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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.*

PART II.

Will comprise EXTRACTS of the Journals of the Legislative Council and House of Assembly of the Province of *Upp̄r Canada*, from 1819 to 1840, respecting the CLERGY RESERVES, and will be published in the course of a few days.

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Part I.

CORRESPONDENCE.

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

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COPIES OR EXTRACTS OF CORRESPONDENCE

RESPECTING THE
CLERGY RESERVES IN CANADA.

— No. 1. —

(No. 36.)

COPY of a DESPATCH from Lieutenant-Governor Sir *P. Maitland*, K. C. B.
to Earl *Bathurst*.No. 1.
Sir P. Maitland to
Earl Bathurst,
17 May 1819.

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.

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

Encl. in No. 1.

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

Humbly sheweth,

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

CORRESPONDENCE RESPECTING

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 sheweth,

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 Episcopalian, 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.

That

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.

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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.

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 67l. 10s., or 17. 10s. 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.

See App. (B.)

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 confirmed

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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 your 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.	
		Csnabruck	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.

CLERGY RESERVES, CANADA.

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

CORRESPONDENCE RESPECTING

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

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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	8½
	£.	620	17 6½

Average Receipt for each Year - - - - - £.206 19 2½

— No. 4. —

(No. 110.)

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

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

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

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 expressly

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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.

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

41st, 42d and
2d sections.

who

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 them; 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

to

to recognize 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.

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

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.)

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

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

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.

Enclosure in No. 5.

To the King's Most Excellent Majesty.

Encl. in No. 5.

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.

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

Rev. Dr. Mearns
to Earl Bathurst,
21 April 1824.

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 steadfast 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

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

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 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

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 £. per annum, hardly sufficient, if all received, to support six clergymen; but scarcely 400 £. 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 £. sterling each, would require immediately 30,000 £. per annum, and, in the course of 21 years, 60,000 £. But let us suppose only 50 clergymen immediately required, and 200 by the end

No. 8.
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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 required.

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. —

COPY of a DESPATCH from Earl *Bathurst* to Lieutenant-Governor Sir *P. Maitland*.No. 9.
Earl Bathurst to
Sir P. Maitland,
11 Dec. 1824.

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. 206.)

COPY of a DESPATCH from Lieutenant-Governor Sir *P. Maitland*, K.C.B. to Earl *Bathurst*.No. 10.
Sir P. Maitland to
Earl Bathurst,
28 December 1825.

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. —

EXTRACT of a DESPATCH from Sir *P. Maitland*, K. C. B. to the Earl of *Bathurst*, dated Upper Canada, York, 7 March 1826.No. 11.
Sir P. Maitland to
Earl Bathurst,
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,

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-

Encl. in No. 11.

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. —

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 Assembly 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. 12.
Earl Bathurst to
Sir P. Maitland,
11 June 1826.

— No. 13. —

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

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

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.)

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

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

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, provisos, 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,

understand

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

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.

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.

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*.

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.

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. 15.

Sir P. Maitland to the Right hon. W. Huskisson, 15 Dec. 1827.

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.

No. 16.

Sir P. Maitland to the Right hon. W. Huskisson, 12 May 1828.

20 March 1828.

No. 17.
 P. Maitland to
 Right hon. W.
 P. Maitland,
 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.

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.

Commons House of Assembly,
20 March 1828.

(signed) *John Willson*, Speaker.

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

Encl. in No. 16.

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.

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. 17.
Sir G. Murray to
Sir J. Colborne,
29 Sept. 1828.

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 can any just estimate be formed from the number of their ministers or their churches.

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. 19.
Sir J. Colborne to
Sir G. Murray,
11 April 1829.

— 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 power

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-tryed 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*.

Enclosure in No. 22.

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

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

Encl. in No. 22.

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.

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.

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

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.

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.

Legislative Council Chamber,
16 March 1831.

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

[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.

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.

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. 24.

Sir J. Colborne to
Viscount *Goderich*,
18 March 1831.

Encl. in No. 24.

No. 25.

Viscount *Goderich*
to Sir J. Colborne,
2 April 1831.

