Legislature should unite in Application to that Body to interpose its paramount Authority: And whereas all Efforts heretofore made by the Legislative Council and House of Assembly to concur in a Measure acceptable to both on this important Subject have been ineffectual; and as there is no reason to suppose that the Differences that exist between the Council and Assembly will be reconciled, it is therefore expedient to pray for the Mediation of our Gracious Sovereign, and dutifully to express our Desire that He will be pleased to recommend to the Imperial Parliament to take the Matter into its Consideration, and to enact such Laws with respect to the future Appropriation and Management of the Clergy Reserves in this Province as shall in its Wisdom be thought most conducive to the Peace and Welfare, Moral and Religious Instruction of the People in this Province.

On which the Yeas and Nays, being taken, were as follows:

Messrs.		YEAS.	
Boulton,	M'Lean,	Robinson,	Sol. General—4.

Messrs.		NAYS.	
Bruce,	Gilchrist,	Moore,	Shibley,
Chesser,	Hopkins,	Morrison,	Smith,
Chisholm,	Lount,	Norton,	Thorburn,
Cook,	M'Donell, Glengarry,	Parke,	Walsh,
Duncombe, Oxford,	M'Donell, Stormont,	Perry,	Waters,
Duncombe, Norfolk,	M'Intosh,	Roblin,	Wilson,
Durand,	Mackenzie,	Rykert,	Woolverton,
Dunlop,	M'Micking,	Rymal,	Yager — 35.
Gibson,	Malloch,	Shaver,	

The Question was decided in the Negative by a Majority of Thirty-one, and the Report was received.

On

On the Question for the Third Reading of the Bill on Wednesday next, the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Bruce,	Gilchrist,	Moore,	Shaver,
Chesser,	Hopkins,	Morrison,	Shibley,
Chisholm,	Lount,	Norton,	Smith,
Cook,	M'Donell, Stormont,	Parke,	Thorburn,
Duncombe, Oxford,	M'Intosh,	Perry,	Waters,
Duncombe, Norfolk,	Mackenzie,	Roblin,	Wilson,
Durand,	M'Micking,	Rykert,	Woolverton,
Dunlop,	Malloch,	Rymal,	Yager — 33.
Gibson,			

Messrs.		NAYS.	
Boulton,	Robinson,	Solicitor General,	Walsh — 5.
M'Lean,			

The Question was carried in the Affirmative by a Majority of Twenty-eight; and ordered accordingly.

24th *February* 1836.

Pursuant to the Order of the Day, the Clergy Reserve Sale Bill was read the Third Time.

On the Question for passing the Bill, the Yeas and Nays being taken, were as follows:

Messrs.		YEAS.	
Bruce,	Hopkins,	Mackenzie,	Small,
Chesser,	Lewis,	Morrison,	Smith,
Chisholm,	Lount,	Norton,	Strange,
Cornwall,	M'Crae,	Parke,	Waters,
Duncombe, Norfolk,	M'Donell, Glengarry,	Perry,	Wells,
Durand,	M'Donell, Stormont,	Roblin,	Wilson,
Dunlop,	M'Donell, Northumb.	Rykert,	Woolverton,
Gibson,	M'Intosh,	Shaver,	Yager—35.
Gilchrist,	M'Kay,	Shibley,	

Messrs.		NAYS.	
Boulton,	Robinson,	Solicitor General,	Wilkinson—5.
M'Lean,			

The Question was carried in the Affirmative by a Majority of Thirty.

Mr. Perry, seconded by Mr. Lount, moves, "That the Bill be intituled 'An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education,'" which was carried; and Messrs. Perry and Lount were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their Concurrence thereto.

7th *March* 1836.

F. B. HEAD,

The Lieutenant Governor transmits to the House of Assembly the accompanying Copy of a Despatch* from His Majesty's Secretary of State for the Colonies with reference to a Resolution† of the Assembly at the last Session, on the Subject of the Clergy Reserves.

Government House, 7th March 1836.

22d *March* 1836.

Mr. Speaker reported, That the Master in Chancery had brought down from the Honourable the Legislative Council the Bill sent up from this House, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," which that Honourable House had passed, with some Amendments, to which the Concurrence of this House was requested.

* For Despatch, vide Clergy Reserves Papers, 1840, Part I., p. 113.
† For Resolution, vide Clergy Reserves Papers, Part I., p. 103.

 The

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The Amendments made by the Honourable the Legislative Council in and to the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," were read the First Time, as follows:

"Amendments made by the Legislative Council in and to the Bill sent up from the Commons House of Assembly, intituled 'An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education.'

"In the Title:—After 'Act' expunge the Remainder, and insert 'to repeal Part of an Act passed in the Parliament of Great Britain, intituled 'An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the Province, and to vest certain Lands therein mentioned in His Majesty, to be applied for the Maintenance of Public Worship and the Support of Religion within this Province.'

"Press 1. Line 1. After 'Whereas' expunge the Remainder of the Bill, and insert 'in and by an Act of the Parliament of Great Britain passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled 'An Act to repeal certain Parts of an Act passed in the Parliament of Great Britain, intituled 'An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province,' it is among other things recited and declared, that His said late Majesty had been graciously pleased, by Message to both Houses of Parliament, to express His Royal Desire to be enabled to make a permanent Appropriation of Lands in the said Provinces for the Support and Maintenance of a Protestant Clergy within the same, in proportion to such Lands as had been already granted within the same by His Majesty; and further, that such Provision might be made with respect to all future Grants of Land within the said Provinces respectively as might best conduce to the due and sufficient Support and Maintenance of a Protestant Clergy within the said Provinces, in proportion to such Increase as should happen in the Population and Cultivation thereof: And whereas, for the Purpose of more effectually fulfilling His said Majesty's gracious Intentions as aforesaid, and of providing for the due Execution of the same in all Time to come, certain Provisions were made in and by the said Act respecting the Support and Maintenance of a Protestant Clergy within the said Provinces, which Provisions are contained in the Thirty-fifth, Thirty-sixth, Thirty-seventh, Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, and Forty-second Clauses of the said Statute passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, and are in the Words following; that is to say,

"35. And whereas by the above-mentioned Act passed in the Fourteenth Year of the Reign of His present Majesty it was declared, that the Clergy of the Church of Rome in the Province of Quebec might hold, receive, and enjoy their accustomed Dues and Rights with respect to such Persons only as should profess the said Religion; provided nevertheless, that it should be lawful for His Majesty, His Heirs or Successors, to make such Provision, out of the rest of the said accustomed Dues and Rights, for the Encouragement of the Protestant Religion, and for the Maintenance and Support of a Protestant Clergy within the said Province, as He or they should from Time to Time think necessary and expedient: And whereas by His Majesty's Royal Instructions, given under His Majesty's Royal Sign Manual on the Third Day of January in the Year of our Lord One thousand seven hundred and seventy-five, to Guy Carleton, Esquire, now Lord Dorchester, at that Time His Majesty's Captain General and Governor in Chief in and over His Majesty's Province of Quebec, His Majesty was pleased, amongst other things, to direct 'that no Incumbent professing the Religion of the Church of Rome, appointed to any Parish in the said Province, should be entitled to receive any Tithes for Lands or Possessions occupied by a Protestant, but that such Tithes should be received by such Persons as the said Guy Carleton, Esquire, His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province of Quebec,

Quebec, should appoint, and should be reserved in the Hands of His Majesty's Receiver General of the said Province, for the Support of a Protestant Clergy in His Majesty's said Province, to be actually resident within the same, and not otherwise, according to such Directions as the said Guy Carlton, Esquire, His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province, should receive from His Majesty in that Behalf; and that in like Manner all growing Rents and Profits of a vacant Benefice should during such Vacancy, be reserved for and applied to the like Uses: And whereas His Majesty's Pleasure has likewise been signified to the same Effect in His Majesty's Royal Instructions given in like Manner to Sir Frederick Haldimand, Knight of the Most Honourable Order of the Bath, late His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province of Quebec; and also in His Majesty's Royal Instructions given in like Manner to the said Right Honourable Guy Lord Dorchester, now His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province of Quebec; be it enacted by the Authority aforesaid, That the said Declaration and Provision contained in the said above-mentioned Acts, and also the said Provision so made by His Majesty in consequence thereof, by His Instructions above recited, shall remain and continue to be of full Force and Effect in each of the said Two Provinces of Upper Canada and Lower Canada respectively, except in so far as the said Declaration or Provisions respectively, or any Part thereof, shall be expressly varied or repealed by any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, under the Restriction herein-after provided.

36. "And whereas His Majesty has been graciously pleased, by Message to both Houses of Parliament, to express His Royal Desire to be enabled to make a permanent Appropriation of Lands in the said Provinces for the Support and Maintenance of a Protestant Clergy within the same, in proportion to such Lands as have been already granted within the same by His Majesty: And whereas His Majesty has been graciously pleased by His said Message further to signify His Royal Desire that such Provision may be made with respect to all future Grants of Land within the said Provinces respectively as may best conduce to the due and sufficient Support and Maintenance of a Protestant Clergy within the said Provinces, in proportion to such Increase as may happen in the Population and Cultivation thereof; therefore, for the Purpose of more effectually fulfilling His Majesty's gracious Intentions as aforesaid, and of providing for the due Execution of the same in all Time to come, be it enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, to make, from and out of the Lands of the Crown within such Provinces, such Allotment and Appropriation of Lands for the Support and Maintenance of a Protestant Clergy within the same, as may bear a due Proportion to the Amount of such Lands within the same as have at any Time been granted by or under the Authority of His Majesty; and that whenever any Grant of Lands within either of the said Provinces shall hereafter be made by or under the Authority of His Majesty, His Heirs or Successors, there shall at the same Time be made in respect of the same a proportionable Allotment and Appropriation of Lands for the above-mentioned Purpose within the Township or Parish to which such Lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as Circumstances will admit; and that no such Grant shall be valid or effectual unless the same shall contain a Specification of the Lands so allotted and appropriated in respect of the Lands to be thereby granted; and that such Lands so allotted and appropriated shall be, as nearly as the Circumstances and Nature of the Case will admit, of the like Quality as the Lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the Time of making such Grant, equal in Value to the Seventh Part of the Lands so granted.

37. "And be it further enacted by the Authority aforesaid, That all and every the Rents, Profits, or Emoluments which may at any Time arise from such Lands so allotted and appropriated as aforesaid shall be applicable solely

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to the Maintenance and Support of a Protestant Clergy within the Province in which the same shall be situated, and to no other Use or Purpose whatever.

38. " And be it further enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, from Time to Time, with the Advice of such Executive Council as shall have been appointed by His Majesty, His Heirs or Successors, within such Province, for the Affairs thereof, to constitute and erect, within every Township or Parish which now is or hereafter may be formed, constituted, or erected within such Province, One or more Parsonage or Rectory, or Parsonages or Rectories, according to the Establishment of the Church of England; and from Time to Time, by an Instrument under the Great Seal of such Province, to endow every such Parsonage or Rectory with so much or such a Part of the Lands so allotted and appropriated as aforesaid in respect of any Lands within such Township or Parish which shall have been granted subsequent to the Commencement of this Act, or of such Lands as may have been allotted and appropriated for the same Purpose by or in virtue of any Instruction which may be given by His Majesty in respect of any Lands granted by His Majesty before the Commencement of this Act, as such Governor, Lieutenant Governor, or Person administering the Government shall, with the Advice of the said Executive Council, judge to be expedient under the then existing Circumstances of such Township or Parish.

39. " And be it further enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor, Lieutenant Governor, or Person administering the Government of each of the said Provinces respectively, to present to every such Parsonage or Rectory an Incumbent or Minister of the Church of England who shall have been duly ordained according to the Rites of the said Church, and to supply from Time to Time such Vacancies as may happen therein; and that every Person so presented to any such Parsonage or Rectory shall hold and enjoy the same, and all Rights, Profits, and Emoluments thereunto belonging or granted, as fully and amply, and in the same Manner, and on the same Terms and Conditions, and liable to the Performance of the same Duties, as the Incumbent of a Parsonage or Rectory in England.

40. " Provided always, and be it further enacted by the Authority aforesaid, That every such Presentation of an Incumbent or Minister to any such Parsonage or Rectory, and also the Enjoyment of any such Parsonage or Rectory, and of the Rights, Profits, and Emoluments thereof, by any such Incumbent or Minister, shall be subject and liable to all Rights of Institution, and all other Spiritual and Ecclesiastical Jurisdiction and Authority, which have been lawfully granted by His Majesty's Royal Letters Patent to the Bishop of Nova Scotia, or which may hereafter, by His Majesty's Royal Authority, be lawfully granted or appointed to be administered and executed within the said Provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other Person or Persons, according to the Laws and Canons of the Church of England which are lawfully made and received in England.

41. " Provided always, and be it further enacted by the Authority aforesaid, That the several Provisions herein-before contained respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces, and also respecting the constituting, erecting, and endowing Parsonages or Rectories within the said Provinces; and also respecting the Presentation of Incumbents or Ministers to the same; and also respecting the Manner in which such Incumbents or Ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express Provisions for that Purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, under the Restriction herein-after provided.

42. " Provided nevertheless, and be it further enacted by the Authority aforesaid, That whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said Provinces, containing any Provisions to vary or repeal the above-recited Declaration and Provisions contained in

in the said Act passed in the Fourteenth Year of the Reign of His present Majesty; or to vary or repeal the above recited Provision contained in His Majesty's Royal Instructions given on the Third Day of January in the Year of our Lord One thousand seven hundred and seventy-five, to the said Guy Carleton, Esquire, now Lord Dorchester; or to vary or repeal the Provisions herein-before contained for continuing the Force and Effect of the said Declaration and Provisions; or to vary or repeal any of the several Provisions herein-before contained respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces, or respecting the constituting, erecting, or endowing Parsonages or Rectories within the said Provinces, or respecting the Presentation of Incumbents or Ministers to the same, or respecting the Manner in which such Incumbents or Ministers shall hold and enjoy the same; and also that whenever any Act or Acts shall be so passed, containing any Provisions which shall in any Manner relate to or affect the Enjoyment or Exercise of any Religious Form or Mode of Worship, or shall impose or create any Penalties, Burdens, Disabilities, or Disqualifications in respect of the same; or shall in any Manner relate to or affect the Payment, Recovery, or Enjoyment of any of the accustomed Dues or Rights herein-before mentioned; or shall in any Manner relate to the granting, imposing, or recovering any other Dues, or Stipends, or Emoluments whatever, to be paid to or for the Use of any Minister, Priest, Ecclesiastic, or Teacher, according to any Religious Form or Mode of Worship in respect of his said Office or Function, or shall in any Manner relate to or affect the Establishment or Discipline of the Church of England, amongst the Ministers and Members thereof within the said Provinces; or shall in any Manner relate to or affect the King's Prerogative touching the granting of Waste Lands of the Crown within the said Provinces; every such Act or Acts shall, previous to any Declaration or Signification of the King's Assent thereto, be laid before both Houses of Parliament in Great Britain; and that it shall not be lawful for His Majesty, His Heirs or Successors, to signify His or their Assent to any such Act or Acts until Thirty Days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts in case either House of Parliament shall within the said Thirty Days address His Majesty, His Heirs or Successors, to withhold his or their Assent from such Act or Acts; and that no such Act shall be valid or effectual to any of the said Purposes, within either of the said Provinces, unless the Legislative Council and Assembly of such Province shall, in the Session in which the same shall have been passed by them, have presented to the Governor, Lieutenant Governor, or Person administering the Government of such Province, an Address or Addresses, specifying that such Act contains Provisions for some of the said Purposes herein-before specially described, and desiring that, in order to give Effect to the same, such Act should be transmitted to England without Delay for the Purpose of being laid before Parliament previous to the Signification of His Majesty's Assent thereto.

"And whereas, since the passing of the said Act, divers Allotments and Appropriations of Land have been made within the Province of Upper Canada, in pursuance of the aforesaid Provisions for the Support and Maintenance of a Protestant Clergy, which Allotments are commonly known by the Name of Clergy Reserves, and have been made in the Proportion of One Seventh of the Lands granted or to be granted within the said Province: And whereas, of these Allotments of Land, some Portions have been demised by His said late Majesty, or His Successors, for Term of Years, and other Portions have been from Time to Time sold under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, intituled "An Act to authorize the Sale of a Part of the Clergy Reserves in the Provinces of Upper and Lower Canada," under the Provisions of which Act the Monies accruing from such Lands sold are to be appropriated, applied, and disposed of for the Purposes for which the said Lands were so reserved as aforesaid, and for no other Purpose whatsoever, and the Residue of the said Allotments or Reserves, not being leased or otherwise disposed of, continue vested in the Crown, subject to the Provisions of the Act first herein recited:

"And whereas Doubts have arisen respecting the proper legal Construction of the said Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, and it has been made a Question to what Sects or

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Denominations of Protestants the Term "Protestant Clergy," used in the said Act, was intended to be applicable, and what Clergy can of Right claim to participate, or can be legally admitted to participate, in the Advantages of the said Allotments or Reserves:

"And whereas the Continuance of such Doubts, and the Controversies to which they have given rise, are in a high Degree prejudicial to the Peace and good Government of this Province, and unfavourable to the Spiritual and Temporal Interests of the People thereof, and it is expedient to put an end to such Doubts and Controversies by enabling His Majesty, His Heirs or Successors, to dispose of the said Allotments or Appropriations of Land, and of the Monies which have accrued or may hereafter accrue from the Sale or other Disposal of the same, or any Part thereof, in such Manner as to His Majesty, His Heirs or Successors, may seem just and fit for the Maintenance of Public Worship and the Support of Religion within this Province:

"Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the Authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province,'" and by the Authority of the same, That the Thirty-sixth and Thirty-seventh Clauses of the said Statute, and so much of the Thirty-eighth Clause thereof as relates to the Endowment of any Parsonage or Rectory with Land, shall be and the same are hereby repealed, and that all and every the Lands which are now vested in His Majesty, and which before the passing of this Act were reserved, allotted, and appropriated for the Maintenance and Support of a Protestant Clergy within this Province, under the Authority of the said Act of the Parliament of Great Britain passed in the Thirty-first Year of His said late Majesty's Reign, shall be and remain vested in His Majesty, His Heirs and Successors, freed and absolutely discharged from all and every of the Trusts, Conditions, Limitations, or Restrictions contained in or imposed or declared by the said last-mentioned Act: Provided always, nevertheless, that the said Lands are by this Act vested in His Majesty, His Heirs and Successors, discharged from the Trusts and Conditions aforesaid, to the Intent and in order that the same Lands may be, by His Majesty, His Heirs and Successors, or by and under the Authority of the Parliament of the United Kingdom of Great Britain and Ireland, applied and appropriated, by way of Endowment or otherwise, solely for the Maintenance of Public Worship and the Support of Religion within this Province, and to no other Use or Purpose whatsoever.

II. "And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend to interfere with or make void any Grant, Sale, or Lease which before the passing of this Act may have been made of any Part or Portion of the said Allotments or Appropriations of Land called Clergy Reserves: Provided nevertheless, that the Monies which shall have arisen and accrued, and which now remain unexpended, or which shall hereafter arise and accrue, from such Sale, or in consequence of such Lease having been made, shall be applicable to the same Purposes to which the Lands so allotted and appropriated as aforesaid shall be applicable after the passing of this Act, and to no other; and that such Monies shall be paid over, applied, and accounted for in such Manner and Form as His Majesty, His Heirs or Successors, shall be graciously pleased to direct.

III. "And be it further enacted by the Authority aforesaid, That from and after the passing of this Act no Grant, Sale, Lease, or other Disposition of any of the said Allotments or Appropriations of Land, or of any Part thereof, shall be made otherwise than in pursuance of Instructions which shall from Time to Time be given by His Majesty, His Heirs or Successors, after the passing of this Act."

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
22d Day of March 1836.

On the Question for the Second Reading of the Amendments To-morrow.

In Amendment—Mr. Perry, seconded by Mr. Shibley, moves, "That the Amendments made to the Clergy Reserve Sale Bill be referred to a Select Committee, composed of Messrs. C. Duncombe, Morrison, Shaver, and M'Micking, with Power to send for Persons and Papers, and Leave to report thereon:" —Which was ordered.

7th *April* 1836.

Mr. Perry, from the Select Committee to which was referred the Amendments made by the Honourable the Legislative Council in and to the Bill intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," informed the House, "That the Committee had agreed to a Report and some Amendments to the Amendments made by the Honourable the Legislative Council, both of which he was ready to submit whenever the House would be pleased to receive the same."

The Report was received, and read as follows:

To the Honourable the Commons House of Assembly.

The Committee to which was referred the Amendments made by the Honourable the Legislative Council in and to the Bill intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," have agreed to and beg leave to make the following Report:

Your Committee have examined the Amendments to the Bill aforesaid made by the Honourable the Legislative Council, and find that nothing remains of the Bill as sent up from your Honourable House but the Word "Whereas." The Preamble adopted by the Honourable the Legislative Council consists chiefly of Extracts from the British Act 31st Geo. III. Chap. 31. The enacting Clauses adopted by the Honourable the Legislative Council are few and short, and amount merely to the Repeal of certain Portions of the said 31st of George the Third, and to vesting in His Majesty certain of the Clergy Reserves, and also the Money arising from those already sold or leased to be applied and apportioned for the Purpose of supporting Public Worship and Religion in this Province, and to no other Use or Purpose whatsoever.

Your Committee are fully impressed with the Belief that public or Government Grants to Religious Sects or Denominations are highly objectionable. To bestow them partially upon one or more religious Bodies, to the Exclusion of others of His Majesty's Subjects, would be unjust; to distribute them equally among all would be impracticable; and the Application of public Monies to such Purposes is, in the Opinion of the Committee, likely to corrupt and degrade Religion, and to endanger the Liberties of the Country, converting the Ministers of the Gospel into the Stipendiaries and Partisans of those who have the Power and Inclination to bestow these Gratuities upon them.

Your Committee would observe, that although they believe every Proposition set forth in the Preamble of the Bill sent up by your Honourable House to be strictly true and correct, and although they also believe the several Clauses of the Bill to be just and useful, yet in order to show to the Country and His Majesty's Government that your Honourable House were guided by just Principles in their Proceedings on this great and important Measure, and anxious to have the Matter settled, in short, to prove that the Object of your Honourable House is Measures, not Men, and that they are not disposed to adhere pertinaciously to any particular Mode which they might prefer in the Disposal of these Reserves, would recommend that the Amendments to the Bill be acceded to by your Honourable House, with no other Alteration than merely to direct the Proceeds of the said Reserves to be appropriated for the Purposes of general Education in such a Way and Manner as to enable all His Majesty's Subjects in this Province, of whatever Creed or Order, indiscriminately to participate in the same.

Your Committee cannot refrain, while on this Subject, from remarking on the late Proceedings in regard to the Clergy Reserves, and the Disposal of the

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Proceeds arising therefrom, and which (in their Opinion) ought immediately to engage the serious Consideration of the Legislature.

It appears by a Return sent down to the House that during the last Year no less than Forty-four Parsonages or Rectories have been constituted, erected, and endowed with Portions of the Clergy Reserves, in general varying from 400 to 800 Acres, and Ministers of the Church of England have been or are to be presented to the same.

It further appears by Returns, that up to the 31st of December 1835 there had been paid into the Military Chest, arising from Sales of Clergy Reserves, rising of 61,000*l.* over and above the Sum of more than 4,000*l.* paid as Interest on the several Sales, besides the present Rent from certain Portions of them already leased, amounting to upwards of 4,000*l.* annually; all of which appears to be exclusive of the Expense incurred in selling, collecting, &c.

It further appears that the Reverend Dr. Strachan received in the Year 1835 the Sum of 300*l.* for the Purpose of aiding in the Erection of a Parsonage House for himself, which he has never used for that Purpose, but kept (according to his own Explanation) until this Time, in Hopes of procuring 200*l.* more in addition.

This is a State of Things no less alarming than disgusting, when it is considered what the prevailing Opinions and Feelings throughout the Country is known to be on this all-important and interesting Subject, and which call aloud for immediate Remedy.

All which is respectfully submitted.

PETER PERRY,
Chairman.

Committee Room, House of Assembly,
7th Day of April 1836.

The Amendments were read as follows:—

" Press 8. Line 22. of the Amendments, after the Word 'thereof' expunge the Remainder of the Preamble, and insert 'for the Purposes of general Education throughout this Province.'

" Press 9. Line 12. After the Word 'Lands' insert 'and the Proceeds arising therefrom.'

" Press 9. Line 14. After the Word 'appropriated" expunge the Remainder of the Clause, and insert 'for the Purposes of general Education throughout this Province, in such Way and Manner as to enable all His Majesty's Subjects, of every Religious Creed and Order, indiscriminately to partake in the Benefits to be derived therefrom.'

" Press 9. Line 18. Expunge the Word 'Grant.' "

The Amendments were read a Second Time, and the House was put into a Committee of the Whole on the Bill:

Mr. Donald M'Donell in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Amendments as amended, and submitted the same for the Adoption of the House.

The Report was received.

On the Question for the Third Reading of the Amendments, as amended, To-morrow, the Yeas and Nays were taken as follows:—

Messieurs	YEAS.		
Bruce,	Lewis,	Merritt,	Small,
Chisholm,	Lount,	Moore,	Smith,
Cook,	M'Donell, Glengarry.	Morrison,	Thom,
Duncombe, Oxford	M'Donell, Stormont.	Norton,	Thorburn,
Duncombe, Norfolk	M'Donell, Northumb.	Perry,	Waters,
Dunlop,	M'Intosh,	Richardson,	Wells,
Durand,	M'Kay,	Rykert,	Wilson,
Gibson,	Mackenzie,	Rymal,	Woolverton,
Gilchrist,	M'Micking,	Shaver,	Yager.—38.
Hopkins,	Malloch,		

Messieurs	NAYS.		
Boulton,	M'Lean,	Robinson,	Solicitor General.—5.
Jones,			

The

The Question was carried in the Affirmative by a Majority of Thirty-three, and the Amendments were ordered to be ingrossed, and read a Third Time To-morrow.

Journals of the Legislative Council.

26th *February* 1836.

The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly, had brought up a Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education;" to which they requested the Concurrence of this House.

The said Bill was then read; and it was,

Ordered, That it be read a Second Time To-morrow.

Pursuant to the Order of the Day, the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," was read a Second Time; and it was,

Ordered, That the House be put into a Committee of the Whole, on Tuesday next, to take the same into Consideration.

1st *March* 1836.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole upon the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

The Honourable Mr. Macaulay took the Chair.

After some Time the House resumed.

The Chairman reported, that the Committee had taken the said Bill into Consideration, had made some Progress therein, and asked Leave to sit again on Monday next.

Ordered, That the Report be received, and Leave granted accordingly.

7th *March* 1836.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole upon the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

The Honourable Mr. Macaulay took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

The House was then again put into a Committee of the Whole upon the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

The Honourable Mr. Macaulay took the Chair.

After some Time, the House resumed.

The Chairman reported, That the Committee had taken the said Bill into Consideration, and had made some further Progress therein, and recommended that it be referred to a Select Committee, with Instructions so to amend the said Bill as to re-invest the Clergy Reserves in the Crown, for the Support of Religion; and to report thereon,

Ordered, That the Report be received; and,

Ordered, That the said Bill be referred to a Select Committee, with Instructions so to amend the said Bill as to re-invest the Clergy Reserves in the Crown for the Support of Religion, and to report thereon; and,

Ordered, That the Honourable Messieurs Stewart, Morris, and Macaulay do compose the same for that Purpose.

F. B. HEAD.

The Lieutenant Governor transmits to the Legislative Council the accompanying Copy of a Despatch * from His Majesty's Secretary of State for the Colonies, with reference to an Address from the Legislative Council to the King at the last Session, on the Subject of the Clergy Reserves.

Government House,
7th March 1836.

* For Despatch, vide Clergy Reserves Papers, 1840, Part I., p. 103.

Part II.

Extracts from the Journals.

Legislative Council, 1836.

11th *March* 1836.

The Honourable Mr. Morris, from the Select Committee to whom was referred the Bill sent up from the Commons House of Assembly, intituled " An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," reported an Amendment in and to the same.

Ordered, That the Report be received; and

The said Amendment was then read by the Clerk, as follows:

" Press 1. Line 1. After 'Whereas' expunge the Remainder of the Bill, and insert 'in and by an Act of the Parliament of Great Britain, passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled " An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province,' it is, among other things, recited and declared, that His said late Majesty had been graciously pleased, by Message to both Houses of Parliament, to express His Royal Desire to be enabled to make a permanent Appropriation of Lands in the said Provinces for the Support and Maintenance of a Protestant Clergy within the same, in proportion to such Lands as had been already granted within the same by His Majesty; and further, that such Provision might be made with respect to all future Grants of Land within the said Provinces respectively, as might best conduce to the due and sufficient Support and Maintenance of a Protestant Clergy within the said Provinces, in proportion to such Increase as should happen in the Population and Cultivation thereof: And whereas, for the Purpose of more effectually fulfilling His said Majesty's gracious Intentions as aforesaid, and of providing for the due Execution of the same in all Time to come, certain Provisions were made in and by the said Act respecting the Support and Maintenance of a Protestant Clergy within the said Provinces, which Provisions are contained in the Thirty-fifth, Thirty-sixth, Thirty-seventh, Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, and Forty-second Clauses of the said Statute passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, and are in the Words following; that is to say,

35. " And whereas by the above-mentioned Act passed in the Fourteenth Year of the Reign of His present Majesty it was declared that the Clergy of the Church of Rome, in the Province of Quebec, might hold, receive, and enjoy their accustomed Dues and Rights, with respect to such Persons only as should profess the said Religion; provided nevertheless, that it should be lawful for His Majesty, His Heirs or Successors, to make such Provision out of the rest of the said accustomed Dues and Rights for the Encouragement of the Protestant Religion, and for the Maintenance and Support of a Protestant Clergy, within the said Province, as he or they should from Time to Time think necessary and expedient: And whereas, by His Majesty's Royal Instructions, given under His Majesty's Royal Sign Manual on the Third Day of January in the Year of our Lord One thousand seven hundred and seventy-five, to Guy Carleton, Esquire, now Lord Dorchester, at that Time His Majesty's Captain General and Governor-in-Chief in and over His Majesty's Province of Quebec, His Majesty was pleased, amongst other Things, to direct, 'That no Incumbent professing the Religion of the Church of Rome appointed to any Parish in the said Province should be entitled to receive any Tithes for Lands or Possessions occupied by a Protestant, but that such Tithes should be received by such Persons as the said Guy Carleton, Esquire, His Majesty's Captain General and Governor-in-Chief in and over His Majesty's said Province of Quebec, should appoint, and should be reserved in the Hands of His Majesty's Receiver General of the said Province, for the Support of a Protestant Clergy in His Majesty's said Province, to be actually resident within the same, and not otherwise, according to such Directions as the said Guy Carleton, Esquire, His Majesty's Captain General and Governor-in-Chief in and over His Majesty's said Province, should receive from His Majesty in that Behalf; and that in like Manner all growing Rents and Profits of a vacant Benefice should, during

during such Vacancy, be reserved for and applied to the like Uses:' And whereas His Majesty's Pleasure has likewise been signified to the same Effect in His Majesty's Royal Instructions given in like Manner to Sir Frederick Hardimand, Knight of the Most Honourable Order of the Bath, late His Majesty's Captain General and Governor-in-Chief in and over His Majesty's said Province of Quebec; and also in His Majesty's Royal Instructions given in like Manner to the said Right Honourable Guy Lord Dorchester, now His Majesty's Captain General and Governor-in-Chief in and over His Majesty's said Province of Quebec: Be it enacted by the Authority aforesaid, That the said Declaration and Provision contained in the said above-mentioned Act, and also the said Provision so made by His Majesty in consequence thereof, by His Instructions above recited, shall remain and continue to be of full Force and Effect in each of the said Two Provinces of Upper Canada and Lower Canada respectively, except in so far as the said Declaration or Provisions respectively, or any Part thereof, shall be expressly varied or repealed by any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, under the Restriction herein-after provided.

36. " And whereas His Majesty has been graciously pleased, by Message to both Houses of Parliament, to express His Royal Desire to be enabled to make a permanent Appropriation of Lands in the said Provinces for the Support and Maintenance of a Protestant Clergy within the same, in proportion to such Lands as have been already granted within the same by His Majesty: And whereas His Majesty has been graciously pleased, by His said Message, further to signify His Royal Desire that such Provision may be made with respect to all future Grants of Land within the said Provinces respectively as may best conduce to the due and sufficient Support and Maintenance of a Protestant Clergy within the said Provinces, in proportion to such Increase as may happen in the Population and Cultivation thereof: Therefore, for the Purpose of more effectually fulfilling His Majesty's gracious Intentions as aforesaid, and of providing for the due Execution of the same in all Time to come, be it enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, to make, from and out of the Lands of the Crown within such Provinces, such Allotment and Appropriation of Lands for the Support and Maintenance of a Protestant Clergy within the same, as may bear a due Proportion to the Amount of such Lands within the same as have at any Time been granted by or under the Authority of His Majesty; and that whenever any Grant of Lands within either of the said Provinces shall hereafter be made, by or under the Authority of His Majesty, His Heirs or Successors, there shall at the same Time be made, in respect of the same, a proportionable Allotment and Appropriation of Lands for the above-mentioned Purpose within the Township or Parish to which such Lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as Circumstances will admit; and that no such Grant shall be valid or effectual unless the same shall contain a Specification of the Lands so allotted and appropriated, in respect of the Lands to be thereby granted; and that such Lands so allotted and appropriated shall be, as nearly as the Circumstances and Nature of the Case will admit, of the like Quality as the Lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the Time of making such Grant, equal in Value to the Seventh Part of the Lands so granted.

37. " And be it further enacted by the Authority aforesaid, That all and every the Rents, Profits, or Emoluments which may at any Time arise from such Lands so allotted and appropriated as aforesaid shall be applicable solely to the Maintenance and Support of a Protestant Clergy within the Province in which the same shall be situated, and to no other Use or Purpose whatever.

38. " And be it further enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively,

or the Person administering the Government therein, from Time to Time, with the Advice of such Executive Council as shall have been appointed by His Majesty, His Heirs or Successors, within such Province, for the Affairs thereof, to constitute and erect within every Township or Parish which now is or hereafter may be formed, constituted, or erected within such Province, One or more Parsonage or Rectory, or Parsonages or Rectories, according to the Establishment of the Church of England; and from Time to Time, by an Instrument under the Great Seal of such Province, to endow every such Parsonage or Rectory with so much or such a Part of the Lands so allotted and appropriated as aforesaid, in respect of any Lands within such Township or Parish, which shall have been granted subsequent to the Commencement of this Act, or of such Lands as may have been allotted and appropriated for the same Purpose, by or in virtue of any Instruction which may be given by His Majesty in respect of any Lands granted by His Majesty befoe the Commencement of this Act, as such Governor, Lieutenant Governor, or Person administering the Government shall, with the Advice of the said Executive Council, judge to be expedient under the then existing Circumstances of such Township or Parish.

39. "And be it further enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor, Lieutenant Governor, or Person administering the Government of each of the said Provinces respectively to present to every such Parsonage or Rectory an Incumbent or Minister of the Church of England who shall have been duly ordained according to the Rites of the said Church, and to supply from Time to Time such Vacancies as may happen therein; and that every Person so presented to any such Parsonage or Rectory shall hold and enjoy the same, and all Rights, Profits, and Emoluments thereunto belonging or granted, as fully and amply, and in the same Manner, and on the same Terms and Conditions, and liable to the Performance of the same Duties, as the Incumbent of a Parsonage or Rectory in England.

40. "Provided always, and be it further enacted by the Authority aforesaid, That every such Presentation of an Incumbent or Minister to any such Parsonage or Rectory, and also the Enjoyment of any such Parsonage or Rectory, and of the Rights, Profits, and Emoluments thereof, by any such Incumbent or Minister, shall be subject and liable to all Rights of Institution, and all other Spiritual and Ecclesiastical Jurisdiction and Authority, which have been lawfully granted by His Majesty's Royal Letters Patent to the Bishop of Nova Scotia, or which may hereafter by His Majesty's Royal Authority be lawfully granted or appointed to be administered and executed within the said Provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other Person or Persons, according to the Laws and Canons of the Church of England which are lawfully made and received in England.

41. "Provided always, and be it further enacted by the Authority aforesaid, That the several Provisions herein-before contained respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces, and also respecting the constituting, erecting, and endowing Parsonages or Rectories within the said Provinces, and also respecting the Presentation of Incumbents or Ministers to the same, and also respecting the Manner in which such Incumbents or Ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express Provisions for that Purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Succesors, under the Restriction herein-after provided.

42. "Provided nevertheless, and be it further enacted by the Authority aforesaid, That whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said Provinces, containing any Provisions to vary or repeal the above-recited Declaration and Provisions contained in the said Act passed in the Fourteenth Year of the Reign of His present Majesty, or to vary or repeal the above-recited Provision contained in His Majesty's Royal Instructions given on the Third Day of January in the Year of our Lord One thousand seven hundred and seventy-five to the said Guy Carleton, Esquire, now Lord Dorchester, or to vary or repeal the Provisions herein-before contained for continuing the Force and Effect of the said Declaration and

and Provisions, or to vary or repeal any of the several Provisions herein-before contained respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces, or respecting the constituting, erecting, or endowing Parsonages or Rectories within the said Provinces, or respecting the Presentation of Incumbents or Ministers to the same, or respecting the Manner in which such Incumbents or Ministers shall hold and enjoy the same; and also, that whenever any Act or Acts shall be so passed containing any Provisions which shall in any Manner relate to or affect the Enjoyment or Exercise of any religious Form or Mode of Worship, or shall impose or create any Penalties, Burthens, Disabilities, or Disqualifications in respect of the same, or shall in any Manner relate to or affect the Payment, Recovery, or Enjoyment of any of the accustomed Dues or Rights herein-before mentioned, or shall in any Manner relate to the granting, imposing, or recovering any other Dues or Stipends or Emoluments whatever to be paid to or for the Use of any Minister, Priest, Ecclesiastic, or Teacher, according to any religious Form or Mode of Worship in respect of his said Office or Function, or shall in any Manner relate to or affect the Establishment or Discipline of the Church of England amongst the Ministers and Members thereof within the said Provinces, or shall in any Manner relate to or affect the King's Prerogative, touching the granting of Waste Lands of the Crown within the said Provinces, every such Act or Acts shall, previous to any Declaration or Signification of the King's Assent thereto, be laid before both Houses of Parliament in Great Britain; and that it shall not be lawful for His Majesty, His Heirs or Successors, to signify His or their Assent to any such Act or Acts until Thirty Days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts, in case either House of Parliament shall within the said Thirty Days address His Majesty, His Heirs or Successors, to withhold His or their Assent from such Act or Acts; and that no such Act shall be valid or effectual to any of the said Purposes, within either of the said Provinces, unless the Legislative Council and Assembly of such Province shall, in the Session in which the same shall have been passed by them, have presented to the Governor, Lieutenant Governor, or Person administering the Government of such Province, an Address or Addresses specifying that such Act contains Provisions for some of the said Purposes herein-before specially described, and desiring that, in order to give effect to the same, such Act should be transmitted to England without Delay, for the Purpose of being laid before Parliament previous to the Signification of His Majesty's Assent thereto.

" And whereas since the passing of the said Act divers Allotments and Appropriations of Land have been made within the Province of Upper Canada, in pursuance of the aforesaid Provisions for the Support and Maintenance of a Protestant Clergy, which Allotments are commonly known by the Name of Clergy Reserves, and have been made in the Proportion of One Seventh of the Lands granted or to be granted within the said Province: And whereas of these Allotments of Land some Portions have been demised by His said late Majesty, or His Successors, for Term of Years, and other Portions have been from Time to Time sold under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, intituled 'An Act to authorise the Sale of a Part of the Clergy Reserves in the Provinces of Upper and Lower Canada,' under the Provisions of which Act the Monies accruing from such Lands sold are to be appropriated, applied, and disposed of for the Purposes for which the said Lands were so reserved as aforesaid, and for no other Purpose whatsoever, and the Residue of the said Allotments or Reserves, not being leased or otherwise disposed of, continue vested in the Crown, subject to the Provisions of the Act first herein recited:

" And whereas Doubts have arisen respecting the proper legal Construction of the said Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, and it has been made a Question to what Sects or Denominations of Protestants the Term 'Protestant Clergy' used in the said Act was intended to be applicable, and what Clergy can of Right claim to participate or can be legally admitted to participate in the Advantages of the said Allotments or Reserves:

 " And

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" And whereas the Continuance of such Doubts, and the Controversies to which they have given rise, are in a high Degree prejudicial to the Peace and good Government of this Province, and unfavourable to the spiritual and temporal Interests of the People thereof, and it is expedient to put an End to such Doubts and Controversies by enabling His Majesty, His Heirs or Successors, to dispose of the said Allotments or Appropriations of Land, and of the Monies which have accrued or may hereafter accrue from the Sale or other Disposal of the same, or any Part thereof, in such Manner as to His Majesty, His Heirs or Successors, may seem just and fit for the Maintenance of Public Worship and the Support of Religion within this Province:

" Be it therefore enacted, &c., That the Thirty-sixth and Thirty-seventh Clauses of the said Statute, and so much of the Thirty-eighth Clause thereof as relates to the Endowment of any Parsonage or Rectory with Land, shall be and the same are hereby repealed; and that all and every the Lands which are now vested in His Majesty, and which before the passing of this Act were reserved, allotted, and appropriated for the Maintenance and Support of a Protestant Clergy within this Province, under the Authority of the said Act of the Parliament of Great Britain, passed in the Thirty-first Year of His said late Majesty's Reign, shall be and remain vested in His Majesty, His Heirs and Successors, freed and absolutely discharged from all and every of the Trusts, Conditions, Limitations, or Restrictions contained in or imposed or declared by the said last-mentioned Act: Provided always nevertheless, that the said Lands are by this Act vested in His Majesty, His Heirs and Successors, discharged from the Trusts and Conditions aforesaid, to the Intent and in order that the same Lands may be by His Majesty, His Heirs and Successors, or by and under the Authority of the Parliament of the United Kingdom of Great Britain and Ireland, applied and appropriated, by way of Endowment or otherwise, solely for the Maintenance of Public Worship and the Support of Religion within this Province, and to no other Use or Purpose whatsoever.

II. " And be it further enacted, &c., That nothing in this Act contained shall extend to interfere with or make void any Sale or Lease which before the passing of this Act may have been made of any Part or Portion of the said Allotments or Appropriations of Land called Clergy Reserves: Provided nevertheless, that the Monies which shall have arisen and accrued, and which now remain unexpended, or which shall hereafter arise and accrue from such sale, or in consequence of such Lease having been made, shall be applicable to the same Purposes to which the Lands so allotted and appropriated as aforesaid shall be applicable after the passing of this Act, and to no other; and that such Monies shall be paid over, applied, and accounted for in such Manner and Form as His Majesty, His Heirs or Successors, shall be graciously pleased to direct.

" III. And be it further enacted, &c., That from and after the passing of this Act no Grant, Sale, Lease, or other Disposition of any of the said Allotments or Appropriations of Land, or of any Part thereof, shall be made otherwise than in pursuance of Instructions which shall from Time to Time be given by His Majesty, His Heirs or Successors, after the passing of this Act."

Ordered, that the foregoing Amendment be read a Second Time on Monday next; and ordered, that in the meantime Five hundred Copies thereof be printed for the Use of Members.

14th *March* 1836.

Pursuant to the Order of the Day, the Amendment of the Legislative Council made in and to the Bill sent up from the Commons House of Assembly, intituled " An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," was read a Second Time;

And it was ordered that the House be put into a Committee of the Whole To-morrow, to take the same into Consideration.

15th *March* 1836.

The Order of the Day being read for putting the House into a Committee of the Whole upon the Amendment of the Council to the Bill sent up from the Assembly, intituled " An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education;"

It

It was ordered to be discharged, and that the same do stand upon the Order of the Day for Monday next.

21st *March* 1836.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole upon the Amendments made by the Legislative Council to the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

The Honourable Mr. Morris took the Chair.

After some Time the House resumed.

The Chairman reported, "That the Committee had gone through the said Amendments, and had made an Amendment thereto; and recommended the Bill, as amended, to the Adoption of the House."—Ordered that the Report be received.

And the Amendment to the Amendments was then read, and adopted, as follows:

Press 9. of the Amendments, Line 18. After "void any" insert "Grant"

Ordered, that the said Amendments be ingrossed, and the said Bill, as amended, read a Third Time To-morrow.

22d *March* 1836.

Pursuant to the Order of the Day, the Bill intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," was, as amended, read a Third Time;

And it was ordered that the said Bill be further amended as follows:

In the Title.—After "Act" expunge the Remainder, and insert "to repeal Part of an Act passed in the Parliament of Great Britain, intituled 'An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province,' and to vest certain Lands therein mentioned in His Majesty, to be applied for the Maintenance of Public Worship and the Support of Religion within this Province."

The Question being put, Whether this Bill, as amended, should pass, it was carried in the Affirmative.

Whereupon the Speaker signed the Amendments;

And it was ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council has passed this Bill, with certain Amendments, to which they desire the Concurrence of the Commons House of Assembly.

8th *April* 1836.

The same Deputation had returned the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," and acquainted this House, that the Commons House of Assembly had made certain Amendments to the Amendments of the Legislative Council in and to the said Bill, to which they requested the Concurrence of this House.

The Amendments of the Commons House of Assembly made to the Amendments of the Legislative Council in and to the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," were then read as follows:

Amendments made by the Commons House of Assembly in and to the Amendments made by the Honourable the Legislative Council in and to the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

Press 8. Line 22. After the Word "thereof" expunge the Remainder of the Preamble, and insert "for the Purposes of general Education throughout this Province."

Press 9. Line 12. After the Word "Lands" insert "and the Proceeds arising therefrom"

Press 9. Line 14. After the Word "appropriated" expunge the Remainder of the Clause, and insert "for the Purposes of general Education throughout

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this Province, in such Way and Manner as to enable all His Majesty's Subjects of every religious Creed and Order indiscriminately to partake in the Benefits to be derived therefrom."

Press 9. Line 18. Expunge the Word " grant "

Ordered, That the said Amendments to the Amendments be read a Second Time To-morrow.

9th *April* 1836.

Pursuant to the Order of the Day, the Amendments of the Commons House of Assembly made to the Amendments of the Legislative Council in and to the Bill, intituled " An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," were read a Second Time;

And it was ordered, that the House be put into a Committee of the Whole on Monday next, to take the same into Consideration.

11th *April* 1836.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole upon the Amendments of the Commons House of Assembly made to the Amendments of the Legislative Council in and to the Bill, intituled " An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

The Honourable Mr. Macaulay took the Chair.

After some Time the House resumed.

House of Assembly, 1836-37.

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9th *November* 1836.

Extract of Lieut. Governor Sir F. B. Head's Speech to the Legislature of Upper Canada.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

With great Satisfaction I congratulate you on the loyal Feeling which pervades this Province, and on the Stillness and Serenity of the public Mind.

The auspicious Tranquillity of the Country offers you Advantages which the Legislature of Upper Canada has long been unhappily deprived of, and I gladly avail myself of the Opportunity, to bring before your grave Consideration some of those Subjects which the Country has now Reason to expect will be met by its Legislature with a firm Determination to bring them to a final Settlement.

The most important of these is the long-disputed Question of the Clergy Reserves.

I invite your serious Attention to this Subject, in the full Confidence that by Moderation and sound Discretion you will overcome the Obstacles that have hitherto attended its Discussion.

Mr. Norton gives Notice, that he will, on To-morrow, move for Leave to bring in a Bill for the Sale of the Clergy Reserves, and to apply the Proceeds thereof to Purposes of Education.

18th *November* 1836.

Pursuant to Notice, Mr. Draper, seconded by Mr. Powell, moves, " That an humble Address be presented to his Excellency the Lieutenant Governor, praying for a Return of all Lands set apart in this Province, pursuant to the Statute of the Thirty-first George III., for the Support of a Protestant Clergy; showing what Portions of the same have been sold, and for what Prices; what Sums have been returned, and how and when the same have been invested; what Sums remain due; the Number of Acres unsold, and the probable Value; and the Number of Acres under Lease; and that Messrs. Boulton and Aikman be a Committee to draft and report the same.—Ordered.

Mr. Boulton, from the Committee to draft and report an Address to his Excellency the Lieutenant Governor, requesting Information on the Subject of Lands

Lands reserved for a Protestant Clergy, reported a Draft, which was received, read Twice, concurred in, and ordered to be engrossed, and read a Third Time To-morrow.

21st *November* 1836.

Pursuant to the Order of the Day, the Address to his Excellency, for Information on the Clergy Reserves, was read the Third Time, passed, and signed, and is as follows :—

To his Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, humbly pray, That your Excellency would be pleased to lay before this Honourable House a Return of all Lands set apart in this Province, pursuant to the Statute Thirty-first George III. for the Support of a Protestant Clergy; showing what Portion of the same have been sold, and for what Prices; what Sums have been received therefor, and how and where the same have been invested; what Sums remain due; the Number of Acres remaining unsold, together with the probable Value thereof, and the Number of Acres now under Lease; the Rents received; and what Endowments, if any, have been made out of the said Reserves since the last Return.

Commons House of Assembly, 21st Day of November 1836. ARCHIBALD M'LEAN, Speaker.

On Motion of Mr. Sherwood, seconded by Mr. Cameron,

Ordered, That Messrs. Ruttan and Mallock be a Committee to wait upon his Excellency the Lieutenant Governor with the Address of this House upon the Subject of the Clergy Reserves, to know when he will be pleased to receive the same, and to present it.

23d *November* 1836.

Mr. Ruttan, from the Committee to wait upon his Excellency the Lieutenant Governor with the Address of this House on Clergy Lands, reported delivering the same, and that his Excellency had been pleased to make thereto the following Answer :—

Gentlemen,

The Returns requested in this Address are already nearly completed, and shall be laid before the House of Assembly without Delay.

8th *December* 1836.

Pursuant to Notice, Mr. Norton, seconded by Mr. Gibson, moves for Leave to bring in a Bill to dispose of the Clergy Reserves for Purposes of general Education.

Which was granted, and the Bill read the First Time.

On the Question for the Second Reading of the Bill To-morrow,

Mr. Norton, seconded by Mr. Gibson, moves in Amendment, "That the Clergy Reserve Bill be not read a Second Time To-morrow, but that it be read a Second Time on Tuesday next, and that it be the first Item on the Order of the Day, after referring Petitions."—Ordered.

13th *December* 1836.

Pursuant to the Order of the Day, the Clergy Reserve Sale Bill was read a Second Time.

The House was put into a Committee of the Whole on the Bill.

Mr. Aikman in the Chair.

At Five o'Clock, P. M. the Speaker resumed the Chair, and declared the House adjourned.

PART II. Extracts from the Journals.

House of Assembly, 1836-37.

14th *December* 1836.

The House met.

Pursuant to the Order of the Day, the Committee of the Whole House on the Subject of the Bill to provide for the Sale of the Clergy Reserves resumed:

Mr. Aikman in the Chair.

At Five o'Clock P. M. the Speaker resumed the Chair, and declared the House adjourned.

15th *December* 1836.

The House met,

Pursuant to the Order of the Day, the Committee of the Whole House on the Subject of the Bill for the Sale of Clergy Reserves resumed:

Mr. Aikman in the Chair.

At Five o'Clock P. M., Mr. Speaker resumed the Chair, and declared the House adjourned.

16th *December* 1836.

The House met.

Pursuant to the Order of the Day, the Committee of the Whole House on the Subject of the Bill for the Sale of the Clergy Reserves, resumed.

Mr. Aikman in the Chair.

The House resumed.

The Chairman reported that the Committee had made some Progress, and asked Leave to sit again this Day.

The Report was received, and Leave was granted accordingly.

Pursuant to the Order of the Day, the House was again put into Committee on the Bill for the Sale of Clergy Reserves:

Mr. Aikman in the Chair.

The House resumed.

The Chairman reported, "That the Committee had agreed to a Resolution, which he was directed to submit for the Adoption of the House."

The Report was received.

The Resolution was then read as follows:—

Resolved, That it is desirable that the Lands commonly called the Clergy Reserves, and the Proceeds arising from the Sales thereof, be appropriated for the Promotion of the Religious and Moral Instruction of the People throughout this Province.

In Amendment, Mr. Rolph, seconded by Mr. Norton, moves, "That all be struck out after the Word 'Resolved,' and the following inserted: 'That it is expedient to provide for the Sale of the Clergy Reserves, and the Application of the Proceeds to the Purposes of general Education, as one of the most legitimate Ways of giving free Scope to the Progress of Religious Truth in the Community.

On which the Yeas and Nays were taken as follows:

Messrs.	YEAS.		
Alway,	Detlor,	Moore,	Rykert,
Armstrong,	Duncombe, Norfolk,	Morrison,	Shaver,
Bockus,	Gibson,	Norton,	Thomson,
Cameron,	M'Donell, Stormont,	Parke,	Thorburn,
Chisholm, Glengarry,	M'Intosh,	Rolph,	Woodruff.—22.
Cook,	Merritt,		

Messrs.	NAYS.		
Aikman,	Ferrie,	Manahan,	Richardson,
Boulton,	Gowan,	Marks,	Robinson,
Burwell,	Hotham,	M'Crae,	Ruttan,
Cartwright,	Jarvis,	M'Donell, Glengarry,	Shade,
			Chisholm,

Chisholm, Halton,	Jones,	M'Donell, Northumb.	Sherwood,
Cornwall,	Kearns,	M'Kay,	Solicitor General,
Draper,	Lewis,	Murney,	Wickens.—34.
Dunlop,	Macnab,	Powell,	
Elliott,	Malloch,	Prince,	

The Question of Amendment was decided in the Negative by a Majority of Twelve.

On the original Resolution the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Aikman,	Elliott,	Malloch,	Prince,
Armstrong,	Ferrie,	Manahan,	Richardson,
Boulton,	Gowan,	Marks,	Robinson,
Burwell,	Hotham,	M'Crae,	Ruttan,
Cartwright,	Jarvis,	M'Donell, Glengarry,	Shade,
Chisholm, Halton,	Jones,	M'Donell, Northumb.	Sherwood,
Cornwall,	Kearns,	M'Kay,	Solicitor General,
Draper,	Lewis,	Murney,	Wickens.—35.
Dunlop,	Macnab,	Powell,	

Messrs.		Nays.	
Alway,	Duncombe, Norfolk,	Moore,	Rykert,
Bockus,	Gibson,	Morrison,	Shaver,
Cameron,	M'Donell, Stormont,	Norton,	Thomson,
Chisholm, Glengarry,	M'Intosh,	Parke,	Thorburn,
Cook,	Merritt,	Rolph,	Woodruff—21.
Detlor,			

The Question was carried in the Affirmative by a Majority of Fourteen; and it was

Resolved, That it is desirable that the Lands commonly called the Clergy Reserves, and the Proceeds arising from the Sales thereof, be appropriated for the Promotion of the Religious and Moral Instruction of the People throughout this Province.

On Motion of Mr. Jones, seconded by Mr. Robinson,

Ordered, That the Resolution of this House be communicated to the Honourable the Legislative Council, and their Concurrence requested.

Adjourned.

21st *December* 1836.

Mr. Boulton, Master in Chancery, brought down from the Honourable the Legislative Council a Message, which was read as follows:

Mr. Speaker,

The Legislative Council * desire a Conference with the Commons House of Assembly on the Subject Matter of the Resolution transmitted by that House on the Sixteenth instant, relating to the Disposal of the Clergy Reserves, and have appointed the Honourable Messieurs Crooks and Macaulay to be a Committee for that Purpose, who will be ready to meet a Committee of the Assembly, in the Committee Room of the Legislative Council, at Eleven of the Clock A. M. To-morrow.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
21st December 1836.

Mr. Robinson, seconded by Mr. Sherwood, moves, "That the Request of the Honourable the Legislative Council for a Conference on the Subject of the Resolution of this House, relating to the future Disposition of the Clergy Reserves, be acceded to; that Messieurs Solicitor General, Draper, Chisholm of Halton, and Gowan, be a Committee on the Part of this House to meet and confer with the Committee appointed by the Honourable the Legislative Council, at the Time and Place appointed; and that a Message be sent to that Honourable House to inform them of the same."—Which was carried, and ordered.

* The Journals of the Legislative Council of Upper Canada for 1836-1837 have not been received by the Colonial Department.

PART II.

Extracts from the Journals.

House of Assembly, 1836-37.

22d *December* 1836.

Mr. Draper, from the Committee appointed to meet the Committee of the Honourable the Legislative Council on the Subject of the Resolution passed by this House, and communicated to the Honourable the Legislative Council, on the future Disposition of the Clergy Reserves, and the Avails arising therefrom, presented a Paper which had been handed to them by the Conferees on the Part of the Honourable the Legislative Council; which was received and read as follows:

"In requesting a Conference with the House of Assembly upon the Subject of the Resolution respecting the Clergy Reserves, which has been sent up for Concurrence, the Legislative Council desire to explain to the House of Assembly, that, as they look upon the Support of the Ministers of Religion to be the surest and best Means of promoting the Religious and Moral Instruction of the People throughout this Province, they would most cordially unite with the Assembly in the Resolution sent up to them if they were at liberty to assume that in the Term 'Moral Instruction' the House of Assembly intended to include nothing distinct from or independent of Religion, but that Moral Instruction only which proceeds from inculcating the Doctrines and Precepts of the Gospel.

"That the Legislative Council, being unwilling to subject themselves to the Possibility of Misconstruction on a Point of such great and general Importance, wish to avoid being left in Doubt as to what the Assembly may have intended to embrace in the Term 'Moral Instruction;' and if the House of Assembly shall concur in thinking that the more conclusive and convenient Form of expressing explicitly their Meaning in this respect would be by some definite Measure of Appropriation, which must necessarily originate in the Assembly, the Legislative Council would much prefer having the Opportunity of exercising their Judgment upon such a Measure, to the making a mere Declaration of Opinion in Terms which may be so easily misconstrued.

"The Legislative Council beg further to assure the Assembly, that their Desire to unite with them in some definite and conclusive Settlement of this Question is strong and sincere, and that they will be found willing to go every reasonable Length in meeting the Wishes of the other Branches of the Legislature, keeping in view, as they feel bound to do, the Necessity of making an adequate Provision for the Religious Instruction of the People and the Maintenance of Public Worship throughout the Province.

"That these Objects may be most advantageously combined with Moral Instruction there can be no Doubt, but the Anxiety of the Legislative Council is to have some Intimation of the Means by which the House of Assembly would propose to combine them."

On Motion of Mr. Robinson, seconded by Mr. Prince,

Ordered, That the Report of the Conferees appointed by this House to meet the Conferees of the Honourable the Legislative Council on the Subject of the Resolution adopted by this House relative to the Clergy Reserves be referred to a Select Committee, composed of Messieurs Burwell, Draper, Armstrong, William Chisholm, Gowan, Dunlop, and Donald M'Donell, with Power to report by Bill or otherwise, and that the Twenty-ninth Rule of this House be dispensed with for that Purpose.

On Motion of Mr. Richardson, seconded by Mr. Marks,

Ordered, That the Two Petitions from the Reverend Robert M'Gill and others be referred to the Committee to whom was referred the Report of the Committee of Conference on the Report of the Clergy Reserves.

10th *January* 1837.

Mr. Gowan, seconded by Mr. W. Chisholm, moves, "That the Name of Gowan be struck out of the Committee on the Clergy Reserve Question, and the Names of Robinson and Solicitor General be added thereto."

In Amendment, Mr. Macnab, seconded by Mr. Jarvis, moves, "That all after the Word 'moves' in the original Motion be expunged, and the following inserted: 'That the Names of Robinson, Solicitor General, and Aikman, be added to the Clergy Reserve Committee.' "—Which was carried.

The original Question, as amended, was then put and carried.

11th *January* 1837.

Mr. Draper, from the Select Committee to which was referred the Report of the Select Committee of Conference on the Subject Matter of the Distribution of the Clergy Reserves, presented a Report, which was received, and read as follows:

To the Honourable the Commons House of Assembly.

The Committee to whom was referred the Report of the Committee of Conference with the Honourable the Legislative Council on the Subject of the Resolution adopted by your Honourable House respecting the Clergy Reserves, beg Leave to report, that they have passed the several Resolutions herewith submitted, in which they pray your Honourable House to concur.

All which is respectfully submitted,

W. H. DRAPER,
Chairman.

Committee Room,
11th January 1837.

Resolved, That it is not expedient, in the present Circumstances of this Province, to continue the Appropriation of the Proceeds of the Clergy Reserves to One Church only, but it will more conduce to the Welfare of this Province, and to the Religious Instruction of its Inhabitants, to apportion them among the following Churches or Bodies of Christians; that is to say,—

The Church of England.

The Synod of the Presbyterian Church in Canada in connexion with the Church of Scotland and the United Synod of Upper Canada.

The Roman Catholics.

The British and Canadian Wesleyan Methodists.

The Baptists.

That the Distribution and Expenditure of the Funds to be derived from such apportioning should be entrusted to such Person, Body, or Assembly as by the Canons, Constitution, Ordinances, or Discipline of each of the said Churches or Bodies of Christians is usually entitled to and exercises the Temporal and Ecclesiastical Control and Jurisdiction thereof, under the following Restrictions:—That the Funds be devoted in such Manner as to provide for the Religious Instruction of the People of this Province, and that an annual Account of the Expenditure be rendered to the Governor, Lieutenant Governor, or Person administering the Government of this Province, to be laid before both Branches of the Legislature.

That such Endowments as have been directed or settled for the Church of England, but have not been as yet carried into effect, should be completed in due Form of Law, the Faith of the Government being pledged thereto.

That all the Clergy Reserves should be sold in like Manner and under the same Authority as Crown Lands are or hereafter shall be disposed of; and that all accruing Payments shall be invested in such Public Funds as His Majesty may from Time to Time be pleased to direct; and that only the Dividends and Interest accruing from such Investment, as well as the Monies now invested in the Funds in England, be put at the Disposal of the respective Churches or Bodies of Christians before named; provided that not more than One hundred thousand Acres shall be sold in any One Year.

That the Proportion to be allotted to each of the said Churches be left until Returns can be obtained from the said Churches or Bodies of Christians of the Numbers of their Ministers, the Number of their actual Communicants, the Number of their existing Congregations, and of the Members composing the same, and of the estimated Number of Persons in the several Districts, being Members of the said Churches respectively, to whom at present they are unable to extend the Benefit of Religious Instruction. Such Returns to be made to the Governor, Lieutenant Governor, or Person administering the Government of this Province, to be laid before both Branches of the Legislature at their next Session, to enable them to make a just and equitable Distribution.

On Motion of Mr. Macnab, seconded by Mr. Richardson,

Ordered, That Two thousand Copies of the Report of the Select Committee on the Clergy Reserves be printed for the Use of Members.

(83.2.)

PART II.

Extracts from the Journals.

House of Assembly, 1836-37.

2d *March* 1837.

Mr. Solicitor General, seconded by Mr. Jones, moves for Leave to bring in a Bill for the Disposal of the Clergy Reserves in this Province, and that the Thirty-first Rule of this House be dispensed with so far as relates to the same.

In Amendment, Mr. Rolph, seconded by Mr. Gibson, moves, in Amendment, the Addition of the following Words: "and that the Consideration of the same be postponed till next Session."

On which the Yeas and Nays were taken as follows:

Messrs.	Yeas.		
Aikman,	Duncombe,	Norfolk,	M'Intosh,	Rolph,
Alway,	Ferrie,	Merritt,	Ruttan,
Armstrong,	Gibson,	Moore,	Thomson,
Bockus,	M'Crae,	Morrison,	Thorburn,
Chisholm, Halton,	M'Donell,	Stormont,	Parke,	Woodruff.—21.
Chisholm, Glengarry,			

Messrs.	Nays.		
Boulton,	Jones,	Marks,	Robinson,
Burwell,	Kearnes,	M'Donell, Glengarry,	Ruttan,
Cartwright,	Macnab,	M'Donell, Northumb.	Sherwood,
Draper,	Malloch,	Powell,	Solicitor General,
Elliott,	Manahan,	Prince,	Wickens.—20.

The Question of Amendment was carried in the Affirmative by a Majority of One.

The original Question, as amended, was then put and carried, as follows:

Ordered, That Mr. Solicitor General have Leave to bring in a Bill for the Disposal of the Clergy Reserves in this Province, and that the Thirty-first Rule of this House be dispensed with so far as relates to the same, and that the Consideration of the same be postponed till next Session.

House of Assembly, 1837-38.

Journals of the House of Assembly.

29th *December* 1837.

Pursuant to Notice, Mr. Cartwright, seconded by Mr. Sherwood, moves for Leave to bring in a Bill to re-invest the Clergy Reserves in Her Majesty, for the Maintenance of Public Worship and Support of Religion within this Province.—Which was granted, and the Bill was read the First Time.

On the Question for the Second Reading of the Bill To-morrow,

In Amendment, Mr. Thorburn, seconded by Mr. Shaver, moves, "That the Second Reading of the Bill take place on this Day Three Months."

On which the Yeas and Nays were taken as follows:

Messrs.	Yeas.		
M'Intosh,	Shaver,	Thorburn,	Woodruff.—5.
Norton,			

Messrs.	Nays.		
Armstrong,	Detlor,	Manahan,	Richardson,
Atty. General,	Dunlop,	Marks,	Shade,
Boulton,	Ferrie,	M'Crae,	Sherwood,
Caldwell,	Gowan,	M'Kay,	Solicitor General,
Cartwright,	Lewis,	Murney,	Thomson,
Cornwall,	Malloch,	Parke,	Wickens.—24.

The Question for Amendment was decided in the Negative by a Majority of Nineteen.

In Amendment, Mr. Cartwright, seconded by Mr. Sherwood, moves, "That the Bill to reinvest the Clergy Reserves in Her Majesty be read a Second Time on the Fifteenth Day of January next, and that it be the first Item on the Order of the Day."—Which was carried, and ordered.

15th *January* 1838.

Pursuant to the Order of the Day, the Bill to reinvest the Clergy Reserves in Her Majesty was read the Second Time.

The

The House was put into a Committee of the Whole on the Bill.

Mr. Duncombe (of Norfolk) in the Chair.

The House resumed.

The Chairman reported, that the Committee had risen.

On the Question for receiving the Report, the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Armstrong,	Dunlop,	M'Donell of Stormont,	Richardson,
Caldwell,	Gowan,	M'Intosh,	Rykert,
Cameron,	Jarvis,	M'Lean,	Shade,
Cook,	Kearnes,	Merritt,	Shaver,
Cornwall,	Malloch,	Murney,	Sherwood,
Detlor,	M'Crae,	Morris,	Thomson,
Duncombe of Norfolk,	M'Donell of Northumberland,	Norton,	Thorburn,
			Woodruff.—29.

Messrs.		NAYS.	
Atty. General,	Burwell,	Ferrie,	Marks,
Bockus,	Cartwright,	Lewis,	Parke,
Boulton,	Elliott,	Manahan,	Sol. General.—12.

The Question was carried in the Affirmative by a Majority of Seventeen, and the Report was received.

19th *February* 1838.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on that Part of the Journals of last Winter Session which relates to the Report of the Select Committee on the Clergy Reserves.

Mr. Richardson in the Chair.

The House resumed.

The Chairman reported, That the Committee had agreed to a Resolution, which he was directed to submit for the Adoption of the House.

The Report was received.

The Resolution was adopted as follows:

"Resolved, That it is highly expedient and desirable that the long pending Controversy respecting the Clergy Reserve Lands should be finally settled in such a Manner that a just and equitable Distribution may be made of the Proceeds of the said Lands; that, as the Discussion of the Subject by this House is likely to engender unchristian Feelings, the said Lands, in the Opinion of this House, should be re-invested in the Crown, to be sold in the same Manner as other Crown Lands are or may be, for the Support and Maintenance of the Christian Religion within the Province, and that the Proceeds of the Lands already sold be appropriated and disposed of in like Manner."

In Amendment, Mr. Rykert, seconded by Mr. Bockus, moves, "That the Resolution do not now pass, but that it be amended by expunging all after the Word 'Resolved,' and inserting the following:—

"'That it is inexpedient to re-invest the Lands called 'the Clergy Reserves' in the Crown; but that, in order to settle this long-pending Controversy as speedily as possible, it is expedient that the said Lands be sold, and the Proceeds thereof be paid into the Hands of the Receiver General of this Province, to be appropriated from Time to Time to such Purposes as the Legislature shall direct.'"

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Aikman,	Detlor,	Merritt,	Shaver,
Bockus,	M'Donell of Stormont,	Parke,	Thorburn,
Chisholm of Glengarry,	M'Intosh,	Rykert,	Woodruff.—13.
Cook,			

Messrs.		NAYS.	
Armstrong,	Elliot,	M'Donell of Northumb.	Robinson,
Attorney General,	Ferrie,	M'Kay,	Ruttan,
Boulton,	Gamble,	M'Lean,	Shade,
Burwell,	Malloch,	Murney,	Sherwood,
Cartwright,	Manahan,	Morris,	Sol. General.
Chisholm of Halton,	Marks,	Richardson,	Thomson.—5.
Dunlop,			

The

The Question of Amendment was decided in the Negative by a Majority of Twelve.

In Amendment, Mr. Merritt, seconded by Mr. M'Intosh, moves, "That the Whole be expunged, and the following inserted:

"'Whereas His Majesty's Government was pleased, in the Year 1798, to grant Twelve Townships of Land (about 543,000 Acres) for the Purpose of endowing Grammar Schools within the different Districts of this Province, and in due course of Time to the Endowment of an University: And whereas 225,000 Acres of those Lands were appropriated to the Endowment of an University (King's College), also 60,000 Acres of Land for Minor College, as an Appendage to that Institution, of the choicest and most valuable of those Lands, leaving only 228,000 Acres of indifferent Lands, remotely situated, for the Support of Grammar Schools and general Education, contrary to the Interests and Feelings of the great Body of the Inhabitants of this Province: And whereas His Majesty's Government has been pleased to call upon this House to distribute the Fund arising from the Clergy Reserves for the Spiritual and Temporal Interests of His Majesty's faithful Subjects in this Province.—Resolved, That this Object would be best effected by appropriating the Proceeds of 250,000 Acres for the Support of Grammar Schools within the several Districts within this Province, out of the first Proceeds of the 2,354,000 Acres of Land which it is contemplated by this Legislature to be re-invested in the Crown.'"

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Aikman,	Detlor,	Morris,	Shaver,
Armstrong,	Dunlop,	Parke,	Thomson,
Bockus,	M'Donell of Stormont,	Rykert,	Thorburn,
Chisholm of Glengarry,	M'Intosh,	Shade,	Woodruff.—18.
Cook,	Merritt,		

Messrs.		Nays.	
Attorney General,	Elliot,	M'Donell of North-	Richardson,
Boulton,	Gamble,	umberland,	Robinson,
Burwell,	Malloch,	M'Kay,	Ruttan,
Cartwright,	Manahan,	M'Lean,	Sherwood,
Chisholm of Halton,	Marks,	Murney,	Sol. General.—19.

The Question of Amendment was decided in the Negative by a Majority of One.

On the Question for adopting the Resolution, the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Armstrong,	Duncombe,	Marks,	Robinson,
Attorney General,	Elliot,	M'Donell of North-	Ruttan,
Boulton,	Ferrie,	umberland,	Shade,
Burwell,	Gamble,	M'Lean,	Sherwood,
Cartwright,	Malloch,	Murney,	Thomson.—21.
Chisholm of Halton,	Manahan,		

Messrs.		Nays.	
Aikman,	Detlor,	Merritt,	Shaver,
Bockus,	M'Donell of Stor-	Morris,	Sol. General,
Chisholm of Glen-	mont,	Parke,	Thorburn,
garry,	M'Intosh,	Richardson,	Woodruff.—17.
Cook,	M'Kay,	Rykert,	

The Question was carried in the Affirmative by a Majority of Four, and the Resolution was adopted.

On Motion of Mr. Sherwood, seconded by Mr. Boulton,

Ordered, That the Resolution be referred to a Select Committee, consisting of Messrs. Thomson and Cartwright, with Power to report thereon by Bill.

26th *February* 1838.

Mr. Sherwood, from the Committee to draft and report a Bill pursuant to the Resolution of this House on the Subject of the Clergy Reserves, reported a Draft, which was received, and read the First Time.

 Ordered,

Ordered, That the Bill to reinvest the Clergy Reserves in the Crown be read a Second Time To-morrow.

Journals of the House of Assembly.

18th *March* 1839.

Ordered, That the Notice on the Order of the Day for a Committee of the Whole on the Subject of Clergy Reserves this Day, be discharged.

19th *March* 1839.

Mr. Attorney General, seconded by Mr. Robinson, moves, " That the Petition of the Bishop and Clergy of the Established Church of England be entered on the Journals of the House."

Which was carried; and the Petition is as follows:

To the Honourable the Commons House of Assembly in Provincial Parliament assembled:

The Petition of the Clergy of the Established Church assembled under the Authority of the Lord Bishop of the Diocese,

Most humbly showeth,

That by the Act of 31st George Third, Chapter 31, One Seventh of the Lands of this Province has been set apart for the Support of a Protestant Clergy therein: That your Petitioners, after a careful and patient Investigation of all the Arguments which have been advanced on the Subject of this Reservation, continue not only unchanged, but more confirmed, in the Opinion that the Clergy Reserves were by that Act designed solely and exclusively for the Church of England:

That your Petitioners, from a careful Examination of that Act, and of every Authority which can be brought to illustrate it, can arrive at no other Conviction than that the Power delegated therein to the Provincial Legislature, " to vary or repeal " its Provisions, has no Application to the Reservations of Land which have already been made, but can be construed merely into a Permission to vary the Amount of Appropriation, or regulate it for the future:

That whereas Doubts have been raised as to the Legality of the exclusive Claim of your Petitioners to the Clergy Reserves, they have uniformly expressed a Willingness to submit the Question to a Judicial Tribunal competent to pronounce a Decision, and respectfully to yield to the Judgment which in such Case should be awarded: That against any Proposal for the Settlement of this Question which should go to alienate the Clergy Reserves from the original Object of their Appropriation, the Religious Instruction of the People of this Province, your Petitioners feel bound, by a most solemn Sense of Duty, to record their decided Protest:

That with a view to the Settlement of this Question any Plan for the Division of this Property amongst various Sects and Denominations, which would directly compromise the Principles as well as Interests of the Established Church, endanger the Cause of Protestantism, and lead to a religious Discord which must prove the fruitful and permanent Source of civil Dissension, your Petitioners are constrained from an equal Sense of Duty to oppose:

That your Petitioners feel bound to express it as their decided Conviction that the Agitation which has ensued from the Discussion of this Question, and the Excitement of which it has been rendered the Instrument, are not to be ascribed to the simple Merits of the Question itself, but to the Misrepresentation and Abuse of the Public Mind, which, in many Cases, for interested and unhallowed Purposes, have been industriously made:

That although in the Opinion of your Petitioners the Operation of the Act for the Appropriation of the Clergy Reserves, as understood by themselves, could not possibly prove a Grievance, but a Blessing of the highest Order to the Community, they do not view without Pain and Anxiety the political Disquiet and religious Animosity to which the Agitation of this Question has unhappily given rise, and that they are most desirous of its Adjustment upon some Basis wnich may secure the Peace as well as promote the religious Interests of the Country:

That

PART II.

Extracts from the Journals.

House of Assembly, 1839.

That from the Influence of conflicting Prejudices and Interests your Petitioners are firmly of Opinion that an impartial, equitable, and satisfactory Adjustment of the Question of the Clergy Reserves cannot be expected from the Provincial Legislature:

That your Petitioners, not deeming themselves competent to make any Concession which may compromise or appear to compromise in any Degree the Interests of the Church and their Successors in the Ministry, earnestly pray, for the Sake of Peace, a judicial Decision of the Question before a competent Tribunal, either the Judges of England or the Judicial Branch of Her Majesty's Most Honourable Privy Council; or, should this their honest Prayer be found, after every Effort unavailing, that then an Act be passed by the Provincial Legislature, reinvesting the Clergy Reserves in the Queen in Parliament, to be appropriated for the Support of a Protestant Clergy according to the Spirit and Intention of the Constitutional Act.

Your Petitioners therefore most earnestly entreat your Honourable House to use your Influence to procure such a legal Decision: And your Petitioners, as in Duty bound, will ever pray.

In the Name and on Behalf of the Clergy of Upper Canada,

G. MONTREAL,
GEORGE OKILL STUART, LL.D.,
Archdeacon of Kingston.
JOHN STRACHAN, D.D., LL.D.,
Archdeacon of York.

Toronto, 11th October 1838.

Mr. Prince gives Notice, that he will on To-morrow move for Leave to bring in a Bill to reinvest in the Crown the Lands of this Province commonly called "The Clergy Reserves."

22d *March* 1839.

On Motion of Mr. Thomson, seconded by Mr. Chisholm of Halton,

Ordered, That the Report of the Select Committee on the Clergy Reserves be restored to the Order of the Day, and that it be the first Item, after receiving Reports, for Tuesday next.

28th *March* 1839.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole on the Report of the Select Committee on the Clergy Reserves:

Mr. M'Crae in the Chair.

The House resumed.

The Chairman reported, That the Committee had made some Progress in the Consideration of the Report, and asked Leave to sit again on Monday next.

The Report was received, and Leave granted accordingly.

On Motion of Mr. Attorney General, seconded by Cameron,

Ordered, That the Committee of the Whole on the Clergy Reserves be the first Item on the Order of the Day for Monday, after receiving Reports.

1st *April* 1839.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Report of the Select Committee on the Clergy Reserves:

Mr. M'Micking in the Chair.

The Chairman reported, That the Committee had made some further Progress in the Consideration of the Report, and asked Leave to sit again To-morrow.

The Report was received, and Leave granted accordingly.

On Motion of Mr. Sherwood, seconded by Mr. Shade,

Ordered, That the Report of the Committee of the Whole on the Clergy Reserve Question be the first Item on the Order of the Day for To-morrow, after receiving Reports.

2d *April* 1839.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Report of the Select Committee on the Clergy Reserves:

Mr. Woodruff in the Chair.

The House resumed.

The

The Chairman reported, That the Committee had agreed to several Resolutions, which he was directed to submit for the Adoption of the House.

The Report was received.

The First Resolution was read.

On the Question for passing the same,

In Amendment, Mr. Boulton, seconded by Mr. Sherwood, moves, "That the Resolution be not now put, but that the Resolutions reported be referred back to the Committee of the Whole House forthwith."—Which was carried, and the House was again put into Committee of the Whole accordingly:

Mr. Woodruff in the Chair.

The House resumed.

The Chairman reported, That the Committee had made some further Progress, and asked Leave to sit again To-morrow.

The Report was received, and Leave granted accordingly.

On Motion of Mr. Attorney General, seconded by Mr. Burwell,

Ordered, That the Committee of the Whole on the Clergy Reserves be the first Item on the Order of the Day for To-morrow, after receiving Reports.

3d *April* 1839.

Mr. Cameron, seconded by Mr. Morris, moves, in pursuance of a Resolution of this House, "That Egerton Ryerson be heard at the Bar of this House on the Clergy Reserve Question To-morrow Morning, after receiving Reports; and that the Clerk of the House be required to notify the said Egerton Ryerson of the same."

In Amendment, Mr. Solicitor General, seconded by Mr. Robinson, moves, "That all after the Word 'moves' in the Original be expunged, and the following inserted: 'That Egerton Ryerson be heard at the Bar of this House this Day Three Months.'"

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Attorney General,	Gamble,	M'Lean,	Salmon,
Boulton,	Gowan,	Murney,	Shade,
Burritt,	Kearnes,	Powell,	Sherwood,
Burwell,	Lewis,	Robinson,	Solicitor General,
Detlor,	M'Kay,	Ruttan,	Thomson.—21.
Elliott,			

Messrs.		NAYS.	
Armstrong,	Cornwall,	Merritt,	Rykert,
Bockus,	Malloch,	Morris,	Shaver,
Cameron,	M'Crae,	Parke,	Thorburn,
Chisholm of Halton,	M'Micking,	Prince,	Woodruff.—17.
Cook,			

The Question of Amendment was carried in the Affirmative by a Majority of Four.

On the original Question as amended the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Attorney General,	Gamble,	M'Lean,	Salmon,
Boulton,	Gowan,	Murney,	Shade,
Burritt,	Kearnes,	Powell,	Sherwood,
Burwell,	Lewis,	Robinson,	Solicitor General,
Detlor,	M'Kay,	Ruttan,	Thomson.—21.
Elliott,			

Messrs.		NAYS.	
Armstrong,	Cornwall,	Merritt,	Rykert,
Bockus,	Malloch,	Morris,	Shaver,
Cameron,	M'Crae,	Parke,	Thorburn,
Chisholm of Halton,	M'Micking,	Prince,	Woodruff.—17.
Cook,			

The Question as amended was carried in the Affirmative by a Majority of Four; and it was

(83.2.) Ordered,

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Ordered, That Egerton Ryerson be heard at the Bar of this House on the Clergy Reserve Question this Day Three Months.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Clergy Reserves:

Mr. Elliott in the Chair.

The Chairman reported, That the Committee had agreed to several Resolutions, which he was directed to submit for the Adoption of the House.

The Report was received.

The First Resolution was read.

On the Question for passing the same,

In Amendment, Mr. Gowan, seconded by Mr. Gamble, moves "That the Resolution be not now put, but that the same, with the Residue of the Report of the Committee of the Whole, be referred to a Select Committee, to be composed of Messrs. Sherwood, Prince, Thomson, and Detlor, with Liberty to report by Bill or otherwise."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Armstrong,	Elliott,	Malloch,	Prince,
Attorney General,	Gamble,	Marks,	Ruttan,
Boulton,	Gowan,	Merritt,	Shade,
Burwell,	Kearnes,	Morris,	Solicitor General.—19.
Dunlop,	Lewis,	Powell,	

Messrs.		NAYS.	
Aikman,	Cook,	M'Intosh,	Salmon,
Bockus,	Cornwall,	M'Kay,	Shaver,
Cameron,	M'Crae.	Parke,	Sherwood,
Chisholm of Halton,	M'Donell of Stormont,	Rykert,	Thomson—16.

The Question of Amendment was carried in the Affirmative, by a Majority of Three, and ordered accordingly.

11th *April* 1839.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole on the Report of the Select Committee on the Report of the Committee of the Whole on the Clergy Reserves.

Mr. Wickens in the Chair.

The Chairman reported, That the Committee had made some Progress in the Bill, and asked Leave to sit again To-morrow.

The Report was received, and Leave granted accordingly.

On Motion of Mr. Gowan, seconded by Mr. Solicitor General,

Ordered, That the Report of the Committee of the Whole on the Clergy Reserves be the first Item on the Order of the Day for To-morrow, after receiving Reports.

12th *April* 1839.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Report of the Select Committee on the Report of the Committee of the Whole on the Clergy Reserves.

Mr. M'Lean in the Chair.

The House resumed.

The Chairman reported, That the Committee had agreed to several Resolutions, which he was directed to submit for the Adoption of the House.

The Report was received.

The First Resolution was put as follows:—

1. Resolved, That there be reserved or purchased in each and every Township in the Province One or more Lots of Land of One hundred Acres each, for a Glebe or Residence for One or more Clergymen of the Churches of England and Scotland, to be granted or conveyed to such Clergymen for the Time being, and their Successors lawfully appointed, according to the Ecclesiastical Constitution of such Churches respectively. No such Grant or Conveyance to be made until a resident Clergyman be appointed. Provided, that no such Provision should be made for more than Two Clergymen of each Church in any One Township; and that every Clergyman already enjoying any Endowment or Provision by Grant of Lands from the Crown shall be reckoned as if he were provided for pursuant to this Resolution.

In

In Amendment, Mr. Bockus, seconded by Mr. Shaver, moves, "That all after the Word 'Resolved' be expunged, and the following inserted: 'That it is expedient to discontinue the Reservation of Lands in this Province for the Support of a Protestant Clergy, and that the Lands heretofore reserved, commonly called Clergy Reserves, be sold, and the Proceeds thereof, with the Proceeds of those already sold, be appropriated by the Legislature to the general Uses of the Province, and the Interest on such Proceeds, at the Rate of Six per Cent. per Annum, to be applied to the Purposes of general Education.'"

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Armstrong,	Detlor,	M'Intosh,	Rykert,
Bockus,	Duncombe,	M'Micking,	Shaver,
Caldwell,	Mathewson,	Merritt,	Thomson,
Cameron,	M'Crae,	Morris,	Thorburn,
Cook,	M'Donell of Northumberland,	Parke,	Woodruff.—21.
Cornwall,			

Messrs.		Nays.	
Attorney General,	Gowan,	M'Kay,	Salmon,
Burritt,	Hotham,	M'Lean,	Shade,
Burwell,	Hunter,	Murney,	Sherwood,
Chisholm of Halton,	Kearnes,	Powell,	Solicitor General,
Ferrie,	Lewis,	Richardson,	Wickens.—22.
	Malloch,	Robinson,	

The Question of Amendment was decided in the Negative by a Majority of One.

In Amendment, Mr. Cook, seconded by Mr. M'Micking, moves, "That all after the Word 'Resolved' in the original Motion be expunged, and the following inserted: 'That it is expedient that the Clergy Reserves be sold as Crown Lands now are sold, and that the Proceeds derived from such Sale, together with the Proceeds of those already disposed of, be invested in Provincial Debentures, the Interest to be derived from such Debentures to be applied to Religious and Educational Purposes, so that all Her Majesty's Subjects may equally participate in its Benefits."

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Armstrong,	Cornwall,	M'Intosh,	Shaver,
Bockus,	Detlor,	M'Micking,	Thomson,
Caldwell,	Duncombe,	Merritt,	Thorburn,
Cameron,	M'Crae,	Parke,	Woodruff.—19.
Cook,	M'Donell, Northb.	Rykert,	

Messrs.		Nays.	
Attorney General,	Hotham,	M'Kay,	Salmon,
Burritt,	Hunter,	M'Lean,	Shade,
Burwell,	Kearnes,	Morris,	Sherwood,
Chisholm, Halton,	Lewis,	Murney,	Solicitor General,
Ferrie,	Malloch,	Powell,	Wickens.—23.
Gowan,	Mathewson,	Robinson,	

The Question of Amendment was decided in the Negative by a Majority of Four.

In Amendment, Mr. Gowan, seconded by Mr. Merritt, moves, "That all after the Word 'Resolved' be expunged, and the following inserted: 'That there be reserved or purchased in each and every Township of the Province One or more Lots of Land of 100 Acres each Lot for a Glebe or Residence for One or more resident Ministers of the Churches now recognized by Law, so soon as they shall have a Congregation therein of not less than 150 Persons over the Age of Sixteen Years: Provided that nothing herein contained shall prevent the Commissioners to be appointed to carry out the Provisions of this Bill from making a suitable Provision for the Maintenance of a Minister or Ministers for such indigent Congregation or Congregations, under the Number of 150 Persons, as in their Discretion they may deem necessary, such Provision

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in no Case to exceed the Sum of 100*l.* per Annum for any One Minister, and to be reported to the Legislature at its next Meeting.

"'That the whole of the Remainder of the Clergy Reserves be sold as Crown Lands are at present sold, and that the Interest of the Proceeds thereof, with the Interest of those already sold, be paid annually to the several Bodies representing the several Protestant Denominations recognised by Law, in proportion to the Number of ascertained Ministers regularly authorized and actually officiating in the Discharge of their Ministerial Duties of each Denomination respectively, such Sum in no Case to exceed the Sum of 100*l.* per Annum for each Minister, and to be appropriated in such Manner as the respective Denominations may from Time to Time determine, according to the respective Rules and Regulations of their Church Government, and whose Religious Tenets do not prohibit their bearing Arms.

"'The surplus Interest (if any) to be expended in the Erection of suitable Places for Public Worship in the several Townships, and for the Religious and Moral Education of Youth within the same.

"'That there be secured to the Ministers of the Churches of England and Scotland at present resident in this Province the several Amounts at present paid to them; but that, on the Death or Removal from Office as a Minister of the present Incumbents, their Successors shall become subject and liable to the same Regulations as to Salary and Allowances as the other Ministers of those Churches hereafter to be appointed.

"'That the Amount of the Sales of the Clergy Reserves already invested in the English Funds, and the Proceeds of future Sales, be invested in the Debentures of this Province, in the Discretion of the Board of Commissioners hereafter to be appointed.

"'That Three Commissioners be appointed by the Legislature to carry out the Provisions of a Bill embodying the foregoing Resolutions, who shall remain in Office for Four Years; but in case of a Vacancy by Death, Resignation, or otherwise, the Vacancy to be supplied by the Lieutenant Governor.'"

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Caldwell,	Ferrie,	M'Micking,	Rykert,
Chisholm of Halton,	Gowan,	Merritt,	Salmon,
Cook,	Mathewson,	Morris,	Shaver,
Duncombe,	M'Donell of Northum.	Murney,	Thompson.—16.

Messrs.		NAYS.	
Alway,	Detlor,	M'Intosh,	Robinson,
Armstrong,	Dunlop,	M'Kay,	Shade,
Attorney General,	Hunter,	M'Lean,	Sherwood,
Bockus,	Kearnes,	Moore,	Solicitor General,
Burritt,	Lewis,	Parke,	Thorburn,
Burwell,	Malloch,	Powell,	Wickens,
Cameron,	M'Crae,	Prince,	Woodruff.—30.
Cornwall,	M'Donell of Stormont,		

The Question of Amendment was decided in the Negative by a Majority of Fourteen.

In Amendment, Mr. Detlor, seconded by Mr. Thomson, moves, "That the whole of the original Resolution be expunged, and the following adopted:

"'Resolved, That it is indispensably necessary that the Clergy Reserves be sold, and the Interest arising from the Proceeds be apportioned among all the Christian Denominations recognised by the Statutes or Laws of this Province; that a Board of Commissioners (to be composed of Three Members) be appointed by the Legislature, who shall hold Office for the Term of Four Years.

"'That said Board of Commissioners shall have the Management of the Interest of the Clergy Reserve Fund, with Authority to hear and determine upon all Applications, and apportion said Interest among the different Religious Denominations as aforesaid, according to the Number of accredited Ministers belonging to such Denominations (who are wholly devoted to their Ministerial Duties), and to pay over such Sum or Sums to such Person who may be officially appointed to receive the same: That each Denomination participating in the

Clergy

Clergy Reserve Fund shall annually report to the Commissioners a Statement of the Purposes to which they have applied the same; all of which, together with a full Statement of the Proceedings of said Board of Commissioners, to be transmitted for the Inspection of the Legislature.' "

On which the Yeas and Nays were taken as follows .

Messrs.		Yeas.	
Armstrong,	Cornwall,	M'Crae,	Morris,
Bockus,	Detlor,	M'Donell of Stormont,	Parke,
Caldwell,	Duncombe,	M'Intosh,	Rykert,
Cameron,	Ferrie,	M'Micking,	Salmon,
Chisholm of Halton,	Mathewson,	Merritt,	Thomson.—21.
Cook,			

Messrs.		Nays.	
Alway,	Hunter,	M'Kay,	Sherwood,
Attorney General,	Kearnes,	M'Lean,	Solicitor General,
Burritt,	Lewis,	Murney,	Thorburn,
Burwell,	Malloch,	Powell,	Wickens,
Gowan,	Marks,	Robinson,	Woodruff—23.
Hotham,	M'Donell of Northb.	Shade,	

The Question of Amendment was decided in the Negative by a Majority of Two.

In Amendment, Mr. Cameron, seconded by Mr. Shaver, moves, "That all after the Word 'Resolved' be expunged, and the following inserted: 'That the Funds now in England which have arisen from the Sale of Clergy Lands, together with the Amount due to the Government for Clergy Reserves which have been heretofore sold (but remain unpaid), be divided in the following Manner:

One Fourth to the Church of England.
One Fourth to the Church of Scotland and Synod of Canada.
One Fourth to the Methodist Churches,
One Fourth to general Education.

" 'Resolved, That all Lands which have been reserved as Clergy Reserves shall be immediately divided by Lot for the Purposes aforesaid.

" 'Resolved, That no further Reservations of Land be made as Clergy Reserves.' "

On which the Yeas and Nays were taken as follows:—

Messrs.		Yeas.		
Cameron,	Merritt,	Prince,	Shaver,	Thomson.—5.

Messrs.		Nays.	
Alway,	Gowan,	M'Donell of	Powell,
Armstrong,	Hotham,	Stormont,	Rykert,
Attorney General.	Hunter,	M'Intosh,	Salmon,
Bockus,	Kearnes,	M'Kay,	Shade,
Burritt,	Lewis,	M'Lean,	Sherwood,
Chisholm of Hal-	Malloch,	M'Micking,	Solicitor General,
ton,	Marks,	Moore,	Thorburn,
Cook,	Mathewson,	Morris,	Wickens,
Cornwall,	M'Crae,	Murney,	Woodruff.—38.
Detlor,	M'Donell of North-	Parke,	
Ferrie,	umberland,		

The Question of Amendment was decided in the Negative, by a Majority of Thirty-three.

In Amendment, Mr. Parke, seconded by Mr. M'Intosh, moves, "That after the Word 'Resolved' the whole be expunged, and the following inserted: 'That as several Houses of Assembly of this Province have by very large Majorities desired the Clergy Reserves to be appropriated to common School Education and general Improvements, and as a Majority of this House were elected under peculiar Circumstances, and in support of Measures entirely

 distinct

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distinct from and of which the Clergy Reserve Question formed no Part, and as they differ so much in Opinion in the Settlement of it from all former Houses of Assembly, there are just Grounds for believing they do not truly represent the Opinions and Wishes of the People of the Province on the Subject, it would be decidedly unjust to make a Disposition of them so contrary to their often expressed Views through their Representatives and otherwise, and highly dangerous and productive of Discord to attempt a Disposition of it so contrary to their Wishes and Feelings;' Be it therefore resolved, That an Appeal be made to the People in such a Manner as to ascertain their Views and Wishes on the Subject; and that such Wishes of the People, when so obtained, be made the Ground-work for the peaceable Settlement of this exciting and important Question.

On which the Yeas and Nays were taken as follows:

Messrs.	YEAS.	
Alway,	M'Intosh,	Parke,
Cook,	Moore,	Woodruff.—6.

Messrs.	NAYS.		
Armstrong,	Dunlop,	M'Donell of Stormont,	Robinson,
Attorney General,	Ferrie,	M'Kay,	Rykert,
Bockus,	Gowan,	M'Lean,	Salmon,
Burritt,	Hotham,	Merritt,	Shade,
Burwell,	Hunter,	Morris,	Shaver,
Caldwell,	Kearnes,	Murney,	Sherwood,
Cameron,	Lewis,	Powell,	Solicitor General,
Chisholm of Halton,	Malloch,	Prince,	Thomson,
Cornwall,	Marks,	Richardson,	Thorburn,
Detlor,	Mathewson,		Woodruff.—39.

The Question of Amendment was decided in the Negative by a Majority of Thirty-three.

On the original Question the Yeas and Nays were taken as follows:

Messrs.	YEAS.		
Attorney General,	Gowan,	Mathewson,	Robinson,
Burritt,	Hotham,	M'Kay,	Shade,
Burwell,	Hunter,	M'Lean,	Sherwood,
Chisholm of Halton,	Kearnes,	Morris,	Solicitor General,
Dunlop,	Lewis,	Murney,	Thomson,
Ferrie,	Malloch,	Prince,	Wickens.—26.
	Marks,	Richardson,	

Messrs.	NAYS.		
Alway,	Cornwall,	M'Micking,	Rykert,
Armstrong,	Detlor,	Merritt,	Salmon,
Bockus,	Duncombe,	Moore,	Shaver,
Caldwell,	M'Donnell of Stormont,	Parke,	Thorburn,
Cameron,		Powell,	Woodruff—21.
Cook,	M'Intosh,		

The Question was carried in the Affirmative by a Majority of Five, and the Resolution was adopted as follows:

Resolved, That there be reserved or purchased in each and every Township in the Province One or more Lots of Land of One hundred Acres each for a Glebe or Residence for One or more Clergymen of the Churches of England and Scotland, to be granted or conveyed to such Clergymen for the Time being, and their Successors lawfully appointed, according to the Ecclesiastical Constitution of such Churches respectively; no such Grant or Conveyance to be made until a resident Clergyman be appointed: Provided that no such Provision shall be made for more than Two Clergymen of each Church in any one Township; and that every Clergyman already enjoying an Endowment or Provision by Grant of Lands from the Crown shall be reckoned as if he were provided for pursuant to this Resolution.

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The Second Resolution was put as follows :—

Resolved, That a similar Reservation or Purchase of One or more Lots be made in each Circuit for the resident Ministers of the Wesleyan Methodist Church in Canada, in connexion with the English Wesleyan Conference, to be granted or conveyed in Trust for such resident Ministers for the Time being, or their Successors, under the Discipline of the said Church; provided that the Number of Circuits be limited to One hundred in the whole, and not more than Two such Lots be reserved or purchased in any One Circuit, and that no such Grant or Conveyance be made until there is a resident Minister within such Circuit for each and every such Lot, and not less than One Chapel or Place of Worship built within the Circuit.

On which the Yeas and Nays were taken as follows :—

Messrs.	Yeas.		
Atttorney General,	Hotham,	M'Lean,	Shade,
Burritt,	Hunter,	Morris,	Shaver,
Burwell,	Lewis,	Murney,	Sherwood,
Chisholm of Halton,	Malloch,	Prince,	Sol. General,
Dunlop,	Marks,	Richardson,	Thomson,
Ferrie,	Mathewson,	Robinson,	Wickens.—26.
Gowan,	M'Kay,		

Messrs.	Nays.		
Alway,	Cornwall,	M'Intosh,	Powell,
Armstrong,	Detlor,	M'Micking,	Rykert,
Bockus,	Duncombe,	Merritt,	Thorburn,
Caldwell,	M'Donell of Stor-	Moore,	Woodruff.—18.
Cook,	mont,	Parke,	

The Question was carried in the Affirmative by a Majority of Eight, and the Resolution was adopted.

The Third Resolution was put as follows:

Resolved, That all the Clergy Reserves now unsold, and which shall not be reserved for the foregoing Purposes, be sold under the Rules and Regulations from Time to Time in force relative to the Sale of Crown Lands: That the Proceeds of all past and future Sales, subject to the necessary Expenditure for the Purchase of Lots from Time to Time, as limited in the foregoing Resolutions, be invested in Provincial Debentures, and the Interest be disposed of as follows:

1st. To pay to each Clergyman of the Churches of England and Scotland, resident according to the First Resolution, an annual Stipend not to exceed One hundred Pounds.

2d. To pay to the Wesleyan Methodist Church in Canada, in connexion with the English Conference, or their proper Officer, a Sum not to exceed One hundred Pounds per Annum for as many Ministers of that Church as there shall be Lots granted and conveyed in each Circuit, according to the Second Resolution.

3d. The Surplus of Interest not otherwise disposed of to be expended in aid of the Erection of Places of Public Worship throughout the Province generally.

On which the Yeas and Nays were taken as follows:

Messrs.	Yeas.		
Attorney General,	Hotham,	Mathewson,	Richardson,
Burritt,	Hunter,	M'Kay,	Robinson,
Burwell,	Kearnes,	M'Lean,	Shade,
Chisholm of Halton,	Lewis,	Morris,	Sol. General,
Ferrie,	Malloch,	Murney,	Thomson,
Gowan,	Marks,	Prince,	Wickens.—24.

Messrs.	Nays.		
Alway,	Cook,	M'Intosh,	Powell,
Armstrong,	Cornwall,	M'Micking,	Rykert,
Bockus,	Detlor,	Merritt,	Shaver,
Caldwell,	Duncombe,	Moore,	Thorburn,
Cameron,	M'Donell of Stormont,	Parke,	Woodruff—20.

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The Question was carried in the Affirmative by a Majority of Four, and the Resolution was adopted.

The Fourth Resolution was put as follows:

Resolved, That a Board of Three Commissioners be appointed to carry out the Provisions of an Act to be passed in conformity with the foregoing Resolutions.

In Amendment, Mr. Bockus, seconded by Mr. Mathewson, moves, "That after the Word 'Resolved' the whole be expunged, and the following inserted:

"That it is expedient, for the future Peace and Welfare of this Province, that so much of an Act passed in the Parliament of Great Britain in the 31st Year of the Reign of His late Majesty King George 3d, Chap. 31., as requires One Seventh Part of the Lands of the Province to be allotted and appropriated for the Support of a Protestant Clergy therein, be repealed: That no further Allotment, Appropriation, or Reservation of Lands for such Purposes be made."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Bockus,	Detlor,	M'Micking,	Rykert,
Caldwell,	Duncombe,	Merritt,	Shaver,
Cameron,	Mathewson,	Moore,	Thorburn,
Cook,	M'Donell of Stormont,	Morris,	Woodruff.—19.
Cornwall,	M'Intosh,	Parke,	

Messrs.		NAYS.	
Alway,	Gowan,	M'Kay,	Salmon,
Armstrong,	Hotham,	M'Lean,	Shade,
Attorney General,	Hunter,	Murney,	Sherwood,
Burritt,	Kearnes,	Powell,	Solicitor General,
Burwell,	Lewis,	Prince,	Thompson,
Dunlop,	Malloch,	Richardson,	Wickens.—27.
Ferrie,	Marks,	Robinson,	

The Question of Amendment was decided in the Negative by a Majority of Eight, and the Resolution was adopted.

The Fifth Resolution was put and carried as follows:

Resolved, That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to lay this Subject before the Imperial Parliament, and to recommend the passing of an Act to give effect to so much of these Resolutions as relates to the Proceeds of Clergy Reserves sold under the Authority of the Imperial Statute.

On Motion of Mr. Gowan, seconded by Mr. M'Kay,

Ordered, That the Resolutions this Day adopted, upon the Subject of the Clergy Reserves, be referred to a Select Committee, with Liberty to report by Bill or otherwise, and that the said Committee consist of Messrs. Attorney General, Solicitor General, Prince, and Sherwood.

17th *April* 1839.

Mr. Gowan, from the Select Committee to which was referred the Resolutions adopted by this House on the Subject of the Clergy Reserves, reported the Drafts of a Bill and an Address to Her Majesty.

The Address to Her Majesty, praying that the Proceeds of the Clergy Reserves may be invested in Provincial Debentures, was read a First Time, and ordered for a Second Reading To-morrow.

The Bill was read the First Time.

Ordered, That the Bill to regulate the future Appropriation of the Clergy Reserves be read a Second Time To-morrow.

On Motion of Mr. Gowan, seconded by Mr. Bockus.

Ordered, That the Bill for the Disposition of the Clergy Reserves be the first Item on the Order of the Day for To-morrow, after receiving Reports.

18th *April* 1839.

Pursuant to the Order of the Day, the Bill to provide for the future Appropriation of the Clergy Reserves was read the Second Time.

The

The House was put into a Committee of the Whole on the Bill:
Mr. Armstrong in the Chair.

The Chairman reported, That the Committee had gone through the Provisions of the Bill, amended the same, and submitted it for the Adoption of the House.

On the Question for receiving the Report the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Aikman,	Gamble,	M'Donell of Stormont,	Ruttan,
Armstrong,	Gowan,	M'Intosh,	Rykert,
Burritt,	Hotham,	M'Kay,	Shade,
Caldwell,	Hunter,	Merritt,	Shaver,
Cameron,	Kearnes,	Morris,	Sherwood,
Chisholm of Halton,	Lewis,	Parke,	Solicitor General,
Cook,	Malloch,	Powell,	Thomson,
Cornwall,	Marks,	Prince,	Wickens,
Detlor,	Mathewson,	Richardson,	Woodruff.—39.
Dunlop,	M'Crae,	Robinson,	

Messrs.		NAYS.		
Alway,	Bockus,	Boulton,	Burwell,	Elliott,—5.

The Question was carried in the Affirmative by a Majority of Thirty-four, and the Report was received.

On the Question for the Third Reading of the Bill To-morrow,

In Amendment, Mr. Boulton, seconded by Mr. Elliott, moves, "That the Bill be not read a Third Time To-morrow, but that it be resolved that an humble Address be presented to Her Majesty, praying Her Majesty will be graciously pleased to submit to the Imperial Parliament the Propriety of passing an Act to alter and amend the Act 31st Geo. 3d. ch. 31. so far as relates to the Reservation of Land for the Support of a Protestant Clergy, and to provide in what Manner and to what Denomination of Protestants the Lands so reserved, or the Proceeds of any Part thereof, sold or to be sold, shall be appropriated; and also to provide that all Lands so reserved or to be reserved shall be sold by the Commissioner of Crown Lands, and the Proceeds thereof appropriated for the Purpose of upholding the Protestant Religion in such Manner as the Imperial Parliament may direct.

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Attorney General,	Dunlop,	Gowan,	Robinson,
Boulton,	Elliott,	M'Lean,	Wickens.—11.
Burwell,	Gamble,	Powell,	

Messrs.		NAYS.	
Aikman,	Detlor,	M'Intosh,	Salmon,
Alway,	Duncombe,	M'Kay,	Shade,
Armstrong,	Hotham,	M'Micking,	Sherwood,
Bockus,	Hunter,	Merritt,	Solicitor General,
Burritt,	Kearnes,	Morris,	Thomson,
Caldwell,	Lewis,	Parke,	Thorburn,
Cameron,	Malloch,	Prince,	Woodruff.—36.
Chisholm of Halton,	Mathewson,	Richardson,	
Cook,	M'Donell of Stor-	Ruttan,	
Cornwall,	mont.	Rykert,	

The Question of Amendment was decided in the Negative by a Majority of Twenty-five.

In Amendment, Mr. Detlor, seconded by Mr. Thomson, moves, "That the Bill be not read the Third Time To-morrow, but that it be read the Third Time on Monday next; and that One hundred Copies of the same be printed for the Use of Members."

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Aikman,	Detlor,	M'Crae,	Rykert,
Armstrong,	Duncombe,	M'Donell of Stormont,	Shaver,
Burritt,	Hotham,	M'Micking,	Sherwood,
Caldwell,	Hunter,	Merritt,	Thomson,
Cameron,	Kearnes,	Morris,	Thorburn,
Chisholm of Halton,	Lewis,	Parke,	Wickens,
Cook,	Malloch,	Prince,	Woodruff.—30.
Cornwall,	Mathewson,		

Messrs.		Nays.	
Alway,	Elliott,	M'Lean,	Ruttan,
Attorney General,	Gamble,	Powell,	Shade,
Bockus,	Gowan,	Richardson,	Solicitor General.
Boulton,	M'Intosh,	Robinson,	—17.
Burwell,	M'Kay,		

The Question was carried in the Affirmative by a Majority of Thirteen; and the Bill was ordered to be engrossed, and read a Third Time on Monday next.

22d *April* 1839.

On the Order of the Day for the Third Reading of the Bill to provide for future Appropriation of the Clergy Reserves being called:

In Amendment, Mr. Detlor, seconded by Mr. Aikman, moves, "That the Bill be not now read the Third Time, but that it be re-committed forthwith, for the Purpose of amending the same."

Which was carried, and the House was put into Committee of the Whole on the Bill accordingly:

Mr. Armstrong in the Chair.

The Chairman reported, That the Committee had gone through the Provisions of the Bill, amended the same, and submitted it for the Adoption of the House.

On the Question for receiving the Report the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Aikman,	Cornwall,	M'Crae,	Parke,
Armstrong,	Detlor,	M'Donell of Northumberland,	Ruttan,
Burritt,	Duncombe,	M'Donell of Stormont,	Shaver,
Cameron,	Hotham,	M'Intosh,	Thomson,
Chisholm of Halton,	Kearnes,		Thorburn,
Cook,	Mathewson,		Woodruff.—22.