26 March 1831.

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.

Encl. in No. 25.

Sir,
Treasury Chambers, 26 March 1831.
THE Lords Commissioners of His Majesty's Treasury having had 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.

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

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

— 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

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 churches

No. 26.

Sir J. Colborne to
Viscount Goderich,
25 June 1831.

Encl. in No. 26.

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.
John Cruickshank.
Al. Gale.
Robert M^cGill.
Wm. Rintoul.
Geo. Sheed.

Archibald Connell.
Tho. Clarke Wilson.
John Mackenzie.
John Machar.
William M^cAlister.
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.

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.*

2 June 1831.

Enclosure in No. 28.

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

Encl. in No. 28.

Sir,

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

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.

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.

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

I have, &c.

(signed) *J. Colborne.*

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

(No. 43.)

— No. 30. —

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

Sir,

Downing-street, 1 October 1831.

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.

(signed) *J. Stewart*.

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

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 4s. 4d. per dollar, to 606l. 13s. 4d., 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 7,241l. 5s.; viz.—

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

My

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

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. 5s. to Mr. Sargent, out of Army Extraordinaries, to enable him to make the said investments.

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

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.

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.

Encl. 2, in No. 30

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. 5s.; 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.

(signed) R. W. Hay.

J. Stewart, Esq.

Enclosure 3, in No. 30.

Sir,

Treasury Chambers, 17 September 1831.

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.

Encl. 3, in No. 30

I have, &c.

(signed) J. Stewart.

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

No. 31.

(No. 55.)

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.)

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

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

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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to Sir J. Colborne,
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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 attend 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, where-

ever

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.*

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.

Encl. 1, in No. 32.

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 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

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

Encl. 1, in No. 32.

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.

(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, provisos, 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

No. 32.

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. 48.)

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

No. 33.

Sir J. Colborne to
Viscount Goderich,
14 December 1831.

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.

205.

H

I beg

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.*

Edward M'Mahon, Esq.
Civil Secretary.

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

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' 5s. 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

DATE.	FROM WHOM RECEIVED.	Provincial Currency Dollars, a' 5s. each.			No. 33. Sir J. Colborne to Viscount Goderich, 14 Dec. 1831. Encl. 2, in No. 33.
		£.	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.

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. Encl. 3, in No. 33.

DATE.	TO WHOM PAID, &c.	Provincial Currency Dollars, a' 5s. 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 Tis- dale and George Rousseau, wardens of the parish of Ancaster, being in aid of defraying the expenses in- curred 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 Coun- cil, 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 par- sonage-house in said township, as prayed for in the memorial of the Rev. William Macaulay, and recom- mended 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, a' 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 subscription 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 5½
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 - -

DATE.	TO WHOM PAID, &c.	Provincial Currency Dollars, a' 5s. each.	No. 33. Sir J. Colborne to Viscount Goderich, 14 Dec. 1831.
		£. s. d.	Encl. 3, in No. 33.
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 1½	
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.

CORRESPONDENCE RESPECTING

Enclosure 4, in No. 33.

York, 18 November, 1831.

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

Sir,

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.

Encl. 4, in No. 33.

Permit me to request that your Excellency will, in replying to that despatch, recommend the grant of 75 £. 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.

His Excellency Sir John Colborne, K. C. B.
&c. &c. &c.

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

— No. 34. —

(No. 2.)

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

No. 34.
Sir J. Colborne to
Viscount Goderich,
3 Feb. 1832.

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.

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.

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. 1.

25th January.

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.

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. Encl. 1, in No. 34.

The Lieutenant-governor has received His Majesty's commands to make the following communication to the {Legislative Council} 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} 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.

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

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.

No. 35.
Viscount Goderich
to Sir J. Colborne,
30 March 1832.

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 supercedes 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.)

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

No. 36.
Sir J. Colborne to
Viscount Goderich,
11 Feb. 1832.

My Lord,

Upper Canada,
York, 11 February 1832.

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.

Commons' House of Assembly,
14 December 1831.

(signed) Arch. M'Lean,
Speaker.