Messrs.		Nays.	
Attorney General,	Dunlop,	Merritt,	Sherwood,
Bockus,	Lewis,	Powell,	Solicitor General,
Boulton,	Malloch,	Prince,	Wickens.—18.
Burwell,	M'Kay,	Rykert,	
Cartwright,	M'Micking,	Shade,	

The Question was carried in the Affirmative by a Majority of Four, and the Report was received.

On the Question for the Third Reading of the Bill To-morrow:

In Amendment, Mr. Bockus, seconded by Mr. Rykert, moves, "That the Bill be not read a Third Time on To-morrow, but that it be resolved that it is expedient to provide for the Sale of the Lands commonly called Clergy Reserves, and the Payment of the Proceeds of all Sales, past as well as future, into the Hands of the Receiver General of this Province, for the public Use thereof."

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Aikman,	Cornwall,	M'Donell of Stormont,	Parke,
Armstrong,	Detlor,	M'Intosh,	Rykert,
Bockus,	Duncombe,	M'Micking,	Shaver,
Chisholm of Halton,	Mathewson,	Merritt,	Thorburn,
Cook,	M'Crae,		Woodruff.—19.

Messrs.

Messrs.		Nays.	
Attorney General,	Dunlop,	M'Donell of Northumberland,	Ruttan,
Boulton,	Gamble,		Shade,
Burritt,	Hotham,	M'Kay,	Sherwood,
Burwell,	Kearnes,	M'Lean,	Solicitor General.
Cameron,	Lewis,	Powell,	Thomson,
Cartwright,	Malloch,	Prince,	Wickens.—23.

The Question of Amendment was decided in the Negative by a Majority of Four.

In Amendment, Mr. Detlor, seconded by Mr. Thomson, moves, "That the Bill be read a Third Time this Day, and that the Thirty-first Rule of this House be dispensed with as far as relates to the same."

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Aikman,	Detlor,	M'Donell of Northumberland,	Morris,
Cameron,	Duncombe,		Ruttan,
Chisholm of Halton,	Kearnes,	M'Donell of Stormont,	Shaver,
Cook,	Mathewson,		Thomson,
Cornwall,	M'Crae,	M'Kay,	Thorburn.—18.

Messrs.		Nays.	
Attorney General,	Gamble,	M'Micking,	Sherwood,
Bockus,	Hotham,	Parke,	Solicitor General,
Boulton,	Lewis,	Powell,	Wickens.—21.
Burritt,	Malloch,	Prince,	
Burwell,	M'Intosh,	Rykert,	
Dunlop,	M'Lean,	Shade,	

The Question of Amendment was decided in the Negative by a Majority of Three.

On the original Question the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Aikman,	Cornwall,	M'Crae,	Morris,
Burritt,	Detlor,	M'Donell of Northumberland,	Ruttan,
Cameron,	Duncombe,		Shaver,
Chisholm of Halton,	Kearnes,	M'Donell of Stormont,	Thomson.—16.
	Mathewson,		

Messrs.		Nays.	
Attorney General,	Dunlop,	M'Micking,	Shade,
Bockus,	Gamble,	Merritt,	Sherwood,
Boulton,	Lewis,	Parke,	Solicitor General,
Burwell,	Malloch,	Powell,	Thorburn,
Cartwright,	M'Kay,	Prince,	Wickens,
Cook,	M'Lean,	Rykert,	Woodruff.—24.

The Question was decided in the Negative by a Majority of Eight.

At Half past Two o'Clock P.M. Mr. Speaker left the Chair.

Mr. Speaker resumed the Chair.

On Motion of Mr. Prince, seconded by Mr. Ruttan,

Ordered, That the Bill disposing of the Clergy Reserves be read a Third Time on Wednesday next.

24th *April* 1839.

Pursuant to the Order of the Day, the Bill to regulate the future Appropriation of the Clergy Reserves was read the Third Time.

On the Question of the passing of the Bill,

In Amendment, Mr. Boulton, seconded by Mr. Ruttan, moves, "That the Bill do not now pass, but that all after the Second Clause in the original Bill be expunged, and the following inserted:

"And be it, &c., That the Monies to arise and be produced and henceforth received from any such Sale or Sales, after deducting the Expenses as aforesaid, shall be paid over to the Commissioner of Crown Lands, and shall be invested by him, bearing Interest at the Rate of not less than Six per Cent. per Annum.

"And be it, &c. That there shall be reserved and set apart in each and every Township in this Province, One or more Clergy Reserves, containing 100 Acres each, for Glebes or Residences for One or more Clergymen of the Churches of England, Scotland, and of the Wesleyan Methodist Church; and that as soon as there shall be One or more Clergymen of either of the said Churches respectively, duly appointed to and becoming resident in any Township, it shall be lawful for Her Majesty, Her Heirs and Successors, to grant to every such Clergyman and his Successors, to be lawfully appointed according to the Ecclesiastical Constitution of such Churches respectively, One such Lot of One hundred Acres, to be held by such Incumbent or resident Clergyman and his Successors as a Corporation Sole.

"And be it, &c., That whenever there shall not be a sufficient Number of Clergy Reserves unsold in any Township, or from Situation or other reasonable Cause a convenient Reservation for the Purposes aforesaid cannot be made in such Township, it shall and may be lawful for the Commissioner of Crown Lands and he is hereby required to purchase, at the most reasonable Prices, in his Discretion, One or more Lots containing One hundred Acres each, as Glebes or Residences for One or more Clergymen of the said Churches, which Lots, when so purchased, shall be respectively conveyed in like Manner, and for the same Purposes, and with and under the same Powers, Limitations, Provisions, and Restrictions, as are in this Act contained and expressed of and concerning Grants to be made by Her Majesty to the resident Clergymen of the said Churches.

"Provided always, and be it, &c., That nothing in this Act shall extend or be construed to extend to prevent the Bishop, Synod, or other Person or Body of and in the said Churches respectively having lawful Authority according to the Canons and Constitutions of such Churches, from removing or depriving any such Clergyman from his Office or Situation, as Incumbent or resident Clergyman of or in any such Township, and from appointing a Successor from Time to Time and as often as it may be necessary, nor to give or to vest in any such Clergyman any Right, Title, or Interest in the said Land other than that which he may hold as a Corporation Sole as aforesaid, and whi lehe shall so be the Incumbent or resident Clergyman in and for the Township wherein such Land shall lie.

"Provided always, and be it further, &c., That such Reservations, Grants, Purchases, and Conveyances shall not be made to or for more than Two Clergymen of any One of the said Churches in any One Township of this Province.

"Provided further, That every Clergyman of either of the said Churches who shall have received any Endowment or Grant of Lands from the Crown, either to or in Trust for or for the Use and Benefit of him and his Successors, as Rector or resident Minister, or otherwise, in his Character and Capacity as a Clergyman, in any Township, shall be for the Purposes herein contained considered as if such Endowment or Grant of Lands had been given or conveyed to him under the Authority and in pursuance of the Provisions of this Act.

"And be it, &c., That the annual Dividends and Interests arising from the Investment of the Proceeds of all and every Sale of Clergy Reserves in this Province, whether past or future, and wheresoever and howsoever invested, shall be appropriated and applied by the Commissioner of Crown Lands to and for the following Uses and Purposes; that is to say, to pay to each Clergyman of the Churches of England and Scotland the Amount at present received by them respectively in any Part of the Province, and in future to pay to each Clergyman of the said Churches of England and Scotland who shall be in the actual Occupation and Enjoyment of any present or future Grant or Endowment of Lands as a resident Clergyman as aforesaid the annual Stipend not to exceed 100*l.*, and after their several Payments and Appropriations, and the Payment of the necessary Charges and Expenses, to apply the Residue of such annual Interest or Dividends to pay to each Wesleyan Methodist Clergyman appointed to any Circuit in this Province 100*l.* per Annum; and also to afford Aid in the Erection of Places of Public Worship in this Province for any Denomination of Christians in such Manner as the Governor, by and with the Advice of the Executive Council, may direct.

And

"And be it, &c., That the Commissioner of Crown Lands shall once in every Year render a true and faithful Account of the Expenditure of the Monies received by him under the Authority of this Act; provided always, and be it further, &c., that nothing in this Act contained shall be construed to limit and prevent the Commissioner of Crown Lands from laying out and expending from Time to Time such Sum or Sums of Money, whether Principal Monies arising from the Sale of Clergy Reserves, or Interest accruing from the Investment thereof in Provincial Debentures, as shall be found necessary for the Purchase of any Lot or Lots of Land conveyed to and for the several Uses and Intents herein-before declared, nor for such Purpose from selling any Debenture or Debentures that he may find necessary; provided that the said Commissioner shall not lay out in the Purchase, in any One Lot of One hundred Acres, a greater Sum than Two hundred Pounds.

"And be it, &c., That it shall be the Duty of the said Commissioner of Crown Lands, and he is hereby required, to distribute and pay the several Stipends and annual Sums herein-before directed to be paid and allowed in such Manner as to give no undue Priority, Preference, or Advantage to any or either of the Churches, otherwise than is provided for by this Act.

"And be it, &c., That the said Commissioner shall once in every Year make a full and particular Return to the Lieutenant Governor of all Monies received by him, of the Amount of Monies invested, and of the Dividends thereon, the Number of Lots, and to whom granted or conveyed, the Number of Stipends paid to the Clergymen of the said Churches, and the Amount of each such Stipend, and the Return made of the Expenditure thereof, and generally of every other Matter and Thing relating to the Duty imposed by this Act; and that Copies of such annual Returns be laid before both Branches of the Legislature of this Province.

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.		
Attorney General,	Hunter,	M'Lean,	Solicitor General.	
Boulton,	Lewis,	Ruttan,		13.
Burritt,	Malloch,	Shade,		
Burwell,	M'Kay,	Sherwood,		

Messrs.		NAYS.		
Aikman,	Cornwall,	M'Donellof North-	Rykert,	
Alway,	Detlor,	umberland.	Shaver,	
Bockus,	Duncombe,	M'Intosh,	Thomson,	
Caldwell,	Ferrie,	Merritt,	Thorburn,	
Cameron,	Kearnes,	Moore,	Woodruff,	26.
Chisholm of Hal-	Mathewson,	Morris,		
ton,	M'Donell of Stor-	Parke,		
Cook,	mont,	Robinson,		

The Question of Amendment was decided in the Negative by a Majority of Thirteen.

In Amendment, Mr. Thomson, seconded by Mr. M'Intosh, moves, "That the Bill do not now pass, but that it be amended by striking out the Words in the Fourth Clause, 'and where their religious Tenets do not prohibit their bearing Arms.'"

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Aikman,	Chisholm of Hal-	Mathewson,	Ruttan,
Alway,	ton,	M'Donell of Stor-	Rykert,
Armstrong,	Cook,	mont,	Shade,
Atty. General,	Cornwall,	M'Intosh,	Shaver,
Bockus,	Detlor,	M'Lean,	Thomson,
Burwell,	Duncombe,	Merritt,	Thorburn,
Caldwell,	Ferrie,	Morris,	Wickens,
Cameron,	Kearnes,	Parke,	Woodruff.—30.

 Messrs.

Messrs.		Nays.	
Boulton,	Malloch,	M'Kay,	Sherwood,
Burritt,	M'Donell of North-	Moore,	Solicitor Gene-
Hunter,	umberland,	Robinson,	ral.—11.
Lewis,			

The Question of Amendment was carried in the Affirmative by a Majority of Nineteen, and ordered accordingly.

In Amendment to the original Question, Mr. Prince, seconded by Mr. Powell, moves, " That the Bill do not now pass, but that it be resolved, That so much of the Lands of this Province called the Clergy Reserves as remain unsold and unappropriated shall be, and remain vested in Her Majesty, Her Heirs and Successors, discharged from the Trusts and Conditions of a certain Act of the Imperial Parliament passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, to the Intent and in order that the same Lands may be, by and under the Authority of the Parliament of the United Kingdom of Great Britain and Ireland, applied and appropriated, by way of Endowment or otherwise, solely for the Maintenance of Public Worship and the Support of Religion within this Province, and for no other Use or Purpose whatsoever.

" Resolved, That it is inexpedient to interfere with or make void any Grant, Sale, Lease, Endowment, or other Appropriation of Land called Clergy Reserves heretofore made.

" Resolved, That it is inexpedient to make any further Grant, Sale, Lease, or other Disposition of any of the said Lands called Clergy Reserves, remaining unappropriated, otherwise than in pursuance of Instructions which shall from Time to Time be given by Her Majesty, Her Heirs or Successors, after the passing of this Act."

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Atty. General,	Lewis,	Powell,	Sherwood,
Boulton,	M'Donell of North-	Prince,	Solicitor General,
Burwell,	umberland,	Robinson,	Wickens.—14.
Dunlop,	M'Lean,	Shade,	

Messrs.		Nays.	
Aikman,	Cornwall,	M'Donell of	Parke,
Alway,	Detlor,	Stormont,	Ruttan,
Armstrong,	Duncombe,	M'Intosh,	Rykert,
Bockus,	Ferrie,	M'Kay,	Shaver,
Burritt,	Hunter,	M'Micking,	Thomson,
Caldwell,	Kearnes,	Merritt,	Thorburn,
Cameron,	Malloch,	Moore,	Woodruff.—31.
Chisholm of	Mathewson,	Morris,	
Halton,			

The Question of Amendment was decided in the Negative by a Majority of Seventeen.

In Amendment, Mr. Prince, seconded by Mr. Powell, moves, " That the Bill do not now pass, but that it be resolved, That so much of the Lands of this Province called the Clergy Reserves as remain unsold and unappropriated shall be and remain vested in Her Majesty, Her Heirs and Successors, discharged from the Trusts and Conditions of a certain Act of the Imperial Parliament passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, to the Intent and in order that the same Lands may be by Her Majesty applied and appropriated, by way of Endowment or otherwise, solely for the Maintenance of Public Worship and the Support of Religion within this Province, and to no other Use or Purpose whatsoever."

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Attorney General,	Hotham,	M'Lean,	Shade,
Boulton,	Hunter,	Powell,	Sherwood,
Burritt,	Lewis,	Prince,	Solicitor General,
Burwell,	M'Donell of North-	Robinson,	Wickens.—17.
Gamble,	umberland,		

Messrs.

Messrs.		Nays.	
Aikman,	Cook,	M'Donell of Stormont,	Parke,
Alway,	Cornwall,	M'Intosh,	Ruttan,
Armstrong,	Detlor,	M'Micking,	Rykert,
Bockus,	Duncombe,	Merritt,	Shaver,
Caldwell,	Ferrie,	Moore,	Thomson,
Cameron,	Kearnes,	Morris,	Thorburn,
Chisholm of Halton,	Malloch, M'Crae,		Woodruff.—28.

The Question of Amendment was decided in the Negative by a Majority of Eleven.

In Amendment, Mr. Sherwood, seconded by Mr. Ruttan, moves, "That it be resolved, that the Clergy Reserves of Upper Canada be converted into a Fund for the Support of Religion generally within this Province; and that the Contributions out of the said Fund towards the Support of the different Christian Communions be regulated by the Extent of the voluntary Efforts which the Members of each shall make for the Promotion of the same general End.

On which the Yeas and Nays were taken as follows:

Messrs.	Yeas.		
Burritt,	M'Donell of Northumberland,	Ruttan,	Wickens.—6.
Lewis,		Sherwood,	

Messrs.	Nays.		
Aikman,	Cook,	Mathewson,	Parke,
Alway,	Cornwall,	M'Crae,	Prince,
Armstrong,	Detlor,	M'Intosh,	Robinson,
Attorney General,	Duncombe,	M'Kay,	Rykert,
Bockus,	Ferrie,	M'Lean,	Shade,
Boulton,	Gamble,	M'Micking,	Shaver,
Burwell,	Hotham,	Merritt,	Solicitor General,
Caldwell,	Hunter,	Moore,	Thomson,
Chisholm of Halton,	Kearnes, Malloch,	Morris,	Thorburn.—37.

The Question of Amendment was decided in the Negative, by a Majority of Thirty-one.

In Amendment Mr. Attorney General, seconded by Mr. M'Kay, moves, "That the Bill do not now pass, but that it be resolved, That, for the Purpose of removing Dissatisfaction on the Subject of the Clergy Reserves, so much of the Act of the Parliament of Great Britain passed in the Thirty-first Year of the Reign of His late most Gracious Majesty George the Third, Chap. 31. as limits the Appropriation of the said Reserves to any particular Class or Denomination of Protestant Clergy be repealed, and that the said Reserves be appropriated to the Support of the Christian Religion, in such Manner as the Lieutenant Governor, by and with the Advice of the Executive Council thereof, shall determine."

On which the Yeas and Nays were taken as follows:

Messrs.	Yeas.		
Attorney General,	Lewis,	M'Kay,	Sherwood,
Boulton,	M'Donell of Northumberland.	Ruttan,	SolicitorGeneral,
Hotham,		Shade,	Wickens.—11.

Messrs.	Nays.		
Aikman,	Cook,	Mathewson,	Morris,
Alway,	Cornwall,	M'Crae,	Parke,
Armstrong,	Detlor,	M'Donell of Stormont,	Robinson,
Bockus,	Duncombe,	M'Intosh,	Ryker,
Burritt,	Dunlop,	M'Lean,	Shaver,
Burwell,	Ferrie,	M'Micking,	Thomson,
Caldwell,	Gamble,	Merritt,	Thorburn,
Cameron,	Hunter,	Moore,	Woodruff.—34.
Chisholm of Halton,	Kearnes,		

The

PART II.

Extracts from the Journals.

House of Assembly, 1839.

The Question was decided in the Negative by a Majority of Twenty-three.

In Amendment, Mr. Rykert, seconded by Mr. Woodruff, moves, "That the Bill do not now pass, but that it be resolved, That the Lands set apart from Time to Time as Reserves for the Support and Maintenance of a Protestant Clergy be sold in the same Manner as the Crown Lands in this Province; and that the Proceeds of the past and future Sales of such Lands be paid into the Hands of the Receiver General, and shall by him be invested in the Public Debentures of this Province, at an Interest of not less than Six per Cent., and the Interest and Dividends received from such Investments to be applied to the Purposes of general Education, under the Direction of the Provincial Legislature."

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Alway,	Cornwall,	M'Intosh,	Parke,
Armstrong,	Detlor,	M'Micking,	Rykert,
Bockus,	Duncombe,	Merritt,	Shaver,
Caldwell,	M'Crae,	Moore,	Thorburn,
Cameron,	M'Donell of	Morris,	Woodruff.—21.
Cook,	Stormont,		

Messrs.		Nays.	
Aikman,	Ferrie,	M'Donell of North-	Ruttan,
Atty. General,	Gamble,	umberland,	Shade,
Boulton,	Hotham,	M'Kay,	Sherwood,
Burritt,	Hunter,	M'Lean,	Solicitor General,
Burwell,	Kearnes,	Prince,	Wickens.—23.
Chisholm of	Lewis,	Robinson,	
Halton,	Malloch,		

The Question of Amendment was decided in the Negative by a Majority of Two.

On the original Question the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Aikman,	Cook,	Mathewson,	Morris,
Alway,	Cornwall,	M'Crae,	Parke,
Armstrong,	Detlor,	M'Donell of North-	Ruttan,
Caldwell,	Duncombe,	umberland,	Shaver,
Cameron,	Ferrie,	M'Donell of Stor-	Sherwood,
Chisholm of	Hotham,	mont,	Thomson.—24.
Halton,	Kearnes,	M'Intosh,	

Messrs.		Nays.	
Bockus,	Hunter,	Merritt,	Shade,
Boulton,	Lewis,	Moore,	Solicitor General,
Burritt,	M'Kay,	Prince,	Thorburn,
Burwell,	M'Lean,	Robinson,	Wickens,
Gamble,	M'Micking,	Rykert,	Woodruff.—20.

The Question was carried in the Affirmative by a Majority of Four, and the Bill was passed.

Mr. Detlor, seconded by Mr. Thomson, moves, "That the Bill be intituled 'An Act providing for the future Disposal of the Clergy Reserve Lands in this Province;'" which was carried; and Messrs. Detlor and Thomson were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their Concurrence thereto.

At Half past Two of the Clock the Speaker left the Chair.

7th *May* 1839.

The Master in Chancery brought down from the Honourable the Legislative Council several Messages, and the Address to Her Majesty sent up from this House on the Subject of negotiating a Loan, and the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province,"

to

to which that Honourable House had made some Amendments, and requested the Concurrence of this House thereto.

Pursuant to the Order of the Day, the Amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," were read the Second Time.

On the Question for going into a Committee of the Whole on the same, the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Aikman,	Detlor,	M'Donell of Stor-	Robinson,
Armstrong,	Ferrie,	mont,	Ruttan,
Atty. General,	Mathewson,	M'Kay,	Shaver,
Bockus,	M'Cargar,	M'Lean,	Thomson.—20.
Caldwell,	M'Donell of North-	Merritt,	
Cornwall,	umberland,	Richardson,	

Messrs.		NAYS.	
Boulton,	M'Intosh,	Parke,	Small.—4.

The Question was carried in the Affirmative by a Majority of Sixteen, and the House was put into a Committee of the Whole on the Amendments.

Mr. Attorney General in the Chair.

8th *May* 1839.

The House met.

The Minutes of Yesterday were read.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province."

Mr. Robinson in the Chair.

The House resumed.

The Chairman reported, That the Committee had made some further Progress in the Amendments, and asked leave to sit again this Day.

The Report was received, and Leave granted accordingly.

Pursuant to the Order of the Day, the House was again put into Committee of the Whole on the Amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province:"

Mr. Malloch in the Chair.

The House resumed.

The Chairman reported, That the Committee had made some further Progress in the Amendments, and asked Leave to sit again this Day.

The Report was received, and Leave granted accordingly.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province:"

Mr. Elliott in the Chair.

The House resumed.

The Chairman reported, That the Committee had made some further Progress in the Amendments, and asked Leave to sit again this Day.

The Report was received, and Leave granted accordingly.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, intituled

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"An Act providing for the future Disposal of the Clergy Reserve Lands in this Province.

Mr. M'Lean in the Chair.

The House resumed.

The Chairman reported, That the Committee had agreed to the Amendments, with some Amendments thereto, and submitted them for the Adoption of the House.

On the Question for receiving the Report,

In Amendment,—Mr. Bockus, seconded by Mr. Chisholm of Halton, moves, "That the Report be not now received, but that it be resolved, That it is expedient, for the Peace, Welfare, and good Government of this Province, that the Reservation of Lands for the Support of a Protestant Clergy cease, and that the Lands already set apart for that Purpose be sold in the same Manner as Crown Lands are now sold, and the Proceeds of such Sales be paid into the Hands of the Receiver General of this Province, for the general Uses thereof; and that an humble Address be presented to Her Majesty, praying that Her Majesty may be pleased to recommend to the Imperial Parliament to pass an Act placing the Funds arising from the Sales of Clergy Reserves, heretofore made, and invested in England, in the Hands of the Receiver General of this Province, to be placed under the Control of the local Legislature.

On which the Yeas and Nays were taken as follows:—

Messrs.		YEAS.	
Aikman,	Cook,	M'Intosh,	Small,
Alway,	Detlor,	M'Micking,	Thorburn,
Armstrong,	Ferrie,	Moore,	Woodruff.—20.
Bockus,	M'Cargar,	Parke,	
Cameron,	M'Donell of Stor-	Rykert,	
Chisholm of Hal-	mont.	Shaver,	
ton,			

Messrs.		NAYS.	
Attorney General,	Hunter,	M'Kay,	Solicitor General,
Boulton,	Kearnes,	M'Lean,	Thomson,
Elliott,	Lewis,	Ruttan,	Wickins.—18.
Gamble,	Mallock,	Shade,	
Hotham,	M'Donell of North-	Sherwood,	
	umberland,		

The Question of Amendment was carried in the Affirmative by a Majority of Two, and ordered accordingly.

Mr. Bockus, seconded by Mr. Thorburn, moves, "That Messieurs Rykert and Chisholm of Halton be a Committee to draft and report a Bill and Address pursuant to the foregoing Resolution."

On which the Yeas and Nays were taken as follows:—

Messrs.		YEAS.	
Aikman,	Cook,	M'Intosh,	Small,
Alway,	Detlor,	M'Micking,	Thorburn,
Armstrong,	Ferrie,	Moore,	Woodruff.—20.
Bockus,	M'Cargar,	Parke,	
Cameron,	M'Donell of Stor-	Rykert,	
Chisholm of Halton,	mont.	Shaver,	

Messieurs		NAYS.	
Attorney General,	Kearnes,	M'Kay,	Sherwood,
Boulton,	Lewis,	M'Lean,	Solicitor General,
Elliott,	Malloch,	Ruttan,	Thomson,
Gamble,	M'Donell of North-	Shade,	Wickens.—17.
Hunter,	umberland.		

The Question was carried in the Affirmative by a Majority of Three, and ordered accordingly.

9th *May* 1839.

Mr. Rykert, from the Committee to draft a Bill and Address to Her Majesty, pursuant to the Resolution of this House, on the Subject of the Clergy Reserves, reported the Drafts of a Bill and Address.

The

The Report was received.

The Bill to appropriate the Clergy Reserves for general Purposes was read the First Time.

On the Question for the Second Reading of the Bill To-morrow.

In Amendment, Mr. Boulton, seconded by Mr. Cartwright, moves, "That the Bill be not read a Second Time To-morrow, but that inasmuch as the Provincial Legislature has, during several Sessions, made Attempts to appropriate the Lands called Clergy Reserves in a Manner which they considered would be more satisfactory to the Inhabitants of the Province, which Attempts have failed, it is desirable that a Subject so important and interesting to the Province should be finally settled; and that therefore it be resolved that an humble Address be presented to Her Majesty, beseeching Her Majesty to submit to the Imperial Parliament the Propriety of passing an Act to appropriate the said Reserves for the Support and Maintenance of Religion, in such Manner as the Imperial Legislature shall direct, and that the 31st Rule of this House be dispensed with for that Purpose.

On which the Yeas and Nays were taken as follows:

Messrs.	YEAS.		
Attorney General,	Elliott,	Lewis,	Ruttan,
Boulton,	Hotham	M'Donell of North-	Sherwood,
Burwell,	Hunter,	umberland,	Solicitor General.–14.
Cartwright,	Kearnes,	M'Lean,	

Messrs.	NAYS.		
Aikman,	Chisholm of Halton,	M'Crae,	Shaver,
Alway,	Cook,	M'Intosh,	Small,
Armstrong,	Cornwall,	M'Micking,	Thomson,
Bockus,	Detlor,	Moore,	Thorburn,
Caldwell,	Malloch,	Parke,	Woodruff.—22.
Cameron,	M'Cargar,	Rykert,	

The Question of Amendment was decided in the Negative by a Majority of Nine.

In Amendment, Mr. Bockus, seconded by Mr. Rykert, moves, "That the Bill be not read a Second Time To-morrow, but that it be read a Second Tme forthwith, and that the 40th Rule of this House be dispensed with, so far as relates to the same."

On which the Yeas and Nays were taken as follows:—

Messrs.	YEAS.		
Aikman,	Chisholm of Halton,	M'Crae,	Rykert,
Alway,	Cook,	M'Intosh,	Shaver,
Armstrong,	Cornwall,	M'Micking,	Small,
Bockus,	Detlor,	Moore,	Thorburn,
Caldwell,	Ferrie,	Parke,	Woodruff.—22.
Cameron,	M'Cargar,		

Messrs.	NAYS.		
Attorney General,	Hotham,	M'Donell of North-	Robinson,
Boulton,	Hunter,	umberland,	Ruttan,
Burwell,	Kearnes,	M'Lean,	Sherwood,
Cartwright,	Lewis,	Prince,	Solicitor General.—17.
Elliott,	Malloch,		

The Question of Amendment was carried in the Affirmative by a Majority of Five, and the Bill was read the Second Time.

The House was put into a Committee of the Whole on the Bill:

Mr. Ferrie in the Chair.

The Chairman reported, That the Committee had agreed to the Bill without Amendment, and submitted it for the Adoption of the House.

On the Question for receiving the Report:

In Amendment,—Mr. Burwell, seconded by Mr. Cartwright, moves, "That the Report be not received, but that it be resolved, That by the Constitution of this Province (31st Geo. 3. chap. 31.) it is provided that a Proportion equal to One Seventh of the Crown Lands granted and to be granted by Patent to Her Majesty's Subjects, should be reserved for the Support of a Protestant Clergy, and that a Specification of the Reserve so made in lieu of the Lands granted or to be granted to Individuals, should be contained in each Patent: That by the Forty-first and Forty-second Clauses of the said Act, Power is given to the Legislature of this Province to pass Laws affecting such Clergy Lands only as have been taken in Specification as aforesaid: That the waste Lands of the Crown, as they are commonly called, are the Property of the British Nation, taken from the French King in an arduous War, and at a vast Expense of their Blood and Treasure: That there is Room for Hundreds of Thousands of our Fellow Subjects of the Mother Country to be comfortably settled within the Limits of this Province, who, on their Arrival amongst us, will possess all the great constitutional Rights and Privileges which we so happily enjoy: That it was the Right of the Legislature of the Mother Country to make such an Appropriation of Lands for the Purposes of Religious Education and Instruction as to them seemed meet, and we have no Right to legislate, either directly or indirectly, upon the Lands which belong to the British Nation, and which have not been granted to any of the People whom we represent, and not taken in Specification as aforesaid: That it would be the Height of Injustice for this House to attempt dictating to the Imperial Legislature how they should pass Laws relating to Lands belonging to the Nation at large, or how they should provide for the Religious Education of Hundreds of Thousands of our Fellow Subjects yet resident in the United Kingdom, but who will immigrate to this Province in the Lapse of a few Years: That an Attempt to frustrate or contravene the established Rights of so many of our Fellow Subjects in the United Kingdom, who, on coming into this Province, and obtaining Patents for Lands containing Specifications of the Reserves made for the Support of a Protestant Clergy, in lieu of the Lands so granted to them by Patent, and preventing their Representatives in Parliament from legislating upon them as they should think fit, precisely as this House now possesses the Right to legislate upon Clergy Lands taken in Specification as aforesaid, would be a gratuitous Effort to despoil them of a Right which they now possess by the Constitution of this Province.

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Boulton,	Cartwright,	Elliott,	Hotham. 5.
Burwell,			

Messrs.		Nays.		
Aikman,	Detlor,	M'Donell of	Rykart,	
Alway,	Dunlop,	Stormont,	Shade,	
Armstrong,	Ferrie,	M'Intosh,	Shaver,	
Att^{y} General,	Gamble,	M'Lean,	Sherwood,	
Bockus,	Hunter,	M'Micking,	Solicitor General,	
Caldwell,	Kearnes,	Merritt,	Small,	
Cameron,	Malloch,	Moore,	Thomson,	
Chisholm of Halton,	M'Cargar,	Parke,	Thorburn,	
	M'Crae,	Prince,	Woodruff.	39.
Cook,	M'Donell of Northumberland,	Robinson,		
Cornwall,		Ruttan,		

The Question of Amendment was decided in the Negative, by a Majority of Thirty-four.

In Amendment,—Mr. Thomson, seconded by Mr. Sherwood, moves, "That the Report be not received, but that the Bill be amended by expunging all after the Word 'Whereas,' and inserting the following: 'For the Advancement of the Christian Religion and the Promotion of good Morals in Upper Canada, it is expedient to appropriate the Lands called the Clergy Reserves, and the yearly Income arising from the Interest, Rents, and Proceeds of Sales thereof, in

in aid of the Ministers of the several Christian Denominations recognized by the Laws of this Province, and for the moral and religious Instruction of the People: Be it therefore enacted, &c. That it shall and may be lawful for the Lieutenant Governor of this Province, by and with the Advice of the Executive Council, to cause to be sold and alienated, granted, and conveyed, all or any Portion of the Clergy Reserves in this Province, in like Manner as the Clergy Reserve Lands have hitherto been sold: Provided always, that the necessary Expenses attending such Sale shall be defrayed out of the first Monies arising therefrom.

"2. And be it further enacted by the Authority aforesaid, That the Letters Patent alienating such Lands shall describe the same as Clergy Reserves, and that no further Reservation in respect of such Lands shall be necessary.

"3. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Lieutenant Governor, by and with the Advice of the Executive Council, to cause to be invested the Monies proceeding from such Sales, and also all Monies which have heretofore arisen from such Sales, in the Public Debentures of the Province, and such Investment to withdraw and change, in the Whole or in Part, from Time to Time as Circumstances may require.

"4. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Lieutenant Governor, by and with such Advice as aforesaid, in the Name of Her Majesty, Her Heirs and Successors, to grant and appropriate Portions of the said Reserves, not exceeding One hundred Acres in each Case, as Residences for officiating Clergymen or Ministers of Religion, and for the Sites of Churches, Chapels, and Places of Public Worship therein, which Grant or Appropriation shall be made to the officiating Clergyman and his Successors, as a Corporation Sole, or to Trustees named for the Purpose by the respective Congregations, as the Tenets and Discipline of such Churches or Denominations of Christians shall respectively require.

"5. And be it further enacted by the Authority aforesaid, That the said Rents and Interest Money shall be distributed annually amongst the different Christian Denominations aforesaid, in proportion to the Amount which they may severally raise within this Province by private Contributions: Provided always, that upon Application being made to the Lieutenant Governor for such Proportion of said Fund, it shall be incumbent upon such Christian Denomination or Denominations to produce satisfactory Evidence of the actual Payment of such private Contribution having been made to such Officer or Person duly appointed to receive the same: Provided also, that all Applications for such Aid shall be made on or before the First Day of May in each and every Year.

"6. And be it further enacted by the Authority aforesaid, That it shall be the Duty of each Denomination of Christians participating in the aforesaid Funds to furnish annually to the Lieutenant Governor a Statement, duly authenticated, of the Purposes to which they have applied such Aid so received.

"7. And be it further enacted by the Authority aforesaid, That Accounts of the Receipt and Expenditure, State of Investment, together with a full Report of all Proceedings under this Act, shall be laid before both Houses of the Provincial Parliament, within One Month from the Beginning of each Session.

"8. And be it further enacted by the Authority aforesaid, That the Thirty-fifth, Thirty-sixth, and Thirty-seventh Clauses of an Act passed in the Parliament of Great Britain, in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," be and the same are hereby repealed," in so far as the said Clauses confine the Disposition of the Lands mentioned therein for the Support and Maintenance of a Protestant Clergy.

"9. And be it further enacted by the Authority aforesaid, That for and notwithstanding any thing in the said last-mentioned Act contained, and also

for and notwithstanding any Act, Law, or Usage to the contrary, no Bishop, Rector, Priest, Synod, Conference, or other Church Dignitary or Government, shall levy any Tithes or Church Dues, or other compulsory Payments for the Support of Religion, or exercise any Temporal or Ecclesiastical Jurisdiction over the Laity, or over any Clergyman or Minister not belonging to his or their Church or Denomination of Christians.

" 10. And be it further enacted by the Authority aforesaid, That it shall be lawful for any Clergyman or Minister of Religion belonging to any Church or Denomination of Christians referred to in this Act to celebrate Marriage according to the Forms of their respective Churches or Denominations, without any Licence from the Quarter Sessions or Qualification other than their respective Ordination or Appointment, any Law or Usage to the contrary thereof in anywise notwithstanding."

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Kearnes,	M'Donell of North-	Ruttan,	Thomson.—6.
Lewis,	umberland,	Sherwood,	

Messrs.		Nays.	
Aikman,	Cook,	M'Cargar,	Prince,
Alway,	Cornwall,	M'Crae,	Robinson,
Armstrong,	Detlor,	M'Donell of Stor-	Rykert,
Attorney General,	Dunlop,	mont.	Shade,
Bockus,	Elliott,	M'Intosh,	Shaver,
Boulton,	Ferrie,	M'Lean,	Solicitor General,
Caldwell,	Gamble,	M'Micking,	Small,
Cameron,	Hotham,	Merritt,	Thorburn,
Chisholm of Hal-	Hunter,	Moore,	Wickens,
ton,	Malloch,	Parke,	Woodruff.—38.

The Question was decided in the Negative, by a Majority of Thirty-two, and the Report was received.

On the Question for the Third Reading of the Bill To-morrow,

In Amendment,—Mr. Thomson, seconded by Mr. Detlor, moves, " That the Bill be not read a Third Time on To-morrow, but that it be amended, by adding the Words 'for religious and educational Purposes' to the last Clause."

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Cameron,	Ferrie,	Ruttan,	Thomson.—5.
Detlor,			

Messrs.			Nays.	
Aikman,	Dunlop,		M'Donell of Stor-	Shade,
Alway,	Elliott,		mont,	Shaver,
Armstrong,	Gamble,		M'Intosh,	Small,
Attorney General,	Hotham,		M'Micking,	Solicitor Ge-
Bockus,	Hunter,		Merritt,	neral,
Boulton,	Kearnes,		Moore,	Thorburn,
Burwell,	Malloch,		Parke,	Wickens,
Caldwell,	M'Cargar,		Prince,	Woodruff.
Cook,	M'Donell of North-		Robinson,	—35.
Cornwall,	umberland,		Rykert,	

The Question of Amendment was decided in the Negative by a Majority of Thirty.

In Amendment,—Mr. Small, seconded by Mr. Rykert, moves, " That the Bill be not read a Third Time To-morrow, but that it be engrossed, and read a Third Time this Day;" which was carried, and the Bill was ordered to be engrossed, and read a Third Time this Day.

The Address to Her Majesty on the Subject of the appropriating the Clergy Reserve Funds for general Purposes was read the First Time.

On the Question for the Second Reading of the Address To-morrow,

In Amendment,—Mr. Bockus, seconded by Mr. Rykert, moves, " That the Address be not read a Second Time To-morrow, but that it be read a Second Time forthwith."—Which was carried, and the Address was read the Second Time.

The

The House was put into a Committee of the Whole on the Address.

Mr. Detlor in the Chair.

The House resumed.

The Chairman reported, That the Committee had agreed to the Address without Amendment, and submitted it for the Adoption of the House.

The Report was received.

On the Question for the Third Reading of the Address To-morrow,

In Amendment,—Mr. Rykert, seconded by Mr. Bockus, moves, "That the Address to Her Majesty on the Subject of the Proceeds of the Clergy Reserves funded in England be read a Third Time this Day."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Aikman,	Detlor,	M'Donell of Stormont,	Rykert,
Alway,	Dunlop,	M'Intosh,	Shaver,
Armstrong,	Ferrie,	Merritt,	Small,
Bockus,	M'Cargar,	Moore,	Thomson,
Cook,	M'Crae,	Parke,	Thorburn.—21.
Cornwall,			

Messrs.		NAYS.	
Attorney General,	Hotham,	M'Donell of North-	Ruttan,
Boulton,	Hunter,	umberland,	Shade,
Burwell,	Lewis,	Prince,	Solicitor General,
Cartwright,	Malloch,	Robinson,	Wickens.—17.
Elliott,	M'Lean,		

The Question of Amendment was carried in the Affirmative, by a Majority of Four, and the Address was ordered to be engrossed, and read a Third Time this Day.

The Chairman reported that the Committee had agreed to several Resolutions, which he was directed to submit for the Adoption of the House.

The Report was received.

The Resolutions were severally put, and carried as follows:

Resolved,—That in the Opinion of the House no Charge should be made upon the Casual and Territorial Revenue for the Support of Religion, but that all such Charges to which the Faith of Her Majesty is pledged should be transferred to and borne out of the Funds arising from Clergy Reserves; and that an humble Address should be presented to Her Majesty, praying Her to bring the Subject under the Consideration of the Imperial Parliament, in order to pass Measures authorizing such Transfer, in order to remove the Objection from the passing of this Bill, that this Revenue may hereafter be applied in paying the Interest on the Construction of our public Improvements, and promoting the general Prosperity of the Country.

Pursuant to the Order of the Day, the Bill to appropriate the Clergy Reserves to general Purposes was read the Third Time.

On the Question for passing the Bill,

In Amendment,—Mr. Cartwright, seconded by Mr. Boulton, moves, "That the Bill do not now pass, but that it pass this Day Six Months."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Attorney General,	Hotham,	M'Donell of North-	Ruttan,
Boulton,	Hunter,	umberland,	Shade,
Burwell,	Kearnes,	M'Lean,	Sherwood,
Cartwright,	Lewis,	Prince,	Solicitor General,
Gamble,	Malloch,	Robinson,	Wickens.—19.

Messrs.		NAYS.	
Aikman,	Cook,	M'Intosh,	Shaver,
Armstrong,	Detlor,	M'Micking,	Small,
Bockus,	Ferrie,	Merritt,	Thomson,
Caldwell,	M'Cargar,	Moore,	Thorburn,
Cameron,	M'Donell of Stor-	Parke,	Woodruff.—22.
Chisholm of Halton,	mont,	Rykert,	

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Extracts from the Journals.

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The Question of Amendment was decided in the Negative, by a Majority of Three.

In Amendment,—Mr. Cartwright, seconded by Mr. Boulton, moves, "That the Bill do not now pass, but that the whole be expunged, and the following inserted:—'Whereas it is desirable that the Question of the Clergy Reserves should be settled, if possible: Be it therefore enacted, &c. That the Lands called and known as the Clergy Reserves be and the same are hereby invested in Her Majesty, Her Heirs and Successors, for the Support of Religion and the Maintenance of public Worship within the Province of Upper Canada, in such Manner and under such Regulations as shall be provided by the Imperial Legislature."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Attorney General,	Hotham,	Lewis,	Shade,
Boulton,	Hunter,	M'Lean,	Sherwood,
Burwell,	Kearnes,	Prince,	Solicitor General,
Cartwright,	M'Donell of North-	Robinson,	Wickens.—17.
Gamble,	umberland,		

Messrs.		NAYS.	
Aikman,	Detlor,	M'Micking,	Shaver,
Armstrong,	Ferrie,	Merritt,	Small,
Bockus,	Malloch,	Moore,	Thomson,
Caldwell,	M'Cargar,	Parke,	Thorburn,
Cameron,	M'Donell of Stor-	Ruttan,	Woodruff.—24.
Chisholm of Halton,	mont.	Rykert,	
Cook,	M'Intosh,		

The Question of Amendment was decided in the Negative, by a Majority of Seven.

In Amendment,—Mr. Ruttan, seconded by Mr. Kearnes, moves, "That the Bill do not now pass, but that it be amended by adding at the End of the Bill the Words 'for the Religious Instruction of the People, and for no other Purpose whatever.'"

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Attorney General,	Hotham,	M'Donell of North-	Shade,
Boulton,	Hunter,	umberland.	Sherwood,
Cartwright,	Kearnes,	M'Lean,	Solicitor General,
Detlor,	Lewis,	Prince,	Thomson,
Ferrie,	Malloch,	Ruttan,	Wickens—20.
Gamble,			

Messrs.		NAYS.	
Aikman,	Chisholm of Halton,	M'Micking,	Rykert,
Armstrong,	Cook,	Merritt,	Shaver,
Bockus,	M'Cargar,	Moore,	Small,
Burwell,	M'Donell of Stor-	Parke,	Thorburn,
Caldwell,	mont.	Robinson,	Woodruff.—21.
Cameron,	M'Intosh,		

The Question of Amendment was decided in the Negative, by a Majority of One.

In Amendment,—Mr. Ruttan, seconded by Mr. Kearnes, moves, "That the Bill do not now pass, but that it be recommitted, for the Purpose of amending the same, by confining the Appropriation of the Proceeds of the Clergy Reserves for Religious Instruction to the People of this Province."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Attorney General,	Gamble,	M'Donell of North-	Shade,
Boulton,	Hotham,	umberland.	Sherwood,
Burwell,	Hunter,	M'Lean,	Solicitor General,
			Cartwright,

Cartwright,	Kearnes,	Prince,	Thomson,
Detlor,	Lewis,	Robinson,	Wickens.—22.
Ferrie,	Malloch,	Ruttan,	

Messrs. NAYS.

Aikman,	Chisholm of Halton,	M'Intosh,	Rykert,
Alway,	Cook,	M'Micking,	Shaver,
Armstrong,	M'Cargar,	Merritt,	Small,
Bockus,	M'Donell of Stor-	Moore,	Thorburn,
Caldwell,	mont.	Parke,	Woodruff.—20.
Cameron,			

The Question of Amendment was carried in the Affirmative, by a Majority of Two, and the House was put into a Committee of the Whole on the Bill.

Mr. Gamble in the Chair.

The House resumed.

The Chairman reported, That the Committee had gone through the Provisions of the Bill, amended the same, and submitted it for the Adoption of the House.

The Report was received.

On the Question for the Third Reading of the Bill, as amended, To-morrow,

In Amendment,—Mr. Bockus, seconded by Mr. Thorburn, moves, "That the Bill be not read a Third Time To-morrow, but that it be amended by expunging the Words 'Religion and Education.'

On which the Yeas and Nays were taken as follows.

Messrs. YEAS.

Aikman,	Chisholm of Halton,	M'Micking,	Shaver,
Alway,	M'Cargar,	Merritt,	Small,
Bockus,	M'Donell of Stor-	Moore,	Solicitor General,
Caldwell,	mont,	Parke,	Thorburn,
Cameron,	M'Intosh,	Rykert,	Woodruff.—19.

Messrs. NAYS.

Armstrong,	Detlor,	Malloch,	Ruttan,
Attorney General,	Ferrie,	M'Donell of North-	Shade,
Boulton,	Gamble,	umberland.	Sherwood,
Burwell,	Hotham,	M'Lean,	Thomson,
Cartwright,	Kearnes,	Prince,	Wickens.—22.
Cook,	Lewis,	Robinson,	

The Question of Amendment was decided in the Negative, by a Majority of Three.

In Amendment,—Mr. Bockus, seconded by Mr. Thorburn, moves, "That the Bill be not read a Third Time To-morrow, but that it be read a Third Time this Day, and that the Fortieth Rule of this House be dispensed with, so far as relates to the same."

Which was carried; and the Bill, as amended, was read the Third Time.

On the Question for the passing of the Bill the Yeas and Nays were taken as follows:

Messrs. YEAS.

Aikman,	Cook,	Malloch,	Rykert,
Armstrong,	Cornwall,	M'Cargar,	Shaver,
Bockus,	Detlor,	M'Micking,	Small,
Caldwell,	Ferrie,	Merritt,	Thomson,
Cameron,	Lewis,	Ruttan,	Woodruff.—21.
Chisholm of Halton.			

Messrs. NAYS.

Alway,	Hunter,	M'Intosh,	Sherwood,
Attorney General,	Kearnes,	M'Lean.	Solicitor General,
Boulton,	M'Donell of North-	Parke,	Thorburn,
Burwell,	umberland,	Prince,	Wickens.—21.
Cartwright,	M'Donell of Stor-	Robinson,	
Gamble,	mont,	Shade,	
Hotham,			

The

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Extracts from the Journals.

House of Assembly, 1839.

The Question was carried in the Affirmative, by the casting Vote of the Speaker, and the Bill was passed.

Mr. Bockus, seconded by Mr. Rykert, moves, "That the Bill be intituled 'An Act to dispose of the Lands commonly called 'Clergy Reserves,' and for other Purposes therein mentioned.'"

Which was carried; and Messrs. Bockus and Rykert were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their Concurrence thereto.

10th *May* 1839.

Pursuant to the Order of the Day, the Address to Her Majesty on the Subject of appropriating the Clergy Reserve Funds to general Purposes was read the Third Time.

On the Question for passing the Address, the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Aikman,	Cook,	M'Intosh,	Shaver,
Alway,	Ferrie,	Merritt,	Small,
Armstrong,	M'Cargar,	Parke,	Thomson.—15.
Cameron,	M'Donell of Stormont,	Rykert,	

Messrs.		NAYS.	
Boulton,	Hotham,	M'Lean,	Shade,
Burwell,	Hunter,	Prince,	Solicitor General,
Cartwright,	Lewis,	Robinson,	Wickens.—15.
Elliott,	M'Donell of Northumb.	Ruttan,	

The Question was decided in the Negative, by the casting Vote of the Speaker.

Mr. Speaker reported, "That the Master in Chancery had brought down from the Honourable the Legislative Council the Bill, intituled 'An Act to dispose of the Lands commonly called 'Clergy Reserves,' and for other Purposes therein mentioned;' to which that Honourable House had made some Amendments, and requested the Concurrence of this House thereto."

The Amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House intituled "An Act to dispose of the Lands commonly called 'Clergy Reserves,' and for other Purposes therein mentioned," were read the First Time, as follows:

Press 5, Line 16.—Expunge "Provincial Legislature," and insert "Imperial Parliament."

— — Expunge "Religion and Education," and insert "Religious Purposes."

Legislative Council Chamber, Tenth Day of May 1839.

JONAS JONES, Speaker.

On the Question for the Second Reading of the Amendments To-morrow,

In Amendment, Mr. Attorney General, seconded by Mr. Robinson, moves, "That the Amendments made by the Honourable the Legislative Council in and to the Bill for the Disposal of the Clergy Reserves be read a Second Time this Day, and that the Fortieth Rule of this House be dispensed with, so far as relates to the same."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Atty. General,	Ferrie,	M'Rae,	Ruttan,
Boulton,	Gamble,	M'Donell of North-	Shade,
Burwell,	Hotham,	umberland,	Sherwood,
Cartwright,	Hunter,	M'Lean,	Solicitor General,
Dunlop,	Kearnes,	Prince,	Wickens.—22.
Elliott,	Lewis,	Robinson,	

Messrs.		NAYS.	
Aikman,	Cameron,	Detlor,	Merritt,
Alway,	Chisholm of	Malloch,	Parke,
Armstrong,	Halton,	M'Donell of Stor-	Rykert,
Bockus,	Cook,	mont,	Shaver.—17.
Caldwell,	Cornwall,	M'Intosh,	

The

The Question was carried in the Affirmative, by a Majority of Five, and the Amendments were read the Second Time.

The House was put into a Committee of the Whole on the same.

Mr. M'Lean in the Chair.

The Chairman reported that the Committee had agreed to the Amendments, and submitted them for the Adoption of the House.

On the Question for receiving the Report,

In amendment,—Mr. Rykert, seconded by Mr. Bockus, moves, " That the Report be not received, but that it be resolved, that whereas by a Despatch sent down to the House of Assembly on the 25th Day of January 1832 by Sir John Colborne, from Lord Goderich, His late Majesty's Principal Secretary of State for the Colonies, we are informed, ' that it has heretofore been with peculiar Satisfaction that in the Result of His Inquiries on the Subject His Majesty has found that the Changes sought for by so large a Portion of the Inhabitants may be carried into effect without sacrificing any just Claim of the Established Churches of England and Scotland ; His Majesty therefore invites the House of Assembly of Upper Canada to consider how the Powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal this Part of its Provisions, can be called into exercise most advantageously for the spiritual and temporal Interests of His Majesty's faithful Subjects in this Province ;' and in another Despatch received from Lord Glenelg, Her Majesty's Principal Secretary of State for the Colonies, dated 15th December 1835, and transmitted to the House of Assembly, it is amongst other things stated, that ' Parliamentary Legislation on a Subject of exclusively internal Concern, in any British Colony possessing a Representative Assembly, is as a general Rule unconstitutional,' and ' that to withdraw from the Canadian to the Imperial Legislature the Question respecting the Clergy Reserves would be an Infringement on that cardinal Principle of Colonial Government which forbids parliamentary Interference, except in Submission to an evident and well-established Necessity :' And whereas in the Opinion of this House no such ' evident and well-established Necessity ' does exist ; and further, this House is also of opinion that Her Majesty's Government does not and cannot possess that full and correct Knowledge of the various and conflicting Feelings and Interests of the different religious Denominations in this Province, so indispensably necessary to secure a fair, equitable, and permanent Settlement of this long-pending, vexatious, and embarrassing Question : And whereas it would be highly incompatible with the Trust confided to us, as the free and independent Representatives of the Upper Canadian People, and contrary to their oft expressed Wishes and Interests, to transfer the Responsibility of settling so vital and important a Question, and one which so deeply involves the future Peace, Happiness, and Prosperity of all Classes of Her Majesty's faithful Subjects in this Province, from the Colonial to the Imperial Legislature.

" 2. Resolved, That the Lands set apart from Time to Time as Reserves for the Support and Maintenance of a Protestant Clergy be sold in the same Manner as other Crown Lands in this Province, and that the Proceeds of the past and future Sales of such Lands be paid into the Hands of the Receiver General, to be by him invested in the Public Debentures of this Province, at Six per Cent. Interest per Annum, the said Interest or Income from such Investment to be applied to the following Purposes ; that is to say, One Third for Religion, One Third for the Maintenance and Support of common Schools, and the remaining Third to general Improvements, in such Way and Manner as the Provincial Legislature shall from Time to Time direct.

" 3. Resolved, That it is inexpedient to make any further Appropriations or Allotments of Lands in this Province for the Maintenance and Support of a Protestant Clergy, under the Provisions of an Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Third."

On which the Yeas and Nays were taken as follows :—

Messrs.	YEAS.		
Aikman,	Chisholm of	M'Cargar,	Parke,
Alway,	Halton,	M'Donell of	Rykert,
Armstrong,	Cook,	Stormont,	Shaver,
Bockus,	Cornwall,	M'Intosh,	Small,
Caldwell,	Detlor,	Merritt,	Thomson.—20.
Cameron,	Ferrie,		

Messrs.

Messrs.		Nays.	
Attorney General,	Gamble,	M'Crae,	Robinson,
Boulton,	Hotham,	M'Donell of North-	Ruttan,
Burwell,	Hunter,	umberland,	Shade,
Cartwright,	Kearnes,	M'Lean,	Sherwood,
Dunlop,	Lewis,	Moore,	Solicitor General,
Elliott,	Malloch,	Prince,	Wickens.—23.

The Question of Amendment was decided in the Negative, by a Majority of Three.

In Amendment,—Mr. Bockus, seconded by Mr. Merritt, moves, " That the Report be not now received, but that it be received this Day Three Months."

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Aikman,	Chisholm of Halton,	M'Donell of Stor-	Parke,
Alway,	Cook,	mont,	Rykert,
Armstrong,	Cornwall	M'Intosh,	Shaver,
Bockus,	Detlor,	Merritt,	Small,
Caldwell,	Ferrie,	Moore,	Thomson. —21.
Cameron,	M'Cargar,		

Messrs.		Nays.	
Attorney General,	Gamble,	M'Crae,	Ruttan,
Boulton,	Hotham,	M'Donell of North-	Shade,
Burwell,	Hunter,	umberland,	Sherwood,
Cartwright,	Kearnes,	M'Lean,	Solicitor General,
Dunlop,	Lewis,	Prince,	Wickens.—22.
Elliott,	Malloch,	Robinson,	

The Question of Amendment was decided in the Negative by a Majority of One, and the Report was received.

Mr. Sherwood, seconded by Mr. Boulton, moves, " That the Amendments made by the Honourable the Legislative Council in and to the Bill for the Disposal of the Clergy Reserves," be concurred in.

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Attorney General,	Gamble,	M'Crae,	Ruttan,
Boulton,	Hotham,	M'Donell of North-	Shade,
Burwell,	Hunter,	umberland,	Sherwood,
Cartwright,	Kearnes,	M'Lean,	Solicitor General,
Dunlop,	Lewis,	Prince.	Wickens.—22.
Elliott,	Malloch,	Robinson,	

Messrs.		Nays.	
Aikman,	Chisholm of Hal-	M'Cargar,	Parke,
Alway,	ton,	M'Donell of Stor-	Rykert,
Armstrong,	Cook,	mont,	Shaver,
Bockus,	Cornwall,	M'Intosh,	Small,
Caldwell,	Detlor,	Merritt,	Thomson.—21.
Cameron,	Ferrie,	Moore,	

The Question was carried in the Affirmative by a Majority of One, and the Amendments were concurred in.

Messrs. Attorney General and Sherwood were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the Amendments.

11th *May* 1839.

The Address to his Excellency the Lieutenant Governor, sent down by the Honourable the Legislative Council, on the Subject of the Bill for the Disposal of the Clergy Reserves, was read the First Time.

On the Question for the Second Reading of the Address To-morrow:

In Amendment, Mr. Robinson, seconded by Mr. Attorney General, moves, " That the Address to his Excellency the Lieutenant Governor on the Subject of the Clergy Reserves be read a Second Time forthwith."

Which was carried, and the Address was read the Second Time.

Mr.

Mr. Sherwood, seconded by Mr. Boulton, moves, "That the Address be concurred in."

On which the Yeas and Nays were taken as follows:

Messrs.		Yeas.	
Attorney General,	Elliot,	Lewis,	Robinson,
Boulton,	Gamble,	Malloch,	Ruttan,
Burwell,	Hotham,	M'Donell of Northumberland,	Shade,
Cartwright,	Hunter,	Prince,	Sherwood,
Chisholm of Halton,	Kearnes,		Wickens.—19.

Messrs.		Nays.	
Alway,	Cook,	Merritt,	Shaver,
Armstrong,	Detlor,	Moore,	Small,
Bockus,	Ferrie,	Parke,	Thomson.—14.
Cameron,	M'Intosh,		

The Question was carried in the Affirmative by a Majority of Five, and the Address was concurred in, and is as follows:

To his Excellency Sir George Arthur, Knight, Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, Major General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please Your Exbellency,

We, Her Majesty's dutiful and loyal Subjects the Legislative Council and Commons House of Assembly of the Province of Upper Canada in Provincial Parliament assembled, have passed a Bill for the Sale of the Clergy Reserves, and for placing the Proceeds of such Sales in the Hands of the Receiver General of this Province, subject to the Disposition of the Imperial Parliament, for religious Purposes, and we humbly request that in order to give Effect to the same the Bill may be transmitted to England without Delay, for the Purpose of being laid before Parliament previous to the Signification of Her Majesty's Assent thereto.

Legislative Council Chamber, Eleventh Day of May 1839. — JONAS JONES, Speaker.

Commons House of Assembly, Eleventh Day of May 1839. — ALLAN N. M'NAB, Speaker.

Mr. Cameron, from the Committee to draft an Address to his Excellency the Lieutenant Governor, praying him to transmit the several Addresses of this House to Her Majesty, reported a Draft, which was received, and read the First Time.

On the Question for the Second Reading of the Address To-morrow:

In Amendment, Mr. Robinson, seconded by Mr. Cameron, moves, "That the Address be read a Second Time forthwith."

Which was carried, and the Address was read the Second Time.

The Address was then read the Third Time, and passed, as follows:

To his Excellency Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, Major General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, beg leave to inform your Excellency, that we have passed Two several Addresses to Her most Gracious Majesty, which we respectfully request may be transmitted by your Excellency to Her Majesty's Principal Secretary of State for the Colonies, in order that the same may be laid at the Foot of the Throne.

Commons House of Assembly, Eleventh Day of May 1839. — ALLAN N. M'NAB, Speaker.

On Motion of Mr. Cartwright, seconded by Mr. Hotham:

Ordered, That Messrs. Sherwood, Prince, Shade, and Boulton, be a Committee to meet the Committee of the Honourable the Legislative Council, to wait upon his Excellency the Lieutenant Governor to know when his Excel-

PART II.

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lency will be pleased to receive the Two Houses with their Address to Her Majesty on the Subject of the Bill respecting the Disposal of the Clergy Reserves.

At Five of the Clock P.M. both Houses waited upon his Excellency the Lieutenant Governor with their joint Addresses to his Excellency, praying him to transmit to Her Majesty the several joint Addresses on the Subjects of the Post Office Department and the Negotiation of a Loan in England, and respecting the Conduct of Captain Drew, and also *the Bill to invest the Clergy Reserves in the Imperial Parliament;* and being returned, Mr. Speaker reported the Delivery of the same, and that his Excellency had been pleased to make thereto, respectively, the following Answer:

Honourable Gentlemen, and Gentlemen,

I shall transmit without Delay, in compliance with this joint Address of the Legislative Council and Commons House of Assembly, to the Secretary of State for the Colonies, the Bill therein referred to, for the Purpose of being laid before the Imperial Parliament previous to the Signification of Her Majesty's Assent thereto.

An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned.

Extract of Sir G. Arthur's Speech to the Legislature of Upper Canada, 11th May 1839.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

In relieving you from your legislative Duties I desire to express my Satisfaction at the Zeal and Patience you have displayed in considering the important Subjects which have engaged your Attention.

It has not surprised me that conscientious Differences of Opinion have so long led to much Embarrassment in the Disposal of the Clergy Reserves.

You were right certainly to leave no Means unattempted in order finally to settle this great Question by the Provincial Legislature; but every Expedient having failed, and all Hope being excluded of Unanimity here, I rejoice greatly that this Parliament has resolved that the Difficulties of this Subject shall not longer be suffered to excite and encourage antagonist Feeling in a Community whose common Safety requires the greatest Concord.

I shall feel it to be my Duty, to the utmost of my Knowledge and Ability, to put Her Majesty's Government in possession of the Desires and Opinions of the People of Upper Canada, regarding the public Aid to be afforded to the Maintenance of the Christian Religion in the Colony; and will without Loss of Time transmit that Bill, together with your Address thereon.

Legislative Council, 1839.

Journals of the Legislative Council.

25th *April* 1839.

A Deputation from the Commons House of Assembly brought up a Bill, intituled "An Act to provide for the future Disposal of the Clergy Reserve Lands in this Province," to which they requested the Concurrence of this House, and then withdrew.

The said Bill was then read;

And it was Ordered, That the Forty-fourth Rule of this House be dispensed with, as far as it regards the last-mentioned Bill, and that the same be read a Second Time presently.

The said Bill was then read a Second Time accordingly;

And it was Ordered, That the House be put into a Committee of the Whole this Day, to take the same into Consideration.

Ordered, That the House be put into a Committee of the Whole presently, upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province."

The House was then put into a Committee of the Whole accordingly.

The Honourable Mr. Fergusson took the Chair.

After

After some Time the House resumed.

The Chairman reported, That the Committee had taken the said Bill into Consideration, had made some Progress therein, and asked Leave to sit again To morrow.

Ordered, That the Report be received, and Leave granted accordingly; and Ordered, That the Members in Town be summoned to attend in their Places on that Day.

26th *April* 1839.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province."

The Honourable Mr. Fergusson took the Chair.

After some Time the House resumed.

The Chairman reported, That the Committee had taken the said Bill into Consideration, had made some Progress therein, and recommended that it be referred to a Select Committee, to report thereon, by Amendment or otherwise.

Ordered, That the Report be received; and Ordered, That the last-mentioned Bill be referred to a Select Committee, to report thereon, by Amendment or otherwise; and Ordered, That the Honourable Messrs. Morris, Sullivan, Fergusson, John Simcoe Macaulay, and John M'Donald, do compose the same for that Purpose.

30th *April* 1839.

The Honourable Mr. Sullivan, from the Select Committee to whom was referred the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," presented their Report.

Ordered, That it be received; and,

The same was then read by the Clerk as follows:—

Your Committee, to whom was referred the Bill sent up from the Assembly, relating to the Disposal of the Clergy Reserves in this Province, have prepared the following Amendments, which they respectfully recommend for the Adoption of your Honourable House:

After "Whereas" in the Preamble, strike out the Remainder of the Bill, and insert as in the annexed Draft.

R. B. SULLIVAN,
Chairman.

Committee Room,
30th April 1839.

"For the Advancement of the Christian Religion and the Promotion of good Morals in Upper Canada, it is expedient to appropriate the Lands called Clergy Reserves, and the yearly Income arising from the Interest, Rents, and Proceeds of Sales thereof, in aid of the Maintenance of the Ministers of Religion: Be it therefore enacted, &c. That it shall and may be lawful for the Lieutenant Governor of this Province, by and with the Advice of the Executive Council, to cause to be sold and alienated, granted and conveyed, all or any Portion of the Clergy Reserves in this Province, in like Manner as other Lands of the Crown now are or shall be sold or alienated: Provided always, that the necessary Expenses attending such Sale shall be defrayed out of the first Monies arising therefrom.

"2. And be it further enacted, &c. That the Letters Patent alienating such Lands shall describe the same as Clergy Reserves, and that no further Reservation in respect of such Lands shall be necessary.

"3. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with the Advice of the Executive Council, to cause to be invested the Monies proceeding from such Sales, and also all Monies which have heretofore arisen from such Sales, in the Public Funds, in the Name of the Receiver General in England, or in the Public Debentures of the Province; and such Investment to withdraw and change, in the whole or in part, from Time to Time, as Circumstances may require.

"4. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with such Advice as aforesaid, in the Name

of Her Majesty, Her Heirs and Successors, to grant and appropriate Portions of the said Reserves, not exceeding One hundred Acres in each Case, as Residences for officiating Clergymen or Ministers of Religion, and for the building Churches, Chapels, and Places of Public Worship therein; and in case such Clergy Reserves shall not be found in the Neighbourhood required, to procure by Exchange of such Clergy Reserve, not exceeding One hundred Acres, or by Purchase, for any Sum not exceeding , in each Case, convenient Sites for the Purposes in this Clause mentioned, and to grant and appropriate the Lands so required for such Purposes; which Grant or Appropriation shall be made to the officiating Clergyman and his Successors as a Corporation Sole, or to Trustees named for the Purpose by the respective Congregations, as the Tenets and Discipline of such Churches or Denomination of Christians shall respectively require.

" 5. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, with the Advice of the Executive Council, to order and direct, by his Warrant, the Payment of the yearly Stipends at present payable to the Clergy or Ministers of Religion, out of public Funds in this Province, to be paid out of the yearly Interest accruing on Sales of the said Clergy Reserves, and upon the Investment of the Proceeds thereof, during the Incumbency of the present Clergymen or Ministers.

" 6. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with the Advice of the Executive Council, to appropriate and direct the Payment, out of the said Interest Money, of Stipends, towards the Support of Clergymen and Ministers of Religion, duly appointed, according to the Rules of their respective Church or Congregation, in the following Cases, that is to say, whenever there shall be shown to the said Lieutenant Governor in Council that there is resident within reasonable Distance of any Church, Chapel, or Place of Public Worship, a Population of Adults, who shall subscribe a Declaration, setting forth their Desire to attend such Church, Chapel, or Place of Public Worship, and shall subscribe and pay to the said Clergyman or Minister of Religion a yearly Sum of Money not less than Pounds, then and in such Case the public Stipend or Salary to be paid to such Clergyman or Minister of Religion shall be equal to the said private Subscription: Provided always that in no Case shall such public Stipend amount to more than Pounds.

" 7. And be it further enacted, &c. That the Interest Money aforesaid shall be chargeable in the first place with the Stipends or Salaries of the Clergy or Ministers of Religion now paid out of any public Funds in this Province; and that in the Case of Alteration, by Death or Removal, of any of the said Incumbents, and also in case of the Establishment of new Churches, Chapels, and Places of Public Worship, the Interest Money aforesaid shall be paid and distributed as in this Act directed, Preference and Priority being given according to the Priority of Time in the building such Church, Chapel, or Place of Public Worship, and to the Priority of Time in subscribing and paying a Clergyman or Minister of Religion attached thereto, out of private Funds as aforesaid

" 8. And be it further enacted, &c. That a Book shall be kept in the Office of the Provincial Secretary and Registrar, in which shall be yearly entered the Township or Place at which each Church, Chapel, or Place of Public Worship shall be erected, the Name of the officiating Clergyman, the Number of Adults attached to his Congregation, and the Name of the Church or Denomination of Christians to which he belongs; which Entries shall be founded on yearly Returns, signed by the respective Clergymen or Ministers of Religion, certified under the Hands of at least Twelve Freeholders of his Congregation.

" 9. And be it further enacted, &c. That no public Aid under this Act shall be given to any Clergyman or Minister of Religion who shall not in the first place take and subscribe the Oath of Allegiance, and who is not a natural-born or naturalized Subject of the British Crown.

" 10. And be it further enacted, &c. That no public Aid shall be extended to any Clergyman or Minister of Religion who shall not produce satisfactory Proof

Proof of his Ordination and Appointment, by Authority of some Church or Denomination of Christians, having within this Province, or within Her Majesty's Dominions, due Power of Ordination and Appointment, or unless such Clergyman or Minister of Religion shall be wholly devoted to his religious Duties, without secular Employment.

" 11. And be it further enacted, &c. That in any Case of One Clergyman or Minister of Religion having the Care of Two or more Congregations, amounting in Number to One hundred Adults, who shall subscribe and declare as in the Sixth Clause of this Act mentioned, and who shall subscribe and pay towards the Support and Maintenance of such Clergyman or Minister of Religion a Sum not less than , as in the said Clause mentioned, then and in such Case, and until the said Congregation shall increase so as respectively to come within the Scope and Meaning of the said Sixth Clause, it shall and may be lawful for such public Aid and Stipend to be paid to such Clergyman or Minister of Religion, in like Manner as if the private Aid and Subscription came from One Congregation.

" 12. And be it further enacted, &c. That nothing in this Act contained shall extend or be construed to extend to interfere with or deprive any Bishop, Synod, Conference, or other Church Government of any Power of Appointment, Suspension, or Deprivation of any Clergyman or Minister of Religion, but that the Functions of Church Government in the several Churches and Denominations of Christians shall continue to be exercised as heretofore; and that no Clergyman or Minister of Religion shall be considered as having any Right to any of the public Aid, Stipend, or Land, or Benefit, other than he shall hold under during and by virtue of his Incumbency.

" 13. And be it further enacted, &c. That Accounts of the Receipt and Expenditure, State of Investment, together with a full Report of all Proceedings under this Act, shall be laid before the Houses of the Provincial Parliament within One Month from the Beginning of such Session.

" 14. And be it further enacted, &c. That the Thirty-fifth, Thirty-sixth, and Thirty-seventh Clauses of an Act passed in the Parliament of Great Britain in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled 'An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province,' be and the same are hereby repealed, in so far as the said Clauses confine the Disposition of the Lands mentioned therein to the Support and Maintenance of a Protestant Clergy.

" 15. And be it further enacted, &c. That for and notwithstanding any thing in the said last-mentioned Act contained, and also for and notwithstanding any Act, Law, or Usage to the contrary, no Bishop, Rector, Priest, Synod, Conference, or other Church Dignitary or Government, shall levy any Tithes or Church Dues, or other compulsory Payments for the Support of Religion, or exercise any Temporal or Ecclesiastical Jurisdiction over the Laity, or over any Clergy or Ministers, not belonging to his or their Church or Denomination of Christians."

On Motion made and seconded, it was

Ordered, That the last-mentioned Bill, and the Report of the Select Committee thereon, be referred to a Committee of the Whole House on Thursday next; and,

Ordered, That One hundred Copies of the Report be in the meantime printed for the Use of Members.

On Motion made and seconded, it was

Ordered, That the Petition of the Clergy of the Established Church, assembled under the Authority of the Lord Bishop of the Diocese, be now read in full by the Clerk; and

The same was then read accordingly; and it was

 Ordered

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Ordered, That the said Petition be entered at length upon the Journal of this Day.*

On Motion made and seconded, it was

Ordered, That the several Petitions presented to this House during the present Session, on the Subject of the Clergy Reserves, be entered at full Length upon the Journal of this Day; and

The said Petitions are accordingly entered as follows.*

To the Honourable the Legislative Council of Upper Canada, in Provincial Parliament assembled.

The humble Memorial of the Right Reverend Alexander M'Donell, Bishop of Kingston, of his Coadjutor the Right Reverend Remegius Gaulin of the Very Reverend William P. Macdonald, of the Very Reverend Angus Macdonell, Vicars General; and of Thirty-two Catholic Priests, and Eighty-six thousand five hundred Catholics of the Province of Upper Canada,

Respectfully showeth,

That while their Fellow Colonists of other religious Denominations are urging with Vigour and Perseverance their respective Claims to a Share of the Clergy Reserves, your Memorialists beg leave to lay before your Honourable House their own Claims to a Provision from Government for the Support of their Religion, upon Grounds equally just and constitutional with any others of their Fellow Colonists:

First.—Because, on the Cession of the Province of Quebec to the British Crown, the Catholics were secured in the full Possession of all the Rights and Privileges of their Religion, as is clearly expressed in the Twenty-seventh Article of the Capitulation, which says, "the People shall be obliged by the British Government to pay to the Priests the Tithes, and all the Taxes they were used to pay under His most Christian Majesty" (not indeed, however, the Tenth Part of their Produce, as in England and Ireland, but the Six-and-twentieth Part of their Grain).

Second.—Because, on the Division of the Province of Quebec into the Provinces of Upper and Lower Canada, the Right to Tithes and other Privileges was preserved entire and undiminished to the Catholic Clergy of Upper Canada; which Right still exists, although the Poverty of the Inhabitants generally, and the utter Abhorrence of the Irish Emigrants to the obnoxious and oppressive Tribute of Tithes, induced the Catholic Clergy of Upper Canada to refrain from exacting them.

Third.—Because this Forbearance of their Clergy from exacting what is their just and lawful Due, for Fear of exciting Discontent and Disaffection in the Province, ought to be a strong additional Motive to your Honourable House to substitute a decent and adequate Provision out of the Clergy Reserves, the unconceded Lands of the Crown, or some other Funds, for the Support of their Religion, in lieu of Tithes, which your Memorialists are willing to relinquish for ever, provided such adequate Provision be secured to them.

Fourth.—Because Members of your Honourable House, of the first legal Knowledge and intimate Acquaintance with the Constitution, consider the Catholic Religion to be the Established Religion of the Province, which having been endowed and provided for on the Faith of a solemn Treaty, and your Memorialists having never done any thing to forfeit their Rights and Privileges, and relying on the Justice and Rectitude of your Honourable House, feel confident that a competent and liberal Provision shall be granted to them for the Support of their Religion.

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* Similar to the Petition in the Journals of the House of Assembly, 19th March 1839.

Fifth.—

Fifth.—Because, upon the Score of steady and unshaken Loyalty and peaceable and good Conduct, your Memorialists will not yield to any Class of Her Majesty's Subjects in this or in any other Part of the British Dominions; and they appeal with Confidence to several Members of your Honourable House for ample Testimony of the Readiness with which they upon all Occasions stept forward in defence of the Province, and of the Bravery with which they contributed to repel the Americans during the last War, and trust that not a few of the Members of your Honourable House will acknowledge that to the uncommon Exertions of the Catholics during the last General Election they owe their Seats in the present Parliament, assisting in a great measure to turn out the Radicals and disaffected, who have since become Rebels, and turned their Arms against the Country.

They also conceive that it gives them a strong Claim, not only on the Justice, but also on the Liberality of your Honourable House, that during the Agitation and Outbreak of Rebellion, which took place last Year in the Province, hardly a Catholic could be found among the Agitators, or in the Ranks of the Rebels.

Your Memorialists beg leave, in conclusion, to mention, that Four Corps of Glengarry and Two Corps of Stormont Militia, the greater Portion of whom are Catholics and under Catholic Commanders, have volunteered their Services, both this Year and last Year, to Lower Canada, and contributed very materially to put down the Rebellion, and are still embodied and doing Duty between Cornwall, Lancaster, Coteau du Lac, and St. Regis.

Having thus stated respectfully to your Honourable House their Claims and Pretensions to a competent Provision for the Support of their Religion, your Memorialists indulge sanguine Hopes that your Honourable House will grant the Prayer of your Memorialists.

And your Memorialists, as in Duty bound, will ever pray.

ALEXANDER MACDONELL,
Bishop of Kingston.
REMEGIUS GAULIN,
Bishop of Tabraca.
W. P. MACDONALD, V. G.
ANGUS MACDONELL, V. G.

To the Honourable the Legislative Council in Provincial Parliament assembled.

The Petition of the Ministers and Ruling Elders of the Commission of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland,—

Respectfully showeth,

That your Petitioners having been convened in the City of Toronto, by Appointment of Synod, and having had under Consideration the Ecclesiastical Rights and Status of the Ministers and Members of the Church of Scotland in this Province, in so far as these are affected by certain Clauses of the Act 31st Geo. III. Chap. 31, and by the Order of the Executive Council of this Province in the Year 1836, constituting and erecting certain Rectories, according to the Establishment of the Church of England, did unanimously resolve to petition the Provincial Legislature, during the present Session thereof, for the Repeal of those Clauses in the Act above mentioned which warrant the constituting and erecting of Rectories of the Church of England in this Province, so that no Dominancy may be given to the Church of England over the Church of Scotland in this Province.

May it therefore please your Honourable House to take the Premises into Consideration, and, in any Measure for the Arrangement of the Ecclesiastical Affairs of this Province which may receive your legislative Sanction, to provide effectually, by the Repeal of the Clauses referred to, and by such other Enact-

 ments

ments as may appear to be necessary, against the setting up in this Province of any Dominancy such as is herein-before mentioned.

And your Petitioners, as in Duty bound, will ever pray, &c.

In Name and by Appointment of the Commission.

ALEX. GALE,
Convener of Commission.

Unto the Honourable the Legislative Council in Provincial Parliament assembled.

The Petition of the undersigned Inhabitants of the Townships of Dumfries, Waterloo, Puslinch, and Beverley, Members and Adherents of the Synod of Upper Canada, in connexion with the Church of Scotland,—

Humbly showeth,

That the Church of Scotland, to which your Petitioners belong, is entitled, as a co-ordinate established Church of the British Empire, to the same Rights, Privileges, and Advantages within this British Colony with her Sister Church of England: That, nevertheless, your Petitioners have to complain, that in violation of our unalienable Rights as Members of the said Church, Fifty-seven Rectories of the Church of England have been established over us: That in the Appropriation of the Reserves set apart for the Support of a Protestant Clergy an almost exclusive Preference has hitherto been given to Members of the Church of England, while Attempts have been made to secure their Appropriation entirely to the Benefit of that Church: That while Applications for Government Aid, on behalf of the Clergy or Congregations of the Church of England, have been liberally attended to, Applications on behalf of the Clergy or Congregations of the Church of Scotland have been comparatively disregarded: That by these Proceedings on the Part of Government the Prosperity of the Church of Scotland has been greatly hindered, and ourselves deeply aggrieved; and that we now appeal to the Justice of your Honourable House, humbly but earnestly praying that you will be pleased to take the Premises into your serious Consideration, and that, so far as belongs to your Honourable House, these our Grievances may be redressed; that the Rectories which have been established over us be abolished; that in any Measure which may be adopted for the Appropriation of the Clergy Reserves, while the Wants of other Protestant Churches are not overlooked, the Church of Scotland in particular be admitted to a full and fair Participation with the Church of England in all the Benefits arising from them; and that, for the future, the Members of the Church of Scotland be placed, in every respect, on the same Footing with the Members of the Church of England.

[Signed by Allan Henderson and 231 others.]

To the Honourable the Legislative Council of Upper Canada in Provincial Parliament assembled.

The Petition of the undersigned Inhabitants of the Township of Dumfries and Vicinity, in the District of Gore, Province of Upper Canada,—

Humbly showeth,

That your Petitioners, with many others of Her Majesty's Subjects, have for a Series of Years protested against the Establishment or Endowment of One or more Churches in this Province, and have frequently prayed that the Proceeds of the Clergy Reserves may be applied to Purposes of general Education and internal Improvement.

That, in the Opinion of your Petitioners, to postpone the Settlement of the long-agitated Clergy Reserve Question, or to reinvest it in the Crown, would be fraught with Consequences the most alarming and dangerous to the Country, by keeping the Public Mind in a State of continual Agitation.

Your Petitioners therefore submit, that the Jealousies and Dissensions which now distract this Province would be easiest removed, the Peace, Harmony, and Loyalty of the Inhabitants most effectually secured, and the Interests of Religion itself best promoted, by appropriating the Clergy Reserves to Purposes of general Education and internal Improvement.

That

That your Petitioners are decidedly of opinion that the Education of Youth, properly directed, in the Acquisition of Knowledge, Morality, Religion, Literature, and Science, must be regarded by every enlightened and virtuous Man as a Matter of the highest and most vital Importance. But at present the Condition of most of the common Schools is so inefficient as to endanger the best Interests of the Country, and urgently demand immediate Amelioration; nor can they conceal their Opinion that it is the Duty of their Legislators to originate, foster, and patronize a general and improved System of Education.

Your Petitioners therefore humbly and earnestly pray that your Honourable House will adopt the most effectual Means to do away with the Rectory Corporations, and to appropriate the Proceeds of the Clergy Reserves to the aforementioned Purposes, as in your Wisdom may seem proper.

And your Petitioners will ever pray, &c.

[Signed by James Jackson and 364 others.]

2d *May* 1839.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," together with the Report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

The House was then again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," together with the Report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some Time the House resumed.

The Chairman reported, "That the Committee had taken the said Bill and the Report thereon into consideration, had made some Progress therein, and asked Leave to sit again To-morrow.

Ordered, that the Report be received, and Leave granted accordingly.

3d *May* 1839.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," together with the Report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

The House was then again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," together with the Report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

The House was then again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province;" together with the Report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some Time the House resumed.

The Chairman reported, That the Committee had taken the said Bill and the Report thereon again into Consideration, had made some Progress therein, and asked Leave to sit again To-morrow.

Ordered, That the Report be received, and Leave granted accordingly.

PART II.

Extracts from the Journals.

Legislative Council, 1839.

4th *May* 1839.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," together with the Report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

The House was then again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," together with the Report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some Time the House resumed.

The Chairman reported, That the Committee had gone through the said Bill, and had made an Amendment thereto, which they recommended to the Adoption of the House.

Ordered that the Report be received; and

The said Amendment was then read by the Clerk as follows:

"Press 1. Line 1.—After 'Whereas' expunge the Remainder, and insert 'for the Advancement of the Christian Religion and the Promotion of good Morals in Upper Canada, it is expedient to appropriate the Lands called Clergy Reserves, and the yearly Income arising from the Interest, Rents, and Proceeds of Sales thereof, in aid of the Maintenance of the Ministers of Religion: Be it therefore enacted, &c. That it shall and may be lawful for the Lieutenant Governor of this Province, by and with the Advice of the Executive Council, to cause to be sold and alienated, granted and conveyed, all or any Portion of the Clergy Reserves in this Province, in like Manner as the Clergy Reserve Lands have hitherto been sold: Provided always, that the necessary Expenses attending such Sales shall be defrayed out of the first Monies arising therefrom: Provided always, that nothing herein contained shall be taken or held to interfere with any incomplete Grant, Order of Council, or other Act or Undertaking of Government heretofore made, for the granting or alienating any Portion of the said Reserves, notwithstanding that the same may be found to contain more than One hundred Acres.

"'2. And be it further enacted, &c. That the Letters Patent alienating such Lands shall describe the same as Clergy Reserves, and that no further Reservation in respect of such Lands shall be necessary.

"'3. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with the Advice of the Executive Council, to cause to be invested, the Monies proceeding from such Sales, and also all Monies which have heretofore arisen from such Sales, in the public Funds, in the Name of the Receiver General, in England, or in the public Debentures of the Province; and such Investment to withdraw and change, in the whole or in part, from Time to Time, as Circumstances may require.

"'4. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with such Advice as aforesaid, in the Name of Her Majesty, Her Heirs and Successors, to grant and appropriate Portions of the said Reserves, not exceeding One hundred Acres in each Case, as Residences for officiating Clergymen or Ministers of Religion, and for the Sites of Churches, Chapels, and Places of Public Worship therein; and in case such Clergy Reserves shall not be found in the Neighbourhood required, to procure by Exchange of such Clergy Reserve, not exceeding One hundred Acres, or by Purchase, for any Sum not exceeding 200*l.* in each Case, convenient Sites for the Purposes in this Clause mentioned, and to grant and appropriate the Lands so required for such Purposes; which Grant or Appropriation shall be made to the officiating Clergyman and his Successors as a Corporation Sole, or to Trustees named for the Purpose by the respective Congregations, as the Tenets and Discipline of such Churches, or Denomination of Christians, shall respectively require.

"'5. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, with the Advice of the Executive Council, to order and direct,

direct, by his Warrant, the Payment of the yearly Stipends at present payable to the Clergy or Ministers of Religions out of any Public Funds in this Province to be paid out of Rents of said Reserves, and out of the yearly Interest accruing on Sales of the said Clergy Reserves, and upon the Investment of the Proceeds thereof, during the Incumbency of the present Clergymen or Ministers.

" '6. Provided always, and be it further enacted, &c. That nothing in this Act contained shall extend or be construed to extend to authorize the Payment of any Stipend towards the Support of Clergymen, and Ministers of Religion, other than such as belong to the Churches of England and Ireland, the Church of Scotland, the United Synod Presbyterians of Upper Canada, the Roman Catholic Clergy, and the Ministers of the Wesleyan Methodists: Provided further, that no Sect or Denomination shall be recognized or receive any Aid from the said Fund unless the Parties representing such Sects shall acknowledge and subscribe their Belief in the Doctrine of the Holy Trinity.

" '7. And be it further enacted, &c. That notwithstanding any thing in this Act contained it shall and may be lawful for the Lieutenant Governor, by and with the Advice of the Executive Council, to extend occasional Assistance to the Support and Maintenance of the Christian Religion, and its Ministers belonging to Denominations of Christians other than those for whom Aid is by this Act permanently provided, in the way of Grants of Portions of the said Reserves for religious Purposes, or by Appropriations of Money out of the said Interest Money.

" '8. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant Governor, by and with the Advice of the Executive Council, to appropriate and direct the Payment out of the said Rents and Interest Money of Stipends towards the Support of Clergymen and Ministers of Religion, duly appointed according to the Rules of their respective Church or Congregation, in the following Cases; that is to say, whenever there shall be shown to the said Lieutenant Governor in Council that there is resident within reasonable Distance of any Church, Chapel, or Place of Public Worship a Population of Adults who shall subscribe a Declaration setting forth their Desire to attend such Church, Chapel, or Place of Public Worship, and shall subscribe and pay to the said Clergyman or Minister of Religion a yearly Sum of Money not less than 50*l.*, then and in such Case the public Stipend or Salary to be paid to such Clergyman or Minister of Religion shall be equal to the said private Subscription: Provided always, that in no Case shall such public Stipend amount to more than 200*l.*; and provided also, that the Money so subscribed shall be paid to the Treasurer of the District in which such Church, Chapel, or Place of Public Worship may be situated, for the Use of such Clergyman or Minister, and the Certificate of the said Treasurer to that Effect, transmitted to the Lieutenant Governor before any Payment is made, as provided for in this Act; but no such Stipend shall exceed the Amount mentioned in such Certificate as being actually paid to the Treasurer; which Sum shall be paid over to the Clergyman by said District Treasurer within Ten Days after receiving the same.

" '9. And be it further enacted, &c. That the Rents and Interest Money aforesaid shall be chargeable, in the first place, with the Stipends or Salaries of the Clergy, or Ministers of Religion, now paid out of any Public Funds in this Province: Provided always, that such Church, Chapel, or Place of Public Worship, whose officating Clergyman or Minister is paid out of any Public Funds of this Province, shall, upon the Death or Removal of such Clergyman or Minister, be entitled to Priority over all new Claimants as contemplated by this Act.

" '10. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with the Advice of the Executive Council, and he is hereby required, to appropriate and set apart such Portion of the Clergy Reserves, or Proceeds thereof, as may be required to form a suitable Provision for a Bishop of the Church of England, and Roman Catholic Bishop in this Province: Provided always, that the annual Income to be derived from such Appropriation shall not exceed 800*l.* for the former, and 500*l.* for the latter; and that until such Bishops shall be consecrated the Income so appropriated or set apart shall form Part of the general Fund applicable to the Purposes of this Act.

" 11. 'And

" ' 11. And be it further enacted, &c. That all Applications for public Aid under this Act shall be made by Memorial to the Lieutenant Governor in Council on or before the Thirtieth Day of June in each and every Year, and the private Contributions for the Support of the respective Clergymen and Ministers of Religion shall be proved to have been duly paid before that Time, and that until the Fund arising from the Rents and Interest aforesaid shall be fully equal, after paying the Stipends and Annuities hereby charged upon the said Fund, to pay an equal Amount of Stipends to the Amounts contributed privately, the Funds remaining in the Hands of the Receiver General shall be distributed amongst the Applicants in proportion to the Amount of the private Contributions in their Favour respectively: Provided always, that no new Applications shall be favourably entertained until by the Increase of the said Fund the Stipends payable to the Clergymen or Ministers of Religion whose Applications shall have been approved shall equal the full Amount of the private Contributions, according to the true Intent and Meaning of this Act.

" ' 12. And be it further enacted, &c. That a Book shall be kept in the Office of the Provincial Secretary and Registrar, in which shall be yearly entered the Township or Place at which each Church, Chapel, or Place of Public Worship shall be erected; the Name of the officiating Clergyman; the Number of Adults attached to his Congregation; and the Name of the Church or Denomination of Christians to which he belongs; which Entries shall be founded on yearly Returns, signed by the respective Clergymen or Ministers of Religion, certified under the Hands of at least Twelve Freeholders of his Congregation.

" ' 13. And be it further enacted, &c. That no public Aid under this Act shall be given to any Clergyman or Minister of Religion who shall not in the first place take and subscribe the Oath of Allegiance, and who is not a natural-born or naturalized Subject of the British Crown.

" ' 14. And be it further enacted, &c. That no public Aid shall be extended to any Clergyman or Minister of Religion who shall not produce satisfactory Proof of his Ordination and Appointment, by Authority of some Church or Denomination of Christians, having within this Province, or within Her Majesty's Dominions, due Power of Ordination and Appointment, or unless such Clergyman or Minister of Religion shall be wholly devoted to his religious Duties, without secular Employment, other than the Education of Youth.

" ' 15. And be it further enacted, &c. That in any Case of One Clergyman or Minister of Religion having the Care of Two or more Congregations amounting in Number to One hundred Adults, who shall subscribe and declare as in the Sixth Clause of this Act mentioned, and who shall subscribe and pay towards the Support and Maintenance of such Clergyman or Minister of Religion a Sum not less than 50*l.*, as in the said Clause mentioned, then and in such Case, and until the said Congregation shall increase so as respectively to come within the Scope and Meaning of the said Sixth Clause, it shall and may be lawful for such public Aid and Stipend to be paid to such Clergyman or Minister of Religion in like Manner as if the private Aid and Subscription came from One Congregation.

" ' 16. And be it further enacted, &c. That nothing in this Act contained shall extend or be construed to extend to interfere with or deprive any Bishop, Synod, Conference, or other Church Government of any Power of Appointment, Suspension, or Deprivation of any Clergyman or Minister of Religion, but that the Functions of Church Government in the several Churches and Denominations of Christians shall continue to be exercised as heretofore; and that no Clergyman or Minister of Religion shall be considered as having any Right to any of the public Aid, Stipend, or Land, or Benefit, other than he shall hold under, during, and by virtue of his Incumbency.

" ' 17. And be it further enacted, &c. That Accounts of the Receipt and Expenditure, State of Investment, together with a full Report of all Proceedings under this Act, shall be laid before the Houses of the Provincial Parliament within One Month from the Beginning of each Session.

" ' 18. And be it further enacted, &c. That the Thirty-fifth, Thirty-sixth, and Thirty-seventh Clauses of an Act passed in the Parliament of Great Britain in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled " An Act to repeal certain Parts of an Act passed in the Fourteenth Year

Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," be and the same are hereby repealed, in so far as the said Clauses confine the Disposition of the Lands mentioned therein to the Support and Maintenance of a Protestant Clergy.

" '19. And be it further enacted, &c. That for and notwithstanding any thing in the said last-mentioned Act contained, and also for and notwithstanding any Act, Law, or Usage to the contrary, no Bishop, Rector, Priest, Synod, Conference, or other Church Dignitary or Government, shall levy any Tithes or Church Dues, or other compulsory Payments for the Support of Religion, or exercise any temporal or ecclesiastical Jurisdiction over the Laity, or over any Clergy or Ministers, not belonging to his or their Church or Denomination of Christians.

" '20. And be it further enacted, &c. That it shall be lawful for any Clergyman or Minister of Religion belonging to any Church or Denomination of Christians named in this Act to celebrate Marriage according to the Forms of their respective Churches or Denominations, without any Licence from the Quarter Sessions, or Qualification, other than their respective Ordination or Appointment, any Law or Usage to the contrary thereof in anywise notwithstanding.' "

The said Amendment being read a Second Time, and the Question of Concurrence put thereon, it was agreed to by the House.

On Motion made and seconded, it was

Ordered, That Two hundred Copies of the last-mentioned Bill (as amended) be printed for the Use of Members.

6th *May* 1839.

Pursuant to Order, the Bill intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," was, as amended, read a Third Time:

Whereupon it was moved and seconded, That this Bill, as amended, do not now pass, but that it be again referred to a Committee of the Whole House, for the Purpose of taking into Consideration the following Resolution:

"That the Legislative Council, confiding in the Wisdom and Justice of Her Majesty and the Imperial Parliament, think it expedient and proper to address Her Majesty, and both Houses of Parliament, representing that the Legislature of this Province has been unable to concur in any Measure respecting the Clergy Reserves, and earnestly requesting that the Imperial Parliament will, with as little Delay as possible, make such Enactment on the Subject as cannot appear to leave any Room for Doubt or Question in regard to the Objects to which the Proceeds of the Clergy Reserves are to be applied."

The Question of Concurrence being put, the same was carried in the Negative.

And it was then ordered, That the Amendments to the last-mentioned Bill be amended as follows:

In the Amendment—

Press 3. Line 15. Expunge "Methodists" and insert "Methodist Church in connexion with the British Conference."

Press 6. Line 3. After "Clergyman" insert "or Minister"

Press 6. Line 16. After "Appointment" expunge "or," and insert "and"

On Motion made and seconded, it was

Ordered, That the last-mentioned Amendments to the Amendment be engrossed, and the Bill as amended read a Third Time presently.

The same was then read a Third Time accordingly; and

The Question being put, whether this Bill, as amended, should pass, it was carried in the Affirmative:

Whereupon the Speaker signed the Amendment; and it was

Ordered, That the Master in Chancery do go down to the Assembly, and acquaint that House, That the Legislative Council have passed this Bill, with an Amendment, to which they desire the Concurrence of the Commons House of Assembly.

PART II.

Extracts from the Journals.

Legislative Council, 1839.

7th *May* 1839.

Protest of the Honourable and Venerable the Archdeacon of York, and of the Honourable J. S. Macauly, against the passing of the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," (as amended)—

DISSENTIENT:

Because we believe the Principle of the Bill to be subversive of the Form of Government under which we live, inasmuch as an Established Church is Part and Parcel of the Constitution of Great Britain and Ireland, and all their Dependencies; for without such a Church, and a Protestant Church too, the British Constitution cannot be enjoyed either at home or abroad.

Because, in our Opinion, the Bill is founded on an Assumption of Authority, which is not conferred upon the Provincial Legislature by the 31st Geo. III. chap. 31., which grants a certain Power, under special Restraints, in respect to future Clergy Reservations, but not that of distributing those already made to Purposes not contemplated in the Constitutional Act, much less of appropriating them in a Manner that leads to the utter Extinction of the Church of the Sovereign as the Established Church of the Province.

Because it was evidently the Design of the Imperial Legislature, as became a Christian Government, to establish the intimate Connexion of Church and State in this distant Portion of the Empire; but this Bill, by compelling the rapid Sale of the Clergy Reserves, at a trifling Price compared to what they would in Time obtain as Endowments, all Hope of ever having an endowed Church is not only cut off, but the wise and holy Intention of the Parent State, which was to make Provision for the Maintenance of a Protestant Clergy to instruct the Inhabitants of this Colony in the Doctrines and Duties of Christianity to the latest Posterity, is entirely frustrated.

Because the Recognition of the Roman Catholics as Sharers in the Proceeds of the Clergy Reserves is in direct Opposition to the Spirit and Enactments of the 31st Geo. III. chap. 31.; for this Body, however respectable, is expressly excluded, as being otherwise provided for.

Because the Division of the Church Property contemplated in the Bill among various Sects and Denominations, while it compromises the Principles as well as the Interests of the Established Church, endangers the Cause of Protestantism, and leads to a religious Discord, which must prove the fruitful Source of Civil Dissension, instead of Peace and Tranquillity.

Because, in a financial point of view, the Provisions of the Bill are delusive, and cannot fail of producing the most cruel Disappointments; for instead of Twelve or Sixteen Clergymen in each Township, to whom it proposes to give Stipends, the Funds derived from the Sale, or, in other Words, the Sacrifice of the Church Property, will scarcely bear the Charge of one.

Because, while the Bill makes all the Clergy and Ministers of Religion Stipendiaries and Dependents on the Colonial Government, it invests the Funds in Provincial Debentures, which are at this Moment unsaleable, and which the first financial Difficulty will sweep away, leaving the Clergy and their Families in helpless and irremediable Poverty.

Because the Bill imposes a Burden on the Provincial Government which it will be unable to bear, and which will involve it in endless Disputes with all the Denominations of professing Christians in the Province.

Because we are decidedly convinced that the Agitation produced by the Discussion of the Clergy Reserve Question, and the Excitement of which it has been rendered the Instrument, are to be chiefly ascribed to Misrepresentations and the Abuse of the Public Mind for interested and unhallowed Purposes.

Because this Bill compromises the Faith of the British Government, by destroying the Birthright of all the Members of the Established Church, who either are now in the Province or who may hereafter come into it, to all of whom the Ministrations of Religion are secured by the most solemn Pledges, and by the Law of the Land, and who are entitled to the same Protection, in regard to their Religious Institutions, as their Roman Catholic Fellow Subjects in Lower Canada, to whom the Pledges of the British Government, for the securing of their Form of Worship, and the Support of their Clergy, are not stronger than those held by the Members of the Church of England.

Because

Because the Experience of Twenty Years proves that this Question can never be satisfactorily settled in this Colony, where the Influence of conflicting Opinions, Prejudices, and Interests, together with the political and religious Animosity to which the Matter has given rise, so extensively prevail; and were further Proof wanting, it is supplied by the unjust Provisions of this Bill, which demonstrate that an impartial and equitable Adjustment of the Question of the Clergy Reserves, by the Provincial Legislature, is altogether hopeless, and prove the Necessity of reinvesting them in the Queen in Parliament, to be appropriated for the Support of a Protestant Clergy, according to the Spirit and Intention of the Constitutional Act.

In fine, we dissent from this Bill, because it promotes and encourages Error, Schism, and Dissent, against which all Christians are bound to pray; because it sacrifices to Expediency the highest and holiest Principles; and because it degrades the Clergy of the Church of England to an Equality with unauthorized Teachers, and sanctions, as far as Human Enactment can sanction, the impious Conduct of wicked Jeroboam who made Priests of the lowest of the People.

JOHN STRACHAN.
J. S. MACAULAY.

9th *May* 1839.

On Motion made and seconded, it was

Ordered, That the Nineteenth Rule of this House be dispensed with, and that the Bill to reinvest in the Crown the Lands set apart in this Province for the Maintenance of a Protestant Clergy, and commonly called the Clergy Reserves, be referred to a Committee of the Whole House this Day.

Pursuant to Order, the House was put into a Committee of the Whole upon the Bill to reinvest in the Crown the Lands set apart in this Province for the Maintenance of a Protestant Clergy, and commonly called the Clergy Reserves.

The Honourable Mr. John M'Donald took the Chair.

After some Time the House resumed.

The Chairman reported, That the Committee had gone through the said Bill, and recommended the same, without any Amendment, to the Adoption of the House.

Ordered, That the Report be received; and

Ordered, That the said Bill be ingrossed, and the same read a Third Time To-morrow.

10th *May* 1839.

Pursuant to the Order of the Day, the Bill to reinvest in the Crown the Lands set apart in this Province for the Maintenance of a Protestant Clergy, and commonly called the Clergy Reserves, was read a Third Time.

Deputations from the Commons House of Assembly brought up a Bill, intituled, "An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned," to which they requested the Concurrence of this House.

The Bill, intituled "An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned," was then read; and it was

Ordered, That the Forty-fourth Rule of this House be dispensed with as far as it regards the same, and that the said Bill be read a Second Time presently.

The same was then read a Second Time accordingly; and it was

Ordered, That the House be put into a Committee of the Whole presently, to take the said Bill into consideration.

The House was then put into a Committee of the Whole accordingly.

The Honourable Mr. John M'Donald took the Chair.

After some Time the House resumed.

 The

PART II.

Extracts from the Journals.

Legislative Council, 1839.

The Chairman reported, That the Committee had gone through the last-mentioned Bill, and had made some Amendments thereto, which they recommended to the Adoption of the House.

Ordered, That the Report be received; and

The said Amendments were then read by the Clerk as follows:

Press 5. Line 16. Expunge "Provincial Legislature" and insert "Imperial Parliament."

Press 5, Line 16. Expunge "Religion and Education" and insert "Religious Purposes."

The said Amendments being read a Second Time, and the Question of Concurrence put on each, they were severally agreed to by the House; and it was

Ordered, That the same be ingrossed, and the said Bill, as amended, read a Third Time this Day.

Pursuant to Order, the Bill, intituled "An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned," was (as amended) read a Third Time; and,

The Question being put, Whether this Bill, as amended, should pass, it was carried in the Affirmative:

Whereupon the Speaker signed the Amendments; and it was

Ordered, That the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill with certain Amendments, to which they desire the Concurrence of the Commons House of Assembly.

11th *May* 1839.

Deputations from the Commons House of Assembly returned the Bill, intituled "An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned;" and acquainted this House, That the Commons House of Assembly had acceded to the Amendments made by the Legislative Council in and to the same.

On Motion made and seconded, it was

Ordered, That an Address be presented to his Excellency the Lieutenant Governor in the following Terms:—

> To his Excellency Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal Subjects, the Legislative Council and Commons of Upper Canada in Provincial Parliament assembled, have passed a Bill for the Sale of the Clergy Reserves, and for placing the Proceeds of such Sales in the Hands of the Receiver General of this Province, subject to the Disposition of the Imperial Parliament, for religious Purposes; and we humbly request that, in order to give Effect to the same, this Bill may be transmitted to England without Delay, for the Purpose of being laid before Parliament, previous to the Signification of Her Majesty's Assent thereto.

Ordered, That the foregoing Address be sent by the Master in Chancery to the Commons House of Assembly for their Concurrence.

A Deputation from the Commons House of Assembly returned the Address to his Excellency the Lieutenant Governor on the Subject of the Bill, intituled "An Act to dispose of the Lands commonly called 'Clergy Reserves,' and for other Purposes therein mentioned," and acquainted this House, that the Commons House of Assembly had concurred in the same, and then withdrew.

On Motion made and seconded, it was,

Ordered, That a Committee be appointed to meet a Committee of the Assembly this Day at Half past Eleven o'Clock, A.M., for the Purpose of waiting on the Lieutenant Governor to know when his Excellency would receive the last mentioned Address, and to present the same; and,

Ordered,

Ordered, That the Honourable Messieurs John Simcoe Macaulay and John M'Donald do compose the Committee on the Part of this House for that Purpose; and

Ordered, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have appointed the Honourable Messieurs John Simcoe Macaulay and John M'Donald to be a Committee on their Part, who will be ready to meet a Committee on the Part of the Commons House of Assembly this Day, at the Hour of Half past Eleven of the Clock A.M., for the Purpose of waiting upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the joint Address on the Subject of the Bill, intituled "An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned," and to present the same.

A Deputation from the Commons House of Assembly brought up, and delivered at the Bar of this House, a Message in the following Words, and then withdrew:

Mr. Speaker,

The Commons House of Assembly have appointed Four of its Members, who will be ready to meet the Committee on the Part of the Honourable the Legislative Council, to wait on his Excellency the Lieutenant Governor, to know when he will be pleased to receive the Two Houses with their Address to Her Majesty on the Subject of the Bill respecting the Disposal of the Clergy Reserves.

Allan N. Macnab,
Speaker.

Commons House of Assembly,
11th Day of May 1839.

The Honourable Mr. John Simcoe Macaulay, from the joint Committee appointed to wait upon the Lieutenant Governor, to know when his Excellency would be pleased to receive the Address of both Houses on the Subject of the Bill, intituled "An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned," reported that they had done so, and that his Excellency had been pleased to receive the same, and forthwith to reply thereto as follows:

Honourable Gentlemen, and Gentlemen,

I shall transmit, without Delay, in compliance with this joint Address of the Legislative Council and Commons House of Assembly, to the Secretary of State for the Colonies, the Bill therein referred to, for the Purpose of being laid before the Imperial Parliament, previous to the Signification of Her Majesty's Assent thereto.

And his Excellency the Lieutenant Governor was pleased to reserve the following Bill for the Signification of Her Majesty's Pleasure thereon; viz. "An Act to dispose of the Lands commonly called Clergy Reserves, and for other Pnrposes therein mentioned."

1840.

The Journals of the Legislative Council and House of Assembly of Upper Canada for the Year 1840 *have not been received by the Colonial Department.*

UPPER CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons, dated 14 April 1840;—*for*,

COPIES or EXTRACTS of CORRESPONDENCE alluded to in Lord *Glenelg*'s Despatch to Sir *Francis Head*, 7th September 1837, between himself and Persons communicating with him on behalf of the Churches of *England* and *Scotland*.

Colonial Office, Downing street, 15 April 1840.

R. VERNON SMITH.

(Mr. Vernon Harcourt.)

Ordered, by The House of Commons, *to be Printed*, 15 *April* 1840.

[Price 6 d.]

Under 8 *oz.*

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Copies or Extracts of CORRESPONDENCE alluded to in Lord *Glenelg*'s Despatch to Sir *Francis Head*, 7th September 1837, between himself and Persons communicating with him on behalf of the Churches of *England* and *Scotland*.

— No. 1. —

To the Right Honourable *Charles*, Lord *Glenelg*, one of His Majesty's Principal Secretaries of State, &c. &c. &c.

The humble Memorial of *Edward Black*, Doctor in Divinity, and Minister of St. Paul's Church, in communion with the Established Church of Scotland, in the City of Montreal, Lower Canada.

Sheweth,

No. 1.
Memorial of Rev. E. Black, D.D.
8 February 1837.

That your Memorialist is requested, and authorized by the Presbytery of Quebec, by a minute dated the 23d day of June last, to use such measures as may be in his power to promote the interests of the Church of Scotland, in Upper and Lower Canada.

That, to impress upon your Lordship's attention the increasing anxiety manifested by the Scottish settlers in Upper and Lower Canada, composing as they do a considerable proportion of the Protestant population, to obtain ministers in communion with the Established Church of Scotland, your memorialist begs respectfully to state, that in 1822 the number of congregations, with ministers regularly ordained over them, in connexion with the Scottish Church, in both Upper and Lower Canada, was only six, that now the number in Upper Canada alone is 37, and in Lower Canada, 14.

That in Lower Canada, with which your memorialist is more immediately connected, there are upwards of 30 stations at which ministers are earnestly desired, but that, from the poverty of the inhabitants, they are unable to offer an adequate stipend, although most anxious to contribute liberally according to their means.

That several years ago an annual grant of 750 *l.*, subsequently increased to 1,000 *l.*, was appropriated by the Government, out of (it is believed) the funds paid by the Land Company for the ministers in connexion with the Church of Scotland in Upper Canada; but that this sum is altogether inadequate for the support of the ministers at present there, and for the increasing wants of the population of that flourishing province.

That in Lower Canada, where there are 14 congregations, who have ministers regularly ordained over them, in connexion with the Scottish Church, no support, in any shape whatever, is received from the Government, with the exception of 50 *l.* paid to the eldest Presbyterian clergyman in Montreal, now retired from all public duty, and 50 *l.* to the late minister of St. Andrew's Church, Quebec, but the last of these sums, your memorialist believes, has been refused to be continued to his successor.

That the ministers, generally, in Lower Canada, are in a state of great poverty, many of them receiving in all not more than 50 *l.* or 60 *l.* Halifax currency per annum; that several, in consequence, are about to relinquish their charges; and that a large mass of people will thus either be left in a state of religious and moral destitution, or become a prey to itinerant preachers from the United States, of "latitudinarian principles, and republican politics."

That the Crown lawyers in 1819, and a Select Committee of the House of Commons in 1827, gave it as their opinion that the seventh part of the public lands in Canada, set apart by Act of Parliament for the support of a Protestant church, and a Protestant clergy, was intended for the Presbyterian as well as for the Episcopalian Establishment.

That, in these circumstances, the Presbyterians connected with the Church of Scotland deem it inexpedient if not unjust, that while the Episcopalian Church receives a certain sum for the bishop directly from the Government,—a portion of the sum voted annually by Parliament to the Society for promoting Christian Knowledge,—and derives, it is believed, a further revenue from other sources,

 besides

besides enjoying 400 acres of land, granted to each of 42 rectories in Upper Canada, the sister establishment should be so inadequately endowed in Upper Canada, and altogether overlooked in Lower Canada.

Your memorialist, therefore, trusts, that in consideration of the inadequacy of the provision made for the Presbyterian Church in the Upper Province, and the entire absence of such a provision in Lower Canada, as well as the effects which would result from a cessation of the labours of its ministers, your Lordship will take into your favourable consideration the expediency of affording immediate aid by temporary grants, till measures be adopted for admitting the Presbyterian Church to its full share of the Clergy Reserve Lands.

All which is respectfully submitted to your Lordship's consideration, by

(signed) *Edw. Black.*

No. 8, Waterloo Place, Pall Mall, London,
8 February 1837.

— No. 2. —

No. 2.
Rev. E. Black to Lord Glenelg.

8, Waterloo-place, Pall Mall.

My Lord, (No date. Received 15 February 1837.)

AGREEABLY to your Lordship's request, I now transmit to you the substance of what took place at the interview I had the honour to have with your Lordship yesterday.

1. That in April 1836, 57 rectories were constituted and endowed, through Sir John Colborne, in Upper Canada, in place of 42, as stated in my memorial.

2. That the amount of the sums paid to the Episcopal Church in Lower Canada, exclusive of the allowance from the Society for the Propagation of the Gospel, is 5,250*l.* 18*s.* 6*d.*

3. That the amount of the sums paid to the Episcopal Church in Upper Canada, exclusive of the allowance from the Society for the Propagation of the Gospel, was, in 1833, 12,281 *l.*; in 1834, 9,602 *l.*; and that I have reason to believe, that sums of a similar amount are still paid by the Government to the Episcopal Church there.

4. That in a despatch from Lord Goderich to Lord Aylmer, of the 24th December 1830 (No. 6), a sum amounting to 500 *l.* was recommended to be paid to the ministers of the Presbyterian Church in Lower Canada; that when application was made by the Presbytery of Quebec to Lord Gosford, for the payment of the said sum, an answer was received from his Lordship to the effect that the instructions contained in the despatch alluded to, were set aside by subsequent arrangements made between the Imperial authorities; and that notwithstanding, all the other items contained in that despatch were paid, and have been continued to the Episcopal and Romish Churches.

5. That the clergy corporations have grossly mismanaged the Clergy Reserves, as will appear from Lord Goderich's despatch to Lord Aylmer (No. 69), dated 21 November 1831.

6. That the clerical duty done by the Scotch clergy in Montreal, and Quebec, is equal to, if not greater than, the same duty done by the Episcopal clergy.

7. That the Presbyterian population in Lower Canada is considerably greater that the Episcopal population.

8. That the entire failure of the crops in Lower Canada, last season, renders it impossible for the Presbyterian population to pay the small sums they have promised to their respective clergymen.

9. That the Presbyterian ministers in Upper and Lower Canada have acted as chaplains to His Majesty's troops at different times, without any remuneration whatever; that I, in connexion with my colleague, acted as chaplain to the 79th regiment, for the space of one year in 1828; that a separate service was regularly had for the regiment, at nine o'clock in the morning; that all hospital duties, &c. were regularly performed; and that the Rev. John Clegston of Quebec has performed, for the space of three years, the same duties to the same regiment.

10. That upwards of 18,000 *l.* has been realized from the sale of the Clergy Reserves in Lower Canada, and that a much larger sum has been realized in Upper Canada.

In addition to these topics, which were discussed at the interview I had the honour

honour to have with your Lordship yesterday, I beg leave to draw your Lordship's attention to the fact,

11. That to a memorial presented by a Committee of the General Assembly of the Church of Scotland in 1827, respecting pecuniary aid to the ministers in Canada, in communion with the said church, an answer was received by the convener from His Majesty's Principal Secretary of State, bearing "that whenever a congregation in any of those provinces shall have erected a suitable place of worship, and be prepared to acknowledge the jurisdiction of the Church of Scotland, and to contribute, according to their means, towards the maintenance of a minister, upon their subscribing a memorial to the Governor in Council, the Governor will have received His Majesty's commands, authorizing him upon being satisfied, that those conditions have been duly complied with, to contribute to the support of the clergyman in such proportion, as, together with the contribution of the parties presenting the memorial, may be sufficient to afford him a competent maintenance." 1825.

I have now, my Lord, brought the claims of the Scottish Church in Canada, and the grievances of which the members of the church in Lower Canada have loudly, and for a series of years, complained, under your Lordship's consideration. Since I had the honour to meet with your Lordship, I have received a communication from Montreal, of such a nature as to make it imperative on me to return there with all convenient haste. That circumstance, coupled with the fact, that one minister in the Presbytery of Quebec has already relinquished his charge, from the utter inadequacy of the provision made for him, and that others are about to do the same from the same cause, will, I trust, induce your Lordship to give me an immediate reply to my memorial, and to this communication; and I do most earnestly entreat your Lordship, as you regard the spiritual welfare of thousands of your countrymen, to let that reply be such as will shortly insure to each of the ministers of the Scottish Church now in Lower Canada, or who may hereafter be there, a permanent annual stipend of not less than 100 *l.* sterling. Although an unendowed clergyman, and representing a body unable to refund me for my expenditure, yet I shall remain in London till the end of this week, in order that I may receive your Lordship's reply, and I trust that, from the very peculiar circumstances in which I am placed, your Lordship will not disappoint me.

I have, &c.

The Right Hon. Lord Glenelg, &c. &c. &c.

(signed) *Edw. Black.*

— No. 3. —

No. 3.
Sir G. Grey to Rev. E. Black, 25 March 1837.

Sir, Downing-street, 25 March 1837.

I AM directed by Lord Glenelg to inform you that he has had under his serious consideration you memorial of 8th ultimo, and your subsequent letter, urging the claim of the Church of Scotland in Upper and Lower Canada to receive assistance from His Majesty's Government towards the support of their ministers. This claim is founded not only on a consideration of the assistance granted to the ministers of the Church of England in those provinces, but also on the right of the clergy of the Church of Scotland to participate in the benefit of the Clergy Reserves, and on the alleged promise of assistance formerly given to that Church, and as yet unfulfilled.

On the first point, Lord Glenelg desires me to observe, that the pecuniary assistance which is at present annually voted by Parliament for ministers of the Church of England in the Canadas, is only temporary, being limited in its duration to the existence of the lives of the individuals among whom it is now distributed. You are possibly aware that in the year 1832 a pledge was given to Parliament that this country should be relieved from the expense, which up to that date it had borne, on account of the ecclesiastical establishment in the Canadian provinces. But at the same time it was found, that to carry this pledge into immediate and unqualified effect, would cause the greatest distress to those clergymen who had left this country for the Canadas with a fixed salary, and with a reasonable assurance that the salary secured to them in the first instance, would be permanently continued. His Majesty's Government therefore proposed, and the House of Commons have sanctioned, a grant to such an amount as should secure to those ministers who were actually in the

receipt of a salary in the Canadas, a considerable portion of their existing emoluments; on the express condition, however, which has since been strictly adhered to, that as the actual incumbents should die or be otherwise provided for, the annual grant should be proportionably diminished. Under these circumstances, Lord Glenelg fears that it would be impossible successfully to propose to Parliament a grant of money on account of the Scotch Church in the Canadas.

With respect to the right of the Church of Scotland to participate in the Clergy Reserves, I am to inform you that His Majesty's Government see no reason to doubt that the claim of the Scotch Church is warranted by the terms of the Act appropriating these reserves, and they much regret that a morr liberal construction has not, from the first, been placed on the terms of that Act in this respect. The unprofitable nature of those reserves, however, until within the last few years, has scarcely admitted any question of practical importance to be raised, with reference to the claims of separate Protestant churches in the Canadas to a participation in their proceeds. You are aware that the disposal of these lands was referred in November 1831 to the Legislatures of the respective provinces, and Lord Glenelg has reason to hope that in the course of the present session of the Upper Canada Legislature, measures will have been adopted for insuring an equitable distribution of the Clergy Reserves in that province among the principal communities of Christians within it, and for thus rendering them more generally conducive to the advancement of religious instruction. In the details of this arrangement, his Lordship trusts that the members of the Church of Scotland will have no ground for complaint.

In Lower Canada, Lord Glenelg regrets that no steps have as yet been taken by the provincial Legislature for a settlement of this question, and the amount at present invested in the British funds on account of sales in that province being no more than 5,689 *l.*, of which the interest alone is disposable, the whole available receipts are at present absorbed by the expenses of management. Should that fund be hereafter materially increased, His Majesty's Government would willingly recognize the claim of the Scotch Church to participate in it.

The last point which I am directed to notice is, the prospect of assistance to the Scotch clergy, held out by Lord Ripon's despatch of 24th December 1830, but not yet realized. It cannot be denied that, at the time of the date of that despatch, it was Lord Ripon's intention to appropriate a sum of 500 *l.* a year from the casual and territorial revenue of Lower Canada to the ministers of the Church of Scotland in that province. This intention, however, it appears that Lord Ripon was subsequently compelled, though doubtless with reluctance, to abandon.

At the time when his Lordship proposed to grant the sum in question to the Presbyterian clergy, he anticipated that the Legislature of Lower Canada would grant to His Majesty a civil list, and that the casual and territorial revenues might be appropriated to the objects contemplated in the despatch to which reference has been made. It is needless here to recapitulate the circumstances by which that expectation was disappointed; it is sufficient to remark, that in consequence it became absolutely necessary to apply the proceeds of the casual and territorial revenue to the current expenses of the Government, instead of those other important services to which it had been destined.

The same unfortunate state of things has since continued to exist, and the whole of the casual and territorial revenues of Lower Canada are at the present moment absorbed in the payment of those indispensable expenses, without which the government of the country could not be maintained. Under these circumstances, it is a matter of deep regret to His Majesty's Government that at the present moment they have no funds at their disposal from which they could assist the clergy of the Church of Scotland in Lower Canada. They earnestly hope, however, that the aspect of public affairs in the province may, at no remote period, be changed, and no exertion shall be wanting on their part by which the just claims of the Church of Scotland to a share of any public endowments for the maintenance of religious worship in the colony, may be recognized and enforced.

I have, &c.

Rev. E. Black, D.D. (signed) *George Grey.*

— No. 4. —

Newton Stewart by Dumfries,
30 March 1837.

No. 4.
Rev. E. Black to Sir G. Grey,
30 March 1837.

Sir,

I HAVE had the honour to receive your letter of the 25th instant, containing Lord Glenelg's answer to my memorial of the 8th of February, and to a subsequent letter transmitted to his Lordship. I have to express my regret that his Lordship has not felt himself justified in granting temporary aid to the ministers of the Scotch Church in Lower Canada, until the revenue arising from the sale of the Clergy Reserves be available to yield to them a permanent annual stipend. The Presbyterian population of Lower Canada, comprehending as it does the most numerous and respectable body of the Protestant community, cannot be expected willingly to submit longer to the partial treatment of the Government, when they see, year after year, grants of money voted to the Romish and Episcopal Churches, and all aid refused to the branch of the National Church to which they belong.

I respectfully submit for Lord Glenelg's consideration, the following subjects of grievance, on the part of the Scotch Church, entirely overlooked in his Lordship's reply.

1. That the convener of the committee of the General Assembly on colonial matters (Dr. Mearns, I believe) received a despatch from the Colonial Secretary, in 1827, bearing, "that whenever a congregation in any of those provinces shall have erected a suitable place of worship, and be prepared to acknowledge the jurisdiction of the Church of Scotland, and to contribute according to their means towards the maintenance of a minister, upon their presenting a memorial to the Governor in Council, the Governor will have received His Majesty's commands, authorizing him, upon being satisfied that those conditions have been duly complied with, to contribute to the support of the clergyman in such proportion, as together with the contribution of the parties presenting the memorial, may be sufficient to afford him a comfortable maintenance."

I may be mistaken as to the year in which this despatch was sent to the convener, but I cannot be mistaken as to the fact that such a despatch was received, for I was one of those clergymen who memorialized the Governor (Lord Dalhousie), praying that his Lordship would put in force the Colonial Secretary's instructions.

2. That there is something unaccountable in the fact, that although the 500*l.* mentioned in Lord Ripon's despatch of the 24th December 1830 was not paid to the Presbyterian clergy, on the ground that the House of Assembly did not pass the Bill proposed to that body by his Lordship, yet, that all the other items mentioned in that despatch, comprehending 3,000*l.* to the Protestant bishop, 1,000*l.* to the Catholic bishop, 650*l.* to the Archdeacon of Quebec, and various other sums to the inferior Episcopal clergy, were paid, and have been continued to be paid up to this moment.

3. That it is evident a very considerable sum has been realized from the sale of Clergy Reserves in Lower Canada; that there must be something egregiously amiss in the mode of managing the fund arising from such a sale on the part of the corporation, composed as it is entirely of Episcopalians; and as it is now granted on all sides, that the Scotch Church has an equal right with the Episcopal Church to a share of these reserves, that the ministers of the Scotch Church ought in justice to have something to say in the management of that fund.

4. That within a very short period, and at the very time the Government declared they had no funds at their disposal to give a grant to the Scotch Church, the Lieutenant-Governor of Upper Canada (Sir John Colborne), endowed 57 English rectories, by granting to each of these rectories from 400 to 800 acres of land out of the very best of the Clergy Reserves.

I respectfully request that I may be honoured with Lord Glenelg's opinion on the preceding subjects of grievance.

I shall continue to exert myself to the utmost in behalf of myself and of my suffering brethren, and in order that I may be enabled to do so with some effect, I have sent out to Montreal, at my own expense, a preacher of the Church of Scotland to do my duty. This arrangement will allow me to remain in this country till at least after the meeting of the General Assembly of the Church of Scotland.

I have, &c.
(signed) *Edward Black.*

Sir George Grey, Bart. M.P.
&c. &c. &c.

— No. 5. —

No. 5.
Sir G. Grey to Rev. E. Black, 24 April 1837.

Sir, Downing-street, 24 April 1837.

I HAVE received and have laid before Lord Glenelg your letter of the 30th ult. adverting to certain points in your former communications which you consider to have been overlooked in my letter of the 25th of March.

The first subject to which you advert is a letter, addressed to Dr. Mearns by the Secretary of State, and dated, as you suppose, in 1827, in which, on certain conditions, assistance was distinctly promised to the ministers of the Scottish Church in Canada. I did not refer to this promise in my former letter, because it was not adverted to in your memorial, and because, on reference to the correspondence of the date which you had indicated, no trace of it could be found; and I had never previously heard of its existence. On a more diligent search, however, which has been instituted since the receipt of your last letter, it appears that a communication, in the terms which you have quoted, was addressed to Dr. Mearns, by Lord Bathurst's direction, on the 9th June 1825, with this qualification, that the contribution to be made by the Government to the support of Presbyterian clergymen would necessarily be limited by the funds which it might be in the power of the Crown to appropriate to such purpose, and by the other claims which might exist on those funds.

Vide copy annexed, p. 9. R. Wilmot, Horton, Esq. to the Rev. Dr. Mearns, 9 June 1825.

Notwithstanding this letter, it does not appear that any corresponding instructions were transmitted to the Governors of the Canadian provinces, nor is Lord Glenelg able to account for this remarkable omission, otherwise than on the supposition that the Secretary of State did not conceive there were any funds, at the disposal of the Crown, available for the purpose in question. His Lordship, however, cannot hesitate to admit that the expectation held out by Lord Bathurst, conferred on the clergy of the Church of Scotland in Canada the strongest claim to the consideration of His Majesty's Government, in the distribution of any funds applicable in those provinces to ecclesiastical purposes, and he has every disposition to redeem the pledge which has so long remained unfulfilled, so far as the means still exist for the attainment of this object.

In Upper Canada his Lordship has reason to hope, as I informed you in my letter of the 25th ult., that, by the intervention of the local Legislature, the Clergy Reserves in that province will be rendered more conducive to the promotion of religious instruction, on a basis which will insure to the Church of Scotland a participation in their proceeds, proportionate to the relative number of its members, as compared with those of the other principal denominations of Christians in the colony.

In Lower Canada, the funds applicable to religious purposes are much more circumscribed; and although the amount at present invested in the British funds on account of sales of the Clergy Reserves in that province may, on further inquiry, prove to be greater than that which was stated in my letter of 25th ultimo, there is but little ground to expect that the interest arising from the proceeds of those sales, will at any early period, afford to His Majesty's Government the means of granting essential assistance to the Scotch Church. All the other Crown revenues in that province (as I have already had the honour to inform you) are at present necessarily applied to the indispensable services of the Government; but if a favourable change of circumstances should hereafter occur, Lord Glenelg would gladly avail himself of the first opportunity of fully redeeming the pledge given by Lord Bathurst in 1825, to which his attention has for the first time been drawn by yourself, and the obligation of which he is fully prepared to recognize.

2. You designate as unaccountable the difference between the course subsequently pursued with reference to the proposed grant of 500*l.* to the Scotch Church, and that adopted with respect to the other ecclesiastical items intended by Lord Ripon to have been placed on the casual and territorial revenue of Lower Canada; but I am to remind you that an essential difference existed between the nature of those charges. Of the latter, there was none that was for a new service, or that had not previously been provided for from other funds. Anxious, therefore, to maintain all existing interests, and to prevent the individual distress which must have followed from a sudden withdrawal of the accustomed salaries, Lord Ripon, when he found that the casual and territorial revenue was no longer applicable to the service, proposed to Parliament to provide, by an annual vote, for those clergymen who had up to that time been paid out of the Army Extraordinaries and other funds belonging to this country; on the

the express condition, however, that the grant should not be continued to any but the existing incumbents. But, in the case of the Scotch Church, no vested individual interest had been created, and, accordingly, there was no ground on which Lord Ripon could, with consistency, have applied to Parliament to realize his intentions in their behalf.

3. With regard to the amount of sales of Clergy Reserves in Lower Canada, it appears that some delay has occurred in investing the proceeds obtained in the year 1835. An investigation is now in progress, and Lord Glenelg expects at an early date to be furnished with full information on the subject. You are, however, aware that it is the interest only of the investments, which under the Act 7 & 8 Geo. 4, c. 62, can be expended.

Assuming, therefore, the largest estimate which has been made of those investments, Lord Glenelg fears that the interest will not afford any considerable fund for ecclesiastical purposes.

4. Lastly, you allude to the creation, by Sir J. Colborne, in the beginning of last year, of 57 rectories of the Church of England. With reference to this subject, I am to inform you, that as soon as His Majesty's Government were informed of these endowments, an inquiry was instituted into the circumstances under which these rectories were created, and that such inquiry which involves the question of the legal rights of the parties to the endowment in question, is now in progress.

I am, &c.

Rev. E. Black, D.D. (signed) *Geo. Grey.*

COPY of a LETTER from *R. Wilmot Horton*, Esq. to the Rev. Dr. *Mearns*, dated Downing-street, 9 June 1825.

Sir,

I AM directed by Earl Bathurst to acknowledge the receipt of your letter of the 21st May ultimo., transmitting to his Lordship a memorial relating to the situation of the Presbyterian clergy in the British American Provinces, and containing answers to certain queries which had been submitted to you by this department; and I am directed by his Lordship to inform you, that whenever a congregation, in any of those Provinces, shall have erected a suitable place of worship, and be prepared to acknowledge the jurisdiction of the Church of Scotland, and to contribute according to their means towards the maintenance of a minister—upon their presenting a memorial to the Governor or the Lieutenant-governor (as the case may be) in Council, the Governor or Lieutenant-governor will have received his Majesty's commands, authorizing him, upon being satisfied that these conditions have been duly complied with, to contribute to the support of the clergyman in such proportion, as together with the contribution of the parties presenting the memorial, may be sufficient to afford him a competent maintenance; such contribution, however, being necessarily limited by the funds which it may be in the power of the Crown to appropriate to such purpose, and by the other claims which may exist upon those funds.

I have, &c.

(signed) *R. W. Horton.*

— No. 6. —

No. 6.
Sir G. Grey to Rev. E. Black, 2 June 1837.

Sir, Downing-street, 2 June 1837.

WITH reference to my letter of the 24th April last, on the subject of the claims of the Scotch Church in Canada to pecuniary assistance from His Majesty's Government, I am directed by Lord Glenelg to inform you, that, on application at the office of the Lords Commissioners of the Treasury, he learns that there is at present in the hands of the Paymaster of Civil Services a small unappropriated balance arising from the interest on investments in the British funds, on account of the sales of Clergy Reserves in Lower Canada.

Anxious, therefore, to realize the expectations held out to the Scotch Church by his predecessors, and to give effect to their claim to share in the benefits arising from the Clergy Reserves, as recognized by the law officers of the Crown in 1819, and by a Committee of the House of Commons in 1828, Lord Glenelg will lose no time in instructing the Earl of Gosford to pay over to the Presbytery of the Church of Scotland in Lower Canada, during the present year, the sum

of 500 *l.* Lord Glenelg will be much gratified if it should be in his power to continue to the Scotch Church in that province some assistance in future years; but he directs me to remind you, that the general question of the Clergy Reserves having, by the Act of 1791, been rendered liable to the revision of the provincial Legislatures, no permanent appropriation of the revenue arising from those reserves can now be made, and His Majesty's Government are therefore unable to offer any guarantee for the perpetuity of such assistance.

I have, &c.

Rev. E. Black, D.D. (signed) *Geo. Grey.*

— No. 7. —

No. 7.
Rev. E. Black to Sir G. Grey, 14 June 1837.

Sir, Thornhill, Dumfries-shire, 14 June 1837.

I HAVE had the honour to receive your communication of the 2d inst., intimating that Lord Glenelg will lose no time in instructing the Earl of Gosford to pay over to the Presbytery of Quebec of the Church of Scotland in Lower Canada, during the present year, the sum of 500 *l.*

In my own name, and in that of my brethren, I beg that you will convey to his Lordship our grateful thanks for this mark of his regard for the welfare of the Scottish Church; it is important, as it is the first time that His Majesty's Principal Secretary of State has recognized the claims of that church to a share in the benefits arising from the Clergy Reserves. I cannot, however, but regret that Lord Glenelg had not made the grant larger, as 500 *l.* divided among 15 clergymen (the number at present in Lower Canada), leaves to each only 33 *l.* 6 *s.* 8 *d.*; nor can I admit that this grant, even admitting it to be a permanent one, is a fulfilment of the pledge given by Lord Bathurst to the Scotch Church in June 1825.

I respectfully request that Lord Glenelg will take into his consideration the propriety and justice of augmenting the grant to such an extent as will insure to each of the clergymen now in the Lower Province at least 100 *l.* each; this sum, together with the contributions of the people, is the very least on which a clergyman can support himself and his family, and less than this could not have been intended to be offered by Lord Bathurst.

The small sum paid to the clergy of the Church of Scotland in Upper Canada is taken, I believe, out of the proceeds paid to the Government by the Upper Canada Land Company. Might I respectfully suggest, that an addition to the sum already granted by Lord Glenelg to the Scotch clergy in the Lower Province might be taken out of the proceeds arising from the Land Company lately established in that province, until the proceeds from the Clergy Reserves be available for the purpose?

I am anxious to be the bearer of cheering intelligence to my brethren in Lower Canada, and I trust that I shall be honoured with a favourable reply from Lord Glenelg, addressed to me at Newton Stewart, by Dumfries, on or before the 26th inst.

I have, &c.

Sir George Grey, Bart. M.P. (signed) *Edw. Black.*
&c. &c. &c.

— No. 8. —

No. 8.
Sir G. Grey to Rev. E. Black, 27 June 1837.

Sir, Downing-street, 27 June 1837.

I AM directed by Lord Glenelg to acknowledge your letter of the 14th instant, expressing the thanks of the Scotch Church in Lower Canada for the assistance which Her Majesty's Government have granted to them during the current year; but stating your regret at the small amount of the grant, and suggesting an addition to it out of the payments of the British American Land Company.

In reply, I am to express Lord Glenelg's regret that it is not in his power to adopt your suggestion. The exigencies of the public service in Lower Canada, as I have already had the honour to explain to you, are such as to absorb all the revenues in that Province at the disposal of the Crown; and it is therefore out of the power of Her Majesty's Government to grant assistance to the Scotch Church out of any other fund than the limited proceeds of the Clergy Reserve sales.

I have, &c.

Rev. E. Black, D. D. (signed) *Geo. Grey.*

— No. 9. —

No. 9.
D. Macfarlan to Lord Glenelg, 26 April 1837.

My Lord, College, Glasgow, 26 April 1837.

I am directed by the committee in which I have the honour to preside, to forward to your Lordship the accompanying memorial, to which I entreat permission to request your favourable attention.

Right Hon. Lord Glenelg, &c. &c. &c.

I have, &c.
(signed) *D. Macfarlan.*

To the Right Honourable *Charles* Lord *Glenelg*, His Majesty's Principal Secretary of State for the Colonial Department, &c. &c.

The Memorial of the General Assembly's Committee for promoting the Religious Interest of Scottish Presbyterians in the British Colonies, respectfully representeth, That—

Your Lordship's Memorialists, before reporting to the General Assembly their proceedings during the year, feel it their duty to bring once more under the consideration of His Majesty's Government the state of the Churches composed of their countrymen in the British colonies, both generally, and in reference to the particular circumstances of several of their number, to which the attention of the committee has been immediately called.

The memorialists beg leave to repeat the assertion of a principle which they apprehend cannot be controverted, viz.; that by the Treaty of Union the ministers and other members of the Church of Scotland are entitled, in every colony settled or acquired since the year 1706, to be put on a perfect equality in all respects with those of the Church of England, in proportion to the number belonging respectively to each denomination; and that even in those colonies which, having been settled before the Union, may be regarded as more peculiarly English, they are entitled at least to the favourable consideration of Government, in preference to those bodies who belong to neither establishment, and for whose principles no public or permanent pledge can be given.

The memorialists beg leave again to solicit the attention of Government to the application of the proceeds of the Clergy Reserve lands in Canada. The principle already laid down seems to them to establish fully the right of the ministers of the Church of Scotland, officiating in that colony, to a share, proportioned to the number of their flocks, of a fund reserved expressly, by its Parliamentary charter, for the support of a Protestant clergy. They regret to find, from the representations of their numerous clerical brethren officiating in the Upper Province, that even there the English Church has received more than its fair and legitimate share of the proceeds of that fund, while the Church of Scotland has enjoyed only a precarious and very inadequate provision; and they lament that a proposal should have been made and entertained in any quarter, for admitting to a participation in the same source of emolument the Roman-catholic clergy, as well as those of other nondescript bodies, who, however respectable they may be as individuals, are not recognized by the authorities or incorporated with the constitution of the empire. Against what they conceive to be a misapplication of this fund, the memorialists, as representing an established Protestant Church, must enter their solemn protest, and express their confident hope that it will never be countenanced by the Government of a Protestant Sovereign.

The memorialists must be forgiven for urging still more earnestly on your Lordship's attention the case of their brethren and countrymen in Lower Canada, for whom, with the exception of a single clergyman, no public provision of any kind is made. Notwithstanding an assurance given by the then existing Government so far back as in 1827, "that in all cases where a suitable place of worship was erected, and a sufficient congregation assembled, the Government would supply any deficiency in a moderate income for a minister which the small means of the poor inhabitants of a newly-settled district could not supply," and that in order to give effect in part to this undertaking, a special instruction was sent by Lord Goderich to Lord Aylmer on the 29th December 1830, "to apply 500 *l.* a year, a proportion of 6,850 *l.*, out of the casual and territorial revenues, to this purpose," no such payment has been made, and "when application was made by the Presbytery of Quebec to Lord Gosford, on the 23d of February 1836, for payment of the said sum, an answer was received from his Lordship to the effect that the instructions contained in the despatch alluded to, were set aside by subsequent arrangements made between the Imperial authorities; and this while all the other items contained in that despatch were paid, and have been continued to the Episcopal and Romish Churches."

The consequence has been, that the clergy in the Lower Province are reduced to not only poverty, but extreme distress. A sum of 200 *l.* has been lately remitted from Scotland, from the scanty funds under the management of your memorialists, to relieve them from sufferings of the greatest severity. Some of them have already, and most of the others must ere long of necessity abandon the charges which they had undertaken. The people among whom they have laboured, with others in like circumstances, constituting a very large proportion of the inhabitants, must be left in absolute ignorance and heathenism, or abandoned to the perilous ministrations of vagrant and unqualified teachers; and all this while there exists a considerable and increasing fund, to a share in which they have a clear right, and demands on which proceeding from other quarters, and resting on claims no better founded, have been freely admitted. The memorialists feel confident that they have only to state these incontrovertible facts in order to call forth the interference of Government for correction of a state of things so anomalous and unjust.

They lament deeply that they have a similar statement of distress and destitution to make on behalf of their brethren in Nova Scotia, New Brunswick, Cape Breton, and Prince Edward's Island; the Presbyterians in those colonies are very numerous, and their number daily increasing. They are scattered over a wide extent of country, and their clergy, about 30 in number, are unable to extend their clerical duties, except to a very limited share of those who demand their ministrations and pastoral superintendence. The support of the ministers in those provinces is derived entirely from the voluntary contribution of their people, and proves, in most instances, altogether inadequate to their comfortable maintenance. A small donation, to the extent of 100 *l.*, out of the funds, put by the contributions of their countrymen at the disposal of the memorialists, has been allowed towards the relief of their immediate and urgent necessities, but this can afford only a temporary and trifling alleviation of their sufferings; without some public provision their number, instead of being augmented in proportion to the demand for their services, must be inevitably and rapidly reduced; and the same consequences may be anticipated which have been already predicted as about to flow from the existing system in Lower Canada, and than which none can be more earnestly deprecated by every man of pious and patriotic feelings.

The memorialists would further beg leave to call your Lordship's attention to the situation of their countrymen in other colonies, whose spiritual destitution, though not so excessive as in those already referred to, is still very great, and calls loudly for the consideration of an enlightened and Christian Government.

In Jamaica, a moiety of the white, with a large proportion of the coloured inhabitants are Presbyterians; and yet the Scottish Church at Kingston is, so far as is known, the only permanent Presbyterian place of worship in the island. The Legislative Assembly have passed an "Act to extend the means of Public Religion in this Island by Ministers of the Church of Scotland," to the effect, "that it shall be lawful for the justices and vestry of each parish in this island, and they are hereby authorized and empowered to raise, by a tax on the inhabitants of each parish, in the same manner and form as the other parish taxes now are, or may hereafter be raised and collected, any sum that may be necessary for the support of a clergyman of the Established Church of Scotland, not exceeding the sum of 400 *l.* per annum: Provided nevertheless, that such stipend for a minister shall not be so raised until the inhabitants of each such parish shall have first provided at their own expence, or by private funds, a place of worship for the purpose of this Act."

This measure, adopted by the popular branch of the Legislature, as right, fair, and reasonable, stands opposed in the Council, not, as it is believed, from any direct objection to its being adopted, but because they are not at liberty to accede to it without instructions from the Government at home.

The intercession of the Church of Scotland with your Lordship on this subject has been earnestly requested, and the memorialists cannot entertain a doubt of your acquiescing with entire approbation in a proposal originating with the colonists themselves, burdensome, if at all, to them alone, and promising to contribute so powerfully and extensively to the best interests of all classes of the inhabitants.

The good offices of the Church of Scotland with Government have also been requested on behalf of Presbyterian Churches at present existing in Grenada and Tobago, and others now in progress at Antigua and the Mauritius, for public aid to enable them to pay adequate salaries to their respective clergymen. The memorialists beg leave to recommend to your Lordship's favourable consideration the claims of all these societies of their fellow Christians, but especially that of the inhabitants of the Mauritius. Their application is subscribed by a large body of the most respectable settlers of all denominations, many of them being members, and some even clergymen of the Church of England. Their object is to provide with public worship and religious instruction not only resident natives of Scotland, but the numerous Scottish vessels which resort to the harbour. It appears from their statement that a large congregation may be expected, that the progress of vice and irreligion requires to be counteracted by the most vigorous exertions, and that a want of the means to provide an adequate remuneration for the labours of a clergyman well qualified for the duties of the situation is the chief obstacle with which they have to contend.

The memorialists beg leave, lastly, to entreat your Lordship's attention to some additional representations, which have been made to them by the Scottish inhabitants of Van Diemen's Land. It appears from these that, of date the 8th August 1836, a petition was presented to the Governor and Council of that colony, praying "the Honourable Council that, for the due support of public religion in Van Diemen's Land, the four Presbyterian churches now in existence in the colony may be placed in a situation equal in all respects to that held by the existing Episcopal churches, and that their ministers may receive support from the public revenue, equal in amount to that received by the present Episcopal ministers."

On this petition the Council, after a lengthened discussion, came to a resolution in the following words: "That it is the opinion of this Council that the ministers of the Church of Scotland be placed on the same footing, as to salary and allowances, as the chaplains of the Church of England Establishment."

Notwithstanding of this resolution, the Act for Appropriation of the Revenue, promulgated a few days after, was found to keep up the same disproportion as had formerly existed between the grants to the clergy of the two establishments; and on a remonstrance to the Governor, the petitioners were informed that "the resolution in question was passed subsequently to the estimates being laid upon Council table, and that previously to its being carried into effect by the local government, it must be submitted for the approval of the Right Honourable the Secretary of State."

Of the probable effect of this reference to the Colonial-office in Britain, no explanation was, or perhaps could be, given in the colony. Your Lordship's memorialists have great pleasure

pleasure in acknowledging the indulgent attention which has been paid to their former applications on this subject, and in bearing testimony to the grateful sense which is entertained of the parental care of Government, by their countrymen in Van Diemen's Land. Still they trust they will be forgiven for repeating that the principles, often maintained, and stated once more in the commencement of this memorial, fully justify both the resolution of the Colonial Council, and the hope which they would respectfully express of its being carried into fair and complete operation, under the directions of the important department of His Majesty's administration over which your Lordship so ably presides.

The memorialists have finally to apologize for trespassing so frequently and largely on your Lordship's attention and patience, and at the same time to express their hope of being excused, in consideration of the importance of the subject embraced in their application, the deep interest they take in the spiritual welfare of their countrymen now settled in the colonies, and their knowledge of the pious and benevolent sympathy with which your Lordship is accustomed to regard all that affects the best interests of every class of your fellow-Christians.

Signed, by order of the General Assembly's Committee for promoting the Religious Interest of Scottish Presbyterians in the British Colonies, this 22d day of April 1837,

(signed) *D. Macfarlan*, Convener.

— No. 10. —

No. 10.
Sir G. Grey to Rev. Dr. Macfarlan, 31 May 1837.

Sir, Downing-street, 31 May 1837.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 26th ult., transmitting a memorial of the General Assembly's Committee for promoting the Religious Interests of Scottish Presbyterians in the British Colonies.

This memorial has engaged Lord Glenelg's serious attention, and I am to address to you the following observations on the several points to which it refers.

His Majesty's Government see no reason to dissent from the general principle asserted by the memorialists; they are desirous of giving to it the fullest practical operation which the means at their disposal for this purpose will allow.

With regard to the application of the proceeds of the Clergy Reserves in Canada, Lord Glenelg directs me to observe that, notwithstanding the extent of these reserves, the profits derived from them were for many years only sufficient to defray the expense of management, and that it was not until after the passing of the Act 7 & 8 Geo. 4, c. 62, authorizing their sale, that any net sum was realized from them. While Lord Glenelg is prepared fully to admit the right of the ministers of the Church of Scotland officiating in the colony to participate in the proceeds of the fund raised from such sale, he regrets that, owing to doubts formerly entertained on the construction of the Act of 1791 on this subject, there is not at present any unappropriated revenue derived from those lands in the Upper Province out of which stipends could be immediately assigned to ministers of the Church of Scotland. In that province, however, the annual sales are so considerable, that his Lordship sees reason to hope that this difficulty may, at an early period, be overcome, even if no steps should previously be taken by the provincial Legislature for setting at rest the questions respecting the Clergy Reserves. As Lord Glenelg has not yet received the journals of the Council and Assembly, he is unable to ascertain the exact steps which have been taken on the subject during the late session; but, with reference to the protest which the memorialists have made against what they term "a misapplication of this fund," I am to call your particular attention to the 41st clause of the Constitutional Act, by which a power to vary the provisions of the Imperial Parliament, in regard to the Clergy Reserves, was especially delegated to the provincial Legislature, subject to certain specified restrictions. It is not difficult to understand the policy which dictated this provision, nor is it possible to question the wisdom of that law, which, while it set apart a fund for purposes of religious instruction, contemplated the probability of such a change of circumstances within the province in the course of its future advancement, as would render it expedient that the specific appropriation made by the Act of 1791 should be revised and altered at a later period by the local Legislature, to whom were to be confided the general interests of the province. His Majesty's Government, therefore, have neither the power nor the inclination to interfere with the proceedings of the Upper Canada Legislature on this subject, since those proceedings are founded on an enactment of the Imperial Parliament, specially designed to meet such a contingency; nor can they hesitate to express their opinion, that an attempt on the part of the Executive Government to maintain in exclusive privileges any particular communities of Christians on the American

continent, in opposition to the expressed wishes of the representatives of the people, would lead to results far from advantageous to the general interests of Christianity.

Lord Glenelg, however, has every reason to hope, that in whatever arrangement may ultimately be made in Upper Canada as to the Clergy Reserves, the claim of the Scotch Church to a fair participation in the proceeds of those lands, in proportion to the number of the members of that church in the province, will be as fully and cordially admitted by the provincial Legislature as by His Majesty's Government.

In Lower Canada, the sale of the Clergy Reserves has been very limited, and the proceeds of such sales are consequently of comparatively small amount; but as no specific appropriation of the dividends arising from the investment of such proceeds has yet been made, Lord Glenelg trusts that he shall be enabled without delay to direct the appropriation of a certain sum arising from this source in aid of the maintenance of the ministers of the Church of Scotland in that province, and that such aid will be continued so long as the distribution of this fund shall be left by the provincial Legislature in the hands of His Majesty's Government. His Lordship fully admits that the expectation held out by Lord Bathurst, in 1825, to the General Assembly of the Scotch Church, entitles the ministers of that church to the most favourable consideration in the distribution of any funds applicable to religious instruction. Nor is he disposed to question that the instruction conveyed by the Earl of Ripon to Lord Aylmer, in the month of December 1830, was intended, in some degree, to give effect to that expectation. But Lord Glenelg desires me to remind you of the circumstances which prevented the fulfilment of Lord Ripon's instruction. The assistance promised by Lord Bathurst had been expressly made contingent on the sufficiency of the funds at the disposal of the Crown to supply it. In 1830 Lord Ripon, having every reason to expect that a civil list would be granted by the Assembly of Lower Canada, proceeded to explain the manner in which the surplus of the Crown revenues (which would in that event accrue), ought to be applied; and, among other charges, he specified the grant to which you have alluded, of 500*l.* per annum to the Scotch Church; but the contingency on which Lord Ripon had calculated never came to pass, the Assembly of Lower Canada having refused to grant a civil list; it therefore became necessary to revoke the instruction of the 24th December 1830, and to apply the whole of the Crown revenues to the indispensable services of the Government. But as all the items enumerated therein, except the grant to the Scotch Church, had previously been provided from other sources, Lord Ripon, in order to prevent a large degree of individual suffering and distress, consented to apply to Parliament to provide, during the lives of the actual incumbents, and no longer, a considerable proportion of the salaries which had been formerly paid to them, and on the continuance of which they had relied when proceeding to Canada. The same unfortunate circumstances have, as you are probably aware, continued up to the present time, and His Majesty's Government are therefore at this moment without any other funds than those to which I have adverted, and which have only recently accrued, from which stipends could be assigned to the Scotch clergy in that province.

So soon as precise information can be obtained as to the amount now available from the Clergy Reserves in the Lower Province, Lord Glenelg will direct a communication to be addressed to the Rev. Dr. Black, with whom he has recently been in communication on this subject, and who has been led to expect a further answer to his application on behalf of the Church of Scotland in Lower Canada, and his Lordship trusts that it will be in the power of His Majesty's Government, to a certain extent, to relieve, from this source, the distress to which Lord Glenelg deeply regrets to learn that the ministers of the Scotch Church in that province have been exposed.

In regard to the other North American colonies, I am to observe, that the only means by which His Majesty's Government could give effect to the wishes which you have expressed on behalf of the ministers of the Scotch Church in these several colonies, is through the medium of their respective Legislatures, there being no unappropriated funds at the disposal of His Majesty's Government, out of which any provision can now be made for the maintenance of Christian ministers in those colonies. Lord Glenelg, however, trusts that the provincial Legislatures will not prove unmindful of the important interests which depend on the due support and extension of the means of religious instruction among the numerous British inhabitants of those settlements, and it will afford him sincere gratification,

tion, if the legitimate influence of the Government can be successfully exerted in inducing the local Legislatures to take the claims of the clergy of the Church of Scotland, in common with those of other Christian denominations within their respective provinces, into early and favourable consideration, with a view to provide the most effectual means of relieving the spiritual destitution under which Lord Glenelg deeply regrets to learn that so many of the members of that Church are at present suffering.

With respect to the other colonies, to which the memorialists have directed his Lordship's attention, I am to assure you of the same disposition on the part of His Majesty's Government to use the means at their disposal to give effect to the wishes which the General Assembly's Committee have expressed.

Lord Glenelg has not been able to ascertain to what particular proceeding in the Assembly of Jamaica the memorialists have referred ; nor has he been able to discover in the records of this office any information relative to it.

I am, however, to express to you his Lordship's entire concurrence in the expediency of removing any obstacle which may be supposed to exist to the operation of a disposition in the Assembly of Jamaica to provide, in the manner which appears to have been in contemplation for the maintenance of ministers of the Church of Scotland in that colony ; and although Lord Glenelg is not aware of the circumstances under which the Bill referred to in the memorial was suffered to drop, he will not fail to acquaint the Governor of Jamaica of the satisfaction with which His Majesty's Government would learn that the Colonial Legislature is disposed to resume the consideration of this important subject, in the spirit in which it appears to have been treated by the House of Assembly on the occasion adverted to in the memorial.

I am further to acquaint you, that it appears, from information lately received from the Governor of Jamaica, that the sum of 1,100 *l.* was voted by the Colonial Assembly during the last session for the Scotch Churches at Kingston and Falmouth in that island.

A despatch has also very recently been received from the Governor of Mauritius, transmitting the copy of a memorial from a number of respectable inhabitants of that colony, addressed to the Presbytery of Glasgow, praying that a provision should be made from the colonial revenue, for the payment of a stipend to a minister of the Scotch Church. Although no communication on the subject of this petition has as yet been received at this department from the Presbytery, a copy of it has been transmitted to the Lords Commissioners of His Majesty's treasury, with Lord Glenelg's recommendation, that the prayer of the petitioners should be complied with ; and his Lordship has no doubt, that he will be enabled to authorize the Governor of Mauritius to issue from the colonial treasury an adequate allowance for the maintenance of a Presbyterian minister in Mauritius.

With reference to the Australian colonies, I am to acquaint you, for the information of the Committee of the General Assembly, that it has already been determined that clergymen of the Church of Scotland should hereafter be placed in precisely the same situation as clergymen of the Church of England, so far as relates to the amount of the emolument which they will receive from the colonial treasury, In the estimates transmitted to this country from New South Wales for the year 1836, Lord Glenelg observed, that while provision had been made for an immediate increase in the number of clergymen of both churches in that colony, the stipend voted for the clergymen of the Church of England, was at the rate of 150 *l.* a year, while that for clergymen of the Church of Scotland was only at the rate of 100 *l.* a year. There did not appear to his Lordship to be any sufficient reason for this distinction, and he consequently instructed the Governor to propose to the Legislative Council, that the latter should, from the time of their severally entering on their duties, receive the same amount of stipend as that to which the additional clergymen of the Church of England were to be entitled. His Lordship has every reason to anticipate, that this recommendation will be cheerfully acceded to by the Council, especially as in the Colonial Act, which has subsequently been passed, in order to carry into effect the general ecclesiastical arrangements which His Majesty's Government have recently sanctioned in New South Wales and Van Diemen's Land, no such distinction is to be found.

Lord Glenelg trusts that the nature of these arrangements is calculated to make ample provision for the religious wants of the increasing population of Scotch Presbyterians in these colonies, provided that a sufficient number of well

qualified ministers of the Church of Scotland can be induced to avail themselves of the opening which is now afforded them for taking the spiritual charge of congregations of their countrymen who have settled in that part of the British empire. His Lordship has already received from you, with great satisfaction, the recommendation of several gentlemen for this office, and he trusts that under the existing system, not only will the present deficiency of religious instruction in connexion with the Church of Scotland be supplied, but that the means of education and religious instruction will, for the future, keep pace with the progress of emigration from Scotland to Australia, an object to which Lord Glenelg attaches the highest importance, and in the prosecution of which he is happy to have it in his power to co-operate with the Committee of the General Assembly.

I have, &c.

Rev. Dr. Macfarlan. (signed) *Geo. Grey.*

— No. 11. —

No. 11.
Rev. Dr. Macfarlan to Sir G. Grey, 25 July 1837.

74, Jermyn-street, St. James's,
25 July 1837.

Sir,

Had I not been informed that you were out of town, I should have taken the liberty of introducing to you personally the gentleman who will deliver this letter, the Rev. Mr. Mathieson, one of the Presbyterian ministers of Montreal. He has been deputed by his brethren in Lower Canada to make some representations on their behalf to Her Majesty's Government, and I beg leave to recommend his statements to your favourable consideration, in the assurance that his integrity, moderation, and acquaintance with that province, entitle him to more than common attention.

The objects which he has been commissioned to promote, in so far as the interference of Government is required, I understand to be chiefly the following; viz.

1. A provision for elementary education to the Scottish Presbyterian inhabitants, to the extent of, at least, one school to each congregation connected with the Church of Scotland.

2. The foundation in King's College, Toronto, and M'Gill College, Montreal, of professorships in the various branches of liberal education, but especially in theology, in conformity to the principles of, and to be held by, professors in connexion with that church.

3. The interposition of the authority of Government, either by charter or legislative provision, for rendering the judgments of the ecclesiastical courts in Canada authoritative, and enabling them to maintain order and discipline in their body; an arrangement, the importance of which, I believe, is fully recognized by Lord Glenelg, and its necessity evinced by circumstances of recent occurrence.

4. A similar arrangement to facilitate the acquisition of property for ecclesiastical purposes, either by the courts of the church or through trustees; the system hitherto followed having been found extremely inconvenient, and in some instances almost prohibitory, of erecting new churches, even in situations where they were most urgently required. And,

5. A speedy settlement of the long-disputed question as to the application of the Clergy Reserves, so as to remove the irritation and excitement which it still occasions, and must continue to occasion, so long as it remains unsettled. It is believed that any reasonable proposal, such as to appropriate an adequate share of those funds to the branches of each of the Established Churches in the provinces, even though the surplus should be applied to general purposes of instruction, would not be objected to by the parties interested.

Permit me to add, in my own name and in that of the committee on whose behalf I have frequently had the honour of addressing you, our earnest recommendation of those objects, as in our apprehension of great importance to the civil, and especially the religious interests, of our countrymen in Canada, and to assure you of the high esteem and respect with which

I have, &c.

Sir George Grey, Bart.. (signed) *D. Macfarlan.*
&c. &c. &c.

No. 12.

No. 12.
W. Morris to
Lord Glenelg,
5 June 1837.

Tavistock Hotel, Covent-garden,
5 June 1837.

My Lord,

Before entering into any explanation of the various causes of discontent on the part of 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 Reserves 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 observation 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 instituting an inquiry 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 despatches 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 submitting to Parliament an amendment of the Imperial statute, 31 Geo. 3, 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 February last, when in committee of the whole on the report of the select committee on the petitions of the Rev. Alexander M'Naughten 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 sixth resolution of the series which appears on 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 second resolution was carried by a majority of 30 to 25 (without the Speaker's vote, who I understood prepared 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 Reserves, from which all endowments must necessarily be made."

The third 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 Canadian Churches, which Sir George Grey had the goodness to read to me on Saturday,

I have, &c.

(signed) *W. Morris.*

Right hon. Lord Glenelg,
&c. &c. &c.

Meeting of DELEGATES, from the several PRESBYTERIAN CONGREGATIONS of *Canada*, at *Cobourg*.

REPORT of the Proceedings of the Meeting of Delegates from the different Presbyterian Congregations, in connexion with the Church of Scotland in Canada, held at Cobourg the 14th day of April 1837, 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 John 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; T. A. Harper, Kingston; W. S. M'Donald, Gananoque; John Turnbull, Belleville; John A. M'Pherson, Hallowell; Alexander Morris, Brockville; James Pringle, Cornwall; John M'Lennan, Lancaster; Alexander M'Martin, Wms. Town and Martins Town; John Quarry, Dundas, Ancaster and Flamboro; L. Bell, St. Catharine's and Thorold; D. M'Laren, King; Alexander Grant, Cavan; James Hall, Peterboro; Hugh Scobie, West Gwillimbury; Dr. Walter Telfer, Toronto; A. Barker, Scarboro; Alexander Wood, Zorra; C. C. Ferrie, M. P. P. Hamilton; William Clarke, Niagara; Kenneth M'Kenzie, 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, are, Bytown, Esquesing, Lochiel, Streetsville, Guelph, Lanark.

In Lower Canada, St. Andrew's Church, Montreal; St. Paul's Church, Montreal; Beauharnois, Huntingdon; Dundee.

The following resolutions were adopted.

1. 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 thereby declared to be a fundamental and an unalterable part of the Act of Union.

2. 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.

3. Resolved,

3. 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.

4. Resolved, that the Act of the Imperial Parliament, 31 Geo. 3, c. 31, 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 terms and conditions, and liable to the performances of the same duties, as the incumbent of a parsonage or rectory in England."

5. Resolved, that the late Lieut.-governor Sir John Colborne did unwisely erect and endow 57 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.

6. 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 authorizes 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.

7. 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 connexion 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.

8. 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.

9. 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.

10. 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, M'Lennan, Telfer, and Barker, do compose that committee.

11. 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. William 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 of the same.

12. 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 agents to England, and that the funds so collected be transmitted to Francis A. Harper, Esq., Kingston, and subject to the order of the agents.

13. 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.

14. 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.

15. Resolved, that with the view of procuring every possible information respecting the state of our church, we solicit all members in connexion with us, throughout the two Pro-

vinces, to transmit a statement of such local facts, as they may be possessed of, with as little delay as possible, to the standing commission 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.

16. 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 most dutiful and loyal subjects, delegates appointed to meet at Cobourg, by the presbyterian congregations in Canada, in connexion 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 Parliament 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 forefathers 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. 3, c. 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 57 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 connexion 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.

No. 13.

No. 13.
J. Stephen, Esq. to W. Morris, Esq. 21 July 1837.

Sir, Downing-street, 21 July 1837.

I AM directed by Lord Glenelg to transmit to you the accompanying copy of the answer which, by Her Majesty's commands, Lord Glenelg has transmitted to the petition to his late Majesty, of which you were the bearer.

21 July.

I have, &c.

W. Morris, Esq. (signed) *J. Stephen.*

No. 14.

No. 14.
Lord Glenelg to Sir F. B. Head, 21 July 1837.

Sir, Downing-street, 21 July 1837.

I TRANSMIT for your information 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 the agent for the petitioners. I also enclose copies of two letters addressed to me by Mr. Morris on the 13th and 17th instant.

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 the various communities of Christians existing in that part of Her Majesty's dominions may unite together, in the spirit of mutual toleration and goodwill, 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 the 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 manner as effectually to remove any misgivings with which the petitioners may have been affected on that subject.

I have, &c.

Sir F. B. Head, &c. &c. &c. (signed) *Glenelg.*

No. 15.
W. Morris, Esq. to Lord Glenelg, 26 June 1837.

No. 15.

My Lord, 66, Jermyn-street, 26 June 1837.

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 a belief 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 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 the Imperial Parliament pass an Act confirming the Church of England in the possession of one-third part of the whole of the Clergy Reserves in Canada; another third 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 part, or residue, to be re-invested 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 harmonising 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.

I have, &c.

The Right Hon. Lord Glenelg, &c. &c. &c.

(signed) *W. Morris,*
Agent for the Scots Churches in Canada.

No. 16.

No. 16.
Sir G. Grey to W. Morris, Esq. 6 July 1837.

Sir, Downing-street, 6 July 1837.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 26th ultimo, 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 Her Majesty's Government for the consideration of the Provincial Legislature, in pursuance of the statute 31 Geo. 3, c. 31, s. 41, which authorizes that Legislature to take cognizance of it, and to determine to what usage the Clergy Reserves shall be appropriated, Her 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 Her 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, &c.

W. Morris, Esq. (signed) *Geo. Grey.*

No. 17.

No. 17.
W. Morris, Esq. to Lord Glenelg, 13 July 1837.

My Lord, 66, Jermyn-street, St. James's, 13 July 1837.

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 instant, in answer to mine of the 26th ultimo, 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 despatch 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 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 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 honour of presenting through your Lordship, on the 7th of last month.

Notwithstanding the opinion of the law officers of the Crown, in 1819, in favour 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 the year 1825, the recommendation of the Committee of the House of Commons, in 1828, 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 these 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 in Lower Canada, the principle for which we have long contended would seem to be fully recognized, 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 in the eye of the law: 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 for 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 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 1,000*l.* 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 the 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, built a commodious brick church without public aid, 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 for 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 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 matrimony; 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 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

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.

I have, &c.

The Right Hon. Lord Glenelg, &c. &c. &c.

(signed) *W. Morris,*
Agent for the Scots Churches in Canada.

— No. 18. —

No. 18.
Rev. A. Mathieson to Lord Glenelg, 5 August 1837.

My Lord, 74, Jermyn-street, 5 August 1837.

I DEEM it my duty to inform you, that in conjunction with the Rev. John Machar, I was appointed by the Synod of the Presbyterian Church of Canada, in connexion with the Established Church of Scotland, to co-operate with the Hon. William Morris, in endeavouring to obtain a redress of those grievances under which our Church has long laboured, and has often complained to the parent Government,—grievances which deeply affect her moral influence in these Provinces, and are insulting to the feelings of her members, who form a very large and influential class of the colonists.

I was more particularly instructed by my co-presbyters in Lower Canada to press upon the attention of Her Majesty's Government—

First. The lamentable state of elementary education within that Province, and inquire whether a small Government grant might not be permanently appropriated to the support of schools conducted on the same principles as the parochial schools in Scotland, in which a cheap common and classical education might be given.

Second. That there is no provision whatever for the higher departments of literary and scientific education, and that, in point of fact, such education cannot now be obtained in the Province. There are indeed various well-endowed colleges, in connexion with the Romish Church; colleges, however, not really useful or available to the Protestant youth of the Province. There is, it is true, the likelihood of M'Gill College, Montreal, going speedily into operation; but it cannot be useful or successful to that extent desirable and necessary, unless a Government grant be obtained, in addition to the bequest of the testator. Besides, in a memorial to your Lordship, dated Montreal, 1st November 1836, from one of the trustees to the will of the late Hon. James M'Gill, it is stated, that one of the conditions of the bequest is, that "the Government contribute towards erecting buildings, and endowing the proposed university or college," which, if not complied with, the legacy will revert to the residuary legatee, and thus an essential benefit will be for ever lost to the Province. Independently of its being a paramount duty of every state to provide liberally the means of sound education, and also of the local advantages that would result from it, a well-endowed college, that would meet the wants and the wishes of the great proportion of the people, would be of such political utility as demands the immediate attention of Her Majesty's Government. As the case now stands, the youth of the Province are obliged to resort to the neighbouring states for that education which they cannot obtain in their own country. The ultimate effects of an extremity of this nature must be unfavourable to the existence of that connexion which subsists between these colonies and the parent country. Besides the risk of an infusion of opinions opposed to the continuance of this union, into the minds of those who will soon exercise a great influence in these Provinces, it leaves the colonists much room for envying the advantages of their neighbours, and for discontent with their own condition.

Third. In connexion with this subject, I was further instructed to urge the propriety of its being made a positive condition, on the part of Her Majesty's Government, that, in lieu of the advantages conferred by the parent state on colonial universities, and more especially on King's College, Toronto, and M'Gill College, Montreal, these institutions be established on a such a liberal foundation as to be made available to Her Majesty's subjects in the Canadas, of every denomination. That the chief qualifications required in the persons appointed to fill the chairs not expressly connected with theology shall be, superior eminence in the knowledge of those branches of education he is required to teach, and a simple declaration of his belief in the Holy Scriptures. That in each of these universities two theological faculties shall be established,

one of the Church of England, and another of the Church of Scotland. That the appointment of professors to fill the chairs of the last of these faculties shall be vested in the Synod, subject to the approval of the Crown, and that the internal management of this faculty, in so far as respects the terms, the course, and the subjects of study, shall also be under the direction of the Synod.

Fourth. To solicit a charter, or Act of incorporation, giving the power of corporate bodies to the Synods and Presbyteries established, or that hereafter may be established in connexion with the Church of Scotland; a measure essentially necessary to the due control of the Church Courts over the individual clergy, and the efficiency of the Church to promote the interests of the colony, both spiritual and secular.

Fifth. The influence of the parent Government in obtaining relief from those disabilities unjustly imposed upon our Church, a co-ordinate establishment with the Church of England, and the insulting allusions to which, by men in high official situations, have tended much to weaken the affections of the people, and if continued will detach them altogether from the Government. I particularly allude to the restraints by provincial enactments regarding marriages by ministers of the Established Church of Scotland; and the disability of any one congregation to hold more than five acres of land for ecclesiastical purposes; and the gross partiality that has continually been shown to the Church of England above the Church of Scotland, which has every claim on the protection and favour of the Government which can be urged by the Church of England.

Sixth. That the claims of the Church of Scotland to a share of the Clergy Reserves, proportioned to the number of her members in these colonies, already graciously recognized by Her Majesty's Government, shall be finally established by an Act of the Imperial Legislature, founded on some just principle of division, and thus a termination put to disputes which will be most injurious to the peace and prosperity of the colony if prolonged.

Seventh. That in all future Acts and charters for the regulation of the colonies, provision be made for the spiritual rights and interests of the members of the Church of Scotland, on the same principles, and on the same proportional extent as for those of the Church of England.

A correspondence having been entered into on some of these subjects by the Very Rev. Principal Macfarlan, and the Hon. the Under-Secretary for the Colonies, I was referred, by the Rev. Principal, to Sir George Grey, but being out of town, he could make no early appointment for receiving me; and I being under the necessity of returning shortly to Scotland, I have been bold to trouble you Lordship with this matter; and I wait to know whether it be your Lordship's pleasure to honour me with an audience, when I will endeavour to explain the views of my co-presbyters, and of their congregations, more fully on these subjects, which I believe, in general, are in harmony with a great proportion of the colonists of every denomination.

I have, &c.
(signed) *Alexander Mathieson,*
Minister of St. Andrew's Church, Montreal,
Presbytery of Quebec.

To the Right Hon. Lord Glenelg.

No. 19.
J. Stephen, Esq. to the Rev. A. Mathieson, 7 August 1837.

— No. 19. —

Sir, Downing-street, 7 August 1837.

I AM directed by Lord Glenelg to acknowledge your letter of the 5th instant; and in reply I am to inform you, that Lord Glenelg has already entered into a full discussion with Mr. Morris upon the claims and interests of the Church of Scotland, in Upper Canada; and, as that gentleman is stated to have been associated with you in the deputation to this country, you will readily perceive the inconvenience which must be incurred by opening again discussions which have so recently been brought to a close by your colleague. As a preliminary to any correspondence on the subject of your mission, Lord Glenelg would therefore suggest to you the propriety of informing yourself of what has already passed between this department and Mr. Morris.

I have, &c.
(signed) *Jas. Stephen.*

Rev A. Mathieson.

— No. 20. —

Sir, 74, Jermyn-street, 9 August 1837.

No. 20.
Rev. A. Mathieson to J. Stephen, Esq. 9 August 1837.

I HAVE to acknowledge the honour of your letter of the 7th inst., informing me that Lord Glenelg has already entered into a full discussion with Mr. Morris upon the claims and interests of the Church of Scotland in Upper Canada, stating the inconvenience which must be incurred by opening again discussions which have been recently brought to a close; and as a preliminary to any correspondence on the subject, suggesting the propriety of my informing myself of what has already passed between the Colonial Department and Mr. Morris.

I beg respectfully to state, that previous to Mr. Morris's departure for Canada, he communicated to me verbally a general outline of what had been done in the affairs of his mission.

In soliciting an audience of my Lord Glenelg, it was not my intention to renew a subject on which Her Majesty's Ministers for the Colonies had already bestowed such patient consideration, further than perhaps reiterating the propriety of the parent Government settling the long-agitated question of the Clergy Reserves, on some equitable principle of division, that would give general satisfaction to the colonists, instead of leaving the matter open to the discussion of the Provincial Parliaments, without any distinct definitions of the provisions of the original Act as a guide to their deliberations. The dangerous consequences of referring the question to the Colonial Legislature in its present shape, must be sufficiently apparent in the intemperate disputes in the House of Assembly, Upper Canada, on the 9th February last, and the subsequent excitement of the people throughout the whole Province.

On this subject also I might have considered it my duty to have given my testimony in corroboration of that of Mr. Morris, that in so far as my knowledge extends of the state of public opinion in the Provinces of Upper and Lower Canada, the scheme of division suggested by Mr. Morris would be generally acceptable to the bulk of the colonists; viz. that two-thirds of the Clergy Reserves, or of the proceeds thereof, be divided between the Established Churches of England and Scotland, according to the number of members of the respective Churches in these colonies, and that the remaining one-third be surrendered to the Crown, to be disposed of amongst those denominations who may be thought entitled to the support of the state, after having given a declaration of their religious tenets, and a guarantee that they will maintain and publish the same. On any other principle I do not see how any part of a provision made by the state for ecclesiastical purposes can constitutionally be appropriated to any denomination, other than those whose standards have been "judged agreeable to the Word of God," and "ratified by law."

Although it might be deemed imprudent to touch on any subject so delicate as one that has already obtained the sanction of the Provincial Legislature, I would have considered it my duty to have remonstrated against advising the sanction of the Crown to be given to the King's College University Bill, until such a scheme of operation be determined upon by the College Council, as many of the legislators (as I am well informed) who acceded to the passing of the Bill were led to believe would be adopted. It may be unbecoming to make any remark on the act of the Lieutenant-governor which filled up the vacancies in the College Council exclusively from members of the Church of England, although some members of the co-ordinate Church of Scotland might have been found equally well qualified to hold a place at that Board a measure, to say the least of it, little calculated to soothe feelings that have been of late so much irritated. But the outline of the plan for carrying into operation that institution which was submitted by the venerable Archdeacon Strahan for the approbation of the College Council, is so objectionable in its details, as ought to make Her Majesty's advisers pause before they would recommend the final sanction of a Bill that will be far from meeting the wishes of the colonists, until some more liberal scheme of operation be proposed and adopted. The plan submitted by the archdeacon treats with such contumelious silence at once the recommendations of the parent Government, and the often expressed wishes of the colonists, that if it be adopted, I will not hesitate to affirm that it will be the cause of renewed strifes and dissensions, most inimical to the peace and prosperity of the country. The provincial newspapers have already given ominous warning of this result, and nothing but blind infatuation will impel the prosecution of a plan that will be ultimately ruinous to the cause it is

designed to promote. If two theological faculties, one in connexion with the Church of England, and the other with the Church of Scotland, having an independent internal management, be erected on the foundation of the university, as recommended by Government; and if the classical and philosophical departments be left open to those who, believing in the authenticity and inspiration of the Holy Scriptures, are best qualified in the different branches of literature and science required to be taught, I am persuaded that it would conduce more decidedly towards preserving the Church of England entire, and promoting her prosperity, than any other scheme, while it would be more acceptable to the great bulk of the colonists themselves.

Besides these subjects, in common entrusted to me with Mr. Morris, and which, if I understood him aright, he did not follow out to a conclusion, I stated, in my letter of the 5th instant to my Lord Glenelg, that I was particularly instructed by my co-presbyters in the Lower Province to draw the attention of Her Majesty's Government to the lamentable condition of elementary education in that Province, as well as the total destitution that prevails of the means of instruction in the higher departments of literature and science. The utter inefficiency of every scheme of elementary education that has been tried in that Province, and the present destitute condition of the colony in this respect, the Report of the Royal Commissioners, although it does not enter at any length on this important subject, will abundantly show; while to those who have seriously considered the probable operation of the Normal School Bill, in the present state of the Province, there appears much cause to dread that it will only be made an instrument of political influence and intrigue, independently of its tendency to throw the education of the Protestant youth entirely into the hands of Roman-catholics.

These considerations induced my co-presbyters to instruct me to advise with the colonial department on the means best calculated to remedy an evil fraught with such pernicious consequences to the Province. Their simple object was to strengthen their own hands in the prosecution of their plans, by adopting such, if possible, as were most in harmony with the wishes of the parent Government, and thus securing its patronage and protection. If this step, which they have deemed it most advisable to follow, be found impracticable, they must resort to some other mode of bringing the subject under the consideration of the Imperial Legislature, as they can expect no redress on this subject from the Provincial Parliament as it is at present constituted, and thus perform a duty, which in conscience they feel obligated to discharge, both as ministers of the Gospel of Christ and as faithful subjects of Her Majesty.

I have, &c.

James Stephen, Esq. (signed) *Alex. Mathieson.*
&c. &c. &c.

— No. 21. —

No. 21.
J. Stephen, Esq. to the Rev. A. Mathieson, 15 Aug. 1837.

Sir, Downing street, 15 August 1837.

I HAVE received and have laid before Lord Glenelg your letter of the 9th inst. His Lordship directs me to state, that if you will take the trouble of calling at this office, Mr. Mayer, the librarian of this department, will lay before you for your perusal copies of his Lordship's communications to Mr. Morris, and of his despatches to Sir F. Head, which were founded upon the petition of which Mr. Morris was the bearer. For the reasons stated in those documents, Her Majesty's Government have been and are still unable to satisfy the wishes of the petitioners, and of Mr. Morris as their agent.

Lord Glenelg, and his Lordship's predecessors in office, have invariably entertained and expressed the most earnest solicitude to concur in promoting an effective system of public education in the Canadas, of which Christian instruction should be not merely an essential principle but the basis. Every attempt which it has hitherto been possible to make with that view, has been defeated, by the impossibility of inducing an agreement amongst the parties more immediately concerned, as to the means by which effect should be given to that design. Lord Glenelg apprehends that you ascribe to Her Majesty's Government powers for the adjustment of this most important question which they do not really possess, and which it is impossible for them to acquire. The principle so earnestly insisted upon, that the internal affairs of the Province should be

be regulated in such a manner as shall be acceptable to the Local Legislature, has, as you are well aware, been frankly admitted by Her Majesty's Government to the utmost extent which is compatible with the maintenance of the Royal prerogative, and of the relations between Great Britain and the British Provinces in North America. To reconcile with this concession the assumption and exercise by the Crown of an authority for establishing a system of public education in Upper Canada, appears to Lord Glenelg impossible. His Lordship on many other occasions, as well as on the present, has seen cause to regret that the Executive Government is held responsible for the non-performance of duties in reference to the Canadian Provinces, of which they have been rendered incapable by the recognition of that general principle to which reference has been made. He cannot, however, doubt that the Local Legislature of Upper Canada are fully alive to the obligation they have assumed of regulating these highest interests of their constituents, or that they will acquit themselves of that office with advantage to all classes of Her Majesty's provincial subjects. On their side, Her Majesty's Government, whether as administered in this kingdom or in Upper Canada, will give their aid to the utmost of their power in maturing, suggesting, and carrying into execution those plans of public improvement which may coincide with the views and be sanctioned by the concurrence of the Legislative Council and Assembly. Such schemes, however, can no longer be adopted without the express assent of those bodies on whom alone it must hereafter depend to provide the funds necessary for the accomplishment of them.

In conclusion, Lord Glenelg desires me to state, that after you shall have perused the documents to which I have referred, his Lordship will be happy to enter into any personal communication with you which you may think desirable.

I have, &c.

Rev. Alex. Mathieson. (signed) *J. Stephen.*

— No. 22. —

No. 22.
Rev. W. Bettridge and Rev. B. Cronyn to Lord Glenelg, 1 July 1837.

My Lord, London, 13, Exeter Hall, 1 July 1837.

At a meeting of the clergy of Upper Canada, convened by the Archdeacons of Kingston and York, and held in Toronto last October, the state of spiritual destitution of vast numbers of the members of our Church, the inability to relieve it from any resources possessed by the Church, and the necessity of an appeal to the mother country, were acknowledged by all. We were appointed by our brethren to proceed as a deputation to England, and to place ourselves under the guidance of the Bishop of Quebec. The indisposition, mental and bodily, under which we found our beloved diocesan labouring, entirely precluded the hope of assistance or counsel from him. In this our peculiarly delicate and difficult position, we submitted our credentials and our cause to the Archbishop of Canterbury; and, in our proceedings, we have hitherto been sanctioned by his Grace, and by many other prelates of our Church. Our instructions were to make our cause and wants known, publicly and privately, and to the authorities, as well in Church as in State, in order that some effectual remedy might be found for an evil which, as it is yearly increasing in extent, must evolve consequences of most alarming interest to the well-being of the Province. In the hope of interesting your Lordship and the Government of his late Majesty in our cause, we ventured to solicit the honour of an interview; and, cleaving to the same hope, we again crave your Lordship's indulgence for the present communication. Ours is a duty of no mean importance; if, therefore, in the discharge of it, we should err, we trust the cause itself may not suffer by the inefficiency of its advocacy.

The urgent necessities of the Church in Upper Canada must be apparent to all who are informed on the state of the Province. In 1832, the supply of clergy was confessedly insufficient; since that year, at least 80,000 have been added to the members of our communion; and this multitude, from their extreme poverty, have been obliged to seek locations in distant and unsettled townships, far from the reach of the public means of Grace. It were vain, it were unjust, to expect that such a population should, for many years, support their clergy. They have the will to assist in erecting places of worship, and to contribute to the maintenance of ministers; but to bear the entire burden, is impossible. Will Her Majesty's Government suffer these poor emigrants, whom

penury and want have driven from their father-land, to perish for lack of knowledge? Your Lordship is fully aware of the utter incapacity of the Church, by any means at her command, to supply this lamentable deficiency. The Church in Upper Canada appears, in a measure, to be abandoned by all; there is none to plead for her. The "Society for propagating the Gospel in Foreign Parts," since the withdrawal of the Parliamentary grant, and the subsequent transfer of her missionaries to the colonial treasury, has not been able to afford any assistance. Our venerable bishop's present state of incapacity for any exertion leaves us almost without a friend of any authority to advocate our cause. We perceive that the flourishing colony of Australia has obtained, under high mediation, some effectual aid from Government, and we rejoice in the intelligence. But does the Province of Upper Canada present a state of such extraordinary affluence as to render a claim for similar aid from Government unwarranted, and therefore fruitless? Surely, if the case of the two colonies be fairly considered, Upper Canada must be allowed to have an equal, if not superior, title to support. In the name of our Church, then, and of her tens of thousands of destitute members, we entreat your Lordship to stretch forth a helping hand to us. We ask for means to defray the expenses of ministers going out; we ask for means to support them when they have congregations; we ask for assistance to erect churches, on the principle established towards Australia. If 100*l.* were the minimum, and 300*l.* to 500*l.* the maximum of assistance, where equal sums could be raised in the Province, we have no hesitation in declaring it to be our perfect conviction that two years would not elapse before 100 churches would be built, and that we should then see the Church regain her high and natural position in the Province, of which her present want of means to extend her ministrations has, in a measure, deprived her. We do hope to bear back the intelligence to the anxious members of our Church that Her Majesty's Government has not cast us off in the day of our need.

In common with our revered diocesan and the clergy generally, we have long felt that the settlement of the "Clergy Reserves" question (more, perhaps, than any other measure) would directly tend to the happiness, peace, and welfare of the Province. Easy as this settlement might have been some 20 years ago, the agitation of the subject, and the acrimony of feeling arising from its discussion, have involved it in great difficulty. The Church of England has unquestionably the greatest cause for regret and complaint. She has been made the object of constant and most vituperative attacks; she has laboured, and is yet labouring under deep odium, merely because a provision had been made by an Act of the Imperial Parliament for the spiritual instruction of the inhabitants of the Province, through her instrumentality as the National Church. We hear much in England, from the Dissenters, of the horrors of endowments, and of the excellency of the voluntary principle; and yet, my Lord, in Upper Canada, where the Church's patrimony has not been irrevocably secured, as in the parent state, and where, in consequence, the hope, however faint, exists of depriving her of a portion of it, the Dissenters are seen struggling and straining every nerve to possess the "unclean thing." The Church, therefore, of all other denominations, must be desirous to see some plan carried into execution, which, while it secures to her a portion, at least, of her lawful inheritance, may shield her from the unjust assaults of her enemies.

We have read a copy of the memorial forwarded to your Lordship for presentation to his late Majesty from the delegates of the Church of Scotland, by Mr. Morris, a respected member of the Legislative Council of Upper Canada. The object of this memorial appears twofold: 1st. To complain of injustice done to the Church of Scotland by the establishment of 57 rectories in connexion with the Church of England; and, 2dly, To obtain an Act of the Imperial Parliament to constitute the synods, &c. of the Church of Scotland in Upper Canada "corporate bodies." Against the latter provision, we have nothing to object. The complaint, however, conveyed in the memorial, is objectionable, because there is no ground for it. The memorial states that the incumbents of these rectories have spiritual jurisdiction over members of the Church of Scotland and others. This can only be the case when any such members of the Church of Scotland or others may reside on the ground set apart for the church and churchyard, as this is the extent to which the spiritual jurisdiction of the rectors is assigned, in all the patents with which we are acquainted.

quainted. On this subject, we would refer your Lordship to the Solicitor-general, Mr. Draper. We were grieved to learn from your Lordship that the opinion of the law officers on the question of these rectories was unfavourable to the Church. We feel that the unsettling these endowments must be attended with difficulty and injustice; with difficulty, because much of the land so conveyed has already been leased; with injustice, because in very many cases (in our own especially) the lands had been set apart by express command of the Governor in Council, several years before the patents were issued; and because improvements have been made and houses built on these lands. Moreover, the House of Assembly of Upper Canada has distinctly recorded its opinion of the validity of these endowments, in the following resolution, passed 9th February 1837, by a majority of 33 to 20:

"Resolved, That this House regards as inviolable the rights acquired under the patents, by which rectories have been endowed, and cannot therefore either invite or sanction any interference with the rights thus established."

The issuing of these patents was but the completion (in many cases) of acts already commenced; and indeed much, if not the whole, of the obloquy which the simultaneous establishment of these rectories caused, would have been avoided, if the endowments had been perfected at the times they were virtually made. We can, of our own knowledge, state that our late respected Lieutenant-governor was deterred from this step solely by the opposition which his plan of restricting the jurisdiction of rectors within the present confined limits met with in his executive council. We do hope Her Majesty's Government will secure to the Church of England these endowments by such alterations in the patents as the law officers may have found to be necessary.

We now address ourselves to another and leading purpose of the present communication. We have seen Mr. Morris, and conferred with him on the nature of the claims advanced by the Church of Scotland. The desire appears mutual that an amicable termination should, if possible, be effected to the question of the Clergy Reserves. From our personal knowledge of the Province and its affairs, we are satisfied that, unless such a measure be devised and carried out, it will be in vain to expect peace or happiness. The enemies of order and true religion will never lack fuel for their incendiary efforts as long as this subject remains open. We venture then to submit to your Lordship, for the consideration of Her Majesty's Government, the following suggestions, in which (as far as we know) Mr. Morris concurs. They are offered as the principle for an Act of the Imperial Parliament, or (should this not be thought expedient at present) for the government of Her Majesty's representatives and the Houses of Legislature in Upper Canada.

1. The acknowledgment of the right of the Church of England to endowments from the Clergy Reserves by the Act 31 Geo. 3, c. 31, as interpreted by the law officers in 1819, the security of her present possessions, and the allotment of a portion of the Reserves for her use and benefit for ever.

2. The allotment of a portion of the Reserves to the Church of Scotland for her use and benefit for ever. (The extent of these allotments or portions to be determined according to the numerical strength of both Churches in Great Britain; or, as it must be difficult, if not impossible, to ascertain this with accuracy, according to the proportion of the whole population of England and Scotland, assuming that the Dissenters from the Church of Scotland in Scotland are proportionably as numerous as the Dissenters from the Church of England in England. In the present state of Upper Canada, it would be impossible to ascertain the relative numbers of the two Churches.)

3. The residue of the Reserves to be re-invested in the Crown for the support and maintenance of other Protestant denominations dissenting from the two Established Churches.

We are persuaded that if this principle of allotment were admitted, the lands at present disposable might be equitably divided into three equal parts; two to be secured to the two Established Churches, in the proportion of their numbers as above alluded to, and the other third for the purpose mentioned under the third head.

We seek your Lordship's permission to present, in company with Mr. Morris,

any explanations which this subject may appear to require, and on any other referred to in this communication, privately, at your Lordship's convenience.

We have, &c.
(signed) *William Bettridge*, B.D.,
St. John's College, Cambridge,
Rector of Woodstock, Upper Canada.

Benjamin Cronyn, M.A.,
Trinity College, Dublin,
Rector of London, Upper Canada.

The Right Hon. the Lord Glenelg,
&c. &c. &c.

No. 23.

J. Stephen, Esq. to the Rev. W. Bettridge and Rev. B. Cronyn, 13 July 1837.

— No. 23. —

Gentlemen, Downing-street, 13 July 1837.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 1st instant.

Referring to your proposal that the support afforded by Her Majesty's Government to the Church of England in Australia should be extended to that Church in Upper Canada, Lord Glenelg directs me to call your attention to the fact that no portion of the funds applicable to the erection of churches and chapels, and the maintenance of ministers in Australia is provided by this country, but that these funds are exclusively derived from the colonies of New South Wales and Van Diemen's Land, and are appropriated under the authority of the respective governors and councils. Although Her Majesty's Government would cheerfully acquiesce in the adoption by the Legislature of Upper Canada of the principle of the measure recently introduced in Australia on this subject, and which appears to have given great satisfaction to several leading denominations of Christians in these colonies, there are circumstances which prevent the direct interference of the Government in effecting this object in Upper Canada. In the Canadian Provinces, the principle of popular representation being established on the most comprehensive basis, has led to the transfer to the two Houses of Local Legislature, and especially to the House of Assembly, of the control of the whole of the public receipt and expenditure. It is true indeed that the hereditary territorial and casual revenues have not been actually placed at their disposal; but you are aware that, in pursuance of his late Majesty's instructions, the Lieutenant-governor offered that those funds should be subjected to the appropriation of the Provincial Parliament; and although the pressure of other public business prevented the acceptance of that offer during the last Session of the Assembly, it is still binding on the faith of the Crown; and there is every reason to anticipate that in the next Session this pledge will be fulfilled. No portion, therefore, of the Provincial revenue will in that case be applicable to the important object in question, except through the intervention of the Provincial Assembly.

With reference to your proposal that Her Majesty's Government should recommend to Parliament to pass a law to adjust the claims of the different religious communions on the Clergy Reserves, Lord Glenelg directs me to remind you that both the present and the late Lieutenant-governor of the Province had, in obedience to the commands of his late Majesty, invited the Local Legislature to exercise the powers vested in them by the 41st section of the constitutional Act of the 31 Geo. 3, c. 31, for determining in what manner, and to what uses, the lands in question should be appropriated. This subject engaged the anxious deliberation of the Assembly in their last Session, nor has either House of Provincial Legislature solicited the interposition of Parliament, or expressed the slightest doubt of their own ability to bring this question to a satisfactory adjustment. Under such circumstances, Lord Glenelg cannot but think Her Majesty's Government would justly incur the reproach of a breach of faith if they should advise the Imperial Legislature to intercept the proceedings of the Legislature of the Province on this subject.

To your proposal that Her Majesty should be advised to recommend to the Local Legislature such a division of the Clergy Reserves as would appropriate two-thirds of those lands for the support of the Churches of England and Scotland, the remaining third to be appropriated by the Crown amongst all other Protestant religious societies dissenting from both Churches, Lord Glenelg directs me to answer that such a recommendation would probably be resented

resented by the Legislative Council and Assembly as an unconstitutional dictation of the provisions of a law which they were about to pass, and that the adoption of this threefold division presupposes a knowledge of local details and statistics to which Her Majesty's Government cannot lay claim. Even assuming it to be right that this general scheme of distribution should be followed, Lord Glenelg would have no means of vindicating the proposed division of the territory into three equal parts, or of showing that the proportion to be assigned to the English and Scotch Churches should not be greater or less. It is, however, his Lordship's intention to transmit to the Lieutenant-governor of Upper Canada a copy of the Act recently passed in New South Wales, for making provision for the erection of places of worship, and the maintenance of ministers. The Legislature will thus be informed of the principle on which that measure is founded; and may possibly derive some suggestions tending to facilitate the satisfactory adjustment of the question relating to the Clergy Reserves.

On the subject of the erection and endowment of rectories, Lord Glenelg infers from your letter that you have misapprehended the nature of the objection raised to that measure by the law officers of the Crown. It has no reference to the terms of the patents, but to the power of the Lieutenant-governor to issue such patents at all, consequently, there is no possible amendment of those instruments which would obviate the difficulty. It is not, however, Lord Glenelg's intention to instruct the Lieutenant-governor to act upon this opinion until he shall have communicated with the heads of the Church of England in the Province, and shall have afforded them the most ample opportunity for correcting any mis-statement of the facts on which the report of the law officers of the Crown proceeds, or any error in point of law which it may be supposed to involve.

Having thus adverted to each of the topics noticed in your letter, Lord Glenelg cannot conclude this answer to it without expressing the deep concern with which he finds himself precluded, for the reasons which I have stated, from promoting your views by the methods which you have pointed out; but I am to express his Lordship's confident anticipation that the Legislature of Upper Canada will not fail to adopt such measures as shall appear to them most conducive to effect the important object of extending the means of religious instruction among the various denominations of Christians throughout the Province.

I have, &c.
(signed) *Js. Stephen.*

Rev. W. Bettridge.
Rev. B. Cronyn.

— No. 24. —

No. 24.
Rev. W. Bettridge to Lord Glenelg, 20 July 1837.

My Lord, London, 13 Exeter Hall, 20 July 1837.

Since, in conjunction with Mr. Cronyn, who is now in Ireland on the affairs of our mission, I had the honour to communicate with your Lordship, an event has occurred which, although, in mournful certainty, we have, from the very character of the malady, been anticipating for several months, still its actual occurrence cannot fail to deepen our sense of the bereavement we have sustained of a father and friend to the clergy, and to the people over whom God had in His wisdom appointed him bishop. I need scarcely say I allude to the death of the Honourable and Right Reverend the Bishop of Quebec. Of him it may be emphatically said, "The memory of the just is blessed." His memory is written in lines of imperishable affection in the hearts of all who enjoyed the privilege of intercourse with him. The loss of such a man and such a bishop would of itself be sufficient to cause unfeigned sorrow; but when with his loss we connect the sad prospect of our Church in Upper Canada, we are constrained to confess, that it would become the virgin daughter of our Zion to descend into the dust, and, with downcast look, the index of her broken spirit, to utter her mournful "Ichabod." Yes, my Lord, over the future destiny of our Church in the Province of Upper Canada, the clouds appear to settle into a gloom, through the denseness of which, faith, with her most vigorous ken, is unable to penetrate.

Bear with me, my Lord, while I endeavour, under this our heavy loss, to bring under your Lordship's consideration the actual state and certain prospects of our church, should the measure which his late Majesty's Government contemplated

templated be carried into effect. The measure I speak of is the discontinuance of any allowance to the successor of the late Bishop, and at his death, even of that portion of his income which he resigned in favour of the Bishop of Montreal. This measure will involve two necessary results; the actual abolition of the see of Quebec, and the virtual abolition of that of Montreal; in other words, the destruction of the Church of England in the Canadas; for it must be admitted, that episcopacy without a bishop is as manifest a contradiction as monarchy without a monarch. These effects appear inevitable, unless indeed an individual could be found willing to undertake the duties of the episcopacy, and possessing a sufficient private fortune to meet the unavoidable expenses attending their discharge. This favoured individual must, moreover, if he desire the efficient aid of the Bishop of Montreal, provide a sum for him, at least equal to that of which, by the death of the late Bishop, he has been deprived. Should, therefore, the measure be definitively adopted by Her Majesty's Government, our only hope must be that God would raise up such an individual to take the oversight of His people in the Canadas; but, however we might desire and hope, we could scarcely be warranted in expecting such a succour.

It may be presumed that the reason for the adoption of such a measure by Her Majesty's Government must be, either that the Church possesses resources at her own command sufficient to meet her every exigency, or that the members of the Church are sufficiently affluent to provide voluntarily the necessary means to support the various office-bearers in it. Without one of these reasons, it would be difficult to justify a Christian Government in the abandonment of a branch of the National Church. As long as the Church is deprived of her just patrimony—the Clergy Reserves (or of such a share of them as the most biassed interpretation of her charter would concede), she is literally without resource. And with respect to the affluence of her members, and the assistance to be derived from them, an attentive consideration of the circumstances of the emigrants generally, and of the great difficulties they have for years to contend with before they attain to a comfortable sufficiency, must produce the certain persuasion that little or no present help can be expected from them. It would thus appear that neither of these reasons exists, and, therefore, that the adoption of the measure would not be justifiable. I can readily imagine that when the adoption of such a measure was originally contemplated, it was confidently expected by His Majesty's Government that the Clergy Reserves question would have been settled, and, therefore, that the first reason would exist; that is, that the Church would be possessed of resources, which, although slender, might be expected to suffice for her immediate necessities. The adoption of this measure may, in all probability, have been contemplated simultaneously with the resolution of the Imperial Government, to leave the arrangement of the Clergy Reserves to the Provincial Legislature, and to withdraw the annual Parliamentary grant of 15,600*l.* from the Society for Propagating the Gospel in Foreign Parts, in the full confidence that ere the last year of the reduced grant had elapsed, or our late Bishop had been called to his eternal rest, the Clergy Reserves would be available for the purposes for which they were originally intended. If such was the anticipation of His Majesty's Government (and it seems a very reasonable one), it has not been realized. The Clergy Reserves are still unavailable; ought then the adoption of the contemplated measure of the discontinuance of the allowance to the Bishop's successor to take place? Her Majesty's Government can scarcely, without a breach of faith to the Church in Upper Canada, refuse the continuance of its support, and an increase of it, if needed, until the Church be placed in possession of her patrimony. In submitting the Clergy Reserves to the disposal of the Provincial Legislature, His Majesty's Government could never have contemplated that it would become a question of entire spoliation as regarded the Church of England, but at farthest only as an arrangement of the portion to be assigned to her. For the result of this act of concession, either the Imperial Government or the Provincial Legislature ought, in equity, to be responsible to the Church. If Her Majesty's Government decline the responsibility on the fair plea, that sufficient time has elapsed since the concession for the arrangement of this affair, then the Provincial Legislature, or (as this body may not be coerced in pecuniary matters any more than our House of Commons) the casual and territorial revenues should supply the actual need

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of the Church. And if even these Crown revenues are under the control of the House of Assembly, there can be no question that an appeal to that House (made by any Member, whether connected with the Government or not, but still sanctioned by its influence), grounded on the equitable principle above insisted on, would be fully and fairly responded to: and I doubt not that a view of the just responsibility incurred by the Province, through the past delay of its representatives, would much contribute towards the speedy and final settlement of the question. Indeed, my Lord, may I not say that the Imperial Government has hitherto acted on this principle? Why was the payment of the missionaries transferred to the casual and territorial revenues when the annual Parliamentary grant ceased? Why did the Imperial Government make over the charge of the Bishop's income to the same source of revenue? They were the only funds then in the Province at the disposal of the Crown; and, as it appears to me, the Government justly concluded the Province should bear a burden for which the dilatoriness of its Legislature had made it accountable.

I entirely concur in your Lordship's opinion that Her Majesty's Government should not "break faith" with the Provincial Legislature on this subject of the Clergy Reserves, or on any other; but it would be equally incompatible with the maintenance of a sound faith, that the interests of the Church should be entirely sacrificed to a feeling of courtesy or liberality (however well meant) towards the House of Assembly. Can any doubt arise in an unbiassed mind on the meaning of the Act 31 Geo. 3, c. 31, s. 35–42? Can it be denied that the national faith is therein pledged to the Church of England, that she should have a "permanent" provision "in all time to come?" The opinion of His Majesty's law officers in 1819 is distinctly confirmatory of the right conveyed by the Act to the Church of England; for while it excludes entirely the dissenters from any participation in the lands, or in the rents or profits arising therefrom, and admits the Church of Scotland, not to any share in the lands for parochial endowments, but only in the rents or profits, it declares that His Majesty might endow any particular parsonage or rectory of the Church of England with the whole lands allotted and appropriated in each township or parish as Clergy Reserves. Is it consistent, my Lord, that this bare legal opinion in favour of the Church of Scotland should be acted on, and yet with this same opinion founded on a solemn Act of the King and Imperial Parliament in behalf of our Church, there should exist, even in appearance, a reluctance to confirm the present possessions and to extend the usefulness and efficiency of the Church of England by further grants? Is it just, is it consistent with national faith that this solemn compact between the Imperial Parliament and the Church should be violated? violated, too, in such wise, as to ensure, not the "permanent" establishment "in all time to come," but the utter ruin of that Church? These will appear, peradventure, strong expressions, but surely not stronger than the circumstances in which our Church is placed require and justify. I ask, my Lord, in what way can the Church of England be "permanently" and "in all time to come" established in Upper Canada, if it be not by providing her with bishops and ministers according to her necessities and the increase in the number of her members? Did George the Third, of pious memory, and the Imperial Parliament make such a provision? It cannot be doubted. Can, then, the Executive Government be justified in any procedure (however well-intentioned) which compromises the inalienable rights thus secured to the Church of England? If, from any cause, the well-intentioned procedure (I allude to the referring the arrangement of the Clergy Reserves question to the Provincial Legislature) succeed not as soon, or as effectually as the Imperial Government might wish, is therefore the Church vitally and irreparably to suffer? Is the "national faith" pledged to the judges and officers of the Government in Lower Canada? Can the injustice of the House of Assembly there absolve the nation and Her Majesty's Government from their solemn obligation? Was any objection raised when the Ministers of the Crown asked for money from the imperial treasury to pay these judges and officers? Would not an objection involve the necessity of shutting up the courts of justice and suspending entirely the operations of Government? Now there exists, my Lord, a strong parallelism in the case of the judges and officers in Lower Canada and the Church in Upper Canada. The delay of the House of Assembly in Upper Canada has effected for the Church what the injustice of the House of Assembly in Lower Canada has for the judges and Government

officers. Is the Church less a part of our national economy than the judges? Is the Government and nation bound to uphold the judges against any attempted infraction of their rights, from whatever quarter, or under whatever plea it may arise? It would be difficult, my Lord, to convince the clergy and members of the Church of England in Upper Canada that their claim upon the national faith and honour stands upon a less secure foundation. If the differences of the House of Assembly could have been foreseen, as resulting in a delay of years, I am persuaded the Imperial Government would never have recommended the withdrawal of the annual parliamentary grant, much less have contemplated the discontinuance of an annual sufficient income to the successors of the Bishop of Quebec. Surely a Government, possessing sufficient influence to employ, with the full approbation of the country, twenty millions of the public money for the glorious purpose of emancipating the negroes in the West Indies from their bodily thraldom, need not have feared the rebuke or opposition of any sound-hearted man in asking for a few thousands annually (until the Clergy Reserves question was settled) for the still more exalted object of furnishing the means to free from the fetters of sin, through the preaching of the Gospel, tens of thousands of our fellow-countrymen in Upper Canada. If an objector could have been found, it must have been in the ranks of those whose hatred to Christ and his Church is unblushingly avowed, and whose cry is "havock" to every time-hallowed and sacred institution. The Province of Upper Canada ought not to be abandoned to such fearful spiritual destitution by Her Majesty's Government. I humbly crave your Lordship's pardon, if, in appearance even, I should offend against the requirements of that respect which is due to "the powers that be" by the plainness of my language. I feel, because I have for years witnessed, the evils under which our Church in Upper Canada is labouring, and, as I know they are not evils of her own creating, I may be allowed to express an honest, yet respectful indignation, that she should continue unjustly to bear them.

And now suffer me, my Lord, briefly to advert to the actual state of our Church in Upper Canada. Years have passed since the late revered Bishop was in a state of health even to attempt the full performance of his multifarious and ever-increasing duties. None felt, none acknowledged, none grieved more over his own infirmities, and consequent inefficiency, than did Bishop Stewart. It was under the influence of such feelings that he besought the Government to consent to the appointment of a suffragan bishop, although at the sacrifice of one-third of his income. His request was acceded to, and Lower Canada had to rejoice in the advancement of an individual to the episcopacy whose zeal, talents, and piety had conciliated the affections, and claimed the esteem and respect of all. Scarcely had Bishop Mountain arrived in Quebec, when he set out on a tour through the Lower Province; and after journeying and labouring four months I had the pleasure to see him; and he then assured me that he had not nearly finished his intended tour, but that he must return to Quebec to recruit his failing strength. His Lordship could not, by conjecture, state when he should be able to visit the Upper Province. Now, my Lord, should the measure, so oft alluded to, be adopted by Her Majesty's Government, the Bishop of Montreal cannot be expected to visit, extensively, even Lower Canada as a bishop, because, if he did so, it must be with the certainty of involving himself in irreparable pecuniary difficulty. And if Lower Canada must be thus necessarily deprived of his episcopal services, the Province of Upper Canada could never expect a participation in them, however necessary and valuable they might be. And what must be the consequence? The Church, as such, is virtually destroyed. Many, many buildings already erected and in progress of erection in Upper Canada await the consecration of the Bishop; thousands of children are passing the age of confirmation; the clergy everywhere need the comforting and strengthening influence of their Bishop's presence to animate them onwards in their laborious path; the people, in every part, require their zeal for the Church and her ordinances to be quickened into activity by the example and exhortation of a missionary Bishop. Look, my Lord, I implore you, at the Province in its present state. Nearly, if not quite, 200,000 members of the Church of England are scattered over the vast surface of the country, buried, many of them, in the almost inaccessible depths of the forests. At least 80,000 are altogether deprived of the ordinances of the Church. The clergy (whose numbers are already deficient,

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at the lowest estimate, 100) must necessarily decrease rather than increase with the population, because there is no provision for the successors of the present incumbents. Sympathize with these ministers in the bereavement they have now sustained; contemplate seriously, my Lord, what must, humanly speaking, be the state if the Church if Her Majesty's Government abandon her; and then, my Lord, I am satisfied I shall find a ready excuse for the earnestness with which I have endeavoured to plead for our Zion. Deeply responsible am I to the Church in Upper Canada. I desire only to be able, on my return, to give a satisfactory account of my efforts rightly to discharge the duty imposed on me. If I am asked what suggestions I have to offer, I simply reply by suggesting: that another Bishop be forthwith appointed for Upper Canada, leaving it to Her Majesty's Government, as the guardians of the national faith, to provide an income, however moderate, for him and for the Bishop of Montreal; and that pecuniary assistance be afforded to the newly-appointed Bishop for the supply of such a number of ministers as the increased wants of the Church in Upper Canada may demand, until the Clergy Reserves be fairly appropriated.

I venture to enclose a Memorial to Her Majesty, as the head of the Church, expressive of our necessities. I crave permission to present it in person, as the representative of the clergy of Upper Canada; or, should it seem best, I confide it to your Lordship for presentation, in the hope and belief, that, connected as your Lordship's name has ever been, in my remembrance, with the furtherance of every good work, the prayer of the Memorial may receive your Lordship's valid support.

I conclude by humbly requesting your Lordship would make me acquainted, for the information of the Church in Upper Canada, with the resolution Her Majesty's Government may take on this, to us, important and vital subject.

I have, &c.
(signed) *William Bettridge*, B.D.
St. John's College, Cambridge,
and Pastor of Woodstock, U.C.

The Right Hon. the Lord Glenelg,
&c. &c. &c.

TO Her most Gracious MAJESTY, Queen VICTORIA, Defender of the Faith, &c. &c. &c.

The humble Memorial of *William Bettridge*, B.D. of St. John's College, Cambridge, and Rector of Woodstock, in Your Majesty's Province of Upper Canada,

Showeth,

THAT your memorialist, with the Rev. Benjamin Cronyn, M.A. of Trinity College, Dublin, and Rector of London, in the same Province, were appointed by the archdeacons and clergy, in public meeting in Toronto, to proceed as a deputation to Great Britain to make known to the faithful in our father-land the state of spiritual destitution in which tens of thousands of our fellow-countrymen, members of the Church of England, are now placed in Upper Canada.

That your memorialist was directed by duty, as well as by inclination, to seek for counsel and support from his diocesan, the Bishop of Quebec, then in London; that, with deep grief, your memorialist learnt, on his arrival in London, the lamentable indisposition and entire incapacity, mental and bodily, with which it had pleased God to visit this venerable prelate; that, in this delicate and difficult situation, your memorialist and his coadjutor submitted their credentials and their cause to his Grace the Archbishop of Canterbury, whose entire concurrence in their proceedings hitherto has been signified to them; that many of the prelates of the Church have expressed the most lively interest and sympathy in the cause; that many of the nobility and gentry have given their contributions; that the two Universities have generously afforded their ready and liberal help; that the "Society for Propagating the Gospel in Foreign Parts" has placed 500 *l.* annually at the disposal of the Bishop; and that the "Society for Promoting Christian Knowledge" has voted the munificent grant of 2,000 *l.* towards the alleviation of the spiritual necessities of Upper Canada.

That your memorialist humbly craves permission to advert to the causes of this spiritual destitution, and the consequent necessity of an appeal to the faithful in the land. His Majesty George the Third, of pious memory, called upon Parliament, by Royal Message, in 1791, to concur with him in making a permanent appropriation of lands for the maintenance and support of a "Protestant clergy" in Upper Canada. In consequence, certain portions of land, called the Clergy Reserves, were by Statute set apart for the above object. This Statute remains in force, although its enactments have not been carried into full effect. For 30 years after the passing of this Act no doubt was entertained, or at least expressed,

of the exclusive right of the Church of England to the whole of these lands. The members of the Church of Scotland did then advance a claim to a participation in these lands, on the plea of being a national church, and of the construction of the Act itself. Other denominations of Protestants followed the example of the Church of Scotland. In the year 1819 his Majesty's law-officers expressed their opinion that the Dissenters were entirely excluded from any participation in the lands, or in the profits arising therefrom; that the Church of Scotland had no title to a share in the lands, yet that she might be allowed a portion of the rents or profits; while it is distinctly affirmed, in that opinion, that His Majesty was empowered to endow the Church of England with all the lands set apart as Clergy Reserves in each township. The declaration of this opinion was not, however, sufficiently influential to settle this long-agitated question; it continued still to furnish too fruitful a source for angry and exciting discussions, tending at once to endanger the peace and to retard the prosperity of the province. Under these circumstances, His Majesty's Government deemed it a measure of expediency to refer the adjustment of the question to the Provincial Legislature, and at the same time recommended the withdrawal of an annual Parliamentary grant of 15,000 *l.* made to the "Society for Propagating the Gospel in Foreign Parts," and announced the contemplated discontinuance of an income to the successor of the Bishop of Quebec, doubtless in the confident anticipation that the settlement of the Clergy Reserves question would be immediately effected, and, consequently, that the Church of England, being secured in the possession and enjoyment for ever, of such a portion, at least, of those lands as her numbers and condition as the national establishment might require, would be enabled to bear her own expenses. This anticipation, if ever entertained, has not been realized. His Majesty's Government has, therefore, during the protracted provincial discussions on this subject, made the casual and territorial revenues of the Province (the only revenues at the disposal of the Crown) chargeable with the reduced incomes of the missionaries of the Church, and also with that of the Bishop of Quebec; still, however, adhering to the contemplated withdrawal of its support to the successors of the Bishop and of the clergy generally. It has pleased God to call our revered and beloved diocesan to inherit the crown of righteousness reserved for him in heaven. It now becomes a question of vital interest to the Church of England (for her very existence as a church in Upper Canada is involved in its decision), whether the national faith would not be violated towards the Church by the adoption of the contemplated measure. The Church possesses no other resources than those which the wisdom and piety of George the Third and his Parliament destined for her support; from the use of these she is still excluded, not by the provisions of the Act of Parliament, not by any fault of her own, but by the interposition (however well intended) of His Majesty's Government. The members of the Church in Upper Canada are too poor to assist materially in the maintenance of ministers, much less of bishops. The consequence is inevitable; if Your Majesty abandon the Church, her proximate destruction is sealed. Episcopacy without a bishop is a manifest contradiction. It is true we have a bishop in Lower Canada; but even his income (as it was derived from the late Bishop of Quebec's personal sacrifice) ceases to exist with the late Bishop. The Bishop of Montreal cannot then be expected to visit extensively even through Lower Canada, without exposing himself to pecuniary difficulty. The Province of Upper Canada could not hope for any participation in his valuable and essential services; and therefore the Church of England in Upper Canada exists no longer. If it be pleaded that Your Majesty could not, without a breach of faith towards the Legislature of Upper Canada, withdraw from them the adjustment of this question, it may with equal force be urged, that without a breach of national faith towards the Church of England the support of Your Majesty and the Imperial Parliament cannot be withholden until the Clergy Reserves be appplied to the purposes for which they were piously and originally intended.

That your memorialist humbly prays Your Majesty graciously to consider the state of the Church in Upper Canada; the appeal thus made of 200,000 of Your Majesty's loyal subjects (80,000 of whom, at least, are now utterly destitute of the public means of grace), to appoint a successor to our lamented Bishop of Quebec, causing a sufficient income to be provided for him and the Bishop of Montreal, and to afford such pecuniary assistance to the newly-appointed Bishop for the supply of ministers as the increased wants of the Church demand, until the Clergy Reserves be fairly appropriated. And may God, in his infinite mercy, dispose Your Majesty to the firm and faithful maintenance of the true religion established amongst us.

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

(signed) *William Bettridge.*

— No. 25. —

No. 25.
J. Stephen, Esq. to the Rev. W. Bettridge, 7 August 1837.

Sir, Downing-street, 7 August 1837.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 20th ultimo, and of the accompanying Memorial addressed by you to the Queen. His Lordship has laid that Memorial before Her Majesty, who has been pleased to receive it very graciously.

Lord Glenelg desires me to assure you that there was no necessity for the apology you have made for the warmth and earnestness which you advocate the interests

interests of the Church of England in Upper Canada. Every suggestion for the protection or advancement of those interests is welcome to him.

Lord Glenelg subscribes without hesitation to many of the grounds on which the claims of the Church of England are enforced in your memorial and letter. He adopts your opinion that the provision at present made for the maintenance of the Bishop of Quebec, and the clergy of his diocese, is inadequate to the great end of maintaining the Episcopal Church where it at present exists, and of extending its operations throughout the Canadian provinces. His Lordship deprecates not less decidedly than yourself, the system which would leave the ministers of religion dependent on the precarious support of their several congregations. He is of opinion that the permanent appropriation of funds, sufficient for their decent maintenance, is to be classed amongst the first and highest objects of national policy.

It is when an advance is to be made from these general principles to the practical application of them in Upper Canada, that the real difficulty presents itself. There are only four sources from which it is possible that this demand can be satisfied. The funds might be supplied from the public revenue of Great Britain, or from the unsettled lands of the Crown in Upper Canada, or from the Clergy Reserves in the Province, or from the public revenue of the province. It is then to be considered how far each of these means is really available.

First; The motives which oppose an application to Parliament for the support of the Canadian clergy, appear to Lord Glenelg conclusive. For many years such grants were made. The disinclination to continue them was at length indicated by the House of Commons so decidedly, that the reduced grant for this service was obtained only by a distinct pledge against the revival of the demand in favour of any bishop or clergyman who should be subsequently appointed. Even if it were possible to retract that engagement, Lord Glenelg is of opinion that the House of Commons would not regard this as a legitimate use of the revenue of the United Kingdom.

Secondly; You are aware that an Act of the Upper Canadian Legislature, passed in their last Session, has placed, the disposal of the unsettled lands of the Crown, beyond Her Majesty's controul, and that the revenue hereafter to be derived from those lands will be subject to the appropriation of the local legislature, if they shall accept the terms offered to them by his late Majesty. It would be easy, but it is for the present purpose needless to show that Her Majesty's Government have not the power, even if they had the wish, to withhold from the representatives of the people in any one province of British North America the controul of every part of the unappropriated public revenue arising within such province.

Thirdly; It is maintained not only that the clergy reserves are an available resource for the purpose in view, but that they are so solemnly dedicated by Parliament to that purpose, that the diversion of them to any other involves a direct breach of the national faith. Lord Glenelg conceives that this argument could not be maintained at all, except by detaching certain parts of the Constitutional Act of 1791 from their immediate context. You have referred to those provisions of the statute under which the Reserves were set apart for the maintenance of a Protestant clergy. But it is necessary also to advert to the succeeding section, the 41st, which in terms the most distinct and unequivocal authorizes the Colonial Legislature to pass laws for the appropriation of this property. It is obvious that the Parliament of 1791 studiously guarded themselves against devoting these lands irrevocably to uses which might at some future period be distasteful to the people and legislature of the Province. It was foreseen that the question of ecclesiastical endowments might in Canada, as elsewhere, be the fruitful source of contention, and means were accordingly provided for reserving to the legislative bodies the freedom of action necessary for encountering any such difficulty, if it should arise. The result has sufficiently established the accuracy of this anticipation; and his late Majesty's Government, in the year 1831, found it impossible to adjust the controversies which had risen respecting these reserves, except by inviting the Provincial Legislature to exercise powers thus confided to them by the Constitutional Act. If the Provincial Legislature had declined this duty, had avowed their reluctance or inability to discharge it, and had called for the intervention of the Crown or of Parliament, Her Majesty's Government might have proceeded

to deal with the subject in question upon their own judgment. But the reverse of all this is the case. The House of Assembly have accepted the invitation made to them by the Home Government, and so lately as the spring of the present year, they were engaged in the discussion of plans for disposing of the Clergy Reserves. The question was indeed postponed, but without the slightest intimation that the House despaired of coming to a satisfactory adjustment of it.

Under such circumstances Lord Glenelg does not perceive how the authority or the legitimate influence of Her Majesty's Government could be employed to secure for the clergy of the Church of England, in Upper Canada, a provision from the Clergy Reserves. Still less can his Lordship acknowledge, that any breach of faith can be justly imputed to the British Government on account of the measure taken by the Earl of Ripon, in inviting the Provincial Legislature to discharge a duty expressly reserved to them by the Constitutional Act.