— 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. McLean,*
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.

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 sheweth,

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 Presbyterian 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.

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.

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.

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.

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.

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.

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.

Nos. 1 & 2.

£. 18,697. 12. 10.

No. 3.

No. 4.

No. 5.

CORRESPONDENCE RESPECTING

No. 43.

Sir J. Colborne to
Viscount Goderich,
5 September 1832.

at the disposal of the British Wesleyan Conference; and 600 $\frac{1}{2}$ 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 13s. 3 $\frac{1}{4}$ d. currency, and the amount obtained for the whole lots sold, 69,144 $\frac{1}{2}$ 3s. 10 $\frac{1}{2}$ d. currency.

I have, &c.

(signed) J. Colborne.

No. 6.

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

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.	Average Price per Acre.	Interest payable in									
				1830.	1831.	* 1832.	1833.	1834.	1835.	1836.	1837.	1838.	1839.
1829	18,014	£. s. d. 13,239 - -	14 8½	£. s. d. 79 7 5½	£. s. d. 158 14 11½	£. s. d. 238 2 6½	£. s. d. 317 9 11	£. s. d. 396 17 4½	£. s. d. 476 4 10½	£. s. d. 555 12 4½	£. s. d. 634 19 10	£. s. d. 714 7 3½	£. s. d. —
1830	34,717½	23,396 1 -	13 5½	-	£. s. d. 140 7 6	£. s. d. 280 16 -	£. s. d. 421 2 6	£. s. d. 501 10 -	£. s. d. 701 17 6	£. s. d. 842 5 -	£. s. d. 982 12 6	£. s. d. 1,123 - -	£. s. d. 1,263 7 6
		TOTAL - - £.		£. s. d. 79 7 6½	£. s. d. 299 3 5½	£. s. d. 518 17 5½	£. s. d. 788 12 5	£. s. d. 958 7 4½	£. s. d. 1,178 2 4½	£. s. d. 1,397 17 4½	£. s. d. 1,617 12 4	£. s. d. 1,837 7 3½	£. s. d. 1,263 7 6

CORRESPONDENCE RESPECTING

No. 43.
Sir J. Colborne to
Viscount Goderich,
5 September 1832.

Enclosure 3, in No. 43.

UPPER CANADA.

Encl. 3, in No. 43.

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.

Encl. 4, in No. 43.

My Lord Bishop,

His Majesty's Government having directed measures to be adopted with a view of gradually rendering available and preparing 600 acres incertain 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.

The Honourable and Right Reverend
The Lord Bishop of Quebec.

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

Enclosure 5, in No. 43.

Montreal, 27 August 1832.

Encl. 5, in No. 43

Sir,

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. Ryerson has been appointed to this office.

This

CLERGY RESERVES, CANADA.

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This, your Excellency, was done at my request; as he and his brothers were the most eloquent advocates for the proposed alterations.

No. 43.
Sir J. Colborne to
Viscount Goderich,
5 September 1832.
Encl. 5, in No. 43.

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.
(signed) R. Alder.

His Excellency Sir John Colborne, K. C. B.
&c. &c. &c.

Enclosure 6, in No. 43.

SALES OF CLERGY RESERVES.

Encl. 6, in No. 43.

	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	1 ½
To 30th June 1832	22,805 ½	15,132	17	9
	104,108	69,144	3	10 ½

Average price per acre, 13s. 3 ½ 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 - - - 10s. } per lot of 200 acres,
2d 7 years - - - 20s. } or
3d 7 years - - - 30s. } 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 - - - 15s. } per lot of 200 acres, 2d 7 years - - - 30s. } or 3d 7 years - - - 45s. } 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 - - - 10s. } per lot of 200 acres,
2d 7 years - - - 20s. } or
3d 7 years - - - 30s. } 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 - - - 15s. } per lot of 200 acres, 2d 7 years - - - 30s. } or 3d 7 years - - - 45s. } 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 - - - - 10s. } per lot of 200 acres,
2d 7 years - - - - 20s. } or
3d 7 years - - - - 30s. } 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 - - - - 15s. } per lot of 200 acres, 2d 7 years - - - - 30s. } or 3d 7 years - - - - 45s. } 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 - } per lot of 200 acres, 2d 7 years - - - - 3 10 - } or 3d 7 years - - - - 5 5 - } 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 - - - - 10s. } per lot of 200 acres,
2d 7 years - - - - 20s. } or
3d 7 years - - - - 30s. } 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 - - - - 15s. } per lot of 200 acres, 2d 7 years - - - - 30s. } or 3d 7 years - - - - 45s. } 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 - } per lot of 200 acres, 2d 7 years - - - - 3 10 - } or 3d 7 years - - - - 5 5 - } per lot of a less quantity.	
2,758	Amount due - - - - -	391 5 -
27,812	TOTAL No. of Acres. TOTAL due - - £.	2,837 7 6

CORRESPONDENCE RESPECTING

HOME DISTRICT.

OLD REGULATION.

Rent per Annum.

1st 7 years	-	-	-	10s.	} per lot of 200 acres, or per lot of a less quantity.
2d 7 years	-	-	20s.		
3d 7 years	-	-	30s.		

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 - - - 15s.	} per lot of 200 acres, or per lot of a less quantity.
	2d 7 years - - - 30s.	
	3d 7 years - - - 45s.	
13,108	Amount due - - - -	844 18 -
	Regulation, 13th April 1819.	
	Rent per Annum.	
	1st 7 years - - £.1 15 -	} per lot of 200 acres, or per lot of a less quantity.
	2d 7 years - - 3 10 -	
	3d 7 years - - 5 5 -	
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	-	-	-	10s.	} per lot of 200 acres, or per lot of a less quantity.
2d 7 years	-	-	-	20s.	
3d 7 years	-	-	-	30s.	

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 - - - 15s.	} per lot of 200 acres, or per lot of a less quantity.
	2d 7 years - - - 30s.	
	3d 7 years - - - 45s.	
3,200	Amount due - - - -	250 16 9
	Regulation, 13th April 1819.	
	Rent per Annum.	
	1st 7 years - - £.1 15 -	} per lot of 200 acres, or per lot of a less quantity.
	2d 7 years - - 3 10 -	
	3d 7 years - - 5 5 -	
1,380	Amount due - - - -	187 15 -
8,199	No. of Acres. TOTAL due - - £.	864 16 3

LONDON DISTRICT.

OLD REGULATION.

Rent per Annum.

1st 7 years - - - 10s. } per lot of 200 acres,
 2d 7 years - - - 20s. } or
 3d 7 years - - - 30s. } per lot of a less quantity.

No. 43.
 Sir J. Colborne to
 Viscount Goderich,
 5 September 1832.
 Encl. 6, in No. 43.

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 - - - 15s. } per lot of 200 acres, 2d 7 years - - - 30s. } or 3d 7 years - - - 45s. } per lot of less quantity.	
10,895	Amount due - - - - -	670 12 6
	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.	
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 - - - 15s. } per lot of 200 acres,
 2d 7 years - - - 30s. } or
 3d 7 years - - - 45s. } per lot of less quantity.

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, 2d 7 years - - - 3 10 - } or 3d 7 years - - - 5 5 - } per lot of less quantity.	
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, 2d 7 years - - - 3 10 - } or 3d 7 years - - - 5 5 - } per lot of less quantity.	
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*.No. 45.
Sir *J. Colborne* to
Viscount *Goderich*,
16 Jan. 1833.

My Lord,

Upper Canada, York, 16 January 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

CLERGY RESERVES, CANADA.

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Enclosure in No. 45.

No. 45.
Sir J. Colborne to
Viscount Goderich,
16 Jan. 1833.

Encl. 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 $\frac{1}{2}$	15,132	17	9
Average price per acre, 13s. 3 $\frac{1}{2}$ d.				
The half-year ending 31st December - - - -	25,679 $\frac{1}{2}$	17,155	1	3
Average price per acre, 13s. 4 $\frac{1}{2}$ d.				
TOTAL Number of Acres - - - -	48,484 $\frac{1}{2}$			
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.*

No. 45.
Sir J. Colborne to
Viscount Goderich,
16 Jan. 1833.