Finally; The only other source from which a legal provision can be secured for the clergy in Upper Canada, is the public revenue of the Province. What hope may reasonably be indulged of obtaining supplies from that source, you are as able to form a judgment, as Lord Glenelg. His Lordship does not venture to anticipate what course the House of Assembly may think proper to pursue. Having now reviewed the different modes in which the object in contemplation might be attained, Lord Glenelg finds himself compelled to adopt the conclusion, that the question must await the decision of the Legislative Council and Assembly of the Province. His Lordship apprehends that you ascribe to the Executive Government powers which they do not really possess, and with which it is not in his opinion desirable that they should be invested.

I have, &c.

The Rev. Wm. Bettridge. (signed) *Js. Stephen.*

— No. 26. —

No. 26.
Rev. A. M. Campbell to J. Stephen, Esq.
17 May 1837.

Sir, Trafalgar-square, 17 May 1837.

I AM directed by the Society for the Propagation of the Gospel to acquaint you, for the information of Lord Glenelg, that a despatch has been received from the Bishop of Montreal, containing a copy of letter addressed by his Lordship, in November last, to His Majesty's Commissioners for Lower Canada, and setting forth the urgent demand for the services of additional clergymen in that Province.

The Bishop prays, that His Majesty's Government will apply the sum of 600*l.* a year, arising from the sale of the Clergy Reserves in Lower Canada towards the maintenance of six additional clergymen in that Province, and the Society is willing to grant a like annual sum from its own resources towards the maintenance of the same number of additional clergymen in the Province of Upper Canada, provided the request of the Bishop of Montreal is complied with by the proper authorities.

I am, &c.

James Stephen, Esq. (signed) *A. M. Campbell.*
&c. &c. &c.

— No. 27. —

No. 27.
Sir G. Grey to the Rev. A. Campbell, 2 June. 1837.

Sir, Downing-street, 2 June 1837.

I AM directed by Lord Glenelg to acknowledge your letter of the 17th ultimo, on the subject of the deficiency of the present Ecclesiastical Establishment in Canada, and expressing the willingness of the Society for the Propagation of the Gospel to contribute an additional sum of 600*l.* towards the clergy in Upper Canada, provided that a like sum, which has now accrued from the Clergy Reserves in the Lower Province, be appropriated by His Majesty's Government to the salaries of clergymen of the Church of England.

In reply I am to inform you, that Lord Glenelg has lately had before him repeated and very urgent representations from the ministers of the Church of Scotland in the Canadian Provinces, setting forth the injustice to which they have been subjected by the refusal to them of any participation in the proceeds of the Clergy Reserves, and claiming the fulfilment of expectations of pecuniary assistance held out to them many years ago by His Majesty's Government. Lord Glenelg has, under these circumstances, felt it his duty to enter into a full examination of the claims of the Scotch Church to assistance from His Majesty's Government,

Government, and after considering the correspondence which has taken place with them, more especially during the time when the seals of this office were held by the late Lord Bathurst, and adverting also to the opinion as to the construction of the Act of 1791, given by the law officers of the Crown in 1819, and adopted by a Committee of the House of Commons in 1828, he has felt himself bound to recognize the title of the Scotch Church to share in the benefits arising from the Clergy Reserves. Hitherto his Lordship has had no opportunity of giving effect to this view; and with the exception of a small allowance in Upper Canada, and a sum of 200*l.* voted annually by Parliament, the ministers of the Scotch Church in the Canadian Provinces have accordingly been left without any assistance from the Government, while the whole of the proceeds of the Clergy Reserves in the Upper Province have been appropriated to the ministers of the Church of England. The sum which has lately accrued from the sales of the Clergy Reserves in Lower Canada offers, to a certain extent, the means of remedying this inequality, and his Lordship therefore proposes to grant some immediate assistance to the Scotch Church out of the dividends arising from the investment of this fund. Under these circumstances, and as the whole amount yet received from the sale of the Clergy Reserves in the Lower Province is but small, Lord Glenelg regrets that he cannot at present entertain the proposal of the Society for the Propagation of the Gospel.

I have, &c.

Rev. A. M. Campbell. (signed) *Geo. Grey.*

— No. 28. —

To the Right Honourable Lord *Glenelg*, His Majesty's Principal Secretary of State for the Colonial Department.

My Lord,

No. 28.
Rev. W. Jocelyn Palmer to Lord Glenelg.

THE following statement, which is respectfully submitted to your Lordship's consideration, has been drawn up by certain individuals in this country, to whose knowledge the facts of the case have come, and who hope, by making them known to others, to excite the sympathy of the Christian public to supply necessities so great and urgent as those which the statement discloses.

It is submitted to your Lordship, in the hope that His Majesty's Government (upon receiving such authentication of the facts as they may require) may be induced to give the Lieutenant-governor of Upper Canada that authority to advance money towards the supply of these and similar necessities, which appears now to be withheld, and withheld as against the communion of the Church of England alone. It is not presumed to judge of the reasons which have led Government hitherto to withhold this authority. But should they be connected, either with the allowance now given for the support of individual clergymen, or with the general question of the Clergy Reserves, it is respectfully submitted, that the erection of churches and school-houses, and a provision for the religious education of the growing population, from time to time, is of greater and more permanent importance to the interests of religion than the payment of small stipends, soon altogether to cease, to particular men; and that in this more important object Government has assisted the Church of Rome, and several dissenting communities; while the stiipends of our clergy, being required for their own subsistence, are of course not available for those purposes. And if the Clergy Reserves are considered to be rightfully the property, and to be a sufficient provision for all the religious purposes of our Church in that Province, it is manifest that under present circumstances no advantage can be derived from that provision, unless Government would consent to advance money upon its security.

But in case your Lordship should consider it out of the power, or inconsistent with the policy of Government, to authorise the Lieutenant-governor to give any assistance, it will be a satisfaction to those who interest themselves in the case, to have ascertained such to be the fact from your Lordship, before they proceed to circulate any statement from which it may be inferred.

I have, &c.

(signed) *William Jocelyn Palmer*,
Rector of Mixbury, Oxfordshire.

Chapel-stairs, Lincoln's-inn,
9 March 1837.

STATEMENT

THE Case of *Guelph*, in *Upper Canada*.

"Guelph is the centre of a district in Upper Canada, containing 900 square miles. Although not cleared above ten years, it is already thickly settled. The population is estimated, by the Canada Company, to amount to 3,500 souls; and the tide of emigration continues to set strongly in that direction. The population is, of course, much dispersed over the surface of the district. Above one-third of the inhabitants are attached to the communion of the Church of England; of the rest, a considerable number are rather careless about religion altogether, than attached to any other communion; and there can be no doubt that many of these would be reclaimed, if ministers and churches were supplied in a manner at all adequate to the necessities of the case. But the fact is that, until the year 1832, there was neither church nor minister in the entire district. Since that time there has been one minister residing at Guelph, and a church has been erected, capable of holding 500 persons; but, excepting at the central town, there is not now to be found, in the whole extent of 30 miles square, so much as a single school-house, or other decent building, where the people might assemble for Divine worship, and the Sacraments might be occasionally administered.

Moreover, the expense of building the church is not yet wholly defrayed; but 100*l.* having been furnished by the bishop of Quebec, another 100*l.* by the Canada Company, 180*l.* collected in England, by the exertions of Mr. Bosanquet (the chairman of the Canada Company), and another gentleman; and 337 *l.* contributed by the inhabitants, (no small sum, considering the circumstances of early settlers,) there yet remains to be provided, to complete the fabric and its inclosure, the further sum of 133 *l.*, upon the lowest calculation; for the greater part of which the Rev. Arthur Palmer, rector of Guelph, with six of his congregation, has given personal security. As the Provincial Government had aided the erection of a Roman-catholic chapel at Guelph, by a grant of 90 *l.*, it was hoped that a similar aid might have been afforded in the present instance; but the repeated applications of the rector and his parishioners for such assistance have been attended with no success. To a memorial addressed to the present Lieutenant-governor, which was agreed upon last year at the Easter vestry meeting, and numerously signed by the parishioners, the following answer was returned, directed to one of the churchwardens:

"Government House, Toronto,
"Sir, 5 May 1836.

"I HAVE the honour to inform you that I have laid before the Lieutenant-governor your letter of the 2d instant, with its accompanying petition; and I am commanded by his Excellency to state to you that he much regrets there are no funds at his disposal from which he could afford you the assistance you desire. The sum given in aid of the Roman-catholic chapel, which you referred to, was given at the express command of the Home Government. And if the Secretary of State would sanction the grant of a similar aid in furtherance of your object, his Excellency would have much gratification in affording it.

"I have, &c.
(signed) "*J. Joseph.*"

It may here be added, that extracts from official documents are in the hands of the framers of this statement, by which it appears that in the years 1833 and 1834 sums amounting in the whole to 5,002*l.* 2*s.* 2½*d.* were furnished by the Provincial Government, for the erection of dissenting places of worship in Upper Canada, of which sum 1,335*l.* 8*s.* 10½ was expressly given for Roman-catholic chapels; and that by a despatch from the Home Government, bearing date the 27th day of January 1834, authority was given for the continued application of 2,000*l.* per annum to similar purposes.

It is therefore most earnestly hoped, that Government, upon this representation been made to them, will consider whether it might not be consistent both with good policy and with justice to give to the Church of England, in Upper Canada, the same measure of protection and encouragement which they give

to

to other religious communities; and, particularly to afford some timely aid in the case of the district of Guelph. In order to meet, even in a small degree, the necessities of the case, and to make any permanent provision for the religious wants of a scattered and continually increasing population, it will be necessary not only to defray the unliquidated charges of the erection of the church at Guelph, but to raise a fund which shall enable the minister and his parishioners, with the advice and direction of their bishop, to build a sufficient number of schoolhouses in different parts of that extensive district, and provide schoolmasters for the religious instruction of the rising generation. These schoolmasters may also act in a more general capacity as catechists; and the schoolhouse itself, however humble, may constitute a room in which the sacraments may be occasionally administered, and the Word of God preached to a famishing people; until, by the Divine blessing, labourers shall be sent forth with more abundance into the vineyard, and more appropriate and substantial buildings erected and set apart for the service of religion.

No. 29.

No. 29.
Sir G. Grey to the Rev. H. F. Palmer, 21 March 1837.

Sir, Downing-street, 21 March 1837.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of 9th instant, on the subject of the insufficiency of the provision which at present exists in Upper Canada for the erection of churches and schools for the Church of England population of that Province, and urging on Her Majesty's Government the propriety of assisting this object, by a grant of public money. In support of your application, you observe, that similar assistance has at various times been granted to other communities of Christians in Upper Canada; and an especial reference is made to a grant of 90 *l.* in aid of a Roman-catholic chapel erected at Guelph.

In reply, Lord Glenelg directs me to assure you that there is no subject connected with the Canadas in which His Majesty's Government take a more lively interest than the general extension of religious and moral instruction among the inhabitants; and his Lordship would therefore willingly accede to your application if the means of doing so were at his disposal. His Lordship, however, regrets that there is no fund at present subject to the control of His Majesty's Government from which any grant for objects of this nature could now be made. The disposal of the Clergy Reserves in Upper Canada was submitted to the Legislature of that province so far back as November 1831, while it has recently been proposed to surrender, on certain conditions, to the Assembly the appropriation of the casual and territorial revenue, subject of course to its existing burthens. Pending the consideration of this question by the Provincial Legislature, His Majesty's Government feel that they would not be justified in imposing on the casual and territorial revenue any charges to which it was not subject at the time of the proposal of surrender, nor does the fund derived from the sales of the Clergy Reserves afford the opportunity of complying with your application, the interest arising from that fund being entirely absorbed in paying the stipends of the clergy of the Church of England.

Lord Glenelg, however, has reason to hope that the appropriation of the Reserves will, at a very early period, be settled on principles which will render them more available than they have hitherto been for the increase of the means of religious instruction in the colony, and that liberal provision will be made by the Provincial Legislature for the advancement of education. I am further to observe, that you appear to be under some misapprehension with reference to the comparative amount of assistance hitherto afforded to the members of the Church of England, and to other denominations of Christians in Upper Canada. It may be inferred, from your letter, that you imagine the latter have been placed in a more favourable position than the former in the distribution of the funds formerly at the disposal of the Government, and applicable to religious purposes. As Lord Glenelg would much regret the prevalence of so erroneous an impression, he directs me to state to you the following facts: The total pecuniary assistance granted to the clergy of the Church of England in Upper Canada, out of the proceeds of Clergy Reserves and the casual and territorial revenue, amounted, during the three years ending on 31st Decem-

ber 1835, to 27,705 *l.* 2 *s.* 6 *d.*, while that granted to all the other communities of Christians in the Province, during the same period, did not exceed in the whole 17,414 *l.* 6 *s.* 10 *d.* Lord Glenelg feels that it would not have been possible for His Majesty's Government, in justice to other claims within the Province, to have devoted to objects connected with the Church of England a larger portion of the funds at their disposal for religious purposes, and the same obstacles which now prevent his Lordship from authorizing the applicatiod of a sum of money to the object stated in your letter, would equally prevent a compliance with similar requests from any other body of Christians in the Colony. It is undoubtedly true, that, of the sum hitherto allotted to other denominations, a considerable portion was expended in the erection of churches, while the portion appropriated to the Church of England was principally devoted to the payment of salaries. This difference in the application of the grants, however, proceeded from no disregard on the part of His Majesty's Government to the permanent interests of the Church of England, but from the fact that the ministers of the other communities were chiefly supported from private sources, while those of the Church of England depended altogether on the assistance of the Government. The difference in the mode of appropriation, in fact, arose solely from a consideration of the interests of the clergy of the Church of England in the Province.

I have, &c.

Rev. H. F. Palmer. (signed) *Geo. Grey.*

COPIES or EXTRACTS of CORRESPONDENCE alluded to in Lord *Glenelg*'s Despatch to Sir *Francis Head*, 7th September 1837, between himself and Persons communicating with him on behalf of the Churches of *England* and *Scotland*.

(Mr. Vernon Harcourt.)

Ordered, by The House of Commons, *to be Printed*,
15 *April* 1840.

[*Price* 6 *d.*]

244.

Under 8 *oz.*

CANADA (CLERGY RESERVES).

RETURN to an ADDRESS of the Honourable The House of Commons, dated 28 May 1840;—*for*,

COPY of a LETTER from Captain PRINGLE to the SECRETARY of STATE for the COLONIES, dated 9th May 1840, relative to the Extent and Value of the CLERGY RESERVES in *Upper Canada*.

Colonial Office, Downing-street, 29 May 1840. } R. VERNON SMITH.

(Copy.)

My Lord, London, 9 May 1840.

I HAVE the honour to enclose a Memorandum relative to the probable value of the Clergy Reserves in Upper Canada, given to me by Mr. Sullivan, the Commissioner of Crown Lands and Surveyor-general for that Province.

In explanation of its being a rough estimate, I beg to state, that the Clergy Reserves Bill passed the Upper House a couple of days before I left Toronto, and I then requested Mr. Sullivan to give me a Memorandum of their extent and value, that I might take it home.

I have, &c.
(signed) *J. W^m Pringle.*

The Lord John Russell,
&c. &c. &c.

(Copy.)

Crown Land Office, Toronto, 23 January 1840.

	Acres.
Total Number of Acres of Clergy Reserves in surveyed Townships, and Blocks of ditto, as returned by the Surveyor-general's Department	2,197,526
Number of Acres in the Block set apart in lieu of the Clergy Reserves not appropriated in the Huron Tract	157,143
	2,354,669
Number of Acres sold up to 31st December 1839 inclusive	500,433
Remaining unsold	1,854,236

Average price of the Clergy Reserves sold up to 31st December 1839 - - - £. 0. 13. 6 ½ per acre.

Memorandum:

	Acres.
Number of Acres of Clergy Reserves under Patent as Endowments to Church of England	22,951
Number of Acres of Clergy Reserves granted to Clergy of other Denominations under Orders in Council	2,995
	25,946

Number of Acres remaining unsold	1,854,236
Deduct Number of Acres granted	25,946
Remaining disposable	1,828,290 acres,

at the probable value of 10 *s.* currency per acre, would amount to £. 914,145 currency. I think the whole Clergy Reserves, sold and unsold, may be reckoned worth £. 1,000,000 sterling with great safety.

(signed) *R. B. Sullivan.*

Captain Pringle,
&c. &c. &c.

CANADA (CLERGY RESERVES).

COPY of a LETTER from Captain PRINGLE to the SECRETARY of STATE for the COLONIES, dated 9th May 1840, relative to the Extent and Value of the CLERGY RESERVES in *Upper Canada*.

(*Mr. Vernon Smith.*)

Ordered, by The House of Commons, *to be Printed*,
1 *June* 1840.

337.

CANADA COMPANY.

RETURN to an ADDRESS of the Honourable The House of Commons, dated 14 May 1840;—*for*,

COPY of a LETTER, dated the 9th day of January 1840, from the Governor of the Canada Company to Lord *John Russell*, soliciting the Appropriation of the Sum which now remains due from the Canada Company to the Crown to the Encouragement of Emigration to *Upper Canada*, and the Answer made thereto on the 18th day of January.

Colonial Office, Downing-street, 20 May 1840.

R. VERNON SMITH.

Ordered, by The House of Commons, *to be Printed*, 21 *May* 1840.

UPPER CANADA COMPANY.

(Copy.)

LETTER from *Charles Franks*, Esq. to Lord *John Russell*.

Office of the Canada Company,
St. Helen's Place, 9 Jan. 1840.

My Lord,

THE situation of affairs in Canada for some time past, and the prospect of future emigration to that colony, occasion the necessity of my bringing under the consideration of your Lordship the engagement of the Canada Company with Government, and the hardship of their position. As Governor of the Company, I am instructed by the directors to submit the following observations:—

That engagement requires the Company to pay to Government, by half-yearly instalments, 348,680 *l.* for the Crown Reserves and 1,000,000 of acres of other waste lands belonging to the Crown.

This Company was established with the view of providing for and giving facilities to emigrants on arriving, and generally to advance the settlement and prosperity of the colony.

The directors can satisfactorily refer to the records of your Lordship's office for evidence from the local authorities of the fidelity with which the Canada Company have hitherto fulfilled their engagements, and of the advantages derived by the inhabitants from the proceedings of the Company. If further proof were required, I might confidently appeal to the loyal feeling displayed by the settlers on the Company's lands during the late attempted insurrection.

The

		£.	s.	d.
The amount payable to Government under the engagement I have already stated to be		348,680	–	–
But of this amount there is to be expended in improvements, and the greater part, namely, 35,000 *l.*, has already been so expended, with the sanction and approval of the local Government - - - -		43,545	–	–
Receivable by Government - -		305,135	–	–
And of this sum there had been paid up to the 30 June last -	£. 235,000			
To which is to be added the instalment due in December last, which will have been paid in Canada - - - - -	10,000			
		245,000	–	–
Leaving now payable to Government -	£.	60,135	–	–

Thus, my Lord, I have given a brief statement of the past and present situation of the Canada Company, with reference to their engagement with Government.

The state of affairs in Canada during the past two years has necessarily been greatly prejudicial to the interests of the Company; but the directors, hoping for an early change and renewal of encouragement for emigration to that colony, have been unwilling at an earlier period to urge upon Her Majesty's Government the peculiar hardship of the Company's situation with reference to the present state of the emigration to Canada; but, in justice to the colony and themselves, this step can no longer be delayed.

Your Lordship will perceive, that if emigration to Canada cease, one of the chief objects of the Company, namely, preparing for the reception of emigrants, must cease also. The engagement, however, to pay for lands continues, though if there be not emigration the Company will have little or no opportunity for selling or settling their lands. By the 30th clause of the first agreement with Lord Bathurst, it will be observed, that if the Company pay for lands without settling them, a heavy expense as settlement duty becomes payable, operating as a penalty upon the Company, besides the provincial tax on wild lands remaining in the Company's possession unsold, thus adding to the cost of unsaleable lands.

I have deemed it right to bring these facts prominently before your Lordship, before soliciting reference to the annexed statement, made up from the most authentic sources, showing the annual progress of emigration from this country to Canada, and also to the Eastern colonies, since 1829.

It will be observed that the emigration to Canada has almost ceased, while that to the Eastern colonies is rapidly increasing.

This change in the tide of emigration has probably, in some degree, been produced by the recent state of affairs in Canada; but it has been still more influenced and mainly promoted by the expenditure of the proceeds of the sale of Crown lands in the Eastern colonies, in payment of the expenses of emigrants proceeding to these colonies.

To this important subject I am requested by the directors of the Canada Company to solicit the attention of Her Majesty's Ministers.

Without claiming as an act of justice to the Province of Upper Canada, as well as to the Company, that the sum of 245,000 *l.* already paid by them to the Crown for the purchase of waste lands should be expended in promoting emigration to that Province, yet in regard to the sum of 60,000 *l.* above referred to as still due for lands purchased, or such a sum as has been paid by the Company for waste lands to the Crown since the principle has been adopted above referred to

for

for the advantage of other colonies, I am requested to claim respectfully that a similar appropriation should be made in favour of emigration to Upper Canada; an act which appears to be due in justice to the inhabitants of that colony, and which would be highly appreciated by them, and would tend greatly to promote the best interests, both of this country and of the colony.

I am to add, that the directors will at all times be prepared, if desired, to afford their services in directing the expenditure of the money in the way best calculated to promote emigration with economy and advantage; although they are by no means desirous of undertaking the serious responsibility which must attend the performance of such a duty.

I have, &c.

(signed) *Charles Franks.*

Comparative Return of Emigration to *Quebec* and *Australia*, to June 1839.

Quebec.		Australia.
1829 - - -	15,945	
1830 - - -	28,000	
1831 - - -	50,254	
1832 - - -	51,746	
1833 - - -	21,752	
1834 - - -	30,935	
1835 - - -	12,527	
1836 - - -	27,728	From 1832 to 1837 :
1837 - - -	21,901	3,444
1838 - - -	3,266	14,021
To June 1839 - - -	3,390	To June, 6,261
		Estimated at 9,000

LETTER from *R. Vernon Smith*, Esq. to *Charles Franks*, Esq.

Sir, Downing-street, 18 January 1840.

I am directed by Lord John Russell to acknowledge the receipt of your letter of the 9th instant, in which you submit to his Lordship various circumstances connected with the Upper Canada Land Company, which appear to the directors of the Company to justify the application which you have made on their behalf, that the balance of the purchase-money now due to the Crown should be expended in the promotion of emigration to the Province.

Lord John Russell desires me, in reply, to acquaint you that the sum which will accrue from the payments still to be made by the Company forms part of the land revenue of Upper Canada, which Her Majesty's Government have offered to place at the disposal of the local Legislature of that Province, in exchange for a civil list to be granted to the Crown. As that offer is now before the House of Assembly, it is impossible for Her Majesty's Government to entertain the proposal made by the Company.

I have, &c.

Charles Franks, Esq.
Upper Canada Land Company.

(signed) *R. Vernon Smith.*

CANADA COMPANY.

LETTER, dated 9th January 1840, soliciting Appropriation of Sum due to the Crown to the Encouragement of Emigration to *Upper Canada*.

(Mr. William S. O'Brien.)

Ordered, by The House of Commons, *to be Printed*,
21 *May* 1840.

317.

Under 1 *oz.*

CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons, dated 27 February 1839;—*for*,

A RETURN of the NAMES of PERSONS imprisoned in *Lower Canada*, charged with TREASON, or OFFENCES of a TREASONABLE NATURE, since the 1st day of November 1837; their Trade or Profession, the Day of the Commencement of their Imprisonment, the Date of their Discharge, the Amount of Bail or personal Security demanded and given, and if tried by what Tribunal tried, and the Sentence passed upon them, and if Sentence of Death passed whether executed or commuted, and if commuted the Commutation of the Punishment.

SIMILAR RETURN for *Upper Canada*. (Not yet received, *vide* page 21.)

Colonial Office, Downing-street, 11 June & 5 August 1839.

H. LABOUCHERE.

(*Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed*, 15 *April* 1840.

LIST.

LOWER CANADA.

No. 1.—Copy of a Despatch from Governor Sir *John Colborne*, K.C.B., to the Marquess of *Normanby*, dated Government House, Montreal, 29 April 1839 - - - - - p. 3

No. 2.—Copy of a Despatch from Governor Sir *John Colborne*, K.C.B., to the Marquess of *Normanby*, dated Government House, Montreal, 4 January 1840 - - - - - p. 14

UPPER CANADA.

No. 3.—Copy of a Despatch from Lieutenant-governor Sir *George Arthur*, K.C.H., to the Marquess of *Normanby*, dated Upper Canada, Toronto, 25 April 1839 - - - - p. 21

LOWER CANADA.

— No. 1. —

(No. 63.)

My Lord, Government House, Montreal, 29 April 1839. No. 1.

In compliance with the instructions contained in your Lordship's despatch, No. 11, of the 9th ultimo, I have the honour to transmit a Return relative to persons imprisoned in this province since the outbreak on the 3d November 1838, charged with Treason, or offences of a treasonable nature.

The Return for the previous year is in course of preparation, and will be transmitted at an early opportunity. (For Return, *vide* page 14.)

I have, &c.

The Marquess of Normanby, &c. &c. &c.

(signed) *J. Colborne.*

QUEBEC.

RETURN of the Names and Quality or Station of the several Persons arrested in the District of *Quebec*, and placed in Confinement in the Common Gaol for the District of *Quebec*, on a Charge of Treason or Treasonable Practices; the Dates of their Arrest and Discharge; and if tried, whether by Court Martial or Civil Court, with the Result of such Trials respectively; also, the Number in Prison at this Date. (Prepared from Returns furnished by the Sheriff of the said District of *Quebec*.)

No.	Names of Prisoners.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether tried by Court Martial or Civil Court.	Result of the Trial.	REMARKS, Final Sentences, &c. &c.
1.	John Teed	tailor	11 Nov. 1838	13 April 1839	not tried		admitted to bail, to appear at the next Court of King's Bench to be holden on the 27th August next, or at any Court of Oyer and Terminer which may be previously convened. Principal in 200*l.* and two sureties in 100*l.* each.
2.	Michael Connolly	tavern-keeper	ditto	19 Nov. 1838	ditto		same.
3.	Pierre Chasseur	labourer	ditto	13 April 1839	ditto		ditto.
4.	Edouard Rosseau	physician	ditto	March 1839	ditto		ditto.
5.	Alexandre Dumont	unknown	19 Nov. 1838	13 April 1839	ditto		ditto. A native of France.
6.	Etienne Parent	printer	26 Dec. 1838	ditto	ditto		ditto. Editor of the "Canadien."
7.	Jean Bte. Frechette	ditto	ditto	22 Jan. 1839	ditto		ditto. Printer of the "Canadien."
8.	Napoleon Aubin	gentleman	2 Jan. 1839	Feb. 1839	ditto		ditto. Editor of the "Fantasque" (newspaper).
9.	Adolphe Jacques	printer	ditto	ditto	ditto		ditto. Printer of the "Fantasque."
10.	François Bellanger	farmer	26 Jan. 1839	13 April 1839	ditto		ditto.
11.	François Bellanger, jun.	ditto	ditto	ditto	ditto		ditto.
12.	C. O. Arcand	notary public	ditto	ditto	ditto		ditto.
13.	Alexis Rodrique	farmer	ditto	ditto	ditto		ditto.
14.	Xavier Bolduc	ditto	ditto	ditto	ditto		ditto.
15.	Augustin Doyon	ditto	ditto	ditto	ditto		ditto.
16.	Jonathan Nelson	unknown	8 Feb. 1839	ditto	ditto		ditto. Supposed to be a citizen of the United States.
17.	Baron Frattelin	adventurer	March 1839	not discharged	ditto		this person was originally committed for horse-stealing, but subsequently was charged with treason; the grand jury in March rejected the bill for horse-stealing, and it being impossible for the prisoner to obtain sureties for his appearance, he was discharged unconditionally.
18.	Charles Hunter	advocate	ditto	ditto	ditto		his case under consideration. This person was, from the first to the last, editor, conjointly with R. S. M. Bouchette, of a seditious paper called "The Liberal," published at Quebec.

Certified.

Montreal, 23 April 1839.

(signed) *C. R. Ogden*, Attorney-general.

THREE RIVERS.

RETURN of the NAMES and QUALITY or STATION of the several Persons arrested in the District of *Three Rivers*, and placed in Confinement in the Common Gaol for the District of *Three Rivers*, on a Charge of Treason or Treasonable Practices; the Dates of their Arrest and Discharge; and if tried, whether by Court Martial or Civil Court, with the Result of such Trials respectively; also, the Number in Prison at this Date. (Prepared from Returns furnished by the Sheriff of the said District of *Three Rivers*.)

No.	Names of Prisoners.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether tried by Court Martial or Civil Court.	Result of the Trial.	REMARKS, Final Sentences, &c. &c.
1.	Celestin Houde - -	yeoman - -	27 Nov. 1838	6 Dec. 1839	not tried - -	-	- - this individual was committed on a charge of treasonable practices; and, during the suspension of the Habeas Corpus Act, was admitted to bail by Mr. Justice Vallières de St. Real, the resident Judge, without any warrant or authority from his Excellency the Governor-general.
2.	Joseph Guillaume Barthe -	student in law -	2 Jan. 1839	16 April 1839	- ditto - -	- - -	- - admitted to bail in 200*l.* for his appearance at the next Court of King's Bench for that district, or at any previous Court of Oyer and Terminer appointed to be holden.

Montreal, 23 April 1839.

Certified.

(signed) *C. R. Ogden*, Attorney-general.

ST. FRANCIS.

RETURN of the NAMES and QUALITY or STATION of the several Persons arrested in the District of *St. Francis*, and placed in Confinement in the Common Gaol for the District of *St. Francis*, on a Charge of Treason or Treasonable Practices; the Dates of their Arrest and Discharge; and if tried, whether by Court Martial or Civil Court, with the Result of such Trials respectively; also, the Number in Prison at this Date. (Prepared from Returns furnished by the Sheriff of the said District of *St. Francis*.)

No.	Names of Prisoners.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether tried by Court Martial or Civil Court.	Result of the Trial.	REMARKS, Final Sentences, &c. &c.
1.	Elias Lee - - -	- - -	3 Nov. 1838				
2.	Roswell Bates - - -	- - -	13 Nov. 1838				
3.	Elias Lee - - -	- - -	- ditto -				
4.	Leon Channel - - -	- - -	- ditto -				
5.	John C. Tack - - -	- - -	- ditto -				
6.	John Sanborn - - -	- - -	22 Nov. 1838				
7.	Andrew Hoeg - - -	- - -	- ditto -				
8.	Gerard Blanchard - -	- - -	- ditto -				
9.	George W. Nouns - -	- - -	- ditto -				Each admitted to bail in 200*l.*, and two sureties in 100*l.* each, for his appearance at the next session of the Court of King's Bench for the district of St. Francis, or at any Court of Oyer and Terminer to be previously convened.
10.	Horatio Bullard - -	- - -	24 Nov. 1838	15 April 1839	not tried - -	- - -	
11.	John Berry - - -	- - -	- ditto -				
12.	Jacob L. Kent - -	- - -	2 Dec. 1838				
13.	Blandel Kent - - -	- - -	- ditto -				
14.	Jones Kent - - -	- - -	- ditto -				
15.	Robert M'Crellis - -	- - -	6 Dec. 1838				
16.	Charles Charpentier - -	- - -	28 Nov. 1838				
17.	James Dinsunsheath - -	- - -	6 Dec. 1838				
18.	Jacob Bachelor - -	- - -	15 Dec. 1838				
19.	Bareck Burpee - -	- - -	- ditto -				

Montreal, 23 April 1839.

Certified.

(signed) *C. R. Ogden*, Attorney-general.

MONTREAL.

RETURN of the NAMES and QUALITY or STATION of the several Persons arrested in the District of *Montreal*, and placed in Confinement in the Common Gaol of the District of *Montreal*, on a Charge of Treason or Treasonable Practices; the Dates of their Arrest and Discharge; and if tried, whether by Court Martial or Civil Court, with the Result of such Trials respectively; also, the Number in Prison at this Date. (Prepared from Returns furnished by the Sheriff of the said District of *Montreal*.)

No.	Names of Prisoners.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether tried by Court Martial or Civil Court.	Result of the Trial.	REMARKS, Final Sentences, &c. &c.
1.	Olivier Le Blanc	brickmaker	4 Nov. 1838	15 Dec. 1838	-	-	discharged by Attorney-general.
2.	Jean Baptiste Rose	labourer	ditto	11 Jan. 1839	-	-	ditto.
3.	Pierre Tessier	ditto	ditto	4 Dec. 1838	-	-	ditto.
4.	Joseph Picard	yeoman	ditto	26 Dec. 1838	-	-	ditto.
5.	Joachim Primeau	ditto	ditto	24 Jan. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
6.	Jean Baptiste Viau	labourer	ditto	18 Jan. 1839	-	-	discharged by Attorney-general.
7.	Pierre Noro	yeoman	ditto	24 Jan. 1839	-	-	ditto.
8.	Ovide Beauchamp	blacksmith	ditto	ditto	-	-	ditto.
9.	Antoine Coté	yeoman	ditto	-	by court martial	guilty	- under sentence of death; recommended to mercy.
10.	Joachim Filiau	joiner	ditto	25 Jan. 1839	-	-	discharged by Attorney-general.
11.	Jean Baptiste Brindamour	labourer	ditto	24 Jan. 1839	-	-	ditto.
12.	Jacques Lefebre	ditto	ditto	ditto	-	-	ditto.
13.	Gabriel Collette	ditto	ditto	ditto	-	-	ditto.
14.	Louis Beloin	yeoman	ditto	ditto	-	-	ditto.
15.	Pierre Primeau	ditto	ditto	9 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
16.	Pierre Billette	labourer	ditto	27 Dec. 1838	-	-	discharged by Attorney-general.
17.	Pierre Reid	yeoman	ditto	14 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
18.	François Reid	ditto	ditto	26 Jan. 1839	-	-	discharged by Attorney-general.
19.	Antoine Boursier	ditto	ditto	27 Dec. 1838	-	-	ditto.
20.	Charles Mercille	ditto	ditto	24 Jan 1839	-	-	ditto.
21.	François Duquette	ditto	ditto	11 Jan. 1839	-	-	ditto.
22.	Joseph Longtin	ditto	ditto	21 Jan. 1839	by court martial	acquitted	discharged.
23.	Jean Baptiste Dumouchelle	ditto	ditto	ditto	-	-	bailed by Hon. G. Pyke, J. K. B.
24.	Vital Dumouchelle	ditto	ditto	8 Dec. 1838	-	-	discharged by Attorney-general.
25.	François M. Lepailleur	bailiff	ditto	-	by court martial	guilty	under sentence of death.
26.	Louis Guérin	baker	ditto	-	ditto	ditto	- under sentence of death; recommended to mercy.
27.	François X. Dubord	shoemaker	ditto	24 Jan. 1839	-	-	discharged by Attorney-general.
28.	Louis Lucasse	labourer	ditto	ditto	-	-	ditto.
29.	Gabriel Jodouin	ditto	ditto	ditto	-	-	ditto.
30.	Nicolas Rousselle	yeoman	ditto	ditto	-	-	ditto.
31.	Paul Mailloux	labourer	ditto	ditto	-	-	ditto.
32.	Joseph Corbeille	ditto	ditto	26 Dec. 1838	-	-	ditto.
33.	François Daurais	yeoman	ditto	11 Jan. 1839	-	-	ditto.
34.	Pierre Daurais	ditto	ditto	ditto	-	-	ditto.
35.	Jean Louis Thibert, sen.	ditto	ditto	-	by court martial	guilty	under sentence of death.
36.	Jérémie Groulx	labourer	ditto	27 Dec. 1838	-	-	discharged by Attorney-general.
37.	Félix Gagnon	ditto	ditto	24 Jan. 1839	-	-	ditto.
38.	Charles Vernais	ditto	ditto	ditto	-	-	ditto.
39.	Antoine Roy	ditto	ditto	26 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
40.	Joseph Meloche	yeoman	ditto	24 Jan. 1839	-	-	discharged by Attorney-general.
41.	Louis Ruffiange	labourer	ditto	ditto	-	-	ditto.
42.	Toussaint Trottier	ditto	ditto	26 Dec. 1838	-	-	ditto.
43.	Bazile Collette	ditto	ditto	ditto	-	-	discharged by P. E. Leclere, J. P.
44.	Michel Billette	yeoman	ditto	11 Jan. 1839	-	-	discharged by Attorney-general.
45.	Constant Guérin	labourer	ditto	26 Dec. 1838	-	-	ditto.
46.	François Laplante	yeoman	ditto	15 Jan. 1839	-	-	ditto.
47.	Antoine Rochon	labourer	ditto	26 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
48.	Toussaint Dumouchelle	yeoman	ditto	11 Jan. 1839	-	-	discharged by Attorney general.
49.	Pierre Malette	ditto	ditto	26 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
50.	Jean Baptiste Tisseur	ditto	ditto	27 Dec. 1838	-	-	discharged by Attorney-general.
51.	Joseph Roy	ditto	ditto	ditto	-	-	ditto.
52.	Paul Loiselle	ditto	ditto	26 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
53.	Pierre Daurais	labourer	ditto	11 Jan. 1839	-	-	discharged by Attorney-general.
54.	Jean Baptiste Malette	yeoman	ditto	24 Jan. 1839	-	-	ditto.
55.	Jean Louis Thibert, jun.	ditto	ditto	ditto	-	-	ditto.
56.	Benjamin Colerie	ditto	ditto	26 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
57.	Jean Baptiste Rousselle	labourer	ditto	27 Dec. 1838	-	-	ditto.
58.	Pierre Picard	yeoman	ditto	21 Jan. 1839	-	-	discharged by Attorney-general.
59.	Toussaint Loiselle	labourer	ditto	26 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
60.	Augustin Primeau	ditto	ditto	ditto	-	-	discharged by Attorney-general.
61.	Jean Baptiste Loiselle	ditto	ditto	ditto	-	-	discharged by P. E. Leclere, J. P.
62.	Pierre Billette	ditto	ditto	28 Dec. 1838	-	-	ditto.
63.	Eustache Sénécal	ditto	ditto	26 Dec. 1838	-	-	discharged by Attorney-general.
64.	Pierre Parent	yeoman	ditto	ditto	-	-	discharged by P. E. Leclere, J. P.
65.	Alexis Ménard	labourer	ditto	27 Dec. 1838	-	-	discharged by Attorney-general.
66.	Louis H. Lafontaine	advocate	ditto	13 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
67.	Denis Benjamin Viger	ditto	ditto.				
68.	Charles Mondelet	ditto	ditto	13 Dec. 1838	-	-	ditto.
69.	Louis Michel Viger	ditto	ditto	ditto	-	-	ditto.
70.	Jean Joseph Girouard	notary	ditto	27 Dec. 1838	-	-	ditto.
71.	John Donegany	merchant	ditto	12 Dec. 1838	-	-	ditto.
72.	Francis W. Desrivières	advocate	ditto	6 Dec. 1838	-	-	discharged by Attorney general.
73.	Lewis Joseph Harkin	auctioneer	ditto	17 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
74.	Dexter Chapin	banker	ditto	13 Dec. 1838	-	-	ditto.
75.	Toussaint Labelle	innkeeper	ditto	21 Dec. 1838	-	-	ditto.
76.	Augustin Racicot	student-at-law	ditto	7 Nov. 1838	-	-	discharged by Colonel Wetherall.
77.	François X. Desjardins	merchant	ditto	17 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
78.	George Dillon	gentleman	ditto	26 Dec. 1838	-	-	ditto.

(*continued.*)

RETURN of the Names and Quality or Station of the several Persons arrested in the District of *Montreal*—continued.

No.	Names of Prisoners.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether tried by Court Martial or Civil Court.	Result of the Trial.	REMARKS, Final Sentences, &c. &c.
79.	John Terell	trader	4 Nov. 1838	5 Nov. 1838	-	-	discharged by Major-gen. Clitherow.
80.	Henrie Badeaux	clerk	ditto	13 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
81.	Louis Coursolles	innkeeper	ditto	ditto	-	-	- - - ditto.
82.	François Pigeon	- ditto	ditto	ditto	-	-	- - - ditto.
83.	Cyril David	student at law	ditto	5 Nov. 1838	-	-	discharged by Adjutant-gen. Dickson.
84.	Hiram F. Blanchard	printer	ditto	13 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
85.	Louis Morin	cooper	ditto	6 Nov. 1838	-	-	discharged by Colonel Wetherall.
86.	William Brown	innkeeper	ditto	13 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
87.	John Willing	printer	ditto	ditto	-	-	- - - ditto.
88.	Joseph Augustin Labadie	notary	ditto	12 Dec. 1838	-	-	- - - ditto.
89.	Jean Baptiste Choquette	shoemaker	ditto	5 Nov. 1838	-	-	discharged by Adjutant-gen. Dickson.
90.	Hebert Derome, dit Décareau	trader	ditto	7 Jan. 1839	-	-	discharged by P. E. Leclere, J. P.
91.	Pierre De Boucherville	esquire	ditto	13 Dec. 1838	-	-	- - - ditto.
92.	François Ménéclier de Morochond.	gentleman	ditto	ditto	-	-	- - - ditto.
93.	Felix Goulet	tailor	ditto	ditto	-	-	- - - ditto.
94.	Avila Weilbrenner	- ditto	ditto	ditto	-	-	discharged by Attorney-general.
95.	Paul Boursier	labourer	ditto	19 Jan. 1839	-	-	- - - ditto.
96.	Joseph Narcisse Cardinal	notary	ditto	21 Dec. 1838	by court martial	guilty	executed.
97.	Etienne Lefebvre	labourer	ditto	24 Jan. 1839	-	-	discharged by Attorney-general.
98.	Etienne Merleau	- ditto	ditto	11 Jan. 1839	-	-	- - - ditto.
99.	George Chenefils	- ditto	ditto	28 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
100.	Jean Marie Daurais	yeoman	ditto	24 Jan. 1839	-	-	discharged by Attorney-general.
101.	Narcisse Menard	labourer	ditto	11 Jan. 1839	-	-	- - - ditto.
102.	Pierre Reid	yeoman	ditto	14 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
103.	Joseph Guilmond	labourer	ditto	-	by court martial	guilty	- - under sentence of death; recommended for a commutation.
104.	Joseph Duquet	yeoman	ditto	21 Dec. 1838	- ditto	- ditto	executed.
105.	Antoine Couillard	clerk	ditto	19 Jan. 1839	-	-	bailed by Hon. G. Pyke, J. K. B.
106.	Richard Dillon	interpreter	ditto	4 Jan. 1839	-	-	discharged by Attorney-general.
107.	Dominique Ducharme	yeoman	ditto	7 Nov. 1838	-	-	discharged by Colonel Wetherall.
108.	Flavien Hamelin	innkeeper	ditto	13 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
109.	Jean Baptiste G. Houlée	institutor	ditto	ditto	-	-	- - - ditto.
110.	Timoléon Ducharme	yeoman	ditto	14 Dec. 1838	-	-	- - - ditto.
111.	Augustin Dupéré	gentleman	ditto	5 Nov. 1838	-	-	discharged by Colonel Wetherall.
112.	Michel Bourbonnière	grocer	ditto	13 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
113.	Samuel Newcombe, jun.	clerk	ditto	ditto	-	-	- - - ditto.
114.	Charles Picard	blacksmith	ditto	14 Dec. 1838	-	-	- - - ditto.
115.	Isidore David	yeoman	ditto	5 Nov. 1838	-	-	discharged by Adjutant-gen. Dickson.
116.	Narcisse Bruyère	blacksmith	ditto	19 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
117.	Pierre Dupuis	- ditto	ditto	17 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
118.	Pierre Lussier	trader	ditto	23 Nov. 1838	-	-	discharged by Attorney-general.
119.	François Lauzon	cooper	ditto	7 Nov. 1838	-	-	discharged by Colonel Wetherall.
120.	Luc Dufresne	- ditto	ditto	ditto	-	-	- - - ditto.
121.	François, Armand, dit Flame	yeoman	ditto	13 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
122.	Pierre Normandin	boatman	5 Nov. 1838	26 Dec. 1838	-	-	- - - ditto.
123.	Théophile Vachereau	yeoman	ditto	27 Dec. 1838	-	-	- - - ditto.
124.	Etienne Regnier	- ditto	ditto	1 Feb. 1839	-	-	discharged by Attorney-general.
125.	Jules Gagnon	- ditto	ditto	21 Jan. 1839	-	-	- - - ditto.
126.	Joseph Allard	blacksmith	ditto	29 Dec. 1838	-	-	- - - ditto.
127.	Jacques Bouchard	yeoman	ditto	16 Jan. 1839	-	-	- - - ditto.
128.	Moÿse Pinsonneault	- ditto	ditto	2 Feb. 1839	-	-	- - - ditto.
129.	André J. Lacroix	doctor	ditto	1 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
130.	François Ranger	merchant	ditto	15 Feb. 1839	-	-	- - - ditto.
131.	Etienne A. Dubois	clerk	6 Nov. 1838	13 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
132.	Alexis Bouthillier	butcher	ditto	22 Jan. 1839	-	-	discharged by Attorney-general.
133.	John Fullum	limeburner	ditto	13 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
134.	François Content	merchant	ditto	21 Dec. 1838	-	-	- - - ditto.
135.	François Cinqmars	printer	ditto	13 Dec. 1838	-	-	- - - ditto.
136.	Etienne Hauselman	grocer	ditto	ditto	-	-	- - - ditto.
137.	Joseph Emery Codère	clerk	ditto	ditto	-	-	- - - ditto.
138.	Pierre Coté	navigator	ditto	7 Nov. 1838	-	-	discharged by Colonel Wetherall.
139.	Hypolite Jeremie	yeoman	ditto	13 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
140.	Jeremie Barette	painter	ditto	18 Jan. 1839	-	-	discharged by Attorney-general.
141.	Edouard Gaudet	baker	ditto	26 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
142.	Edouard Houle	innkeeper	ditto	27 Dec. 1838	-	-	- - - ditto.
143.	Julien Lafaille	- ditto	ditto	ditto	-	-	- - - ditto.
144.	François Mauchond	yeoman	ditto	26 Dec. 1838	-	-	- - - ditto.
145.	Pierre Macé	carpenter	ditto	27 Dec. 1838	-	-	discharged by Attorney-general.
146.	Jacques Barbeau	gunsmith	7 Nov. 1838	28 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
147.	Louis Martin	yeoman	ditto	4 Dec. 1838	-	-	discharged by Attorney-general.
148.	Etienne L'Ecuyer	- ditto	ditto	ditto	-	-	- - - ditto.
149.	Charles Dewitt	trader	ditto	23 Feb. 1839	-	-	bailed by Hon. G. Pyke, J. K. B.
150.	Léandre Ducharme	clerk	ditto	-	by court martial	guilty	- - under sentence of death; recommended for a commutation.
151.	Hypolite Fortin	innkeeper	ditto	27 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
152.	François Reid	yeoman	ditto	29 Dec. 1838	-	-	- - - ditto.
153.	Louis Duranceau	labourer	ditto	25 Dec. 1838	-	-	- - - ditto.
154.	Moses Dalton	yeoman	ditto	-	-	-	- - - ditto.
155.	Isaac Negus	contractor	ditto	8 Nov. 1838	-	-	- - - ditto.
156.	John Macdonell	advocate	ditto	-	-	-	- - remains to be tried before the civil court.
157.	Louis A. Robitaille	notary	ditto	-	-	-	- - - ditto.
158.	Asarie Archambault	student at law	ditto	3 April 1839	-	-	bailed by Hon. G. Pyke, J. K. B.
159.	Edouard Beaudry	notary	ditto	6 Dec. 1838	-	-	discharged by Attorney-general.
160.	Charles Prevost	shoemaker	ditto	10 Nov. 1838	-	-	- - - ditto.
161.	Antoine Prevost	labourer	ditto	24 Dec. 1838	-	-	- - - ditto.
162.	Olivier Gariépy	merchant	ditto	13 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
163.	Pierre C. Ste. Marie	- ditto	ditto	3 Dec. 1838	-	-	discharged by Attorney-general.
164.	Louis Chapdelaine	gentleman	8 Nov. 1838	21 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
165.	Charles Gouin	innkeeper	ditto	ditto	-	-	- - - ditto.

RETURN of the Names and Quality or Station of the several Persons arrested in the District of *Montreal*—continued.

No.	Names of Prisoners.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether tried by Court Martial or Civil Court.	Result of the Trial.	REMARKS, Final Sentences, &c. &c.
166.	Alexis Péloquin	innkeeper	8 Nov. 1838	21 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
167.	Moÿse Duplessis	notary	ditto	16 Nov. 1838	-	-	discharged by Attorney-general.
168.	Joseph Amable Berthelot	advocate	ditto	12 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
169.	Adolphe Perrault	doctor	ditto	6 Dec. 1838	-	-	discharged by Attorney-general.
170.	François Côté	trader	9 Nov. 1838	19 Nov. 1838	-	-	ditto.
171.	Jean Baptiste Lamirande	innkeeper	ditto	5 Dec. 1838	-	-	ditto.
172.	Edward Barnard	advocate	ditto	6 Dec. 1838	-	-	ditto.
173.	Edouard Raymond Fâbre	bookseller	ditto	12 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
174.	Guillaume Jacques Vallée	doctor	ditto	ditto	-	-	ditto.
175.	John H. Webster	hatter	10 Nov. 1838	26 Nov. 1838	-	-	discharged by Attorney-general.
176.	Joseph Rousselle	innkeeper	ditto	8 Dec. 1838	-	-	ditto.
177.	Barthelemy Tremblay	yeoman	ditto	26 Nov. 1838	-	-	ditto.
178.	Jean Baptiste, dit Chenaille	ditto	ditto	ditto	-	-	ditto.
179.	Amable Babeu	ditto	ditto	ditto	-	-	ditto.
180.	Charles Babeu	ditto	ditto	ditto	-	-	ditto.
181.	Paul Dupuis	ditto	ditto	14 Jan. 1839	-	-	ditto.
182.	Vital Bourassa	ditto	ditto	14 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
183.	Jean Baptiste Olivier	ditto	ditto	22 Dec. 1838	-	-	ditto.
184.	Charles A. Lusignan	doctor	11 Nov. 1838	12 Dec. 1838	-	-	ditto.
185.	Théodore Béchard	yeoman	ditto	-	by court martial	guilty	under sentence of death; recommended for a commutation.
186.	Charles Mongeon	merchant	ditto	17 Nov. 1838	-	-	discharged by Attorney-general.
187.	Moÿse Ménard	tailor	ditto	19 Jan. 1839	-	-	ditto.
188.	Julien Jean Baptiste Roy	yeoman	ditto	16 Jan. 1839	-	-	ditto.
189.	Benoni Charêt	ditto	ditto	24 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
190.	François Arrês	labourer	ditto	5 Dec. 1838	-	-	discharged by Attorney-general.
191.	Pierre Pepin	yeoman	ditto	14 Jan. 1839	-	-	ditto.
192.	Patrick Hays	American deserter	ditto	22 Dec. 1838	-	-	ditto.
193.	Henry Bates	ditto	ditto	16 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
194.	Celestin Asselin	yeoman	12 Nov. 1838	19 Dec. 1838	-	-	ditto.
195.	George Catman	ditto	ditto	27 Dec. 1838	-	-	ditto.
196.	Michel Menard	ditto	ditto	29 Dec. 1838	-	-	ditto.
197.	Augustin Gervais	ditto	ditto	ditto	-	-	ditto.
198.	Nicolas Héné	carpenter	ditto	14 Jan. 1839	-	-	discharged by Attorney-general.
199.	Joseph Jolivette	ditto	ditto	21 Jan. 1839	-	-	ditto.
200.	Antoine Vien	yeoman	ditto	2 April 1839	-	-	ditto.
201.	Jérémie Brousseau	ditto	ditto	28 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
202.	Alexis Larraud	labourer	ditto	29 Dec. 1838	-	-	ditto.
203.	François Surprenant	yeoman	ditto	-	by court martial	guilty	under sentence of death.
204.	Jean Daragon	innkeeper	ditto	22 Dec. 1838	-	-	discharged by Attorney-general.
205.	Jean Dubuc	ditto	ditto	13 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
206.	Paul N. Leclaire	student at law	ditto	2 April 1839	-	-	discharged by Attorney-general.
207.	Joseph Cadieux	currier	ditto	26 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
208.	Antoine Foisie	blacksmith	ditto	27 Dec. 1838	-	-	ditto.
209.	Louis Brodeur, dit Lavigne	joiner	ditto	23 Jan. 1839	-	-	discharged by Attorney-general.
210.	Joseph Roberge	ferryman	ditto	29 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
211.	Jacques Robitaille	gentleman	ditto	26 Dec. 1838	-	-	ditto.
212.	Joseph Fontaine	yeoman	ditto	12 March 1839	-	-	bailed by Hon. G. Pyke, J. K. B.
213.	Michel Tétro, dit Ducharme	ditto	ditto	10 March 1839	-	-	ditto.
214.	Joseph Boulet	labourer	13 Nov. 1838	1 Feb. 1839	-	-	discharged by Attorney-general.
215.	François Paradis	yeoman	ditto	14 March 1839	-	-	bailed by Hon. G. Pyke, J. K. B.
216.	Hylaire Paradis	ditto	ditto	4 Jan. 1839	-	-	discharged by P. E. Leclere, J. P.
217.	Antoine Coupal, dit Lareine	ditto	ditto	-	by court martial	guilty	under sentence of death; recommended for a commutation.
218.	Jean Baptiste Bornais	notary	ditto	10 Dec. 1838	-	-	discharged by Attorney-general.
219.	Joseph Charron	yeoman	ditto	ditto	-	-	ditto.
220.	Noel Thibault	ditto	ditto	ditto	-	-	ditto.
221.	Louis Thibault	labourer	ditto	24 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
222.	Pierre Molleur	ditto	ditto	10 Dec. 1838	-	-	discharged by Attorney-general.
223.	Eusebe Dupuis	ditto	ditto	4 Dec. 1838	-	-	ditto.
224.	Nicolas Boissonneau	yeoman	ditto	10 Dec. 1838	-	-	ditto.
225.	Christophe Fortin	ditto	ditto	15 Nov. 1838	-	-	ditto.
226.	Eloge Tremblay	ditto	ditto	10 Dec. 1838	-	-	ditto.
227.	Antoine Girard	ditto	ditto	ditto	-	-	ditto.
228.	Pierre Bourdeau	ditto	ditto	11 Jan. 1839	-	-	ditto.
229.	François Giroux	ditto	ditto	10 Dec. 1838	-	-	ditto.
230.	François Gaudreau	labourer	ditto	19 Dec. 1838	-	-	ditto.
231.	Joseph Landry	yeoman	ditto	10 Dec. 1838	-	-	ditto.
232.	Antoine Destroismaisons	labourer	ditto	28 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
233.	Louis Fournier	yeoman	ditto	ditto	-	-	ditto.
234.	David Cyre	ditto	ditto	10 Dec. 1838	-	-	discharged by Attorney-general.
235.	Aubain Gamache	ditto	ditto	18 Nov. 1838	-	-	ditto.
236.	Jacques Lavalière	ditto	ditto	28 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
237.	Paschal Seigniorine	ditto	ditto	ditto	-	-	ditto.
238.	François Lafrance	labourer	ditto	2 March 1839	-	-	bailed by Hon. G. Pyke, J. K. B.
239.	Jean Baptiste St. Amand	yeoman	ditto	28 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
240.	Louis Belhumeur	ditto	ditto	ditto	-	-	ditto.
241.	Joseph Lapointe	ditto	ditto	10 Dec. 1838	-	-	discharged by Attorney-general.
242.	Pierre Thibeault	labourer	ditto	ditto	-	-	ditto.
243.	Antoine Rocque	yeoman	ditto	28 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
244.	Hyacinthe Gélineau	ditto	ditto	10 Dec. 1838	-	-	discharged by Attorney-general.
245.	Marcel Desbiens	labourer	ditto	ditto	-	-	ditto.
246.	Pierre Desbiens	ditto	ditto	28 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
247.	Alexis Patenaude	yeoman	ditto	10 Dec. 1838	-	-	discharged by Attorney-general.
248.	Hubert Landry	ditto	ditto	ditto	-	-	ditto.
249.	Julien Richard	labourer	ditto	ditto	-	-	ditto.
250.	François Patenaude	ditto	ditto	ditto	-	-	ditto.
251.	Lucien Morin	yeoman	ditto	1 Feb. 1839	-	-	bailed by Hon. G. Pyke, J. K. B.
252.	Damase Leduc	ditto	ditto	26 Nov. 1838	-	-	discharged by Attorney-general.
253.	Pierre Cohache	labourer	ditto	1 Feb. 1839	-	-	ditto.
254.	Jules Beaudin	yeoman	ditto	19 Jan. 1839	-	-	ditto.

(*continued.*)

RETURN of the Names and Quality or Station of the several Persons arrested in the District of *Montreal*—continued.

No.	Names of Prisoners.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether tried by Court Martial or Civil Court.	Result of the Trial.	REMARKS, Final Sentences, &c. &c.
255.	Jean Baptiste Bourgeault	yeoman	13 Nov. 1838	19 Jan. 1839	-	-	discharged by Attorney-general.
256.	Guillaume Benziger	instructor	ditto	24 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
257.	Jean Baptiste Dubeau	labourer	ditto	25 Jan. 1839	-	-	discharged by Attorney-general.
258.	Eloi Dupuis	yeoman	ditto	16 Jan. 1839	-	-	ditto.
259.	Julien Dupuis	ditto	ditto	ditto	-	-	ditto.
260.	Michel Boulet	ditto	ditto	5 Dec. 1838	-	-	ditto.
261.	Olivier Gagner	ditto	ditto	28 Jan. 1839	-	-	ditto.
262.	Louis Remillard	ditto	ditto	11 Jan. 1839	-	-	ditto.
263.	Pierre Babin	labourer	ditto	4 Jan. 1839	-	-	ditto.
264.	Edouard Latrimouille	ditto	ditto	28 Jan. 1839	-	-	ditto.
265.	Paul Lussier	ditto	ditto	ditto	-	-	ditto.
266.	Bazile Lussier, sen.	ditto	ditto	ditto	-	-	ditto.
267.	Jean Baptiste Juneau, dit Latulipe.	ditto	ditto	4 Jan. 1839	-	-	discharged by P. E. Leclere, J. P.
268.	Pierre Terriaux	yeoman	ditto	ditto	-	-	ditto.
269.	Julien Denis	ditto	ditto	28 Jan. 1839	-	-	discharged by Attorney-general.
270.	Bazile Lussier, jun.	ditto	ditto	ditto	-	-	ditto.
271.	Théodore Roy Desjardins	labourer	ditto	24 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
272.	Louis Cyre	ditto	ditto	4 Dec. 1838	-	-	discharged by Attorney-general.
273.	Paul Sauvet	yeoman	ditto	4 Jan. 1839	-	-	discharged by P. E. Leclere, J. P.
274.	Toussaint Duclos, jun.	ditto	ditto	26 Dec. 1838	-	-	ditto.
275.	Toussaint Duclos, sen.	ditto	ditto	27 Dec. 1838	-	-	ditto.
276.	Joseph Baucher	ditto	ditto	4 Jan. 1839	-	-	ditto.
277.	Joseph Pinsonneault	ditto	ditto	6 Feb. 1839	-	-	discharged by Attorney-general.
278.	Isaac Pinsonneault	ditto	ditto	22 Jan. 1839	-	-	ditto.
279.	Pierre Tremblay	ditto	ditto	4 Jan. 1839	-	-	discharged by P. E. Leclere, J. P.
280.	Jacques St. Jean	ditto	ditto	28 Jan. 1839	-	-	discharged by Attorney-general.
281.	Joseph Dumas	ditto	ditto	4 Jan. 1839	-	-	discharged by P. E. Leclere, J. P.
282.	Jean Baptiste Levesque	ditto	ditto	4 Dec. 1838	-	-	discharged by Attorney-general.
283.	Louis S. Miller	clerk	ditto	4 Jan. 1839	-	-	discharged by P. E. Leclere, J. P.
284.	Felix Cloutier	blacksmith	ditto	ditto	-	-	ditto.
285.	Phillip Slaven	labourer	ditto	24 Dec. 1838	-	-	ditto.
286.	Pierre Millet	ditto	ditto	4 Dec. 1838	-	-	discharged by Attorney-general.
287.	Simon Martin	shoemaker	ditto	1 Feb. 1839	-	-	ditto.
288.	Edouard Ferland	tailor	ditto	27 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
289.	Michael Brady	instructor	ditto	17 Dec. 1838	-	-	ditto.
290.	François Bonin	labourer	ditto	26 Dec. 1838	-	-	ditto.
291.	Michel Côté	ditto	ditto	ditto	-	-	ditto.
292.	Jacques Girard	ditto	ditto	1 Feb. 1839	-	-	discharged by Attorney-general.
293.	Germain Chouinard	yeoman	ditto	19 Jan. 1839	-	-	ditto.
294.	Joseph Roy	ditto	ditto	18 Jan. 1839	-	-	ditto.
295.	Pierre Boucheau	ditto	ditto	5 Dec. 1838	-	-	ditto.
296.	Narcisse Roy	ditto	ditto	27 Dec. 1838	-	-	ditto.
297.	Joël Brousseau	ditto	ditto	ditto	-	-	ditto.
298.	Hubert Ferland	ditto	ditto	ditto	-	-	ditto.
299.	François Bedard	mason	ditto	15 Jan. 1839	-	-	ditto.
300.	Félix Poutié	labourer	ditto	26 Nov. 1838	-	-	ditto.
301.	Adolphe Dugas	student at law	ditto	29 Jan. 1839	-	-	ditto.
302.	Charles Hindenlang	trader	ditto	15 Feb. 1839	by court martial	guilty	executed.
303.	Pierre H. Morin	gentleman	ditto	-	ditto	ditto	under sentence of death.
304.	Benjamin Mott	yeoman	ditto	-	-	on trial before the court martial.	
305.	Daniel Woolfred	ditto	ditto	17 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
306.	Célestin Dumontier	northwester	ditto	28 Feb. 1839	-	-	discharged by Attorney-general.
307.	Samuel Newcombe, sen.	doctor	ditto	-	by court martial	guilty	under sentence of death.
308.	Paul Cécille	yeoman	ditto	24 Jan. 1839	-	-	discharged by Attorney-general.
309.	Louis Normandeau	clockmaker	ditto	26 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
310.	George Malboeuf	yeoman	ditto	27 Jan. 1839	-	-	ditto.
311.	Joseph Belinge	joiner	ditto	21 Dec. 1838	-	-	ditto.
312.	George Newcombe	clerk	ditto	2 April 1839	-	-	discharged by Attorney-general.
313.	Jean Baptiste Ruffiange	labourer	ditto	27 Dec. 1838	-	-	ditto.
314.	Pierre Leclaire	yeoman	ditto	26 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
315.	Jean Baptiste Larivière	shoemaker	ditto	25 Jan. 1839	-	-	discharged by Attorney-general.
316.	Louis Lesiège, dit Laviolette	ditto	ditto	28 March 1839	by court martial	acquitted	ditto.
317.	Ignace Hubert	yeoman	ditto	27 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
318.	Jean Baptiste Duquette	ditto	ditto	24 Jan. 1839	-	-	discharged by Attorney-general.
319.	Louis Prégent	ditto	ditto	27 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
320	Pierre Duquette	innkeeper	ditto	25 Jan. 1839	-	-	ditto.
321.	Isidore Vizina	clerk	ditto	21 Jan. 1839	-	-	ditto.
322.	François Gagnon	yeoman	ditto	24 Jan. 1839	-	-	discharged by Attorney-general.
323.	François Boudreau	blacksmith	ditto	9 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
324.	William Dalton	yeoman	ditto	8 Dec. 1838	-	-	discharged by Attorney-general.
325.	Michel Giroux	ditto	ditto	29 Jan. 1839	-	-	ditto.
326.	Alfred B. Lespérance	clerk	ditto	22 Jan. 1839	-	-	ditto.
327.	Vital Desrochers	artist	ditto	23 Nov. 1838	-	-	ditto.
328.	Alexis Préfontaine	navigator	ditto	17 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
329.	Joseph Laparle	innkeeper	14 Nov. 1838	27 Dec. 1838	-	-	ditto.
330.	Leonor Bonneau	yeoman	ditto	21 Dec. 1838	-	-	ditto.
331.	Gabriel Aimond	doctor	ditto	15 Nov. 1838	-	-	discharged by Attorney-general.
332.	Louis Guérin	labourer	ditto	2 April 1839	-	-	ditto.
333.	Pierre R. Norboune	painter	ditto	15 Feb. 1839	by court martial	guilty	executed.
334.	Jean Baptiste Dozois	yeoman	ditto	8 Jan. 1839	ditto	acquitted	discharged by Capt. Muller.
335.	Hubert Le Blanc	ditto	ditto	-	ditto	guilty	under sentence of death.
336.	Pierre Lavoye	ditto	ditto	-	ditto	ditto	under sentence of death; recommended for a commutation.
337.	Jacques David Hébert	ditto	ditto	-	ditto	ditto	under sentence of death.
338.	Louis Lemelin	ditto	ditto	8 Jan. 1839	ditto	acquitted	discharged by Capt. Muller.
339.	Etienne Bouchard	ditto	ditto	15 Nov. 1838	-	-	discharged by Attorney-general.
340.	Pierre Paradis	ditto	ditto	27 Dec. 1838	-	-	ditto.
341.	Joseph Hebert	ditto	ditto	9 Jan. 1839	-	-	ditto.

RETURN of the Names and Quality or Station of the several Persons arrested in the District of *Montreal*—continued.

No.	Names of Prisoners.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether tried by Court Martial or Civil Court.	Result of the Trial.	REMARKS, Final Sentences, &c. &c.
342.	Charles Huot	yeoman	14 Nov. 1838		by court martial	guilty	under sentence of death; recommended for a commutation.
343.	David Dressin Le Blanc	ditto	ditto		ditto	ditto	under sentence of death.
344.	David Demers	ditto	ditto		ditto	ditto	ditto.
345.	Joseph Amand Hebert	ditto	ditto	9 Feb. 1839			bailed by Hon. S. Gale, J.B.R.
346.	François Trepanier, fils	ditto	ditto		by court martial	guilty	under sentence of death; recommended for a commutation.
347.	Guillaume Levèsque	clerk	ditto		ditto	ditto	ditto.
348.	Hypolite Lanctot	notary	ditto		ditto	ditto	under sentence of death.
349.	Zacharie Bourdeau	yeoman	ditto	28 Dec. 1838			discharged by P. E. Leclere, J.P.
350.	Jean Gagnon	labourer	ditto	6 Feb. 1839			bailed by Hon. S. Gale, J.B.R.
351.	Joseph Merceau	shoemaker	ditto	16 Feb. 1839			ditto.
352.	Louis Defaillette	yeoman	ditto		by court martial	guilty	under sentence of death.
353.	Antoine Doré	merchant	ditto	26 Feb. 1839	ditto	acquitted	discharged by Attorney-general.
354.	Pierre Hebert	yeoman	ditto	24 Jan. 1839			ditto.
355.	Pierre Théophile Decoigne	notary	ditto	18 Jan. 1839	by court martial	guilty	executed.
356.	François Rémillard	yeoman	ditto	9 Feb. 1839			bailed by Hon. S. Gale, J.B.R.
357.	Jean Baptiste Lukin	notary	ditto	23 Jan. 1839			bailed by Hon. M. O'Sullivan, Ch. J.K.B.
358.	François Camyré	yeoman	ditto		by court martial	guilty	under sentence of death; recommended for a commutation.
359.	Achille Morin	gentleman	ditto		ditto	ditto	under sentence of death.
360.	Louis Bissonnette	joiner	ditto	27 Dec. 1838			discharged by P. E. Leclere, J.P.
361.	Pierre Carbonneau	yeoman	ditto	26 Nov. 1838			discharged by Attorney-general.
362.	Jean Belleau	merchant	ditto	14 Dec. 1838			discharged by P. E. Leclere, J.P.
363.	Denis Louprette	yeoman	15 Nov. 1838	ditto			ditto.
364.	Dominique Monette	ditto	ditto	9 Feb. 1839			bailed by Hon. S. Gale, J.B.R.
365.	Constant Lanctot	ditto	ditto	11 Feb. 1839			discharged by Attorney-general.
366.	Paul Pinsonneault	ditto	ditto	15 Feb. 1839			bailed by Hon. S. Gale, J.B.R.
367.	Laurent Dérigé de Laplante	ditto	ditto	26 Nov. 1838			discharged by Attorney general.
368.	Jean Baptiste Ouellette, sen.	ditto	ditto	ditto			ditto.
369.	Jean Baptiste Ouellette, jun.	ditto	ditto	ditto			ditto.
370.	Louis Lussier	ditto	ditto	21 Jan. 1839			ditto
371.	Michel Surprenant	ditto	ditto	14 Jan. 1839			ditto.
372.	Augustin Robert	labourer	ditto	ditto			ditto.
373.	Alexis Lanctot	yeoman	ditto	15 Jan. 1839			ditto.
374.	Thomas Belouin	ditto	ditto	26 Nov. 1838			ditto.
375.	Antoine Franche	ditto	ditto	21 Jan. 1839			ditto.
376.	Ambroise Simard	ditto	ditto	27 Dec. 1838			discharged by P. E. Leclere, J.P.
377.	Jean Baptiste Métras	ditto	ditto	ditto			ditto.
378.	François Robert	labourer	ditto	4 Jan. 1839			ditto.
379.	Charles Foucrault	yeoman	ditto	27 Dec. 1838			ditto.
380.	Jean Baptiste Roujeau	ditto	ditto	ditto			ditto.
381.	Louis Roujeau	ditto	ditto	4 Jan. 1839			ditto.
382.	Luc Ovide Aubrie	ditto	ditto	11 Jan. 1839			discharged by Attorney-general.
383.	Théophile Yelle	ditto	ditto	26 Nov. 1838			ditto.
384.	Antoine Benoit	ditto	ditto	4 Jan. 1839			discharged by P. E. Leclere, J.P.
385.	Jean Baptiste Ouimette	ditto	ditto	26 Nov. 1838			discharged by Attorney-general.
386.	François Monette	ditto	ditto	ditto			ditto.
387.	Jacques Robert	ditto	ditto	11 Jan. 1839			ditto.
388.	Théophile Monette	ditto	ditto	26 Nov. 1838			ditto.
389.	Vital Boutin	ditto	ditto	19 Jan. 1839			ditto.
390.	Antoine Monjeau	ditto	ditto	27 Dec. 1838			discharged by P. E. Leclere, J.P.
391.	Medard Monette	ditto	ditto	26 Nov. 1838			discharged by Attorney-general.
392.	Joseph Roujeau	ditto	ditto	4 Jan. 1839			discharged by P. E. Leclere, J.P.
393.	Jean Baptiste L'Ecuyer	ditto	ditto	21 Jan. 1839			discharged by Attorney-general.
394.	Toussaint Beaudin	merchant	ditto	24 Dec. 1838			ditto.
395.	Jacques Bizaillon	ditto	ditto	ditto			ditto.
396.	Paul Tremblay	yeoman	ditto	27 Dec. 1838			discharged by P. E. Leclere, J.P.
397.	Vital Galarneau	ditto	ditto	ditto			ditto.
398.	Antoine Gauthier	labourer	ditto	26 Jan. 1839			discharged by Attorney-general.
399.	Jean Baptiste Versailles	yeoman	ditto	ditto			ditto.
400.	Paschal Lussier	blacksmith	ditto	4 Jan. 1839			discharged by P. E. Leclere, J.P.
401.	Alexander Ashley	tailor	ditto	21 Dec. 1838			ditto.
402.	Louis Lussier	yeoman	ditto	19 Jan. 1839			bailed by Hon. S. Gale, J.B.R.
403.	Narcisse Simard	ditto	ditto	14 Jan. 1839			discharged by Attorney-general.
404.	Luc Verdon	ditto	ditto	27 Dec. 1838			discharged by P. E. Leclere, J.P.
405.	Louis Monjeau	ditto	ditto	3 April 1839			bailed by Hon. G. Pyke, J.K.B.
406.	Edouard Desautels	ditto	ditto	26 Dec. 1838			discharged by P. E. Leclere, J.P.
407.	Pierre Primeau	ditto	16 Nov. 1838	9 Jan. 1839			discharged by Attorney-general.
408.	Jean Marie Thibert	ditto	ditto		by court martial	guilty	under sentence of death; recommended for a commutation.
409.	Louis Denault	ditto	ditto	26 Dec. 1838			discharged by P. E. Leclere, J.P.
410.	Jean Baptiste Lefebvre	ditto	ditto	24 Jan. 1839			discharged by Attorney-general.
411.	Jean Baptiste Coté	ditto	ditto	9 Feb. 1839			bailed by Hon. S. Gale, J.B.R.
412.	Louis Poirier	labourer	ditto	24 Jan. 1839			discharged by Attorney-general.
413.	Joseph Carron	ditto	ditto	ditto			ditto.
414.	Alexis Coté	yeoman	ditto	11 Jan. 1839			ditto.
415.	Paul Quesnel	tanner	ditto	26 Jan. 1839			ditto.
416.	Charles Poirier	yeoman	ditto	19 Jan. 1839			ditto.
417.	Jean Baptiste Desforges	ditto	ditto	24 Jan. 1839			ditto.
418.	François Menoche	ditto	ditto	28 Dec. 1838			discharged by P. E. Leclere, J.P.
419.	Jean Baptiste Damien	trader	ditto	26 Dec. 1838			ditto.
420.	Edouard Thérien	blacksmith	ditto	8 Jan. 1839	by court martial	acquitted	discharged by Capt. Muller.
421.	Michel Comptois	yeoman	ditto	26 Feb. 1839			bailed by Hon. G. Pyke, J.K.B.
422.	Vital Payant	ditto	ditto	9 Feb. 1839			bailed by Hon. S. Gale, J.B.R.
423.	Pierre Héroux	merchant	ditto	13 Dec. 1838			discharged by P. E. Leclere, J.P.
424.	Joseph Marie Longtin	yeoman	ditto	29 Dec. 1838			ditto.
425.	Louis Lanctot	ditto	ditto	19 Jan. 1839			discharged by Attorney-general.
426.	Charles Denault	ditto	ditto	24 Dec. 1838			discharged by P. E. Leclere, J.P.
427.	Théophile Lanctot	ditto	ditto	28 Dec. 1838			ditto.

(*continued.*)

RETURN of the Names and Quality or Station of the several Persons arrested in the District of *Montreal*—continued.

No.	Names of Prisoners.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether tried by Court Martial or Civil Court.	Result of the Trial.	REMARKS, Final Sentences, &c. &c.
428.	Regis Lanctot	yeoman	16 Nov. 1838	28 Dec. 1838	-	-	discharged by P. E. Leclere, J.P.
29.	Barthelemy Dupuis	ditto	ditto	ditto	-	-	ditto.
430.	Dauphim Dupuis	ditto	ditto	ditto	-	-	ditto.
431.	Amable Longtin	ditto	ditto	31 Dec. 1838	-	-	discharged by Captain T. L. Goldie.
432.	Joseph Longtin	ditto	ditto	15 Jan. 1839	-	-	discharged by Attorney-general.
433.	Denis St. Jean	ditto	ditto	17 Nov. 1838	-	-	ditto.
434.	Joseph Dupuis	ditto	ditto	28 Dec. 1838	-	-	discharged by P. E. Leclere, J.P.
435.	Pierre Bachaut	ditto	ditto	29 Dec. 1838	-	-	ditto.
436.	Charles Sanguinet	gentleman	ditto	18 Jan. 1839	byt martial	guilty	executed.
437.	Joseph Robert	yeoman	ditto	ditto	ditto	ditto	ditto.
438.	Regis Robert	ditto	ditto	29 Dec. 1838	-	-	discharged by P. E. Leclere, J.P.
439.	Joseph Barbeau	ditto	ditto	28 Dec. 1838	-	-	ditto.
440.	Jean Baptiste H. Brien	doctor	ditto	-	by court martial	guilty	under sentence of death.
441.	Thomas Dalton	labourer	ditto	9 Feb. 1839	-	-	bailed by Hon. S. Gale, J.B.R.
442.	Pierre Granger	ditto	ditto	14 Feb. 1839	-	-	ditto.
443.	François Bougie	ditto	ditto	21 Jan. 1839	-	-	discharged by Attorney-general.
444.	Paul Barré	shoemaker	ditto	4 Jan. 1839	-	-	ditto.
445.	François Dupont	yeoman	ditto	21 Jan. 1839	-	-	ditto.
446.	Jean Baptiste Longtin	labourer	ditto	24 Jan. 1839	-	-	ditto.
447.	Eustache Le Bœuf	yeoman	ditto	15 Jan. 1839	-	-	ditto.
448.	Etienne Le Bœuf	mason	ditto	21 Feb. 1839	-	-	bailed by Hon. G. Pyke, J.K.B.
449.	Charles Daoust	yeoman	ditto	9 Jan. 1839	-	-	discharged by Attorney-general.
450.	Bazile Roy	ditto	ditto	-	by court martial	guilty	under sentence of death.
451.	Antoine Eno, dit Deschamps	ditto	ditto	27 Jan. 1839	-	-	discharged by Attorney-general.
452.	Joseph Eno, dit Deschamps	ditto	ditto	ditto	-	-	ditto.
453.	Jean Baptiste Eno, dit Deschamps.	ditto	ditto	11 Jan. 1839	-	-	ditto.
454.	Jean Baptiste Leduc	labourer	ditto	29 Dec. 1838	-	-	ditto.
455.	Pierre Montpetit	yeoman	ditto	26 Jan. 1839	-	-	ditto.
456.	Joseph Gendron	labourer	ditto	19 Feb. 1839	-	-	ditto.
457.	Antoine Laviollette	yeoman	ditto	8 Jan. 1839	-	-	ditto.
458.	Michel Roy	ditto	ditto	21 Jan. 1839	-	-	ditto.
459.	Noël Mercille	labourer	ditto	9 Jan. 1839	-	-	ditto.
460.	Joseph Jacques Hebert	ditto	ditto	-	by court martial	guilty	under sentence of death.
461.	François Poirier	yeoman	ditto	28 Dec. 1838	-	-	discharged by Attorney-general.
462.	Jean Baptiste Gendron, dit Peloche.	ditto	ditto	25 Jan. 1839	-	-	ditto.
463.	Benoit Charlebois	ditto	ditto	16 Jan. 1839	-	-	ditto.
464.	Michel Brossois	ditto	ditto	8 Jan. 1839	-	-	ditto.
465.	Joseph Roy	labourer	ditto	-	by court martial	guil	under sentence of death.
466.	Louis Roy	ditto	ditto	9 Feb. 1839	-	-	bailed by Hon. S. Gale, J.B.R.
467.	François X. Lebœuf	mason	ditto	27 Dec. 1838	-	-	discharged by P. E. Leclere, J.P.
468.	Antoine Daigneau	yeoman	ditto	25 Jan. 1839	-	-	discharged by Attorney-general.
469.	Joseph Daigneau	ditto	ditto	21 Jan. 1839	-	-	ditto.
470.	Paul Tondu, dit St. Onge	labourer	ditto	11 Jan. 1839	-	-	ditto.
471.	Hyacinthe Shalle	ditto	ditto	9 Jan. 1839	-	-	ditto.
472.	Jean Baptiste Rollin	ditto	ditto	ditto	-	-	ditto.
473.	Joseph Daigneau, jun.	yeoman	ditto	21 Jan. 1839	-	-	ditto.
474.	Célestin Boyer	ditto	ditto	26 Jan. 1839	-	-	ditto.
475.	Louis Roy	labourer	ditto	ditto	-	-	ditto.
476.	Eustache Lefebvre	shoemaker	ditto	9 Jan. 1839	-	-	ditto.
477.	Benoni Longpré	ditto	ditto	29 Dec. 1838	-	-	ditto.
478.	Pierre Laberge	yeoman	ditto	26 Jan. 1839	-	-	ditto.
479.	Louis Laberge	ditto	ditto	ditto	-	-	ditto.
480.	Nicolas Boyer	labourer	ditto	21 Jan. 1839	-	-	ditto.
481.	Michel Longtin	yeoman	ditto	-	by court martial	guilty	-- under sentence of death; recommended for a commutation.
482.	Etienne Montpetit	ditto	ditto	26 Jan. 1839	-	-	discharged by Attorney-general.
483.	François Thivierge	blacksmith	ditto	24 Jan. 1839	-	-	ditto.
484.	Antoine Leduc	yeoman	ditto	5 Dec. 1838	-	-	ditto.
485.	Etienne Potvin, dit Montpetit	ditto	ditto	9 Jan. 1839	-	-	ditto.
486.	Pierre Daigneau	blacksmith	ditto	9 Feb. 1839	-	-	bailed by Hon. S. Gale, J.B.R.
487.	Michel Duval	labourer	ditto	15 Jan. 1839	-	-	discharged by Attorney-general.
488.	Louis Thivierge	ditto	ditto	9 Jan. 1839	-	-	ditto.
489.	Joseph Roy, fils de Charles	yeoman	ditto	31 Jan. 1839	-	-	ditto.
490.	François Bourbonnais	carter	ditto	14 Jan. 1839	-	-	ditto.
491.	Pierre Duquette	shoemaker	ditto	27 Dec. 1838	-	-	discharged by P. E. Leclere, J.P.
492.	Jean Baptiste Montpetit	yeoman	ditto	9 Jan. 1839	-	-	discharged by Attorney-general.
493.	Michel Allary	joiner	ditto	-	by court martial	guilty	under sentence of death.
494.	David Gagnon	yeoman	ditto	-	ditto	ditto	ditto.
495.	Olivier Bourbonnais	labourer	ditto	9 Jan. 1839	-	-	discharged by Attorney-general.
496.	Déziré Bourbonnais	ditto	ditto	-	by court martial	guilty	-- under sentence of death; recommended for a commutation.
497.	Joseph Roy	yeoman	ditto	-	ditto	ditto	under sentence of death.
498.	Louis Laberge, jun.	ditto	ditto	9 Jan. 1839	-	-	discharged by Attorney-general.
499.	Pierre Pitre	ditto	ditto	24 Jan. 1839	-	-	ditto.
500.	Charles Roy, dit Lapensée	ditto	ditto	-	by court martial	guilty	-- under sentence of death; recommended for a commutation.
501.	Joseph Leduc	labourer	ditto	4 Jan. 1839	-	-	discharged by P. E. Leclere, J.P.
502.	Geoffroy Hebert	yeoman	ditto	15 Feb. 1839	-	-	bailed by Hon. G. Pyke, J.K.B.
503.	Pierre Pettier	joiner	ditto	25 Jan. 1839	-	-	discharged by Attorney-general.
504.	Augustin Leduc	yeoman	ditto	15 Jan. 1839	-	-	ditto.
505.	Jean Baptiste Demers	labourer	ditto	15 Feb. 1839	-	-	bailed by Hon. S. Gale, J.B.R.
506.	Michel Michelon	blacksmith	ditto	26 Jan. 1839	-	-	discharged by Attorney-general.
507.	Louis Hebert	labourer	ditto	24 Jan. 1839	-	-	ditto.
508.	Charles Gendron	ditto	ditto	ditto	-	-	ditto.
509.	Christophe Boudreau	ditto	ditto	1 Feb. 1839	-	-	ditto.
510.	Jean Baptiste Trudelle	ditto	ditto	-	by court martial	guilty	under sentence of death.
511.	Pierre David	yeoman	ditto	9 Jan. 1839	-	-	discharged by Attorney-general.
512.	Joachim Ruffianne	ditto	ditto	27 Dec. 1838	-	-	discharged by P. E. Leclere, J.P.
513	François David	labourer	ditto	26 Dec. 1838	-	-	ditto.

RETURN of the Names and Quality or Station of the several Persons arrested in the District of *Montreal*—continued.

No.	Names of Prisoners.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether tried by Court Martial or Civil Court.	Result of the Trial.	REMARKS, Final Sentences, &c. &c.
514.	Réné Dupuis	yeoman	16 Nov. 1838	26 Feb. 1839	-	-	bailed by Hon. G. Pyke, J.K.B.
515.	Jérémie Rochon	wheelwright	ditto	-	by court martial	guilty	under sentence of death.
516	Michel Tremblay	yeoman	ditto	24 Jan. 1839	-	-	discharged by Attorney-general.
517.	Louis Maheu	ditto	ditto	20 Feb. 1839	-	-	bailed by Hon. G. Pyke, J.K.B.
518.	Augustin Boucher	ditto	ditto	17 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
519.	Jean Baptiste Mercille	ditto	ditto	9 Jan. 1839	-	-	discharged by Attorney-general.
520.	Antoine Lefebvre	ditto	ditto	24 Jan. 1839	-	-	ditto.
521.	Louis Thibault	ditto	ditto	9 Jan. 1839	-	-	ditto.
522.	Michel Primeau	ditto	ditto	24 Jan. 1839	-	-	ditto.
523.	François Lefebvre	ditto	ditto	9 Jan. 1839	-	-	ditto.
524.	Olivier Robert	ditto	17 Nov. 1838	21 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
525.	Hubert Robert	ditto	ditto	ditto	-	-	ditto.
526.	Alexis Fauteux	joiner	ditto	29 Dec. 1838	-	-	ditto.
527.	Antoine Roy	yeoman	ditto	21 Dec. 1838	-	-	ditto.
528.	Pierre Roy	ditto	ditto	ditto	-	-	ditto.
529.	Réné Rouillé	ditto	ditto	9 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
530.	Gregoire Rouillé	ditto	ditto	ditto	-	-	ditto.
531.	Théodore Prevost	labourer	ditto	29 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
532.	Toussaint Prefontaine	innkeeper	ditto	2 April 1839	-	-	bailed by Hon. G. Pyke, J. K. B.
533.	Godfroy Lague	clerk	ditto	ditto	-	-	discharged by Attorney-general.
534.	Alexandre Bouthillier	yeoman	ditto	9 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
535.	Moÿse Wathier	clerk	ditto	14 Feb. 1839	-	-	discharged by Attorney-general.
536.	Edouard Tremblay	yeoman	18 Nov. 1838	-	by court martial	guilty	under sentence of death.
537.	Isidore Tremblay	ditto	ditto	2 April 1839	ditto	acquitted	discharged by Attorney-general.
538.	Phillipe Tremblay	ditto	ditto	-	ditto	guilty	under senteuce of death.
539.	François Bissette	ditto	ditto	9 Jan. 1839	-	-	discharged by Attorney-general.
540.	François X. Prevost	innkeeper	ditto	-	by court martial	guilty	under sentence of death.
541.	Jacques Goyette	yeoman	ditto	-	ditto	ditto	ditto.
542.	Pierre Hebert	innkeeper	ditto	24 Jan. 1839	-	-	discharged by Attorney-general.
543.	Michel Mathurin	labourer	ditto	ditto	-	-	ditto.
544.	André Papineau, dit Montigny	blacksmith	ditto	-	by court martial	guilty	under sentence of death
545.	Jacques Brunette	yeoman	ditto	27 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
546.	Barthelemy Maheu	labourer	ditto	9 Jan. 1839	-	-	discharged by Attorney-general.
547.	Jean Baptiste Cédilot	ditto	19 Nov. 1838	15 Jan. 1839	-	-	ditto.
548.	Hylaire Guichond	yeoman	ditto	24 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
549.	Edouard Bonaire	ditto	ditto	29 Dec. 1838	-	-	ditto.
550.	Joseph Perron	ditto	ditto	26 Nov. 1838	-	-	discharged by Attorney-general.
551.	Jean Baptiste Fauteux	joiner	ditto	29 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
552.	Antoine Quintal	labourer	ditto	21 Jan. 1839	-	-	discharged by Attorney-general.
553.	Amable Vadeboncœur	shoemaker	ditto	24 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
554.	Jean Baptiste Girouard	blacksmith	ditto	1 Feb. 1839	-	-	discharged by Attorney-general.
555.	Medard Surprenant	yeoman	ditto	26 Nov. 1838	-	-	ditto.
556.	Louis Dérigé de Laplante	ditto	ditto	11 Jan. 1839	-	-	ditto.
557.	Isaie Tremblay	blacksmith	ditto	27 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
558.	Jean Baptiste Laplante	yeoman	ditto	ditto	-	-	ditto.
559.	Martin Dulude	joiner	ditto	26 Dec. 1838	-	-	ditto.
560.	François Leclaire	merchant	ditto	13 Dec. 1838	-	-	ditto.
561.	Jean Leclaire	ditto	ditto	22 Nov. 1838	-	-	discharged by Attorney-general.
562.	Joseph Daoust	yeoman	20 Nov. 1838	ditto	-	-	ditto.
563.	André Proteau	carder	ditto	15 Feb. 1839	-	-	bailed by Hon S. Gale, J. B. R.
564.	Pierre Jarret, dit Beauregard	yeoman	ditto	4 Feb. 1839	-	-	ditto.
565.	Augustin St. James	tanner	21 Nov. 1838	27 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
566.	François Therien	blacksmith	ditto	22 Nov. 1838	-	-	discharged by Attorney-general.
567.	Pierre Bourassa	yeoman	ditto	14 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
568.	Antoine Goyette	labourer	ditto	27 Dec. 1838	-	-	ditto.
569.	François Fleury	beggar	ditto	4 Dec. 1838	-	-	discharged by Attorney-general.
570.	Benoit Page	yeoman	ditto	12 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
571.	Pierre Pouton	ditto	ditto	18 Feb. 1839	-	-	bailed by Hon. G. Pyke, J. K. B.
572.	Joseph Merceau	ditto	22 Nov. 1838	14 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
573.	Joseph Paré	ditto	ditto	-	by court martial	guilty	under sentence of death.
574.	Charles Dupuis	ditto	ditto	21 Jan. 1839	-	-	discharged by Attorney-general.
575.	François Bigonesse	ditto	ditto	-	by court martial	guilty	under sentence of death.
576.	Amable Daunais	ditto	ditto	15 Feb. 1839	ditto	ditto	executed.
577.	Benoni Verdon	ditto	ditto	-	ditto	ditto	under sentence of death.
578.	Louis Gédéon Neveux	bailiff	ditto	2 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
579.	Chevalier De Lorimier	notary	ditto	15 Feb 1839	by court martial	guilty	executed.
580.	Marc Cambell	gentleman	ditto	3 April 1839	-	-	bailed by Hon. S. Gale, J. B. R.
581.	Joseph L'Ecuyer	yeoman	ditto	-	by court martial	guilty	-- under sentence of death; recommended for a commutation.
582.	Joseph Isaie Boudreau	notary	26 Nov. 1838	11 Dec. 1838	-	-	bailed by Hon. S. Gale, J. B. R.
583.	Jean Baptiste Allard	doctor	ditto	2 April 1839	-	-	bailed by Hon. G. Pyke, J. K. B.
584.	John Frattelin, alias Braditch	gentleman	ditto	22 Mar. 1839	-	-	sent to Quebec for his trial.
585.	Joseph P. Larivière	labourer	27 Nov. 1838	20 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
586.	James Perigo	yeoman	28 Nov. 1838	2 April 1839	by court martial	acquitted	discharged by Attorney-general.
587.	Gédéon Brazeau	merchant	ditto	2 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
588.	Joseph Gagnon	yeoman	ditto	11 Jan. 1839	-	-	discharged by Attorney-general.
589.	François Merleau	ditto	ditto	ditto	-	-	ditto.
590.	Michel Rochon	ditto	ditto	ditto	-	-	ditto.
591.	Jean Baptiste Demers	ditto	ditto	5 Dec. 1838	-	-	ditto.
592.	Toussaint Legrand, dit Dufresne.	ditto	ditto	ditto	-	-	ditto.
593.	François Laplante	ditto	ditto	28 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
594.	Isidore Legrand, dit Dufresne	ditto	ditto	5 Dec. 1838	-	-	discharged by Attorney-general.
595.	Julien Tremblay	ditto	ditto	14 Jan. 1839	-	-	ditto.
596.	Jean Baptiste Normandin	ditto	ditto	11 Jan. 1839	-	-	ditto.
597.	François X. Lefebvre, fils de François.	ditto	ditto	5 Dec. 1838	-	-	ditto.
598.	Pierre Gagner, dit St. Come	ditto	ditto	ditto	-	-	ditto.
599.	Louis Poissant, dit Boileau	ditto	ditto	24 Dec. 1838	-	-	discharged by P. E. Leclere, J. P.
600.	Eustache Lefebvre	ditto	ditto	5 Dec. 1838	-	-	discharged by Attorney-general.

(*continued.*)

RETURN of the Names and Quality or Station of the several Persons arrested in the District of *Montreal*—continued.

No.	Names of Prisoners.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether tried by Court Martial or Civil Court.	Result of the Trial.	REMARKS, Final Sentences, &c. &c.
601.	Toussaint Lefebvre, fils de Célestin.	yeoman	28 Nov. 1838	5 Dec. 1838			discharged by Attorney-general.
602.	Paul Robert	ditto	ditto	14 Jan. 1839			ditto.
603.	Toussaint Dupuis, fils	ditto	ditto	5 Dec. 1838			ditto.
604.	Toussaint Dupuis, fils de Louis.	ditto	ditto	ditto			ditto.
605.	Michel Bouchard	ditto	ditto	29 Dec. 1838			discharged by P. E. Leclere, J.P.
606.	Edouard Lefebvre	ditto	ditto	24 Dec. 1838			ditto.
607.	Pierre Lefebvre	ditto	ditto	ditto			ditto.
608.	Pierre Dupuis, fils de Pierre	ditto	ditto	21 Jan. 1839			ditto.
609.	Joseph Tremblay	ditto	ditto	5 Dec. 1838			ditto.
610.	Pierre Giroux	ditto	ditto	26 Jan. 1839			ditto.
611.	Louis Daigneau	ditto	ditto	5 Dec. 1838			ditto.
612.	Joseph Langevin, fils de Michel.	ditto	ditto	26 Jan. 1839			discharged by Attorney-general.
613.	Célestin Cyprien Lefebvre	ditto	ditto	5 Dec. 1838			ditto.
614.	Léon Lamarrhe	ditto	ditto	ditto			ditto.
615.	Luc Lefebvre	ditto	ditto	27 Dec. 1838			ditto.
616.	Toussaint Legrand, dit Dufresne.	ditto	ditto	5 Dec. 1838			ditto.
617.	Paul St. Denis	ditto	ditto	ditto			ditto.
618.	Alexis Surprenant	ditto	ditto	24 Dec. 1838			discharged by P. E. Leclere, J.P.
619.	Jean Baptiste Bousquet	miller	30 Nov. 1838		by court martial	guilty	under sentence of death.
620.	Amable Berthelot	physician	ditto	13 Dec. 1838			discharged by P. E. Leclere, J.P.
621.	Louis Longtin	yeoman	ditto	11 Jan. 1839			discharged by Attorney-general.
622.	François Grossellier	ditto	ditto	12 Feb. 1839			bailed by Hon. M. O'Sullivan, Ch. J.K.B.
623.	Jean Baptiste Potvin	ditto	ditto	9 Jan. 1839			discharged by Attorney-general.
624.	Antoine Daigneau	ditto	ditto	25 Jan. 1839			ditto.
625.	Louis Sarault	notary	ditto	29 Dec. 1838			discharged by P. E. Leclere, J.P.
626.	Joseph Goyette	carpenter	ditto		by court martial	guilty	under sentence of death.
627.	Christophe Daoust	yeoman	ditto	25 Dec. 1838			discharged by Attorney-general.
628.	Barthelemy Serat	labourer	ditto	24 Jan. 1839			ditto
629.	Jean Baptiste Goyette	ditto	ditto	ditto			ditto.
630.	Antoine Rousseau	yeoman	ditto	29 Dec. 1838			discharged by P. E. Leclere, J.P.
631.	Joseph Gendron	labourer	ditto	24 Jan. 1839			discharged by Attorney-general.
632.	Joseph Dumouchelle	yeoman	ditto		by court martial	guilty	under sentence of death.
633.	Louis Dumouchelle	innkeeper	ditto		ditto	ditto	ditto.
634.	Moÿse Beaudin	yeoman	ditto	29 Dec. 1838			discharged by P. E. Leclere, J.P.
635.	Louis Turcot	ditto	ditto		by court martial	guilty	under sentence of death.
636.	Louis Vallée	ditto	ditto	26 Jan. 1839			discharged by Attorney-general.
637.	Paul Mercille	ditto	ditto	9 Jan. 1839			ditto.
638.	André Prevost	blacksmith	ditto	24 Jan. 1839			ditto.
639.	Charles Bergevin, sen.	yeoman	ditto		by court martial	guilty	under sentence of death.
640.	Charles Bergevin, jun.	ditto	ditto	9 Jan. 1839			discharged by Attorney-general.
641.	Paul Rivard	labourer	ditto	27 Dec. 1838			discharged by T. L. Goldie, C.S.
642.	Jean Baptiste Gervais	yeoman	ditto	9 Jan. 1839			discharged by Attorney-general.
643.	Augustin Legault	ditto	ditto	26 Jan. 1839			ditto.
644.	Gabriel Chevrefils	ditto	ditto		by court martial	guilty	under sentence of death.
645.	Augustin Leger	joiner	ditto	21 Jan. 1839			discharged by Attorney-general.
646.	Bazile Joly	yeoman	ditto	28 Dec. 1838			discharged by P. E. Leclere, J.P.
647.	Jean Baptiste Prevost	ditto	ditto	24 Jan. 1839			discharged by Attorney-general.
648.	Pierre Primeau	ditto	ditto	21 Jan. 1839			ditto.
649.	Antoine Curty	ditto	ditto	29 Dec. 1838			discharged by P. E. Leclere, J.P.
650.	Godfroy Chaloupe	ditto	ditto	ditto			ditto.
651.	Benjamin De Lorme	tanner	ditto	ditto			ditto.
652.	Louis Lescault, dit Lacasse	yeoman	ditto	26 Jan. 1839			discharged by Attorney-general.
653.	Amable Duquette	ditto	ditto	9 Feb. 1839			bailed by Hon. S. Gale, J.B.R.
654.	Felix Daoust	ditto	ditto	18 Jan. 1839			discharged by Attorney-general.
655.	François Bergevin, fils de François.	ditto	ditto	9 Jan. 1839			ditto.
656.	Michel Chartrand	ditto	ditto	ditto			ditto.
657.	François Bergevin, fils de Louis.	ditto	ditto	ditto			ditto.
658.	François Vallée	ditto	ditto		by court martial	guilty	under sentence of death.
659.	Michel Lazure	ditto	ditto	24 Jan. 1839			discharged by Attorney-general.
660.	Joseph Cousineau	ditto	ditto		by court martial	guilty	under sentence of death.
661.	Louis Julien	ditto	ditto		ditto	ditto	ditto.
662.	François Dion	shoemaker	ditto		ditto	ditto	ditto.
663.	Joseph Wathier, dit Lanoix	yeoman	ditto		ditto	ditto	ditto.
664.	Charles Rapin	merchant	ditto		ditto	ditto	ditto.
665.	François X. Prieur	ditto	ditto		ditto	ditto	ditto.
666.	Toussaint Rochon	bailiff	ditto		ditto	ditto	ditto.
667.	Amable Regis Samson	innkeeper	ditto	9 Feb. 1839			bailed by Hon. S. Gale, J.B.R.
668.	Antoine Goudreau	yeoman	ditto	25 Dec. 1838			discharged by Attorney-general.
669.	Joseph Boursier, dit Lavigne	ditto	ditto	11 Jan. 1839			ditto.
670.	François Turcot	blacksmith	ditto	24 Jan. 1839			ditto.
671.	Paul Faubert	yeoman	ditto	ditto			ditto.
672.	Benoit Belly	cabinet-maker	ditto	26 Jan. 1839			ditto.
673.	Simon Pinsonneault	yeoman	ditto	9 Feb. 1839			bailed by Hon. S. Gale, J.B.R.
674.	Beloni Oligny	ditto	ditto	8 Feb. 1839			bailed by Hon. M. O'Sullivan, Ch. J.K.B.
675.	Jean Baptiste St. Germain	ditto	ditto	21 Jan. 1839			discharged by Attorney-general.
676.	Réné Cuillièrier	ditto	ditto	19 Jan. 1839			ditto.
677.	Charles Farrell	cooper	ditto	26 Jan. 1839			ditto.
678.	Michel Desgrosselliers	yeoman	ditto	29 Dec. 1838			discharged by P. E. Leclere, J.P.
679.	Jean Marie Lefebvre	ditto	ditto	ditto			ditto.
680.	Michel Paré	ditto	1 Dec. 1838	2 April 1839			ditto.
681.	Pierre Bonthillier	ditto	ditto	9 Feb. 1839			bailed by Hon. S. Gale, J.B.R.
682	Alexis Guertin	ditto	ditto	ditto			ditto.
683.	Charlee Dénigé	labourer	ditto	14 Feb. 1839			ditto.

RETURN of the Names and Quality or Station of the several Persons arrested in the District of *Montreal*—continued.

No.	Names of Prisoners.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether tried by Court Martial or Civil Court.	Result of the Trial.	REMARKS, Final Sentences, &c. &c.
684.	Alexis Bouthillier	yeoman	1 Dec. 1838	9 Feb. 1839	- - -	- - -	bailed by Hon. S. Gale, J.B.R.
685.	Augustin Dubuc	- ditto	- ditto	14 Feb. 1839	- - -	- - -	- - - ditto.
686.	Eusebe Blanchette	- ditto	- ditto	26 Dec. 1838	- - -	- - -	discharged by P. E. Leclere, J.P.
687.	Thomas Daunais	labourer	2 Dec. 1838	3 Dec. 1838	- - -	- - -	discharged by Attorney-general.
688.	Guillaume Couture	yeoman	ditto	27 Dec. 1838	- - -	- - -	discharged by P. E. Leclere, J.P.
689.	François Nadeau	- ditto	- ditto	- ditto	- - -	- - -	- - - ditto.
690.	Pierre Roberge	- ditto	- ditto	26 Dec. 1838	- - -	- - -	- - - ditto.
691.	François Racicot	- ditto	- ditto	28 Dec. 1838	- - -	- - -	- - - ditto.
692.	André Lamontague	wheelwright	- ditto	26 Feb. 1839	- - -	- - -	discharged by Attorney-general.
693.	Donald G. Morrison	notary	- ditto	14 Dec. 1838	- - -	- - -	discharged by P. E. Leclere, J.P.
694.	André A. Papineau	- ditto	- ditto	22 Jan. 1839	- - -	- - -	- - bailed by Hon. M. O'Sullivan, Ch. J.B.K.
695.	Phillipe N. Pacaud	- ditto	- ditto	- ditto	- - -	- - -	- - - ditto.
696.	Jean François Têtu	- ditto	- ditto	23 Jan. 1839	- - -	- - -	- - - ditto.
697.	Jacques Laparre	clerk	- ditto	27 Jan. 1839	- - -	- - -	- - - ditto.
698.	Hyacinthe Robitaille	bailiff	- ditto	31 Jan. 1839	- - -	- - -	bailed by Hon. S. Gale, J.B.R.
699.	Olivier Roberge	yeoman	- ditto	26 Dec. 1838	- - -	- - -	discharged by P. E. Leclere, J.P.
700.	Pierre C. Phaneuf	merchant	- ditto	29 Jan. 1839	- - -	- - -	bailed by Hon. G. Pyke, J.K.B.
701.	François Messier	yeoman	- ditto	11 Jan. 1839	- - -	- - -	discharged by Attorney-general.
702.	Joseph Senée	- ditto	- ditto	21 Dec. 1838	- - -	- - -	discharged by P. E. Leclere, J.P.
703.	Bastien Heldebram	- ditto	3 Dec. 1838	11 Jan. 1839	- - -	- - -	discharged by Attorney-general.
704.	Bastien Helen	- ditto	- ditto	- ditto	- - -	- - -	- - - ditto.
705.	Louis Trudeau	trader	- ditto	24 Dec. 1838	- - -	- - -	- - - ditto.
706.	Antoine Bouthillier	labourer	- ditto	28 Jan. 1839	- - -	- - -	- - - ditto
707.	Hubert Page	yeoman	- ditto	14 Feb. 1839	- - -	- - -	bailed by Hon. S. Gale, J.B.R.
708.	Pierre La Bruère	doctor	4 Dec. 1838	29 Dec. 1838	- - -	- - -	discharged by P. E. Leclere, J.P.
709.	François Langellier	merchant	- ditto	26 Dec. 1838	- - -	- - -	- - - ditto.
710.	Urbain Desrochers	gentleman	- ditto	13 Dec. 1838	- - -	- - -	- - - ditto.
711.	Joseph Le Roux	yeoman	6 Dec. 1838	11 Jan. 1839	- - -	- - -	discharged by Attorney-general.
712.	Messire François M. Turcot	priest	10 Dec. 1838	3 April 1839	- - -	- - -	bailed by Hon. G. Pyke, J.K.B.
713.	Ambroise Sanguinet	yeoman	11 Dec. 1838	18 Jan. 1839	by court martial	guilty	executed.
714.	François X. Hamelin	- ditto	- ditto	- ditto	- ditto	- ditto	- ditto.
715.	Jacques Longtin	- ditto	- ditto	- - -	- ditto	ditto	under sentence of death.
716.	Jacques Daigneau	- ditto	- ditto	9 Feb. 1839	- - -	- - -	bailed by Hon. S. Gale, J.B.R.
717.	Clovis Pattenaude	- ditto	- ditto	- - -	by court martial	guilty	under sentence of death.
718.	Théophile Robert	- ditto	- ditto	- - -	- ditto	- ditto	- - - ditto.
719.	Joseph Pinsonneault	- ditto	- ditto	9 Jan. 1839	- - -	- - -	discharged by Attorney-general.
720.	Paschal Pinsonneault	- ditto	- ditto	- - -	by court martial	guilty	under sentence of death.
721.	Jean Casgrain	instructor	15 Dec. 1838	25 Jan. 1839	- - -	- - -	discharged by Attorney-general.
722.	Amable Robert, alias Josine	yeoman	- ditto	11 Jan. 1839	- - -	- - -	- - - ditto.
723.	Louis Trudel, jun.	- ditto	16 Dec. 1838	21 Jan. 1839	- - -	- - -	- - - ditto.
724.	François Daoust	- ditto	- ditto	7 March 1839	- - -	- - -	bailed by Hon. G. Pyke, J.K.B.
725.	Louis Henault	notary	- ditto	- - -	by court martial	guilty	under sentence of death.
726.	Louis Poineau	labourer	- ditto	26 Feb. 1839	- - -	- - -	bailed by Hon. S. Gale, J.B.R.
727.	Antoine Charbonneau	- ditto	- ditto	- - -	by court martial	guilty	under sentence of death.
728.	Jean Laberge	carpenter	- ditto	- - -	- ditto	- ditto	- - - ditto.
729.	Constant Buisson	bailiff	- ditto	- - -	- ditto	- ditto	- - - ditto.
730.	François X. Touchette	blacksmith	- ditto	- - -	- ditto	- ditto	- - - ditto.
731.	Thomas Surprenant	yeoman	18 Dec. 1838	- - -	- ditto	- ditto	- - - ditto.
732.	François Gaudreau	labourer	19 Dec. 1838	21 Dec. 1838	- - -	- - -	discharged by P. E. Leclere, J.P.
733.	Edouard P. Rochon	carriage-maker	20 Dec. 1838	- - -	by court martial	guilty	under sentence of death.
734.	François X. Guertin	yeoman	- ditto	- - -	- ditto	- ditto	- - - ditto.
735.	François Tavernier	gentleman	24 Dec. 1838	31 Jan. 1839	- - -	- - -	bailed by Hon. G. Pyke, J.K.B.
736.	Joseph Longtin	yeoman	27 Dec. 1838	15 Jan. 1839	- - -	- - -	discharged by Attorney-general.
737.	Thomas Valiquette	- ditto	28 Dec. 1838	2 April 1839	- - -	- - -	- - - ditto.
738.	Louis P. R. Blanchard	land-surveyor	- ditto	31 Jan. 1839	- - -	- - -	bailed by Hon. G. Pyke, J.K.B.
739.	Michel Levesque	joiner	- ditto	2 April 1839	- - -	- - -	discharged by Attorney-general.
740.	Joseph Hensley	doctor	- ditto	6 Feb. 1839	- - -	- - -	bailed by Hon. S. Gale, J.B.R.
741.	Alexandre Bigonesse	merchant	- ditto	11 Jan. 1839	- - -	- - -	discharged by Attorney-general.
742.	Julien Lamoureux	yeoman	- ditto	- ditto	- - -	- - -	- - - ditto.
743.	Antoine Bigonesse	- ditto	- ditto	1 Feb. 1839	- - -	- - -	bailed by Hon. S. Gale, J.B.R.
744.	Noël Lague	- ditto	- ditto	30 Jan. 1839	- - -	- - -	bailed by Hon. G. Pyke, J.K.B.
745.	Jacques Blais	- ditto	- ditto	11 Jan. 1839	- - -	- - -	discharged by Attorney-general.
746.	Louis Bourdon	- ditto	- ditto	- - -	by court martial	guilty	under sentence of death.
747.	Etienne St. Aubin	- ditto	- ditto	9 Feb. 1839	- - -	- - -	bailed by Hon. S. Gale, J.B.R.
748.	Gaspard Côté	- ditto	- ditto	- ditto	- - -	- - -	- - - ditto.
749.	Prudent Huot	- ditto	- ditto	- ditto	- - -	- - -	- - - ditto.
750.	Amable Miclette	- ditto	- ditto	28 Dec. 1838	- - -	- - -	discharged by P. E. Leclere, J.P.
751.	Joseph Rainville	- ditto	- ditto	- ditto	- - -	- - -	- - - ditto.
752.	George Auger	clerk	- ditto	- ditto	- - -	- - -	- - - ditto.
753.	Jacques Bedard	yeoman	- ditto	- ditto	- - -	- - -	- - - ditto.
754.	Jean Baptiste Lague	- ditto	- ditto	- ditto	- - -	- - -	- - - ditto.
755.	Joseph Trudeau	- ditto	- ditto	26 Jan. 1839	- - -	- - -	- - bailed by Hon. M. O'Sullivan, Ch. J.K.B.
756.	Edouard Tétro, dit Ducharme	- ditto	29 Dec. 1838	21 March 1839	- - -	- - -	bailed by Hon. G. Pyke, J.K.B.
757.	Edouard Picard	- ditto	30 Dec. 1838	29 Jan. 1839	- - -	- - -	discharged by Attorney-general.
758.	François St. Germain, sen.	- ditto	- ditto	5 March 1839	- - -	- - -	bailed by Hon. G. Pyke, J.K.B.
759.	François St. Germain, jun.	- ditto	- ditto	- ditto	- - -	- - -	- - - ditto.
760.	Joseph Lanctot	- ditto	- ditto	15 Feb. 1839	- - -	- - -	bailed by Hon. S. Gale, J.B.R.
761.	Etienne Languedoc	labourer	31 Dec. 1838	- - -	by court martial	guilty	under sentence of death.
762.	Gabriel Courroux	yeoman	- ditto	9 Feb. 1839	- - -	- - -	bailed by Hon. S. Gale, J.B.R.
763.	Taylor Wadley	- ditto	1 Jan. 1839	18 Jan. 1839	- - -	- - -	bailed by Hon. G. Pyke, J.K.B
764.	Pierre Leduc	- ditto	2 Jan. 1839	26 Jan. 1839	- - -	- - -	- - - ditto.
765.	Jean Baptiste Lague	- ditto	4 Jan. 1839	11 Feb. 1839	- - -	- - -	discharged by Attorney-general.
766.	Léon Leclaire	- ditto	- ditto	- - -	by court martial	guilty	under sentence of death.
767.	Charles Guillaume Bouc	- ditto	- ditto	- - -	- ditto	- ditto	- - - ditto.
768.	Antoine Roussin	- ditto	- ditto	- - -	- ditto	- ditto	- - - ditto.
769.	François St. Louis	labourer	- ditto	- - -	- ditto	- ditto	- - - ditto.
770.	Pierre Urbain	yeoman	- ditto	8 Feb. 1839	- - -	- - -	- - bailed by Hon. M. O'Sullivan, Ch. J.K.B.
771.	Paul Gravel	- ditto	- ditto	- - -	by court martial	guilty	under sentence of death.