Encl. in No. 45.

Dr. STATEMENT of FUND E. arising from RENTS of LANDS reserved for the Support of a PROTESTANT CLERGY. Cr.

Dr.	1832.	f. s. d.	f. s. d.	Cr.
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 <i>l.</i> sterling per annum, to be paid in this province -		750 - -	Balance remaining in the Receiver-general's hands, after deducting the monies paid to complete the year 1831 -	531 5 11½
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 - -	By cash received from the Honourable George H. Markland, as treasurer for the Clergy Corporation, on account of this fund -	1,818 - -
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 - -	By cash received from the Honourable P. Robinson, as Commissioner of Crown Lands, on account of this fund -	717 19 8½
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 8½		
		<u>£. 3,007 5 8½</u>		<u>£. 3,067 5 8½</u>

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.

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.

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.*

15 January 1834.

6 August 1833.

Enclosure 1, in No. 50.

No. 50.
 Sir J. Colborne to
 the Right Hon.
 E. G. Stanley,
 18 April 1834.

TO his Excellency Sir John Colborne, K. C. B.

Encl. 1, in No. 50.

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.

Enclosure 2, in No. 50.

Encl. 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 kind 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

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.

No. 51.
Earl of Aberdeen
to Sir J. Colborne,
22 February 1836.

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. —

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."

No. 52.
Earl of Aberdeen
to Earl Amherst,
2 April 1835.

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 Lord 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 contingency 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.)

COPY of a DESPATCH from Lieutenant-Governor Sir John Colborne, K. C. B.
to the Earl of Aberdeen.

No. 54.
Sir J. Colborne
to the Earl of
Aberdeen,
20 May 1835.

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.

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. 2.

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.

No. 3, p. 103.

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.

For copy of Bill
passed by the As-
sembly, vide p. 98.

I have, &c.

(signed) J. Colborne.

Enclosure 1, in No. 54.

TO the KING's Most Excellent MAJESTY,

Most Gracious Sovereign,

Encl. 1, in No. 54.

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

No. 54.
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

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 guarantee the 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 seignories, 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

No. 54.
Sir J. Colborne
to the Earl of
Aberdeen,
20 May 1835.

Encl. 2, in No. 54.

* For these clauses of the British statute 31 Geo. 3, c. 31, see Appendix (A).

No. 54.
Sir J. Colborne
to the Earl of
Aberdeen,
20 May 1835.

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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).

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.

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,

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Aberdeen,
20 May 1835.

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* See Appendix (C).

† Appendix (D).

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to the Earl of
Aberdeen,
20 May 1835.

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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,

* See Report of Committee, Appendix (E).

† Appendix (F).

‡ Appendix (G).

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 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

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Aberdeen,
20 May 1835.

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at

* Appendix (H).

† Appendix (I).

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to the Earl of
Aberdeen,
20 May 1835.

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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

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."

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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.

RESOLUTIONS reported by the Select Committee, and afterwards adopted by the Legislative Council, and sent to the House of Assembly, for their concurrence.

No. 54.
Sir J. Colborne to
the Earl of
Aberdeen,
20 May 1835.

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.

Encl. 2, in No. 54.

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 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.

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 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, 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.

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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 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 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, 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.

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 title 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.

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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.

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 incumbent 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.

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.

No. 54.
Sir J. Colborne
to the Earl of
Aberdeen,
20 May 1835.

“ 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 25s. per annum, shall be paid for the first seven years; 16 bushels, or 50s. per annum, shall be paid for the next seven years; and 24 bushels, or 75s. per annum, for the last seven years. Under these circumstances, the nominal rent of the Clergy Reserves is 930l. per annum. The actual receipt for the average of the last three years has been only 50l. 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 175l. had been deducted for the expenses of management, and that at the date of the last communication on this subject, 250l. 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; 3s. 6d. 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 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.

“ 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 nominal 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

No. 54.
Sir J. Colborne
to the Earl of
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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

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

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, 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 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.

No. 54.
Sir J. Colborne
to the Earl of
Aberdeen,
20 May 1835.

Encl. 2; in No. 54.

No. 54.
Sir J. Colborne
to the Earl of
Aberdeen,
20 May 1835.

Appendix (H).

BILL for the Disposal of the CLERGY RESERVES in this Province, for the purpose of Education.

Encl. 2, in No. 54.

[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 Québec, 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

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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 successors 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 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 5s.

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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.

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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.

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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.

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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 _____ £. 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£. to each missionary at present employed, the present average being 200£., 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.

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 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 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 Fitz Gibbon,*
Clerk of Assembly.

— No. 55. —

(No. 31.)

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-

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Sir J. Colborne,
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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 sheweth,

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

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.

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Earl of Aberdeen,
23 May 1835.

Encl. in No. 56.

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

CORRESPONDENCE RESPECTING

No. 56.
Sir J. Colborne to
Earl of Aberdeen,
23 May 1835.

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.

Encl. in No. 56.

Kingston, 16 May 1835.

Alexander Macdonell,

Bishop of Regiopolis.

— 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 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.

No. 58.
Lord Glenelg to
Sir F. B. Head,
5 December 1835.

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 irreconcilable. 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

a Protestant

No. 58.
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a Protestant clergy, and took full precaution against the eventual inaptitude of that system to the more advanced stages of a society than 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.)

COPY of a DESPATCH from Lieutenant-Governor Sir *F. B. Head*, Bart. K. C. H.
to Lord *Glenelg*.

No. 59.
Sir F. B. Head to
Lord Glenelg,
19 Oct. 1836.

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 sheweth,

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

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."

No. 59.
Sir F. B. Head to
Lord Glenelg,
19 Oct. 1836.

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.

Encl. 1, in No. 59.

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,

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.

Encl. 2, in No. 59.

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.

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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

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. 59.
Sir F. B. Head to
Lord Glenelg,
19 Oct. 1836.

Encl. 2, in No. 59.

No. 60. —

(No. 118.)

COPY of a DESPATCH from Lord *Glenelg* to Sir *Francis B. Head*, K.C.H.

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. 60.
Lord Glenelg to
Sir F. B. Head,
19 Dec. 1836.

— 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

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. 62.
Lord Glenelg to
Sir F. B. Head,
7, Sept. 1837.

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. 103.)

— No. 64. —

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.

No. 64.
Sir F. B. Head to
Lord Glenelg.
16 Sept. 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.

To the Right Hon. Lord Glenelg,
&c. &c. &c.

Alex. Gale,
Moderator.

— 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

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.

No. 66.
Sir George Arthur
to Sir Geo. Grey,
25 Dec. 1837.

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 <i>s.</i> 7 <i>d.</i> per acre.
Received in part payment - - - - -	89,597	
Leaving due, and bearing interest - - - £.	161,058	
Of the sum received in part payment for lands sold, viz. - - - - -	89,597	
There is invested in English Three per Cents. Stock, in sterling - - - £. 62,278		
Add for difference of exchange - - - 6,675	68,953	producing, sterling £. 1,880 add $\frac{1}{2}$ difference of exchange - 209
Leaving this amount to be accounted for £.	20,644	£. 2,089
The actual income for the present is, Interest of 62,278 <i>l.</i> sterling, equal to 68,953 <i>l.</i> 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 <i>l.</i> in the Province at six per cent. - - - - -	4,137	
By receipt of purchase money, due for land sold, 161,058 <i>l.</i> in the Province at six per cent. - - -	9,663	
By sale of land now leased, 361,000 acres at 12 <i>s.</i> 189,600 <i>l.</i> 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 <i>s.</i> per acre, 915,147 <i>l.</i>		
Sold - - - - -	368,423	
Leased - - - - -	361,000	
	729,423	

No. 66.
Sir George Arthur
to Sir Geo. Grey,
25 Dec. 1837.

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 <i>s.</i> per acre - - - - -	£. 915,147

	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
	Acres.
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

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Lord Glenelg to
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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.