(*continued.*)

RETURN of the Names and Quality or Station of the several Persons arrested in the District of *Montreal*—continued.

No.	Names of Prisoners.	Quality or Station.	Date of Arrest.	Date of Discharge.	Whether tried by Court Martial or Civil Court.	Result of the Trial.	REMARKS, Final Sentences, &c. &c.
772.	Denis Berthelet	merchant	4 Jan. 1839	23 Feb. 1839	-	-	bailed by Hon. G. Pyke, J. K. B.
773.	Jacques Robert	yeoman	- ditto	11 Feb. 1839	-	-	- - - ditto.
774.	Etienne Langlois	joiner	5 Jan. 1839	-	by court martial	guilty	under sentence of death.
775.	Jean Baptiste Boyer	yeoman	8 Jan. 1839	9 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
776.	Joseph Boyer	- ditto	- ditto	- ditto	-	-	- - - ditto.
777.	Louis Boyer	- ditto	- ditto	2 April 1839	-	-	discharged by Attorney-general.
778.	Prospert Robert	- ditto	- ditto	1 Mar. 1839	-	-	bailed by Hon. G. Pyke, J. K. B.
779.	Joseph Raymond	labourer	- ditto	2 April 1839	-	-	discharged by Attorney-general.
780.	Antoine Lanctot	yeoman	- ditto	15 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
781.	Réné Pinsonneault	- ditto	- ditto	-	by court martial	guilty	under sentence of death.
782.	Bernabé Dupuis	- ditto	- ditto	2 April 1839	-	-	discharged by Attorney-general.
783.	Moÿse Longtin	- ditto	- ditto	-	by court martial	guilty	under sentence of death.
784.	Antoine Vandale	labourer	- ditto	15 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
785.	Edouard Remillard	yeoman	- ditto	- ditto	-	-	discharged by Attorney-general.
786.	Charles Mandat	labourer	- ditto	-	by court martial	guilty	under sentence of death.
787.	Joseph Coupal	yeoman	- ditto	11 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
788.	David Hebert	- ditto	- ditto	16 Feb. 1839	-	-	- - - ditto.
789.	Louis Pinsonneault	- ditto	- ditto	-	by court martial	guilty	under sentence of death.
790.	Pierre Plante	labourer	- ditto	9 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
791.	Michel Meunier	yeoman	- ditto	2 April 1839	-	-	discharged by Attorney-general.
792.	Vital Robert	labourer	9 Jan. 1839	2 Mar. 1839	-	-	bailed by Hon. G. Pyke, J. K. B.
793.	Cyprien Boyer	yeoman	10 Jan. 1839	2 April 1839	-	-	discharged by Attorney-general.
794.	Joseph Langevin	innkeeper	11 Jan. 1839	15 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
795.	Laurent Raigneau, dit Lachapelle.	yeoman	16 Jan. 1839	16 Feb. 1839	-	-	- - - ditto.
796.	Joseph Smith	- ditto	- ditto	- ditto	-	-	- - - ditto.
797.	Antoine Boyer	- ditto	- ditto	14 Feb. 1839	-	-	- - - ditto.
798.	Antoine Denault	- ditto	- ditto	- ditto	-	-	- - - ditto.
799.	François Nicolas	instructor	18 Jan. 1839	15 Feb. 1839	by court martial	guilty	executed.
800.	François Surprenant	yeoman	21 Jan. 1839	- ditto	- ditto		under sentence of death.
801.	Isaac Oligny, dit Livernois	- ditto	22 Jan. 1839	5 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
802.	Joseph Merceau, dit Petit Jacques.	- ditto	- ditto	-	by court martial	guilty	under sentence of death.
803.	Dominique Poissant	- ditto	28 Jan. 1839	14 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
804.	Eustache Poissant	- ditto	- ditto	- ditto	-	-	- - - ditto.
805.	Alexis Boudriau	- ditto	- ditto	2 April 1839	-	-	discharged by Attorney-general.
806.	Christophe Laplanche	- ditto	- ditto	21 Feb. 1839	-	-	bailed by Hon. G. Pyke, J. K. B.
807.	François Proulx	- ditto	- ditto	22 Feb. 1839	-	-	- - - ditto.
808.	John Squires	- ditto	31 Jan. 1839	1 Feb. 1839	-	-	- - - ditto.
809.	Toussaint V. Tremblay	labourer	2 Feb. 1839	7 Mar. 1839	-	-	- - - ditto.
810.	Erastus Chamberlain	lumberman	5 Feb. 1839	19 Mar. 1839	-	-	discharged by Attorney-general.
811.	Michel Fessier	yeoman	- ditto	11 Feb. 1839	-	-	bailed by Hon. S. Gale, J. B. R.
812.	Jean Baptiste Bourgue	merchant	11 Feb. 1839	2 April 1839	-	-	discharged by Attorney-general.
813.	James Johnson, alias James Johnson Pratt, alias N. Ordway.	advocate	13 Feb. 1839	- ditto	-	-	- - - ditto.
814.	Jean Phillipe Boucher Belleville.	gentleman	15 Mar. 1839	- ditto	-	-	- - - ditto.
815.	Cyprien Daurice	yeoman	22 Mar. 1839	27 Mar. 1839	-	-	- - - ditto.
816.	Stephen Reeves	printer	29 Mar. 1839	-	-	-	- - charged with speaking highly seditious words. Under consideration as to the propriety of bailing him.

Montreal, 23 April 1839. (Certified.) (signed) *C. R. Ogden*, Attorney-general.

—No. 2.—

(No. 80.)

No. 2. My Lord, Government House, Montreal, 4 January 1840.

ADVERTING to the concluding paragraph of my despatch, No. 63, of the 29th April last, I have now the honour to transmit, for presentation to the House of Commons, a return of persons imprisoned in this province in consequence of the outbreak in November 1837, under charges of treason, or offences of a treasonable nature.

I have, &c.

The Marquess of Normanby, &c. &c. &c. (signed) *J. Colborne.*

MONTREAL.

RETURN of the NAMES and TRADE or PROFESSION of the several Persons arrested in the District of *Montreal*, and placed in Confinement in the Common Gaol of the said District of *Montreal*, charged with Treason, or Offences of a Treasonable Nature, since the 1st day of November 1837; the Day of the Commencement of their Imprisonment; the Date of their Discharge; the Amount of Bail or Personal Security demanded and given; and if tried, by what Tribunal tried, and the Sentence passed upon them, and if the Sentence of Death passed whether executed or commuted, and if commuted the Commutation of the Punishment, up to the 3d day of November 1838 inclusive.

No.	Persons' Names.	Offence.	When Imprisoned.	Trade or Profession.	Date of Discharge.	Amount of Bail or Personal Security demanded and given.	If Tried, by what Tribunal.	Sentence passed upon them.	Whether Executed or Commuted.	Nature of Commutation.	Remarks.
			1837:			£.					
1.	André Ouimet	high treason	16 Nov.	advocate	8 July 1838	1,000.					
2.	Amable Simard	ditto	ditto	gentleman	7 July 1838	1,000.					
3.	George de Boucherville	ditto	ditto	advocate	8 July 1838	2,000.					
4.	Charles A. Le Blanc	ditto	ditto	student-at-law	9 Mar. 1838.						
5.	Jean Dubuc	ditto	ditto	trader	19 Dec. 1837.						
6.	François Tavermier	ditto	ditto	gentleman	8 July 1838	1,000.					
7.	Jean François Bossus Lionais.	ditto	17 Nov.	doctor	27 April 1838.						
8.	Louis Michel Viger	ditto	18 Nov.	advocate	25 Aug. 1838	2,000.					
9.	Michel Vincent	ditto	21 Nov.	yeoman	25 Nov. 1837.						
10.	Narcisse Lamathe	ditto	24 Nov.	gentleman	4 Mar. 1838.						
11.	Robert Nelson	sedition	ditto	physician	25 Nov. 1837	500.					
12.	André J. Lacroix	treasonable practices.	28 Nov.	ditto	7 July 1838	1,000.					
13.	Antoine E. Bardy	ditto	ditto	notary	ditto	1,000.					
14.	Joseph Bougrette, dit Dufort.	ditto	ditto	butcher	19 Dec. 1837.						
15.	Dominique Lavallée	ditto	ditto	ditto	ditto.						
16.	François Duquette	high treason	ditto	yeoman	2 Dec. 1837.						
17.	Louis Mongeau, senior	ditto	30 Nov.	ditto	11 Dec. 1837.						
18.	Louis Mongeau, junior	ditto	ditto	ditto	ditto.						
19.	Joseph Menard, dit Lafontaine.	ditto	ditto	ditto	ditto.						
20.	Joseph Pepin	ditto	ditto	ditto	ditto.						
21.	Augustin Blanchette	ditto	ditto	ditto	ditto.						
22.	Ambroise Choquette	ditto	ditto	ditto	ditto.						
23.	Antoine Forté	ditto	ditto	ditto	6 Feb. 1838.						
24.	François Hebert	ditto	ditto	ditto	19 Dec. 1837.						
25.	Toussaint Bouvouloir	ditto	ditto	ditto	11 Dec. 1837.						
26.	Pierre L'Heureux	ditto	ditto	ditto	ditto.						
27.	Felix Beaulac	ditto	ditto	dltto	ditto.						
28.	Pierre Legros	ditto	ditto	ditto	ditto.						
29.	Narcisse Sabourin	ditto	ditto	ditto	ditto.						
30.	Joseph Taillé	ditto	ditto	ditto	ditto.						
31.	Eusebe Durocher	ditto	ditto	merchant	11 July 1838	2,000.					
32.	Jacob Vaudry	ditto	ditto	yeoman	11 Dec. 1837.						
33.	Jean Baptiste Leduc	ditto	ditto	ditto	ditto.						
34.	Olivier Lussier	ditto	ditto	ditto	ditto.						
35.	Joseph Daigneau	ditto	ditto	ditto	ditto.						
36.	Gédéon Plante	ditto	ditto	ditto	ditto.						
37.	Joseph Bellemarre	ditto	ditto	ditto	ditto.						
38.	Charles Martin	ditto	ditto	ditto	ditto.						
39.	Pierre Lussier	ditto	ditto	ditto	ditto.						
40.	François Larose	ditto	ditto	ditto	ditto.						
41.	François Bachant	ditto	ditto	ditto	ditto.						
42.	François Lemire	ditto	ditto	gentleman	7 July 1838	1,000.					
43.	Toussaint Lachapelle	ditto	ditto	yeoman	11 Dec. 1837.						
44.	Joseph Fortier	ditto	ditto	ditto	ditto.						
45.	Constant Authier	ditto	ditto	ditto	ditto.						
46.	Hubert Raineau	ditto	ditto	ditto	ditto.						
47.	Louis Chicoie Duvert	ditto	ditto	notary	7 July 1838	1,000.					
48.	Antoine Barsaloue	ditto	ditto	yeoman	11 Dec. 1837.						
49.	Pierre Claude Phaneuf	ditto	ditto	merchant	23 Jan. 1838.						
50.	William Doran	sedition	ditto	trader	1 Dec. 1837.						
51.	Come Seraphim Cherrier	high treason	1 Dec.	advocate	23 Mar. 1838	1,000.					
52.	Toussaint Peltier	ditto	ditto	ditto	8 July 1838	1,000.					
53.	Etienne Langlois	murder and treason.	2 Dec.	joiner	8 Sept. 1838		civil court				acquitted.
54.	Jacques Dorion	high treason	ditto	physician	3 Mar. 1838	1,000.					
55.	Louis Moge	ditto	ditto	merchant	30 Mar. 1838.						
56.	George Dillon	ditto	3 Dec.	gentleman	5 Mar. 1838.						
57.	Daniel Forbes, alias M'Naughton.	spying	4 Dec.	trader	5 Dec. 1837.						
58.	André Giguère	high treason	ditto	ditto	11 Dec. 1837.						
59.	Toussaint Mereille	ditto	ditto	painter	ditto.						
60.	Gilbert Spénard	ditto	ditto	yeoman	19 Dec. 1837.						
61.	Charles Gouin	ditto	ditto	innkeeper	9 May 1838						
62.	Louis Chapdeleine	ditto	ditto	gentleman	ditto.						
63.	Denis Peloquin Felix	ditto	ditto	trader	7 Mar. 1838.						
64.	Hypolite Chapdeleine	ditto	ditto	ditto	ditto.						
65.	Amable Daunais	murder and treason.	7 Dec.	yeoman	7 Sept. 1838		civil court				acquitted on the charge of murder.
66.	Gédéon Pinsonneault	ditto	ditto	ditto	ditto		ditto				ditto.
67.	Joseph Pinsonneault	ditto	ditto	ditto	ditto		ditto				ditto.
68.	Isaac S. Larocque	high treason	ditto	gentleman	7 July 1838	1,000.					
69.	Bonaventure Viger	ditto	ditto	trader	2 July 1838.						
70.	Jean Baptiste Sénécal	ditto	ditto	ditto	2 Mar. 1838.						
71.	Jean Baptiste Lafontaine.	ditto	ditto	yeoman	19 Dec. 1837.						

(*continued.*)

RETURN of the Names and Trade or Profession of the several Persons arrested in the District of *Montreal*—continued.

No.	Persons' Names.	Offence.	When Imprisoned.	Trade or Profession.	Date of Discharge.	Amount of Bail or Personal Security demanded and given.	If Tried, by what Tribunal.	Sentence passed upon them.	Whether Executed or Commuted.	Nature of Commutation.	Remarks.
			1837:			£.					
72.	Louis Charbonneau	high treason	7 Dec.	yeoman	19 Dec. 1837.						
73.	Joseph Landry, dit Gaudrie.	ditto	ditto	ditto	ditto.						
74.	Julien Regnier	ditto	ditto	ditto	ditto.						
75.	Michel Arcouet	ditto	ditto	ditto	ditto.						
76.	David L'Ecuyer	ditto	ditto	ditto	ditto.						
77.	Felix L'Ussier	ditto	ditto	ditto	28 Feb. 1838.						
78.	Louis Lacoste	ditto	8 Dec.	notary	7 July 1838	1,000.					
79.	Joseph Frichette	ditto	ditto	trader	11 Dec. 1837.						
80.	Louis Parent	ditto	ditto	ditto	ditto.						
81.	Pierre Amiot	ditto	ditto	yeoman	8 July 1838	1,000.					
82.	Narcisse Prevost	ditto	ditto	ditto	11 Dec. 1837.						
83.	Antoine Soueis	ditto	ditto	ditto	ditto.						
84.	Alerie Garault	ditto	9 Dec.	gentleman	26 April 1838	500.					
85.	Louis Bourdon	ditto	ditto	yeoman	19 Feb. 1838.						
86.	Henri A. Gauvin	ditto	ditto	gentleman	2 July 1838.						
87.	Charles Vidal	ditto	ditto	bailiff	7 May 1838	200.					
88.	Jean Felix Labrie	ditto	ditto	gentleman	7 July 1838	1,000.					
89.	Nicolas Rolland	ditto	ditto	yeoman	9 July 1838	1,000.					
90.	Toussaint Sicotte	ditto	ditto	ditto	27 Feb. 1838.						
91.	Joseph Normandin	ditto	ditto	ditto	8 Feb. 1838.						
92.	John Thompson	ditto	ditto	trader	28 Feb. 1838.						
93.	Pierre Bourgeois	ditto	ditto	ditto	9 July 1838	1,000.					
94.	Jean Baptiste Arcand	ditto	ditto	ditto	8 July 1838	1,000.					
95.	Patrick Barry	ditto	10 Dec.	ditto	11 Dec. 1837.						
96.	Pierre Gremer	ditto	ditto	ditto	27 Mar. 1838.						
97.	Stanislas Crochière	ditto	ditto	ditto	ditto.						
98.	John Murray	ditto	ditto	ditto	14 Dec. 1837.						
99.	Jean Baptiste Desormeau	ditto	ditto	ditto	11 Dec. 1837.						
100.	Robert S. M. Bouchette	ditto	12 Dec.	gentleman	2 July 1838.						
101.	Timothé Kimbert	ditto	ditto	physician	11 July 1838	5,000.					
102.	Rodolphe des Rivieres	ditto	ditto	gentleman	2 July 1838.						
103.	Simeon Marchesseault	ditto	ditto	yeoman	ditto.						
104.	Jean Baptiste Languedoc	ditto	ditto	ditto	7 July 1838	1,000.					
105.	Louis Deragon	ditto	ditto	ditto	28 Feb. 1838.						
106.	Alexander Noel	ditto	ditto	ditto	22 Feb. 1838.						
107.	Francis Lafond	ditto	ditto	ditto	7 July 1838	1,000.					
108.	Alexander Pinsonneault	ditto	ditto	ditto	ditto	1,000.					
109.	David Roy	ditto	ditto	ditto	9 Feb. 1838.						
110.	Ambrose Hebert	ditto	ditto	ditto	9 July 1838	1,000.					
111.	Denis Duchaine	ditto	ditto	ditto	23 June 1838	1,000.					
112.	Benonie Regnier	ditto	ditto	ditto	19 Dec. 1837.						
113.	Louis Regnier	ditto	ditto	ditto	ditto.						
114.	Jean P. Boucher Belleville.	ditto	ditto	gentleman	9 July 1838	1,000.					
115.	François Jalbert	murder and treason.	ditto	yeoman.							
116.	Julien Tremblay	high treason	ditto	ditto	19 Dec. 1837.						
117.	Louis Tremblay	ditto	ditto	ditto	9 July 1838	1,000.					
118.	Toussaint Dufresne	ditto	ditto	ditto	ditto	1,000.					
119.	Alexis Richard	ditto	ditto	ditto	ditto	1,000.					
120.	Joseph Phaneuf	ditto	ditto	ditto	19 Dec. 1837.						
121.	Constant Cartier	ditto	ditto	ditto	3 Mar. 1838.						
122.	Pierre Languedoc	ditto	ditto	ditto	9 July 1838	1,000.					
123.	Laurent Trudeau	ditto	ditto	ditto	23 Jan. 1838.						
124.	Toussaint H. Goddue	ditto	ditto	instructor	2 July 1838.						
125.	Wolfred Nelson	ditto	13 Dec.	physician	ditto.						
126.	François Borneuf	ditto	ditto	labourer	6 Feb. 1838.						
127.	Celestin Parent	ditto	ditto	yeoman	16 Feb. 1838.						
128.	Louis Calixte Perreault	ditto	ditto	gentleman	14 Dec. 1837.						
129.	Patrick Murray	ditto	ditto	esquire	14 April 1838.						
130.	Michel Gaudet	ditto	ditto	labourer	14 Dec. 1837.						
131.	Pierre Roberge	ditto	ditto	ditto	1 Mar. 1838.						
132.	Olevier Roberge	ditto	14 Dec.	yeoman	6 Feb. 1838.						
133.	Eusebe Blanchette	ditto	ditto	ditto	1 Mar. 1838.						
134.	Charles Blanchette	ditto	ditto	ditto	ditto.						
135.	Jean Baptiste Tetro, dit Ducharme.	ditto	ditto	ditto	9 July 1838	1,000.					
136.	Benjamin Tetro, dit Ducharme.	ditto	ditto	ditto	30 Mar. 1838.						
137.	Thomas Marchesseault	ditto	ditto	ditto	8 Feb. 1838.						
138.	Alexandre Daigle	ditto	ditto	ditto	1 Mar. 1838.						
139.	Jacques Surprenant	ditto	ditto	ditto	7 July 1838	1,000.					
140.	François Surprenant	ditto	15 Dec.	ditto	ditto	1,000.					
141.	François Demule	ditto	ditto	ditto	28 Feb. 1838.						
142.	Thomas Robert	ditto	ditto	ditto	27 Feb. 1838.						
143.	Jean Baptiste Vancheslaing.	ditto	ditto	ditto	ditto.						
144.	Pierre Damour	ditto	16 Dec.	trader	17 Dec. 1837.						
145.	Augustin Lauzon	ditto	ditto	ditto	30 Jan. 1838.						
146.	Joseph Jammes, dit Carriere.	ditto	ditto	labourer	ditto.						
147.	Joseph Lafleur	ditto	ditto	yeoman	ditto.						
148.	Luc Auger	ditto	ditto	ditto	7 July 1838	1,000.					
149.	Antoine Leclaire	ditto	ditto	ditto	30 Jan. 1838.						
150.	Benjamin Sauve, dit Laplante.	ditto	ditto	ditto	ditto.						

RETURN of the Names and Trade or Profession of the several Persons arrested in the District of *Montreal*—continued.

No.	Persons' Names.	Offence.	When Imprisoned.	Trade or Profession.	Date of Discharge.	Amount of Bail or Personal Security demanded and given.	If Tried, by what Tribunal.	Sentence passed upon them.	Whether Executed or Commuted.	Nature of Commutation.	Remarks.
			1837:			£.					
151.	Jacques Fauvel, dit Bigros.	high treason -	16 Dec. -	yeoman -	30 Jan. 1838.						
152.	Pierre Lefebvre - -	- ditto -	- ditto -	- ditto -	- ditto.						
153.	François Charette -	- ditto -	- ditto -	- ditto -	- ditto.						
154.	Jacques Claude - -	- ditto -	- ditto -	- ditto -	- ditto.						
155.	Olivier Rochon -	- ditto -	- ditto -	- ditto -	- ditto.						
156.	François Xavier Desjardins.	- ditto -	- ditto -	merchant -	28 Feb. 1838.						
157.	Flavien Desjardins -	- ditto -	- ditto -	- ditto -	- ditto.						
158.	Messire Augustin M. Blanchette.	- ditto -	- ditto -	priest -	31 Mar. 1838	1,000.					
159.	Luc H. Masson -	- ditto -	- ditto -	physician -	2 July 1838.						
160.	Damien Masson -	- ditto -	- ditto -	trader -	23 June 1838	1,000.					
161.	Isidore Valiquette -	- ditto -	17 Dec. -	yeoman -	19 Dec. 1837.						
162.	Antoine Huberdean -	- ditto -	- ditto -	- ditto -	- ditto.						
163.	François Bigros -	- ditto -	- ditto -	- ditto -	- ditto.						
164.	Michel Tougas - -	- ditto -	- ditto -	- ditto -	- ditto.						
165.	Alexandre Fournier -	- ditto -	- ditto -	- ditto -	9 July 1838	1,000.					
166.	Joseph Robillard, jun.	- ditto -	- ditto -	- ditto -	8 July 1838	1,000.					
167.	Flavien Spenard -	- ditto -	- ditto -	- ditto -	19 Dec. 1837.						
168.	Jean Baptiste Dumauchelle.	- ditto -	- ditto -	trader -	8 July 1838	1,000.					
169.	Benjamin Poirier -	- ditto -	- ditto -	yeoman -	28 Mar. 1838.						
170.	Marc Ladouceur -	- ditto -	- ditto -	- ditto -	19 Feb. 1838.						
171.	Jean Baptiste Beautrou	- ditto -	- ditto -	- ditto -	19 Dec. 1837.						
172.	Nicolas Carron - -	- ditto -	- ditto -	- ditto -	- ditto.						
173.	François Tougas -	- ditto -	- ditto -	- ditto -	- ditto.						
174.	Abraham Aubrie -	- ditto -	- ditto -	joiner -	- ditto.						
175.	Joseph Clement, dit Larivière.	- ditto -	- ditto -	yeoman -	- ditto.						
176.	Olivier Benoit - -	- ditto -	- ditto -	- ditto -	- ditto.						
177.	Bazile Arbique - -	- ditto -	- ditto -	- ditto -	- ditto.						
178.	Charles Le Roux -	- ditto -	- ditto -	- ditto -	- ditto.						
179.	Timothy Clement -	- ditto -	- ditto -	- ditto -	28 Feb. 1838.						
180.	Hylaire Desjardins -	- ditto -	- ditto -	- ditto -	- ditto.						
181.	Jean Baptiste Landry	- ditto -	- ditto -	- ditto -	19 Dec. 1837.						
182.	François Aubrie -	- ditto -	- ditto -	trader -	28 Mar. 1838.						
183.	François Labelle -	- ditto -	- ditto -	yeoman -	19 Dec. 1837.						
184.	Joseph Jammes - -	- ditto -	- ditto -	- ditto -	- ditto.						
185.	Philibert Laurain -	- ditto -	- ditto -	- ditto -	- ditto.						
186.	Vincent Laurin - -	- ditto -	- ditto -	- ditto -	- ditto.						
187.	Joseph Jolly - -	- ditto -	- ditto -	- ditto -	- ditto.						
188.	Joseph Tassé - -	- ditto -	- ditto -	- ditto -	- ditto.						
189.	Michel Gratton - -	- ditto -	- ditto -	- ditto -	28 Feb. 1838.						
190.	Antoine Desologes -	- ditto -	- ditto -	- ditto -	19 Dec. 1837.						
191.	François Malette -	- ditto -	- ditto -	- ditto -	28 Feb. 1838.						
192.	Joseph Malette - -	- ditto -	- ditto -	- ditto -	- ditto.						
193.	Joseph Beauchamps -	- ditto -	- ditto -	- ditto -	30 Jan. 1838.						
194.	Gregoire Belanger -	- ditto -	- ditto -	- ditto -	19 Dec. 1837.						
195.	Augustin Monette -	- ditto -	- ditto -	- ditto -	28 Feb. 1838.						
196.	Joseph Danis - -	- ditto -	- ditto -	- ditto -	9 July 1838	1,000.					
197.	Isidore Bremet - -	- ditto -	- ditto -	- ditto -	19 Dec. 1837.						
198.	Eustache Demers -	- ditto -	- ditto -	- ditto -	30 Jan. 1838.						
199.	Anselme Lespagnol -	- ditto -	- ditto -	- ditto -	1 Feb. 1838.						
200.	Charles La Rose -	- ditto -	- ditto -	- ditto -	8 July 1838	1,000.					
201.	Augustin Marineau -	- ditto -	- ditto -	- ditto -	19 Dec. 1837.						
202.	Flavien Maisonneuve -	- ditto -	- ditto -	- ditto -	22 Feb. 1838.						
203.	François Grignon -	- ditto -	- ditto -	- ditto -	7 July 1838	1,000.					
204.	François Maisonneuve	- ditto -	- ditto -	- ditto -	19 Dec. 1837.						
205.	Antoine Groulx -	- ditto -	- ditto -	- ditto -	- ditto.						
206.	Paul Desjardins -	- ditto -	- ditto -	- ditto -	28 Feb. 1838.						
207.	Joseph Dagenais -	- ditto -	- ditto -	- ditto -	19 Dec. 1837.						
208.	Paul Laurain - -	- ditto -	- ditto -	- ditto -	- ditto.						
209.	Eustache Denault -	- ditto -	- ditto -	- ditto -	- ditto.						
210.	Jean Baptiste Desjardins	- ditto -	- ditto -	- ditto -	- ditto.						
211.	Magloire Guindon -	- ditto -	- ditto -	- ditto -	7 July 1838	1,000.					
212.	Edouard Bautron, dit Major.	- ditto -	- ditto -	- ditto -	8 July 1838	1,000.					
213.	Joseph Malbœuf -	- ditto -	- ditto -	- ditto -	7 July 1838	1,000.					
214.	Michel Virolleau -	- ditto -	- ditto -	- ditto -	28 Feb. 1838.						
215.	Louis Valiquette -	- ditto -	- ditto -	- ditto -	7 Mar. 1838.						
216.	Jean Caillé - -	- ditto -	- ditto -	labourer -	19 Dec. 1837.						
217.	Felix Cardinal - -	- ditto -	- ditto -	- ditto -	23 June 1838.	1,000.					
218.	Hyacinthe Minville -	- ditto -	- ditto -	yeoman -	1 Feb. 1838.						
219.	François Cabance -	- ditto -	- ditto -	- ditto -	28 Mar. 1838.						
220.	Benjamin Cabance -	- ditto -	- ditto -	- ditto -	- ditto.						
221.	Joseph Girouard -	- ditto -	- ditto -	- ditto -	19 Dec. 1837.						
222.	François Ladouceur -	- ditto -	- ditto -	- ditto -	- ditto.						
223.	Charles Falardeau -	- ditto -	- ditto -	- ditto -	- ditto.						
224	Isidore Benoit - -	- ditto -	- ditto -	- ditto -	- ditto.						
225.	Jean Baptiste Robillard	- ditto -	- ditto -	- ditto -	- ditto.						
226.	Charles Champagne -	- ditto -	- ditto -	- ditto -	27 Dec 1837.						
227.	Antoine Brisebois -	- ditto -	- ditto -	- ditto -	19 Dec. 1837.						
228.	Boromée Lacoste -	- ditto -	- ditto -	- ditto -	- ditto.						
229.	Isidore Rochon - -	- ditto -	- ditto -	- ditto -	- ditto.						
230.	Jean Marie Rocbrune -	- ditto -	- ditto -	- ditto -	- ditto.						
231.	Joseph Bazinet - -	- ditto -	- ditto -	- ditto -	- ditto.						

(*continued.*)

RETURN of the Names and Trade or Profession of the several Persons arrested in the District of *Montreal*—continued.

No.	Persons' Names.	Offence.	When Imprisoned.	Trade or Profession.	Date of Discharge.	Amount of Bail or Personal Securities demanded and given.	If Tried, by what Tribunal.	Sentence passed upon them.	Whether Executed or Commuted.	Nature of Commutation.	Remarks.
			1837:			£.					
232.	François Aubain	high treason	17 Dec.	yeoman	19 Dec. 1837.						
233.	Martial Major	ditto	ditto	ditto	ditto.						
234.	Jean Baptiste Bisson	ditto	ditto	ditto	ditto.						
235.	Michel Masson	ditto	ditto	ditto	27 Dec. 1837.						
236.	François Meloche	ditto	ditto	ditto	19 Dec. 1837.						
237.	Bertrand Guerin	ditto	ditto	ditto	ditto.						
238.	Jean Baptiste Lapierre	ditto	ditto	ditto	ditto.						
239.	Xavier Larocque	ditto	ditto	ditto	ditto.						
240.	Jean Lafantaisie	ditto	ditto	ditto	ditto.						
241.	Antoine Laplante	ditto	ditto	ditto	6 Jan. 1838.						
242.	Amable Gareau	ditto	diito	ditto	19 Dec. 1837.						
243.	Louis Fontaine	ditto	ditto	ditto	ditto.						
244.	Etienne Gareau	ditto	ditto	ditto	ditto.						
245.	Orsene Guitard	ditto	ditto	ditto	ditto.						
246.	Joseph Charron	ditto	ditto	ditto	ditto.						
247.	Olivier Beauchamps	ditto	ditto	ditto	7 Mar. 1838.						
248.	Jacques Boileau	ditto	ditto	ditto	19 Dec. 1837.						
249.	Louis Ducharme	ditto	ditto	ditto	ditto.						
250.	François Bisson	ditto	ditto	ditto	ditto.						
251.	Léon Marié	ditto	ditto	ditto	8 July 1838	1,000					
252.	Laurent Thibault	ditto	ditto	ditto	19 Dec. 1837.						
253.	Amable Martel	ditto	ditto	ditto	ditto.						
254.	Moÿse Trottier	ditto	ditto	ditto	30 Jan. 1838.						
255.	Louis Ouimet	ditto	ditto	ditto	19 Dec. 1837.						
256.	Antoine Brijerè	ditto	ditto	ditto	ditto.						
257.	Antoine Denis	ditto	ditto	ditto	1 Feb. 1838.						
258.	Jean Baptiste Desjardins	ditto	ditto	ditto	19 Dec. 1837.						
259.	Isidore Gosselin	ditto	ditto	ditto	ditto.						
260.	Paul Prevost	ditto	ditto	ditto	28 Feb. 1838.						
261.	Michel Aubrie	ditto	ditto	ditto	13 Feb. 1838.						
262.	Joachim Chatillon	ditto	ditto	ditto	19 Dec. 1837.						
263.	Antoine Rochon, junior	ditto	ditto	ditto	23 Dec. 1837.						
264.	Augustin Laurent, dit Sortie.	ditto	ditto	ditto	8 July 1838	1,000					
265.	Jean Baptiste Chartrand.	ditto	ditto	ditto	7 Mar. 1838.						
266.	François Xavier Guertim	ditto	ditto	trader	3 Mar. 1838.						
267.	Louis Coursolles	ditto	ditto	ditto	12 July 1838	5,000					
268.	Ambroise Lapierre	ditto	ditto	yeoman	9 July 1838	1,000					
269.	John Anderson	ditto	ditto	ditto	21 Dec. 1837.						
270.	Jean Baptiste Bousquet	ditto	ditto	miller	8 July 1838	1,000					
271.	François D'Aoust	ditto	ditto	yeoman	17 Feb. 1838.						
272.	François Renaud	ditto	ditto	ditto	1 April 1838.						
273.	Toussaint Langlois	ditto	ditto	ditto	7 July 1838	1,000					
274.	Ambroise Brunelle	ditto	18 Dec.	notary	13 Feb. 1838.						
275.	Urique Robillard	ditto	ditto	yeoman	30 Jan. 1838.						
276.	Amury Girod	ditto	ditto	ditto	19 Dec. 1837	- -	- -	- -	- -	- -	brought dead.
277.	Joseph Laporte	ditto	ditto	ditto	21 Dec. 1837.						
278.	Hypolite Moger	ditto	ditto	ditto	3 May 1838	500					
279.	Edouard Villaire	ditto	ditto	ditto	ditto	500					
280.	Stanislas Roy	ditto	ditto	ditto	14 Aug. 1838.						
281.	Modeste Roy	ditto	ditto	ditto	9 July 1838	1,000					
282.	Hercule Dumouchelle	ditto	19 Dec.	ditto	7 July 1838	1,000					
283.	Camille Dumouchelle	ditto	ditto	ditto	23 June 1838	1,000					
284.	Joseph Amable Berthelot	ditto	ditto	notary	8 July 1838	1,000					
285.	Pierre Marié	ditto	ditto	yeoman	23 June 1838	1,000					
286.	Hyacinthe Charlebois	ditto	ditto	trader	7 July 1838	1,000					
287.	Narcisse Valois	ditto	ditto	yeoman	10 May 1838	1,000					
288.	William H. Scott	ditto	ditto	merchant	10 July 1838	5,000					
289.	Jacques Dubeau	ditto	20 Dec.	yeoman	7 July 1838	1,000					
290.	William Gibson	ditto	ditto	ditto	29 Dec. 1837.						
291.	Déziré Youran	ditto	ditto	ditto	26 Dec. 1837.						
292.	Benjamin Lefebvre	ditto	ditto	ditto	9 May 1838	1,000					
293.	Henry Donoughoe	ditto	ditto	guardian of the court-house.	23 Jan. 1838.						
294.	Michel Carriere	ditto	ditto	yeoman	7 July 1838	1,000					
295.	Gédéon De Lorimier	ditto	ditto	gentleman	ditto	1,000					
296.	Charles Lemoine	ditto	ditto	ditto	ditto	1,000					
297.	Louis Adolphe Robitaille.	ditto	ditto	notary	27 Feb. 1838.						
298.	Joseph Perrault	ditto	21 Dec.	yeoman	22 Dec. 1837.						
299.	Jean Vincent	ditto	ditto	ditto	ditto						
300.	Pierre Chevallier	ditto	22 Dec.	ditto	29 Mar. 1838.						
301.	William Whitlock	ditto	ditto	ditto	9 July 1838	1,000					
302.	François T. Mignault	murder and treason.	ditto	innkeeper	8 Sept. 1838	- -	civil court	- -	- -	- -	acquitted; no bill.
303.	Pierre Beaulac	high treason	ditto	yeoman	3 May 1838	1,000					
304.	Hector Barsaloue	ditto	23 Dec.	ditto	9 July 1838	1,000					
305.	David Lambert	ditto	24 Dec.	ditto	26 Dec. 1837.						
306.	André Benjamin Papineau.	ditto	26 Dec.	notary	8 July 1838	1,000					
307.	Jean Joseph Girouard	ditto	ditto	ditto	16 July 1838	5,000					
308.	Pierre Villaire	ditto	27 Dec.	yeoman	30 Mar. 1838.						
309.	Paschal Bourbonnière	ditto	ditto	ditto	7 May 1838	200					
310.	François Marchesseault	ditto	ditto	ditto	28 Mar. 1838.						
311.	Jean Baptiste Vallée	ditto	28 Dec.	ditto	22 Feb. 1838.						

RETURN of the Names and Trade or Profession of the several Persons arrested in the District of *Montreal*—continued.

No.	Persons' Names.	Offence.	When Imprisoned.	Trade or Profession.	Date of Discharge.	Amount of Bail or Personal Securities demanded and given.	If Tried, by what Tribunal.	Sentence passed upon them.	Whether Executed or Commuted.	Nature of Commutation.	Remarks.
			1837:			£.					
312.	Antoine Consigny -	high treason -	28 Dec. -	yeoman -	9 July 1838	1,000					
313.	Joseph A. Morin -	- ditto -	- ditto -	gentleman -	28 Mar. 1838.						
314.	Pierre Cazavant -	- ditto -	- ditto -	yeoman -	27 Mar. 1838.						
315.	Joseph Desmarais -	- ditto -	- ditto -	- ditto -	- ditto.						
316.	Martial Major - -	- ditto -	- ditto -	- ditto -	28 Mar. 1838.						
317.	Augustin Labelle -	- ditto -	- ditto -	- ditto -	7 July 1838	1,000					
318.	Paschal Tessier -	- ditto -	30 Dec. -	- ditto -	28 Mar. 1838.						
319.	Isidore Dionne - -	- ditto -	- ditto -	labourer -	- ditto.						
320.	François Dionne -	- ditto -	- ditto -	- ditto -	- ditto.						
321.	Plessis, alias Placide Dionne.	- ditto -	- ditto -	- ditto -	- ditto.						
322.	Timothé Lamoureux -	- ditto -	31 Dec. -	yeoman -	30 Mar. 1838.						
323.	François Chicou Duvert	- ditto -	- ditto -	physician -	8 July 1838	2,000					
324.	Joseph Toussaint Drolet	- ditto -	- ditto -	merchant -	15 June 1838	1,000					
325.	Jean Baptiste L'Hussier	- - murder and treason.	- ditto -	trader -	1 Sept. 1838	- -	- -	- -	- -	- -	- - acquitted; no bill.
			1838:								
326.	Joseph Gariepy -	high treason -	1 Jan. -	trader -	11 May 1838	1,000					
327.	Jean Baptiste Lafricain	- ditto -	- ditto -	cooper -	28 Mar. 1838.						
328.	Adolphe Marie - -	- ditto -	2 Jan. -	trader -	3 Jan. 1838.						
329.	Jean Larouche - -	- ditto -	- ditto -	yeoman -	7 Mar. 1838.						
330.	Joseph Desvoyeau -	- ditto -	- ditto -	- ditto -	28 Feb. 1838.						
331.	Seraphim L'Hussier -	- ditto -	- ditto -	trader -	28 Mar. 1838.						
332.	Louis L'Hussier -	- - murder and treason.	- ditto -	innkeeper -	22 June 1838	- -	- -	- -	- -	- -	- - escaped from gaol.
333.	Felix Chenier - -	high treason -	- ditto -	gentleman -	9 July 1838	1,000					
334.	Henri Mongean -	- ditto -	3 Jan. -	yeoman -	6 Mar. 1838.						
335.	Alexis A. Delphos -	- ditto -	4 Jan. -	gentleman -	6 Jan. 1838.						
336.	Richard Hubert -	- ditto -	5 Jan. -	advocate -	7 July 1838	2,000					
337.	François Xavier Hubert	- ditto -	- ditto -	gentleman -	27 Feb. 1838.						
338.	Timothé Francherè -	- ditto -	- ditto -	merchant -	7 July 1838	1,000					
339.	Ephraim Knight -	- ditto -	- ditto -	gentleman -	11 Jan. 1838.						
340.	Eustache Soupras -	- ditto -	- ditto -	merchant -	27 Feb. 1838.						
341.	Charles Mongeon -	- ditto -	- ditto -	- ditto -	- ditto.						
342.	Calixte Gigon - -	- ditto -	- ditto -	- ditto -	26 April 1838	500					
343.	Louis Marchand -	- ditto -	- ditto -	- ditto -	7 July 1838	1,000					
344.	Henry Steinhart -	- ditto -	- ditto -	trader -	6 Jan. 1838.						
345.	Jean Blanchette -	- ditto -	6 Jan. -	yeoman -	7 July 1838	1,000					
346.	François Guerin -	- ditto -	- ditto -	- ditto -	9 July 1838	1,000					
347.	Antoine Rochon -	- ditto -	- ditto -	- ditto -	28 Feb. 1838.						
348.	Isaie Foisie - -	- ditto -	- ditto -	- ditto -	9 July 1838	1,000					
349.	Jean Baptiste Bellanger	- ditto -	- ditto -	- ditto -	7 July 1838	1,000					
350.	Augustin Sanche -	- ditto -	- ditto -	- ditto -	9 July 1838	2,000					
351.	Janvier Brisebois -	- ditto -	8 Jan. -	- ditto -	16 Jan. 1838	100					
352.	Theophile Brisebois -	- ditto -	- ditto -	- ditto -	- ditto -	100					
353.	Vital Malette - -	- ditto -	- ditto -	- ditto -	- ditto -	100					
354.	Joseph Rousse - -	- ditto -	- ditto -	- ditto -	- ditto -	100					
355.	François Lemaitres -	- ditto -	9 Jan. -	printer -	20 April 1838	200					
356.	Joseph Mazurette, dit Lapierre.	- ditto -	10 Jan. -	yeoman -	16 Feb. 1838.						
357.	François Séguin -	- ditto -	- ditto -	- ditto -	- ditto.						
358.	Joseph Vadenais -	- ditto -	- ditto -	labourer -	6 Feb. 1838.						
359.	Michel Fréjeau -	- ditto -	- ditto -	- ditto -	14 April 1838.						
360.	Guillaume Montplaisir	- ditto -	- ditto -	- ditto -	- ditto.						
361.	Paschal Viger - -	- ditto -	- ditto -	yeoman -	23 Feb. 1838.						
362.	Marcel Senée - -	- ditto -	- ditto -	- ditto -	14 April 1838.						
363.	Christophe Daigneau -	- ditto -	- ditto -	- ditto -	16 Feb. 1838.						
364.	François Bertrand -	- ditto -	- ditto -	- ditto -	9 Mar. 1838.						
365.	Louis Brouillet -	- ditto -	- ditto -	- ditto -	14 April 1838.						
366.	Hugh Ward - -	- ditto -	- ditto -	- ditto -	28 Feb. 1838.						
367.	Germain Belouin -	- ditto -	11 Jan. -	labourer -	21 Feb. 1838.						
368.	Antoine Benoit - -	- ditto -	- ditto -	- ditto -	- ditto.						
369.	Jean Baptiste Chapron, senior.	- ditto -	- ditto -	- ditto -	19 Feb. 1838.						
370.	Jean Baptiste Chapron, junior.	- ditto -	- ditto -	- ditto -	- ditto.						
371.	Pierre Chapron -	- ditto -	- ditto -	- ditto -	- ditto.						
372.	Jean Baptiste Ouimette	- ditto -	- ditto -	- ditto -	21 Feb. 1838.						
373.	Julien Mounette -	- ditto -	- ditto -	- ditto -	- ditto.						
374.	Pierre Mounette -	- ditto -	- ditto -	- ditto -	- ditto.						
375.	Jean Baptiste Chicot -	- ditto -	- ditto -	- ditto -	- ditto.						
376.	Etienne Tremblay -	- ditto -	- ditto -	- ditto -	- ditto.						
377.	Robert Chisholm -	- ditto -	16 Jan. -	- ditto -	27 Feb. 1838.						
378.	François Bertrand -	- ditto -	- ditto -	- ditto -	22 Feb. 1838.						
379.	Jean Ouellette - -	- ditto -	- ditto -	- ditto -	12 April 1838.						
380.	Etienne Ouellette -	- ditto -	- ditto -	- ditto -	- ditto.						
381.	Louis Poulin - -	- ditto -	17 Jan. -	gentleman -	7 May 1838	200					
382.	Augustin Marchesseau	- ditto -	- ditto -	yeoman -	28 Mar. 1838.						
383.	Joseph Gauthier, dit St. Germain.	- ditto -	18 Jan. -	- ditto -	24 Feb. 1838.						
384.	Denis Hennessey -	sedition -	- ditto -	- ditto -	- ditto.						
385.	Zacharie Bourdeaux -	high treason -	- ditto -	- ditto -	27 Mar. 1838.						
386.	Charles Olivier -	- ditto -	20 Jan. -	merchant -	8 July 1838	1,000					
387.	Louis Dubois - -	- ditto -	21 Jan. -	trader -	26 April 1838.						
388.	François Nicolas -	- - murder and treason.	23 Jan. -	instructor -	7 Sept. 1838	- -	civil court	- -	- -	- -	acquitted.
389.	Louis Peltier - -	high treason -	- ditto -	gentleman -	28 Mar. 1838.						

(*continued.*)

RETURN of the Names and Trade or Profession of the several Persons arrested in the District of *Montreal*—continued.

No.	Persons' Names.	Offence.	When Imprisoned.	Trade or Profession.	Date of Discharge.	Amount of Bail or Personal Security demanded and given.	If Tried, by what Tribunal.	Sentence passed upon them.	Whether Executed or Commuted.	Nature of Commutation.	Remarks.
			1838:			£.					
390.	Louis M. Decoigne	high treason	25 Jan.	notary	9 July 1838	1,000.					
391.	François Ranger	ditto	ditto	merchant	ditto	1,000.					
392.	Théophile Roy	ditto	ditto	yeoman	7 July 1838	1,000.					
393.	Joseph Teller	ditto	ditto	ditto	28 Feb. 1838.						
394.	Leon Breault	ditto	ditto	ditto	23 June 1838	1,000.					
395.	Barthelemy Poissant	ditto	ditto	ditto	7 July 1838	1,000.					
396.	Jean Baptiste Tremblay	ditto	ditto	ditto	ditto	1,000.					
397.	François Surprenant, dit Lafontaine.	ditto	ditto	ditto	12 April 1838.						
398.	Jean Chabotte	ditto	ditto	ditto	23 June 1838	1,000.					
399.	Luc Hebert	ditto	ditto	ditto	9 July 1838	1,000.					
400.	Olivier Glautenée	ditto	ditto	ditto	23 June 1838	1,000.					
401.	Joseph Gervais	ditto	ditto	ditto	ditto	1,000.					
402.	Robert Mac Mahon	ditto	ditto	ditto	7 July 1838	1,000.					
403.	Pierre Remie Norboune	ditto	ditto	painter	ditto	1,000.					
404.	Joseph Hebert	ditto	ditto	yeoman	28 Feb. 1838.						
405.	Leonard Brown	ditto	ditto	physician	27 Feb. 1838.						
406.	Hubert Duriocher	ditto	26 Jan.	gentleman	28 Feb. 1838.						
407.	Marc Cambell	ditto	ditto	ditto	3 Mar. 1838.						
408.	Joseph Duvernay	ditto	27 Jan.	yeoman	17 Feb. 1838.						
409.	Benjamin Sénécal	ditto	ditto	ditto	7 July 1838	1,000.					
410.	Jacques Demers	ditto	29 Jan.	ditto	24 Feb. 1838.						
411.	George De Lorimier	ditto	ditto	gentleman	19 Feb. 1838.						
412.	Thomas Ousbrow	ditto	ditto	ditto	30 Jan. 1838.						
413.	Augustin Robert	ditto	ditto	yeoman	ditto.						
414.	Louis Chaurette	ditto	31 Jan.	trader	5 April 1838.						
415.	Raymond Plessis Belair	ditto	1 Feb.	gentleman	7 July 1838	1,000.					
416.	Joseph Robillard	ditto	ditto	yeoman	8 July 1838	1,000.					
417.	Joseph Duval	ditto	ditto	ditto	8 Feb. 1838.						
418.	André Augustin Papineau.	ditto	2 Feb.	notary	8 July 1838	2,000.					
419.	Jean Guillaume	ditto	3 Feb.	bailiff	3 Feb. 1838.						
420.	Jean Baptiste Hebert	ditto	4 Feb.	gentleman	27 Feb. 1838.						
421.	Jean Baptiste Praulx	ditto	ditto	ditto	ditto.						
422.	Joseph O. Rousseau	ditto	ditto	physician	ditto.						
423.	Olivier Lanthier	ditto	ditto	yeoman	ditto.						
424.	Louis Papineau	ditto	5 Feb.	ditto	20 Feb. 1838.						
425.	Peter Callagham	ditto	ditto	labourer	14 April 1838.						
426.	Emery Labre	ditto	ditto	gentleman	9 May 1838	500.					
427.	Michael Dwyer	ditto	ditto	labourer	14 April 1838.						
428.	Jean Baptiste Lacombe	ditto	6 Feb.	yeoman	7 July 1838	1,000.					
429.	Jean Baptiste Dumauchelle.	ditto	ditto	ditto	ditto	1,000.					
430.	Joseph Raymond Labrosse.	ditto	ditto	ditto	ditto	1,000.					
431.	Eustache Jamines, dit Carriere.	ditto	ditto	ditto	ditto	1,000.					
432.	James Watts	ditto	ditto	merchant	8 July 1838	1,000.					
433.	Augustin Labrie	ditto	ditto	gentleman	12 April 1838.						
434.	John Willing	ditto	7 Feb.	printer	19 Feb. 1838.						
435.	Neil S. Scott	ditto	8 Feb.	merchant	27 Feb. 1838.						
436.	Joseph Létorrée	ditto	ditto	gentleman	14 Feb. 1838.						
437.	Zephirim Girardin	ditto	ditto	trader	23 June 1838	1,000.					
438.	Louis La Berge	ditto	ditto	yeoman	11 May 1838	200.					
439.	Joseph Tougas	ditto	ditto	ditto	23 June 1838	1,000.					
440.	Noël Duval	ditto	ditto	ditto	11 May 1838	200.					
441.	Norphile Lamoureux	ditto	ditto	ditto	23 June 1838	1,000.					
442.	Moyse Marchesseault	ditto	ditto	ditto	11 May 1838	200.					
443.	Joseph Phaneuf	ditto	ditto	ditto	7 July 1838	1,000.					
444.	Medard Bouchard	ditto	ditto	ditto	23 June 1838	1,000.					
445.	William Blyth	ditto	ditto	merchant	7 July 1838	1,000.					
446.	Jérome Longpré, jun.	ditto	ditto	yeoman	9 May 1838	500.					
447.	François Pillon	ditto	ditto	ditto	14 May 1838	400.					
448.	Jerome Latour	ditto	ditto	ditto	23 Feb. 1838.						
449.	André Lavallée	ditto	ditto	labourer	11 May 1838	100.					
450.	Louis Dérigé de Leplante	ditto	ditto	yeoman	7 July 1838	1,000.					
451.	Etienne Longtin	ditto	9 Feb.	ditto	3 Mar. 1838.						
452.	Joseph Petit, dit Lalumiere.	ditto	ditto	ditto	19 Feb. 1838.						
453.	Barthelemy Godin, dit Lapoitrie.	ditto	ditto	ditto	ditto.						
454.	Hyacinthe Derouin	ditto	10 Feb.	ditto	7 July 1838	1,000.					
455.	Alexandre Derouin	ditto	ditto	ditto	ditto	1,000.					
456.	Jean Baptiste Richer	ditto	ditto	ditto	8 July 1838	1,000.					
457.	Medard Gagnon	ditto	13 Feb.	ditto	21 July 1838.						
458.	Jérome Longpré, sen.	ditto	ditto	ditto	7 July 1838	1,000.					
459.	Laurent Longpré	ditto	ditto	ditto	ditto	1,000.					
460.	Alexandre Drolet	ditto	14 Feb.	gentleman	3 Mar. 1838.						
461.	David Beaudouin	ditto	15 Feb.	yeoman	19 Feb. 1838.						
462.	Jean Baptiste Ethier	ditto	ditto	ditto	17 Feb. 1838.						
463.	Jean Marie Latour	ditto	ditto	ditto	ditto.						
464.	Jean Baptiste Huneau	ditto	ditto	ditto	ditto.						
465.	Pierre Barnac, alias Longevin.	ditto	16 Feb.	ditto	14 April 1838.						
466.	François Richer, dit Lefléche.	ditto	17 Feb.	ditto	28 Feb. 1838.						
467.	Marcel Cordeau	ditto	ditto	ditto	21 Feb. 1838.						

RETURN of the Names and Trade or Profession of the several Persons arrested in the District of *Montreal*—continued.

No.	Persons' Names.	Offence.	When Imprisoned.	Trade or Profession.	Date of Discharge.	Amount of Bail or Personal Security demanded and given.	If Tried, by what Tribunal.	Sentence passed upon them.	Whether Executed or Commuted.	Nature of Commutation.	Remarks.
			1838:			£.					
468.	Pierre Mondor	high treason	17 Feb.	yeoman	28 Feb. 1838.						
469.	Edouard Besse	ditto	ditto	ditto	ditto.						
470.	Théophile Prevost	ditto	20 Feb.	ditto	27 Feb. 1838.						
471.	Noël Duchesneau	ditto	21 Feb.	trader	3 May 1838	500					
472.	Garçonnette Larraud	ditto	27 Feb.	ditto	6 Mar. 1838.						
473.	Adolphe Dugas	ditto	1 March	gentleman	23 June 1838	1,000					
474.	Leon Charlebois	ditto	ditto	trader	6 Mar. 1838.						
475.	George Gerard	ditto	10 March	gentleman	19 April 1838	200					
476.	François Mace, dit Sancerre.	ditto	20 March	trader	9 July 1838	1,000					
477.	Patrick M'Kimmon, sen.	ditto	28 March	yeoman	26 April 1838.						
478.	Olivier Arcand	ditto	29 March	ditto	7 July 1838	1,000					
479.	Amable Paradis	ditto	ditto	ditto	ditto	1,000					
480.	Dominique Charland	ditto	ditto	ditto	ditto	1,000					
481.	François Molleur	ditto	2 April	ditto	ditto	1,000					
482.	Enoch Jacquis	ditto	3 April	ditto	8 May 1838.						
483.	Joseph Mongeau	ditto	5 April	ditto	9 July 1838	1,000					
484.	François Antoine La Rocque.	ditto	11 April	merchant	13 April 1838	500					
485.	James Murphy	ditto	ditto	printer	14 April 1838	100					
486.	Joseph Vallée	ditto	14 April	trader	9 May 1838.						
487.	Jean Baptiste Molleur	ditto	25 April	yeoman	15 June 1838	200					
488.	Jacques Lacombe	ditto	3 May	ditto	7 July 1838	1,000					
489.	André Jobin	seditious practices	ditto	notary	ditto	1,000					
490.	Bazile Longpré	high treason	16 May	yeoman	ditto	1,000					
491.	Joseph Lacombe	ditto	6 June	ditto	30 June 1838.						
492.	Theron R. Culver	ditto	8 June	labourer	9 June 1838.						
493.	Edward A. Theller	ditto	ditto	physician	ditto.						
494.	Benjamin F. Pew	ditto	ditto	printer	ditto.						
495.	Thomas Jefferson Sutherland.	ditto	ditto	advocate	ditto.						
496.	William W. Dodge	ditto	ditto	gentleman	ditto.						
497.	Nathan Smith	ditto	ditto	labourer	ditto.						
498.	Henry L. Hull	ditto	ditto	painter	ditto.						
499.	Squire Thayer	ditto	ditto	cooper	ditto.						
500.	Abraham W. Patridge	ditto	ditto	saddler	ditto.						
501.	Chancey Parker	ditto	ditto	farmer	ditto.						

Correct copy, extracted from the books kept at Montreal New Gaol, in the District of Montreal.

Montreal, 20 May 1839. (signed) *R. de St. Ours*, Sheriff.

UPPER CANADA.

—No. 3.—

(No. 95.)

My Lord, Upper Canada, Toronto, 25 April 1839.

No. 3.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 10, of the 9th ultimo, requesting me to furnish your Lordship with a return of the names, fate, &c., of all persons imprisoned in this province for treasonable offences since the 1st November 1837, in conformity to an Address to the Queen from the House of Commons, dated 27th of February last, of which your Lordship has transmitted me a copy.

I have directed this return to be prepared as nearly in conformity to the Address of the House of Commons as the records of the province will allow; and shall lose no time in transmitting it to your Lordship as soon as I receive it.

I have, &c.

The Marquess of Normanby, &c. &c. &c.

(signed) *Geo. Arthur.*

CANADA.

RETURN of the NAMES of PERSONS imprisoned in *Lower Canada*, charged with Treason, or Offences of a Treasonable Nature, since the 1st day of November 1837.

(*Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed,*
15 *April* 1840.

247.

Under 3 *oz.*

426

LOWER CANADA.

ANNO SECUNDO VICTORIÆ REGINÆ,

CAP. 27.

AN ORDINANCE to provide for the more speedy ATTAINDER of PERSONS indicted for HIGH TREASON who have fled from the Province, or remain concealed therein, to escape from Justice.

WHEREAS a wicked and unnatural rebellion against Her Majesty hath been raised and carried on within this Province, since the 1st day of November, now last past; and whereas divers persons, who were concerned in such rebellion, or in measures calculated and intended to bring about, promote, and further the said rebellion, previous to the raising and carrying on the same, have fled from this Province, or remained concealed therein, in order to escape from justice; and whereas it is expedient and necessary to provide for the speedy attainder of such persons, in order to deter others from the like high crimes and offences: Be it therefore ordained and enacted, by his Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted, by the authority of the same, that from and after the passing of this Ordinance, in case any indictment shall be found by a grand jury, at and before any court of competent jurisdiction in this Province, against any person or persons, for high treason, misprision of high treason, or treasonable practices, and when the sheriff shall make return to any warrant, or *capias* that may issue thereupon, that such persons, or any of them, is or are not to be found in his district, it shall and may be lawful for the Governor of this Province, or the person administering the government thereof, by and with the advice of the Executive Council, immediately upon the making of such return, to issue a proclamation, to be published not less than six weeks in the Quebec Gazette, by authority, calling upon and requiring the person or persons against whom any such indictment shall have been found, to surrender himself or themselves to the custody of the sheriff of the district within which the court before whom such indictment or indictments were found was held, by a day to be within the said proclamation named, such day not to be less than three calendar months from the first publication of such proclamation in the gazette; and if such person or persons shall not, by the day in such proclamation named, surrender themselves to the custody aforesaid, and submit to justice, then, and in such case, they and every of them, after the day in such proclamation named, shall stand and be adjudged attainted of the crime expressed and set forth in such indictment or indictments, and shall suffer and forfeit as a person attainted of such crime ought to suffer and forfeit, by and according to the laws of this Province.

2. And be it further ordained and enacted by the authority aforesaid, that the Justices of all and every Court of Oyer and Terminer, at which every such indictment shall be found as aforesaid, shall, upon the return of the sheriff, that the person or persons named in such indictment is or are not to be found within the district of such sheriff, certify the said indictment, and the proceedings thereon, into the Court of King's Bench for the district in which such Court of Oyer and Terminer shall be held, or shall have been holden; and it shall be the duty of every such sheriff, at the expiration of the time limited in such proclamation, to make a return to the Court of King's Bench for the district of which he is sheriff of the names of all and every such person or persons who, being named in any such proclamation as aforesaid, shall not have surrendered themselves to the custody of the said sheriff pursuant to the exigency of such proclamation; and such Court of King's Bench shall, during the term in or before which such last-mentioned return shall be made, direct judgment of attainder against all and every such person or persons to be entered on record.

 3. Provided

3. Provided always, and be it further ordained and enacted, by the authority aforesaid, that if any person, against whom any such judgment of attainder shall have been entered, shall, within three calendar months next after the day of entry of such judgment, surrender himself to the custody of the sheriff of the district in which such judgment of the Court of King's Bench had been entered up, and by the oath of two credible witnesses shall establish, to the satisfaction of the Court of King's Bench, that such person was actually and *bonâ fide* prevented from surrendering himself pursuant to the exigency of such proclamation, by reason of absence beyond seas, sickness, or other inevitable necessity, then and in such case it shall and may be lawful for the Court of King's Bench of such district in which such judgment has been entered up, to reverse the said judgment of attainder, and to transmit the indictment or indictments to any Court of Oyer and Terminer to be held in and for the district wherein such indictment or indictments was or were found, and such persons so surrendering shall be tried for the offence charged in such indictment in like manner as if no such judgment of attainder had been entered.

(signed) *J. Colborne.*

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the Province, at the Government House, in the city of Montreal, the 19th day of March, in the second year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord 1839.

By his Excellency's command,

(signed) *W. B. Lindsay,*
Clerk Special Council.

LOWER CANADA.

ORDINANCE to provide for the more speedy Attainder of Persons indicted for High Treason who have fled from the Province, or remain concealed therein, to escape from Justice.

[*Presented by Her Majesty's Command.*]

Ordered, by The House of Commons, *to be Printed,*
13 *April* 1840.

231.

Under ½ oz.

LOWER CANADA.

RETURN to an Address of the Honourable The House of Commons, dated 20 February 1839;—*for*,

COPY of the REPORT of the COMMISSIONERS appointed in *Lower Canada*, under an Ordinance of 1 VICT. c. 7, to inquire into the LOSSES sustained during the late Rebellion; also, of the NAMES of PERSONS who claimed COMPENSATION before the said COMMISSIONERS, and the AMOUNT of their CLAIMS.

Colonial Department, Downing-street, 11 June 1839.

H. LABOUCHERE.

(*Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed*, 13 *July* 1840.

(No. 69.)

COPY of a DESPATCH from Lieutenant-General Sir *John Colborne*, G. C. B. to the Marquess of *Normanby*, dated Government House, Montreal, 8 May 1839.

My Lord,

I HAVE the honour to transmit herewith, in answer to the Address of the House of Commons, communicated to me in your Lordship's Despatch, No. 2, of the 25th of February last, copies of the First and Second Reports made by the Commissioners of Indemnity, appointed in Lower Canada, under the provisions of the Ordinance, 1 Vict. c. 7, to inquire into the claims preferred by individuals who have sustained losses during the late rebellions.

The Commissioners have closed their proceedings with regard to the rebellion of 1837, but have not yet furnished me with a copy of their final Report.

I have, &c.

(signed) *J. Colborne.*

The Marquess of Normanby,
&c. &c. &c.

FIRST REPORT of the COMMISSION of INDEMNIFICATION, under 1 Vict. c. 7. December 1838.

To his Excellency Sir John Colborne, Knight Grand Cross of the Most Honourable Military Order of the Bath, and of the Royal Hanoverian Order, Lieutenant-general of Her Majesty's Army, Commander of Her Forces in the Provinces of Upper and Lower Canada, and Administrator of the Government of the Province of Lower Canada.

THE Commissioners appointed under the authority of the Provincial Ordinance, 1 Vict. c. 7, intituled, "An Ordinance to authorize the Appointment of Commissioners to investigate the Claims of certain loyal Inhabitants of this Province for Losses sustained during the late unnatural Rebellion," beg leave respectfully to submit to your Excellency the First Report of their proceedings.

Instructed by their Commission to make diligent inquiry into the losses sustained by Her Majesty's loyal subjects during the rebellion which broke out in 1837, the undersigned Commissioners, having taken an office in the city of Montreal, and arranged their plan of proceeding, on the 23d July last, entered upon the consideration of the matters previously submitted to them.

The authority of the Governor-general having been received to adjourn their sittings to such parts of the country as they might find it expedient to visit in the execution of the powers vested in them, the Commissioners proceeded, in the first instance, to the village of St. Charles, where, after due notice given at the church-door and elsewhere, they opened the Commission on the 15th August.

Having completed, by evidence taken on the spot, a number of cases in which indemnification was claimed from the Government, the Commissioners returned to this city on the 3d September, two of their number having been summoned as magistrates to attend the criminal court, when several other claims were heard, which, in order to meet the convenience of the parties, had been fixed for hearing in Montreal.

On the 20th September they resumed their sittings at St. Charles, and afterwards proceeded to St. Denis, whence they returned on the 18th October. From that day to the present date they have continued their sittings in Montreal, employed as well in hearing new cases as in deliberating and deciding upon those which had been heard in the country.

The breaking out of the present rebellion prevented the Commissioners from visiting the parishes in the neighbourhood of Chambly, where there are many claims still to be heard; and also from proceeding to St. Eustache and other parts of the county of the Lake of Two Mountains, in which the loyal inhabitants, who suffered greatly during the late rebellion, are extremely urgent for the adjudication of their claims.

From the apparent tranquillity of the province, however, the Commissioners have little doubt that they will be enabled before long to prosecute their inquiries, on the spot, into the numerous claims preferred from the parts of the district above-mentioned.

The true intent of the Ordinance, namely, the relief of suffering loyalists, being so little understood in the country parishes, and even the very term "loyalty" being, in many instances, totally misapprehended, it might have been anticipated that attempts would be made to introduce before the Commissioners claims preferred by parties who had notoriously borne arms against Her Majesty's Government in this province, or otherwise promoted the late rebellion. These persons, palliating the enormity of their offence under the plea of being compelled by force and menaces to act contrary to their allegiance, still considered themselves, by the Act of Amnesty, replaced in their position as loyal subjects, and fully entitled to participate in the indemnification limited by the Ordinance to the relief of those inhabitants of the province, whose loyalty during the troubles of last winter remained unshaken and unquestionable. Under this impression, they did not hesitate to swear that they were loyal subjects of Her Majesty. But the Commissioners could not disguise from themselves that the obligations of loyalty and allegiance affected very lightly indeed the unlettered *habitant*, and that his sense of duty was at any time liable to be shaken by the persuasion or command of any person speaking his own language, and invested with authority or influence over him.

These considerations, which were very early impressed upon the minds of the Commissioners, induced them rigidly to inquire and ascertain by the best testimony they could procure, whether the claimant came within the terms required by the Ordinance. In every case where the claimant himself was examined, the first clause of the Ordinance was read to him; and he was called upon to declare, under the penalty prescribed, whether he came before the Commission avowing himself one of those for whose relief the Ordinance in question was framed. The same clause was read to the witnesses in each claim, and they were examined on oath, not merely as to the loss sustained, but as to the general conduct and loyalty of the claimant. Each witness was moreover questioned as to other claimants than the one for whom he appeared, and in such a manner as to elicit his unreserved answer on the point of loyalty. The *cures* in the respective parishes were also examined as

to the loyal character of the claimant, and it is but justice to them to state that they promoted to the best of their ability the objects of the Commission. As to the point of loyalty, therefore, the Commissioners apprehend that they acquired the best proof that could be obtained by investigation on the spot, and, consequently, that their decision and award in each case are well founded, equitable and correct. In addition to the evidence of the loyalty of the claimant, affidavits as to the amount of loss sustained, the fairness of the prices charged for each article, with testimony as to the fact of the property having been in the possession of the claimant at the time of the alleged loss, have been taken in every case, and filed of record with the papers belonging thereto. It was the general practice of the claimants to appear before the Commission well provided with certificates and affidavits as to the extent of their losses and the value of the property; but these it was found necessary to disregard, and depositions on oath taken before the Commissioners were solely admitted in evidence. In all cases where goods and effects are stated to have been destroyed, the cost price only of the article is taken to be the value, and nothing, except in very extraordinary cases, has been allowed for alleged loss of profit, interest on capital or time. Where real property in houses and buildings has been destroyed, the Commissioners have availed themselves of the services of an experienced surveyor, who, after being duly sworn to do equal justice, has been employed to inspect and estimate the value.

As the affidavits filed are in general numerous in each case, it is right to explain that where only one has been taken it has been that of the claimant, disqualified by his own confession from prosecuting any claim upon the liberality of the Government.

The Report now submitted to your Excellency contains the decision of the Commissioners on 90 cases. The amount of claims for indemnification already decided is 18,497*l.* 8*s.* 9½*d.* currency; the amount of compensation awarded is 7,427*l.* 3*s.* 3½*d.* currency, showing a saving to Government of 11,070*l.* 5*s.* 6*d.* currency.

Besides the claims decided in the present Report, about 20 cases are nearly complete, which will form part of a Supplementary Report, and be submitted to your Excellency as soon as possible.

Although the Ordinance under which they were appointed does not expressly enjoin the Commissioners to inquire into and report upon claims for losses sustained by loyal subjects, in consequence of the necessary occupation of their property, and injury done thereto, by Her Majesty's forces, the Commissioners have nevertheless given their attention to claims of this nature, which are very numerous, conceiving by implication that such claims were within the scope of their Commission, the losses in question having been the consequence of the late rebellion, and having before them several claims of this description specially referred by the Civil Secretary to their decision.

By the first clause of the Ordinance, 1 Vict. c. 7, the Commissioners are instructed "to inquire into the means which may be possessed by the parties who may have occasioned such losses to indemnify the sufferers; and the legal recourse which the said sufferers may have against the said parties." In pursuance of this instruction, the undersigned Commissioners have not failed to make diligent inquiry as to the real property possessed by the leaders and abettors of the rebellion of 1837. There can be no doubt that the perpetrators of the criminal outrages on persons and property in this district, during the last winter, were generally without character or property, to whom plunder was more immediately an object than the prospective subversion of the Government. In some instances, however, it has been satisfactorily established that persons possessing real property to a considerable amount were deeply implicated, and even actively employed in the outrages committed on the River Richelieu, particularly against the properties of the Hon. P. D. Debartzch, Mr. Chaffers and Mr. Casavant. One individual, by name Lachapelle, who was concerned in the seizure of the seigniorial house at St. Charles, and in fortifying the rebel camp around it, possesses real property more than sufficient to pay the amount of loss claimed by Mr. Debartzch; and as there is reason to believe that this person has again been implicated in the late rising in that part of the district, it may fairly be submitted to your Excellency's consideration, how far it would be expedient to make the property of persons similarly situated responsible for the injuries done by their followers, and contributory to the pecuniary amount of the indemnification awarded to loyal subjects for losses sustained in consequence of their criminal acts. With reference to the three cases above cited, the Commissioners have ascertained that the parties implicated in these outrages have, in their unmolested possession, real property in lands and houses more than sufficient to defray the whole amount awarded as compensation for damages on the River Richelieu. The names of these guilty parties, with a description of their property, are in the hands of the Commissioners, subject to the disposal of Government, and ready to be produced at a moment's notice. There can be no doubt that loyal sufferers, in all cases, have a clear legal recourse against the parties who occasioned their losses; and the Commissioners have ascertained that this legal recourse has been admitted and confirmed by the decision of the highest court of justice in this district; viz. in the case of William Snowdon, of St. Eustache, who, on the 18th October last, recovered damages as plaintiff in two actions instituted by him for trespass and injury, during the rebellion of 1837.

As many of the parties to whom an indemnity has been awarded are resident on the River Richelieu, it was considered important to ascertain whether any claimant for losses sustained during the rebellion of 1837 had been implicated in the late rising in that part of

of the district, the avowed object of which was the capture of Sorel, Chambly an St. John's. The Commissioners accordingly obtained the evidence of well-informed persons resident at St. Charles and St. Denis, and the result of their inquiries is satisfactory, inasmuch as it establishes the correctness of their award, by showing, firstly, that no person to whom they had previously awarded pecuniary compensation has had any participation in the insurrection of 1838; and secondly, that almost all the parties by whom indemnification was claimed, but refused by the Commissioners on the ground of disloyalty, in 1837, have again been concerned in traitorous attempts to subvert Her Majesty's authority in this province.

In order that every precaution may be taken against error or deception on the point of loyalty, a certified list of all claimants before the Commissioners has been forwarded to Her Majesty's Attorney-general for the province, to the end that the proposed compensation may be arrested in any case in which that officer has in his possession, or within his reach, any document, testimony or proof, implicating the party in the present or the late rebellion.

Amongst the claims preferred before the Commissioners are several from persons to whom the firm of Wolfred Nelson & Co. was indebted in 1837. These claimants allege, that in consequence of the destruction of the distillery and other property belonging to that firm at St. Denis by Her Majesty's forces, it became insolvent; and as creditors, they call upon Government to indemnify them for their alleged losses, and to place them in the position in which they would now be were the affairs of that firm in prosperous condition. A claim was also preferred, on the part of the firm, for the alleged amount of the property destroyed by order of Government; but that claim, amounting to about 14,000*l.*, was at once rejected, the claimant not coming within the terms of the Ordinance. Neither could the Commissioners entertain the claim of the creditors of that firm, and they were uniformly referred to their legal recourse against the estate. It does not appear reasonable that Government should assume debts accumulated after extensive business transactions; but lest the Government, acting on the supposition that the estate was solvent in November 1837, should think proper to assume those debts, the Commissioners felt it their duty to make inquiries, the result of which convinced them, that it was very doubtful indeed whether the firm would have been able to meet its engagements had not its head become a traitor to his Sovereign, and consequently brought on himself the destruction of his property. Those who maintain that the estate was solvent go upon a very exaggerated estimate of the profits of the business, and of the value of the distillery and other buildings destroyed by order of Government.

The depositions, certificates and other documents appertaining to each case respectively remain in the possession of the undersigned Commissioners for reference. The decision and award have been made after careful consideration of every claim; and the Commissioners have the satisfaction of stating, that in all the cases now reported to your Excellency, the members of the Commission are unanimous.

In concluding their First Report, the undersigned Commissioners beg leave to express a hope that their proceedings as Commissioners, under the Ordinance, 1 Vict. c. 7, some of which were of a difficult and embarrassing nature, will meet with your Excellency's approbation.

All which is respectfully submitted.

Montreal,
14 December 1838.

(signed) *P. E. Leclere.*
E. A. Clark.
C. Tait.

NAMES of Persons who claimed Compensation before the Commissioners, and the Amount of their Claims.

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
1	Macdonell and Holmes, of the city of Montreal, merchants No evidence having been adduced on the part of the claimants, after due notice given to appear, the claim was dismissed.	81 4 -	
2	Hudson's Bay Company, per James Keith, Esq. - - This is a claim for indemnity for property carried off by a party of rebels, under the command of Amury Girod, from the Company's store at Lake of the Two Mountains, on the 30th November last.	56 15 -	56 15 -
3	Edward Prentice, of Montreal - - - - - - Claimant is referred to his legal recourse against the estate of Wolfred Nelson & Co.	245 10 11	
4	John Creelman, of Montreal - - - - - - This is a claim for indemnity for damage done to the claimant in consequence of the destruction, by order of the military government, of the house of one Thomas Logan, also a claimant (*see* No. 9.), in which Creelman resided, on the 14th December last.	4 18 -	4 18 -
5	Francis Mullins, of Montreal - - - - - - This is a claim for indemnity for the loss of certain wearing apparel belonging to the children of the claimant, at school in the Convent of St. Denis, in consequence of the occupation of that building by Her Majesty's troops in December last.	17 13 3	17 13 3
6	William Unwin Chaffers, of St. Césaire, Esq. - - It has been proved to the satisfaction of the Commissioners, that the claimant, a person of unquestionable loyalty, suffered great loss of property and persecution, even to danger of life, from the disaffected of his own parish, on the commencement of the rebellion of 1837. The claim is founded, firstly, upon the loss of a quantity of merchandize pillaged by the rebels; and secondly, upon that of a number of notes of hand and other papers, valued at 2,500 *l.* These papers were removed by a clerk, during Mr. Chaffers' absence to the house of his, (the clerk's) mother, who destroyed them on the approach of the rebels, 22d November last. The claimant has omitted to record the amount of sales, of which these notes were the evidence, according to the usual practice of merchants; and having thus lost, as he states, his legal recourse against his debtors, he claims the amount from the Government. His books were saved, and had he made the proper entries therein, as he should have done, he would have saved his legal recourse. Upon these grounds, the Commissioners conceive the claimant has no equitable claim upon Her Majesty's Government for the loss of the said promissory notes and papers. But in consideration of his loyal exertions, his great loss of property, and continued persecution, an award has been made in his favour of two-thirds of the claim. The claimant states his losses to have amounted to 4,100 *l*, including loss of profit and other inadmissible items, but limited his claim to 3,000 *l.*, two-thirds of which the Commissioners award him, in lieu of all claims of every nature soever.	3,000 - -	2,000 - -
7	Jean Baptiste Casavant, of St. Césaire - - - - The claimant is a loyal Canadian, who has also suffered great loss and persecution from the disaffected in the parish of St. Césaire. Owing to the absence of the necessary proof, the amount awarded falls considerably short of the amount claimed.	1,200 - -	442 6 10

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
8	Michel Jean Vilbon, of Montreal - - - - -	65 - -	37 10 -
	This is a claim for the loss of a horse, value 25 *l.*, and for loss of profit in business as a bailiff, consequent on the loss of the horse. The claimant, a loyal Canadian, was sent to the rebel camp at St. Charles, on the 22d November last, to reconnoitre, fell into the hands of the insurgents, and lost his horse. The value of the horse is proved, and 12 *l.* 10 *s.* has been awarded as a compensation for his loss of employment.		
9	Thomas Logan, of Montreal - - - - - -	527 17 9	527 17 9
	This is a claim for the destruction of a dwelling-house and buildings, by order of the Government, on the 14th December last, in consequence of its vicinity to the gaol wall rendering it, by possibility, dangerous to the security of the prisoners confined therein. There is, besides, a claim for effects stolen or lost, and a further claim for loss of business as a tavern-keeper, in consequence of the destruction of the house, stable, &c. This case was specially referred to the Commission by the Civil Secretary, and the proof being complete, the amount of the claim is awarded.		
10	James Adams, of Montreal - - - - - - -	1 - -	
	The claimant is referred to his legal recourse against the estate of Wolfred Nelson & Co.		
11	Honourable P. D. Debartzch, of St. Charles.		
	The testimony in this case not being yet complete, the award of the Commissioners will appear in a Supplementary Report.		
12	Emilie Tétro, of St. Charles - - - - - -	781 4 1	
	The claimant is wife of Joachim Jacques, also of St. Charles, but not being *séparée de biens* from her husband, her claim was withdrawn.		
13	Christophe Lussier, père, of St. Charles.		
	The testimony in this case not being yet complete, the award will be included in a Supplementary Report.		
14	Antoine Leduc, of St. Charles.		
	The proof in this case being yet incomplete, the award will be included in a Supplementary Report.		
15	Léon Kerouac, of St. Charles - - - - -	19 12 7	
	This is a claim for injury done to the claimant's house by the Queen's forces, on their entry into St. Charles under the command of Colonel Wetherall, in November last. The loyalty of the claimant not having been sufficiently proved in evidence, the claim is dismissed.		
16	Jean Baptiste Maranda, of St. Charles - - - -	11 8 6	8 18 6
	This is a claim for the amount of certain effects carried away by the Queen's troops on their taking possession of the house of Louis Chicou Duvert, notary, of St. Charles, with whom claimant was then a student. The claimant is a loyal Canadian, and was made prisoner by the insurgents at St. Charles, on their late rising in that village.		
17	Francis Mount, of St. Charles, merchant - - -	250 6 -	61 10 5
	The claimant is of undoubted loyalty, has given much useful information, and otherwise rendered services to Government. He is awarded a certain sum for loss of goods sustained by the occupation of his house at St. Charles by Her Majesty's forces, under Colonel Wetherall, in November last. With respect to the claim which he has made against the estate of Wolfred Nelson & Co. for the amount of a protested note, the claimant is referred to his legal recourse against the drawers of the said note, it being impossible for the Commissioners to entertain this part of the claim until the property of Wolfred Nelson & Co. b een discussed by his creditors.		

(*continued.*)

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
18	Francis Mullins, of Granby. This was a general claim for indemnity for loss and inconvenience sustained from the rebels. No specific sum was asked, and after inquiry none is awarded.		
19	Josephte Frechette, wife of Peter Spink, of St. Charles, merchant and postmaster. The claimant is duly *séparée de biens* from her husband, Peter Spink, and carries on business in her own name in the village of St. Charles. On the 17th November last her house and store were pillaged by the rebels, and great loss sustained, as proved in evidence taken on oath on the spot. Another portion of the claim is for a debt due to the claimant by Wolfred Nelson & Co., which cannot be entertained, and she is referred to her legal recourse against that estate. There is a further claim to a small amount for damage done by the troops under Colonel Wetherall in November last, which is also supported by evidence.	424 9 11	181 8 11
20	Rosalie Bonier, wife of François Mignault, of St. Denis - This is the wife of a person charged with aiding in the murder of Lieutenant Weir, 32d regiment, but against whom no bill was found. Not being duly *séparée de biens* from her husband, the claim was dismissed, which was for injury done by Her Majesty's forces under Colonel Gore.	136 18 –	
21	Cyrile Beaudreault, of St. Denis. The evidence on this claim not being yet complete, the report on it is postponed.		
22	Joseph Chenette, of St. Denis - - - - - This being a claim against the estate of Wolfred Nelson & Co., the claimant is referred to his legal recourse; there is, besides, an affidavit made before the Commissioners, stating that the claimant was a serjeant in Wolfred Nelson's force.	205 1 6	
23	Henry Deschambault, of Boucherville - - - - This being also a claim against the estate of Wolfred Nelson & Co., the claimant is referred to his legal recourse.	110 – –	
24	Guillaume Dillaire, of St. Denis - - - - - This is a loyal Canadian, who has rendered good service to the civil authority, having been intrusted with a mission to observe and report the proceedings of the agitators at the meeting of the five counties, 23d October 1837. His claim is for indemnity for the destruction of his house and premises, and the movables therein, by the troops under the command of Colonel Gore, at St. Denis, on the 2d December last. It appears that they were set fire to by an intoxicated soldier, without any order or approval on the part of the commanding officer.	503 6 8	439 19 10
25	Therese and Louise Dormicourt, of St. Denis - - These are two maiden ladies, without relatives in this country. Unlike the generality of the inhabitants of St. Denis, they did not abandon their dwelling on the occasion of the attack on that village by the troops under Colonel Gore, or on the second retributory visit of that officer on the 2d December last. After the action caused by the armed resistance of Wolfred Nelson to Her Majesty's forces on the 23d of November last, these ladies, in the true spirit of christian charity, received into their house three wounded soldiers, viz., Thomas Gant, of the 66th regiment, William Simpson and Robert Robinson, of the 24th regiment, and attended them for several days, until	71 9 11	71 9 11

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
	until they were able to be removed. A non-commissioned officer, also, of another regiment, which the claimant could not designate, died in their house, and was by them decently interred. The claimants have satisfactorily proved that these benefits did not exempt them from the misfortune of having their house pillaged on the second visit of Colonel Gore, by some soldiers or stragglers, and for this loss they claim compensation. The Commissioners are satisfied of the justice of this claim, and in consideration of the admirable conduct and example of these ladies, they respectfully suggest to the consideration of Government the propriety of bestowing upon them some additional gratuity.		
26	Madame Veuve Dutalmé, of St. Denis - - - -	263 14 10	130 17 4
	This is a claim for compensation for goods lost and furniture destroyed during the occupation of the claimant's residence in St. Denis by a party of Her Majesty's forces in December last. Part of the claim for the value of a book of accounts, 100 *l.*, is inadmissible, and several items have been reduced in amount.		
27	Madame Veuve Lappare, of St. Denis - - - -	59 14 3	36 5 9
	This lady resides in the same house as the claimant immediately preceding, and suffered loss from the same cause and at the same time.		
28	Jacques Fredette, of St. Denis - - - - - -	83 10 6	65 - -
	It appears in evidence that this man, although one of Wolfred Nelson's farmers, on shares, took no part in the rebellion of 1837, but on the 23d November went into the Concessions with his family for safety. Inhabiting a house belonging to Wolfred Nelson, the same was burned by the troops on the return of Colonel Gore to St. Denis, and his property, consisting of grain, furniture, clothes, linen, &c. destroyed.		
29	Louis Guerout, Esq., of St. Denis.		
	This case, not having been closed, will be included in a supplementary Report.		
30	Mrs. Widow Guerout, of St. Denis.		
	This case, not having been closed, will be included in a supplementary Report.		
31	J. B. Masse, merchant, of St. Denis - - - -	594 10 2	
	The claimaint not coming within the terms of the Ordinance in the opinion of the Commissioners, the claim is rejected.		
32	Veuve Paquette, of St. Denis - - - -	97 18 - ½	63 14 8
	This is a claim for destruction by Her Majesty's forces. The claimant is an inoffensive widow, and the claim is generally sustained by evidence. Several items overcharged are reduced.		
33	William Phillips, Esq., of Quebec.		
	This case, not being closed, will be included in a supplementary Report.		
34	William Price & Co., of Quebec.		
	This case, not being closed, will be included in a supplementary Report.		
35	Joseph Quoy, dit Dragon, of St. Denis - - - -	461 18 7	
	This man, by his own admission, was one of those who were armed against the Queen's forces in Madame St. Germain's house, at St. Denis, on the 23d November last, under the command of Wolfred Nelson.		

(*continued.*)

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
36	Veuve St. Germain, of St. Denis. The evidence in this case not being yet complete, it will form part of a supplementary Report.		
37	Elizabeth & Therese St. Germain, of St. Denis - - This case is well made out by evidence. The claimants are two single ladies, who supported an aged mother, eighty-four years old. They lived a very retired life, and had no connexion with politics. It is presumed that it was owing to their name that their house and property were burned by the troops in December last.	209 12 5	184 15 5
38	Luther Sawtell, merchant, of Montreal - - - - This is a claim for the value of certain property in the claimant's store at St. Denis (consisting principally of liquors), which was destroyed by order of the officer in command of a portion of the Queen's troops, in order to prevent the soldiers drinking the same, at St. Denis, in December last. The claimant is a person of unquestionable loyalty, and the case is made out in the most satisfactory manner.	172 3 10	172 3 10
39	Louise Bouvier, of St. Ours - - - - - - - This is a poor woman, some of whose clothes were taken during the march of the troops through the village of St. Ours.	2 7 1	2 7 1
40	Antoine Daigle, of St. Denis - - - - - - Evidence was taken in this case; but it appearing to the satisfaction of the Commissioners that the claimant did not come within the terms of the Ordinance, the claim is rejected.	227 - 10	
41	Michel Godard, of St. Ours - - - - - - - This is a claim for a piece of cloth taken by the troops or their followers, on their march through the village.	3 10 -	3 10 -
42	François Xavier Lavigne, of St. Ours - - - - The claim is for damage done to a schooner by the Queen's forces. It appears that the boat was seized by Wolfred Nelson, without the consent of the claimant, and moored in the River Richelieu, opposite the house of Madame St. Germain, then occupied by the rebels. Major Reid, of the 32d, declared that the troops had been fired upon from this boat, and it was partially burned. The claim is for the repairs, and the claimant having proved his loyalty, it is admitted, with some deduction.	58 1 8	54 6 8
43	Julien Lebœuf, of St. Ours - - - - - - - This is a good claim (a small reduction made) for damage done to claimant's house and effects, on the return of the troops under Colonel Gore, after the action at St. Denis. The claimant deserves honourable mention, for having protected and attended two wounded soldiers, who were left behind at St. Ours on the 23d November last.	34 17 7	32 5 2
44	Louis Moge, of St. Ours - - - - - - - This claim is rejected, the claimant not coming within the terms of the Ordinance.	54 3 5	
45	Joseph Jermain, of St. Ours - - - - - - This claim is rejected, the claimant not coming within the terms of the Ordinance.	12 10 -	
46	Germain, Richard, of St. Ours. The evidence in this case not being complete, the award will be contained in a future Report.		

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
47	James Greenshields, of Rouville. This case, not being closed, will be included in a future Report.		
48	Joseph Marie Lavoie, of Rouville. This case, not being closed, will be included in a subsequent Report.		
49	William Macbean, of Rouville - - - - - -	171 13 4	150 - -
	This is a claim made by a loyal subject for damage done by the rebels to his distillery and premises at St. Charles.		
50	Marchand & Soupras, of Rouville, merchants and co-partners. This claim not being closed, it will be reported hereafter.		
51	Simon Talon, dit L'Esperance, of St. Hyacinthe, Esq., J.P.	1,215 7 5½	530 2 8
	The claimant is a loyal Canadian, who was made prisoner in November 1837, by the soi-disant General, T. S. Brown, at St. Charles, and by him robbed. His claim is for loss of property sustained from the rebels, for which compensation is awarded, and for damages, loss of profit, crops, &c., and extra expenses, which part of the claim is disallowed.		
52	J. B. Bernard, of Belœil, merchant. This case not being quite complete, the award will be included in a future Report.		
53	Ignace Lacroix, of Chambly. This case not being closed, the award will be made in a subsequent Report.		
54	Dempster & Rodger, of Montreal, merchants and co-partners.	62 - -	
	This claim has been withdrawn, after the evidence of one of the claimants being taken.		
55	Firmin Perrin, of St. Antoine, merchant. This claim, not being quite complete, will form part of a subsequent Report.		
56	J. B. Gaudrault, of St. Césaire. This case, not being closed, will be subsequently reported.		
57	Jacques Dorion, M. D., of St. Ours. This case will be included in a subsequent Report.		
58	Theophile Lemay, père, of St. Marie - - - -	275 14 2	119 3 9
	This is a claim made by a loyal Canadian, for damage done to his property by the rebels, and for loss of time, crops, &c. He identifies J. B. Tetro, of St. Marie, who is a proprietor of two farms, as one of those from whom he sustained injury.		
59	Theophile Lemay, junior, of St. Marie. This claim is withdrawn, after some inquiry made.		
60	François Vigeant, of St. Marie. This case not being closed, it will be reported hereafter.		
61	Joseph Benoit, of St. Hyacinthe. This case not being closed, it will be reported hereafter.		

(continued.)

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
62	Louis Brodeur, of St. Charles - - - - - - The claimant not coming within the terms of the Ordinance, as appears by sufficient evidence, the claim is rejected.	35 19 10	
63	Louis Lussier, fils, of St. Charles. This case, not being quite complete, will be reported hereafter.		
64	Louis Codert, père, of St. Charles - - - - - This is a claim for damage done to claimant's house by the rebels, and also afterwards by the troops, under the command of Colonel Wetherall, in November 1837.	6 10 -	6 10 -
65	Jean E. Raymo, of St. Charles - - - - - - This is a man of undoubted loyalty, and particularly obnoxious on that account to the rebels at St. Charles. During the short rising of 1838, in that village, he was made prisoner by the rebels; the claim is for damage done by the troops during their occupation of St. Charles, in November 1837.	22 6 6	22 6 6
66	Antoine Leduc, fils, of St. Charles - - - - - The claimant, after evidence heard, does not appear to come within the terms of the Ordinance. The claim is rejected.	42 3 8	
67	Joachim Jacques, of St. Charles - - - - - - This is one of the most notorious traitors in St. Charles; he has been concerned again in the rebellion of 1838.	781 4 1	
68	Charles Christophe Lussier, fils, of St. Charles. This case, not being completed, will be reported hereafter.		
69	Alexis Chenette, père, of St. Denis - - - - - This is a loyal Canadian, more than a hundred years old; he was robbed and cruelly treated by the rebels on the day after the affair at St. Denis. François Lafleche, proprietor of one farm, is proved to have been concerned in this outrage and robbery.	36 1 8	34 10 1
70	Scholastique Chenette, of St. Denis. This case, not being closed, will be hereafter reported.		
71	François Coté, of St. Charles - - - - - - The claimant, after strict examination, does not appear to come within the terms of the Ordinance. Claim rejected.	3 - -	
72	Drolet & Durocher, of St. Charles, merchants and co-partners - - - - - - - - - - - The claimants, after strict inquiry, do not appear to come within the terms of the Ordinance, and the claim is consequently rejected.	1,243 15 3	
73	J. B. E. Durocher, of St. Charles - - - - - - Rejected for the above reason.	390 8 2	
74	Joseph Toussaint Drolet, Esq., of St. Marc - - - - Rejected for the above reason.	307 13 4	
76	Joseph Charron, of St. Charles - - - - - - This is a claim made by Mr. Debartzch's farmer, for damage done to his property and effects by the troops on the capture of the rebel position at St. Charles, on the 25th November last.	98 12 10	75 - -

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
76	Jean Marie Laroque, of St. Hyacinthe. This case, not being closed, will be reported hereafter.		
77	Louis Petit, dit Bourchemin, of St. Marc. This case, not being complete, will be reported hereafter.		
78	J. B. Benoit, dit L'Hybernois, of St. Charles. This case is not complete, and will be reported hereafter.		
79	Hyacinthe Marotte, of St. Marc - - - - - The claimant does not come within the terms of the Ordinance, and the claim is consequently rejected.	21 15 –	
80	François Modeste Lemire, of St. Charles - - - This person's claim is rejected, as not coming within the terms of the Ordinance. In the opinion of the Commissioners, the claimant is liable to an indictment for perjury, in having sworn that he "never set foot in the camp of St. Charles in November last," viz. 1837.	60 4 9	
81	Madame Marchesseault, of St. Charles - - - - This is the wife of Simeon Marchesseault, now or lately an exile at Bermuda; not being *séparée de biens* from her husband, her claim is rejected without other reasons.	336 6 9	
82	Jacques Auclaire, of St. Charles - - - - - This is a claim for damage done to the *fabrique* of St. Charles, during the occupation of the church and presbytère by the troops, on the 25th and 26th November last (1837).	83 10 –	75 10 –
83	Michel Charron, of St. Charles - - - - - The claimant not having proved his property in the effects for which compensation is asked, the claim is rejected.	4 – –	
84	François Cormier, of St. Ours - - - - - The claimant is referred to his legal recourse against the estate of Wolfred Nelson & Co.	22 2 2	
85	Messire Demers, curé of St. Denis - - - - This is a claim for damage done during the occupation of the presbytère by Her Majesty's troops in December last (1837).	103 4 6	82 10 2
86	Dufresne and Mace, of Chambly. This case, not being determined, will be reported hereafter.		
87	Leonard Pine, of Chambly. This case, not being determined, will be reported hereafter.		
88	Louis Chaume, of St. Charles - - - - - The claimant, after evidence taken, does not appear to come within the terms of the Ordinance, and the claim is rejected.	5 – 11	
89	Gabriel St. George, of St. Charles. This case not being complete, it will form part of a subsequent Report.		

(*continued.*)

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
90	W. G. Clarke, of Henryville. This case, not having been determined, will form part of a supplementary Report.		
91	Samuel Adams, of Henryville. This case not being closed, it will form part of another Report.		
92	W. Flower, of Delery. The same as to this case.		
93	Cartier & Raymond, merchants, of St. Hyacinthe. The same as to this case.		
94	Loop Odell, of Napierville. The same as to this case.		
95	Isaac Johnson, of Foucault. This case not being determined, the same will form part of a supplementary Report.		
96	David Nutt, of Foucault. The same as to this case.		
97	Seneca Robinson, of Foucault. The same as to this case.		
98	E. C. Desprès, notary, of St. Hyacinthe. The same as to this case.		
99	Horace Lyman, of Granby. The same as to this case.		
100	Abel T. Bangs, of Granby. The same as to this case.		
101	Thomas Wood, of Granby. This case being incomplete, the same will be included in a supplementary Report.		
102	Félicite Brault, of St. John's. The same as to this case.		
103	Louis Bessette, of St. Athanase. The same as to this case.		
104	Benoni Lore, of L'Acadie. The same as to this case.		
105	Laurent Labossière, of Isle aux Noix. The same as to this case.		
106	J. B. Levêque, of L'Acadie. The same as to this case.		
107	Eloi Babin, of L'Acadie. The same as to this case.		
108	Jean Labossière, of Isle aux Noix. This case not being complete, it will be included in a supplementary Report.		
109	Joseph Gaouette, of St. Hyacinthe. The same as to this case.		
110	J. Baptiste Fontaine, of St. Hyacinthe. The same as to this claim.		

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
111	Louis E. Hubert, of St. Antoine - - - - -	169 14 6	127 14 6
	This is a loyal Canadian, by whose means the body of the unfortunate Lieutenant Weir, 32d regiment, was discovered at St. Denis. His house was occupied by the troops on their second visit to St. Denis, and much damage sustained.		
112	Alexis Pinet, of Varennes, Esq. - - - - -	500 - -	500 - -
	This is a loyal Canadian magistrate, who, in consequence of his opposing the projects of Amury Girod and other agitators last summer, was exposed to a series of injuries and persecutions, which caused him loss to the amount of 1,000 *l.* currency, although he has limited the claim to 500 *l.* The case is well made out, and the Commissioners consider him fairly entitled to the award in his favour.		
113	François Benoit, of Longueuil.		
	This case not being closed, it will be hereafter reported.		
114	Basile Vincelette, of Longueuil.		
	The same as to this case.		
115	Cecile Chabot Tetu, of St. Hyacinthe.		
	The same as to this case.		
116	Germain Guyon, of St. Hyacinthe.		
	The same as to this case.		
117	J. J. Whitfield, of St. Césaire.		
	The same as to this case.		
118	Augustin Grenier, of St. Denis - - - - -	65 15 3	65 15 3
	This case is well made out, and the loyalty of the claimant established. The loss was occasioned by Her Majesty's troops on the second visit of Colonel Gore in December last.		
119	Dorothée Bissonette, of St. Charles - - - -	34 17 5	
	This case not having been made out in evidence to the satisfaction of the Commissioners, the same is dismissed.		
120	Louis Chicou Duvert, notary, of St. Charles - - -	498 10 -	200 - -
	This is a claim in part for damages sustained by the injury done to the claimant's property by the Queen's forces, on the capture of St. Charles on the 25th November last. Part of the claim is also for a compensation for imprisonment in the gaol of Montreal. It does not appear that the claimant ever carried his views of political reform beyond constitutional bounds. He refused to concur in the resolutions drawn up by the special committee, to be submitted to the meeting of the five counties at St. Charles on the 23d October 1837, although he had previously accepted a nomination as a member of that committee; and he left the room in which they were assembled, as soon as he became acquainted with the nature of those intended resolutions. He refused the use of his premises for the purposes of that seditious meeting, and severely condemned his brother for having permitted it to be held on his ground. After the battle of St. Charles, it is proved that he was mistaken for his brother, the vice-president of the society, who was absent, and under that impression was made prisoner by the troops, and conducted to Montreal, under circumstances of great indignity. His claim for damage done to his property is 270 *l.* 10 *s.*, of which the Commissioners.		

(*continued.*)

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
	missioners allow 200 *l.* The claim of 228 *l.* for so many days' detention in prison, the Commissioners do not consider as coming within their province. N. B.—Since the Report on this case was made, the Commissioners have examined Colonel Wetherall, C. B. It appears that, although the claimant was mistaken for his brother at the time he was taken, there was a warrant issued against him personally. At the time of his capture he was in a state of complete intoxication, and resisted the troops in the most violent manner, with a sword in his hand. The Commissioners wish this case to be reserved for further inquiry. (signed) *P. E. L. E. A. C. C. T.*		
121.	Marie Ayotte, of St. Denis. This case not being closed, the same will be reported subsequently.		
122.	Jean Oliver Leclère, of St. Charles - - - - - This is a loyal Canadian, whose property was pillaged by the rebels of St. Charles in November last (1837).	13 10 –	13 10 –
123.	François Chicou Duvert, M.D., of St. Charles - - The claimant, after strict inquiry, not appearing to come within the terms of the Ordinance, his claim is rejected.	216 11 6	
124.	Charles Dorion, of St. Eustache. This case, not being closed, will form part of a subsequent Report.		
125.	Prudent Malot, of Belœil. The same as to this case.		
126.	Prudent Racine, of St. Charles - - - - - - The evidence in this claim not being satisfactory, after due consideration, the same is dismissed.	4 4 9	
127.	François Garant, of St. Denis - - - - - - This is a loyal Canadian, who after the action with the rebels under Wolfred Nelson in November 1837, in the first instance saved a wounded soldier's life from three Canadians who levelled their pieces at him, and afterwards conveyed him to the house of Mesdemoiselles Dorimcourt, where he was kindly treated as before-mentioned. (*See* No. 25.) His house was burned on the 2d of December by the troops in consequence of its proximity to that of Guillaume Dillaire. (*See* No. 24.)	122 5 –	122 5 –
128.	J. B. Tétro, dit Ducharme, of St. Denis - - - The claimant not coming within the terms of the Ordinance, the claim is rejected.	61 18 7½	
129.	Veuve Augustin Paradis, of St. Charles. This case not being closed, it will be reported hereafter.		
130.	Emilie Paradis, of St. Charles. The same as to this case.		
131.	Julie Paradis, of St. Charles. The same as to this case.		

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
132.	Caroline Martelle, of St. Charles - - - - - -	7 15 –	
	This case not being made out in evidence is dismissed.		
133.	J. B. Masse, Esq., of St. Denis - - - - - -	61 12 –	
	The claimant, after strict inquiry, not appearing to come within the terms of the Ordinance, the claim is rejected.		
134.	Seth Warner, of St. Césaire.		
	This case, not being determined, will be considered in a subsequent Report.		
135.	Thomas Colburn, of Granby.		
	The same as to this case.		
136.	Augustin Paradis, of St. Charles.		
	The same as to this case.		
137.	Dominique Vallieres, of St. Charles - - - - -	10 4 8	
	The claimant not coming within the terms of the Ordinance, the claim is rejected.		
138.	Denis Courtemanche, of St. Charles - - - - -	7 17 1	
	The claimant not coming within the terms of the Ordinance, the claim is rejected.		
139.	J. B. Cormier and Narcisse Bissonnette, of St. Charles.		
	This case, not being complete, will be included in a subsequent Report.		
140.	Joseph Minette, of St. Charles.		
	This case, not being determined, it will form part of a subsequent Report.		
141.	William Boon, of St. Charles.		
	The same as to this case.		
142.	Rosalie Cherrier, of St. Denis - - - - - -	28 3 2	20 – –
	This is a loyal person, who has become obnoxious to the disaffected at St. Denis.		
	She is better known as the wife of one St. Jacques, and suffered considerable loss in consequence of her opposition to the schemes of the rebels.		
	Her claim is for loss of her effects during the occupation of St. Denis on the second visit of Colonel Gore.		
143.	John Henderson, of Beauport.		
	This case, not having been determined, it will form part of a subsequent report.		
144.	André Charby, of St. Denis - - - - - -	27 – –	12 13 4
	This is a loyal Canadian, although one of Wolfred Nelson's farmers. He did not interfere in the rebellious proceedings. His claim is for property destroyed in one of Mr. Nelson's houses which he inhabited, and which was burned by the troops.		
145.	Olivier Chamard, of St. Denis.		
	This case not having been determined, the same will be included in a subsequent Report.		

(continued.)

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
146	Joseph Charpentier, of St. Denis - - - - -	68 5 –	
	This claimant not coming within the terms of the Ordinance, the claim is rejected.		
147	J. B. Leblanc, of St. Denis - - - - - -	81 3 –	45 – –
	The claimant is a loyal subject, and although one of the farmers of Doctor Wolfred Nelson, did not take any part in the rebellion of 1837. The troops, on the 3d December last (1837) burned the house which he inhabited as belonging to Mr. Nelson, and with it the effects for which he now claims. The claimant offered the troops 25 *l.* to allow him to take away his property, which they refused.		
148	Jacques Dorion, M. D., of St. Ours - - - - -	200 – –	
	This being a claim against the estate of Wolfred Nelson & Co., the claimant is referred to his legal recourse against that estate.		
149	J. B. Chayer, of St. Denis - - - - - - -	7 10 –	7 10 –
	This person took no part in the rebellion. On the march to St. Denis on the 23d November 1837, the soldiers were seen to take a mare belonging to the claimant, which was never restored.		
150	Marie Anne Cherrier, of St. Denis - - - - -	121 16 5	69 15 10
	The claimant's house was occupied by the troops at St. Denis in December last (1837) and certain damage to her property and effects has been proved in evidence.		
151	Marie Therese Bistodeau, of St. Ours - - - -	25 – –	
	This is a claim against Wolfred Nelson & Co., to whose estate the claimant is referred for her legal recourse.		
152	Joseph Courtemanche, of St. Denis.		
	The evidence not being complete in this claim, it will be reported hereafter.		
153	Joseph Edouard Mignault, of St. Denis - - -	75 4 –	
	The claimant not coming within the terms of the Ordinance, the claim is rejected.		
154	Messire Lagorce, vicaire, of St. Denis - - - -	16 15 –	16 15 –
	This is a claim for loss sustained during the occupation of the presbytère by the troops in December last (1837).		
155	Joseph Thibeaudeau, of St. Denis - - - - -	111 15 2	108 3 2
	This is a loyal Canadian. The troops under Colonel Gore, on the 2d December, took possession of claimant's house, and occasioned great damage to his property and effects.		
156	Pierre Bourgeois, of St. Denis - - - - -	30 9 7½	
	The claimant not coming within the terms of the Ordinance, the claim is rejected.		
157	Pierre Lamotte, fils, of St. Denis - - - - -	70 11 11	60 – –
	The claimant is farmer to Madame St. Germain, but took no part in the rebellion of 1837. The claim is for damage done to his property and effects on the occupation of St. Denis by the troops.		
158	Denis Bousquet, of St. Denis - - - - - -	20 18 6	
	The claimant not coming within the terms of the Ordinance, the claim is rejected.		

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
159	François Xavier Lenoir, dit Rolland, of St. Denis - -	41 - 7	
	The claimant not coming within the terms of the Ordinance, the claim is rejected.		
160	François Masseleau, of St. Denis - - - - - -	3 8 1	
	The claimant not coming within the terms of the Ordinance, the claim is rejected.		
161	François Lapierre, of St. Ours - - - - - -	30 - -	
	This being a claim against the estate of Wolfred Nelson & Co., the claimant is referred to his legal recourse.		
162	Veuve Deschambault, of St. Denis.		
	This case not having been determined, the same will make part of a subsequent Report.		
163	Louis Fleury Deschambault, of St. Denis.		
	The same as to this case.		
164	William Deschambault, M. D., of St. Denis.		
	The same as to this case.		
165	Pierre Magnaut, of St. Ours.		
	This case, not having been determined, will be included in a subsequent Report.		
166	Angelique Jarie, Veuve Menard, of St. Denis - -	6 7 4	2 19 10
	This is a claim for damage done by the troops during their occupation of St. Denis last December (1837).		
167	Joseph Bazinet, of St. Denis - - - - - -	3 15 9½	3 15 9½
	This is a claim for damage done by the troops in their occupation of the village in December last (1837).		
168	John Dods, of Montreal - - - - - - - -	108 18 -	108 18 -
	This is a claim for indemnity for the destruction of his bridge at Isle Jésus by the rebels, during last December (1837). The claim is fully made out in evidence. The persons who destroyed the bridge have no property.		
169	Charles Gordon O'Dogherty, surgeon, of St. Eustache -	266 7 9	250 - -
	This case was heard at Montreal, the witnesses having come in for that purpose. It is a claim for the destruction of claimant's moveables, both by the rebels and by the necessary occupation of his house subsequently by Her Majesty's forces last December.		
	TOTAL - - - £.	18,497 8 9½	7,426 3 3½

(signed) *P. E. Leclerc.*
E. A. Clark.
C. Tait.

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SECOND REPORT of the COMMISSION of INDEMNIFICATION, under 1 Vict. c. 7. February 1839.

To his Excellency Lieutenant-General Sir John Colborne, Knight Grand Cross of the Most Honourable Military Order of the Bath, and of the Royal Hanoverian Guelphic Order, Governor-General of all Her Majesty's Provinces on the Continent of North America, and of the Islands of Prince Edward and Newfoundland, and Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and their several Dependencies, Vice-Admiral of and in the same, and Commander of all Her Majesty's Forces in the said Province of Lower and Upper Canada.

THE Commissioners appointed under the authority of the Provincial Ordinance, 1 Vict. c. 7, intituled, " An Ordinance to authorize the Appointment of Commissioners to investigate the Claims of certain loyal Inhabitants of this Province for Losses sustained during the late unnatural Rebellion," beg leave respectfully to submit to your Excellency the Second or Supplementary Report of their proceedings under the said Commission, as contained in the following pages.

The number of cases contained in the Report now submitted to your Excellency is 34; the pecuniary amount claimed is 13,195 *l.* 9 *s.* currency, and the amount awarded 3,723 *l.* 11 *s.* currency, showing a saving to Government of 9,471 *l.* 18 *s.* currency.

(signed) *P. E. Leclere.*
E. A. Clark.
C. Tait.

Montreal,
18 February 1839.

NAMES of PERSONS who claimed COMPENSATION before the Commissioners, and the Amount of their Claims.

(No. 11.)

The Hon. *P. D. Debartzch*, of St. Charles.

THIS is a claim by the Honourable Pierre Dominique Debartzch, seignior of St. Charles, for compensation for losses sustained in consequence of the occupation of his property by the rebels under Thomas Storrow Brown, in November 1837; whence they were dislodged by a detachment of Her Majesty's troops, under the command of Colonel Wetherall, C. B., on the 25th of the same month.

The claimant's dwelling-house and premises were injured by the rebels during their occupation, and in the successful attack of the position by Colonel Wetherall, the dwelling-house received further injury. The farm-houses and barns, and their contents, were consumed by fire; and other buildings belonging to the claimant were unavoidably included in the conflagration. These several losses form the basis of the claim for compensation from Her Majesty's Government.

Mr. Debartzch having presented a petition to the Earl of Gosford, dated 10th January 1838, making application for a loan against an alleged loss sustained of 6,000 *l.*, the application was referred to the executive council on the 23d of the same month, and he received the sum of 1,000 *l.* currency, as such advance, on the 24th of that month.

Arbitrators were appointed by the Earl of Gosford and the claimant, to estimate the general amount of damage sustained, viz. the Honourable Francis Ward Primrose, on the part of the Government

Government, and the Honourable François Xavier Malhiot, on the part of the claimant. Their Report, dated 20th February 1838, referred to the undersigned Commissioners of Indemnification by the Civil Secretary of Government, has been found useful. The undersigned considered it a duty, nevertheless, to go through this claim *de novo*, to re-examine the former, and take the evidence of additional witnesses. The result of this examination they are now about to report to your Excellency.

Some of the items of the claimant's account are evidently estimated *à prix d'affection*,—a valuation that the Commissioners, in the discharge of the trust reposed in them, cannot be expected to recognize.

After a patient and close investigation of this claim, the undersigned estimate the loss sustained by Mr. Debartzch, as well by the occupation of his house and premises as by the means necessarily resorted to by Her Majesty's Government to dislodge the rebels, at the sum of 3,581*l.* 2*s.* 10*d.* currency, as appears by a bill of particulars annexed to this Report, and signed by the undersigned.

In the execution of the trust reposed in the undersigned, they deem it, however, their duty further to report to your Excellency, that the Ordinance, 1 Vict. c. 7, was passed for the relief of loyal subjects. The justice of the British Government decreed that all loyal subjects should be indemnified for losses incurred in consequence of the "unnatural rebellion" of 1837, losses which came upon them at the hands of the Queen's enemies, proceeding from no *laches* in their own bearing as good subjects, but, on the contrary, induced by a long course of undeviating loyalty to the Crown, and of attachment to the existing connexion between the mother country and this colony. The undersigned regret that they cannot report to your Excellency that such, in their opinion, is the position in which the claimant stands. It becomes their painful duty to declare that a strong and indelible impression exists in the public mind, that to the antecedent conduct of the claimant, whose influence over the Canadian population was at one time unbounded, is to be attributed the crisis of political excitement which terminated in the rebellion of 1837.

The undersigned are aware that, during the administration of the Earl of Gosford, the claimant abandoned the line of conduct he had pursued in conjunction with the leaders of the insurgent party; that he was not only raised to the dignity of executive councillor, but also enjoyed the good opinion of that nobleman, as shown by an autograph letter of Lord Gosford, written on the occasion of his Lordship's departure from the province, of which the original was communicated to, and a copy filed with, the undersigned by the claimant. But the effect of the example of his previous public life could not be done away by his simple change of conduct; the evil was too deeply rooted, and the claimant became an object of suspicion and dislike amongst those whom he had lately led with paramount influence. It appears to the Commission that, in revenge for his desertion of his former political partisans, his domain was converted into a rebel camp, and subjected to all the injury consequent on the reduction of the rebels by Her Majesty's forces, as already stated.

The establishment of a newspaper at the village of St. Charles, called the "Echo du Pays," was calculated, had it been judiciously and loyally managed, to elevate the minds and instruct the understanding of the rural population; but the press may be abused, and much of the public feeling to the prejudice of the claimant is to be attributed to the political articles which appeared in that paper, some of which were of the most violent and inflammatory character, openly aiming at the subversion of the Government, and others clearly calling upon the Canadian population to "draw the sword."

In the "Echo du Pays" of the 28th November 1833, it is declared, "Enfin pour finir, les Canadiens comprennent que s'il y a des inconveniens à tirer l'epée, il y en a de bien plus graves à redouter et de nuisible à leur nationalité en la laissant dans le fourreau." Again, in the same article, "Maintenant une grave question se presente, à quoi meneraient des bouleversemens? Des flots de sang couleraient, mais au prix de ce sang, les Canadiens gagneraient-ils la liberté et la force? Pourquoi non? Seraient-ils aveugles pour ne pas voir la lumière qui brille aux Etats Unis?" The undersigned have it in evidence, that at the period the "Echo du Pays" was disseminating such articles, the claimant must have been cognizant of all that appeared in its columns, being at the time not only proprietor, but the editor and proof-reader, and the object of the paper appears to the undersigned to have been that of subverting the Government.

After the most mature deliberation, the Commissioners, in the discharge of their duty, cannot but report to your Excellency that they are conscientiously of opinion, that the loss sustained by the Honourable Mr. Debartzch, the claimant, is in a great measure to be attributed to the line of policy followed by that gentleman, which led, according to evidence, to the rebellion of 1837. Under these circumstances, the undersigned, in execution of the solemn trust reposed in them, cannot take upon themselves to decide if the claimant were, at the time he sustained the loss, the loyal subject contemplated by the Ordinance, but feel it their duty to leave it to Her Majesty's Government to determine whether he comes within that category. If his conduct, previous to being called to the executive council, is to be taken as the criterion by which to judge of his loyalty, his claim must in their opinion be rejected; if, on the other hand, the claimant, having been called to the executive council, is to be considered as an extenuation of his antecedent political career, then his claim for indemnification might be sustained.

 The

The undersigned have the honour to refer to their First General Report, dated 12th December 1838, in which they stated that Lachapelle, a person of substance in the parish of St. Marc, was actively concerned in the seizure of Mr. Debartzch's house, for the purpose of resisting Her Majesty's forces. They subjoin to the present Report a list of certain other persons, who are stated on oath to have been aiding and abetting on that occasion.

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
13	Christophe Lussier, père, of St. Charles - - -	714 4 -	523 19 -
	This is a claim for indemnification for a house and moveables, barn, &c., burned by the troops at St. Charles on the 25th and 26th November 1837. The premises were situated in advance of the rebel camp, and the proprietor, seeing the troops in march, had gone across the river Richelieu to St. Marc, leaving his house closed up; a party of rebels, of whom the claimant was not one, fired across the river from the left bank at the troops, and in the direction of the claimant's house: the house was burned on the 25th, and the barns on the 26th November. After strict examination, the Commissioners find nothing against the loyalty of the claimant, who is a respectable *habitant*, of good substance, and admit the claim, considerably reduced in amount.		
14	Antoine Leduc, père, of St. Charles - - - -	211 6 8	163 17 11
	This is a claim for the destruction of a barn and its contents by the troops, on their advance to attack the rebel position at St. Charles, on the 25th November 1837. The claimant is a respectable *habitant*, whose loyalty is unimpeached. A party of rebels sent out from the camp at St. Charles to observe the advance of the troops, fired from behind his barn, which was immediately destroyed, as stated in the despatch of Colonel Wetherall; it contained several carriages and implements of husbandry, besides grain, hay, &c.		
21	Cyrile Beaudreault & Co., of St. Denis - - - -	551 7 2½	
	The claimants do not come within the terms of the Ordinance; the claim is accordingly rejected.		
29	Louis Guerout, Esq., of St. Denis - - - -	752 2 6½	36 5 -
	This is a claim made by a loyal gentleman of St. Denis, now however of Granby, for loss sustained by the troops during their occupation of that village, on the second coming of Colonel Gore, amounting to 36*l.* 5*s.* There is also a claim against the estate of Wolfred Nelson & Co. for 715*l.* 17*s.* 6½*d.*: for the latter sum he is referred to his legal recourse against that estate.		
30	Widow Guerout, of St. Denis - - - - -	466 4 5	
	The claimant is referred to her legal recourse against the estate of Wolfred Nelson & Co.		
33	William Phillips, Esq., of Quebec - - - -	1,804 16 2	
	The claimant is referred to his legal recourse against the estate of Wolfred Nelson & Co.; the debt, in the opinion of the Commissioners, not being a privileged one.		
36	Widow St. Germain, of St. Denis - - - -	3,862 - -	2,127 7 1
	The claimant was proprietor of the large stone house at St. Denis, which was occupied by the rebels under Wolfred Nelson, and from which Her Majesty's forces, under Colonel Gore, were fired upon on the 23d November 1837. Although it appears she was greatly under the influence of Wolfred Nelson, who ruled the village		

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
	village with despotic sway, the undersigned, after diligent inquiry, are disposed to admit her claim for indemnification; they believe that her house, from its size, strength and situation, presented itself to the rebel leader as a good position for defence against the Queen's troops; that he seized the premises without the concurrence and against the consent of the claimant. The house is proved to have been full of furniture at the time of its occupation by the rebels, and although it was considerably damaged by them, and penetrated with balls from the howitzer, under Lieutenant Newcomen, R. A., the furniture did not receive material injury. The claim before the Commission is for the subsequent destruction of the house and moveables by the troops, on their second visit to St. Denis. After close examination on the point, it does not appear that the claimant had removed the furniture during the interval between the day of the attack and the return of the troops, a few articles only excepted. According to Madame St. Germain's statement, the house was burned under the impression that she was not a widow, and that, on the contrary, her husband had been actively engaged in the rebellion. The following is an extract from her deposition:— "Le Dimanche après l'incendie, la voiture du Colonel Gore est venu me chercher. Je m'y suis embarquée, et on m'a emmené chez M. Masse, où était le colonel. En entrant, j'ai vu le colonel, et lui dit, 'Je vous demande grace pour ma grange.' Il m'a respondu, 'Oui.' Il m'a pris après dans sa chambre, et me dit, 'Qu'il était chagrin d'avoir brulé ma maison, ne sachant que j'étais veuve; qu'il croyait que j'avais un mari, qui avait pris parti dans la rebellion.' Il m'a dit, 'de ne pointe me chagriner, qu'il croyait qu'on m'indemniseriait.'" The Commissioners were desirous of ascertaining from Colonel Gore the truth of the above representation, and also whether the colonel had any particular reason for burning the house beyond its having been occupied by the rebels on the 23d November, but they were not able to obtain the presence of that officer before the Commission. The claimant's husband died some years ago, with the reputation of a loyal subject; he held a commission in the militia at the time of his death. It is true that one of the claimant's sons was killed, with three other persons, by a cannon ball, but this son was twenty-five years of age, married, did not reside with his mother, and was beyond her control. The claim has been considerably reduced in amount, the indemnification allowed for the buildings being founded on the estimate of the sworn appraiser to the Commission.		
46	Germain, Richard, of St. Ours - - - - - -	45 16 3	19 17 6
	This is a claim for 45 *l.* 16 *s.* 3 *d.* currency, of which 7 *l.* 1 *s.* 3 *d.* is for freight of certain grain seized by order of Government, as belonging to Wolfred Nelson & Co., but which was subsequently given up to Prudent Malot, the proprietor, who, since the filing of this claim, has paid the said sum of 7 *l.* 1 *s.* 3 *d.* to the claimant. The balance of the claim, 38 *l.* 15 *s.*, is for the detention of the claimant's vessel from the period of the seizure to the delivery of the grain.		
52	J. B. Bernard, of Belœil - - - - - - -	1,190 12 4	
	This being a claim against the late firm of Wolfred Nelson & Co. of St. Denis, the claimant is referred to his legal recourse against that estate.		

(*continued.*)

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
55	Firmin Perrin, Esq., of St. Antoine - - - - -	889 18 4	250 - -
	This is a claim made by a loyal and praiseworthy Canadian magistrate, founded upon various items; viz. as well for property pillaged by the rebels under Wolfred Nelson in November 1837, as for loss sustained by the forced sale of large quantities of grain, in consequence of the seizure and detention of the same by Wolfred Nelson; also for general loss and injury to his commercial transactions. An action was brought by the claimant in the King's Bench against Wolfred Nelson, on which judgment has been obtained in favour of claimant for 400 *l.* Upon the judgment execution has been levied, and certain monies are now returned before the said court for distribution. The Commissioners are therefore unable to report upon this part of the claim until after the discussion of the property of Wolfred Nelson, and the final distribution of the proceeds.		
	They deem it, however, their duty, in consequence of the well-known loyalty of the claimant, in a neighbourhood inhabited by persons disaffected to the Government, and as a special compensation for the actual loss he has sustained, and the vexation he has been put to, as well as an example to others, to recommend that the sum of 250 *l.* currency be granted to him in lieu of all claims upon Her Majesty's Government.		
57	Jacques Dorion, M.D., of St. Denis - - - - -	7 2 6	7 2 6
	This is a claim for certain articles taken from the claimant's house by a party belonging to the troops under the command of Colonel Gore, on their second march to St. Denis.		
61	Joseph Benoit, Esq., of St. Hyacinthe - - - -	200 - -	
	This is a claim against the late firm of Wolfred Nelson & Co.; and the claimant is therefore referred to his legal recourse against the estate.		
63	Louis Lussier, fils, of St. Charles - - - - -	13 10 2	9 - -
	This is a claim for the destruction of the claimant's wearing apparel, &c. in the house of Charles Christophe Lussier (No. 68).		
68	Charles Christophe Lussier, fils, of St. Charles - -	198 2 -	126 5 8
	This is a claim for the destruction of a house, with furniture, clothing, &c. adjoining to the house and premises of Christophe Lussier, père, (No. 13.) and burned at the same time, and from the same cause.		
78	Joseph Benoit, dit L'Hybernois, of St. Charles - -	134 1 9	89 7 8
	This man inhabited a farm-house belonging to the Honourable P. D. Debartzch, which was burned by the troops on their advance to the attack on St. Charles on the 25th November 1837. The value of the house is included in the claim made by Mr. Debartzch (No. 11). The claim is for moveables, clothing, &c., and the loyalty of the claimant being unimpeached, it is admitted, with deductions.		
89	Gabriel St. George, of St. Charles - - - - -	15 11 4	10 8 3
	The claimant lived in the house inhabited by Joseph Benoit, dit L'Hybernois (No. 78), and lost his wearing apparel when that house was burned as above. The claimant was sent with a message, as is supposed, from Lieutenant-colonel Gugy to Thomas Storrow Brown, calling upon him to lay down his arms; but the action commenced before he was able to return with the answer of Brown, which was to the effect, "that if the troops would leave their artillery and arms, he would allow them to return to Montreal!"		

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
93	Cartier and Raymond, of St. Hyacinthe. This case has been commenced, but the parties not having used becoming diligence, it cannot be included in this Report. Mr. Cartier has been summoned, but has not yet appeared.		
98	Etienne Couillard Desprès, of St. Hyacinthe - - - This is a loyal man, who exerted himself to prevent the rising of the *habitans* in his neighbourhood at the commencement of the rebellion of 1837. He cut down the liberty pole opposite to the house of Madame Dessaulles, at St. Hyacinthe, which had been erected there in honour of L. J. Papineau. His claim is generally for loss of time, and for expenses incurred in residing in Montreal with his family, having been obliged to fly from St. Hyacinthe. The Commissioners cannot entertain the claim, no actual loss having been sustained.	103 7 6	
109	Joseph Gaouette, of St. Hyacinthe - - - - - This is a claim for loss of time, and for a gratuity, in consequence of the claimant's conduct in opposing the rebels, who threatened and ill-treated him. As in the preceding case, the Commissioners cannot entertain it.	73 - -	
113	François Benoit, of Longueuil - - - - - - This is a claim for articles taken from claimant by the troops during their occupation of Longueuil, on the occasion of the arrest of Demerais and Davignon.	7 14 6	5 3 -
114	Basile Vincelette, of Longueuil - - - - - - This is a case precisely similar to the one preceding.	11 12 9	7 15 2
120	Louis Chicou Duvert, of St. Charles. The Commissioners beg to refer to their original Report in favour of the claimant, previous to the addition of the Note appended to it.* They have since taken additional evidence, which has removed the doubts they entertained when that note was written, and they adhere to their original award in claimant's favour, as carried out in the columns of their First Report, dated 12th December 1838.		
121	Marie Ayotte, of St. Denis - - - - - - - This is a claim made by a single woman for loss of her wearing apparel, taken away from her mother's house at St. Denis, during its occupation by the troops and volunteers in 1837.	18 14 2	12 10 -
125	Prudent Malot, of Belœil - - - - - - - This being a claim against the firm of Wolfred Nelson & Co., of St. Denis, the claimant is referred to his legal recourse.	408 7 3	
129	Widow Paradis, of St. Charles - - - - - - This is a claim made by a loyal and respectable woman, mother of the claimants under the three next numbers. Immediately after the capture of St. Charles by the troops under Colonel Wetherall, her house was pillaged, and she suffered great damage, as well in the loss of her own as of her daughter's clothing.	10 1 8	6 14 6
130	Emilie Paradis, of St. Charles - - - - - - Daughter of the above.	24 16 7	16 11 -
131	Julie Paradis, of St. Charles - - - - - - Another daughter of the claimant, No. 129.	21 19 8	14 13 4
136	Augustin Paradis, of St. Charles - - - - - - Son of the claimant, No. 129.	50 13 10	33 15 10

* See p. 15, 16.

(continued.)

NO. OF CLAIM.	NAME OF CLAIMANT, AND REMARKS.	AMOUNT CLAIMED.	AMOUNT AWARDED.
		£. s. d.	£. s. d.
141	William Boon, of St. Denis - - - - - -	145 18 -	38 18 -
	This is a claim by a loyal man for damage done to his house, moveables and effects at St. Denis, in November 1837, partly by the rebels and partly by the troops, amounting to 51 *l.* 17 *s.* 6 *d.* There is also a claim for wages due to claimant by Wolfred Nelson & Co., amounting to 94 *l.* 0 *s.* 6 *d*; for the latter amount he is referred to his legal recourse against the estate.		
143	John Henderson, of Beaufort - - - - - -	312 15 -	
	The claimant is referred to his legal recourse against the estate of Wolfred Nelson & Co.		
145	Oliver Chamard, of St. Denis - - - - - -	761 - -	112 9 1
	This is a claim for damages sustained during the occupation of St. Denis by the Queen's forces in December 1837, amounting to 112 *l.* 9 *s.* 1 *d.* currency, and also for 649 *l.* 4 *s.* 4 *d.* currency, due to claimant by the firm of W. Nelson & Co.; for the latter he is referred to his legal recourse against the estate. The former claim is admitted, the claimant not having appeared, by evidence, to have carried his views of reform beyond constitutional bounds having on the contrary totally disapproved the proceedings of the insurgents, and done all in his power to dissuade the *habitans* from continuing their hostility to lawful authority.		
152	Joseph Courtmanche, of St. Denis - - - - -	20 13 2½	
	The claimant not coming within the terms of the Ordinance, the claim is rejected.		
162	Widow Deschambault, of St. Denis - - - - -	167 5 10	111 10 6
	This is a claim by the seigneuresse of St. Denis for indemnification for the loss of several articles of value, jewellery, &c. deposited by her in the house of Madame Guerout, and taken away by the troops during the occupation of St. Denis in December 1837.		
	£.	13,195 9 -	3,723 11 -

(signed) *P. E. Leclere.*
E. A. Clark.
C. Tait.

BILL of PARTICULARS referred to in claim No. 11, by the Honourable *Pierre Dominique Debartzch.*

	£. s. d.
Loss and damage done to houses, buildings and engine, as estimated by Commissioners on the items Nos. 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 22 of the claimant's account, filed before the undersigned.	1,888 7 10
Loss and damage done to moveable property, being on items Nos. 2, 3, 17, 18, 19, 20, 21 and 23 of claimant's account - - - - - - - - - - -	1,199 18 -
One-half of the unthrashed grain and straw (the other half belonging to Charron, the claimant's farmer), and being on items Nos. 14, 15 and 16 of claimant's account	201 12 6
Loss and damage to library - - - - - -	291 4 6
Amounting to the sum of Three thousand five hundred and eighty-one pounds two shillings and ten-pence currency - - - - - -	3,581 2 10

This is the Bill of Particulars referred to in case No. 11, the Honourable Pierre Dominique Debartzch's claim: *see* page 22 of this Report.

(signed) *P. E. Leclere.*
E. A. Clark.
C. Tait.

LIST of REBELS actively concerned in the Seizure of Mr. *Debartzch*'s House in November 1837, referred to in page 22 of this Report.

H. Gauvin.
R. Desrivières.
— Desrivières.
T. S. Brown.
Baptiste Bonnet.
———– Odelin.
———– Ducharme.
Denis Courtemache.
Dominique Vallières.
J. B. Cormier.
Boucher de Belleville.
Captain Lachapelle.
S. Marchesseault.
Louis Brodeur.
Alexandre Drolet.
Charles Drolet.
J. T. Drolet.
J. B. E. Dorocher.
F. X. Lemire.
Joachim Jacques.
Louis Chaume.
J. B. Bougret, dit Dufort.
Prudent Racine.

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LOWER CANADA.

COPY of the REPORT of the COMMISSIONERS appointed in *Lower Canada*, under an Ordinance of 1 VICT. c. 7, to inquire into the LOSSES sustained during the late Rebellion; also, of the NAMES of PERSONS who claimed COMPENSATION before the said COMMISSIONERS, and the Amount of their CLAIMS.

(*Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed,*
13 *July* 1840.

483.

Under 8 *oz.*

LOWER CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons, dated 6 April 1840;—*for*,

COPY of a DESPATCH from the Right Honourable *Charles Poulett Thomson* to Lord *John Russell*, dated Montreal, the 13th day of March 1840, transmitting MEMORIALS from various Parties respecting the ESTATES of *St. Sulpice*.

Ordered, by The House of Commons, *to be Printed*, 10 *April* 1840.

(No. 68.)

COPY of a DESPATCH from the Right Hon. *C. Poulett Thomson* to Lord *John Russell*.

Government-House, Montreal,
13 March 1840.

My Lord,

Right Hon. C. P. Thomson to Lord John Russell 13 March 1840.

ON my return to Montreal, I found that considerable excitement had been raised among the inhabitants on the subject of the extinction of seignorial rights and dues within this city and island, as provided for in the Ordinance passed by Sir John Colborne and the Special Council last year; the re-enactment of which, under the more extended powers of the Council, I had announced my intention to effect. The daily press had been almost exclusively employed in discussing this question, and various publications respecting it had made their appearance in other forms. At last a meeting was convened by the party opposed to the Ordinance, at which the accompanying Address to Her Majesty was adopted. This Address is signed by 2,200 persons, of whom I was informed, by the gentleman who presented it, that 1,500 were censitaires. From subsequent inquiries, however, I learn that this statement is erroneous, and that in reality not above 300 or 400 of the censitaires have affixed their names to it.

In the meantime, the opposite party were of course not idle, and I this day received the two Addresses, of which copies are enclosed, signed by 6,700 persons, among whom it is stated that a large majority of the censitaires of Montreal are numbered. These Addresses express approval of the terms offered by the Seminary and accepted by the Government, and pray that the Ordinance of last year may be passed into law.

It is not my intention in this despatch to re-open the long-disputed question as to the right of the Seminary to the seigniory of Montreal. That question has, I think, been exhausted by the Report of the Commissioners of Inquiry of the 24th October 1836, who have shown in a conclusive manner that, although the legal right of the Seminary may not be perfect, their equitable claim admits of no dispute. This claim has since been recognized, both by the local and metropolitan government, and by the Imperial Parliament; by the former in the enactment and approval of the Ordinance of last year, and by the latter in the introduction into the statute 2 & 3 Vict. c. 53, of a clause specially permitting the re-enactment of the same Ordinance. Under these circumstances, and adverting to the opinion of the law officers of the Crown and your Lordship's instructions on this subject, I should not consider myself at liberty, even were I disposed, to refrain from proposing to the Special Council an Ordinance for concluding the agreement entered into between the Seminary and the local government. But I am strongly impressed with the necessity of bringing this matter to a speedy close, in order to put a stop to dissensions which must irritate and inflame the public mind. Hitherto the Province has been free from religious dissensions, but I have ob-

 served

Right Hon. C. P. Thomson to Lord John Russell, 13 March 1840.

served with regret, during the late discussions, a spirit of intolerance which cannot fail, if continued, to have the worst effects. It is therefore my intention, at their next meeting, again to submit to the Special Council an Ordinance for extinguishing the seignorial dues in Montreal. There are, however, several modifications which, in my opinion, are necessary, in order to bring the terms more in accordance with the conditions recommended by Mr. Buller in his report, and these I shall feel it my duty to introduce. They will not obviate some of the objections entertained by the memorialists who have addressed Her Majesty against the Ordinance, but others will be removed by them. I shall explain those modifications more fully in transmitting to your Lordship the Ordinance itself.

I have, &c.
(signed) *C. Poulett Thomson.*

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

The undersigned, proprietors of real estate, merchants, and others, inhabitants of the city and island of Montreal, in the Province of Lower Canada, most humbly approach Your Majesty, on the subject of an Ordinance lately submitted by his Excellency the Right Honourable Charles Poulett Thomson, for the reconsideration of the Special Council appointed for the affairs of this Province, intituled, "An Ordinance to incorporate the Ecclesiastics of the Seminary of St. Sulpice, of Montreal, to confirm their Title to the Fief and Seigniory of the Island of Montreal, the Fief and Seigniory of the Lake of the Two Mountains, and the Fief and Seigniory of St. Sulpice, in this Province, to provide for the gradual extinction of Seignorial Rights and Dues within the Seignorial Limits of the said Fiefs and Seigniories, and for other Purposes," the provisions of which involve the right of private property, the welfare of this Province, and the general interests of the Canadas.

Your petitioners represent that the evils and inconveniences of the feudal tenure have been so generally acknowledged, that it will not be necessary to occupy the attention of Your Majesty with a detail of the various oppressions and exactions incident to its existence in Lower Canada, in all parts of which it has retarded the extension of its commerce, and the development of its natural resources. The heavy fines on alienations, which impede the transmission of land, and impose a burthensome tax upon every improvement; the feudal privilege on every purchase of real estate, which renders its possession insecure, and prevents investment of capital therein; and the seignorial monopoly in the manufacture of the products of the soil, which checks improvement in cultivation, and cramps enterprise in commerce, are not only injurious to the use of land for agriculture, but are infinitely more destructive to its application for building purposes.

Your petitioners submit, that, however objectionable the continued existence of the feudal tenure may be throughout the Province, its pernicious influence is felt with augmented force in the island of Montreal, which includes the city of Montreal, together with the ground on which it must in progress of time extend itself, and is the admitted cause of the slow progress, both in extent and prosperity, of a city, which, from its local position, and the increasing resources of the Canadas, possesses every capability of being one of the greatest marts of trade, and most extensive seats of population in Your Majesty's North American dominions.

Although repeated and respectful remonstrances have been made at various periods against the continuance of the feudal tenure, which has been unwisely permitted to exist in full force in this Province alone of all the wide dominions of the British empire, your petitioners rejoice that it has been reserved to Your Majesty to be enabled to sanction the abolition of its pernicious influence in this island, and to provide for its entire extinction.

Your petitioners have no desire to impede the legislative powers of the Special Council appointed for the making of Laws and Ordinances for the government of the Province, but they entertain a firm conviction, that, from the peculiar constitution of the Council, and the want of an effective system of representation therein, public

interests

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interests and private rights cannot at all times receive the adequate consideration that their importance and urgency demand; and that from these inherent legislative defects the proposed Ordinance, altogether objectionable in principle and in detail, formerly received the sanction of that legislative body, and would have been now in force, had not the temporary character of the Ordinance necessitated its reconsideration, for the purpose of being endued with the power of permanent law.

Your petitioners are therefore reluctantly compelled to appeal to Your Majesty for protection and relief against the provisions of the contemplated Ordinance, which not only perpetuates and aggravates the feudal tenure so louldly and so justly complained of, but at the same time superadds evils of a more general character and of far greater importance.

Your petitioners complain that, contrary to public policy, contrary to the just dependence of all religious orders and communities in the Province upon the will and pleasure of the Sovereign, in as far as the laws of Great Britain permit, and contrary to the express exception contained in the Imperial statute, 2 Vict. c. 58, which enacts, "That it should not be lawful for the Governor-genoral, with the advice and consent of the special council, to make any law or ordinance altering or affecting the temporal or spiritual rights of the clergy of any religious communion in the Province," the Ordinance provides for the erection of the ecclesiastics of St. Sulpice, at Montreal, into an ecclesiastical corporation, with all the undefined rights and privileges which any ecclesiastical corporation might or could at any period exercise or possess, and which it is humbly conceived that no authority less than that of the Imperial Parliament can institute in this Province.

They complain that, although by the mere effect of the conquest of the Province, confirmed by the cession contained in the subsequent treaty of peace, the fiefs and seigniories before enumerated became the property of the Crown, and in its power to dispose of either for public purposes, or in such manner as might be thereafter directed, the Ordinance provides for the divestment of those estates from the Crown, and for their investment, contrary to law, in the ecclesiastical corporation intended to be erected under its provisions, and thereby absolutely prevents their application to purposes of public utility, as well as unconditionally abrogates any disposition thereof which may have been made by the Royal pleasure.

They complain that, contrary to the Royal assurance contained in the proclamation of his late Majesty King George the Third, and bearing date in the year 1763, which declared the Royal intention to settle and agree with the inhabitants of the colony, and with all who should become inhabitants thereof, for grants of such lands, tenements and hereditaments, as were then or thereafter should be in the power of His Majesty to dispose of, upon the moderate quit-rents and acknowledgments of the other colonies, without any reference to feudal tenure as a condition of the grant, whereby the fiefs and seigniories above enumerated in right and justice became freed and exempt from the operation of feudal tenure; and although the Royal promise continues unrevoked, and should receive the large and favourable construction affixed to every assurance of Royal grace and favour, the Ordinance not only established seignorial rights and dues in those fiefs and seigniories, but perpetuates their existence by providing for their gradual and voluntary commutation only, in derogation of the express enactment of the Imperial Parliament for their general and immediate extinction.

They complain that, although at the conquest of Quebec by the British arms, the said fiefs and seigniories were the acknowledged property of the community of ecclesiastics of the seminary of St. Sulpice at Paris, and that the missionaries and members of the order resident at Montreal did not possess any exclusive title to the property of those estates, and acted merely in the capacity of agents in the collection of their revenues for the benefit of the community at Paris, and that although the ecclesiastics at Paris neither at the conquest, nor at any subsequent period, did or could convey any title in those estates to the individual members of the order resident at Montreal, who were a dependent section of that community, and possessed of no independent corporate capacity to receive such conveyance, the Ordinance confirms to the ecclesiastics at Montreal a title to those fiefs and seigniories, which they never possessed, and to which they can establish no claim, and endows them with powers and privileges as feudal seigniors

 indefinite

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indefinite in their extent, and embracing in the generality of the concession the worst vassalage of the most feudal times.

They complain that, although the ecclesiastics at Montreal are dependent for their existence in this Province upon the Royal will and pleasure, restricted within the limitation, "in as far as the laws of Great Britain permit," and were, and still continue subject to the same Royal authority which suppressed the communities of Jesuits and Recollets and assumed the possession of their estates for public purposes, the Ordinance altogether liberates the ecclesiastics at Montreal from such Royal supervision, and renders them independent of Imperial legislation, contrary to the limited legislative powers of the Governor and Special Council in this respect, and in violation of the laws of Great Britain.

They complain that, although the ecclesiastics at Montreal have unjustly received from alienations of real estate in this island an amount exceeding 300,000*l*., equal to 20 times the value of the entire island at the proclamation of the Royal promise, an increase in value mainly to be attributed to British industry and enterprise, the Ordinance proposes to invest them with additional wealth, to be drawn chiefly from the same sources of improvement, in extreme disproportion to the general wealth of the Province, and infinitely greater than their previous demands or expectations, and moreover enables them to purchase and take in mortmain any real property, and to an unlimited amount, without any restriction by the Royal authority, or any permission required for such acquisitions; whereby municipal as well as general improvement will be greatly retarded, and an influence both civil and ecclesiastical conferred upon the ecclesiastics, which cannot fail of being exceedingly dangerous to the future tranquillity and welfare of the Provinces.

They complain that, although by the Imperial statute 14 Geo. 3, c. 83, making more effectual provision for the civil government of Quebec, the Canadian subjects were secured in the enjoyment of their properties and possessions, with the express exception of the religious orders and communities, and the inhabitants professing the religion of the Church of Rome were fully and freely tolerated in the exercise of their religious faith, subject to the supremacy of the Crown, and that although the clergy of the said church were restricted to claim and receive their accustomed dues and rights from such persons only as should profess that religion, the provisions of the Ordinance subject all other inhabitants of this city and island, professing a belief different from that of the Church of Rome, to support and maintain the ecclesiastics and institutions of that church by the payment to the proposed ecclesiastical corporation of a large amount for the commutation of seignorial tenure, in violation of the pledge of the national faith and honour contained in the Imperial statute, and in violation of the express exception contained in the recent Imperial statute above adverted to.

Whatever be the gracious dispositions of Your Majesty with respect to the ecclesiastics of the seminary of St. Sulpice at Montreal, your petitioners humbly conceive that the Royal munificence in favour of the ecclesiastics should not be effected at the expense of British and Irish commercial enterprise, practical agricultural improvement, and active, untiring industry; and that your petitioners should not, either in justice or in equity, be required to provide a compensation to the ecclesiastics for their willingness to settle this important question, however desirable it may be definitely to adopt and carry that settlement into effect, or for their readiness to agree to a commutation of the feudal rights in this island, to which they enjoy no legal title, and over which they possess no legal control.

Your petitioners are sensible that, by the mere sufferance of the Crown, the ecclesiastics of Montreal have collected and received for many years the seignorial revenues arising from the island of Montreal; but your petitioners humbly conceive that mere sufferance of possession for any length of time cannot confer upon the ecclesiastics a title in derogation of the rights of the Crown, and that they cannot complain if that sufferance should be now withdrawn, inasmuch as they would not thereby be deprived of property previously secured to them, which they had continued to enjoy in good faith and in ignorance of their absolute want of title to possess the same.

Your petitioners submit that the ecclesiastics at Montreal have not at any time been in ignorance of the justice of their pretensions, but upon various occasions have not only acknowledged the absence of any title, but likewise the precarious nature of their enjoyment, to the revenues of the seigniory. By the articles of capitulation of Montreal, in the year 1760, in which no express claim or reservation

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tion of title was made on their behalf; by the treaty of peace in 1763, and the cession therein contained, in which no reference is made to the properties and possessions in the Province claimed by religious orders and communities; by the terms of the deed of gift executed at Paris in the year 1764, between the community at Paris and the missionaries of the order resident at Montreal, in which their want of title is admitted by themselves; by the provisions of the Imperial statute passed in the year 1774, in which the religious orders and communities are expressly excepted from the enjoyment of property and possessions; by their proposed abandonment to the Crown in 1826 of their pretensions to the property of the island in consideration of an annual allowance, and by their express admission in the preamble of the Ordinance itself, their want of title is not only established, but distinctly admitted; while it is evident that the reiterated Royal instructions to the successive governors of the Province, in regard to the sufferance enjoyed by the said ecclesiastics, and especially the instructions to His Excellency Lord Aylmer in 1834 to assume the possession of the island of Montreal, the investigations of the Government with respect to the title of the ecclesiastics, and the opinions at different periods of the law advisers of the Crown, both in England and in the colony, and of the late Royal Commissioners, all adverse to the pretensions of the ecclesiastics, the repeated complaints of the British inhabitants, and their unavailing attempts to obtain a decision in the courts of law in this Province, all of which the ecclesiastics at Montreal were perfectly cognizant, all concur in establishing their knowledge, as well of their want of title as of the mere sufferance of their enjoyment of the revenues derived from the island, subject to interruption at any time, upon the pleasure of the Crown or by the decision of a competent legal tribunal; a knowledge on their part which is amply confirmed by the policy which they have constantly adopted of accepting a modified composition from those who possessed the means of contesting their title, while they exacted at sheriffs' sales the full amount of seigniorial dues, from the proceeds of the property of those, who, from circumstances of calamity or misfortune, were deprived of the means of contesting their pretensions.

For these reasons, as well as from motives of public policy, from a due appreciation of the rights secured to them by the Royal assurance and the enactments of the Imperial Parliament, and from a sincere wish to promote the prosperity of the Provinces, the extension of their commerce and their general peace and tranquillity, your petitioners most humbly beseech Your Majesty to refuse your sanction to any law or ordinance providing for the incorporation of the ecclesiastics of the seminary at Montreal, for confirmation of their pretension to the seigniory of the island of Montreal, or for a continuance of the feudal tenure therein, and to direct its immediate exemption from the operation of that tenure, and thereby relieve your petitioners and the inhabitants of the island from the degrading vassalage to which they have been heretofore and still continue to be subjected; and that, if contrary to good policy, contrary to the Royal assurance and the remonstrances of the British inhabitants, the exemption from feudal tenure shall be required to be purchased at the expense of the inhabitants of the island of Montreal, your petitioners most humbly pray that the proceeds thereof may be applied to those public purposes from which all classes of the population may derive equal and commensurate advantage.

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

[2,119 Signatures.]

Montreal, February 1840.

To His Excellency the Right Hon. *C. Poulett Thomson*, one of Her Majesty's Most Honourable Privy Council, Governor-general of British North America, &c. &c. &c.

May it please your Excellency,

We, members of a deputation acting for and in behalf of the signers of the accompanying petition to your Excellency, praying for the immediate completion of the arrangement providing for the gradual commutation and final extinction of the feudal tenure, in the seigniories of Montreal, Saint Sulpice, and Lake of Two Mountains, now pending between the Government of Her Majesty and the Reverend Ecclesiastics of the seminary of Saint Sulpice of Montreal, beg leave to con-

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gratulate your Excellency on your Excellency's return to this Province, and to express our ardent hopes that the efforts of your Excellency to promote the welfare and prosperity of Her Majesty's Canadian subjects may be crowned with the fullest success.

It is our duty to represent to your Excellency that the extinction of the feudal tenure has long been earnestly desired by the industrious and intelligent population of the Province, and that, more especially with reference to the city and island of Montreal, a commutation, based upon equitable and liberal terms, will meet with the approbation as well of the censitaires, as of that large body of persons who are deterred by the continuance of an oppressive and obstructive system from the investment of capital in real estate, and from prosecuting those improvements which indicate an advance in civilization and in the arts of life.

We have great satisfaction in being able to state to your Excellency that the signers to the accompanying petition regard the conditions of the Ordinance passed by the Special Council of his Excellency Sir John Colborne, late Governor-in-chief, and again submitted by your Excellency in November last to your Excellency's Special Council, as most equitable and highly liberal. We are instructed to express to your Excellency the deep sense entertained by the petitioners of the honour and wisdom of the British Government in exerting itself to effect an amicable and satisfactory adjustment of a question in which the feelings and interests of the petitioners are so largely involved.

The petition we lay before your Excellency is signed by 6,370 persons, representing the great mass of the censitaires and inhabitants of the three seigniories. Although it has not been deemed necessary to distinguish proprietors of lots and houses from other signers, we beg leave to inform your Excellency, that of 2,000 censitaires, being the entire number in and about the city of Montreal, a large majority have affixed their names to the petition, and that the signers from the country parishes, where the petition was submitted to the people at public meetings convoked according to custom at the church doors, and where in no instance was manifested any difference of opinion, are almost exclusively censitaires and heads of families, representing in each case the sentiments of the parish to which they belong.

We rejoice in having it in our power to state further to your Excellency, that although a majority of the signers are Roman-catholics of French origin, the petition has also been signed by a large number of English, Irish, and Scotch, of various religious persuasions; we are confident that your Excellency will perceive with pleasure, that differences of religion and origin have not altogether banished from our soil a sense of justice and spirit of liberality, and that while we seek by all legal and constitutional means to forward our individual and collective interests, we are not insensible to the sacred nature of established and possessory rights.

[Signed by the Chairman, Secretary, and 43 others.]

Montreal, 13 March 1840.

To his Excellency the Right Hon. *C. Poulett Thomson*, Governor-general of British North America, Captain-general and Governor-in-chief in and over the Provinces of Lower and Upper Canada, &c. &c. &c.

THE Petition of the undersigned proprietors of lands, houses, and lots, in the city and in the seigniory of the Island of Montreal, in the seigniories of St. Sulpice, and the Lake of the Two Mountains, and other citizens and residents thereof, most respectfully represents;

That it is the anxious desire of your petitioners that the projected arrangement between the Government of Her Majesty and the Reverend Ecclesiastics of the seminary of St. Sulpice of Montreal, for the gradual commutation and final extinction of the feudal tenure on the said seigniories, may be brought to immediate completion; and that it is the opinion of your petitioners that the arrangement is liberal on the part of the seigniors, and advantageous to the censitaires.

Wherefore,

Wherefore, your petitioners most respectfully pray, that your Excellency may be pleased to exercise the high powers confided to your Excellency by the Imperial Parliament, to the end that the said arrangement may become completed by your Excellency's sanction.

Right Hon. C. P. Thomson to Lord John Russell, 13 March 1840.

And your petitioners will ever pray, &c. &c. &c.

[6,370 Signatures.]

Montreal, 3 February 1840.

Colonial Office, Downing-street, 9 April 1840.

R. VERNON SMITH.

LOWER CANADA.

COPY of a DESPATCH from the Right Hon. *Charles Poulett Thomson* to Lord *John Russell*, dated Montreal, the 13th day of May 1840, transmitting MEMORIAL from various Parties respecting the ESTATES of *St. Sulpice*.

(Lord John Russell.)

Ordered, by The House of Commons, *to be Printed,*
10 *April* 1840.

225.

Under 1 *oz.*

CANADA.

RETURN to an Order of the Honourable The House of Commons, dated 9 March 1841 ;—*for*,

RETURNS, under different Heads, of the Manner in which the several Sums voted for the INSURRECTION in *Canada*; viz., in 1838, £. 500,000 ; in 1839, £. 647,000 ; and in 1840, £. 553,000, amounting, in the Three Years, to £. 1,700,000, were expended :—Of the Number of MUSKETS and other FIRE-ARMS, of SWORDS, and the Quantity and Kind of MILITARY STORES, sent to and landed in *Syria*, since July 1840.

RETURN showing the Manner in which the Sum of £. 1,700,249, voted for the INSURRECTION in *Canada* in 1838, 1839 and 1840, has been expended.

		£.	s.	d.	£.	s.	d.
In 1838	For Army Services	460,000	–	–			
,,	,, Ordnance - ditto	40,000	–	–	500,000	–	–
In 1839	For Army Services				647,000	–	–
In 1840	,, Army - ditto	347,966	10	7			
,,	,, Navy - ditto	44,529	2	11			
,,	,, Ordnance - ditto	160,753	6	6			
					553,249	–	–
				£.	1,700,249	–	–

N.B.—There remains unissued out of the Grant of 1840 the Sum of £. 154,497.

Paymaster-General's Office,
12 March 1841.

W. G. Anderson,
Accountant.

CANADA.

RETURN of the Manner in which the several SUMS voted for the Expenses of the INSURRECTION in *Canada* were expended.

(*Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed*,
17 *March* 1841.

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CANADA.

RETURN to an ORDER of the Honourable The House of Commons, dated 3 March 1841;—*for*,

AN ACCOUNT, showing the Manner in which the Sum of £.10,000 granted in the Army Estimates of last Year for the Formation of a VETERAN BATTALION in *Canada*, has been Expended; stating the Conditions proposed to Soldiers of Her Majesty's Army volunteering to serve in such Battalion, the Number who have volunteered, and the Number whose Services have been accepted.

Ordered, by The House of Commons, *to be Printed*, 30 *March* 1841.

NO part of the sum of 10,000 *l.* granted in the Army Estimates of 1840-41, for the formation of a Veteran Battalion in Canada has as yet been expended.

The conditions proposed to soldiers volunteering to serve in the Canadian regiment are stated in the accompanying copies of correspondence marked 1 to 5.

The number of men who have volunteered, and the number whose services have been accepted, cannot be stated until a report shall have been received from the officer commanding the Forces in Canada, on the result of the modified plan and conditions proposed for the volunteering to the Canadian regiment.

(signed) *T. B. Macaulay.*

War-office, 29 March 1841.

MEMORANDUM.

HER Majesty's Government have determined that a body of troops shall be formed in Canada, to consist of men who have already acquired a title to additional pay or good-conduct money, by their present services in the army, and the following advantages are contemplated from the adoption of this measure.

1st. The security against desertion from the frontier posts, derived from the unwillingness to incur the forfeiture of the advantages above specified.

2d. The diminution in the number of regiments stationed abroad, in so far as the proposed battalion would be available.

3d. A prospect of reward to soldiers of the line, who by good service may merit such an advantage.

In order to combine these desirable results, care must be taken that this battalion shall be composed of men who have no temptation to desert; that the battalion acting in all respects as soldiers shall be subject to the regulations and discipline of the service, in like manner as are at present all other battalions of the army; that the duty should not be unnecessarily pressing; and that the ultimate prospect of the soldier should be such as to induce him to enter the service.

With these objects in view, the battalion will be composed as follows, viz.:—

1st. The regiment shall be styled The Royal Canadian Regiment.

2d. The services of this regiment shall not be extended beyond the Continent of North America and the adjacent British possessions and islands.

3d. The officers of the Royal Canadian Regiment shall receive the same rates of pay as officers of corresponding rank in the infantry of the line.

4. The non-commissioned officers and private soldiers shall receive the same pay as is now granted to the non-commissioned officers and soldiers of Her Majesty's Foot Guards.

5th. No soldier shall be permitted to volunteer from the regiments of the line into the Royal Canadian Regiment who shall not have served 15 years in the army.

6th. The soldiers to be allowed every opportunity for profitably employing their leisure time in agricultural labour or in handicraft, when not engaged in the per-

 formance

formance of military duty. Regulations to be made for this purpose from time to time by the commanding officer of the battalion, subject to the approval of the Commander of the Forces in Canada.

7th. After 20 years' service in the Royal Canadian Regiment, soldiers to be entitled to their discharge on the same pension as if they had continued to serve in the line.

8th. The general officer commanding in Canada to be *ex-officio* colonel of the Royal Canadian Regiment, with an annual addition to his pay of 200*l.*

9th. The clothing to be provided by the public, without any allowance to the colonel.

As the principal feature in the establishment of this corps is to counteract the crime of desertion from the regiments of the line on the frontier, the Royal Canadian Regiment should not be removed from the frontier posts in Canada to other parts of the command, except only in such cases as the exigencies of the service may indispensably require.

(signed) *Fitzroy Somerset.*

Horse Guards, 27 August 1840.

Sir, Horse Guards, 26 November 1840.

YOUR letter of the 9th September, $\frac{102190}{41}$ has been unacknowledged hitherto, by reason that the information required could only be obtained through the Lieutenant-general commanding in Canada, to whom the necessary instructions regarding the preparatory arrangements for the formation of the Royal Canadian Regiment had been transmitted on the 27th August.

I have now the honour to acquaint you, that a despatch, dated the 26th October, has been received from Sir Richard Jackson, enclosing a return showing the number of men of the regiments named in the margin, who have volunteered their services upon the terms announced to him; but that the nominal lists which had been specially required by me, and intended to show the numbers, age and character, as well as service of the volunteers, would be forwarded as soon as the whole had been received from the several regiments under his command, and which have not yet arrived.

23d. 24th. 32d. 34th. 65th. 67th 73d. 85th.

The Lieutenant-general has also transmitted a paper containing certain questions put by officers commanding corps, relative to the terms upon which soldiers are to be received as volunteers for the Royal Canadian Regiment, and which being chiefly, if not altogether, of a financial description, it is not in my power to answer without previous reference to you.

I therefore enclose herewith copies of the several papers above-named for your consideration, and shall be glad to receive your decision upon the several questions at your earliest convenience, as no further progress can be made towards the formation of the Royal Canadian Regiment until these points shall have been finally determined upon.

26 Oct. 1840.

I have, &c.

The Right Hon. T. B. Macaulay. (signed) *Hill.*

$\frac{102190}{53}$

My Lord, War Office, 26 December 1840.

THE General Commanding-in-Chief has transmitted to me a letter, of which I have the honour to enclose a copy, covering copies of a despatch from Sir Richard Jackson, relative to the volunteering from regiments of the line for the formation of the Royal Canadian Regiment, and at the same time, requesting my decision upon several questions put by officers, commanding regiments, relative to the terms upon which soldiers are to be received as volunteers. I subjoin copies of the questions thus submitted to me, the answers which I consider must be given to them according to the terms upon which it has been decided that this battalion should be raised, and some remarks which have suggested themselves to me, and to which I have the honour to request your Lordship's attention before any reply is sent to Sir R. Jackson's communication.

The

The first question is, "Is the 20 years' service required to obtain a pension to be in addition to the 15 years which qualify a man to volunteer for this corps?" Although the memorandum attached to Lord F. Somerset's letter appears to be conclusive on this point, yet several references have been made on the subject, seeing, that thereby it will require a total service of 35 years, at least, to entitle a man to discharge with pension.

The answer to this must be, that it is intended that 20 years' service shall be given in this battalion, in addition to the previous 15, which qualifies for volunteering, to give a man a claim to retirement on pension.

In the letter which I had the honour of addressing to Lord Hill, on the 12th August last, and which was communicated to your Lordship, I proposed, either that men who had acquired one good-conduct badge, that is to say, who must have given seven years of creditable service, at least, should be permitted to volunteer, by which means, with 20 years' further service in the Canadian Battalion, they would generally not acquire a right to retire upon pension until about the age of 50; or, if this suggestion were not adopted, that the period of service in the Canadian Battalion should be reduced from 20 to 10 years for the man who had previously given 15 years' line service.

By the arrangement under which this battalion is to be raised, 35 years' total service, at the least, will be required to entitle a soldier, not declared to be medically unfit for further service, to his discharge on the same pension as if he had continued to serve in the line. The maximum pension, which, under the warrant of 1829, a soldier can claim, is 1*s.* 2*d.* a day after 25 years' service. All the men now volunteering, or who can volunteer for the next seven years, have their right to pension regulated by this warrant. They will, therefore, be only entitled after 35 years' service in the line, and in the Canadian Regiment to 1*s.* 2*d.* as a maximum. The men enlisted under the warrant of February 1833, who can only volunteer after 1848, have a claim to pension of 6*d.* a day after 21 years, increasing ½*d.* a day for every subsequent year of service completed, to a maximum of 1*s.* a day; but under the good-conduct warrant, these men may, by obtaining three or four badges, carry with them to pension the amount of their good-conduct pay. Thus a man, after having served in the line 33 years, having been for five years in possession of four badges, may obtain a pension of 1*s.* 4*d.* a day. He cannot claim discharge and pension from the Canadian Battalion until after 35 years. It is true, that to obtain this pension, he must be discharged from the line unfit for service; but this becomes in the line a necessary consequence of such an extent of duty. I cannot, therefore, but consider that the service required in the Canadian Battalion to entitle a man to discharge and pension, without positive disability, although less severe than that of the line, is too long to afford a sufficient inducement to extensive volunteering.

The second question is, "Will the soldiers of this corps be entitled to receive the good-conduct pay granted to the Guards, or the extra-pay for 14, for 21, and 28 years' service, in addition to the ordinary pay of the Guards?"

The answer to this question is, that the men serving in the Canadian Battalion have, in addition to the ordinary pay of the Guards, a claim to all the advantages of additional pay, or good-conduct pay, to which the Guards or other regiments are entitled.

The third question is, "Will they retain their present advantage of being allowed to retire with a gratuity and a free discharge for length of service, reckoning their former service in the line towards obtaining that indulgence?"

The warrant of 1829 allows free discharge as an indulgence after 15 years' service, with 3 months' pay abroad.

After 16 years'	service with	6 months' pay
17	—	12 —
18	—	18 —
21	—	with a pension of 10*d.* a day.

The warrant of February 1833 allows free discharge as an indulgence after 15 years' service, without any gratuity, but after 18 years (to settlers in the Colonies only) free discharge and 10*l.*; after 19 years, with 12*l.*; after 20 years, with 14*l.*; after 21 years, with 16*l.*; after 22 years, with 18*l.*; after 23 years, with 20*l.*; and after 24 years, with 24*l.*

The good-conduct warrant allows free discharge after 16 years, with right of

registry to deferred pension of 4*d.* a day, if discharged with one badge, and of 6 *d.*, if discharged with two badges.

These free discharges, whether with or without gratuity or pension, are however under either warrant distinctly declared to be indulgences to be granted or withheld at the pleasure of the Crown. A similar question arose regarding the men volunteering from regiments leaving Canada to permanent line service in the Colony, when one year addition to their previous service is granted; and Lord Hill has been requested to fix a specific period after volunteering, previously to which the additional year should not reckon in reference to discharge, nor the discharge be claimable. This period has not yet been fixed.

The benefit accorded to the men of the Canadian Battalion will be the increased pay of 1 *d.* a day, to which the men enlisted under the warrant of 1829, would be entitled as gratuity if discharged by indulgence after 15 years' service.

The object of raising the Canadian Battalion, is to retain old and steady soldiers; and this object will in a degree be defeated by permitting premature dis charges. If, however, they are admitted as indulgences, unless some restriction be imposed, the men by volunteering may, by one or two years' Canadian service, obtain an increased gratuity, not however to a large amount.

I would submit that no free discharge should be permitted until years after volunteering; and that the same number of years should be added to the period of total service which, under the warrants, give a claim to certain gratuities or to modified pension.

To the fourth question, "Will West India service be allowed to reckon towards completing the 15 years required to qualify men for the corps?" I propose to answer, that as it is allowed to reckon for men enlisted before the warrant of 1829, as three years for two, in claiming additional pay, and good-conduct pay, it will also be allowed to reckon for such men in making up the 15 years' qualification for volunteering to the battalion.

The fifth question is, "Will the men of this regiment be allowed their discharge, receiving a modified rate of pension, and in what proportion annually?"

The answer to this question will be governed in some degree by that given to the third. In the line, two men per battalion can only be allowed this indulgence annually. A similar concession after years, instead of 21 years, might perhaps be permitted to the Canadian Battalion, but only to those men who can claim this indulgence under the warrant of 1829. This indulgence may at any time be suspended.

The sixth question is, "Are non-commissioned officers to hold their respective ranks as in their former corps?"

Such non-commissioned officers as are allowed to volunteer, must be allowed to hold the rank they had obtained, with the Guards' pay allotted to them.

The proportion of non-commissioned officers to men in the line, is one serjeant to 20 men; and this proportion should be observed in permitting serjeants to volunteer into the Canadian Battalion.

The last question proposed is, "What proportion of women and children receiving rations in their present corps, will be allowed to receive them in the Royal Canadian Regiment?"

In the line, six women and their children to every 100 men are rationed at the public expense. In Veteran Battalions, 12 women to every 100 men were rationed. In the Canadian Corps, which will be composed of men of middle age, it is intended to encourage the volunteering of married men, upon the grounds that the soldiers most to be depended upon in fulfilling the intention of the formation of the corps, viz. the prevention of desertion, will be those who feel themselves comfortably located with their families. It may be expedient to extend this benefit to a greater number than in the line, or the Veterans, as it would be difficult to refuse this indulgence to those who had it prior to volunteering.

Sir Richard Jackson has further asked, whether volunteers who will only enter on condition that their present service shall be allowed to reckon towards the completion of their 20 years' service in the Canadian Battalion may be accepted. This would be entirely contrary to the conditions upon which the battalion is to be raised.

Having thus brought to your Lordship's notice the questions which have been submitted to me by Lord Hill, I have further the honour to point out to your Lordship, that the only advantages which this battalion presents to the soldier are, increased pay of 1 *d.* a day, service limited to North America, and military discipline,

pline, to be maintained with as much indulgence as can be afforded to the men to work for their own benefit; but that I am apprehensive that these advantages are coupled with service extended to too late a period in life, and the very inquiries now made whether soldiers now volunteering will be entitled to all the privileges or the indulgencies of the warrants under which they are now serving, show that the men contemplate escaping from the conditions of this long service.

I have, &c.

The Right Hon. Lord John Russell, &c. &c. &c. (signed) *T. B. Macaulay.*

Sir, Downing-street, 9 January 1841.

Lord John Russell directs me to acknowledge the receipt of the letter from the Secretary at War, dated the 26th ultimo, on the subject of the proposed Royal Canadian Regiment, and to request that you would inform him that his Lordship expects to receive from the Governor-general a modified plan for the formation of this regiment.

To avoid, however, the inconvenience of waiting for this report, Lord John Russell desires me to state, that he concurs with the Secretary at War in thinking that the prescribed service has been made too long, and that, after 10 years' service in the Canadian Regiment, the men should be entitled to their discharge, under the condition of being obliged to serve, if called upon, in a Veteran Battalion, or as a militia.

But, on the other hand, his Lordship thinks that it will be desirable to prohibit altogether free discharges under 25 years' service, except in special circumstances.

Lord John Russell desires me to add, that he agrees with the Secretary at War in the interpretation which he has given to the memorandum sent to Sir Richard Jackson, by the General Commanding-in-Chief, on the 27th of last August.

I have, &c.

L. Sulivan, Esq. &c. &c. &c. (signed) *James Stephen.*

102190
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My Lord, War Office, 13 January 1841.

With reference to your letter of the 26 November last, I have the honour to acquaint you, that Lord John Russell has stated that he concurs with me in thinking that the prescribed service in the Royal Canadian Battalion has been made too long; and that he is of opinion that after 25 years' actual service in the army, of which at least 10 years' service must have been in that regiment, the men should be entitled to their discharge, upon the condition of being obliged to serve, if called upon, in a Veteran Battalion, or as a militia; but that his Lordship is of opinion that it will be desirable to prohibit altogether free discharges from this battalion under 25 years' service, except in special circumstances.

The above will furnish answers to the 1st, 3d, and 5th questions submitted to your Lordship by Sir Richard Jackson.

With regard to the other questions, I have the honour to state that soldiers volunteering to this battalion, will be entitled to additional pay for length of service or to good-conduct pay after 14, 21, and 28 years' service, in addition to the ordinary pay of the Foot Guards; that East and West India service being allowed to reckon for men enlisted before the warrant of November 1829, as three years for two, in claiming additional pay and good-conduct pay, though not in claiming pension; it will also be allowed to reckon for such men in making up the 15 years' qualification for volunteering to this battalion, but will not reckon as part of the actual service of 25 years required for discharge; that such non-commissioned officers as may be permitted to volunteer, must be allowed to hold the rank they had attained, with the Guards' pay allotted to them, but that the proportion of non-commissioned officers to men in the line should be observed in permitting non-commissioned officers to volunteer into the Canadian Battalion; and that the proportion of women and their children, permitted to receive rations at the public expense, will be extended for this battalion from six to 12 per 100 men.

 With

With reference to the observation of Sir Richard Jackson, that 32 of the men of the 34th Foot will only volunteer upon condition that their present service shall be allowed to reckon towards the completion of 20 (now reduced to 10) years' service in the Royal Canadian Battalion, I have the honour to state, that it would be entirely contrary to the conditions upon which this battalion is to be formed, to allow any previous service to reckon as part of the prescribed service in this battalion.

Unless your Lordship should have any observation to make upon these decisions, I have the honour to request that they may be communicated to Sir Richard Jackson with as little delay as possible.

I have, &c.
(signed) *T. B. Macaulay.*

General Lord Hill, G.C.B.
&c. &c. &c.

CANADA.

AN ACCOUNT of the Manner in which the Sum of £.10,000 granted in the Army Estimates of last Year, for the Formation of a VETERAN BATTALION in *Canada*, has been Expended.

(Lord Viscount Howick.)

Ordered, by The House of Commons, *to be Printed,*
30 *March* 1841.

197. *Under* 1 *oz.*

CANADA.

CORRESPONDENCE

RELATIVE TO THE

AFFAIRS OF CANADA.

1841.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1841.

SCHEDULE.

CANADA.

FROM LORD SYDENHAM, SIR GEORGE ARTHUR, AND LORD JOHN RUSSELL

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CORRESPONDENCE

RELATIVE TO THE

AFFAIRS OF CANADA.

(No. 129.) No. 1.

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

My Lord, Government House, Montreal, 27th June, 1840. No. 1.

I NOW transmit to you an account of the financial state of the two Canadas, and in order to bring the subject fully before you, I shall call your attention, first, to the estimated income and expenditure of each province for the present year; secondly, to that of each in regard to the future, under their existing engagements; and lastly, to the state in which the finances of the United Province will probably be found should the Union Bill pass into a law as proposed by me.

The account marked A* is the estimate of the revenue and expenditure of the present year, as prepared by the Inspector-general of Lower Canada. This return would show a probable deficiency in the revenue of about £9000, exclusive of the debt of £20,000 to the military chest. I do not, however, anticipate any inconvenience from this deficiency, as many of the services for which it is necessary to make provision during the current year will not in reality be paid until after the commencement of the next financial year. In regard to the debt to the military chest, I trust that Her Majesty's Government will not object for the present to suspend its repayment. If this be permitted, I have every reason to expect that the revenue of the present year will be sufficient to meet all the charges upon it. I must also remark that I have not been able to provide this year for a sum of from £12,000 to £15,000 for indemnity to sufferers under the rebellion, which have been allowed under a Commission named by my predecessor.

The account A a† will show the estimated expenditure and the interest of debt in Upper Canada, to be provided during the present year, together with an estimate of the income likely to accrue.

From this account it will appear, that after providing for the payment of the dividends upon the debt due in London on the 1st of January, 1841, which must of course be met by remittances in December, or by some other arrangement, there will remain a deficiency of £50,394. Against this has to be set a debt from Messrs. Thomas Wilson and Co. of £61,021, of which, however, only a small part can be expected to be realized within that period, if indeed any dividend be made, although there is no reason to doubt that the whole will ultimately be paid.

To provide for this deficiency, the Legislature have voted a credit of £63,000, to be raised by the sale of debentures in London without limit as to price or rate of interest.

Thus you will perceive, that to complete the payments and fulfil the obligations of the province during this year, a sum of about £50,000 must be raised, which can be effected only by the realization of the debt of Messrs. T. Wilson and Co., or by having recourse to the powers granted by the House of Assembly.

Of the first there is little probability. Although I entertain no doubt of the ultimate solvency of the House in question, and of the payment of the debt in full, it is not to be expected that this can be effected during the present year, and it will be necessary to have recourse to the other resource, if other means cannot be adopted.

But this would in my opinion be most objectionable. In the present state of the credit of Upper Canada, debentures to the extent required could not most probably, if saleable at all, be disposed of for anything more than 75 or 80 per cent., if bearing interest of 5 per cent., and only redeemable in a certain number of years;

* Income and Expenditure of Lower Canada, for the year 1840.
† Income and Expenditure of Upper Canada, for the year 1840.

or, if redeemable at pleasure at par, probably it would be necessary to pay an interest of 8 or 9 per cent.

A fresh loan to this extent would add materially to the debt which must hereafter form the united debt of the province of Canada, and would, in addition to the injustice of thus saddling upon the united province an augmented burthen to that extent, impose one contracted upon the most disadvantageous terms to the borrower.

I would, therefore, earnestly press upon Her Majesty's Government the propriety of affording the means of avoiding this necessity, which it may do with no inconvenience, and without any risk worth speaking of.

This may be effected by the Treasury undertaking the advance of £50,000 necessary to complete the balance required, and taking in security the transfer of the debt of Thomas Wilson and Co., to which would be added of course the security of the province. The advance would, as regards the British Treasury, be a purely temporary one, probably not remaining uncovered for more than a few months; but to the province, it would be a matter of the greatest moment.

I next come to the financial condition of the two provinces under their present separate administration.

In Lower Canada the provincial debt already incurred, or which may probably be raised during the ensuing year, is comparatively insignificant. From the statement B, annexed to this Despatch, it appears that the total interest both certain and probable, payable on this debt during the present year, will not exceed £4007. 12*s*., and that in future years it will amount only to £6769.

With regard to the general expenses it is to be observed, that in Lower Canada, under the heavy burthens of the two last years, the revenue has been nearly equal to the expenditure. In future years it will be relieved of some of the heaviest charges now upon it, and will therefore afford a considerable surplus. Thus the expense of the police of Montreal and Quebec, now amounting to £12,900 (but in future on a very reduced scale), will be borne by those cities respectively.

The expense of the rural police will be reduced from £20,000 to £13,000; the charge for the Commissioners of Indemnity and for the sums awarded by them will cease to exist.

By the saving thus effected there will be a surplus, as exhibited in paper C., for next year of £16,891, and in future of a larger sum.

Paper B. b. will show the present debt of Upper Canada, both funded and due to London bankers, the periods at which each part of it is redeemable, and the annual charge for interest. To this amount are appended the charges for fresh debt which may be incurred in the present year under certain contingencies; which are, first, the above-mentioned sum of £63,000 if not provided for as I have pointed out; next, a sum of £36,000 voted for indemnity to sufferers during the rebellion, to which Bill the assent of the Crown is pledged under your Lordship's instructions to me, and which has only not been given as it is to be hoped that Her Majesty's Government will accede to the address of the House of Assembly, upon which I have already written to you, and consent to cause these indemnities to be paid from the imperial treasury: and lastly, an additional sum of (probably) £54,000, which must be raised for public works which would otherwise fall into decay. The whole amount of debt will then stand at £1,067,959 certain, or including, these contingencies, at £1,220,959 and the certain and possible annual charges at £65,768. 5*s*. 6*d*.

Paper C. c. will exhibit the total annual charge for the whole of these engagements, (subject to a pro ratâ diminution on the last items, if otherwise disposed of,) and the expenditure of the province according to the last estimates, which can scarcely admit of reduction, to the debtor side of the account; and to the creditor side, the probable income arising from taxation, and that arising or to be expected from advances on public works for which the districts are bound to provide by local taxation, or from advances to companies, or from other sources. This account will then exhibit an annual deficiency, under the present revenue, of £28,735.

Lastly, I proceed to show the condition in which the finances of the Province of Canada will stand after the Union, supposing it to be completed upon the terms arranged in the Bill submitted to Parliament by your Lordship, and taken in the order in which they stand in the Bill. The items are given in paper D. and reference to the separate accounts.

EXPENDITURE.

1. Expenses of collection.
These it is unnecessary here to specify, as the net revenue only is stated in the accompanying Returns.

2. Interest of debt.

Lower Canada.—Now payable . . .	£4,753	
Payable in future . .	2,016	
		£6,769
Upper Canada.—Now payable . . .	56,837	
Payable in future . .	8,931	
		65,768

3. Payments to the clergy.

Lower Canada	Nil.
Upper Canada	5,731

These payments are now made from the Crown revenues, but as those revenues will be taken credit for in the income, they will appear on both sides of the account.

4. Charges for Civil List	75,000
5. Other charges now by law or usage payable.	
Lower Canada	12,502
Upper Canada	20,978
6. Annual votes for civil expenditure.	
Lower Canada	64,369
Upper Canada	18,424
	£269,541

REVENUE.

Lower Canada.—Ordinary Revenue	£107,075	
Duties under 14th Geo. III., resumed	19,665	
Crown Revenues	23,400	
Without deducting charges thereon, £2,422.		
		150,140
Upper Canada.—Ordinary Revenue	77,234	
Duties under 14th Geo. III., resumed .	15,286	
Crown Revenues ceded . . .	30,000	
Without deducting charges thereon, £7,908.		
		122,520
		£272,660

Against this apparent surplus has to be set the amount of the contingent expenses of the Legislature in future years, which, looking to the past in either province, must be considerable. Whatever may be required for the continuation of the great public works of both provinces, for a general system of education, or for any other improvements, is wholly unprovided for in this statement of the expenditure; and, on the other hand, the receipts will, in 1842, be diminished by the cessation of payments from the Canada Company.

Your Lordship will thus at once perceive that assistance will be required from the mother-country to place the finances of the United Province in a satisfactory condition; and that the aid which I was authorized to promise in order to obtain the assent of the Upper Canada Legislature to the measure, if necessary, must hereafter be afforded.

I was not, it is true, under the necessity of making use of these powers, and I rejoice to think that I found the means of dispensing with them; at the same time one of the main arguments in favour of the Union in that province was felt to be the necessity of extricating the finances from the difficulty under which they laboured, and the confident hope that the Imperial Parliament would assist in doing so.

It will therefore be absolutely necessary that Her Majesty's Government should

CANADA.

enable the Governor of the province of Canada to afford this relief when the Union is completed, and the financial settlement takes place; and I know of no better means than those originally proposed,—of guaranteeing a loan which would remove a considerable charge arising from the high rate of interest payable by the province on the debt already contracted, or which it would have to pay for raising fresh loans which may be required hereafter for great local improvements.

I shall have the opportunity, when I enter upon the consideration of these works, of explaining more fully the mode in which such a guarantee might be most advantageously afforded; and in what way, under the peculiar terms of the debt of Upper Canada, great part of which is not redeemable for some years, the relief in question can be best afforded to secure the interests of the province.

In the mean time I must urge upon the immediate attention of Her Majesty's Government the pressing point with regard to the deficiency in the Upper Canada revenue for this year, to meet the interest of the debt due in December, and to support its credit.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,
&c. &c. &c.

STATEMENT of the Estimated Provincial Expenditure and Revenue for the Year 1840.

EXPENDITURE.				Sterling Dollars at 4*s.* 6*d.*		
				£.	*s.*	*d.*
Arrears of 1839 (say)				3,050	0	0
Interest of Public Debt (as per statement below)				4,007	12	0
Administration of Justice and Support of Civil Government				71,053	0	0
Police of the Cities of Quebec and Montreal				12,900	0	0
Rural Police in the Districts of Montreal and Three Rivers				20,000	0	0
Support of Hospitals and other Public Charities				5,345	0	0
Education				2,910	0	0
Aid to Literary, Historical, and Mechanics' Institutions				180	0	0
Medical Faculty of Mc. Gill College				450	0	0
Improvement of Roads, Navigation, and other Public Works				9,738	0	0
Salaries and Contingencies of Commissioners of Indemnity				1,900	0	0
Amount paid for Indemnity for losses by Rebellion				8,637	6	9
Balance due on grant to erect a Court House at Sherbrooke, and other Public Works				4,140	0	0
Annual Expenses permanently provided for by Acts of the late Provincial Legislature, &c.—						
Assessments on Public Buildings and Lots within the Cities of Quebec and Montreal	£420	0	0			
Pensions to Wounded Militiamen, who served during the late War with the United States	378	0	0			
Allowance to the Prothonotaries of the several districts of Province for preparing Annual Abstracts of Births, Marriages, and Burials	80	0	0			
Pensions to Widows Caron and Rolette £75. each	150	0	0			
Annual Ground Rent for the Property of the Bishop's Palace at Quebec, payable to the Roman Catholic Bishop	1,000	0	0			
Expenses of distributing Laws	200	0	0			
Rewards for the destruction of Wolves	290	0	0			
Encouragement of Agriculture	780	0	0			
For Normal Schools	750	0	0			
Retiring allowance to the late Chief Justice of Montreal	733	6	8			
				4,781	6	8
Interest on Loans—						
On £31,500 sterling, borrowed under sundry Provincial Acts for improvement of the Harbour of Montreal at various rates of Interest from 5 to 6 per cent.	1,715	0	0			
On the further sum of £36,000 sterling authorized to be loaned for the same purpose by Ordinance of the Special Council on account of which there was raised £19,147. 10*s.* sterling, up to the 1st of January 1840, at the interest of 6 per cent., the remainder of the Loan is not to be raised, *vide* ordinance 3rd Vic. chap. 28. The amount of interest payable in 1840, will be	1,148	17	0			
A loan to the amount of £31,500 sterling has lately been authorized by Ordinance of the Special Council to be raised for completing the Chambly Canal, which has been effected at the annual interest of 6 per cent., say £13,500 sterling, from the 15th of June 1840, and £18,000 from the 1st May 1841. Payable in 1840	303	15	0			
Total certain	£3,167	12	0			
Probable—						
Loan of £20,700 sterling for continuing the improvements of the Montreal Harbour, authorized by a recent Ordinance 3rd Vic. chap. 28, of which there may probably be raised £10,000 in 1840, at the interest of 8 per cent.	690	0	0			
Loan of £4,500 sterling for completing and working the Dredging Vessel, under the same Ordinance may be raised this year, at the interest say of 8 per cent.	180	0	0			
Total certain and probable				4,007	12	0
Expense of the Trinity Board for improving the Navigation of the St. Lawrence				5,000	0	0
Expense for the relief of Sick Mariners				1,300	0	0
Total Expenditure				£159,399	17	5

Mem.—There is a balance due on the Loan from the Imperial Treasury in 1837, and for advances made by the Commissary-General in 1837 and 1838, for Special Services, of £20,000.

CANADA.

A. LOWER CANADA.

ESTIMATED REVENUE for the Year 1840, being the Net after deducting Expenses of Collection and Proportion for Upper Canada.

	Sterling Dollars, at 4s. 6d.
	£. s. d.
Casual and Territorial Revenues, being Quints, Lods et Ventes, and other Dues within the Queen's domain, under the Feudal Tenure, and Rents of the King's Posts, Water Lots, &c.	5,400 0 0
Net proceeds of Sales of Crown Lands and Licences to cut Timber	6,000 0 0
Customs under Imperial Act 14th Geo. III., cap. 88	19,800 0 0
Licences under ditto for retailing Spirituous Liquors	2,950 0 0
Fines and Forfeitures	900 0 0
Customs under Provincial Act 33rd Geo. III.	1,950 0 0
Ditto ditto 35th ditto	21,200 0 0
Duties on Licences to retail Spirituous Liquors under Provincial Act 35th Geo. III.	3,150 0 0
Duties on Licences for Billiard Tables under Provincial Act 41st Geo. III.	30 0 0
Customs on Tobacco under Provincial Act 41st Geo. III.	7,000 0 0
under Provincial Act 53rd Geo. III., cap. 11	25,000 0 0
Ditto 55th Geo. III., cap. 3	19,500 0 0
under Imperial Act 3rd and 4th Will. IV., cap. 59	22,000 0 0
Ditto 4th Geo. III., cap. 15	60 0 0
Tolls on La Chine Canal	4,000 0 0
Rents and Profits of the Seigniory of Lauzon, held of Sir John Caldwell, formerly Receiver-General, on account of his Debts to the Crown	2,000 0 0
Wharfage dues at Montreal	2,000 0 0
Total applicable to general purposes	142,940 0 0
Duties on Shipping	4,000 0 0
Tonnage Duties	1,400 0 0
Jesuits' Estates	1,800 0 0
Total Revenue	150,140 0 0

Montreal, June, 1840. (Signed) JOSEPH CARY,
Inspector-General Public Accounts.

B. LOWER CANADA.

STATEMENT of the PUBLIC DEBT for the Year 1840 and following Year.

SERVICE.	Amount of Loan.	Amount of Interest payable in 1840.	Annual amount of interest which will be payable in future, if the whole sums authorized are raised.
	£. s. d.	£. s. d.	£. s. d.
For improving the harbour of Montreal at different rates of interest, from 5 to 6 per cent. The capital and interest payable out of wharfage dues; if not sufficient for the interest, the deficiency to be made up from the general funds, under the authority of various Acts of the Provincial Legislature	31,500 0 0	1,715 0 0	1,715 0 0
For the same purpose under Ordinance 1st Vict., cap. 23. Interest payable out of the general funds at 6 per cent.	19,147 10 0	1,148 17 0	1,148 17 0
For completing the Chambly Canal under recent Ordinances of the Special Council, the total sum has been raised at the interest of 6 per cent., that is, £13,500 on the 15th June, 1840, and £18,000 sterling on the 1st May, 1841, for 8 years from these dates respectively	31,500 0 0	303 15 0	1,890 0 0
Total certain, sterling	182,147 10 0	3,167 12 0	4,753 17 0
PROBABLE.			
Loan of £20,700 sterling, for continuing the improvements of the Montreal Harbour, authorized by a recent Ordinance, 3rd Vict., cap. 28, of which there may be raised £10,000 in 1840, at the interest of 8 per cent.	10,000 0 0	690 0 0	1,656 0 0
Loan of £4,500 sterling, for completing and working the dredging vessel, under the same Ordinance may be raised this year at the interest, say of 8 per cent.	4,500 0 0	150 0 0	360 0 0
Total certain and probable	96,647 10 0	4,007 12 0	6,769 17 0

Montreal, June, 1840. (Signed) JOSEPH CARY,
Inspector-General Public Accounts.

LOWER CANADA.

STATEMENT of the Annual Charges, for the Interest of the Public Debt, and of the Estimated Annual Provincial Expenditure and Revenue.

ANNUAL EXPENDITURE.	Sterling Dollars at 4s. 6d. £.	s.	d.
Total amount of charges for Interest on Loans for Public Works as per Statement B.	6,769	0	0
Administration of Justice and support of the Civil Government	70,000	0	0
Education as at present	3,000	0	0
Support of Hospitals and other Charities	5,400	0	0
Roads and Public Works (if same as at present) say	10,000	0	0
Rural Police	13,000	0	0
Annual Expenses permanently provided for by special acts of the Legislature	4,780	0	0
For the relief of sick Mariners out of the tonnage duties	1,300	0	0
Expenses of the Trinity Boards in supporting and improving the navigation of the River St. Lawrence	4,000	0	0
Total Annual Expenditure	118,249	0	0
Add for Indemnities unpaid, which will be a charge for next year, although not in the following	15,000	0	0
Total Expenditure	133,249	0	0

ANNUAL REVENUE.	Sterling Dollars at 4s. 6d. £.	s.	d.
Net Annual Revenue after deductions for expenses of collection, and proportion for Upper Canada: the same as for 1840, as per Statement A..	142,940	0	0
Amount applicable to general purposes:—			
Revenues of the Jesuits' estates (reserved for advancement of Education)	1,800	0	0
Duties on shipping, for the expenses of improving the navigation of the River St. Lawrence, under the Trinity Board	4,000	0	0
Tonnage duty, applicable to the relief of sick Mariners	1,400	0	0
Surplus on Annual Revenue.	16,891	0	0
	150,140	0	0

Montreal, June, 1840.

(Signed) JOSEPH CARY,
Inspector-General Public Accounts.

E. LOWER CANADA.

CHARGES now by Law payable, exclusive of those provided for in the Civil List of £75,000.

	Sterling. £.	s.	d.	Sterling. £.	s.	d.
Under permanent appropriations, as per Statement A. . . .	4,780	0	0			
Expenses of Trinity Boards in supporting and improving the navigation of the St. Lawrence	4,000	0	0			
For the relief of Sick Mariners	1,300	0	0			
	10,080	0	0			
Expenses of a permanent nature considered as Charges upon the Crown Revenues.						
Salaries of the Commissioners of Crown Lands £1,200 0 0						
Salary of the Agent for Emigrants at Quebec, and contingencies of his office 677 0 0						
Pensions 545 0 0						
	2,422	0	0			
				12,502	0	0
Annual Votes for Civil Expenditure.						
Office of Adjutant-General of Militia	2,073	0	0			
Miscellaneous Expenses, as Rent of Buildings for Public Purposes, Fuel, Repairs to Public Buildings, Salaries of Grand Voyers, and various other Services	7,500	0	0			
Surveyor-General's Department	1,103	0	0			
Contingencies of various Public Offices	2,300	0	0			
Support of Hospitals and other Public Charities	5,845	0	0			
Contingencies of the Legislature	6,100	0	0			
Printing Laws	1,500	0	0			
Retiring allowances to Officers of the late Legislative Bodies .	1,980	0	0			
Salaries of Sheriffs, Coroners, Keepers of Court Houses, Petty Officers of Courts, contingent expenses of Gaols, Court Houses, &c.	8,000	0	0			
Rural Police	13,000	0	0			
For Education	3,600	0	0			
For Literary and other Societies	180	0	0			
Medical Faculty of Mc. Gill College	450	0	0			
Roads, Improvement of Navigation, and other Public Works .	10,738	0	0			
				64,369	0	0
Payments to the Clergy.						
To the Scotch Presbytery at Quebec				500	0	0
This is the only payment for the Clergy out of the Revenues raised within Lower Canada, and is made out of the fund arising from the proceeds of sales of Clergy Reserves remitted to England.						
The Revenues at the disposal of the Crown are:—						
Casual and Territorial Revenue	5,400	0	0			
Net proceeds of Crown Lands, after deducting expenses of collection and other contingencies	6,000	0	0			
Annual aid by Provincial Act, 35th Geo. III., out of the duties levied under that Act, towards defraying the expenses of the Administration of Justice, and the support of the Civil Government.	5,000	0	0			
Estimated amount of Duties on Tobacco, levied under Provincial Act, 41st Geo. III., permanently appropriated to the same purposes	7,000	0	0			
Payments by the British American Land Company, (Nil) . .	. .					
				23,400	0	0

NOTE.—In the years 1836 and 1837, in consequence of the regular supplies being withheld by the House of Assembly, a considerable proportion of the expenses of the Civil Government were, by directions from the Secretary of State for the Colonies, made payable out of the revenues at the disposal of the Crown; but when the Land Company ceased paying up their instalments, these revenues fell short of the amount of expenditure to which they were directed to be applied.

On the suspension of the Constitution of this Province, it was considered as the more simple course to merge the Crown revenues in the other funds, and from that general fund, the appropriations required for defraying all the expenses of Government, (including these charges on the Crown revenues,) were made.

That course has been pursued up to the present time.

JOSEPH CARY,

Montreal, June 1840. Inspector-General Public Accounts.

F. LOWER CANADA.

STATEMENT of the Duties levied under the Imperial Act 14th Geo. III., cap. 88, for the Year 1839.

	Currency.			Sterling Dollars at 4s. 6d.
On Importations by Sea at the Ports of Quebec and Montreal:—	£.	s.	d.	
For the Quarter ended 5th of April, 1839 . . .	191	6	5	
,, ended 5th of July, ,, . . .	15,428	6	4	
,, ended 10th of October, 1839 . .	14,747	16	7	
,, ended 10th of January, 1840. . .	5,200	5	8	
Gross Amounts	35,567	15	0	
Expenses of Collection.	38	17	8	
	35,528	17	4	
Proportion for Upper Canada, 38½ per . .	13,678	12	3	
Leaves for Lower Canada. . . . . Currency	21,850	5	1	
Deduct $\frac{1}{10}$ for Sterling	2,185	0	6	
				£19,665 4 7

(Signed) JOSEPH CARY,
Inspector-General Public Accounts.

Montreal, June 1840.

D. GENERAL STATEMENT.

EXPENDITURE.	Sterling. £.	s.	d.	REVENUE.	Sterling. £.	s.	d.
1. Interest of Debt.				Lower Canada.			
Lower Canada.				Ordinary Revenue £150,140 0 0			
Certain . . . £4,753 17 0				Less, duties under			
Probable . . . 2,016 0 0				14th Geo. III. . 19,665 0 0			
	6,769	0	0		130,475	0	0
Upper Canada.				Deduct Crown Revenues included above	23,400	0	0
Certain . . . 56,836 16 3					107,075	0	0
Possible . . . 8,931 9 3							
	65,768	0	0	Upper Canada.			
2. Payments to the Clergy.				Ordinary Revenue, as per estimate in			
Lower Canada (nil).				Paper C. . . . 92,520 0 0			
Upper Canada (per Paper E., No. 1).	5,731	0	0	Less, Duties under 14th Geo. III., ch. 88, as per State-			
3. Charges for Civil List	75,000	0	0	ment F. . . . 15,285 19 9			
4. Other charges now by law or usage payable.					77,234	0	3
Lower Canada . . 10,080 0 0				Duties under 14th Geo. III., ch. 88, resumed.			
Charges on Crown Revenues . . . 2,422 0 0				Lower Canada . . 19,665 0 0			
	12,502	0	0	Upper Canada . . 15,286 0 0			
Upper Canada (per Paper E., No. 2). . 13,070 5 0					34,951	0	0
Charges on Crown Revenues . . . 7,908 0 0							
	20,978	0	0				
Annual Votes for Civil Expenditure.				Crown Revenues ceded (per Paper E., Nos. 4 and 5).			
1839. Lower Canada.	64,369	0	0	Lower Canada . . 23,400 0 0			
Upper Canada (per Paper E., No. 3).	18,424	0	0	Upper Canada . . 30,000 0 0			
					53,400	0	0
	269,541	0	0		272,660	0	3

(Signed) JOHN MACAULAY,
Inspector-General.

Inspector-General's Office,
Toronto, May 30, 1840.

A. a. UPPER CANADA.

STATEMENT of the ESTIMATED PROVINCIAL EXPENDITURE and REVENUE for the Year 1840.

	Currency Dollars, at 5*s.*						Sterling Dollars, at 4*s.* 6*d.*		
EXPENDITURE.	£.	*s.*	*d.*	£.	*s.*	*d.*	£.	*s.*	*d.*
Arrears of 1839, up to 1st January 1840, say	16,000	0	0						
Per Account B.									
Interest of Public Debt (funded)	63,152	0	3				56,836	16	3
Per Statement No. 1 *annexed.*									
Administration of Justice, and support of the Civil Government	32,000	0	0						
Per Statement No. 2 *annexed.*									
Legislature, £8,446 14*s.* 1*d.*, say	8,500	0	0						
Schools: Permanent Grants 15 Districts £5,250									
Ditto Books for Sunday Schools 150									
Annual Vote for 1840 5,650									
	11,050	0	0						
Militia, and other Pensions £3,200									
Ditto, under various Acts of last Session 102 10									
	3,302	10	0						
Lighthouses	2,500	0	0						
Agricultural Societies	1,000	0	0						
Penitentiary, including £300 to Deputy Warden	5,300	0	0						
Militia Courts Martial	300	0	0						
Per Statement No. 3 *annexed.*									
Balances due the London Agents, 1st January, 1840, £57,039 18*s.*8*d.* sterling exchange at 11 per cent.	70,349	5	0						
Toronto House of Industry	350	0	0						
Boards on claims for losses by Rebellion and Invasions	500	0	0	214,303	15	3	192,873	7	9
REVENUE.									
Balances due from Collectors of Revenue, on account of 1839	3,000	0	0						
Balance in Receiver-General's hands 31st December, 1839	24,260	0	0						
Proportion of Duties at Quebec	60,000	0	0						
Import Duties from United States	18,000	0	0						
Licences, including Auction Duty	12,000	0	0						
Bank Dividend, due 1st January 1840	1,000	0	0						
Government Tolls £2,000, and Interest on loans to private and Incorporated Companies, and to Macadamized Roads, £12,000	14,000	0	0						
Tonnage duty	300	0	0						
Fees on Militia Commissions, fines, &c.	500	0	0						
Proceeds of Sale of Bank Stock	25,250	0	0	158,310	0	0	142,479	0	0
Deficiency, exclusive of Interest on advances by London Agents.	. . . .			55,993	15	3	50,394	7	9

(Signed) JOHN MACAULAY,
Inspector-General.

Inspector-General's Office,
Toronto, May 30, 1840.

A. a.—*continued.* UPPER CANADA.

STATEMENT of the Estimated Provincial Expenditure and Revenue for the Year 1840.

	Currency.			Currency.		
	£.	*s.*	*d.*	£.	*s.*	*d.*
No. I.						
Administration of Justice, and support of the Civil Government.						
Civil Government, per 1 Wm. IV., ch. 14	3,555	11	1			
Ditto per Bill of Supply	16,779	4	6			
Receiver-General's Salary, per 1 Wm. IV., ch. 15 . . . . . £700 sterling.	777	15	6			
Inspector-General's ditto, per 49 Geo. III., ch. 13 . . . . . 365 ,,	405	11	1			
Adjutant-General of Militia, per 2 Vict. I., ch. 69 . . . . . £600 currency.						
Assistant ditto, per 4 Geo. IV., ch. 27, (4th Sept.) . . . . . 200 ,,						
Contingencies of Office allowance in lieu, per 4 Geo. IV., ch. 7, (3d Sept.) . . 85 ,,						
	885	0	0			
Surveyor-General's returns to Treasurer's, per 59 Geo. III., ch. 7	30	0	0			
Grant to Receiver-Generals, Special	1,500	0	0			
				23,933	2	2
Administration of Justice, per 1 Wm. IV., ch. 14 . .	3,666	13	4			
Ditto, per 7 Wm. IV., ch. 1	3,000	0	0			
Vice-Chancellor, per 7 Wm. IV., ch. 109	1,250	0	0			
Grant to Gaoler, Home District	150	0	0			
				8,066	13	4
				31,999	15	6
No. II.						
Legislature.						
Officers of, under various Acts, including Clerk of Crown in Chancery	965	0	0			
Contingencies of, per Address	6,801	14	1			
Provincial Library, per 7 Wm. IV., ch. 99	80	0	0			
Speaker, House of Assembly, Special Grant	600	0	0			
				8,446	14	1
No. III.						
	Sterling.			Sterling.		
Balances due the London Agents; viz., Messrs. Glynn and Co., per account 31st December, 1839 . . .	31,628	7	8			
				31,628	7	8
Messrs. Baring and Co., per ditto, ditto	14,644	8	0			
Dividend to 31st Dec., 1839	10,767	3	0			
				25,411	11	0
				£57,039	18	8

(Signed) JOHN MACAULAY,
Inspector-General.

Inspector-General's Office,
Toronto, May 30, 1840.

STATEMENT OF THE PUBLIC DEBT ON 1ST JANUARY, 1840.

Halifax Currency.

£61,240	0	0	at 5	per cent.
5,000	0	0	at 5⅞	per cent.
137,662	12	2¼	at 6	per cent.
Total £203,902	12	2¼	payable in Upper Canada.	

Sterling dollars at 4*s.* 6*d.*
£826,750 at 5 per cent debentures payable in London.

REDEEMABLE IN THE FOLLOWING YEARS:—

YEARS.	CURRENCY DEBENTURES.						Sterling Debentures at 5 per cent.			
	At 5 per cent.	At 5⅞ per cent.	At 6 per cent.		Total.					
	£.	£.	£.	*s.* *d.*	£.	*s.* *d.*	£.	£.	*s.*	*d.*
1836	..	..	3,250	0 0	3,250	0 0				
1837	..	..	1,416	13 4	1,416	13 4				
1838	..	..	1,750	0 0	1,750	0 0				
1839	..	..	83	6 8	83	6 8	6,500	0 0		
1840	..	..	1,500	0 0	1,500	0 0	8,000	0 0		
1841	1,000	..	3,666	13 4	4,666	13 4	12,666	13 4		
1842	1,000	5,000	6,166	13 4	12,166	13 4	24,833	6 8		
1843	2,250	..	1,666	13 4	3,916	13 4	28,750	0 0		
1844										
1845	..	..	500	0 0	500	0 0	29,250	0 0		
1846	..	..	500	0 0	500	0 0	29,750	0 0		
1847	..	..	15,800	0 0	15,800	0 0	45,550	0 0		
1848										
1849										
1850										
1851	..	..	21,000	0 0	21,000	0 0	66,550	0 0		
1852	..	..	1,500	0 0	1,500	0 0	68,050	0 0		
1853	53,250	..	..		53,250	0 0	121,300	0 0		
1854	3,300	..	8,000	0 0	11,300	0 0	132,600	0 0	200,000	
1855	50	..	6,000	0 0	6,050	0 0	138,650	0 0	400,000	600,000 0 0
1856										
1857	180	..	4,000	0 0	4,180	0 0	142,830	0 0	203,650	803,650 0 0
1858	60	..	..		60	0 0	142,890	0 0	66,000	869,650 0 0
1859	150	..	*7,862	12 2¼	8,012	12 2¼	150,902	12 2¼		
1860			†							
1861										
1862										
1863	..	..	2,000	0 0	2,000	0 0	152,902	12 2¼		
1864	..	..	1,000	0 0	1,000	0 0	153,902	12 2¼		
1874	..	..	42,500	0 0	42,500	0 0	196,402	12 2¼		
1875	..	..	7,500	0 0	7,500	0 0	203,902	12 2¼	..	869,650 0 0
							Less remaining unsold in hands of Messrs. Baring .			42,900 0 0
										826,750 0 0
	61,240	5,000	137,662	12 2¼	203,902	12 2¼	Equal in Sterling. .			183,512 6 11¾
							Total Sterling £			1,010,262 6 11¾

* Exclusive of £229 19*s.* remaining unissued for losses by the insurrection, bearing interest from January 1, 1839.
† £500 issued in January 1840, redeemable this year.

	Currency Dollars at 5s.	Sterling Dollars at 4s. 6d.	Total Amount in Sterling.
	£. s. d.	£. s. d.	£. s. d.
Amount of the Funded Debt on 1st of January, 1840, Brought forward . .	203,902 12 2¼	826,750 0 0	1,010,262 6 11¾
Add—			
Remaining unissued for losses by Insurrection, bearing interest at 6 per cent., from January 1, 1839 . . .	229 19 0		
Issued since January 1, 1840	500 0 0		
Total Amount of Funded Debt. . .	204,632 11 2¼	826,750 0 0	1,010,919 6 1
Balances due the London Agents, December 31, 1839, including Dividends payable to that date, *viz.*:—			
Messrs. Glynn & Co. . . . £31,628 7 8			
Messrs. Baring & Co. £14,644 8			
Dividend, December 31, 1839 . . . 10,767 3			
25,411 11 0			
Total bearing interest from January 1, 1840	. .	57,039 18 8	
Total Amount of Debt	204,632 11 2¼	883,789 18 8	1,067,959 4 9
Annual Charge for Interest.			
On Currency Debenture, £61,240 0 0 at 5 per cent.	3,062 0 0		
,, 5,000 0 0 at 5⅞ ,,	293 15 0		
£137,662 12 2¼			
229 19 0			
500 0 0			
138,392 12 2¼ at 6 per cent.	8,303 11 0		
Total . £204,632 12 2¼ Currency.	11,659 6 0	10,493 7 5	10,493 7 5
Sterling Debentures. £826,750 at 5 per cent. . . .	. .	41,337 10 0	
1 per cent. Commission on Dividends	. .	413 7 0	
		41,750 17 0	
Average for Exchange, &c., 11 per cent.	. .	4,592 11 10	
		46,343 8 10	46,343 8 10
Total Annual Charges for interest, &c., on the Public Funded Debt	. .	Sterling. . .	56,836 16 3
		Currency . .	63,152 0 3
Debt which may be incurred in the Present Year.			
Debentures authorized by Provincial Statute 3rd Vic. c. 38, for liquidating balances due the London Agents.	70,000 0 0		
Voted for Indemnity to Sufferers during the Rebellion and Invasions.	40,000 0 0		
Required for Public Works	60,000 0 0		
Total	170,000 0 0	. .	153,000 0 0
Charges for Interest.			
On £70,000 Currency or £63,000 Sterling, at 5 per cent.	. .	3,150 0 0	
Exchange at 11 per cent.	. .	346 10 0	
		3,496 10 0	
One per cent. Commission on Dividends	. .	34 19 3	
		3,531 9 3	
On £100,000 Currency, at 6 per cent.	6,000 0 0	5,400 0 0	
Total Annual Charge for Interest . .	. .	Sterling . . .	8,931 9 3
		Currency . .	9,923 16 11
Recapitulation.			
Amount of Debt, certain	204,632 11 2¼	883,789 18 8	1,067,959 4 9
Debt, which may be incurred in the present Year . .	170,000 0 0	. .	153,000 0 0
Total Amount of certain and possible Debt	. .	. .	1,220,959 4 9
Annual Charges.	Currency.	Equal to in Sterling.	
Certain	63,152 0 3	56,836 16 3	
Possible	9,923 16 11	8,931 9 3	
Together.	73,075 17 2	65,768 5 6	

Inspector-General's Office,
Toronto, May 30, 1840.

(Signed) JOHN MACAULAY,
Inspector-General.

STATEMENT of the Annual Charges for the Interest of the Public Debt, and of the Estimated Annual Provincial Expenditure and Revenue.

	Currency Dollars at 5*s.*						Sterling Dollars at 4*s.* 6*d.*		
ANNUAL EXPENDITURE.	£.	*s.*	*d.*	£.	*s.*	*d.*	£.	*s.*	*d.*
Total Amount of charges for Interest of the Public Debt, as per Statement B., subject to a diminution on the three items of Debt which may be incurred this year . . .	73,075	17	2	.	.		65,768	5	6
Administration of Justice and support of Civil Government	28,500	0	0						
Legislature	10,000	0	0						
Schools	11,050	0	0						
Pensions	3,302	10	0						
Lighthouses	2,500	0	0						
Agricultural Societies	1,000	0	0						
Penitentiary	5,000	0	0						
Militia Courts-Martial	300	0	0						
				134,728	7	2	121,255	10	6
ANNUAL REVENUE.									
Proportion of Duties at Quebec	60,000	0	0						
Imports from United States	18,000	0	0						
Licences and Auction Duty	12,000	0	0						
Tolls and Harbour Dues from Government Works	2,000	0	0						
Interest payable by Private and Incorporated Companies on Loans and by Macadamized Roads.	10,000	0	0						
£13.329. 7*s.* 11*d.* (estimated receipts from) Tonnage Duty	300	0	0						
Fees on Militia Commissions, Fines, &c. . .	500	0	0						
				102,800	0	0	92,520	0	0
Annual Deficiency .			£	31,928	7	2	28,735	10	6
The estimated charges on the Additional Debt which may be incurred this year (part of which should be returned by payments from the various Public Works, in proportion to the advances made to them), are . . .	. .			9,923	16	11	8,931	9	3

Inspector-General's Office,
Toronto, May 30th, 1840.

(Signed) JOHN MACAULAY,
Inspector-General.

STATEMENT of the Annual Charges for the Administration of Justice and Support of the Civil Government.

		Currency.		
Civil Government, per 1st Will. IV., cap. 14:—	£.			
Lieutenant-Governor	2,000			
Three Judges	3,300			
Attorney and Solicitor-General	500			
Five Executive Councillors	500			
Clerk Executive Council	200			
Sterling . .	£6,500	£.	*s.*	*d.*
		7,222	4	5
Receiver-General's Salary, £700 sterling, per 1st Will. IV., cap. 15		777	15	6
Inspector-General's Salary, £365 sterling, per 49th Geo. III., cap. 13 . . .		405	11	1
Surveyor-General's Returns to Treasurers, per 59th Geo. III., cap. 7, say . .		*40	0	0
Adjutant-General of Militia, per 2nd Vic. cap. 69	600			
Assistant-General of Militia, per 4th Geo. IV., cap. 27 (4 Sep.) . .	200			
Contingencies, per 4th Geo. IV., cap. 7	85			
		885	0	0
Administration of Justice, per 7th Will. IV., cap. 1:—				
Two Judges	2,000			
Clerks of Assize and Travelling Expenses	1,000			
		3,000	0	0
Vice-Chancellor, per 7th Will. IV., cap. 109.		1,250	0	0
		13,580	11	0
Annual Grant, per Bill of Supply for 1840	16,779 4 6			
Less, Arrears of 1839	2,661 15 6			
		14,117	9	0
		27,698	0	0

* Estimated at £30 for 1840.

	Sterling.					
	£.	s.	d.	£.	s.	d.
No. 1. Statement of payments to the Clergy:—						
Church of England	7,291	5	6			
Less. Estimated Sum payable from the Clergy Fund formed by Rents of Leased Reserves, Interest in Sales, and Dividends on the amount of proceeds of Sales invested in London	6,000	0	0			
				1,291	5	6
Church of Scotland	1,540	0	0			
Presbyterian Synod of Upper Canada	700	0	0			
Methodists	700	0	0			
Roman Catholic Bishop	500	0	0			
,, Priests	1,000	0	0			
				4,440	0	0
				5,731	5	6
No. 2. Charges now by law payable, exclusive of those provided for in the Civil List of £75,000:—						
Maintenance of Lighthouses, variable	2,200	0	0			
Clerk of the Crown in Chancery	67	10	0			
Adjutant-General of Militia, Assistant ditto, and Contingencies of Office	796	10	0			
Offices of the Legislature	846	0	0			
Schools	4,860	0	0			
Pensions variable	2,972	5	0			
Agricultural Societies ,,	900	0	0			
Militia Courts'-martial ,,	270	0	0			
Surveyor-General's Returns to District Treasurers, variable	36	0	0			
Provincial Legislative Library	72	0	0			
				13,070	5	0
No. 3. Annual Votes for the Civil Expenditure Contingencies of the Legislature for 1839, Currency £6,801 14 1	6,121	10	8			
Schools	5,085	0	0			
Adjutant-General of Militia, Contingencies of Office	423	0	0			
Repairs of Government House	180	0	0			
Printing the Statutes	900	0	0			
Other Government Printing	675	0	0			
Casual and Extraordinary Expenses	540	0	0			
	13,924	10	8			
Penitentiary	4,500	0	0			
				18,424	10	8
No. 4. Crown Revenue:—	Sterling.					
Canada Company (ceases in 1842)	£20,000	0	0			
Sales of Crown Lands, Licences for cutting Timber, Rents of Mills, Ferries, &c., Fines and Forfeitures, Fees on Grants of Land under certain regulations	10,000	0	0			
	30,000	0	0			
No. 5. Charges on the Crown Revenue to which the faith of the Crown may be considered as pledged, viz.—						
Indian Annuities £5,405 currency	4,864	0	0			
Pensions	1,198	0	0			
Upper Canada College	1,000	0	0			
Spear Legislative Council	360	0	0			
Contract School, Toronto	418	10	0			
School at Petersborough	67	10	0			
	7,908	0	0	7,908	0	0
Leaving	22,092	0	0			

Inspector-General's Office,
Toronto, May 30, 1840.

(Signed) JOHN MACAULAY.
Inspector-General.

STATEMENT of the Duties levied under the Imperial Act, 14th Geo. III. c. 88, for the Year 1839.

	Currency.			Sterling.					
COLLECTED IN LOWER CANADA.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Duties on Importations by Sea, according to the Returns of the Inspector-General of Lower Canada, viz.:—									
For the Quarter ended April 5, and up to May 1, 1839 .	191	6	5						
Ditto July 5, „ .	15,428	6	4						
Ditto Oct. 10, „ .	14,747	16	7						
	30,367	9	4						
Ditto Jan. 5, 1840 .	5,200	5	8						
	35,567	15	0						
Expenses of Collection	38	17	8						
£	35,528	17	4						
Proportion to Upper Canada, 38½ per cent.	13,678	12	3						
Deduct $\frac{1}{10}$ for Sterling	1,367	17	3						
				12,310	15	0			
							12,310	15	0
COLLECTED IN UPPER CANADA.									
Spirits imported from the United States into Upper Canada, per Returns ended December 31, 1839, 16,512¾ gallons .	. .			825	12	9			
Licences for retailing Spirituous Liquors, per Returns to January 4, 1840, 1472 at £1 16s. Sterling each	. .			2,649	12	0			
				3,475	4	9			
Estimated Expenses of Collection . .	. .			500	0	0			
							2,975	4	9
Total . . .	. .			. .			15,285	19	9

Inspector-General's Office,
Toronto, May 30, 1840.

(Signed) JOHN MACAULAY,
Inspector-General.

(No. 188.) No. 2.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

Sir, Downing-street, 24th July, 1840.

No. 2.

THE Royal Assent having been given to the Bill for re-uniting the Provinces of Upper and Lower Canada, and for the Government of Canada, it will be necessary to revoke the Royal Commissions which you have received as Governor of the two separate provinces, and to issue to you a new Commission as Governor of Canada.

I have accordingly directed that instrument to be prepared, together with a revised set of Royal Instructions, and they will be forwarded to you as soon as the necessary forms can be completed.

The requisite Order of the Queen in Council, authorising you to proclaim the Union of the Provinces, is also in course of preparation.

As the office of Lieutenant-Governor of Upper Canada will henceforth be on a different footing, Major-General Sir George Arthur will return home.

I do not propose to nominate any person to that situation, until I am in possession of your wishes on the subject. It seems to me, however, desirable that the officer in command of the troops in Upper Canada should have the title and salary of Lieutenant-Governor; but if you do not concur in this suggestion, I will send from this country a person qualified to perform the duties attached to the office.

I have, &c.,

The Right Hon. C. Poulett Thompson, &c. &c. &c. (Signed) J. RUSSELL.

(No. 204.) No. 3.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right. Hon. Lord SYDENHAM.

My Lord, Downing-street, 18th August, 1840.

No. 3.

10 August, 1840.

I TRANSMIT to your Lordship an Order made by Her Majesty in Council on the 10th instant, in pursuance of the Act of the last Session of Parliament for re-uniting the Provinces of Upper and Lower Canada, and for the Government of Canada.

Under this Order, and the Act to which it refers, you will be authorized to issue a Proclamation appointing a day upon which the Union of the Provinces is to take place. You will issue that Proclamation in the capacity of Governor-General of the two existing Provinces. But from the day so to be appointed, it will be necessary that you should assume the character of Governor of the Province of Canada. To this end you will be appointed to that office by a Commission to be issued for the purpose under the Great Seal of the United Kingdom. That Commission is now in progress; but the necessary official forms cannot, as I understand, be completed before the end of the present month. Consequently the Commission cannot be forwarded to you until early in the month of September, nor can the arrival of it be reasonably anticipated before the month of October.

The Act of Parliament authorizes the postponement of the Union until the lapse of fifteen months from the passing of that Act. I do not anticipate that any motive will exist for so long a delay. On the contrary, I apprehend that the measure must be now ripe for execution. Still it may be fit that you should observe that there is no legal obligation to expedite the Union in such a manner as to abridge the time requisite for the completion of all preliminary arrangements, nor to impede the exercise of discretion, should extraordinary circumstances make postponement necessary.

I have, &c.,

The Right Hon. Lord Sydenham, &c. &c. &c. (Signed) J. RUSSELL.

CANADA.

Enclosure in No. 3.

Enclosure in No. 3.

At the Court at Buckingham Palace, the 10th of August, 1840.

Present:—

The Queen's Most Excellent Majesty,

Lord Chancellor,	Lord John Russell,
Lord President,	Viscount Palmerston,
Lord Privy Seal,	Viscount Melbourne,
Marquis of Normanby,	Viscount Duncannon.
Lord Steward,	Lord Holland,
Lord Chamberlain,	Sir John Hobhouse, Bart.
Earl of Albemarle,	Mr. Chancellor of the Exchequer,
Earl of Minto,	Mr. Macaulay.

Whereas, by an Act of Parliament passed in the Session of Parliament, holden in the third and fourth years of Her Majesty's reign, intituled "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," it is, amongst other things, enacted, That it shall be lawful for Her Majesty, with the advice of her Privy Council, to declare or to authorize the Governor-general of the said two Provinces of Upper and Lower Canada to declare, by proclamation, that the said provinces, upon, from, and after a certain day in such proclamation to be appointed, which day shall be within fifteen calendar months next after the passing of the said Act, shall form and be one province, under the name of the Province of Canada; and thenceforth the said provinces shall constitute and be one province under the name aforesaid, upon, from, and after the day so appointed as aforesaid.

And whereas, with the advice of her Privy Council, Her Majesty is pleased to grant to the said Governor-general the authority in the said Act mentioned. Her Majesty doth hereby, with the advice of her Privy Council, and in pursuance and exercise of the powers in Her Majesty vested by the said recited Act, authorize the Governor-general of the said two Provinces of Upper and Lower Canada to declare by proclamation, that the said provinces upon, from, and after a certain day, in such proclamation to be appointed, which day shall be within fifteen calendar months next after the passing of the said Act, shall form and be one province, under the name of the Province of Canada.

And the Right Honourable Lord John Russell, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. Greville.

(No. 160.) No. 4.

Extract of a DESPATCH from the Right Hon. C. Poulett Thomson to Lord John Russell, dated Toronto, 16th September, 1840.

No. 4.

I have the honour to acknowledge the receipt of a copy of the Act for re-uniting the Provinces of Upper and Lower Canada, and for the Government of Canada.

I have carefully perused the Act, and I observe with regret that some alterations have been made from the original plan which I transmitted, which will create difficulty and embarrassment here, especially the restrictions introduced in the schedule for the Civil list, to which I before called your attention. There is nothing, however, in those changes which will, I believe, offer any insuperable obstacle to the working of the Act.

But it is with the deepest mortification that I find that the whole of the system for the establishment of local government has been omitted from the Bill, and that Her Majesty's Government and Parliament have contented themselves with the simple legislative re-union of the two Provinces, without providing any machinery by which they can be satisfactorily governed when united, or guarding against those evils which have been so severely felt from the absence of local government, and the consequent assumption by the assemblies of functions which did not properly belong to them, evils which will now be increased tenfold, after the two provinces shall have been placed under one government and one legislature

I need scarcely recal to your Lordship's attention the circumstances connected with this measure. In the year 1839, when the affairs of the Canadas were under the consideration of Her Majesty's Government, and it was determined, upon the recommendation of the Earl of Durham, to re-unite the provinces, the Cabinet was so deeply impressed with the truth of his declaration, of the absolute necessity of the establishment by Parliament of a system of local government simultaneously with the measure for the union, that the plan then submitted and embodied in the Bill of that year, proceeded altogether upon that principle. Five districts were created apart from the central legislature, and the whole frame of the measure was

erected in accordance with it. I need not either remind your Lordship that whilst this was the unanimous opinion of the Cabinet, those members of it who really took a deep interest in Canadian matters entertained so strongly the opinion of the necessity of enforcing this principle, that they would not have assented to any plan which involved its exclusion. The Bill of 1839 was withdrawn, and I was deputed to obtain the assent of the people and legislature of the two Canadas to the union, and to transmit a plan for effecting it, and for the future government of the two provinces. But in the instructions with which I was honoured with a view to my proceedings, I was emphatically told that one of the most important principles to be kept in view in any measures for the future government of the Canadas was "the establishment of a system of local government by representative bodies freely elected in the various cities, and rural districts." "That after a full investigation of every other plan which has been suggested, Her Majesty's Government have not been able to discover in any but this the reasonable hope of a satisfactory settlement." "That attaching minor importance to the details," "they cannot depart from these principles."

Accordingly, in pursuance of the duty assigned to me, and having obtained the assent of the legislature of the two provinces to the terms of the union as they affected each in its relation to the other, or to the Crown, I transmitted such a plan for local government as, whilst it entirely established the principle for which Her Majesty's Government contended, and the adoption of which they and I deemed indispensable, altogether removed the defects of the scheme of last year, and was generally acceptable to the people. This plan received the cordial approbation of Her Majesty's Government. Your Lordship did not indeed deem it expedient to introduce to Parliament the clauses for carrying out the provisions for the system which I transmitted to you, but you did more, for you called upon Parliament to enable me to provide all the necessary machinery myself, subject to the leading principles which I had recommended.

Under such circumstances I should have been far less surprised to find the Union Bill abandoned altogether by the Government, than this most essential part of it withdrawn. I should certainly have infinitely preferred that the Bill should have been deferred, rather than deprived of what rendered it safe, or gave a fair chance of its being advantageous.

For if, before my better acquaintance with these colonies, the information which I could acquire from the reports of others and from general reasoning, had satisfied me of the necessity, to use the words of Lord Durham, "of making the establishment of good municipal institutions for the whole country a part of the colonial constitution;" the opportunity I have now had of studying the state of the British North American provinces—of observing the social condition of the people, and the working of the constitutions under which they have been governed—has convinced me that the cause of nearly all the difficulty in the government of every one of them, is to be found in the absence of any well organized system of local government.

Owing to this, duties the most unfit to be discharged by the general legislature are thrown upon it; powers equally dangerous to the subject and to the Crown are assumed by the Assembly. The people receive no training in those habits of self government which are indispensable to enable them rightly to exercise the power of choosing representatives in Parliament. No field is open for the gratification of ambition in a narrow circle, and no opportunity given for testing the talents or integrity of those who are candidates for popular favour. The people acquire no habits of self dependence for the attainment of their own local objects. Whatever uneasiness they may feel—whatever little improvement in their respective neighbourhoods may appear to be neglected, afford grounds for complaint against the executive. All is charged directly upon the Government, and a host of discontented spirits are ever ready to excite these feelings. On the other hand, whilst the Government is thus brought directly in contact with the people, it has neither any officer in its own confidence in the different parts of these extended provinces from whom it can seek information, nor is there any recognized body enjoying the public confidence with whom it can communicate, either to determine what are the real wants and wishes of the locality, or through whom it may afford explanation.

Hence the readiness with which a demand for organic changes in the constitution has been received by the people.

Upon every consideration, therefore, I am of opinion that it was our duty to seize the first opportunity of supplying, through the Imperial Legislature, this capital

CANADA.

omission in the constitution of these colonies, by the establishment of a good system of local government; and although the Act would, in fact, only have extended to the Canadas, I entertain no doubt that with such an authority before them, similar provisions would have been adopted by the legislatures in Nova Scotia and New Brunswick, where the defect is no less glaring.

But it may be said, why not trust to the provincial legislatures for the establishment of such institutions if they are needed?

Lord Durham has given the reply which certainly appeared last year conclusive to Her Majesty's Government, and the correctness of which I can now confirm—"That it is vain to expect that such a sacrifice of power will be voluntarily made by a representative body;" and to this I may also add, that although, after a considerable time and much excitement, the people might compel their representatives to establish such a system, it is so easy to mislead them by representations against taxation; although no more is in fact intended than to give the *power* of taxation by themselves for their own local objects: and the argument in favour of its being the *duty* of the Government to find money for all their wants, is so specious and popular, that it would probably be some time before the people exerted themselves strenuously for this purpose; and when they did, I greatly doubt whether it would be possible to obtain those checks against abuse without which the system would fail; and which it was my object to introduce in the manner submitted by me to Her Majesty's Government and approved by them.

With reference, therefore, to the future interests of all Her Majesty's North American possessions, I deeply deplore the determination which has been taken; whilst with regard to the immediate and practical matter before me—namely, the government of the two Canadas under the Union Act, I confess that I am almost at a loss to conceive how it is proposed that it should be conducted.

Under the provisions of the Union Act, not only will the general affairs of a country 1200 miles long be placed under the direction of one executive authority, thus distant from places where it may be called upon to act; but the local concerns of every district, and even village, through that vast extent of territory must be more or less under its superintendence, and that too in matters of which it can know little or nothing. The provision by which the initiative of all money votes is confined to the Governor, is a most valuable and important change in the constitution of these provinces; but it places a responsibility on the executive which can only be exercised under a system which relieves the public funds from demands for every little paltry expenditure, and confines their application to matters of general utility. As the Act now stands, the executive government will be called upon to propose every grant of 5*l.* or 10*l.* for a road or a bridge 600 or 700 miles from the seat of government; of the merits of which it can know nothing, and of which it can learn nothing, except through representations which it has no opportunity of testing. If it acts, therefore, it will probably act wrong; if it does not, it is at once exposed to the reproach of having neglected the interests of the locality which it was bound to consider and advance. Whilst these duties are imposed upon it, too, no means whatever are afforded by which it can acquire information, or exercise the slightest control. In Upper Canada it is true that there is some machinery in the different districts now established by law, which will prevent the executive from being wholly powerless. There is an organization in each district of sheriffs, grand juries, &c., and the magistrates possess under the provincial laws certain powers which, although defective, still afford the means of going on. But in Lower Canada this is entirely wanting; and the division there for judicial purposes is of a character which affords no assistance whatever with respect to the rural districts of the province. The hand of the Government is entirely unknown and unfelt throughout them. If I had to seek for information from any place from 10 to 150 miles from Quebec or Montreal, I possess no means whatever of obtaining it, except from the authorities called into existence by the rebellion, and for whose permanency there is no security whatever. If the executive seeks to know the opinion of the people with regard to any improvement, there is no one to whom application can be made. In a word, every country district throughout the whole of the vast province of Lower Canada, is as completely cut off from any connection with the executive, as if it were on the other side of the Atlantic, and under a different form of government.

I certainly was impressed with the opinion that the existence of this state of things must be fully known to Her Majesty's Government, and that after the deliberate judgment that had been arrived at last year, and the instructions I had received, it was, therefore, unnecessary for me to have repeated any statement, or

have furnished any fresh argument in support of the principle of local government.

It remains for me, however, now only to consider the course which I can pursue under the determination which has been arrived at.

Entertaining so strongly as I do the conviction that the principal advantages intended by the Union Act are defeated by the omission of this part of the scheme, I confess that I should strongly incline to defer acting upon the powers conferred by it, and proclaiming the Union at all, until Parliament had again had an opportunity of reconsidering these clauses. But I must acknowledge that the delay which would thus arise, and the reopening the Canada question in England, where unfortunately, all that relates to this country is so little understood, would be probably attended with greater evils, and I cannot, therefore, take on myself the responsibility of recommending that course.

But failing this, it would be far more grateful to me, with the opinions I hold on this subject, that Her Majesty's Government should confide the attempt to work out this new measure to other hands than mine, and nothing but the anxiety which I feel to discharge my duty to the Queen to the last, and the deep interest which I now take in what concerns these provinces, would lead me to attempt the task under circumstances which I consider almost hopeless.

I am willing, however, if required, to yield to that consideration, and above all, to the feelings of the people here, of whose confidence I have lately received so many and such flattering proofs, and I shall endeavour to work out the Act as it stands, by such means as I possess.

For Upper Canada it is out of my power to make any provision. In Lower Canada, however, I shall, with the assistance of the Special Council, provide such a system as may supply a part at least of what was intended to be given under the provisions of the Bill; at all events to the extent which is necessary to carry out fully the different ordinances of that body which have already passed, and provide for some local organization for the wants of the country districts. The Council will, under any circumstances, meet the middle of next month, to complete its labours preparatory to the Union; and I shall then propose to them measures to this effect.

I shall then be able to proclaim the Union at the earliest period at which, looking to the time when the elections could be held, and to the financial concerns of both provinces it would be possible, namely at the beginning of January. The elections will take place as soon afterwards as they conveniently can, and when the united Parliament meets, I shall propose to them, on the part of the Government, to adopt for the whole province a system of local government which will already have been in operation here, with such additions as may appear necessary.

(No. 160.) No. 5.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. Lord SYDENHAM.

My Lord, Downing-street, 25th October, 1840.

I HAVE received your Lordship's Despatch, No. 160, of the 16th September, pointing out the injurious consequences which you anticipate from the departure in the Act for the reunion of Canada, from the Bill which you had proposed, and more particularly from the omission of legislative provision for local government. No. 5.

Partaking as I do in the general opinions which you have expressed on this subject, I nevertheless could not supply the want of Canadian authority for the municipal clauses, which induced Sir R. Peel and Lord Stanley, friendly as they were to the Bill, to support their omission. I may also observe that Mr. Gillespie and others in this country well acquainted with Canada, concurred in the objections made to those clauses in the House of Commons.

The benefit of municipal government being so great, it is difficult to conceive that the legislature of the United Province can long resist the introduction of a system so useful to the interests, and so directly tending to increase the power of the people, when recommended warmly and repeatedly by the executive of the province and supported by the Crown.

I have, &c.,

The Right Hon. Lord Sydenham, &c. &c. &c. (Signed) J. RUSSELL.

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(No. 161.) No. 6.

COPY of a DESPATCH from the Right Hon. Lord SYDENHAM to Lord JOHN RUSSELL.

My Lord, Government House, Montreal, 27th September, 1840.

No. 6. I HAVE the honour to inform you that I returned to this city on Thursday last, the 24th instant.

I shall transmit to your Lordship by the next mail copies of the various addresses which I have received during my tour, and of my replies. In the mean time it affords me the most sincere satisfaction to be enabled to say that, throughout the very extensive district of country which I have visited, comprising nearly the whole of the province of Upper Canada, the best possible spirit prevails.

From the province line to Amherstburg and Sandwich, from Lake Erie to Penetanguishine, I have everywhere found a determination to forget past differences and to unite in an endeavour to obtain, under the Act of Union, those practical measures for the improvement of the country which have been too long neglected in the struggle for party and personal objects. At Toronto, even, where party spirit reigns with more violence than in any other part, the general feeling of the province at last prevailed over the opinions of the extremes, and I met there with a most cordial reception from all parties, and had the opportunity, of which I was glad to avail myself of, of doing much to soften down the asperities which had existed.

Amongst the British inhabitants of this part of Lower Canada, I am also happy to say that the same good feeling reigns, and the same confidence in the principles upon which I have conducted my government, and in the exertions I have made to introduce improvement.

The citizens of Montreal had prepared a public entry for my return, which I have reason to know would have been most numerously attended, but this I was compelled from illness to decline.

Of many of the French Canadians I am sorry to say that the reports which reach me are not so favourable; great efforts are made by some few of the leaders of the old Papineau party to mislead the people, and they are seconded in the most mischievous manner by Mr. Neilson of Quebec. But although they may be successful in imposing on the credulity and ignorance of the habitans so far as to obtain the return to the United Legislature of a small party of violent men opposed to British connexion, I am satisfied that they will not again induce the peasantry to support any attempts at disturbance.

I should do injustice to my own feelings if I were not to state to your Lordship the impression which has been left on my mind by the inspection which I have made of the Upper Province. It is really impossible to say too much of the advantages which nature has bestowed upon it, especially that part of the country which lies between the three lakes, Ontario, Erie, and Huron. If these great advantages be properly used, I foresee that in the course of a very few years that province must become one of the most valuable possessions of the British empire. Its population may be trebled, and its products increased in an immense ratio; whilst, if properly governed, its inhabitants will, I am satisfied, become the most loyal, intelligent, and industrious subjects which Her Majesty can number.

I have, &c.

(Signed) SYDENHAM.

The Right Hon. Lord John Russell,
&c. &c. &c.

(No. 245.) No. 7.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. Lord SYDENHAM.

My Lord, Downing-street, 23rd October, 1840.

No. 7. I HAVE received your Lordship's Despatch, No 161, of the 27th ultimo, reporting the result of your recent tour in Upper Canada, and the improved state of public feeling in both the Canadian provinces.

Having had the honour to lay that Despatch before the Queen, Her Majesty has been graciously pleased to command me to inform your Lordship that she has

been highly gratified to learn that the disposition of the people in Upper Canada, as well as of the British residents in the Lower Province, is so loyal and free from party feuds and factions.

I have, &c.,

The Right Hon. Lord Sydenham, &c. &c. &c. (Signed) J. RUSSELL.

(No. 162.) No. 8.

COPY of a DESPATCH from the Right Hon. Lord SYDENHAM to Lord JOHN RUSSELL.

My Lord, Government House, Montreal, 27th September, 1840.

No. 8.

I TRANSMIT, for your Lordship's information, copies of the addresses which were presented to me on my late tour through the eastern townships, and of my replies.

I have derived great pleasure from this visit, and it will be attended with good effects. This part of the province of Lower Canada had not hitherto received the attention to which it is entitled from the advantages which it derives from nature, and from the character of its inhabitants, which render it, in my opinion, by far the most valuable portion of Lower Canada.

Since my arrival in this country, it has been my object to introduce measures calculated to benefit it into the Special Council, and I was very glad to find that this had been appreciated by the inhabitants, who are distinguished for their loyalty and their industry. I shall anxiously seek every opportunity of advancing their industry in future.

I have, &c.,

The Right Hon. Lord John Russell, &c. &c. &c. (Signed) SYDENHAM.

Enclosure in No. 8.

(Copy.)

Enclosure in No. 8.

To his Excellency the Right Hon. Charles Poulett Thomson, one of Her Majesty's Most Hon. Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

We, the inhabitants of the town of Sherbrooke and vicinity, humbly approach your Excellency to offer you our best congratulations upon your visit to the Eastern Townships of Lower Canada, and your arrival at this their principal town, fully appreciating the zeal for the public good which has thus prompted you to deviate from the more convenient and speedy line of intercourse by water, to encounter the fatigue and delay of inland communication, having in view the personal and full knowledge of this, we believe we may truly say, flourishing part of the province.

We rejoice in this opportunity of expressing to you our sincere attachment to the British Constitution, and, forming a mixed people of British and American origin, our firm allegiance to the British Government, our respects towards yourself, both as the representative of our Most Gracious Sovereign and as a talented and efficient member of Her Majesty's Ministry, and the gratification we feel at being thus honoured by your presence among us.

While we would tender our humble tribute to the enlightened and liberal principles with which you have undertaken the administration of the government of these important colonies, and to your well-judged and successful endeavours "in calming party agitation, in reconciling political differences, and in pointing the attention of the people to their real interest," we are particularly sensible of and grateful for the attention and interest which your Excellency has evinced, by several important measures, in the welfare of this section of the province, tending to devote it in its institution to the scale to which we humbly consider it entitled, and we confidently rely upon a continuance of the same favourable disposition in the promotion of future views for our prosperity.

In the sanguine hope that your important labours may be crowned with entire success in the development of the resources of these extensive provinces, and in fostering their loyal adherence to the British Crown, we wish your Excellency, in conclusion, a prosperous journey and the enjoyment of health and all happiness.

Two hundred and fifty Signatures.

Sherbrooke, August 11, 1840.

Answer to the above.

GENTLEMEN,

I thank you sincerely for your Address and for your kind greeting on my arrival in Sherbrooke.

The tried loyalty of the inhabitants of the Eastern Townships and the spirit of industry and improvement which distinguished them, give to this part of the province a special claim upon the attention of the Government, and I can assure you that I am fully sensible of its importance.

It is with great satisfaction therefore that I receive your assurance that the measures which I have adopted with a view to the advantage of the townships have met with your approbation.

You may rely upon my continued attention to all that concerns your welfare, and the opportunity which I have now enjoyed of visiting the district from which I have derived so much pleasure, will increase the interest I feel in it, and render me yet more anxious to co-operate with you in whatever may tend to its improvement and to the prosperity of its inhabitants.

(Copy.)

To His Excellency the Right Hon. C. P. Thomson, one of Her Majesty's most Hon. Privy Council, Governor-General of British North America, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, the Undersigned, inhabitants of the village of Waterloo and its vicinity, in the town and county of Shefford, beg to approach your Excellency with our warmest congratulations on your Excellency's visit to this part of the eastern townships.

We hail with great pleasure the arrival amongst us of the representative of our Most Gracious and beloved Sovereign, and gladly embrace the opportunity of assuring your Excellency of our devoted attachment to Her Majesty's person and government, and of our desire and readiness, on constitutional principles, to maintain inviolate the happy connexion of these provinces with the British Crown.

We have witnessed, with much satisfaction, your Excellency's indefatigable exertions and the success that has attended them, in promoting general and local improvements; and your readiness to sacrifice ease, health, and domestic comforts, in order to become, by personal observation, thoroughly acquainted with the most distant parts of this western Empire, over which, in the providence of God, by the will of our Most Gracious Sovereign, you have been ordained to preside.

We, therefore, welcome your Excellency with the deepest cordiality, and recognize, in the highly appreciated favour of your Excellency's tour through the eastern townships, an omen of their future prosperity and the developement of those resources which hitherto have lain "to fortune and to fame unknown."

We wish your Excellency health and success in all your praiseworthy endeavours, and ay that your Excellency may be guided by unerring wisdom in all your measures for establishing the tranquillity and happiness of these colonies, until, in the completion of what you have so successfully begun, you leave in the record of your administration a monument more durable than brass.

Answer to the above.

I beg you to accept my thanks for your Address.

I have derived great pleasure from my visit to the eastern townships, and from the opportunity it has afforded me of becoming acquainted with this most interesting part of the province.

I shall ever feel a deep interest in its improvement and in whatever may be for the welfare of its inhabitants, and you may confidently rely on my using my best endeavours to promote all measures calculated to effect these objects.

(Copy.)

To His Excellency the Right Hon. C. P. Thomson, Member of Her Majesty's Privy Council, Governor-General in and over the British Provinces of North America, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, the clergy, magistrates, &c., on behalf of the habitants of Melbourne and Shipton, beg leave to approach your Excellency with every feeling of respect and attachment which is due from loyal subjects to the representative of Her Most Gracious Majesty.

We hail your Excellency's arrival in the townships (called the Eastern Townships) with our best congratulations, and beg to assure your Excellency that we duly appreciate every act of your administration which tends to benefit these townships or in anywise to advance the welfare of their inhabitants.

We are not insensible of the difficulties with which your Excellency has had to contend,

upon assuming the reins of the government of a colony recently rent with civil discord and rebellion, we therefore rejoice with your Excellency in the tranquillity which has thus far favoured your administration.

Maintained and defended as we have ever been by Britain and Britain's sons, we should feel wanting in gratitude to our Sovereign did we not avail ourselves of the few opportunities afforded us, in our secluded location, of expressing our filial attachment to Her Majesty and the British Constitution, (which constitution it will ever be our pride to support in its purity).

And while we make this assurance of our attachment to Her Majesty and the Constitution of Great Britain, we more than indulge the hope that your Excellency will in all matters connected with the administration of the government committed to your care, exercise a parental watchfulness over the rights and privileges of Her Majesty's loyal subjects in these townships, thereby strengthening their attachment to the Crown and securing their gratitude to yourself, and their hearty support toward your administration.

Twenty-five Signatures.

Answer to the above.

GENTLEMEN,

I beg you to accept my thanks for your Address.

I rejoice in the opportunity which has been afforded me of visiting this most interesting part of the Province of Lower Canada, and it is gratifying to me to be able personally to assure you that I fully appreciate the loyalty and good conduct by which its inhabitants are distinguished.

Since my assumption of the government of the province, my attention has been particularly directed to this portion of it, and I trust that the measures which I have already adopted will prove conducive to its prosperity. It is my anxious desire to assist in the developement of its resources and to promote the welfare of its inhabitants, and you may confidently rely upon my best exertions for these objects.

(Copy.)

To his Excellency the Right Hon. Charles Poulett Thomson, one of Her Majesty's Most Hon. Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

The undersigned deputation on the part of the inhabitants of the Township of Stanstead beg most respectfully to address your Excellency.

MAY IT PLEASE YOUR EXCELLENCY,

We are proud in having the honour to welcome your Excellency to this portion of Her Majesty's dominions. We are happy to welcome you as the representative of our Most Gracious Sovereign, and we are happier still to welcome you as our Governor, under whose administration we have reason to hope that the anarchy incident to the late rebellion will soon become tranquillized.

And we trust that by the blessing of Providence, through your Excellency's wisdom, our beloved country may soon be (if it is not now) in that peaceful state when we may be again restored to our rights of elective franchise, which, as British subjects, we have inherited.

The efficient aid rendered by Her Majesty's Government to the loyal inhabitants in these provinces, in suppressing the late unnatural rebellion, warrant our confidence that the connexion with Great Britain, which we have ever endeavoured to support, will be through every emergency maintained.

We view with pleasure the unwearied efforts of your Excellency for the political welfare of these colonies, and we therefore deem it not ill-timed to point out to your Excellency, as an evil which cries aloud for redress, that the inhabitants of the Eastern Townships have no power of compelling the non-resident proprietors of large tracts of land to aid in those improvements by which they are equally benefited.

We beg also to state as an improvement which will contribute largely to develope the resources and intrinsic wealth of these townships, the construction of a *railroad* from St. John to the outlet of Memphremagog Lake, connecting so directly the heart of the townships with the grand marts of the St. Lawrence.

We wish your Excellency a pleasant tour through our district, and a happy and fortunate issue of your government.

And when Her Majesty shall be pleased to relieve you of your duties here, we trust you will receive the approbation of your Sovereign and the gratitude of every loyal inhabitant of these provinces. And your Excellency may rest assured of our sincere prayers for your health and happiness.

Twelve Signatures.

Stanstead, 10th August, 1840.

Answer to the above.

GENTLEMEN,

I beg you to receive my thanks for your Address, and for the expression of your kind feelings towards myself.

I assure you that my visit to this part of the province has given me the utmost pleasure, since it has more than confirmed the expectations which I had been led to entertain. The

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fertility and beauty of the country, the advance which has been made in cultivation, and the improvements which I see in progress demonstrate its value, and at the same time afford the best evidence of the industry and intelligence of its inhabitants.

It is to be hoped that those dissensions, from the effects of which you have suffered, will have for ever been terminated; but you may confidently rely upon the continued protection and support of the British Crown, and upon the firm determination of the Queen to maintain the connexion which binds you to her empire.

I rejoice to think that there is every prospect of your being speedily restored to the enjoyment of your constitutional privileges; and if the representations and advice which I have offered shall prevail, those evils of which you so justly complain as arising from the absence of power to enforce improvements will be remedied by the establishment of a well-digested system of local government, which will place the affairs of each district under the control of those who reside within it, and who can best judge of their true interest.

It will afford me sincere satisfaction to consider any plans you may suggest for the improvement of your condition, and you may rely upon my best endeavours to promote your welfare.

(Copy.)

To His Excellency the Right Hon. Charles Poulett Thompson, Governor-General of Her Majesty's possessions in British North America, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, the Undersigned inhabitants of the county of Shefford, respectfully beg leave to welcome your Excellency to this part of the country.

In the Eastern Townships your Excellency beholds a portion of the province eminently abounding in natural capabilities, but therefore indebted for the improvement of them almost entirely to the manual labours of its industrious but scanty population.

In addition to the usual difficulties experienced in a new country in opening the forest and constructing good roads to market, the Eastern Townships have had to contend with those arising from the neglect of local interests and the retardation of public improvements consequent upon the unfortunate political agitations which, under the late form of legislature, distracted the province, resulting in the most deplorable afflictions to some portions of it, and not exempting the townships from that share in the general calamity to which their frontier position rendered them peculiarly exposed.

But we are happy to assure your Excellency that we look with confidence to the comprehensive measures for our relief now under the consideration of the Imperial Government, and more particularly to the spirit of your Excellency's administration—to your Excellency's persevering efforts to calm party agitation, to reconcile political differences, and to point the attention of the people to their real interests,—for a better order of things, for the amelioration of both local and general evils, for the dawn of brighter prospects upon the British North American possessions—while your Excellency's unsparing exertions and expedition to become acquainted by personal observation with every portion of the widely-extended country under your Excellency's government, assure us in the belief that measures for the future developement of the resources of the Eastern Townships will meet with every attention from your Excellency.

We hail with lively satisfaction this opportunity which your Excellency's return from the Lower Provinces by the way of the Eastern Townships affords us of conveying to your Excellency our best wishes for the success of your Excellency's measures, and for the long continuance of your Excellency's health and happiness.

Sixty Signatures.

Frost Village, 11th August, 1840.

Answer to the above.

GENTLEMEN,

I beg you to convey to the inhabitants of the county of Shefford and its neighbourhood, my acknowledgments for their Address, and for their good wishes towards myself.

The visit which I have made to this part of the province, and the opportunity I have thus had of becoming acquainted with its principal features, have given me sincere pleasure, and will stimulate my efforts in favour of whatever may appear conducive to its improvement.

I learn with great satisfaction that the measures which have already occupied my attention with a view to the benefit of the Eastern Townships have met your approbation. I require the assistance of the people to enable me to proceed in that course, but with this co-operation I feel satisfied that this most important district of this country, in which I recognize with so much pleasure a truly British feeling, must attain that station in the province which it so justly merits.

(No. 247.) No. 9.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. Lord SYDENHAM.

My Lord, Downing-street, 25th October, 1840.

No. 9.

I HAVE received your Lordship's despatch, No. 162, of the 27th September, enclosing various addresses which were presented to you during your tour through the eastern townships of Lower Canada, with your replies.

It has afforded me much gratification to perceive the terms in which the inha-

bitants of that important district have acknowledged your Lordship's exertions for their benefit.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. Lord Sydenham,
&c. &c. &c.

(No. 169.) No. 10.

COPY of a DESPATCH from Right Hon. Lord SYDENHAM to Lord JOHN RUSSELL.

My Lord, Government House, Montreal, 2nd October, 1840. No. 10.

IN conformity with the intention expressed in my Despatch of the 27th ultimo, No. 161, I transmit to your Lordship herewith copies of the Addresses presented to me in my progress through Upper Canada, and of the answers returned to them.

I annex a list of those Addresses.

I have, &c.

The Right Hon. Lord John Russell, (Signed) SYDENHAM.
&c. &c. &c.

Enclosure in No. 10.

LIST of Addresses presented to Lord Sydenham in Upper Canada, in August and September, 1840. Enclosure in No. 10.

Date of Receipt.	Place.	Date of Receipt.	Place.
August 19 .	Cornwall.	August 10 .	Toronto.
,, 20 .	Brockville.	,,	,,
,, 21 .	Kingston.	,,	,,
,,	,,	,, 12 .	Niagara.
,, 22 .	Hamilton.		Goderick.
,, 29 .	St. Catherine.	,, 14 .	Barrie.
,, ,, .	Chippewa.	,, 14 .	Medonti and Floss
,, ,, .	Port Robinson.	,, 14 .	Penetanguishine.
Sept. 1 .	Amherstburg.	,, 15 .	Orellia.
,, 1 .	Sandwich.	,, 16 .	Hollands Landing.
,, 2 .	Chatham.	,, 16 .	Hope Village.
,, 4 .	London.	,, 16 .	Township of Mosa.
,, 5 .	St. Thomas.	,, 19 .	Belleville.
,, 5 .	Beechville.	,, 19 .	District of Trent.
,, 5 .	Woodstock.	,, 19 .	Ditto of Prince Edward.
,, 7 .	District of Talbot (Simco)	,, 22 .	Kemptville.
,, 7 .	Mount Pleasant.	,, 22 .	Smith's Falls.
,, 8 .	Brantford.	,, 22 .	Newborough.
,, 8 .	Paris.	,, 23 .	Bytown.
,, 8 .	Galt.	,, 23 .	Ottawa.
,, 8 .	Guelph.	,, 23 .	Richmond.
,, 9 .	Dundas.	,, 24 .	Chatham.
	Oakville (District of Tra-	,, 28 .	Montreal.
,, 10 .	falgar.)	,, 29 .	Sarnia.
	Toronto.		

(No. 252.) No. 11.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. Lord SYDENHAM.

My Lord, Downing-street, 31st October, 1840. No. 11.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 169, of the 2nd October, forwarding copies of various addresses which were presented to you on the occasion of your late tour through Upper Canada, with your replies. I have received and read with great pleasure a series of documents so honourable to your Lordship's public services in Canada, and bearing such ample testimony to the favourable acceptance of them by Her Majesty's Canadian subjects.

I have directed these addresses to be placed with those which you transmitted to me in your despatch, No. 93, of the 25th April for the purpose of being recorded in this office.

I have, &c.

(Signed) J. RUSSELL,

The Right Hon. Lord Sydenham,
&c. &c. &c.

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(No. 3.) No. 12.

COPY of a DESPATCH from the Right Hon. Lord SYDENHAM to Lord JOHN RUSSELL.

My Lord, Government House, Montreal, 16th February, 1841.

No. 12. I HAVE the honour to inform your Lordship that, in pursuance of the authority vested in me by the Royal Commission, and by the Order of Her

No. 1. Majesty in Council of the 10th August last, I on the 5th instant issued a proclamation, a copy of which is enclosed, appointing the 10th instant as the day on which the union of the provinces of Upper and Lower Canada should take effect. On that day I accordingly took the oaths and assumed the office of Captain-General and Governor-in-chief of the United Province, according to the form prescribed by the Royal Commission. I the same day issued a commission to Sir George Arthur, appointing him to discharge the duties of Deputy Governor for that part of the province heretofore Upper Canada, and investing him with all the authority previously belonging to him as Lieutenant-Governor of Upper Canada, with the exception of the use of the great seal.

Sir George Arthur had most kindly consented, at my request, to defer his departure until the middle of next month, and to undertake this duty; and I beg to take this opportunity of expressing to your Lordship my sense of the very generous conduct of his Excellency in thus affording his assistance to prevent inconvenience to the public service, and render more easy the passage from two distinct governments to one.

No. 2. I enclose copies of the official correspondence which has passed between us on this subject.

The considerations which induced me to select the 10th February as the day on which the union should be brought into operation will readily occur to your Lordship. It is the anniversary of the marriage of our Sovereign; it is also peculiarly remarkable in Canadian history, as the anniversary of the conclusion at Paris of the definitive treaty of peace, by which Canada was surrendered to the British Crown; and as the day on which, three years ago, the Act of the British Parliament for the suspension of the constitution of Lower Canada received the Royal assent. It was, moreover, the day on which the Legislature of Upper Canada was last year prorogued, and on which, therefore, had the Act of the 31st Geo. III., cap. 31, remained in force, it would have been necessary that that Legislature should again have come together.

No. 3. On the occasion of the union, I took the opportunity of addressing the inhabitants of Canada generally, through a proclamation, urging on them the necessity of a cordial co-operation of all classes to promote the common welfare, and to carry out the views with which the Imperial Parliament had adopted the measure of reuniting the two provinces. Of this proclamation I enclose a copy.

On the 15th instant I issued a proclamation summoning the Parliament of the United Province to meet at Kingston; the writs to be tested on the 19th instant, and to be returnable on the 8th April.

The meeting of the Legislature, for the dispatch of business, I hope to be able to fix for a day about the middle of May, by which time I expect the water communication will be open, and the arrangements requisite for the accommodation of the two Houses, and of the government departments, completed.

It will of course be necessary, in consequence of the union, to remodel the principal government officers; and to this task I shall immediately address myself. The only appointments which I have hitherto made are, of Mr. Daly, late Provincial Secretary of Lower Canada, and Mr. Harrison, late Civil Secretary of Upper Canada, to be Secretaries for the United Province. Mr. Dunn, late Receiver-General of Upper Canada, I shall appoint immediately Receiver-General of the United Province, as it appears that until such an appointment be made, it will be impossible to draw from the public chest any of the moneys appropriated by law to the public service.

I have nominated as members of my Executive Council Messrs. R. B. Sullivan, J. H. Dunn, D. Daly, S. B. Harrison, C. R. Ogden (Attorney-General for Lower Canada), W. H. Draper (Attorney-General for Upper Canada), Robert Baldwin (Solicitor-General for Upper Canada), and Charles D. Day (Solicitor-General for Lower Canada); and I have to request that your Lordship will submit their names for Her Majesty's approbation. Messrs. Daly, Harrison, Ogden, and Draper have already been sworn in; the others will take the oaths on the first convenient opportunity.

It is my intention hereafter to furnish your Lordship with a report on the

arrangements which I shall make for the future conduct of the Government of Canada, and I shall then state to your Lordship the names of those whom I would submit to Her Majesty to be appointed to the several offices not now mentioned, and I shall explain the alterations which I propose to make for the better conduct of the public business. My arrangements being at present incomplete, I feel that it is more convenient to postpone for a short time such a communication.

I have, &c.

(Signed) SYDENHAM.

The Right Hon. Lord John Russell,
&c. &c. &c

Enclosure 1 in No. 12.

A Proclamation.

Province of Lower Canada. SYDENHAM.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. Enclosure 1 in No. 12.

To all our loving subjects whom these presents may concern, greeting :—

Whereas, for the good government of our Provinces of Upper Canada and Lower Canada, and for the security of the rights and liberties and the preservation of the interests of all classes of our subjects within the same, it is by an Act of Parliament of the United Kingdom of Great Britain and Ireland, made and passed in the Fourth year of our Reign, intituled, "An Act to Reunite the Provinces of Upper Canada and Lower Canada, and for the Government of Canada," amongst other things enacted, that it shall be lawful for us, with the advice of our Privy Council, to declare or to authorize the Governor-General of our said two Provinces of Upper and Lower Canada to declare that the said two Provinces upon, from, and after a certain day, in such Proclamation to be appointed, such day being within 15 calendar months next after the passing of the said Act, shall form and be one province, under the name of the Province of Canada, and thenceforth the said Province shall constitute and be one Province, under the name aforesaid, upon, from, and after the day so appointed as aforesaid. And whereas in pursuance and exercise of the powers so vested in us by the said recited Act, we did on the 10th day of August, 1840, with the advice of our Privy Council, authorize the Governor-General of the said two Provinces of Upper and Lower Canada to declare by Proclamation that the said two Provinces, upon, from, and after a certain day, in such Proclamation to be appointed, such day being within 15 calendar months next after the passing of the said Act, should form and be one Province under the name of the Province of Canada.

Now know ye, therefore, that our right trusty and well-beloved Councillor, Charles Baron Sydenham, our Governor-General of our said two Provinces of Upper and Lower Canada, hath, in pursuance of the provisions of the said recited Act, and under and by virtue of the power and authority by us granted to him as aforesaid determined to declare, and it is by this our Royal Proclamation declared, that the said Provinces, upon, from, and after the 10th day of this present month of February, shall form and be one Province, under the name of the Province of Canada, of which all our loving subjects and all others concerned are to take notice, and govern themselves accordingly.

In testimony whereof we have caused these our letters to be made patent, and the great seal of our said Province of Lower Canada to be hereunto affixed.

Witness our right trusty and well-beloved Charles Baron Sydenham, of Sydenham, in the county of Kent, and Toronto in Canada, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over our Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

At our Government House in our city of Montreal, in our said Province of Lower Canada the fifth day of February, in the year of Our Lord, One Thousand Eight Hundred and Forty-One, and in the fourth yearof our reign.

(By command.) (Signed) D. Daly,
Secretary of the Province.

Enclosure 2 in No. 12.

(Copy.)

Sir, Government House, Montreal, 5th February, 1841.

I have the honour to enclose, for your Excellency's information, copy of the proclamation which I have this day issued, fixing the union of the provinces of Upper and Lower Canada for Wednesday the 10th instant, on which day I propose to open Her Majesty's commission and take the oaths prescribed as Governor of the Province of Canada. Enclosure 2 in No. 12.

Your Excellency having consented, at my earnest request, and with that regard to the interests of the public service which has so eminently distinguished all your acts, to defer your departure from Toronto for a short time, I shall have the honour, immediately after I shall have been sworn in, of forwarding to you a commission, under the powers confided to me, by which your Excellency will be enabled to exercise all the powers heretofore assigned to you, with the exception of affixing the great seal of the province, which is not transferable.

I have, &c.

His Excellency, Major-general Sir George Arthur, (Signed) Sydenham.
&c. &c. &c.

CANADA.

(Copy.)

My Lord, Government House, Toronto, 10th February, 1841.

I HAVE the honour to acknowledge the receipt, during the night of the 8th instant, of your Lordship's Despatch of the 5th instant, enclosing a copy of the proclamation issued on that day, fixing the reunion of the Provinces of Upper and Lower Canada for the 10th instant—this day.

Your Lordship's proclamation was read yesterday before the Executive Council; and I beg to enclose a copy of the Gazette Extraordinary in which the proceedings on the occasion are published.

A royal salute has this day been fired in honour of this great event.

In accordance with your Lordship's earnest request that I should defer my departure from Canada for three weeks or a month, I shall cordially meet your Excellency's wishes, and postpone it until the 10th of March, in the hope that it may be in my power to be of some use before your machinery is perfected for carrying on the government under the new system that must necessarily be introduced—but I beg your Lordship will permit it to be understood that the gratification I shall feel from being useful is the only personal advantage which I desire to derive from postponing my departure from Canada.

I have, &c.

His Excellency the Right Hon. Lord Sydenham, &c. &c. &c. (Signed) GEORGE ARTHUR.

Enclosure 3 in No. 12.

PROVINCE OF LOWER CANADA. SYDENHAM.

Enclosure 3 in No. 12.

His Excellency the Right Honourable CHARLES Baron SYDENHAM, of Sydenham, in the county of Kent, and Toronto in Canada, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same;

A PROCLAMATION.

IN obedience to the commands of the Queen, I have this day assumed the government of the Province of Canada. Upper and Lower Canada, separated for 50 years, are once more reunited, and henceforward form one province, under one administration.

On my arrival in Lower Canada I declared that one of the main objects of my mission was to put an end to the suspension of the constitution of that province, and to restore to its inhabitants the full benefit of British institutions. That object is accomplished. By the Imperial Act, which fixes the union, representative government is again established, and that control by the people over their own affairs, which is deemed the highest privilege of Britons, is once more restored to them. The Act which provides for this affixes certain conditions to the grant, over which the Provincial Legislature can exercise no authority, while it leaves to the final arbitration of that Legislature all questions but those which the Imperial Parliament in its wisdom has deemed essential itself to determine—the legislative reunion, the establishment of a secure and firm administration of government, and the maintenance of the due relations of colony and parent state. Efforts have been sedulously made to deceive the unwary, and especially some of our fellow-subjects of French origin, upon this point, to represent these provisions as injurious, to treat them as susceptible of change here, and to excite opposition, which can only prove as mischievous as it must be useless.

I rely, however, on these efforts proving unavailing; and I appeal with confidence to the loyalty and good sense of the inhabitants of Lower Canada, of whatever origin, so to use the power which is now again committed to their hands as to justify the trust which our Sovereign and the Imperial Parliament have reposed in them, and cordially to join in an endeavour to promote the common interest of the United Province.

In Upper Canada the sense of the people was declared, fully and freely through their constitutional organs, upon the great question of the union itself, and on the principles on which it should be based. Those principles have been adopted by the Imperial Parliament; and it will ever be matter of the utmost gratification to me that my humble efforts have aided in perfecting a measure securing, as I firmly believe, to that province which I regard with feelings of affection as well as interest, advantages which it could attain by no other means.

Inhabitants of the Province of Canada! henceforward may you be united in sentiment, as you are from this day in name. Who can visit, as it has been my good fortune to do, the extensive regions which are now united in one common denomination, and fail to acknowledge the vast resources they present for all that can conduce to the comforts and happiness of man? A part of the mighty empire of England, protected by her arms, assisted by her treasury, admitted to all the benefits of trade as her citizens, your freedom guaranteed by her laws, and your rights supported by the sympathy of your fellow-subjects there—Canada enjoys a position unsurpassed by any country in the world.

It is for you, its inhabitants, to cultivate these advantages, to avail yourselves of the new era which now opens upon you. Our gracious Sovereign and the people in England watch with anxiety the result of the great change which has to-day received its completion. It is the first wish of the Queen to rule in the hearts of her subjects, and to feel that they are contented and prosperous under her mild and just sway. Her Parliament and Government, in conferring on you new institutions, have sought only your happiness and advantage. In your hands rests now your own fate; and by the use which you will make of the opportunity must it be decided. May the All-wise Disposer of events so ordain your acts, that they may tend to the

promotion of peace and happiness amongst you; and may He pour his blessing upon that union of which it is my pleasing duty this day to announce to you the completion.

Given under my hand and seal at arms at the Government-house, in the city of Montreal, in the said Province of Canada, the tenth day of February, in the year of our Lord one thousand eight hundred and forty-one, and in the fourth year of Her Majesty's reign.

By command,

(Signed) D. DALY, Secretary of the Province.

(No. 345.) No. 13.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. Lord SYDENHAM.

My Lord, Downing-street, 27th March, 1841.

I HAVE received your Lordship's Despatch, No. 3, of the 16th of February, with its enclosures, reporting your proceedings for proclaiming the re-union of the two provinces of Upper and Lower Canada. No. 13.

Having laid this Despatch before the Queen, I have received Her Majesty's commands to signify to you her gracious approval of your Lordship's conduct, and of the proclamations which you issued on the 5th and the 10th of February.

The latter proclamation appears to me to have been well adapted for the purpose which it had in view, of exhorting all classes of inhabitants to disregard unwise counsels, and to avail themselves of the present favourable opportunity, when representative Government is restored to them, to co-operate cordially with each other in promoting those measures of public importance which will conduce to the common welfare of the province.

Her Majesty's Government must fully appreciate the conduct of Sir George Arthur in consenting to defer his departure from the province, and assuming the subordinate office of Lieutenant-governor of Canada. I believe, however, that I shall best explain the sense of approval which the Queen and her ministers entertain towards Sir George Arthur for this couduct by communicating to you a Copy of the Despatch which I wrote to that officer by the last mail on this subject. Page 32.

The names of the gentlemen whom you have nominated as members of your Executive Council will be submitted to the Queen, at the first Council, for Her Majesty's approval; and on receiving that approval, the necessary instruments of appointment will be made out, and sent to your Lordship.

With regard to the appointments of Mr. Daly, Mr. Harrison and Mr. Dunn, to the respective offices to which you have named them, I have only on this occasion to signify my approval of those appointments, and to acquaint you that I have given directions for the immediate preparation of the usual Warrants.

I have, &c.,

The Right Hon. Lord Sydenham, J. RUSSELL.

&c. &c. &c.

No. 97. No. 14.

COPY of a DESPATCH from Sir GEORGE ARTHUR to Lord JOHN RUSSELL.

My Lord, Government House, Toronto, 10th February, 1841.

I HAVE the honour to communicate to your Lordship, that during the night of the 8th instant I received from the Governor-general his Lordship's proclamation of the 5th instant, fixing the re-union of the provinces to take effect from this day. No. 14.

This instrument was yesterday read before the Executive Council, and the proceedings on the occasion are contained in the accompanying Gazette.

Copies of Lord Sydenham's Despatch to me upon the subject, and of my answer, are enclosed, by which your Lordship will perceive, with reference to a private correspondence that had passed between the Governor-general and myself, that I have, at Lord Sydenham's earnest request, consented to remain in Canada for a few weeks as his Lordship's deputy, whilst the new system for carrying on public business incident to the Union is being brought into operation. For Lord Sydenham's Proclamation, &c., vide Enclosures 1 and 2 in No. 12, page 29.

Many considerations render this arrangement very undesirable to myself, and I have, indeed, a feeling respecting its propriety, after administering the government under Her Majesty's Commission, which I cannot entirely overcome. At the same time I believe it is difficult, under any circumstances, to be very much in the wrong when personal considerations are made entirely subservient to the public interest.

The seal of Upper Canada I shall have the honour to return to your Lordship at an early period, and I am most grateful to a merciful over-ruling Providence that my administration of its government is closed in peace, whilst the Addresses I have

received, and the general kind feeling at this time otherwise manifested towards me, by moderate men of all parties, afford me reason to hope that I have succeeded in the one great object which I have undeviatingly aimed at since my arrival in the country.

I have had many serious difficulties to contend with, but I discharge a most gratifying duty in assuring your Lordship that those difficulties have been greatly decreased by the cordial support which I have at all times received from Her Majesty's subjects throughout my government.

I have, &c.
(Singed) GEORGE ARTHUR.

The Right Hon. Lord John Russell,
&c. &c. &c.

(No. 145.) No. 15.

COPY of a DESPATCH from Lord JOHN RUSSELL to Sir GEORGE ARTHUR.

Sir, Downing-street, 20th March, 1841.

No. 15. I HAVE received your Despatch of the 10th of February, No. 97, announcing the Proclamation at Toronto of the Union of the Canadas, and informing me that you had consented to act under Lord Sydenham's Commission, as Deputy-Governor of Upper Canada, for some few weeks in order to diminish, as much as possible, the difficulties which may occur on the immediate change of the system of Government.

I subscribe to your opinion that it is "difficult, under any circumstances, to be very much in the wrong when personal considerations are made entirely subservient to the public interest." In submitting to appear in an inferior rank, and in a subordinate character in the great province in which you have for some years past held the highest place of authority, you have given the most forcible illustration of the truth of this remark. From such a seeming degradation, men actuated by vanity or vulgar ambition would, of course, have shrunk. You have judged much more wisely in attaching real dignity to the prosecution of objects of eminent public usefulness, regardless of misconstructions to which for the moment you may be exposed. Highly appreciating the motives of your conduct, it has afforded me great pleasure to lay your Despatch before the Queen, and I have received Her Majesty's Commands to convey to you the expression of her entire approbation of your conduct in this instance. It is gratifying to me to know that the last act of your administration has thus been in perfect harmony with the spirit with which it has been conducted from the commencement; and that you will quit British North America in full possession of the confidence of Our Gracious Sovereign.

I have, &c.,
J. RUSSELL.

The Right Hon. Sir George Arthur,
&c. &c. &c.

(No. 16.) No. 16.

COPY of a DESPATCH from the Right Hon. Lord SYDENHAM to Lord JOHN RUSSELL.

My Lord, Government House, Montreal, 6th March, 1841.

No. 16. I HAVE the honour to inform your Lordship that in execution of the duty imposed on me by the 21st clause of the Union Act, I, on the 27th ultimo and 4th instant, issued proclamations defining the limits of the several cities and towns in the Province of Canada. Of these proclamations I enclose copies for your Lordship's information.

No. 1.

No. 2.

On the 1st, which defines the limits of the cities and towns in that part of the province heretofore Upper Canada, it is scarcely necessary for me to make any observation. I have not deemed it necessary to make any alteration in the bounds of such as them as returned representatives to Parliament before the Union Act, and I have only been called therefore to assign such limits to the new Borough of Bytown, as seemed best fitted for the object.

In this part of Canada I was obliged to pursue a different course. There are attached to the cities, both of Montreal and Quebec, very extensive suburbs, inhabited generally by a poor population, unconnected with the mercantile interests to which those cities owe their importance. Had these suburbs been brought within the electoral limits, the number of their population would have enabled them to return one, if not both, of the members for each city. But such a result would have been directly at variance with the grounds on which increased representation

was given by Parliament to these cities. On referring to the discussions which took place in both houses when the Union Bill was before them, I find that Members on all sides laid great stress on the necessity of securing ample representation to the mercantile interests of Canada, and that with this view it was even proposed that the Boards of Trade in the respective cities should elect representatives. It is also to be remarked that in this part of the province, formerly Lower Canada, it is to these two cities of Montreal and Quebec alone that the mercantile interests can look for "representation," as the counties are purely agricultural, and the influence which can be exercised in them by any of the mercantile body is next to nothing.

Feeling myself, therefore, bound in duty to carry out the views of the British Parliament in this matter, I was compelled in fixing the limits of Quebec and Montreal, to transfer to the county a large portion of the suburbs of each. It had at first been proposed to take as the limits the boundaries of the ancient cities, but having found, on inquiry, that there was a population in a portion of the suburbs who might fairly be considered as connected with the commercial interest, I was happy to be able to extend the limits so as to include them.

In the limits of the borough of Three Rivers, I did not make any change, as they appear well enough suited to the purpose, that place being scarcely to be considered a place of trade.

To the new borough of Sherbrooke I assigned pretty extensive limits so as to comprehend the village of Lennoxville, distant about three miles from that of Sherbrooke. The population of the whole borough will be of course agricultural, but of this I conclude that Her Majesty's Government must have been aware when they added it to the list of places impowered to return members to the United Parliament, and under the limits I have assigned I should hope that the constituency may not prove very limited.

As it is possible that this subject may be adverted to in Parliament, I have thought it my duty to explain to your Lordship the grounds on which I have acted.

(Signed) I have, &c.
SYDENHAM.

The Right Hon. Lord John Russell,
&c. &c. &c.

Enclosure in No. 16.

No. 1.

PROVINCE OF CANADA. SYDENHAM. Enclosure in No. 16.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To all to whom these presents shall come, or whom the same may concern, greeting:—

WHEREAS in and by the Act of Parliament of the United Kingdom of Great Britain and Ireland, made and passed in the session held in the third and fourth years of our reign, and intituled, "An Act to Reunite the Provinces of Upper and Lower Canada, and for the Government of Canada," it is, among other things, in effect, enacted, that for the purpose of electing their several representatives to the Legislative Assembly of our said province, the cities and towns hereinafter named shall be deemed to be bounded and limited in such manner as the governor of our said province, by letters patent under the great seal thereof, to be issued within thirty days after the union of our late provinces of Upper Canada and Lower Canada, under the provisions of the said Act, shall set forth and describe.

And whereas, by our royal proclamation issued under the provisions of the said Act, and bearing date at our city of Montreal, in our late province of Lower Canada, on the 5th day of February, in the year of our Lord one thousand eight hundred and forty-one, it was declared, that our said late provinces of Upper Canada and Lower Canada should, upon, from, and after the 10th day of this present month of February, form and be one province, under the name of the province of Canada; know ye, therefore, that our right trusty and well-beloved the Right Honourable Charles Baron Sydenham, of Sydenham, in the county of Kent, and of Toronto, in Canada, our governor of our said province of Canada, by virtue of the power in him vested by the said Act of the Imperial Parliament, hath declared, appointed, and directed, and by this our Royal Proclammation, doth declare, appoint, and direct, that, for the purpose of electing their several representatives to the Legislative Assembly of our said province, the cities and towns hereinafter mentioned, shall be respectively deemed to be bounded and limited in the manner hereinafter set forth, that is to say;—

The town of Kingston shall be bounded and limited as follows:—commencing on Lake Ontario, in the limit between lots number 24 and 25, in the township of Kingston, at the south-west angle of the said lot number 25, then north 107 chains 50 links, more or less, to the northern limits of the lands granted to Magdelin Ferguson, then east 61 chains, more or less, to the river Cataraqui, thence along the water's edge of the said river Cataraqui and Lake Ontario, southerly and westerly to the place of beginning.

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The city of Toronto shall be bounded and limited as follows, to wit: all that part of the county of York which lies within the following limits, that is to say, commencing at the distance of one chain, on a course south 16 degrees east from the south-westerly corner of lot number two, in the first concession from the bay in the township of York, in the county of York, thence southerly in the direction of the side line between lots number two and three in that concession to the distance of 500 feet from the point at which the said line intersects the margin of the water on the shore of Lake Ontario, thence westerly through the waters of Lake Ontario, following the direction of the curvatures of the shore, and keeping always at the distance of 500 feet from the margin of the water till the point is attained, which is 500 feet from the north-westermost point of the island or peninsula forming the harbour, thence across the bay or harbour of York to a point where a line drawn southerly from the north-easterly corner of Park Lot, number 29, in the said township of York, in the direction of the easterly boundary line of the said Park Lot, intersects the margin of the water on the shore of the Lake Ontario, thence northerly in the direction of the said line so drawn from the said corner of the said Park Lot, through the said corner to the point at which the said line so drawn through the said corner intersects the northerly boundary line of the allowance for road between the Park Lots and the second concession from the bay in the said township of York, thence easterly along the said northerly boundary line of the said allowance for road to the easterly shore or water's edge of the River Don, thence southerly along the water's edge on the eastern side of the said river to the point where the said water's edge intersects the southerly boundary line of the allowance for road in front of the said first concession, thence easterly along the southerly boundary line of the allowance for road in front of the said first concession to the place of beginning, (except so much thereof as by certain indentures, bearing date the 10th day of December, one thousand eight hundred and twenty-eight, the 19th day of May, the 15th day of August, and the 2nd day of December, one thousand eight hundred and twenty-nine, respectively, has been conveyed to the University of King's College, or the chancellor, president, and scholars thereof, shall from henceforth constitute the city of Toronto, and the liberties thereof.

The town of Niagara shall be bounded and limited as follows:—commencing at Mississagua Point, thence westerly along Lake Ontario to Crookston, thence along the rear or town-line of Niagara to the Black Swamp Road, thence along the eastern limit of the lands of the late Thomas Butler, Esquire, deceased, and the lands of Panet Hingerland, to the north-west angle of the lands of John Eccleston, thence easterly to where the lands of William Dickson, Esquire, and the late Martin Maclennon, deceased, came in contact, thence east along the northern boundary of the lands of the said Martin Maclennon, deceased, to the River Niagara, thence easterly down said River Niagara to the place of beginning.

The town of Hamilton shall be bounded and limited as follows:—commencing at the north-east corner of broken lot number 13 in the first concession of Barton at the water's edge of Burlington Bay, thence along the shore of the said bay to the north-west corner of lot number 16, thence southerly along the allowance for road between lots number 16 and 17 to the allowance for road in rear of the third concession, thence easterly along the said allowance to the aliowance for road between lots numbers 13 and 12, thence along the said allowance to Burlington Bay to the place of beginning.

The town of London shall be bounded and limited as follows:—commencing on the north branch of the river Thames between the second and third concessions of the township of London at the north-west angle of the said town of London, then north 68 degrees 30 minutes east 150 chains, more or less, to the limit between lots numbers 11 and 12 of said township, then south 21 degrees 30 minutes east 211 chains, more or less, to the river Thames; then westerly and northerly along the said river to the Forks near Dundas-street, forming the north branch of the said river, then along the waters of the said north branch in a northerly direction to the place of beginning.

The town of Brockville shall be bounded and limited as follows:—commencing on the river Saint Lawrence in the limit between lots numbers 9 and 10 of the township of Elizabethtown, thence north 24 degrees west 54 chains, more or less, to the centre of the first concession, thence south 55 degrees west 80 chains, more or less, to the limit between lots numbers 13 and 14, thence south 24 degrees east 56 chains, more or less, to the river Saint Lawrence, then easterly along the water of the Saint Lawrence to the place of beginning.

The town of Cornwall shall be bounded and limited as follows:—commencing at the north-west angle of the said town in the western limit of Cumberland-street on the river Saint Lawrence, thence north 16 degrees west 92 chains, more or less, to the northern limit of Ninth-street, then north 74 degrees east 80 chains, more or less, to the eastern limit of Marlborough-street, then south 16 degrees east 106 chains, more or less, to the said river Saint Lawrence, then westerly along the water of the said Saint Lawrence to the place of beginning.

The town of Bytown shall be bounded and limited as follows, to wit:—commencing at the western shore of the river Rideau in the limit between lots lettered E and F in the broken concession D on the river Rideau in the township of Nepean, then south 66 degrees west 175 chains, more or less, to the limit between lots numbers 39 and 40 in the first concession from the Ottawa of the said township of Nepean, then north 16 degrees west 91 chains, more or less, to the river Ottawa, then easterly and north-easterly following the waters of the same with the stream to the mouth of the river Rideau, then following the waters of the said river Rideau against the stream to the place of beginning —of which all our loving subjects, and all others concerned, are to take notice, and govern themselves accordingly.

In testimony whereof we have caused these our letters to be made patent, and the great seal of our said Province of Canada to be hereunto affixed.

Witness our right trusty and well-beloved the Right Honourable Charles Baron Sydenham, of Sydenham, in the county of Kent, and of Toronto, in Canada, one of our Most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over our Provinces of Canada, Nova Scotia, New Brunswick, and the island of Prince Edward, and Vice-Admiral of the same.

At our Government House in our City of Montreal, in our said Province of Canada, the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and forty-one, and in the fourth year of our Reign.

By Command,

T. W. C. MURDOCH,

Secretary of the Province.

No. 2.

PROVINCE OF CANADA, SYDENHAM.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To all to whom these presents shall come, or whom the same may concern, greeting :—

WHEREAS in and by the Act of the Parliament of the United Kingdom of Great Britain and Ireland made and passed in the Session held in the third and fourth years of our Reign, and intituled, " An Act to Reunite the Provinces of Upper and Lower Canada, and for the Government of Canada," it is among other things in effect enacted, that for the purpose of electing their several Representatives to the Legislative Assembly of our said Province, the cities and towns hereinafter mentioned shall be deemed to be bounded and limited in such manner as the Governor of our said Province, by letters patent under the great seal thereof, to be issued within 30 days after the Union of our late Provinces of Upper Canada and Lower Canada, under the provisions of the said Act, shall set forth and describe :—

And whereas, by our Royal Proclamation issued under the provisions of the said Act, and bearing date at our city of Montreal, in our late Province of Lower Canada, on the fifth day of February, in the year of our Lord one thousand eight hundred and forty-one, it was declared, that our said late Provinces of Upper Canada and Lower Canada should, upon, from, and after the tenth day of the then present, and now last past month of February, form and be one Province, under the name of the Province of Canada: Know ye, therefore, that our right trusty and well-beloved the Right Honourable Charles Baron Sydenham, of Sydenham, in the county of Kent, and of Toronto, in Canada, our Governor of our said Province of Canada, by virtue of the power in him vested by the said Act of Parliament, hath declared, appointed, and directed, and by this our Royal Proclamation, doth declare, appoint, and direct, that for the purpose of electing their several representatives to the Legislative Assembly of our said Province, the cities and towns hereinafter mentioned shall be respectively deemed to be bounded and limited in the manner hereinafter set forth, that is to say,—

The city and town of Quebec shall, for the purposes aforesaid, consist of and comprehend all that part of the county of Quebec contained within the following boundaries and limitations, to wit :—commencing at the southern angle of the citadel on Cape Diamond, and continuing thence northerly along the westerly line of the fortifications, to the north-westernmost external angle thereof, and thence on a northerly course to the middle of St. Vallière Street; thence easterly along the same to the middle of St. Nicholas Street; thence northerly, following the middle of the said last-mentioned street, and continuing the same direction to the river St. Charles, at low water; thence easterly, following the course of the said river to the place of its junction with the river St. Lawrence, and thence southerly and south-westerly along the latter river to the former western boundary line of the city; thence northerly along a section of the said boundary line to the foot of the cape or highlands, near Cape Blanc; thence returning, following along the foot of the said cape downwards; and thence to the foot of Cape Diamond, opposite the aforesaid southerly angle of the citadel, in such manner as to include all that interval of land lying between the said river St. Lawrence and the said capes or highlands, commonly known as the continuation of Champlain Street; and thence in a north-western direction to the said southerly angle of the citadel, being the point of departure first above mentioned.

The city of Montreal shall for the purposes aforesaid, consist of and comprehend all that part of the island and county of Montreal contained within the following boundaries and limitations, to wit :—commencing on the westerly bank of the river St. Lawrence, at a point opposite the termination of Lacroix Street, and proceeding thence in a north-westerly direction, along the centre of the said street, and following the course of the north-westernmost section thereof, to the small creek or rivulet passing in rear of Perthus Street; thence south-westerly and southerly, following and continuing along the easternmost side of the said creek or rivulet, through the whole extent of Craig Street, and onward to the middle of St. Joseph Street in the Recollect Suburbs; thence south-westerly along the middle of St. Joseph Street to the street running south-easterly therefrom, commonly designated as Colborne Street; thence south-easterly along the last-mentioned street to Wellington Street, thence southerly along the same to the Lachine Canal; thence north-easterly and northerly, following the westerly side of the said canal to the place of its conjunction with the River St. Lawrence, and continuing thence downwards along the said river to the point of departure first above mentioned.

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The town of Three Rivers, for the purposes aforesaid, shall be bounded and limited as follows, to wit: shall comprehend all that tract or parcel of land (being part and parcel of the aforesaid county of St. Maurice) bounded in front by the river St. Lawrence, and in the rear by a line parallel to the general course of the said front, at the distance of 160 chains from the westerly point of the mouth of the river St. Maurice; on the easterly side by the said river St. Maurice, and on the westerly side by a line rectangular to the aforesaid rear line, running from a point therein at the distance of 160 chains from the westerly bank of the said river St. Maurice until is strikes the said river St. Lawrence.

The town of Sherbrooke, for the purposes aforesaid, shall be bounded and limited as follows, to wit: shall comprehend all that part of the township of Ascot, in the district of St. Francis, which is contained in the fifth and sixth ranges of the said township, from lot number 10 to lot number 17, inclusively, and in the seventh and eighth ranges thereof from lot No. 14 to lot No. 22 inclusively; also all that part of the township of Orford, in the said district, which is contained in the first and second ranges thereof inclusively; the above parts and sections conjointly including and circumscribing the said town of Sherbrooke and the adjacent village of Lennoxville, with their respective vicinities. Of which all our loving subjects, and all others concerned, are to take notice, and govern themselves accordingly.

In testimony whereof we have caused these our Letters to be made Patent, and the Great Seal of our said Province of Canada to be hereunto affixed.

Witness our right trusty and well-beloved the Right Honourable Charles Baron Sydenham, of Sydenham, in the county of Kent, and of Toronto, in Canada, one of our most honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over our Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

At our Government House in our city of Montreal, in our said Province of Canada, the fourth day of March, in the year of our Lord One thousand eight hundred and forty-one, and in the fourth year of our Reign.

(By command.) T. W. C. MURDOCH,
Secretary of the Province.

(No. 42.) No. 17.

COPY of a DESPATCH from the Right Hon. Lord SYDENHAM to Lord JOHN RUSSELL.

No. 17. My Lord, Government House, Montreal, 6th April, 1841.

I HAVE the honour to inform your Lordship that I have this day issued a Proclamation proroguing the Provincial Parliament from the 8th instant to the 26th of May next, then to meet at Kingston for the despatch of business. This is the earliest day at which, in consequence of the lateness of winter weather this year, it appeared possible to convoke the meeting, and with reference to the period of the Assizes in Upper Canada, it would have been desirable to have postponed it for 10 or 12 days more, but I feel extremely desirous to assemble the Parliament at the earliest possible moment, and therefore I determined on overlooking this last consideration.

I have, &c.

The Right Hon. Lord John Russell, (Signed) SYDENHAM.
&c. &c. &c.

(No. 369.) No. 18.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. Lord SYDENHAM.

No. 18. My Lord, Downing-street, 3rd May, 1841.

THE Despatches which I have received from you on the general state of the province of Canada, the reports with which you have furnished me on several important subjects, and the approaching meeting of the Council and Assembly of the United Province, have induced me to explain to you at this time the views which Her Majesty's Government entertain on the topics most interesting to the welfare of Canada.

In any measures that may be adopted it must be taken for granted that Her Majesty persists in the determination to maintain at all hazards Her Royal authority in Canada. Neither the honour of Her Majesty's Crown, nor the support due to Her loyal subjects in British North America, nor the provident care of the interests of the empire at large would permit any deviation from this fixed principle of British policy.

At the same time Her Majesty's advisers are not insensible to the difficulties imposed upon them in carrying into execution the purpose of the Crown. A province bordered by an open frontier of more than a thousand miles, approached with ease at all times by the citizens of a neighbouring and powerful state, separated from England not only by the ocean but by the rigours of climate and season, must

be maintained by a judicious preparation for defence in time of peace, and a vigorous exertion of the resources of the empire in time of war—or not at all. To trifle with the fortunes of men whose lives and properties are freely devoted to the service of England, or to encourage foreign aggression by neglect or apathy would be far worse than the spontaneous surrender of these important possessions of the Crown. The Canadians might in such a case incur no risk, no blood need be shed, and the treasures of the empire might be spared. The other course would be cruel to a brave people, and unbecoming the character of the country.

But, as I have already said, we have no alternative. We have only to consider the means of binding Canada more firmly to this country, of developing her resources, of strengthening her British population, of defending her territory, and of supporting and encouraging the loyal spirit of her people.

In this spirit, then, I shall touch upon the principal topics connected with these views:—

1. Finance.

You have stated the debt of the United Province to amount to 1,226,000*l.*, and with the sum required to complete public works necessary for the free passage between the western portion of the province, the St. Lawrence and the sea, to about 1,500,000*l.*

The Queen's Government coincide in your views of the expediency of making such an arrangement as may employ the credit of this country for the benefit of the finances of Canada, and have given their best consideration to the plan proposed in your Despatches. They are of opinion that such an arrangement, if it can be carried into effect, with the consent of the creditors, would be in every way desirable, but they feel that the objections to a Bill, compelling parties to receive payment of their money in breach of agreements entered into with them by competent authority, are insuperable.

Her Majesty's Government are ready to give any assistance in conformity with your proposal which does not appear to them inconsistent with good faith. They are ready to propose to Parliament to guarantee a loan which may be required for public works (under the restrictions suggested by you), for the repayment of such part of the debt as may be now redeemable, or may be held by creditors, who shall declare themselves willing to accept reasonable terms.

With regard to this latter sum, it appears to the Government most expedient that you should fix such terms as you may consider sufficient to induce the creditors to accept the proposed equivalent (not of course exceeding 100*l.* for every nominal 100*l.* lent); that you should make known such tender in such way as may appear to you most advisable, giving the holders sufficient notice and information, and fixing a given day before which the willingness of the parties to accept such offer should be sent in.

To do this an Act of the Canada Legislature will be necessary, and when that is obtained the subsequent arrangements might be made; or, through some party deputed on the part of the Canadas to this country with full instructions.

It may, perhaps, be also expedient at the same time by law to enable trustees, &c. to account as in cases where the interest of loans are received in this country. Upon receiving the information of the assent of the parties accepting the terms proposed, the necessary means may be taken in this country to raise the requisite funds; and it may be expedient that you should fix the day for the paying off such assenting creditors and other claims at a time when the Parliament of this country is sitting; for should it be necessary to have recourse to a loan, such a measure has always been considered open to objection during the prorogation of Parliament.

2. Defence.

I have perused with great interest the enclosures in your Despatch of 24th December, containing reports from Lieutenant-General Sir Richard Jackson, and Colonel Oldfield, the commanding officer of engineers, on this subject.

The question is one of so much importance, that I was not satisfied with referring your Despatch to the Master-General and Board of Ordnance, but I also asked the opinion of the Commander-in-Chief, and requested him to consult the Duke of Wellington, whose high authority on every military subject is in this instance of peculiar weight, from the attention he has for many years given to this

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matter, both on political and on military grounds. Their opinions are transmitted with this Despatch.

Her Majesty's Government agree in opinion with Lord Hill and Sir Richard Jackson, that " no dependence upon the decided superiority of our troops, and arrangements made for defence connected with them, should lead us to neglect the construction and completion of permanent works calculated for the protection of the points of most importance to us."

They likewise concur in his Lordship's opinion, that in the event of the construction of these or any other works, a large effective regular force, and a militia, registered and enrolled, but not called from their districts, except in case of invasion, will be indispensable.

But it cannot be reasonably expected that works on a large scale should be undertaken without reference to the great expense to be incurred.

I have therefore to inform you that the Government are prepared to state their opinion that, beyond the ordinary estimates of the year, 100,000*l.* should yearly be applied for the defence of Canada. At present, this sum is nearly absorbed in the maintenance of the militia and volunteers. But by a more economical plan this expense might be greatly diminished, and a great portion of the sum of 100,000*l.* left for the improvement of military communications, and the erection or repair of fortifications.

You will hear further from me on this point when I have more fully considered the various plans proposed.

3. Emigration.

I have read with great interest your Despatches on this subject, and I agree with you in opinion that it would not be wise for this country to engage to convey emigrants to Canada at the public expense. But neither can I agree that this country ought to pledge itself indefinitely to the expense of maintaining the emigrants in Canada till they are able to obtain employment.

I quite concur, however, in the sense you entertain of the importance of the object.

It is a hardship to Canada that she should be obliged to maintain the pauper emigrants from the United Kingdom who arrive in a state of destitution and disease. But this object was formerly provided for by the imposition of the emigrant tax, and I think the renewal of this tax should be recommended to the Legislature of Canada.

I have recommended to the Treasury that the expense thus incurred by the emigrant should, in consideration of the great political advantages likely to flow from emigration to Canada, be defrayed by this country.

Supposing a tax of 5*s.* a-head, 32,000 emigrants might be freed from the tax for 8,000*l.* This is a sum which I think Parliament might be asked to vote for so important an object. The tax might then be paid in Canada, not by the captain of the passenger ship, but by the Commissary-General, on proper vouchers of the number of emigrants landed.

In this case, the only emigrants paid for must be those whose fitness for emigration had been previously attested by an emigration agent in this country.

The emigrant tax would then act as a check, and very properly so, on those who could not obtain the attestation required.

I have now adverted to the three principal topics to which I have called the attention of the Queen's confidential servants. There are many others of great importance to the welfare of Canada, but upon which I am anxious to receive your reports before proceeding further.

Of this kind are the engagements of the Land Companies, and the future disposal of the Crown Lands.

The means of communication for commercial purposes within the British territory, through the whole length of Canada, must always be a matter of the highest interest, both to Canada and to this country. But it seems to me that with a Legislature in Canada disposed to co-operate with the Queen and the Parliament of the United Kingdom in developing her vast and unexplored resources, there is every hope that we shall behold the prosperity of that noble province augment every year, and add more and more to the strength and stability of the empire.

I have, &c.,

The Right Hon. Lord Sydenham, &c. &c. &c.

(Signed) J. RUSSELL.

No. 66. No. 19. CANADA.

Copy of a DESPATCH from the Right Hon. Lord Sydenham to Lord John Russell.

My Lord, Government House, Kingston, 1st June, 1841. No. 19.

I have the honour to inform your Lordship that in consequence of the continued lateness of the season, and the consequent delay in the completion of the arrangements necessary for the accommodation of the Legislature, I was compelled to postpone to the 14th instant the meeting which, as I informed your Lordship, had been fixed for the 26th ultimo. This postponement I was the less unwilling to sanction as it was generally called for by the Members of both Houses who are engaged in agricultural pursuits, and was likewise more convenient to such of them as were connected with the bar of Upper Canada, the assizes not terminating before the 12th instant. My decision has, in another respect, been fortunate, as owing to the state of my own health it would not have been in my power, as it has since turned out, to have reached Kingston in time to meet Parliament on the day first fixed by me.

I left Montreal on the 26th ultimo, and arrived here on the 28th. I enclose, for your Lordship's information, copies of the several addresses presented to me on my arrival, with the answers which I returned to each.

I have, &c.
(Signed) SYDENHAM

The Right Hon. Lord John Russell,
&c. &c. &c.

Enclosure in No. 19.

To the Right Hon. Charles Baron Sydenham, of Sydenham, in the County of Kent, and of Toronto in Canada, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, &c. &c. &c. Enclosure in No. 19.

May it please your Excellency,

We, the members of the Board of Trade of the town of Kingston, beg leave most respectfully to welcome your Excellency on your arrival at the metropolis of Canada.

It is a source of gratulation to the commercial community generally, that one so well versed in the principles of trade as your Excellency should have been chosen to preside over the affairs of this country, the resources of which are unbounded, and which we feel certain your Excellency is of opinion only need developing in order to make Canada one of the most valuable possessions of the British Crown.

We are fully impressed with a sense of the many advantages your Excellency has already conferred on this province; and we hope, as we believe, that the measures now in progress will result in the general prosperity of Canada and the strengthening of our connexion with the parent-country.

The Board of Trade recognizes, in the choice of Kingston as the seat of Government, the desire to forward general rather than local interests, and the result of comprehensive views of of the increasing resources of the province. The importance derivable from such a selection which Kingston must acquire we gratefully acknowledge, and we trust that your Excellency's residence here will serve to impress you with the opinion we entertain, that the position of the metropolis of Canada is eminently desirable, and one every way qualified to insure its continuing what it now is,—the emporium of the lakes.

Confident in your Excellency's disposition and desire to promote every measure having for its object the advancement and protection of trade, we, as a body, shall, whenever occasion may require, presume so far upon your Excellency's indulgence as to seek from your Excellency that counsel and assistance which you are so eminently qualified to bestow.

We would most sincerely congratulate your Excellency on your recovery from a late and dangerous illness; and we fervently trust, that a short residence in the delightful spot chosen by your Excellency may result in your complete restoration to health and strength.

(Signed) Thomas A. Haines, Secretary.

Reply.

Gentlemen,

I beg to return my grateful acknowledgments to the members of the Board of Trade of Kingston for the Address which you have presented to me.

All that is required to develope the vast resources of this colony is, a steady determination on the part of those to whom power is now given, to devote their attention to public improvements, and to take advantage of the returning confidence in our credit and security which prevails in England. I shall use my best efforts to recommend measures for this purpose; and I trust that the people of Canada will not permit the present opportunity to pass without reaping the benefits which I am satisfied it presents, if used with prudence and discretion.

It will at all times afford me sincere pleasure to give my best counsel and assistance to the Board of Trade which you represent.

CANADA.

(Copy.)

To the Right Hon. Charles Baron Sydenham, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects, the inhabitants of the Midland District, beg leave to avail ourselves of the present opportunity of assuring your Excellency of our attachment to Her Majesty's royal person and Government, and to express our gratification at your Excellency's recovery from your late serious indisposition.

Since your Excellency's last visit to this portion of Canada a change has taken place in our political condition, which we trust, under the watchful care of the British Government, will tend to discover the true causes of our troubles and the means of removing them; and we rely with confidence on your Excellency's acknowledged talents and statesmanlike views to develope the vast resources of United Canada, and to lay the true foundation of our prosperity and greatness. And we feel assured that the accomplishment of so desirable an end must be the source of the greatest satisfaction that your Excellency can experience.

The selection of Kingston for the seat of Government, while it cannot fail of greatly advancing our immediate neighbourhood, will, we trust, be found, from the commanding position of the town, the most convenient and advantageous for the general prosperity of the United Province.

We beg to assure your Excellency of our zealous co-operation in all those measures which your Excellency has in view for securing to this colony the permanent ascendancy of British institutions and British connexion; and we trust that your Excellency's administration will meet with the unqualified approbation of our most gracious Sovereign.

(Signed) JOHN S. CARTWRIGHT, M.P. for Lenox and Addington.
ALLAN M'PHERSON, J. P.
HENRY LASHER.
SAMUEL CLARK, J.P.
W. J. FAIRFIELD, J.P.

Reply.

GENTLEMEN,

I thank you sincerely for your Address, and for the assurances of confidence and support which you tender in the name of the inhabitants of the Midland District.

I unite with you in the earnest hope that the future may be productive of increased happiness and prosperity to the Province of Canada, and my efforts will be unceasingly directed to that object.

(Copy.)

To the Right Hon. Charles Baron Sydenham, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, the inhabitants of the town of Kingston, beg permission most respectfully to offer to your Excellency our sincere congratulations on your arrival at the seat of Government of United Canada.

We have learned with feelings of extreme sorrow that your Excellency suffered under a painful indisposition, and it was with anxious solicitude that we daily awaited the announcement of your restored health. In these feelings we participated with our fellow subjects throughout the province, for the general benefit of whom you have undergone those mental and bodily labours which could scarcely fail to press on the human constitution.

It is needless for us to assure your Excellency that we rejoice that it has been our providential lot to be placed in a geographical position so favoured as to be selected by those most competent to decide the momentous question for the location of the government of this extensive province; but while we behold with humble gratification this important change in our condition, we cannot but feel sensible that much personal inconvenience must for the present be experienced by many who will necessarily accompany this movement; and it becomes our duty, as it will be our endeavour, as far as lies in our power, to render those inconveniences as little pressing as possible on those exposed to them.

With respect to your Excellency personally, we take occasion to declare, that we should be wanting in every feeling of gratitude and duty were we to fail in ministering by all the means in our power to your Excellency's comfort and wishes; and we fervently hope that, notwithstanding the disadvantages of temporary accommodation, your Excellency may enjoy uninterrupted health and happiness.

On behalf of the Inhabitants,
(Signed) J. COUNTER, Mayor.

Kingston, 28th May, 1841.

(Copy.)

MR. MAYOR AND GENTLEMEN,

I accept with great pleasure the welcome which you offer me on my arrival at Kingston.

Having felt it to be my duty, with reference to the general interests confided to my care, after due consideration, to fix upon your city as the place where the first Legislature of the

Province of Canada should meet, I learn from you with satisfaction that the inhabitants are determined to use their best efforts to contribute to the comfort and convenience of those whom the public business must necessarily assemble there. It is unquestionably your interest to do so.

On my own part I thank you for the expression of your sympathy for the suffering with which I have been afflicted. The interest which I take in the welfare of this province, and my deep conviction that the present is a crisis in its fate will, I trust, under Providence, support me in the task which yet remains to be performed, and enable me, even under the disadvantage of failing health and strength, to discharge my duty to my Sovereign and to the people of Canada, who have afforded me so many marks of their confidence and regard.

(No. 395.) No. 20.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. Lord SYDENHAM.

My Lord, Downing-street, 3d July, 1841.

I HAVE had the honour to receive your Lordship's Despatch, No. 66, of the 1st June, reporting the circumstances under which you had found it necessary to postpone the meeting of the Legislature of Canada until the 14th of that month, and enclosing copies of the Addresses, with your answers, which were presented to you on the occasion of your arrival at Kingston. No. 20.

I have, &c.

The Right Hon. Lord Sydenham, &c. &c. &c. (Signed) J. RUSSELL.

(No. 73.) No. 21.

COPY of a DESPATCH from the Right Hon. Lord SYDENHAM to Lord JOHN RUSSELL.

My Lord, Government House, Kingston, 9th June, 1841.

I HAVE the honour to transmit to your Lordship herewith the return made to me by Mr. Buchanan, of emigrants arrived at the port of Quebec up to the 22nd ultimo. I also enclose for your information the copy of a letter addressed to my Secretary by the Medical Superintendent at Grosse Isle. No. 21.

Both these documents your Lordship will find to be very satisfactory. Notwithstanding the unusually large number of emigrants, scarcely any sickness has prevailed among them; nor have there as yet been so many cases of destitution as heretofore. I trust that this will continue to be the distinguishing feature of this year's emigration.

You will observe that Mr. Buchanan alludes to the difficulty of persuading emigrants to accept work at Quebec or Montreal; and I have received similar reports from the emigration agent at the latter port. This arises no doubt from extravagant expectations held out to them in regard to Upper Canada, and the wages there to be obtained, but it is productive of very serious inconvenience. Unskilled labour is, at the present moment, in comparatively small demand in this part of the province, although mechanics and farm servants, &c. can obtain good wages. Accordingly the emigrants, on arriving here, find that they have exhausted all their means in procuring their conveyance to a place where their labour is not wanted, and where they are only likely to become a burden on the public; while at Quebec and Montreal, the only work for which they were fit, that, namely, on the roads, would have afforded them an ample subsistence until the harvest should have provided work for them in the upper part of the province.

It is impossible altogether to correct this evil, but something might be done by cautioning the emigrants, through the agents at the out-ports in England, not to refuse work at reasonable wages when offered to them on their first landing in Canada, or to suppose that mere labour is so much in demand as to ensure them extravagant wages. I would suggest to your Lordship whether it might not be advisable to direct the general promulgation of such a caution among those who come out here in the character of mere labourers.

I have, &c.

(Signed) SYDENHAM.

The Right Hon. Lord John Russell, &c. &c. &c.

Enclosure in No. 21.

No. 1.—Return of Emigrants arrived at the Port of Quebec and Montreal from the 6th day of May to the 20th day of May, 1841, both days inclusive.

Date.	Vessel's Name.	Master.	Where from	Number of Emigrants.				Occupation.	If sent out by Parishes or Government Aid.	If voluntary.	Observations.
				Male.	Female.	Children under 14 Years.	Total.				
May 6	Favourite . .	Bannerman	Glasgow .	21	8	13	42	Farmers and trades . .	..	42	Proceeded to join their friends in Inverness, Montreal, Toronto, and Dalhousie.
May 16	Mohawk . .	Miller . .	Ditto . .	8	9	20	37	Ditto	..	37	
	True Friends .	Codico . .	Baychaleur	5	..	..	5	Traders	..	5	Remain in Quebec.
May 17	Caroline. . .	Marsh . .	Aberdeen .	4	5	7	16	Farmers	..	16	One family went to Montreal, others to friends in Hinchinbrook and Toronto.
	Lotus . . .	Sampson .	Bristol . .	3	..	..	3	Ditto	..	3	
May 18	British Empire .	Wheatly .	London .	8	4	3	15	Trades and farmers . .	..	15	Going to their friends in the western section of the country late Upper Canada.
,,	Covenant . .	Patterson .	Liverpool .	4	..	..	4	Trades	..	4	
,,	Marmion . .	Harrison .	London .	10	6	5	21	Trades and servants . .	7	14	A family sent out by the Rev. H. Waters.
,,	Amazon . . .	Broderick .	Hull . .	16	5	7	28	Farmers	..	28	Going to Toronto, all have friends in the country.
,,	Tecumseth . .	Gardner .	Greenock .	12	..	..	12	Trades and clerks . . .	..	12	Going to Montreal.
,,	Brilliant . . .	Elliott . .	Aberdeen .	34	22	26	82	Trades and farmers . .	..	82	About 20 going to friends in Ohio, 3 to Ogdensburgh.
,,	Andrew Marvell	Chambers .	Hull . .	10	2	3	15	Farmers and trades . .	..	15	Four carpenters to Montreal, and the others to Toronto.
May 19	Rainbow . .	Arnold . .	Portsmouth	11	2	4	17	Labourers	..	17	Returning to Upper Canada, where home for their families.
,,	Borneo . . .	Gorman .	Limerick .	133	89	88	310	Labourers and few trades .	..	310	Proceeding to friends in Montreal, Prescot, Perth, Kingston, Pickering, and Winchester, a few remain in Quebec for employment.
,,	Maria . . .	Currigall .	Milford. .	3	2	3	8	Farmers	..	8	
,,	Pomonia. . .	Elliott . .	London .	3	5	3	11	Trades	..	11	
,,	Tottenham . .	Brown . .	Ross . .	45	29	11	85	Farmers and labourers .	..	85	A few remained here employed, the rest went to the western section.
,,	Sarah Botsford .	Wallace .	Glasgow .	73	41	106	220	Ditto	180	40	Proceeded direct to Montreal in the vessel.
,,	Apollo . . .	Walker . .	Dundee .	10	5	6	21	Farmers	..	21	Going to Elizabethtown, Belville, and Hamilton to their friends, a few remain here employed.
,,	Ann	Joice . .	Ross . .	57	32	37	126	Labourers and farmers .	..	126	
,,	Energy . . .	Irwine . .	Limerick .	61	53	25	139	Labourers and few trades.	..	139	Chiefly going to Kingston and Toronto, a few to their friends in the State of New York.
,,	Thistle . . .	Thomas .	Waterford .	7	5	6	18	Farmers	..	18	
,,	Edwards. . .	M'Kenzie .	Plymouth .	3	4	5	12	Trades	..	12	Proceeding to their friends in the New Castle district, and to Sandwich.
,,	Carlton . . .	Symmers .	Dublin . .	35	25	23	83	Labourers	..	83	
,,	Marchioness. .	Hagerty .	Londonderry	220	138	150	508	Labourers and farmers .	..	508	Nearly all are proceeding to the western section of the province; 16 are going to Albany.
,,	Victoria . . .	Foreman .	Dundee .	3	2	1	6	Farmers	..	6	
May 20	John Bell . .	Black . .	New Ross .	114	84	110	308	Labourers, farmers, & trades	..	308	Will settle in the Bathurst, Ottawa, and Johnstown districts.
,,	Dolphin . . .	Roach . .	Newry . .	80	65	60	205	Labourers	..	205	
,,	Prince George .	Friend . .	London .	74	48	82	204	Farmers and labourers .	190	14	
				1,067	690	804	2,561	Carried forward .	377	2,184	

England	338
Ireland	1,782
Scotland	436
Lower Ports	5
Carried to the second sheet	2,561

Emigrant Department, Quebec, 20th May, 1841.

No. 2.—Return of Emigrants arrived at the Port of Quebec and Montreal from the 20th day of May to the 21st day of May, 1841, both days inclusive.

Date.	Vessel's Name.	Master.	Where from.	Number of Emigrants. Males.	Females.	Children under 14 Years.	Total.	Occupation.	If sent out by Parishes or Government Aid.	If voluntary.	Observations.
1841.								Brought forward . .	377	2,184	
May 20	Ann Jeffery . .	Edwards .	Liverpool .	117	72	72	261	Labourers and trades . .	..	261	
,,	Wexford. . .	Slattery .	Wexford .	16	9	20	45	Ditto	..	45	Proceeded to Bloomfield, Brockville, Perth, and Kingston, and some remain in Quebec employed.
,,	Ocean . .	Knox . .	Waterford .	95	44	93	232	Ditto	..	232	
,,	Champlain . .	Lockland .	Youghal .	26	19	5	50	Farmers and labourers .	..	50	
,,	Chieftain . .	Dunn . .	Cork . .	100	53	40	193	Labourers and farmers .	..	193	
,,	Marquis Bute .	Fraser . .	Cardiff. .	5	4	6	15	Farmers	..	15	A few went to the United States, some are in Quebec employed, and the remainder went to Bytown, Prescot, and Kingston.
,,	Lady Seaton .	Gain . .	London .	4	2	1	7	Ditto	..	7	
,,	Monarch . .	Allan . .	Glasgow .	6	4	6	16	Ditto	..	16	
,,	Colinia . . .	Marshall .	Gloster. .	20	17	37	74	Labourers and a few trades	..	74	
,,	Hampton . .	Graham .	Belfast. .	108	75	90	273	Farmers and labourers .	45	228	Seven families, 45 souls, were sent out by Lord Charlemont in the Hampton, who proceeded upwards; the others went to Perth, Kingston, and Toronto.
,,	Thompson . .	Burton. .	Killala . .	37	23	12	72	Labourers	..	72	
,,	Emerald . .	Fligg . .	London .	4	3	5	12	Farmers	..	12	
,,	Volunia. . .	Easthorp .	Padstow .	22	14	16	52	Labourers and farmers .	..	52	Principally proceeded upwards; a few remain here employed, and some gone to their friends in Ohio and Pennsylvania.
,,	Naparima . .	White . .	Dublin. .	49	32	26	107	Labourers and a few trades	..	107	
,,	Blanch . . .	Rankins .	Donegal .	28	22	12	62	Farmers and labourers .	..	62	
May 21	Leander. . .	Phelan . .	Liverpool .	20	15	27	62	Ditto	..	62	
,,	Urania . . .	Clerke . .	Cork . .	64	30	20	114	Ditto	..	114	The chief part went to the western section of the province; many had no fixed place in view, and others were to settle at Whitby and Darlington.
,,	Clio	Brown , .	Padstow .	106	57	88	251	Farmers, labourers, & trades	..	251	
,,	George Gulford.	Reid . .	Bristol . .	7	4	7	18	Farmers and labourers .	..	18	
,,	Vitoria . . .	Simpson .	Truro . .	11	9	20	40	Farmers and trades . .	..	40	
,,	Ann Moore . .	Patton . .	Limerick .	68	36	44	148	Farmers and a few trades .	..	148	
,,	Thetis . . .	Ross . .	Ditto . .	55	39	38	132	Labourers	..	132	Several remain in Quebec employed; some went to Drummondville and Melbourne East townships, and a part to Montreal, Kingston, and other parts, and a few went to the United States.
,,	Ann	O'Brien .	Donegal .	28	18	22	68	Farmers and labourers .	..	68	
,,	Governor . .	Gormon .	Limerick .	88	70	45	203	Labourers and a few trades	..	203	
,,	Eleanor . . .	Blackgirdle	Belfast. .	50	58	59	167	Ditto	..	167	
,,	Spring Flower .	Simmons .	Padstow .	18	10	5	33	Trades and labourers . .	..	33	
,,	Albion . . .	Robinson .	Londonderry	42	38	63	143	Labourers	..	143	
,,	Empress . .	Cathcart .	Dublin. .	70	53	59	182	Labourers and trades . .	..	182	Some remain in Quebec at work; one family went to Melbourne East township, others to Montreal, Bytown, Brockville, Kingston, Toronto, and Whitby.
,,	Newland . .	Lickis . .	Hull . .	19	10	23	52	Farmers, labourers, & trades	..	52	
,,	Industry . .	Stephens .	Dublin . .	76	55	47	178	Labourers and trades . .	..	178	
,,	Dominica . .	Bowman .	Cork . .	56	39	35	130	Farmers and labourers .	..	130	
,,	Sarah . . .	Allan . .	Aberdeen .	11	3	4	18	Farmers	..	18	Were in good circumstances, & proceeded to their friends.
,,	Earl Grey . .	Douglas .	Leith . .	6	5	3	14	Farmers and servants. .	..	14	Several are at work in Quebec, and a large number settling in the western section of the province, where they have friends, and some proceed to their relatives in the United States.
,,	Helen Stewart .	Stuart . .	West Port .	69	45	29	143	Farmers, labourers, & trades	..	143	
,,	Try Again . .	Heacock .	Cork . .	80	55	45	180	Labourers and a few trades	..	180	
				1,581	1,042	1,124	3,747	Carried forward . .	422	5,886	

England 877
Ireland 2,822
Scotland 48

3,747
Number rendered, brought forward 2,561

6,308

Emigrant Department, Quebec, 21st May, 1841.

No. 3.—Return of Emigrants arrived at the Port of Quebec and Montreal, from the 21st day of May to the 22nd day of May, 1841, both inclusive.

Date.	Vessel's Name.	Master.	Where from.	Number of Emigrants. Male.	Female.	Children under 14 Years.	Total.	Occupation.	If sent out by Parishes or Government Aid.	If Voluntary.	Observations.
1841.											
May 21.	Eagle . . .	Long . .	Liverpool .	8	5	5	18	Trades and labourers .	..	..	Many are proceeding to their friends in Western Province, some are in Quebec, and a few went to their relations and friends in the United States.
,,	Thomas . . .	Simpson .	Hull . .	41	36	27	104	Farmers and labourers	..	..	
,,	Congress . .	Wheel . .	Belfast . .	81	60	69	210	Ditto	..	..	
,,	Sir G. Provost .	Walker .	Newry . .	104	89	87	280	Trades, labourers, & farmers	..	..	
,,	Aberdeen . .	Duggan .	Liverpool .	16	14	16	46	Farmers and labourers .	..	..	Proceeded to Montreal, Perth, Bellville, Toronto, and Hamilton; a few went to their relations in the States, and some are at work here.
,,	Wellington . .	M'Intire .	Belfast . .	130	125	142	397	Ditto	..	..	
May 22.	St. Patrick . .	Webster .	Cork . .	26	21	7	54	Labourers	..	..	
,,	Sarah Stewart .	Low . .	Belfast .	99	75	100	274	Ditto, farmers, and servants	..	..	
,,	Spring Hill . .	Hall . .	Killala . .	104	84	59	247	Labourers	..	..	Three families went to Whitby, others to Hamilton, Toronto, and Kingston.
,,	Alan Rumney .	Simpson .	Hull . .	60	14	27	101	Farmers, trades, & labourers	..	..	
,,	Ninian . . .	Bowler . .	Limerick .	80	60	42	182	Labourers and trades . .	..	..	
,,	Prince Royal .	Randal .	London .	2	2	3	7	Trades	..	..	
,,	Cornwallis . .	Davies . .	Waterford .	58	41	29	128	Farmers, trades, & labourers	..	..	
,,	Robert George .	Dixon . .	Newcastle .	2	..	..	2	Farmers	..	..	A few of these went to the States, and the rest upwards. Sent out by Colonel Wyndham.
,,	Queen Victoria .	Rosie . .	Sligo . .	62	70	43	175	Trades, farmers, & labourers	..	..	
,,	James Cook .	Follin . .	Limerick .	55	38	68	161	Ditto	48	..	
,,	Baltic . . .	Cardigan .	Yarmouth .	10	5	17	32	Labourers	..	..	
			Total. .	938	739	741	2418				

England	310
Ireland	2108
	2418
Number rendered, carried from the second sheet	6308
	8726
To the same period last year	3737
Increase in favour of 1841	4989

Emigrant Department, Quebec, 30th May, 1841.

(Signed) A. C. Buchannan, Chief Agent.

Note to Page 44.—The number of emigrants arrived during this week have been unusually large, in fact 8600 of them have landed during this last four days, all in good health and circumstances: their destination, with but few exceptions, is to the western section of the province, where a large number of them have relations and friends already settled. I am happy to state that there has not been a single well-founded complaint from any of them. They have all landed with large surplus stock of provisions, which is owing to the favourable passages they have had, the average of which has been 38 days.

The Marchioness of Abercorn, with 508 passengers, landed her passengers on the 26th day from Londonderry. Among these emigrants are 460 who have been assisted by their landlords; 190 by the Prince George; 15 embarked at London, sent out by the Poor Law Commissioners; 116, embarked at Gravesend, were sent out by Lord Portman from his estate in Dorset and Kent, and 59 from the House of Industry, Isle of Wight, and from the parishes of Salethurst and Readcourt. These people were all amply provided for, and received, on leaving the ship, two days' rations, and a free passage to Montreal, with 20*s.* sterling each adult to assist them up the country. A few of the young men went to friends they had near Albany State of New York; the remainder up the country for employment. In the Sarah Botsford were 180 persons connected with the Carlton Emigration Society. The greater part of these people are hand-loom weavers; they have been assisted to emigrate from the liberality of private individuals and public bodies. These people arrived in excellent health, and proceeded direct in the vessel to Montreal, and were well provided for during the voyage. In the Hampton were seven families, 45 persons, who were assisted to emigrate by Lord Charlemont from his estates at Armagh; they were well provided for, and proceeded direct on their route to the Midland district. In the James Cook, from Limerick, were 48 persons, assisted by Colonel Wyndham; they had sufficient means to carry them up the country, where they had friends in the Newcastle district, and had a large surplus stock of provisions on landing. This vessel made the quickest passage this season, being only 20 days on the voyage. The English emigrants from Padstow and Hull are a few healthy body of settlers, nearly all going to settle in the Home and Newcastle districts: a few families have relations in Ohio and Pensylvania, who they are going to join. On the whole, I consider that but a small proportion of the emigration this season are going to the States: from what I can learn from them here, much fewer of the Irish, with the exception of those who have friends already settled there, than in former years. If those depending on immediate labour for their support could be induced to listen to what is most for their advantage, they would accept of employment here or in Montreal. We have plenty of employment here, and I have arranged that all who want it will be employed on the roads, yet it is with difficulty I can induce them to remain; if they have sufficient to pay their passage in the steamer they will go on. Wages here on the government works is 3*s.* 1½*d.* per day, and on the roads it is job-work, by which they can earn 3*s.* to 3*s.* 6*d.* On board the vessels they get from 4*s.* to 5*s.*; any good men get as high as 6*s.*, but this will only continue for a short time during the hurry occasioned by the arrival of so large a spring fleet. I have obtained employment for upwards of 500 persons this season; and, as near as I can judge, about double that number are at present employed here. Mr. Hawke writes me from Kingston, that all those who have arrived there this season seeking employment stated that they were offered employment both here and at Montreal, but refused to work, as they expected higher wages at Kingston and Toronto. Very many ridicule the idea of working here at 3*s.* per day; the consequence is, on their arrival at Kingston or Toronto, they are disappointed.

A large number of emigrants from Belfast and other ports in the North of Ireland are going to settle in the Bathurst and Johnstown districts; a good many are going to Cavan in the Newcastle District.

CANADA.

(Copy.) Enclosure 2 in No. 21.

Sir, Quarantine Station, Grosse Isle, May 23rd, 1841.

Enclosure 2 in No. 21.

I HAVE the honour to submit for the information of his Excellency the Governor-General, the accompanying Reports, Nos. 1, 2, 3, 4, of emigrant vessels inspected by me at this station since my arrival, May 3rd. It will be observed, that all these vessels, with the exception of two, have arrived within these five days, viz., from May 17th to May 23rd.

I have much satisfaction in reporting that the emigrants up to this time have arrived here in better health than I have before witnessed during the six years of my connection with this establishment; out of 9004, (the number inspected,) I have only had occasion to send 37 sick to the hospital.

This excellent state of health, in which emigrants have arrived, I attribute in a great measure to their having embarked early in the season, to the shortness of the passage, and to their being a class of men apparently in better circumstances than last season.

As the number of sick in hospital on the 21st instant, exceeded 30, I engaged the services of Mr. Wolff, as apothecary and house-surgeon, at the rate of 5*s*. per diem, from that day, until discontinued by his Excellency the Governor-General, agreeable to the permission conveyed to me in your letter of the 12th April.

I have, &c.,

(Signed) G. W. DOUGLAS, M.D., Medical Superintendent.

Hon. D. Daly, Civil Secretary,
&c. &c. &c.

No. 1.—Report of Vessels Boarded at the Quarantine Station, Grosse Isle, from the 5th day of May to the 18th day of May, 1841.

Rig and Name.	Captain's Name.	From	Date of Sailing.	Arrival.	Cargo.	Passengers.		Consigned to	Date of Release.	Remarks.
						Cabin.	Steerage.			
Barque Favourite	Geo. Bannerman	Greenock	April 2	May 5	General	8	42	Miller and Edmonston	May 5	One young man ill of dysentery.
Ship Mohawke	John Millar	Glasgow	,, 1	,, 14	,,	11	35	M'Intosh and Co.	,, 15	Small-pox broke out among crew, April 8.
Ship Borneo	Tim Gorman	Limerick	,, 6	,, 17	Ballast	,,	310	Prince and Co.	,, 18	Died on the passage, 1 woman in child-bed and 7 chlldren from debility; the master confined to bed four wesks; the mate from injury unable to go on deck; 2 births.
Barque John	A. Carling	Bristol	,, 2	,, 17	General	5	20	Levey and Co.	,, 17	
Ship Belmont	Am. Armstrong.	Liverpool	,, 18	,, 17	Ballast	,,	,,	Tibbits	,, 17	
Ship Brilliant	Joseph Elliott	Aberdeen	,, 8	,, 17	,,	11	71	Heath	,, 17	
Ship Amazon	Chs. Broderick	Hull	,, 8	,, 17	General	,,	28	Symes	,, 17	
Barque Marmion	Thos. Harrison	London	March 30	,, 17	Ballast	,,	21	Thompson	,, 17	
Barque Energy	Daniel Irvine	Limerick	April 5	,, 17	,,	1	138	Price	,, 18	Two births.
Ship John Bell	William Black	New Ross	,, 10	,, 17	,,	11	305	Pemberton and Co.	,, 19	One adult, aged 80, and 2 infants died on the voyage.
Brig Thistle	Peter Thomas	Waterford	,, 8	,, 17	,,	1	19	Order	,, 17	
Ship Albion	Robert G. Moran	London	,, 2	,, 17	,,	,,	5	Thibbets	,, 19	Small-pox broke out among the crew eight days after leaving port, 1 of them died and the passengers then caught the contagion.
Barque Anne	William Joyce	New Ross	,, 8	,, 18	,,	5	121	Pemberton and Co.	,, 18	A child suffocated by its drunken parents the day after leaving port, having been overlaid in bed.
Marchioness of Abercorn	John Hagerty	Londonderry	,, 23	,, 18	Sugar	1	508	Gilmour	,, 18	
Barque Tottenham	Peter Brown	New Ross	,, 7	,, 18	Ballast	,,	87	,,	,, 18	
Barque Carleton	James Symes	Dublin	,, 19	,, 18	,,	2	81	Heath	,, 18	
Brig Apollo	Henry Walker	Dundee	,, 7	,, 18	General	,,	21	,,	,, 18	
Barque Andrew Marvel	Henry Chambers	Hull	,, 4	,, 18	,,	1	15	Burstall	,, 18	
Barque Sarah Botsford	Matthew Wallace	Greenock	,, 20	,, 18	,,	2	203	Tobin and Murison	,, 18	
Ship Ann Jeffery	Samuel Edwards	Liverpool	,, 18	,, 18	Ballast	2	261	Order	,, 19	Measles broke out on the passage and 9 children died.
Barque Wexford	John Slattery	Wexford	,, 9	,, 18	,,	,,	46	Pemberton	,, 18	

(Signed) G. W. Douglas, M.D.,
Medical Superintendent.

No. 2.—Report of Vessels Boarded at the Quarantine Station, Grosse Isle, from 18th day of May to 20th day of May, 1841.

Rig and Name.	Captain's Name.	From	Date of Sailing.	Arrived.	Cargo.	Passengers.		Consigned to.	Date of Release.	Remarks.
						Cabin.	Steerage.			
Barque Ocean	John Knox . .	Waterford .	April 15	May 18	Ballast . .	..	235	Price	May 18	
Barque Hampton . . .	John Graham .	Belfast . .	8	19	Rigging .	4	269	Gilmore	19	An infant newly born.
Barque Dolphin . . .	George Roche .	Newry . .	11	19	Ballast . .	1	218	Order		
Schooner Blanche. . .	Daniel Rankin .	Donegal . .	23	19	,,	,,	54	Lemesurier . . .	19	One infant died on the voyage.
Ship, Prince George . .	Daniel Friend .	London . .	17	19	General .	1	206	Price and Co. . .	19	Two infants died on the voyage.
Brig Haparina. . . .	James White .	Dublin . .	15	19	,,	,,	107	Price and Co. . .	19	
Brig Voluna	Robert Estrup .	Padstow . .	17	19	Ballast . .	,,	51	Atkinson	19	Measles the day after leaving port.
Barque Chieftain . . .	John Dunn . .	Cork . . .	21	19	,,	1	199	Order	19	An infant died.
Brig Thomson. . . .	William Benton.	Killala . .	17	19	,,	1	110	Atkinson	19	
Brig Collina	John Marshall .	Gloucester .	10	19	,,	,,	74	Pemberton . . .	19	A child died on the voyage.
Barque Sarah	George Allan .	Aberdeen . .	8	19	General .	2	18	Heath	19	
Barque Victoria . . .	Thomas Daniel .	St. Ives . .	6	19	Ballast . .	,,	19	Chapman	10	
Earl Grey	William Douglas	Leith . . .	6	19	General .	,,	14	Order	19	
Barque Marquis of Bute .	Joseph Fraser .	Cardiff . .	6	19	Iron . .	,,	15	H. A. Jones . . .	19	
Barque Newland . . .	William Tickiss.	Hull . . .	13	19	General .	1	51	Burstall	19	
Barque Industry . . .	John Stevens .	Dublin . .	23	19	Ballast . .	6	176	Price	20	
Brig Governor. . . .	Daniel Gorman .	Limerick . .	12	19	,,	,,	203	Price	20	Two children died, and one of the
Barque Dominica . . .	Henry Bowman	Cork . . .	16	19	,,	,,	139	Pemberton . . .	19	crew lost overboard on the voyage.
Barque Clio	Thomas Brown .	Padstow . .	10	20	,,	13	258	Chapman	20	
Brig Eleanor	M. Bracegirdle .	Belfast . .	12	20	,,	,,	187	Atkinson	20	
Brig Ann	Patrick O'Brien	Donegal . .	13	20	,,	,,	77	Levey	20	

(Signed) G. W. Douglas, M. D.,
Medical Superintendent.

No. 3.—Report of Vessels Boarded at the Quarantine Station, Grosse Isle; from 20th day of May, at 5 A.M., to 20th day of May, at 8 P.M., 1841.

Rig and Name.	Captain's Name.	From	Date of Sailing.	Arrival.	Cargo.	Passengers.		Consigned to	Date of Release.	Remarks.
						Cabin.	Steerage.			
Ship San Rumney	Thomas Sympson	Hull	April 1	May 20	General	1	100	Binstall	May 20	Two adults, from consumption, took ill before leaving Hull.
Barque Urania	Thomas Clarke	Cork	14	,,	Ballast	..	114	Lemesurier	,,	
Barque Ninian	Thomas Bowler	Limerick	2	,,	,,	..	182	Order	,,	An infant died, and one of the crew lost overboard.
Brig Thetis	Daniel Ross	,,	9	,,	,,	..	132	Price	,,	An infant, from debility, died on the voyage.
Barque Tryagain	Richard Haycock	Cork	11	,,	,,	1	180	Chapman	,,	An infant born and died on board.
Ship Vittoria	Thomas Simpson	Falmouth	3	,,	,,	..	40	Order	,,	
Barque Guilford	Isaac Reid	Bristol	3	,,	General	1	17	Levy and Co.	,,	
Brig James Cook	J. Folin	Limerick	28	,,	Ballast	..	161	Order	May 22	Small-pox among these passengers, but no deaths.
Brig Empress	C. Hodgson	Dublin	16	,,	,,	..	181	,,	May 20	Two children died on the voyage.
Ship Sir G. Provost	A. Mackay	Newry	11	,,	Salt	3	292	,,	,,	
Barque Springhill	M. Hall	Killala	22	,,	Ballast	1	229	,,	,,	
Barque Wellington	Patrick M'Intyre	Belfast	21	,,	Salt	1	396	Parke and Co.	May 21	Measles broke out; six children died.
Barque Albion	William Robinson	Londonderry	22	,,	Ballast	..	143	Order	May 20	One child died.
Brig Congress	James M'Neill	Belfast	16	,,	,,	..	213	,,	,,	Two children died, and two born on voyage.
Barque Eagle	William Long	Liverpool	15	,,	General	..	17	Greenshields	,,	
Barque Sarah Stewart	Archibald Low	Belfast	5	,,	Ballast	..	273	Parker and Co.	,,	
Brig Ann Moore	Robert Paton	Limerick	12	,,	,,	1	160	Order	,,	An infant died on the voyage.
Brig Queen Victoria	William Rosie	Sligo	22	,,	,,	..	175	,,	,,	
Brig Springflower	Joseph Simons	Padstow	17	,,	,,	..	35	Gilmour	,,	
Ship Leander	J. Phelan	Liverpool	15	,,	General	5	62	Froste	,,	
Barque Robert and George	Peter Dickson	Newcastle	3	,,	,,	6	22	Budden	,,	

No. 4.—Report of Vessels Boarded at the Quarantine Station, Grosse Isle; from 21st day of May to 23rd day of May, 1841.

Barque Aberdeen	Charles Duggan	Liverpool	April 13	May 20	General	,,	46	Froste and Co.	May 21	
Brig Cornwallis	Henry Devois	Waterford	18	,, 21	Ballast	,,	131	Levy and Co.	,,	An infant died on the voyage.
Brig Helen Stewart	John Stuart	Westport	20	,,	,,	,,	156	Tibbitts	,,	
Ship St. Patrick	Alex. Webster	Cork	11	,,	,,	5	49	Chapman	,,	
Barque Industry	Thomas Barrett	Sligo	21	,, 22	,,	,,	191	Order	May 22	
Barque Tamerlane	George Fisher	Liverpool	5	,,	General	,,	,,	Froste and Co.	,,	One of the crew died from apoplexy.
Barque Baltic	William Cordrum	Yarmouth	7	,,	Ballast	,,	34	Pemberton and Co.	,,	
Brig Fairy	James Nicol	Truro	20	,,	,,	,,	118	Price and Co.	,,	
Brig Duchess of Buccleugh	John Blair	Dumfries	3	,,	,,	,,	42	,,	,,	One of these passengers, a female, washed overboard by a sea.
Brig Brianabbs	Isaac Hugill	Limerick	12	,, 23	,,	,,	96	,,	May 23	
Brig Mary Rowe	Joseph Humphries	Baltimore	28	,,	,,	,,	117	Symes and Co.	,,	

Signed) G. W. Douglas, M.D.,
Medical Superintentent.

(No. 403.) No. 22.

Copy of a DESPATCH from Lord John Russell to the Right Hon. Lord Sydenham.

My Lord, Downing-street, 19th July, 1841.

No. 22. I have received your Lordship's Despatch, No. 73, of the 9th June, enclosing Reports from the emigrant agent, and the superintendent of quarantine at Quebec, respecting the emigrants who had arrived at that port to the 22nd May last.

Having communicated your Despatch to the Commissioners for Colonial Lands and Emigration, I enclose herewith the copy of a Report which I have received from them. That Report will explain to your Lordship the nature of the measures about to be adopted for giving effect to your suggestion that emigrants should, at the British out-ports, be cautioned not to refuse employment in the neighbourhood of Quebec or Montreal, when offered to them on reasonable terms.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. Lord Sydenham,
&c. &c. &c.

(Copy.) Enclosure in No. 22.

Sir, Colonial Land and Emigration Office, 9, Park Street, July, 1841.

Enclosure in No. 22. We have the honour to acknowledge the receipt of your letter of the 7th instant, transmitting to us a Despatch from the Governor-General of Canada, which enclosed Returns from the Emigrant Agent, and the Superintendent of Quarantine at Quebec.

We have derived much satisfaction from the examination of these Returns. It appears that in the course of the 17 days in the month of May to which they refer no fewer than 8,726 emigrants had arrived at Quebec, and only 37 cases of sickness had been sent to the hospital. They are reported all to have landed with a large surplus stock of provisions owing to the quick passages which the vessels had made, and were, moreover, for the most part, not otherwise destitute of means for their support.

The Emigrant Agent further states, that a much smaller proportion of the emigrants were proceeding to the United States than in former years.

The only evil which had arisen connected with the immigration of this season, and to which Lord John Russell directs that our attention might be called, arose from the unwillingness of the lower class of labourers to accept work at Quebec, and Montreal from the hopes of obtaining higher wages in the more distant parts of the country. With a view of remedying this evil, we shall endeavour to give publicity to Lord Sydenham's Report of the delusive nature of the hope thus entertained. We shall accordingly communicate to the Government emigration agents at the ports, from which vessels sail to America, the substance of Lord Sydenham's observations, and shall further include it in the information which we propose shortly to give to the public, founded upon the returns which have been received from the North American Colonies, in reply to our general inquiries.

We have, &c.

James Stephen, Esq. (Signed) Frederick Elliot,
&c. &c. Edward E. Villiers.

(No. 81.) No. 23.

Copy of a DESPATCH from the Right Hon. Lord Sydenham to Lord John Russell.

Government House, Kingston,

My Lord, 25th June, 1841.

No. 22. I have the honour to transmit to your Lordship herewith the copy of the Speech with which, on the 15th instant, I opened the Session of the Legislature, together with copies of the addresses presented to me in answer by both houses, and of my replies to those Addresses. The Legislature had been summoned, as your Lordship is aware, for the 14th instant; but as it was necessary, in compliance with the 33rd clause of the Union Act, that the Assembly should, in the first instance, proceed to elect their Speaker, I abstained, in conformity with the opinion of my Law Advisers, from meeting the Parliament until that preliminary had been completed. This departure from former practice was, as your Lordship

will perceive, the necessary result of that provision of the Union Act which, contrary to the parliamentary usage in England, invests the Assembly with the absolute power of selecting their Speaker without reference to the Executive Authority.

I have, &c.,

The Right Hon. Lord John Russell, (Signed) SYDENHAM.
&c. &c. &c.

Enclosure 1 in No. 23.

Encl. 1, in No. 23.

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL, AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,—

I have deemed it right to assemble you at the earliest period which the circumstances of the Province and the duties imposed upon me by the Imperial Act for the Union of the Canadas, under which this Legislature is constituted, have admitted; and it is with sincere satisfaction that I now meet you to deliberate on the great and important interests committed to our charge.

A subject of Her Majesty, an inhabitant of this Province, has been forcibly detained in the neighbouring States charged with a pretended crime. No time was lost by the Executive of this Province in remonstrating against this proceeding, and provision was made for insuring to the individual the means of defence pending the further action of Her Majesty's Government. The Queen's Representative at Washington has since been instructed to demand his release. Of the result of that demand I am not yet apprised, but I have the Queen's commands to assure her faithful subjects in Canada of Her Majesty's fixed determination to protect them with the whole weight of her power.

Arrangements were completed during the course of last summer by which, under the directions of the Treasury, the rates of Postage between all parts of this Colony and the United Kingdom were greatly reduced; and a more speedy and regular conveyance of letters between different parts of this Province has since been established by arrangements made by the Deputy Postmaster-General under my directions. A commission has been appointed by me to inquire into and report upon the Post-office system of British North America, and I confidently anticipate that the result of its labours will be the establishment of a plan securing improvements in the internal communication by post within the Colony equal to those which we have already obtained in the communication with the mother-country.

Many subjects of deep importance to the future welfare of the Province demand your early attention, upon some of which I have directed bills to be prepared, which will be submitted for your consideration.

Amongst them, first in importance at the present juncture of affairs is the adoption of measures for developing the resources of the Province by well-considered and extensive public works. The rapid settlement of the country—the value of every man's property within it—the advancement of his future fortunes are deeply affected by this question. The improvement of the Navigation from the shores of Lake Erie and Lake Huron to the Ocean—the establishment of new internal communications in the inland districts are works requiring a great outlay, but promising commensurate returns. To undertake them successfully large funds will undoubtedly be required, and the financial condition of the Province, as it stands as present, would seem to forbid the attempt. But I have the satisfaction of informing you that I have received authority from Her Majesty's government to state that they are prepared to call upon the Imperial Parliament to afford their assistance towards these important undertakings. In the full belief that peace and tranquillity will be happily re-established in this province, under the constitution settled by Parliament, and that nothing but a relief from its most pressing difficulties is wanting to its rapid advancement to prosperity, they will propose to Parliament, by affording the guarantee of the Imperial Treasury for a loan to the extent of no less than a million and a half sterling, to aid the Province, for the double purpose of diminishing the pressure of the interest on the public debt, and of enabling it to proceed with those great public undertakings whose progress during the last few years has been arrested by the financial difficulties. I shall direct a measure to be submitted to you embracing a plan for this purpose, and I shall lay before you, for your information and that of the people of Canada, extracts from the despatches which convey to me this most gratifying assurance.

In immediate connexion with the outlay of capital upon public works is the subject of emigration and the disposal and settlement of the public lands. There exist within this Province no means so certain of producing a healthy flow of immigration from the mother-country, and of ultimately establishing the immigrant as a settler and proprietor within the Colony as the power of affording sure employment for his labour on his first arrival. The assistance of Parliament for the public works which may be undertaken here, will in great measure provide for this; but with a view further to aid immigration, I am authorized to declare to you that Her Majesty's government are prepared to assist in facilitating the passage of the immigrant from the port at which he is landed to the place where his labour may be made available, and that a vote of money for this purpose will be proposed to the Imperial Parliament. The conditions which Her Majesty's government attach to this measure will be submitted to you at the same time that I shall draw your attention to a scheme for the settlement and disposal of the public lands.

It appears highly desirable that the principle of local self-government, which already prevails to some extent throughout that part of the Province which was formerly Upper Canada, should receive a more extended application there, and that the people should

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exercise a greater degree of power over their own local affairs. I have directed a measure upon this subject to be submitted to you, and I solicit your earnest attention to the establishment of such a form of local government for those districts of the Province which are unprovided with it, as may ensure satisfaction to the people whilst it preserves inviolate the prerogative of the Crown, and maintains the administration of justice pure from party and popular excitement.

A due provision for the education of the people is one of the first duties of the State, and in this Province, especially, the want of it is grievously felt. The establishment of an efficient system by which the blessings of instruction may be placed within the reach of all is a work of difficulty; but its overwhelming importance demands that it should be undertaken. I recommend the consideration of that subject to your best attention, and I shall be most anxious to afford you in your labours all the co-operation in my power. If it should be found impossible so to reconcile conflicting opinions as to obtain a measure which may meet the approbation of all, I trust that at least steps may be taken by which an advance to a more perfect system may be made, and the difficulty under which the people of this Province now labour may be greatly diminished, subject to such improvements hereafter as time and experience may point out.

Gentlemen of the House of Assembly,

The financial accounts of the Province will be immediately laid before you, and I shall direct the estimates for the public service to be submitted to you with the least possible delay. I rely upon your co-operation in the financial measures which it will be my duty to propose to you for taking advantage of the assistance which her Majesty's Government propose to afford, and for carrying into effect the public improvements which are deemed most desirable. I shall earnestly endeavour that whatever you may appropriate for this latter purpose shall be economically employed and rendered effective.

Honourable Gentlemen and Gentlemen,

In your wisdom and prudence I confide for the regulation of the different important matters which must necessarily come before you. Canada, united under a constitution which the Imperial Legislature has framed with an earnest desire for the welfare of this portion of the British Empire, cannot fail to prosper under prudent and sage counsels. The generous aid which I have already announced to you, the determination which I am also empowered to state upon the part of the Government to devote annually a large sum for the military defences of the Province—the fixed and settled determination which I have the Queen's commands to declare that her North American possessions shall be maintained at all hazards as part of Her Empire, are pledges of the sincerity with which the mother-country desires to promote the prosperity of Canada, and to assist in the well-working of the new institutions which it has established. The eyes of England are anxiously fixed upon the result of this great experiment. Should it succeed, the aid of Parliament in your undertakings, the confidence of British capitalists in the credit you may require from them, the security which the British people will feel in seeking your shores, and establishing themselves upon your fertile soil, may carry improvement to an unexampled height. The rapid advance of trade and of immigration within the last eighteen months, afford ample evidence of the effects of tranquillity in restoring confidence and promoting prosperity. May no dissensions mar the flattering prospect which is open before us. May your efforts be steadily directed to the great practical improvements of which the Province stands so much in need, and under the blessing of that Providence which has hitherto preserved this portion of the British dominions, may your counsels be so guided as to ensure to the Queen attached and loyal subjects, and to United Canada a prosperous and contented people.

Enclosure 2 in No. 23.

(Copy.)

Encl. 2, in No. 23.

To the Right Hon. Charles Baron Sydenham, of Sydenham, in the County of Kent and Toronto in Canada, One of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Canada, in Provincial Parliament assembled, humbly thank your Excellency for your Excellency's gracious speech from the throne at the opening of this the first session of the Provincial Parliament.

We thank your Excellency for assembling the Legislature of United Canada at the earliest period which the circumstances of the province and the arduous duties imposed upon your Excellency by the Act of Union admitted, and we participate most fully in the satisfaction expressed by your Excellency on your Excellency's meeting the Provincial Parliament to deliberate on the great and important interests committed to their charge.

We learn with feelings of deep indignation the injurious detention, in the neighbouring States, of one of Her Majesty's subjects, an inhabitant of this province, charged with a pretended crime. We gratefully acknowledge the promptness of the Provincial Government in remonstrating against this proceeding, and in ensuring to the individual the means of defence pending the further action of Her Majesty's Government; and we confidently hope that the demand made by the Queen's representative at Washington may be acceded to in the spirit which ought to actuate an enlightened and friendly nation.

We assure your Excellency of our warmest gratitude to our beloved Sovereign for Her Majesty's gracious expression of Her determination to protect Her faithful subjects in Canada with the whole weight of Her power.

We feel great satisfaction at being informed by your Excellency that arrangements were completed during the course of last summer by which, under the direction of the Treasury, the rates of postage between all parts of this Colony and the United Kingdom have been greatly reduced, and that a more speedy and regular conveyance of letters between different parts of this province has been established by the Deputy Post-Master-General, under your Excellency's directions; and that a Commission has been appointed by your Excellency to inquire into and report upon the whole post-office system of British North America; and we rejoice in your Excellency's confident anticipation that the result of the labours of the Commission will be the establishment of a plan, securing the improvements in the internal communication by post within the colony equal to those which have already been obtained in the communication with the mother-country.

We assure your Excellency that we will devote our early attention to the important subjects upon some of which your Excellency has directed Bills to be prepared for our consideration.

We acknowledge the primary importance of the adoption of measures for the developement of the resources of the province by well-considered and extensive public works; and we cordially concur in the opinion expressed by your Excellency, that the rapid settlement of the country, the value of every man's property within it, and the advancement of his future fortunes, are deeply affected by this question.

We feel most grateful for the determination of Her Majesty's Government, of which we are informed by your Excellency, to call on the Imperial Parliament to afford their assistance towards the improvement of the navigation from the shores of Lakes Erie and Huron to the ocean, and to the establishment of new internal communications in the inland districts.

We are fully sensible of the importance of these undertakings, and of the benefits to be derived from them, as well as of the necessity for the aid so generously offered by Her Majesty's Government; and uniting with them in the full belief that peace and tranquillity will we happily re-established in this province, under the constitution settled by Parliament; and that nothing but a relief from its most pressing difficulties is wanting to its advancement to prosperity, we humbly express our gratitude for the proposal intended by Her Majesty's Government to be made to Parliament of affording the guarantee of the Imperial Treasury for a loan to the extent of not less than a million and a half sterling, to aid the province, for the double purpose of diminishing the pressure of the interest upon the public debt, and of enabling it to proceed with those great public undertakings whose progress during the last few years has been arrested by financial difficulties. We will assiduously consider the measure to be laid before us by your Excellency's direction, embracing a plan for this purpose, and receive thankfully extracts from the despatches which convey to your Excellency this most gratifying assurance.

We assure your Excellency that we shall give our best attention to the subjects of emigration, and the disposal and settlement of public lands, as well as to the means which may be devised for affording sure employment for the labour of the emigrant on his first arrival; and we gratefully acknowledge the benign intentions of Her Majesty's Government to assist in facilitating the passage of the immigrant from the port at which he is landed to the place where his labour may be made available; by proposing to the Imperial Parliament a vote of money for this purpose.

We concur with your Excellency in the opinion that it is highly desirable that the principles of local self-government, which already prevail to some extent throughout that part of the province which was formerly Upper Canada, should receive a more extended application there, and that the people should exercise a greater degree of power over their local affairs. We will consider with the most earnest attention any measures which your Excellency may be pleased to lay before us for the establishment of a form of local self-government for those districts of the province now unprovided with it as may ensure satisfaction to the people, while it retains inviolate the prerogative of the Crown and maintains the administration of justice pure from party and popular excitement.

We are peculiarly sensible of the necessity for a due provision for the education of the people, the want of which in this province is grievously felt. We feel the establishment of an efficient system, by which the blessings of instruction may be placed within the reach of all, to be a work of difficulty, but that its overwhelming importance demands that it should be undertaken. We assure your Excellency that we shall give this subject our best attention. We humbly thank your Excellency for your Excellency's offer to afford us your Excellency's co-operation in our labours; and we trust that, if it should be found impossible so to reconcile conflicting opinions as to obtain a measure which may meet the approbation of all, that at least steps may be taken by which an advance to a more perfect system may be made, and the difficulties under which the people of this province now labour may be greatly diminished, subject to such improvements hereafter as time and experience may point out.

We most cordially thank your Excellency for your Excellency's confidence in the prudence

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and wisdom of the Legislature for the regulation of the different important matters which must necessarily come before them. We think with your Excellency that United Canada, with a constitution which the Imperial Legislature has framed with an earnest desire for the welfare of this portion of the British empire, cannot fail to prosper under prudent and sage counsels. The generous aid announced by your Excellency—the determination which your Excellency states, on the part of Her Majesty's Government, to devote annually a large sum for the military defences of the province—the fixed and settled determination which your Excellency, by the Queen's command, declares that Her North American possessions shall be maintained at all hazards as part of Her empire—we gratefully receive as pledges of the sincerity with which the mother-country desires to promote the prosperity of Canada, and to assist in the well-working of the new institutions which it has established.

It is most gratifying to us to be assured by your Excellency that the eyes of England are anxiously fixed on this great experiment, and that, should it succeed, the aid of Parliament in provincial undertakings—the confidence of British capitalists in the credit this province may require from them—the security which the British people will feel in seeking our shores, and establishing themselves upon our fertile soil, may carry improvement to an unexampled height. The rapid advance of trade and immigration within the last 18 months affords us ample evidence of the effects of tranquillity in restoring confidence and promoting prosperity. And we most fervently and thankfully unite with your Excellency in the patriotic wish that no dissensions may mar the flattering prospect which is open before this country, and that the efforts of the Legislature may be steadily directed to the great practical improvements of which this province stands so much in need; and that, under the blessing of that Divine Providence which has hitherto preserved this portion of the British dominions, the counsels of this Parliament may be so guided as to ensure to the Queen attached and loyal subjects, and to United Canada a prosperous and contented people.

(Signed) Robert S. Jameson, Speaker.

Legislative Council Chamber, 18th day of June, 1841.

(Copy.)

To His Excellency the Right Hon. Charles Baron Sydenham, of Sydenham, in the County of Kent, and Toronto in Canada, one of Her Majesty's most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the Province of Canada, in Parliament assembled, do humbly beg leave to thank your Excellency for your speech from the Throne at the opening of the present Session.

We duly appreciate the motives which have led your Excellency to assemble the Provincial Parliament at the earliest period which the circumstances of the province, and the duties imposed upon your Excellency by the Imperial Act for the Union of the Canadas, under which the Legislature is constituted, have admitted; and we are grateful for your Excellency's expression of satisfaction in now meeting us to deliberate on the great and important interests committed to the charge of the Provincial Parliament.

We learn with pleasure that no time was lost by the Executive of the province in remonstrating against the forcible detention of a subject of Her Majesty, an inhabitant of this province, in the neighbouring States, under a charge of a pretended crime, that provision was made for securing to the individual the means of defence, pending the further action of Her Majesty's Government, and that the Queen's representative at Washington has since been instructed to demand his release.

We receive with feelings of the warmest gratitude the assurances which your Excellency has given us, by the Queen's command, of Her Majesty's fixed determination to protect her faithful subjects in Canada with the whole weight of her power.

We are deeply sensible of the great advantages which the province has derived and must derive from the arrangements by which, under the directions of the Treasury, the rates of postage between all parts of the colony and the United Kingdom have been greatly reduced, as well as from those which have been made by the Deputy Post-Master-General, under your Excellency's directions, for the more speedy and regular conveyance of letters between the different parts of this province; and we confidently anticipate, with your Excellency, that the result of the labours of the Commission your Excellency has been pleased to appoint to inquire into and report upon the whole post-office system of British North America, will be the establishment of a plan securing improvements in the internal communication by post within the colony equal to those which we have already obtained in the communication with the mother-country.

Our earliest and most serious attention shall be given to the many subjects of deep importance to the future welfare of the province which demand it, and your Excellency may rest assured that any measures which you may direct to be submitted to us, shall receive our prompt and willing consideration.

We feel that among the first in importance of these subjects is the adoption of measures for developing the resources of the province by well considered and extensive public works; and that the rapid settlement of the country, the value of every man's property within it, and the advancement of his future fortunes, are deeply affected by this question.

We concur with your Excellency in the opinion, that the improvement of the navigation

from the shores of Lake Erie and Lake Huron to the ocean is a work requiring a great outlay of money, but promising commensurate returns. We are aware of the difficulty which would have existed in undertaking this work in the present financial condition of the province, and we learn with gratitude and pleasure that your Excellency has received the authority of Her Majesty's Government to state that they are prepared to call on the Imperial Parliament to afford their assistance towards this important undertaking; and that in the full belief that peace and tranquillity will be happily established in the province under the constitution settled by Parliament, and that nothing but a relief from its most pressing difficulties is wanting to its rapid advancement to prosperity, they will propose to Parliament, by affording the guarantee of the Imperial Treasury for a loan to the extent of no less than a million and a half sterling, to aid the province for the double purpose of diminishing the pressure of the interest on the public debt, and of enabling it to proceed with those great public undertakings whose progress during the last few years has been arrested by financial difficulties.

Our best consideration will be given to the measure which your Excellency intends to submit to us, embracing a plan for these important purposes; and we shall thankfully receive the extracts, which may be laid before us for our information and that of the people of Canada, from the Despatches in which this gratifying assurance of the intentions of Her Majesty's Government were communicated to your Excellency.

We cordially concur with your Excellency in the opinion, that emigration and the disposal and settlement of the public lands are subjects so intimately connected with the welfare of the province that we cannot but take the most lively interest in all measures that may relate to them; and that there exists within the province no means so certain of producing a healthy flow of immigration from the mother-country, and of ultimately establishing the immigrant as a settler and proprietor within the colony, as the power of affording sure employment for his labour on his first arrival. The assistance of Parliament for the public works which may be undertaken here, will, in a great measure, provide for this. But we are happy to learn that yet further assistance will be afforded us in this great work; and that, with a view further to aid immigration, your Excellency is authorized to declare to us that Her Majesty's Government are prepared to assist in facilitating the passage of the immigrant from the port at which he is landed to the place where his labour may be made available, and that a vote of money for this purpose will be proposed to the Imperial Parliament. We shall be gratified by receiving any communication which your Excellency may have to make to us on this subject; and we shall not fail to give our best consideration to any scheme for the settlement and disposal of the public lands which your Excellency may be pleased to lay before us.

Our earnest attention shall be given to any measure which your Excellency may submit to us for the more extended application of the principles of local self-government, which already prevail to some extent throughout that part of the province which was formerly Upper Canada, for enabling the people to exercise a greater degree of power over their own local affairs, and for the establishment of such a form of local self-government for those districts of the province which are unprovided with it as may ensure satisfaction to the people, while it preserves inviolate the prerogative of the Crown, and maintains the administration of justice pure from party and popular excitement.

Your Excellency may rest assure that we hold the education of the people to be a subject of paramount importance, and that we sincerely regret that the want of due provision in this behalf should have been so long felt in the province. We are aware of the difficulty of establishing an efficient system by which the blessings of instruction may be placed within the reach of all; but we are aware, also, of the overwhelming importance of the subject, and it shall be the object of our best attention and our most anxious consideration. We humbly thank your Excellency for the promise of your co-operation in our labours; and we trust that, with that co-operation, we shall be able to obtain a measure which, if it should fail so to reconcile conflicting opinions as to meet the approbation of all, will, at least, serve as a step by which an advance to a more perfect system may be made, and the difficulty under which the people of the province now labour may be greatly diminished, subject to such improvements hereafter as time and experience may point out.

We thank your Excellency for the assurance that the financial accounts of the province and the estimates for the public service shall be submitted to us with the least possible delay; and while we shall give our prompt and deliberate attention to the financial measures which your Excellency may lay before us for rendering the proposed assistance from Her Majesty's Government advantageous to the province, we feel grateful to your Excellency for the assurance that whatever may be appropriated for this purpose will be economically employed and rendered effective.

We humbly thank your Excellency for the expression of your confidence in us for the regulation of the different important matters which must necessarily come before us. We will endeavour so to order our counsels as that Canada, united under a constitution which the Imperial Parliament has framed with an earnest desire for the welfare of this portion of the British empire, and subject to such modifications as experience may hereafter require, cannot fail to prosper.

We gratefully receive, as pledges of the sincerity with which the mother-country desires to promote the prosperity of Canada, and assist in the well-working of the new institutions which it has established, the generous aid which your Excellency has announced to us, the determination which your Excellency has been empowered to state on the part of the Government, to devote annually a large sum for the military defences of the province, and the fixed and settled determination which your Excellency has declared to us in Her Majesty's name, that Her North American possessions shall be maintained at all hazards as a part of her empire. We are aware that the eyes of England are fixed anxiously on the result of the great

experiment which is now to be tried in this province. We will use our best endeavours to ensure its success, and humbly hope that the aid of Parliament in our undertakings, the confidence of the British capitalists in the credit we may require of them, the security which the British people will feel in seeking our shores and establishing themselves on our fertile soil, may carry the improvement of the province to an unexampled height. The rapid advance of trade and immigration within the last 18 months affords ample evidence of the effect of tranquillity in restoring confidence and promoting prosperity. We pray fervently that no dissensions may mar the flattering prospect which is open before us, that our efforts may be steadily directed to the great practical improvements of which the province stands so much in need, and that, under the blessing of that Providence which has hitherto preserved this portion of the British dominions, our counsels may be so guided as to ensure to the Queen attached and loyal subjects, and to United Canada a prosperous and contented people.

(Signed) Austin Cuvillier, Speaker.

Legislative Assembly,
Wednesday, the 23d day of June, 1841.

(Copy.)

Honourable Gentlemen of the Legislative Council,

I thank you for this Address, and for the assurance which it affords me of the cordial assistance of the Legislative Council in promoting measures for advancing the prosperity of this province.

Gentlemen of the House of Assembly,

I thank you for your Address, and I assure you of my entire reliance upon your wisdom and prudence to assist me in whatever may lead to augment the prosperity of the people of Canada.

(No. 413.) No. 24.

No. 24. Copy of a DESPATCH from Lord John Russell to the Right Hon. Lord Sydenham.

My Lord, Downing-street, 24th July, 1841.

I have to acknowledge the receipt of your Lordship's Despatch of the 25th of June, No. 81, in which you transmit to me a copy of the speech with which your Lordship opened the session of the Legislature of Canada, together with copies of the addresses presented to you in answer by both Houses, and of your replies to those addresses.

I have great satisfaction in informing your Lordship that the Queen has been pleased to approve highly the speech with which you have opened the first session of the Provincial Parliament.

I congratulate your Lordship on the address which you have received from the House of Assembly, in answer to your speech, and on the prospects of the session.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. Lord Sydenham,
&c. &c. &c.

(No. 84.) No. 25.

[No. 25. Copy of a DESPATCH from the Right Hon. Lord Sydenham to Lord John Russell.

My Lord, Government House, Kingston, 26th June, 1841.

I have the honour to transmit herewith, for your Lordship's information the returns received from the emigrant agent and the superintendent of quarantine, at Grosse Isle, since my Despatch of the 9th instant, No. 73. Your Lordship will observe with satisfaction that there has been comparatively little distress or sickness among the large body of emigrants who have arrived during the present season in Canada.

I have, &c.

(Signed) SYDENHAM.

The Right Hon. Lord John Russell,
&c. &c. &c.

Enclosure 1 in No. 25.

WEEKLY RETURN of EMIGRANTS arrived at the Port of Quebec and Montreal, from the 231 day of May to the 5th day of June, 1841, both days inclusive.

Date.	Vessel's Name.	Master.	Where from.	Number of Emigrants.				Occupation.	If sent out by Parishes or Government Aid.	If Voluntary.	Observations.
				Male.	Female.	Children under 14 Years.	Total.				
1841											
May 23	Industry. . .	Barret . .	Sligo . .	82	66	40	188	Farmers, labourers, & trades	..	188	Two families went to Bytown, some remain in Quebec and Montreal, others to the vicinity of Kingston and Toronto, one family to Lanark near Perth; the chief part were in good circumstances.
,,	Fairy . . .	Nichol . .	Thurso . .	49	28	46	123	Labourers and farmers .	..	123	
May 24	Wolfes Cove .	Pye . .	Glasgow .	2	1	3	6	Farmers and trades . .	..	6	
,,	Duch.ofBuccleugh	Blair . .	Dumfries .	10	11	21	42	Trades	..	42	
,,	Bryan Abbs. .	Hugell . .	Limerick .	43	27	26	96	Labourers and farmers .	..	96	
May 25	Spermacity . .	Moon . .	Newfoundland.	2	. .	. .	2	Dealers	..	2	Remain in Quebec.
,,	Isabella . .	Just . .	Dundee .	1	2	7	10	Trades	..	10	They have all proceeded to the western district of the province, where many have friends, others had no particular place in view, and a few went on to the States.
,,	Mary Rowe . .	Humphry .	Ballydehob	45	46	25	116	Labourers	..	116	
May 27	Thomas Richie .	Thrift . .	Bridgwater	26	21	53	100	Labourers, farmers, & trades	..	100	
,,	Kentville . .	Hughes .	Donegal .	37	39	35	111	Labourers and farmers .	..	111	
,,	Emma Zoller .	Prouse . .	Dartmouth .	2	3	3	8	Trades	..	8	Some are employed at Quebec, others went to their friends in Bytown, Perth, Belville, and Hamilton. About 16 families, per Henry Volant, who were in good circumstances, agreed to settle on the Canada Company's land.
May 28	Argyle . . .	Power . .	Waterford .	9	13	12	34	Labourers	..	34	
,,	Midas . . .	Moore . .	Galway .	42	26	16	84	Labourers and trades . .	..	84	
,,	Henry Volant .	M'Ewing .	Sligo . .	35	28	22	85	Labourers aud farmers .	..	85	
,,	Triton . . .	Wakeham .	Penzance .	8	4	3	15	Labourers and trades . .	..	15	
,,	John and James	Dale . .	Plymouth .	14	8	8	30	Labourers and farmers .	..	30	
May 29	Minstrel . . .	Wright. .	Liverpool .	64	37	41	142	Labourers, farmers, & trades	..	142	All proceed upwards to join their friends; many were in good circumstances and will settle in the vicinity of Toronto, Hamilton, and London district.
,,	Dispatch . .	Walsh . .	Waterford .	92	36	17	145	Labourers and farmers .	..	145	
,,	Falcon . . .	Day . .	Biddeford .	71	34	59	164	Trades and farmers . .	..	164	
,,	Perseverance .	Montgomery	Belfast . .	52	43	34	129	Labourers, farmers, & trades	..	129	Some remain in Quebec at work, others are gone to Godmanchester district of Montreal, a few are for the Lower Ports, the rest proceed upwards, with the exception of a few who are going to the States.
,,	Constitution. .	Wilson . .	Ditto . .	59	44	58	161	Labourers and servants .	..	161	
,,	Carlton . . .	Allan . .	Ditto . .	142	116	85	343	Labourers, trades, farmers, and servants.	..	343	
,,	Lord Cochrane .	Williams .	Tralee . .	151	132	116	399	Ditto	..	399	
,,	John Esdale .	Wright. .	Baltimore .	92	84	57	233	Labourers and farmers .	..	233	
,,	Triton . . .	Rees . .	Cardigan .	29	19	27	75	Farmers and trades . .	..	75	
May 30	Amanda . . .	Davis . .	Limerick .	120	79	98	297	Labourers, farmers, & trades	..	297	The principal part of these proceed to the western district of the province, a few were determined on the States, a small number remain in Quebec, and those by the Henry went to their friends in Ketley and Bastard, and had sufficient means.
,,	John and Mary.	Harvey. .	Padstow .	45	22	41	108	Ditto	..	108	
,,	Pacific . . .	Morrison .	Thurso&Picto	64	50	79	193	Farmers, labourers, & trades	..	193	
June 2	Argo . . .	Gregg . .	Sligo . .	28	59	10	97	Farmers,servants,&labourers	..	97	
June 5	Henry . . .	M'Fie . .	Killala . .	68	50	34	152	Labourers	..	152	
				1484	1128	1076	3688				

England and Wales	642
Ireland	2,670
Scotland	374
Lower Ports	2
	3,688
Previously reported to May 22	8,726
	12,414
To same period last year	9,889
Increase in favour of 1841	2,525

Emigrant Department, Quebec, 7th June, 1841.

A. C. BUCHANNAN, Chief Agent.

NOTE TO PAGE 57.—The emigrants arrived during the last week are chiefly Irish, and all in good health: a large portion are going up the country to join their friends.

I regret to have to report a gross infringement of the Second Clause of the Imperial Passenger Act, in the case of the ship ——— ———, Captain ———, from ———; this vessel had upwards of 60 full passengers over her compliment, and out of the 399 persons on board, there were only 322 names on her passenger list. The master was fined by the collector £20 sterling, which was the highest penalty under the Act. In the space occupied by the passengers there was only 6 feet 5 inches superfices, whereas by the Act there should be 10 feet. These people, notwithstanding their crowded state, landed in good health; the only deaths during the voyage was a child of two years and a half. The master appears to be quite ignorant of the regulations respecting the carrying of passengers, and had not a copy of the Passenger Act on board. This vessel is owned by ———, ———.

The demand for labourers still continues; but all I can do or say to those seeking employment, they will not remain here if they have means to proceed further up.

A party I directed over to New Liverpool for employment were, on arrival there, offered 4*s*. per day, and refused it, and afterwards applied to be sent up free.

WEEKLY RETURN of EMIGRANTS arrived at the Port of Quebec and Montreal, from the 5th day of June to the 12th day of June, 1841, both days inclusive.

Date.	Vessel's Name.	Master.	Where from.	Number of Emigrants. Male.	Female.	Children under 14 Years.	Total.	Occupation.	If sent out by Parishes or Government Aid.	If Voluntary.	Observations.
1841.											
June 7.	Harper	Murphy	Dublin	85	54	65	204	Farmers, labourers, & trades	..	204	Proceeded to the vicinity of Montreal, Toronto, and Hamilton; some to Ketley and Brockville.
,,	Oberon	Edy	Liverpool	107	77	74	258	Farmers, trades, & labourers	..	258	Went to Lake Erie, Toronto, and Port Hope; a few went to Merioniche, and a few remain in Quebec for employment.
,,	Harmony	Nailor	Waterford	2	..	..	2	Farmers	..	2	
,,	John and Mary	Wright	Limerick	14	11	11	36	Labourers and trades	..	36	Proceeded to Lake Erie, Toronto, Port Hope, Hamilton, and Lake Huron.
,,	Rose Bank	Legate	Belfast	71	56	98	225	Labourers and farmers	160	115	
,,	Jubilee	Coute	Sunderland	3	2	..	5	Farmers	..	5	
,,	Tom	Coulshard	Dublin	46	38	21	105	Labourers	..	105	Went to Brockville, Hamilton, Cavan Township, Kingston, Toronto, Darlington, Briton, and London; a few remain in Quebec.
,,	Souris	Buller	Belfast	48	39	27	114	Labourers, farmers, & trades	..	114	
,,	Prince Victoria	Guy	Newfoundland.	1	..	..	1	Traders and dealers	..	1	
,,	Hannah Malvin	Ross	Halifax	1	..	..	1	Ditto	..	1	Went to Montreal.
,,	Perseverance	Coffin	Gaspe	5	3	..	8	Ditto	..	8	
,,	Victoria	Daniel	St. Ives	11	3	5	19	Farmers and trades	..	19	
,,	Sedulous	Levie	Aberdeen	7	2	1	10	Farmers	..	10	Proceeded to the London District.
,,	Schooner Mary with the passengers of the Breeze from		Limerick	41	42	24	107	Labourers and farmers	..	107	Some went to Montreal, Kingston, and Toronto, and others to the United States.
,,	Idea	Crowley	Galway	17	10	10	37	Labourers	..	37	
,,	Julia	Lynch	Sligo	55	55	29	139	Labourers and farmers	..	139	Proceeded to the Western District, and some remain in Quebec for employment.
			Total	514	392	365	1271	Total	160	1141	

England	282
Ireland	969
Scotland	10
Lower ports	10
	1,271
Previously reported	12,414
	13,685
To same period last year	11,493
Increase in favour of 1841	2,192

Emigrant Department, Quebec, 14th June, 1841.

(Signed) A. C BUCHANNAN, Chief Agent.

NOTE TO PAGE 59.—The arrivals during the past week are chiefly Irish, and mostly of the labouring class. A few respectable farmers, with capital from one to two hundred pounds sterling, came out in the Oberon from Liverpool. About 200 of the passengers by this vessel proceed immediately to Montreal, on the route to Upper Canada, where they intend to settle. Five young men are going to New Brunswick, and a few to the United States. Those by the Tour from Dublin, and Souries from Belfast, landed in good health; a number remained here for employment; the remainder proceeded up the country. In the Rosebank, from Belfast, were 28 families, members of the North Quarter Glasgow Emigration Society, principally weavers; they have been assisted to emigrate by public subscription, and by weekly contributions made by each family; they number in all 160 persons; a surplus, amounting to sixty pounds currency, was divided among them on their landing here, which enabled some of them to reach Montreal, where they were determined to proceed, notwithstanding what I stated to them of the difficulty they would find there and higher up the country in obtaining employment, and the certainty of work they would have here. A few of them have, however, taken my advice, and are now at work. In fact, very few of the emigrants are inclined to work if they can possibly avoid it; and they all appear to land here with the impression that the Government will forward them free.

In the schooner Mary, from Sidney, Captain Briton, were 107 passengers, the remainder of those in the brig Breeze, O'Donnell master, from Limerick. This vessel was wrecked on the island of Scatari on the 14th May; passengers all saved, but with the loss of their baggage and provisions. She had 160 on board, 53 of whom remained at Sydney for employment; a few went to St. John's and Halifax, and those that came on here are going to their friends. About 51 of them will remain in the province, the remainder are going to a place called Silver Lake, in the state of New York. In consideration of their condition, I forwarded them to Montreal, and gave them a supply of provisions, as they were nearly all pennyless.

The total number of persons assisted from this office this season, with the exception of these people, are 85; viz. 4 men and 81 women and children, either widows or married women with families going to their husbands in different parts of the province. Those by the Idea, from Galway, and Julia, from Sligo, landed on Saturday, in good health, and many of them have remained here for employment, from want of means to proceed further up.

WEEKLY RETURN of EMIGRANTS arrived at the Port of Quebec and Montreal, from the 12th day of June, to the 19th day of June 1841, both days inclusive.

Date.	Vessel's Name.	Master.	Where from.	Number of Emigrants. Male.	Female.	Children under 14 Years.	Total.	Occupation.	If sent out by Parishes, or Government aid.	If Voluntary.	Observations.
June 13	Cornelia. . .	Cloal . .	Greenock .	39	31	28	98	Labourers and farmers .	98	..	They have all proceeded to the Western district, with the exception of a few that went to their friends in the United States, those by the Cornelia went up to Montreal in the vessel.
,,	Northern Conference.	Jude . .	Waterford .	37	35	31	103	Farmers, trades, & labourers	..	103	
June 15	Mary Ann . .	Moody . .	Greenock .	65	58	98	221	Weavers, and a few trades	221	..	The principal part are inclined to settle in Upper Canada, but have no fixed place in view. Some remain in Quebec.
,,	Carricks . . .	Miller . .	Westport .	52	45	42	139	Labourers, farmers, & trades	..	139	Proceeded to Bytown, Brockville, and Kingston. A few will stop at Montreal, and several families remain in Quebec employed.
,,	Lively . . .	Peire . .	Cork . .	73	39	37	149	Labourers and farmers .	..	149	Went to Belville, Kingston, Toronto, and Hamilton, and some are going to join their friends in the United States.
,,	Mary Coxon. .	Coxon . .	Cork . .	82	56	44	182	Farmers, labourers, & trades	..	182	
June 19	Horatio . . .	Waterworth	Stockton .	12	6	15	33	Farmers and labourers .	..	33	Not yet landed.
				360	270	295	925		319	606	

England	33
Ireland	573
Scotland	319
	925
Previously reported.	13,685
	14,610
To same period last year	13,575
Increase in favour of 1841	1,035

Emigrant Department, Quebec, 19th June, 1841.

A. C. BUCHANNAN, Chief Agent.

NOTE TO PAGE 61.—The emigrants arrived during the past week: all landed in good health. Some of those by the *Lively* and *Mary Coxon* from Cork, are in good circumstances, and proceeded immediately on their route to their friends in different parts of the province. The passengers per *Cornelia* and *Mary Ann*, are members of the Glasgow Emigration Society, and have all been assisted to emigrate. They are anxious to proceed to Upper Canada, but their means are very limited, and will barely pay heir passage to Montreal. I have offered them all employment, but very few would accept of it, nd prefer paying their last shilling to take them to Montreal. These people all appear to have emigrated with the impression that Government would assist them to their destination. A party of gentlemen in this city offered to subscribe sufficient to procure them provisions during the winter, if they would remain and settle in this district, and to place those desirous on lands. One or two families intend to avail themselves of this liberal offer, but the remainder proceed upwards. I am still able to procure employment for all who will accept of it, on the roads, where, at job-work, industrious men can earn 3*s*. to 3*s*. 6*d*. per day. About 300 hands are now employed on them.

WEEKLY RETURN of EMIGRANTS arrived at the Port of Quebec and Montreal, from the 19th day of June to the 26th day of June, 1841, both days inclusive.

Date.	Vessel's Name.	Master.	Where from.	Number of Emigrants. Male.	Female.	Children under 14 years.	Total.	Occupation.	If sent out by Parishes or Government aid.	If Voluntary.	Observations.
June 20	Williams . .	Walsh . .	Glasgow .	8	6	6	20	Farmers	..	..	Proceeded in the vessel to Montreal.
,,	Robert Alexander Park.	Hederman	Londonderry	76	90	87	253	Farmers, labourers, & trades	..	..	Proceeded to Montreal, Kingston, and Toronto.
,,	Chieftain . .	Sanderson .	Belfast . .	14	15	8	37	Ditto	..	..	
June 25	Leo	Steel . .	Liverpool .	2	2	2	6	Farmers and trades . .	..	..	
,,	Robert Bruce .	Morgan .	Halifax. .	4	..	..	4	Ditto	..	..	Went to Upper Canada.
,,	Eliza Ann . .	Cortuhers .	Whitehaven	2	..	..	2	Ditto	..	..	
,,	St. Lawrence .	Hodge . .	London .	3	..	..	3	Ditto	..	..	
June 26	Jona . . .	Morrison .	Liverpool .	37	21	16	74	Labourers and trades . .	..	..	Proceeded in the vessel to Montreal.
,,	Harmony . .	Elder . .	Bristol . .	23	33	27	83	Farmers, labourers, and servants.	..	..	
,,	Lady Fitzherbert	Harper .	Plymouth .	51	33	51	135	Ditto	..	..	One family went to Boston and some to Illinois, the remainder to Toronto and the New Castle District.
,,	Henderson . .	Hull . .	Broadhaven	45	36	29	110	Ditto	..	..	
,,	Elizabeth and Catherine.	Ranklin .	Newfoundland.	1	..	..	1	Ditto	..	..	
,,	Thomas Dryden	Hart . .	Sligo . .	63	71	39	173	Mostly labourers and a few trades and servants.	106	..	Some went to the States, one family to the Eastern Townships, the remainder to Montreal, Bytown, Toronto, and London District.
,,	Perseverance .	Scott . .	Dublin .	126	118	88	332	Ditto	..	..	
,,	Unicorn . . .	Allen . .	Londonderry	54	67	72	193	Ditto	..	..	
,,	Daphne . . .	Smith . .	Guernsey .	6	4	5	15	Traders	..	..	Went to Montreal.
,,	Belize . . .	Roger . .	Dundee .	4	3	2	9	Farmers	..	..	Went to Upper Canada.
,,	Calm . . .	Unbancan .	Chaleur Bay	7	4	..	11	Dealers	..	..	In Quebec.
			Total . .	526	503	432	1461				

England	413
Ireland	988
Scotland	29
Lower Ports	31
	1,461
Previously reported	14,610
	16,071
To same period last year	14,566
Increase in favour of 1841	1,505

Emigrant Department, Quebec, 28th June, 1841.

A. C. BUCHANNAN, Chief Agent.

NOTE TO PAGE 62.—The emigrants who arrived during the past week are in good health, and consist of farmers and labourers, the great majority of them intend settling in Upper Canada, where they have friends.

The passengers in the *Robert Alexander Park* and *Unicorn* from Londonderry are respectable settlers, and all appear in good circumstances: they, with few exceptions, have their relations settled in the Home Gore and Wellington districts. In the barque *Harmony*, from Bristol, were a party of Mormons going to settle in Illinois. They report that two other vessels are expected from the same port this season. Three families are going to the Newcastle district. Those in the ———, from ———, 135 in number, are principally farmers, and going to the western division of the province; these families complained to this office that Mr. ———, the owner of the vessel with whom they engaged their passage, charged them 5*s*. a-head for landing charges, and which he told them would be refunded by the master on arrival here if the charge was incorrect. He stated on application that he was not aware of any such agreement, and refused to refund: the parties having no written proof, I could not inforce their claim, but from the manner in which these people tell their story, I have no doubt of its being correct.

In the *Perseverance*, from Dublin, were 106 passengers who were assisted to emigrate by their landlord, the Honourable Charles Butler Clerk, from his estate in Kilkenny; they landed in good health, and proceeded on their route up the country. The rest of the passengers in this vessel were labourers: one family went to the Eastern Townships, and some to friends at Bytown and Toronto. A large number of the labourers from the different vessels have availed themselves of the employment which offers on the roads in this neighbourhood.

A large number of emigrants are reported at Grosse Isle.

REPORT of VESSELS Boarded at the Quarantine Station, Grosse Isle, from the 25th day of May to the day of June, 1841.

Rig and Name.	Captain's Name.	From	Date of Sailing.	Arrival.	At what hour boarded.	Cargo.	Passengers.		Consigned to	Number of Days Quarantine.	Date of Release.	Remarks.
							Cabin.	Steerage.				
Barque Thomas Ritchie .	George Thrift .	Bridgewater .	April 4	May 24	..	Ballast . . .	..	100	Atkinson and Usburne	..	May 25	
Brig Triton	R. J. Wakem .	Penzance . .	,, 8	May 26	..	,,	..	15	Pemberton, Brothers .	..	May 26	
Brig Kentville	Thomas Hughes.	Donegal . .	,, 20	,,	..	,,	1	112	Gilmour and Co. .	..	,,	
Barque Argyle	Robert Powers .	Waterford. .	,, 6	,,	..	,,	..	34	Price and Co. . .	..	,,	
Brig Henry Volant . . .	Hugh M'Ewing.	Ballyshannon.	,, 22	,,	..	,,	..	87	Gilmour	..	,,	An infant, aged six months, died from weakness.
Barque Midaz	Thomas Moore .	Galway . .	,, 24	,,	..	,,	..	81	Ryan, Brothers . .	..	,,	
Barque Minstrel . . .	M. Wright . .	Liverpool . .	,, 22	May 27	..	,,	..	130	Atkinson and Usburne	..	May 27	An infant, aged four months, died.
Barque Dispatch . . .	Robert Walsh .	Waterford .	,, 10	,,	..	General cargo .	1	147	H. N. Jones . . .	..	,,	
Brig Constitution . . .	Jonathan Wilson.	Belfast . .	,, 24	,,	..	Ballast . . .	..	161	Atkinson and Usburne	2	May 29	Six deaths:—one adult and five children from measles; twelve to hospital.
Barque John and James .	Henry Dale . .	Plymouth .	,, 6	,,	..	,,	2	27	D. Burnet . . .	..	May 27	
Barque Falcon	William Day .	Bideford . .	,, 7	,,	..	,,	6	163	Order	..	,,	Two children died.
Brig Perseverance . . .	R. Montgomery.	Belfast . .	,, 9	,,	..	,,	..	131	H. N. Jones . . .	..	May 28	
Barque Carleton . . .	John Allen . .	,, . .	,, 28	,,	..	,,	..	364	Gilmour	2	May 29	One adult and three children from measles.
Brig Intrepid	William Jacks .	Gloucester .	,, 20	,,	..	,,	..	..	Pemberton . . .	..	May 27	The mate ill with fever.
Barque Lord Cochrane. .	C. Williams. .	Tralee . .	,, 22	May 28	..	,,	..	399	Price and Co. . .	..	May 29	An adult died suddenly on arrival from apoplexy, and a child from rickets.
Brig John Esdale . . .	H. Wright . .	Baltimore. .	,, 11	May 29	..	,,	..	233	Tibbits	..	,,	
Barque Amanda . . .	Solomon Davis .	Limerick . .	,, 22	,,	..	,,	..	297	Price and Co. . .	..	,,	One child aged five years and a half.
Barque Triton	D. Rees . . .	Cardigan . .	,, 26	,,	..	,,	..	75	Order	..	,,	
Brig John and Mary . .	Richard Harvey.	Padstow . .	,, 10	,,	..	,,	1	109	Price and Co. . .	..	,,	
Barque Pacific	John Morrison .	Thurso . .	,, 12	May 30	..	,,	5	156	Pemberton	..	May 30	Landed 30 passengers at Picton.
Brig Argo	William Greggs.	Sligo . . .	,, 29	May 31	..	,,	..	86	Atkinson and Usburne	..	May 31	One child aged five years from taking excessive quantity of whiskey to cure sea-sickness.
Brig Eleanor	Thomas Potts .	Dublin . .	,, 8	June 3	.	,,	..	..	Pemberton . . .	..	June 3	A seaman died from diseased lungs.

G. W. DOUGLAS, Medical Superintendent.

REPORT of VESSELS Boarded at the Quarantine Station, Grosse Isle, from the 4th of June to the 14th of June, 1841.

No.	Rig and Name.	Captain's Name.	From	Date of Sailing.	Arrival.	At what hour boarded.	Cargo.	Passengers.		Consigned to.	Number of Days Quarantine.	Date of Release.	Remarks.
								Cabin.	Steerage.				
97	Ship Abercrombie Robinson.	Robert Fraser .	Barbadoes .	May 4.	June 4.	..	Baggage, &c. .	6	162	Order.	..	June 4.	The 89th Regiment. Seven deaths on the voyage, and 38 sick on arrival.
8	Barque Harper . .	George Murphy.	Dublin . .	April 22.	,,	..	Ballast . . .	..	207	Ditto	2	June 6.	Measles, of which two died and nine were sent to hospital.
99	Barque Henry . .	Charles M'Fee .	Killala . .	May 1.	,,	..	,,	..	161	Atkinson Usburne .	..	June 4.	A child died.
100	Barque Oberon . .	James Addie .	Liverpool . .	April 24.	June 5.	..	General cargo .	..	266	Symes	..	June 5.	
101	Brig Canon . . .	Robert Brown .	Newcastle .	Mar. 29.	June 6.	..	Coals . . .	..	..	Atkinson Usburne .	..	June 6.	A seaman died on the passage.
101	Barque Rosebank .	Thomas Ligate .	Belfast . .	April 21.	June 7.	..	General . . .	2	239	J. Oliver	..	June 7.	Two deaths, a child and an aged female; one birth.
102	Brig Souris . . .	John Bulla . .	,,	April 15.	,,	..	Ballast . . .	..	115	— Oliver	..	,,	A seaman lost overboard.
104	Barque John and Mary	John Wright .	Limerick . .	April 12.	,,	..	,,	..	40	Lemesurier . . .	..	,,	A seaman killed by a fall out of the main top.
105	Brig Tom . . .	Wm. Coulthard .	Dublin . .	April 29.	,,	..	,,	..	104	Tibbits	..	,,	
106	Schooner Mary . .	Thos. Townsend	Sydney, N. S.	May 31.	June 10.	..	,,	..	108	Order.	..	June 10.	These passengers consist of the master and four of crew of the barque Breeze and the steerage passengers.
107	Brig Julia . . .	John Lynn . .	Sligo . . .	May 1.	June 11.	..	,,	..	146	,, ...	..	June 11.	
108	Barque Idea . . .	Cornelius Crowly	Galway . .	May 2.	,,	..	,,	..	37	Chapman	..	,,	
109	Brig Cornelia . .	David Crowly .	Greenock . .	May 1.	,,	..	General . . .	2	100	Lanril and Burns .	..	,,	A child died.
110	Brig Carricks . .	William Millar .	Westport . .	April 29.	June 12.	..	Ballast . . .	..	151	Symes	3	June 14.	Cases of small-pox.
111	Barque Northern Conference.	John Jude . .	Waterford .	May 7.	June 13.	..	,,	..	104	Sharples and Co.. .	..	June 13.	Two children died.
112	Barque Mary Anne .	J. Moody . .	Greenock . .	May 1.	June 14.	..	,,	..	223	Hamilton and Lowe .	..	June 14.	A child died.
113	Brig Mary Coxan .	George Coxon .	Cork . . .	May 7.	,,	..	,,	4	181	Chapman. . . .	..	,,	Ditto.
114	Brig Lively . . .	James Price.	,,	May 8.	,,	..	,,	..	143	William Price and Co.	..	,,	

(Signed) G. W. DOUGLAS, M.D., Medical Superintendent.

WEEKLY RETURN of Sick in the Quarantine Hospital, Grosse Isle, from 30th May to 5th June inclusive, 1841.

Description.	Remained.	Since admitted.	Total.	Discharged.	Died.	Remaining.	Disease.											Cases not Classified under Diseases.	Total.	Remarks.
							Typhus Fever.	Continued Fever	Small-pox.	Measles.	Scarlatina.	Cholera Asphyx.						Infants at the Breast.		
Men . .	9	..	9	1	2	6	2	3	1	..	..	..	..	..	..	..	..	..	6	
Women .	5	1	6	2	..	4	1	3	..	..	..	..	..	..	..	..	..	..	4	
Children .	19	15	34	8	3	23	..	6	1	16	..	..	..	..	..	..	..	..	23	
Total .	33	16	49	11	5	33	3	12	2	16	..	..	..	..	..	..	..	..	33	

NAMES of those who have Died during the Week.

No.	Names.	Age.	Disease.	Vessel's Name.	When Admitted.	When Died.	Remarks.
1	Mary Welch . . .	18 Months	Feb. Cont. . .	Carleton	May 28 . .	May 28 . .	Sickly infants, landed in a dying state.
2	Patrick M'Kenna .	18 ,,	,, . .	,, ...	,, 28 . .	June 1 . .	
3	Ann Jane Boyle . .	4 Years	Rubeola . . .	Constitution . . .	,, 27 . .	May 30 . .	
4	John Rice . . .	25 ,,	Feb. Cont. . .	Helen Stuart . .	,, 21 . .	June 4 . .	Both these young men left Europe with diseased lungs, and were landed here in a dying state.
5	John M'Doon . .	22 ,,	,, . .	Hampton . . .	,, 19 . .	,, 1 . .	

G. W. DOUGLAS, M.D.,
Medical Superintendent.

WEEKLY RETURN of Sick in Quarantine Hospital, Grosse Isle, from 6th June to 12th inclusive, 1841.

Description.	Remained.	Since Admitted.	Total.	Discharged.	Died.	Remaining.	Disease.											Cases not Classified under Diseases.	Total.	Remarks.
							Typhus Fever.	Continued Fever.	Small-pox.	Measles.	Scarlatina.	Cholera Asphyx.	Icterus.					Infants at the Breast.		
Men . .	6	3	9	..	..	9	2	5	1	..	..	..	1	..	..	..	..	..	9	
Women .	4	1	5	..	1	4	1	3	..	..	..	..	..	..	..	..	..	..	4	
Children .	23	13	36	..	2	34	..	8	6	20	..	..	..	..	..	..	..	..	34	
Total .	33	17	50	..	3	47	3	16	7	20	..	..	1	..	..	..	..	..	47	

NAMES of those who have Died during the Week.

No.	Names.	Age.	Disease.	Vessel's Name.	When Admitted.	When Died.	Remarks.
1	Ann M'Farlane . .	40 Years.	Feb. Cont. . .	Sarah Stewart . .	May 26 . .	June 11 . .	
2	John Taylor . . .	6 Months	Rubeola . . .	Constitution . . .	,, 27 . .	,, 11 . .	
3	Margaret Dolan . .	1 Year.	,, . . .	Harper	June 4 . .	,, 10 . .	

G. W. DOUGLAS, M.D.,
Medical Superintendent.

WEEKLY RETURN of Sick in the Quarantine Hospital, Gross Isle, from 13th June to 19th inclusive, 1841.

Description.	Remained.	Since Admitted.	Total.	Discharged.	Died.	Remaining.	Disease.											Cases not Classified under Diseases.	Total.	Remarks.
							Typhus Fever.	Continued Fever	Small-pox.	Measles.	Scarlatina.	Cholera Asphyx.	Icterus.					Infants at the Breast.		
Men . .	9	..	9	3	..	6	1	3	1	..	..	..	1	..	..	..	..	..	6	
Women .	4	..	4	1	1	2	1	1	..	..	..	..	..	..	..	..	..	..	2	
Children .	34	5	39	22	1	16	..	3	6	4	3	..	..	..	..	..	..	..	16	
Total .	47	5	52	26	2	24	2	7	7	4	3	..	1	..	..	..	..	..	24	

NAMES of those who have Died during the Week.

No.	Names.	Age.	Disease.	Vessel's Name.	When Admitted.	When Died.	Remarks.
1	Margaret M'Carney .	18	Rubeola . . .	Constitution . . .	May 27 . . .	June 17 . . .	
	George Young . .	5	Scarlatina . . .	Mary Anne . . .	June 14 . .	June 15 . .	

G. W. DOUGLAS, M.D.,
Medical Superintendent.

(No. 90.) No. 26. CANADA.

COPY of a DESPATCH from the Right Hon. Lord SYDENHAM to Lord JOHN RUSSELL.

My Lord, Government House, Kingston, 13th July, 1841.

I HAVE the honour to transmit to your Lordship herewith the returns made to me by the emigrant agent at Quebec, and by the superintendent at Grosse Isle since my Despatch of the 26th ultimo, No. 84. No 26.

I also annex the copy of a report which I have to-day received from the emigrant agent at this place.

To this latter report I would beg to call your Lordship's especial attention, as it affords the most conclusive answer to statements which have been circulated for mischievous purposes through the public press, and which may, perhaps, have been repeated in England, that emigrants were leaving this province in great numbers for the United States, and that great distress prevailed among those who remained here. Your Lordship will perceive that these statements are not only not consistent with truth, but are the very reverse of it.

I have, &c.
(Signed) SYDENHAM.

The Right Hon. Lord John Russell,
&c. &c. &c.

(Copy.) Enclosure 1 in No. 26.

Sir, Emigrant Office, Quebec, 6th July, 1841.

I HAVE the honour to enclose you for the information of his Excellency, a list of the passenger vessels, received by the English mail yesterday, as also the names of those formerly reported, and still due, in all amounting to 2,829 persons. I have also advices of three other vessels, two from Skye, and one from Glasgow, but the numbers on board are not stated. Encl. 1 in No. 26.

Over 1200 passengers have landed here since Sunday, three-quarters of whom are going to the western division of the province, some with good means, to purchase lands, and others for employment.

I have, &c.,
(Signed) A. C. BUCHANNAN, Chief Agent.

H. C. Murdoch, Esq., Chief Secretary,
&c. &c. &c.

RETURN of PASSENGER VESSELS received by the English Mail on the 5th instant.

Date of Sailing.	Vessel's Name.	Where from.	Number of Passengers in each Vessel.
June 4	Pomona . . .	Sligo . . .	214
„ 10	Huron . . .	Liverpool . .	327
„ 12	Orlando . . .	London . . .	102
„ 15	Chinia . . .	Limerick . .	170
„ „	Josepha . . .	Belfast . . .	243
„ 16	Clifton . . .	Cork . . .	112
„ 17	Astrea . . .	Dublin . . .	134
„ 18	Independence .	Liverpool . .	249
		Total .	1,551

VESSELS FORMERLY REPORTED NOT YET ARRIVED.

May 20	Bachelor . .	Londonderry .	196
„ 21	Le Plate . .	Cork . . .	107
„ 22	Dolphin . . .	Limerick . .	141
„ „	Maria Bennan .	Ditto . . .	137
„ 25	Centenary . .	London . . .	162
„ 26	Isabella . . .	Greenock . .	33
„ 31	Constitution .	Belfast . . .	426
„ „	Hope . . .	Dublin . . .	72
		Total .	1,274

Emigrant Department, Quebec,
6th July, 1841.

(Signed) A. C. BUCHANNAN,
Chief Agent.

Enclosure 2 in No. 26.

Sir, Emigrant Office, Quebec, 3d July, 1841.

Enclosure 2 in No. 26. I HAVE the honour to enclose you my weekly return of arrivals of emigrants to the 27th instant. The detention occasioned in getting the passenger lists has been the cause of this being delayed so much beyond the usual time.

I enclose you a return of the numbers landed this week for the information of his Excellency, viz., 2651, making a total this season of 18,722.

From 300 to 400 more are at Grosse Isle; but exact numbers are not known.

I have, &c.

(Signed) A. C. BUCHANNAN, Chief Agent.

H. C. Murdoch, Esq., Chief Secretary,
&c. &c. &c.

Office of Her Majesty's Chief Agent for Emigrants,
Quebec, 3d July, 1841.

NUMBER of EMIGRANTS arrived during the week ending 3rd July.

England	616
Ireland	1,892
Scotland	143
	2,651
Previously reported	16,071
	18,722
To same period last year . . .	15,421
Increase in favour of 1841 . . .	3,301

(Signed) A. C. BUCHANNAN, Chief Agent.

H. C. Murdoch, Esq., Chief Secretary,
&c. &c. &c.

(Copy.) Enclosure 3 in No. 26.

Sir, Emigrant Office, Kingston, 12th July, 1841.

Enclosur 3 in No. 26. I HAVE the honour to state, for the information of the Governor-General, that I have received returns from the emigrant stations at Bytown, Toronto, and Hamilton up to the 30th ult.

I am happy to state that all these returns represent the state of the immigrant population as being, with very trifling exceptions, healthy and prosperous. Labour is scarce; but it appears that all who consent to work for low wages are getting employment and settling in the province.

The total number of emigrants to this section of the province, according to my returns, is as follows:—

Emigrants *viâ* the Rideau Canal	5660
Ditto St. Lawrence	2750
	8410

It has been currently reported that numerous emigrants who left the United Kingdom with the intention of settling in Canada have abandoned the province and gone to the neighbouring states. I find on inquiry that this is not true. Labour is as scarce, and money scarcer, on the American side of the line than on ours. Many emigrants who have gone to the states have returned, and very many others have accompanied them. In fact, the balance so for this season has been in our favour.

I have the honour to transmit to you herewith copies of letters from J. H. Greer and Robert Patterson, Esqrs., on this subject; and should further proof be required, it can, I am assured, be obtained from he commanders and agents of all the steam-boats which touch at ports in the United States.

I have, &c.

(Signed) A. B. HAWKE, Chief Emigrant Agent,
Western Division.

H. C. Murdoch, Esq., Chief Secretary,
&c. &c. &c.

No. 1.

Dear Sir, Custom-house Wharf, Kingston, 12th July, 1841.

HAVING heard it reported that a great many emigrants were crossing to the United States this season after their arrival in this place, I beg to inform you for your information, as chief emigrant agent, that a very small number of these individuals have left this for the other side by the American steam-boats, *all* of which depart from my wharf daily; but, on the con-

trary, a very great number of settlers and adventurers have arrived here this season from the United States by the above-named conveyances.

I am, &c.

A. B. Hawke, Esq., Chief Emigrant Agent, &c. &c. &c. (Signed) JOHN H. GREER.

No. 2.

Dear Sir, Steamer Commodore Barrie, Kingston, 12th July, 1841.

HAVING been informed that a rumour has got abroad that numbers of emigrants having obtained tickets from you for a free passage to Toronto, and having embarked on board this boat from thence have landed at Oswego, I beg to state that that is not the case. A few went across with me who paid their own passages; but I do not believe there has been a single instance of fraud of that kind. I repeat, a few have landed there who have paid their way; and an equal number, or nearly so, have returned with us from thence; and from my knowledge of the travel by other boats I would say that double the number come to Canada from the United States that go there from hence.

I have, &c.

A. B. Hawke, Esq., Chief Emigrant Agent, &c. &c. &c. (Signed) ROBERT PATTERSON

Enclosure 4 in No. 26.

WEEKLY RETURN of Sick in the Quarantine Hospital, Grosse Isle, from 20th June to 26th inclusive, 1841.

Description.	Remained.	Since Admitted.	Total.	Discharged.	Died.	Remaining.	Disease.											Cases not Classified under Disease.	Total.	Remarks.
							Typhus Fever.	Continued Fever.	Small-pox.	Measles.	Scarlatina.	Cholera Asphyx.						Infants at the Breast.		
Men . .	6	4	10	1	..	9	1	4	1	..	..	..	1	2	..	..	..	..	..	9	The admissions this week are from the ships Dumfriesshire and Lord Seaton, from Belfast, the barque Grace from Liverpool, and brig Indian from Sligo.
Women .	2	17	19	..	..	19	1	11	1	4	..	..	..	2	..	..	..	..	..	19	
Children .	16	21	37	9	1	27	..	9	11	5	2	..	..	..	..	..	..	..	..	27	
Total . .	24	42	66	10	1	55	2	24	13	9	2	..	1	4	..	..	..	..	..	55	

Names of those who have Died during the Week.

No.	Names.	Age.	Disease.	Vessel's Name.	When Admitted.	When Died.	Remarks.
1	Samuel Sanderson .	2	Continued fever .	Robt. and Alex. Parke	June 23 . .	June 24 . . .	

G. W. DOUGLAS, M.D.,
Medical Superintendent.

WEEKLY RETURN of Sick in the Quarantine Hospital, Grosse Isle, from 27th June to 3d July inclusive, 1841.

Description.	Remained.	Since Admitted.	Total.	Discharged.	Died.	Remaining.	Disease.											Cases not Classified under Disease.	Total.	Remarks.
							Typhus Fever.	Continued Fever.	Small-pox.	Measles.	Scarlatina.	Cholera Asphyx	Other Diseases.					Infants at the Breast.		
Men . .	9	4	13	2	..	11	1	5	2	..	..	..	3	..	..	..	..	..	11	
Women .	19	9	28	8	2	18	1	11	2	2	..	..	2	..	..	..	..	..	18	
Children .	27	21	48	18	5	25	..	5	8	12	..	..	..	..	..	..	..	..	25	
Total . .	55	34	89	28	7	54	2	21	12	14	..	..	5	..	..	..	..	..	54	

Names of those who have Died during the Week.

No.	Names.	Age.	Disease.	Vessel's Name.	When Admitted.	When Died.	Remarks.
1	Martha Armstrong .	24	Measles . . .	Lord Seaton . . .	June 26 . .	July 2 . . .	Five children landed moribund from the ships Lords Seaton and Grace have died this week from the sequelæ of measles.
2	Sarah Johnston . .	30	,, . . .	Dumfrieshire . .	,, . .	July 3 . . .	One attendant upon her sick children, Mary Sanderson, gave birth to a male child.

G. W. DOUGLAS, M.D.,
Medical Superintendent.

REPORT of VESSELS Boarded at the Quarantine Station, Grosse Isle, from the 19th day of June to the 29th day of June, 1841.

No.	Rig and Name.	Captain's Name.	From	Date of Sailing.	Arrival.	At what hour Boarded.	Cargo.	Passengers.		Consigned to	Number of Days Quarantine.	Date of Release.	Remarks.
								Can.	Steerage.				
115	Brig Horatio . .	John Waterworth	Stockton . .	April 4.	June 19.	..	General . . .	..	33	Curry and Co. . .	..	June 19.	
116	Brig William . .	George Welch .	Glasgow . .	May 4.	June 20.	..	,,	2	20	M'Gill and Co. . .	..	,,	
117	Barque Ferronia . .	A. M'Lellan .	Havana . .	May 20.	,,	..	Sugar and cigars	..	..	Tonance and Co.. .	..	June 20.	One of the crew died from dysentery, and the master ill from same cause.
118	Barque Robert and Alexander Parke.	R. Herdman .	Londonderry .	May 10.	June 21.	..	Ballast . . .	1	262	J. Froste and Co. .	2	June 21.	One death and two births on the voyage.
119	Barque Chieftain .	John Saunderson	Belfast . .	May 9.	,,	..	,,	1	35	Rodger, Dean, & Co.	..	,,	One death, (an infant).
120	Ship Dumfrieshire .	James Gowan .	,,	May 13.	June 24.	7 p.m.	Salt	5	595	G. H. Parke . . .	4	June 28.	Three deaths from small-pox, eight cases sent to hospital.
121	Barque Iona . . .	John Morrison .	Liverpool .	,,	,,	8 p.m.	General . . .	8	66	Doughall, Irvine, & Co.	..	June 25.	n echild died.
122	Barque Lord Seaton .	G. Fitzsimmons	Belfast . .	May 19.	June 25.	..	Salt	1	546	G. H. Parke . . .	5	June 29.	14 children died on the voyage from measles, and 14 sent to hospital.
123	Barque Harmony .	R. Elder . .	Bristol . .	May 13.	,,	..	General . . .	1	93	Burstalls	..	June 25.	These passengers are of the sect of Mormon, and are going to the state of Illinois.
124	Barque Perseverance	William Scott .	Dublin . .	,,	,,	..	Ballast . . .	..	334	Order	..	,,	One aged person died.
125	Barque Grace . .	John C. Warren	Liverpool .	May 7.	,,	..	Salt	..	298	Curry	5	June 29.	Seven deaths from fever and small-pox, and several sent to hospital.
126	Barque Lady Fitzherbert.	James Hooper .	Plymouth .	May 12.	,,	..	Ballast . . .	21	114	Oliver	..	June 25.	
127	Brig Henderson . .	Jos. Hull . .	Broadhaven .	May 7.	,,	..	,,	..	126	Gilmour	..	,,	
128	Brig Unicorn . .	William Allan .	Londonderry .	May 14.	,,	..	Coals . . .	1	194	Rodger, Dean, & Co.	..	,,	
129	Brig Thos. Dryden .	John Hart . .	Sligo . . .	May 10.	,,	..	Ballast . . .	..	168	Froste	..	,,	One child died.
130	Schooner Alarm . .	John Brown .	Glasgow . .	May 12.	June 26.	..	Iron and crates .	1	117	Edmonston and Allan	..	June 26.	An infant died.
131	Brig Indian . . .	John Fearon .	Sligo . . .	May 10.	,,	..	Ballast . . .	..	133	Order	4	June 29.	Two passengers died from small-pox, and several sent to hospital.
132	Brig Bell . . .	Jos. Ferry . .	,,	May 17.	,,	..	,,	..	132	Pemberton . . .	..	June 26.	
133	Brig Jane Anne Milvain.	John M'Gill .	Londonderry .	May 6.	,,	..	,,	..	183	Froste and Co. . .	..	,,	
134	Barque Bridget . .	M. O'Brien .	Waterford .	April 10.	,,	..	General . . .	..	14	Order	..	,,	This ship was dismasted in lon: 30 W.
135	Barque Princess Victoria.	Francis Nairn .	Liverpool. .	May 20.	,,	..	Ballast . . .	..	299	Baird and Co. . .	..	June 27.	Three children died.
136	Brig Stamper . .	Henry Scun .	Sligo . . .	May 8.	,,	..	,,	..	144	Welsh	..	,,	Two children born on board.

(Signed) G. W. DOUGLAS, M.D., Medical Superintendent.

(No. 397.) No. 27.

Copy of a DESPATCH from Lord John Russell to the Right Hon. Lord Sydenham.

My Lord, Downing-street, 6th July, 1841.

No. 27. Her Majesty's Government have received with much regret the account, which your recent communications to me convey, of your severe bodily indisposition, and I have received the Queen's commands to acquaint you that Her Majesty has been graciously pleased to sanction your return to this country on a leave of absence for six months as soon after your receipt of this Despatch as the exigencies of the public services in Canada may admit.

I have, &c.,
(Signed) J. RUSSELL.

The Right Hon. Lord Sydenham,
&c. &c. &c.

(Separate.) No. 28.

Copy of a DESPATCH from the Right Hon. Lord Sydenham to Lord John Russell.

My Lord, Kingston, 21st July, 1841.

No. 28. As it is probable that the sittings of the Legislature will be protracted till the end of next month, and the state of my health, as your Lordship is already aware, renders it of great importance to me that I should be able to quit this country early in the autumn, I think it right, without actually waiting for the termination of the Session itself, to enable Her Majesty's Government to take the necessary steps for the future conduct of affairs here, by formally requesting your Lordship to place at the foot of the Throne my resignation of the office with which the Queen has honoured me, and my humble prayer, in order to meet the possible contingency of the arrival of my successor being delayed beyond the period to which I have referred, that I may receive Her Majesty's gracious permission, (if it should not already have been accorded to me,) temporarily to devolve the government upon the officer next in command.

The task which, by Her Majesty's Commands, I undertook two years ago is entirely completed, and I have the satisfaction of feeling assured that the great objects of my mission are answered. The Union of the two Canadas is fully perfected, and the measures incidental to that great change have been successfully carried into effect. Effective departments for every branch of the public service in this province have been constituted, and the future harmonious working of the constitution is, I have every reason to believe, secured.

I have likewise the gratification of learning that in another of the provinces of British North America comprised within my government, the endeavours which I made whilst I temporarily assumed the direction of affairs there, confirmed as they have been by your Lordship's directions, which have been so ably carried out by Lord Falkland, have been completely successful in restoring harmony there, and in producing the best practical results.

I can, therefore, with perfect confidence in the future working of the great change which it has been my good fortune to assist in bringing into operation, surrender into other hands the powers with which I was honoured through the gracious confidence of my Sovereign, although from the deep and heartfelt interest which I take in the welfare of these magnificent possessions of the Queen, I shall do so with feelings of deep regret.

I have, &c.,
The Right Hon. Lord John Russell, (Signed) SYDENHAM.
&c. &c. &c.

(No. 427.) No. 29.

Copy of a DESPATCH from Lord John Russell to the Right Hon. Lord Sydenham.

My Lord, Downing-street, 18th August, 1841.

No. 29. I have received and laid before the Queen your Lordship's Despatch of the 21st July, tendering to Her Majesty your resignation of the office of Governor-General of the British Provinces in North America; and I avail myself of the opportunity of this day's mail to inform your Lordship that the Queen has been

CANADA.

pleased to accept your resignation. Her Majesty has further commanded me to express to your Lordship her intention of conferring on you the Order of the Grand Cross of the Bath, as a proof of Her Majesty's gracious approbation of your services.

I have, &c.,

The Right Hon. Lord Sydenham, &c. &c. &c.

(Signed) J. RUSSELL.

No. 30.

Copy of a DESPATCH from the Right Hon. Lord Sydenham to Lord John Russell.

My Lord, Government House, Kingston, 4th August, 1841.

No. 30.

I had the honour to receive, *via* New York, by the Great Western, your Lordship's Despatch, No. 397, conveying to me leave of absence from my post for six months, in consequence of the serious indisposition under which I have suffered, and I lose no time in requesting your Lordship to be good enough to lay at the foot of the Throne my humble acknowledgments to the Queen for this mark of Her Majesty's consideration.

It will be my anxious endeavour that the interests of Her Majesty's Service should not suffer either through this, or through the resignation of my office, which I had the honour to transmit to your Lordship last mail.

I shall not avail myself of the Queen's gracious permission to absent myself, until I have entirely completed the work which I have in hand, by bringing the present Session of Parliament to a close, and by taking all the steps incident to the measures which will have then probably received their completion; and with regard to some of these even, namely, the financial arrangements to be made for the Province, in accordance with my instructions, my presence in England may, I hope, not be altogether without value.

I expect to be able to complete this by the middle or end of September, when I shall proceed home, but of this I shall be able to judge more exactly in the course of a short time, and I shall then apply to the officer commanding the naval station at Halifax to furnish me, if he conveniently can, with a vessel which may convey myself and my suite to England, of which I trust your Lordship will approve.

I have in the mean time great satisfaction in stating that the anticipations which I expressed in my confidential Despatch of the 26th June last, have been fully realized.

The proceedings of the House of Assembly were at first retarded by the necessity of making arrangements and laying down new rules and regulations for the conduct of business, and by the proceedings in the matter of election petitions, in which the laws of the two provinces were different, and great confusion and embarrassment naturally arose; but this delay was rather productive of advantage than otherwise, as the members from different parts of the province had thereby the opportunity of becoming better acquainted with each other's views and opinions, and the difficulties inherent to the union of the representation of two countries, hitherto so distinct and separate, gradually wore off.

But latterly, the Legislature has been able to devote itself to the practical business of the country, and, I am happy to say, has made great progress and with great advantage.

Many measures of public utility have been gone through, and amongst them three measures of great importance, introduced by the Government, have already passed the House of Assembly, and are before the other House. A Bill for the establishment of a Board of Works, conferring the most extensive powers upon that department, and thus enabling us to proceed safely and securely in whatever may be undertaken on the public account or with public aid; another for the establishment of District Courts of Justice; and a third for the Naturalization of Aliens, a subject of the deepest interest to many of the inhabitants of the province. A Bill for the establishment of District Councils in Upper Canada, similar to the Ordinance which I passed in the Lower Province, is in Committee, and will, I have little doubt, be shortly passed; and the other measures are all, more or less, in a state of great forwardness.

I have, &c.

(Signed) SYDENHAM.

The Right Hon. Lord John Russell, &c. &c. &c.

CANADA.

RETURN to an Address of the Honourable The House of Commons, dated 30 August 1841;—*for*,

COPIES of CORRESPONDENCE between the SECRETARY OF STATE for the COLONIAL DEPARTMENT and the GOVERNOR of CANADA, relative to the Memorial from the *British American* Land Company, the *Canada* Company, and the *North American* Colonial Association of *Ireland*, suggesting a Plan for the Advancement of AGRICULTURE and COMMERCE, and the Completion of the PUBLIC WORKS in *Canada*.

Colonial Office, Downing-street, 27 September 1841.

G. W. HOPE.

(Mr. Vernon Smith.)

Ordered, by The House of Commons, *to be Printed*, 28 *September* 1841.

SCHEDULE.

No. 1.—Copy of a Despatch from Lord John Russell to Lord Sydenham, dated Downing-street, 26 March 1841; (One Enclosure) - - - - - - - - - p. 3

No. 2.—Copy of a Despatch from Lord Sydenham to Lord John Russell, dated Government House, Montreal, 6 May 1841 - - - - - - - - - - - - - p. 7

No. 3.—Copy of a Despatch from Lord Sydenham to Lord John Russell, dated Government House, Kingston, 26 July 1841 - - - - - - - - - - - - - p. 8

No. 4.—Copy of a Despatch from Lord John Russell to the Officer administering the Government of Canada, dated Downing-street, 21 August 1841 - - - - - - - p. 9

—No. 1.—

(No. 344.)

No. 1.
Lord John Russell to Lord Sydenham, 26 March 1841.

COPY of a DESPATCH from Lord *John Russell* to Lord *Sydenham*.

My Lord, Downing-street, 26 March 1841.

I TRANSMIT for your Lordship's information the copy of a memorial addressed to me by the three companies in this country, who have been incorporated for the settlement of lands in Canada, and by several other persons "having an interest in the prosperity of Canada," suggesting a plan for the advancement of agriculture and commerce, and for the completion of public works in that province. Having entered into personal communication with the memorialists, I am able to explain more distinctly than the memorial itself has explained, the precise nature of the measures they contemplate. I understand them to be as follows:—

The memorialists, amongst whom are some persons of considerable wealth and commercial eminence, propose to raise and to advance as a loan large sums of money, to be applied, first, to the improvement of the navigation of the St. Lawrence, and to other similar works; and in the next place in the introduction of emigrants into Canada and their settlement there. I do not understand them to ask for themselves any participation in the actual execution of the works in question, or any voice in deciding as to the manner in which they should be effected. They would, as I apprehend, stipulate merely that due provision should be made by law for the completion of these undertakings, with the best practicable guarantees for the skill and promptitude with which they should be carried on and superintended. As a security for the repayment of their advances, the memorialists look to the land revenue of Canada. For this purpose they propose that there should be some important changes in the law.

First. It is represented, that the land revenue of Canada could not be made an available security for money, unless the law should determine the general principles and rules according to which the land itself should be alienated to purchasers, and managed while yet unsold. Of the regulations so to be established, precedents would, it is said, be found in the statute books of Upper Canada and New Brunswick, which, with some variations, might be adapted to the present case. The main object would be to secure a consistent and steady adherence to a system, of which the basis would be the alienation of the lands by sale only, on fair and reasonable terms; the effectual protection and sale of the timber growing on the unsold lands; the management of these duties by competent and trustworthy officers; the superintendence of the proceedings of those officers by the executive government upon some plan which would render that superintendence vigilant, prompt and effectual; the annual publication of reports of the proceedings of the land department in such a form as to supply the most complete and exact information, with some security for the punctual appearance of such reports.

Secondly. It is proposed that the law should direct accounts to be kept of the gross and net revenue arising from the sale of lands and timber, separate from the general accounts of the consolidated fund of Canada.

Thirdly. The project supposes that the net land revenue should be pledged by law as a security for the repayment of the principal and interest of the advances to be made for the purposes already mentioned. To this last proposal, an obvious and, at the first view, a conclusive objection presents itself in the terms of the Act of Union. Under that Act, the land revenue is merged in the consolidated fund of Canada, and that fund is liable to various charges for the security of public creditors, and for the payment of the civil list. It is, therefore, necessary to inquire closely how it would be possible to extricate from that fund one of its component parts as a special security for new loans yet to be made. To this objection, the memorialists, as I understand them, reply as follows:

They admit that the land revenue could not be rendered available as a specific security for their proposed advances, except on the condition that all the charges for which, in the course of each financial year, the consolidated fund is now

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responsible had first been provided for, and paid from that fund. To whatever extent the consolidated fund might be inadequate in any year to satisfy its existing obligations without the aid of the land revenue, to that extent they admit that the land revenue must be liable for the deficiency. But they maintain that if, without resorting to the land revenue, the consolidated fund can from year to year be made to provide for the debts charged on it by Parliament, the land revenue might, without any breach of faith or of law, be set apart as a security to them.

The memorialists further urge that, with the concurrence of the Canadian legislature, the land fund might be still more surely and effectually converted into an available security for their proposed advances. They are of opinion that the legislature would be willing to substitute some new tax or duty for this source of public income, so that the substituted revenue, being not less in amount than the average of the land revenue, might be pledged as an indemnity to the consolidated fund, and to all claimants on it, for the loss which the consolidated fund might sustain by the subtraction of the land revenue for the purposes already mentioned.

To the inquiry how the proposed financial operation could be reconciled with the terms of the Union Act, it is answered, that a Bill might be passed by the legislative council and assembly, and reserved for the signification of the Royal pleasure, and that an Act of Parliament might then be obtained, authorizing the Queen in Council to assent to such a Bill.

Having advanced thus far in the explanation of their views, the memorialists were reminded of the effect which, at some future time, might be produced on negotiations for a renewal of the civil list by the proposed mortgage of the land revenue. That objection was met by reasoning which, whether well-founded or otherwise, it is needless for my immediate purpose to repeat. Supposing any such inconvenience to arise hereafter, it is assumed that it might be obviated now, by obtaining the settlement on the Crown of the revenue to be substituted for the land revenue, in such a manner as to indemnify the Crown against any such remote consequence of the present surrender of its future territorial rights.

Your Lordship will observe that I strictly confine myself to an exposition of what I understand to be the views of the memorialists, without hazarding any opinion of my own on the practicability or the wisdom of those views. That is a question which you have far better means than any which I possess of estimating aright. If such a project as this could be rendered feasible, and could be actually reduced to practice, there can be no reason to doubt that the command of a large capital for the prompt execution of public works in Canada would be an advantage of the greatest moment to that province, and therefore to this kingdom. The difficulties which would seem to oppose the execution of this project are at once numerous and formidable; but I have not thought myself at liberty, as certainly I have not felt disposed, to discourage on that account the experiment which the memorialists are anxious to make for expediting the developement of the great natural resources of Canada. Without attempting to anticipate your Lordship's judgment as to the practicability of this scheme, still less to fetter in the slightest degree your discretion as to the adoption or rejection of it, I would only commend the subject to your attention. No final measure pledging the land revenue must of course be taken without the previous sanction of Her Majesty's Government, and probably of Parliament; nor could The Queen be advised to make a surrender of the interests of the Crown contingent on the expiration of the existing civil list, unless some adequate indemnity for that sacrifice were provided. But, subject to these qualifications, your Lordship is at perfect liberty to lend whatever sanction or assistance you may deem it prudent to give to the project of the memorialists, as I understand and have explained it.

I am informed that the memorialists propose to despatch some person as their agent to communicate with your Lordship on this subject. Of course such agent is not to be regarded as accredited by Her Majesty's Government. He will appear in Canada simply as the agent of his employers, and in no public or official capacity.

I ought to observe, that I have no distinct information as to the ulterior views of the memorialists, in the event of their success in obtaining the adoption of their general plan by your Lordship and the Legislative Council and Assembly.

I have

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Lord John Russell to Lord Sydenham, 26 March 1841.

I have indeed avoided all discussion on that part of the subject; nor would any measure be taken without the most ample opportunity being afforded to your Lordship to mature and report your own opinions for the assistance of Her Majesty's Government.

I have, &c.
(signed) *J. Russell.*

Enclosure in No. 1.

(385.)

To the Right honourable Lord *John Russell*, Her Majesty's Principal Secretary of State for the Colonies.

Encl. in No. 1.

The MEMORIAL of the Governor, Deputy Governor and Directors of the British American Land Company, the Governor, Deputy Governor and Directors of the Canada Company, the Governor, Deputy Governor and Directors of the North American Colonial Association of Ireland, Doctor Thomas Rolph, and others, having an interest in the prosperity of Canada.

Sheweth,

THAT your memorialists are impressed with a strong sense of the great natural resources of Canada, and consider the backward and stagnant condition of that important colony, as compared with what they are persuaded might have been its position under happier circumstances, as a serious national misfortune.

That they are convinced that the impediments which have hindered the developement of those resources are by no means those of nature, which, on the contrary, has been eminently bountiful in every essential respect, especially in bestowing upon the colony the noble waterway of the St. Lawrence, and so large a portion of its tributary streams.

That, regarding, therefore, the unfavourable condition of Canada as solely attributable to errors in the system of its management and to the neglect of the means of improving its natural advantages, your memorialists would strongly impress upon Her Majesty's Government the benefit that would accrue to the colony from the complete opening of the St. Lawrence for the navigation of vessels of considerable burthen, a benefit the value of which may be partly appreciated from a view of the advantage which the adjoining state of New York derives from the Erie Canal.

That your memorialists regard the insufficient number of public roads, and the bad state of those that exist, as another principal cause of the stagnant condition of the colony; the want of proper ways of communication greatly tending to discourage and prevent the settlement of the country.

That your memorialists are strongly persuaded of the great importance of adding, as quickly and largely as possible, to the British population of Canada, and that it is indispensable to this object that the colony should be rendered attractive to emigrating capitalists as well as to labourers, by undertaking such public works of communication, both by water and land, as may tend to hold out to such parties a sufficient assurance that they will improve their fortunes by settling there.

That if public works of the nature pointed out were undertaken, the result would not be merely an increased flow of emigration to Canada, but that the persons of every class resorting there from the United Kingdom would be fixed, by the attractions suited to their respective stations in life, on the British side of the frontier.

That your memorialists have not indicated the measures by which alone a settlement in Canada can be made desirable to British emigrants to any extent commensurate with the importance of the objects in view, without being prepared to show, at the same time, by what means operations of the nature suggested might be carried on.

That your memorialists submit that funds for the prosecution of all the public works which they have pointed out as indispensable to the prosperity of Canada are available in the vast provincial property, now scarcely of any value, which exists in the shape of waste land and timber vested in the Crown; a property which, if placed under proper management, and judiciously disposed of, with a single view to the increase of the colonial revenue, would afford an ample security for loans which might be raised in this country to be exclusively appropriated to public works and emigration, which, again, would add enormously to the value of the lands and timber reserved for subsequent disposal, and consequently to the means of promoting the grand public objects for which it is desired to cause them to provide.

That, in order to render the public lands of Canada available for these all-important colonial purposes, it will be necessary, in accordance with the principle recognized by the Crown in New Brunswick, to place them at the disposal of the legislature of the United Provinces.

That though your memorialists are of course aware that the revenue derived from the public domain has been placed at the disposal of the local legislature, yet the disposal of the lands themselves, and of the timber thereon, remains still vested in the Crown, whereby,

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Encl. in No. 1.

in point of fact, all benefit to the colony from the concession in the former respect might be altogether neutralized, the lands and timber being liable to be sold or given away as heretofore, in a manner wholly unproductive of advantage either to the Crown or to the public.

That the object, therefore, which your memorialists desire to have, is to place the lands and timber, equally with the revenue derived from those sources, at the disposal of the local legislature, under such provisions and safeguards as to the conditions of the transfer as shall ensure the faithful appropriation of the proceeds to the exclusive purpose of emigration, and of great public works connected with, and affording aid to, such a system.

That your memorialists entertain a confident belief that if the Crown should adopt this beneficent course, the new legislature of Canada, impelled by an anxious desire, in which every British settler in that colony participates, to set on foot improvements similar to those which have been executed with so much advantage in the state of New York, and to restore the stream of British emigration to its ancient Canadian channel, would zealously co-operate with the views of Her Majesty's Government for the attainment of objects so essential to their prosperity, and would frame such a law for the future disposal of the public domains, and for the assurance of parties advancing monies on the security thereof, as would induce capitalists in this country to make advances to the colony of the funds required for the most important of the public works, and for promoting a large increase of emigration to Canada.

That a committee of the three companies, whose designations appear at the head of this memorial, have conferred with Dr. Rolph, the organ at present in this country of a great body of the colonists who ardently desire that no time may be lost in adopting measures to promote public works and emigration, and that Dr. Rolph vouches for the concurrence of the sentiments of the parties by whom he has been delegated, in the views expressed in this memorial.

That it appears to your memorialists to be very important that great measures of emigration and of public improvements should be laid before the legislature of the United Canadas at the earliest possible date.

That your memorialists are confidently persuaded that his Excellency the present Governor-general of Canada will not merely give his sanction, but his cordial support, to the measures which they have proposed, and will thereby add incalculably to the obligations under which he has laid the people.

That your memorialists request that your Lordship will be pleased to take the subject-matter of this paper into your consideration, and to appoint an early day for receiving a deputation from the undersigned.

British American Land Company:

G. R. Robinson - - - - -	Governor.
Nath^l Gould - - - - - -	Deputy Governor.
Edward Mills - - - - -	Directors.
Alex. Gillespie, jun. - - -	
W^m Pemberton - - - -	

Canada Company:

Charles Franks - - - - -	Governor.
J. Mackillop - - - - - -	Deputy Governor.
W. T. Hibbert - - - - -	Directors.
Thos. Stokes - - - - -	
M. T. Smith - - - - -	
A. Stewart - - - - - -	
John Fullarton - - - - -	
F. H. Mitchell - - - - -	
John Hullett - - - - -	

North American Colonial Association of Ireland:

A. Colvile - -	Deputy Governor.	*John Chapman* & Co.
John Abel Smith,	Directors.	*Carter* & *Bonus*.
Ed. H. Chapman,		*John Hine*.
Joseph Somes,		*William Hutt*.
Petre,		*Edward Ellice*.
Ross. O. Mangles,		*Edward Ellice*.
John Auldjo,		Major *Head*.
E. G. Wakefield,		*Thomas Rolph*.
J. Russell Ellice,		*W.* & *A. Harrison*.
J. Morrison,		*C. Stainbank* & Son.
Geo. Simpson,		*Robert Harrison* & Co.
Brice Pearse, jun.		*William Smith O'Brien*.
Ellice Kinnear & Co.		

No. 2.

—No. 2.—

(No. 57.)

COPY of a DESPATCH from Lord *Sydenham* to the Right honourable Lord *John Russell.*

My Lord, Government House, Montreal, 6 May 1841.

No. 2.
Lord Sydenham to Lord John Russell, 6 May 1841.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 26th March, No. 344, enclosing a memorial addressed to you by the three Canadian land companies, and by other persons connected with Canada, respecting the advancement of agriculture and commerce, and the completion of the great public works in this province. Your Lordship adds a statement of the views entertained by the memorialists on these subjects, as explained to you at an interview.

The proposition of the memorialists seems to be (so far as it is possible to affix a meaning to words so extremely vague and indistinct) to raise and advance as a loan the money necessary for the completion of various works, and for the introduction and settlement of emigrants on the faith of the revenue arising from the sale of land and timber, the execution of the works being as heretofore left with the local government, but due security being provided by law for their speedy completion, and for the appropriation of the land revenue to the payment of the interest on the loan.

Passing over the legal objections to this proposition, which at once occur, and which were stated by your Lordship to the memorialists, I must observe that, even with the explanation contained in your despatch, the scheme is presented in so intangible a shape, that it is difficult to know in what manner to reply to it.

There can be no question about the importance to this country of obtaining a very considerable loan, and in so far I approve of the memorialists' views; but in every other respect they appear to me impracticable. The land revenue of both Canadas, deducting the payments of the Canada Company, which will cease next year, and those from the British American Company, which will never be renewed, is very inconsiderable, and is already pledged as part of the consolidated fund towards the existing debt. If, as the memorialists assume, the consolidated fund will pay the charges on it, leaving a surplus to the amount of the land revenue, the province will be able, and no doubt will be disposed, to borrow in the London money market to the full amount which can be obtained by such surplus; and in that case the security of the consolidated fund, including the land revenue, will be far better and more easily negotiable than the security of the land revenue without the consolidated fund. If the consolidated fund be not adequate to the charges on it without the land revenue, it would be a breach of faith to withdraw that revenue from the security of the present creditors, and the scheme must consequently fall to the ground. In this view, therefore, I think the proposition impracticable.

Again, the memorialists, while they would leave to the executive government the execution of the public works, propose to stipulate for some legal provision for their completion, &c. What is the nature of this provision does not appear; but if it be intended, as I suppose it must be, to prescribe any particular manner in which, or any particular time within which, the works in question should be completed, I think it decidedly objectionable.

The local government and legislature are far more intimately acquainted with and interested in the works in question than any set of gentlemen residing in London, the majority of whom, probably, have never crossed the Atlantic. Errors were no doubt committed some years ago, in the commencement of one or two of the principal public works; but those very errors will be the safeguard against similar mistakes hereafter, more especially since the establishment of the Board of Works, and since the Union Act has placed in the hands of the government the initiation of money votes. It is my intention to submit to the legislature, at their next meeting, a plan for the promotion of all the principal works in this country; and the decision on the measures to be adopted may properly be left to them without the interference of the companies in question. And there is this further and conclusive objection to their proposal: that, were a loan raised on the understanding that legal provision should be made for the

No. 2.
Lord Sydenham to Lord John Russell, 6 May 1841.

completion of certain works in a prescribed manner, the law which might be passed on the subject would take the form of a contract, and become irrevocable afterwards, however much the circumstances of the country might alter.

These are some of the objections to the proposal which occur to me most readily. I abstain from following them up, because at the present moment the matter cannot be brought to any practical result. I have already put your Lordship fully in possession of the state of the finances of Canada, and have pointed out the course which should, I think, be adopted. It will be one of the earliest and most important duties of the legislature on its meeting to take up the same subject.

If the propositions which I have submitted to your Lordship be approved by Her Majesty's Government, the finances and credit of Canada will at once be put on such a footing as to enable her to borrow with ease in the London market the funds necessary to complete her public works. Even should those propositions not be adopted (which I should be very reluctant to anticipate), I have no doubt that the establishment of the union, and the restoration of public confidence in this province, will raise its credit sufficiently to enable it to procure funds. But, as a general principle, I should dissuade the raising of money clogged by any stipulations of an unusual nature, or which do not properly enter into monetary transactions, however advantageous such an arrangement might at first sight appear. If the resources of Canada flourish, as I expect they will, its credit will be good, and it will borrow easily; if they be not, I doubt whether any stipulations or legal enactments in regard to public works, &c., will induce English capitalists to come forward with loans.

At the same time, however, as I consider it my duty to weigh any and every scheme which may be offered by which there is a possibility of this province being benefited, I shall be quite ready, in case these companies delegate to any person power to explain their views, and also empower him to treat with the Government of Canada upon the subject, to give the best consideration in my power to what he may propose, and assist in any arrangement which may be really useful.

I have, &c.
(signed) *Sydenham.*

— No. 3. —

(No. 97.)

COPY of a DESPATCH from Lord *Sydenham* to Lord *John Russell.*

No. 3.
Lord Sydenham to Lord John Russell, 26 July 1841.

My Lord, Government House, Kingston, 26 July 1841.

I HAVE been happy to avail myself of the presence of Mr. Wakefield in this country, to learn the present views and intentions of the association with which he is connected, called the North American Colonial Association of Ireland, by whom the Seignory of Beauharnais has been acquired; and as I had occasion formerly to express my doubts of the course which it was understood that body intended to pursue, I deem it but just now to say that, so far as I am acquainted with them, the objects which the association at present have in view, and the proposed mode of carrying them into effect, are likely to be attended with great advantage to the province. I understand that their efforts will be directed to the improvement of this property, by the direct expenditure of capital there, or by advances to the local authorities for the construction of roads and communications, and to affording assistance to the provincial government in providing means by which some of the great improvements in contemplation may be effected; likewise that it is not their intention to speculate in wild lands, or to act upon the banking powers which it was supposed the original charter conferred.

Mr. Wakefield informs me that a Bill has been prepared for Parliament, remodelling the constitution of the association, and that no objection will be entertained to the abandonment of the very extensive, though at the same time very vague and doubtful, powers which are conferred under the old Act of Incorporation; whilst, on the other hand, the company wish to obtain clear and defined powers for the purposes I have mentioned. I consider both objects to be very desirable, and I shall be very glad if your Lordship and Her Majesty's Government will afford their assistance towards obtaining for the association such a legislative

No. 3.
Lord Sydenham to Lord John Russell, 26 July 1841.

a legislative revision of their charter as will, on the one hand, put an end to the unlimited power of holding land in the colony, and to any banking privileges; and, on the other, afford the means to the company of safely improving their estates, and of making advances, by way of loan, to the provincial government and to the local authorities for works which may be undertaken by either, or upon mortgage to private parties.

I have, &c.
(signed) *Sydenham.*

— No. 4. —

(No. 429.)

COPY of a DESPATCH from Lord *John Russell* to the Officer administering the Government of Canada.

Sir, Downing-street, 21 August 1841.

No. 4.
Lord John Russell to the Officer administering the Government of Canada, 21 August 1841.

I HAVE to acknowledge the receipt of Lord Sydenham's despatch of the 26th of July (No. 97), in which his Lordship expresses a favourable opinion of the views and intentions of the North American Colonial Association, as explained to him by Mr. Wakefield, and recommends Her Majesty's Government to assist the company in obtaining "such a legislative revision of their charter as will, on the one hand, put an end to their unlimited power of holding land in the colony, and to any banking privileges; and, on the other, afford the means to the company of safely improving their estates, and of making advances, by way of loan, to the provincial government and to the local authorities for works which may be undertaken by either, or upon mortgage to private parties."

The powers of the company being limited in the manner described by Lord Sydenham, I am disposed to approve of the intentions which they appear to have in view for promoting the interests of the province as well as their own.

I have, &c.
(signed) *J. Russell.*

CANADA.

COPIES of CORRESPONDENCE between the SECRETARY OF STATE for the COLONIAL DEPARTMENT and the GOVERNOR of CANADA, relative to the Memorial from the *British American* Land Company, the *Canada* Company, and the *North American* Colonial Association of *Ireland*, suggesting a Plan for the Advancement of AGRICULTURE and COMMERCE, and the Completion of the PUBLIC WORKS in *Canada*.

(*Mr. Vernon Smith.*)

Ordered, by The House of Commons, *to be Printed*,
28 *September* 1841.

49.

Under 2 oz.

560

WHEAT, &c. (CANADA.)

RETURN to an Order of the Honourable The House of Commons, dated 24 September 1841 ;—*for*,

A RETURN of the DUTIES paid in the Year ended the 5th day of January 1841. upon all WHEAT, FLOUR, and TIMBER respectively, imported into the United Kingdom from *Canada*.

	AMOUNT OF DUTY PAID IN THE UNITED KINGDOM ON WHEAT, WHEAT FLOUR, AND TIMBER IMPORTED FROM CANADA.	
	YEAR ENDED 5 JANUARY 1841.	
		£.
Wheat		946
Wheat Flour		11,879
Timber; viz.	£.	
Timber, eight inches square or upwards: Fir	183,597	
„ „ „ Oak	16,964	
„ „ „ other sorts	12,468	
Deals, Deal Ends, Battens and Batten Ends	45,101	
Staves	8,727	
Masts and Spars	3,241	
Lathwood, Oars, Handspikes, &c.	2,402	
		272,500
		£. 285,325

William Irving,
Inspector-General of Imports and Exports.

Inspector-General's Office,
Custom House, London, 5 October 1841.

WHEAT, &c. (CANADA.)

AN ACCOUNT of the DUTIES paid in the Year ended the 5th day of January 1841, upon all WHEAT, FLOUR, and TIMBER respectively, imported into the United Kingdom from *Canada*.

(*Lord Viscount Sandon.*)

Ordered, by The House of Commons, *to be Printed,*
7 *October* 1841.

562

Date Due

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