I have, &c.
(signed) *George Grey.*

No. 68.
Sir Geo. Grey to
Lieut.-governor
Sir Geo. Arthur,
29 Dec. 1837.

— No. 69. —

(No. 16.)

COPY of a DESPATCH from Sir F. B. Head to Lord Glenelg.

No. 69.
Sir F. B. Head to
Lord Glenelg,
9 February 1838.

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 sheweth,

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

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.

Prescott, 23 June 1837.

(signed) *Robert Boyd*, Moderator.
William Smart, Stated Clerk.

— 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.

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. 71.
Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. in No. 71.

— No. 72. —

(No. 75.)

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor Sir *George Arthur*, K. C. H.

No. 72.
Lord Glenelg to
Lieut.-governor
Sir Geo. Arthur,
25 May 1838.

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. —

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *G. Arthur*, K. C. H. to Lord *Glenelg*, dated Toronto, 11 July 1838.

No. 73.
Lieut.-governor
Sir Geo. Arthur to
Lord Glenelg,
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. 42.)

COPY of a DESPATCH from Lieutenant-Governor Sir *George Arthur*, K. C. H. to Lord *Glenelg*.

No. 74.
Lieut.-governor
Sir Geo. Arthur to
Lord Glenelg,
25 July 1838.

My Lord,

Government House, Toronto,
25 July 1838.

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.

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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

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, as 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.

Prescott, 1 May 1838.

(signed) *Robert Boyd*, Moderator.

William Smart, Clerk of United Synod.

— No. 75. —

(No. 140.)

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor Sir *George Arthur*, K. C. H.

No. 75.
Lord *Glenelg* to
Lieut.-governor
Sir *Geo. Arthur*,
5 September 1838.

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.
Sir Geo. Arthur to
Lord Glenelg,
21 Sept. 1838.

— No. 76. —

(No. 63.)

COPY of a DESPATCH from Lieutenant-governor Sir *George Arthur*, K. C. H. to Lord *Glenelg.*

Government-House, Toronto,
21 September 1838.

My Lord,

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.*

CLERGY RESERVES, CANADA.

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 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.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.		
1827 (c)	—	—	—	—	—	—	—	(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 advances of last year.	
1830	34,705 1/2	23,452 4 —	6,216 1 11	None.	829 13 2	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 1/2	17,362 12 1 1/2	8,010 2 11	259 14 9 1/2	1,207 13 —	11,000 —	1,755 8 4 1/2	(e) Honourable R. B. Sullivan commences as agent for the sale of clergy reserves.	
1832	48,484 1/2	32,237 19 —	10,239 9 7 1/2	473 17 2	1,010 15 —	8,000 —	2,560 4 11	(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.	
1833	62,282 1/2	44,747 19 9	14,080 16 8 1/2	854 4 3 1/2	1,285 11 9 1/2	500 —	6,101 5 4 1/2		
1834	59,826	41,376 18 7	14,467 9 5 1/2	1,182 11 4	1,886 13 7 1/2	10,000 —	8,802 9 6		
1835	59,003 1/2	40,973 15 8	17,000 3 5 1/2	1,841 6 3 1/2	2,309 16 2 1/2	23,000 —	227 12 11		
1836 to 19 July inclusive.	19,076	13,239 4 5	9,396 19 9	1,395 16 6	1,259 11 5	3,500 —	(d) 4,943 2 11 1/2		
From (c) 14 July to 31 December inclusive, 1836.	44,364 1/2	27,755 10 — 1/2	9,076 3 10 1/2	1,084 1 6 1/2	1,023 4 3 1/2	None.	9,137 1 1 1/2	These sums to be added together to show total amount.	
1837	81,549	52,263 7 4	18,318 6 8	2,637 6 8	1,266 5 4 1/2	22,475 6 11	2,463 4 1	£. 8,560. 8 s. 5 1/2 d. paid over within a few days of the close of 1836, and brought into first semi-annual account current of 1837.	
1838 to 30 June	11,173 1/2	7,481 9 3	5,346 19 3	1,120 — 7	1,444 16 —	6,000 —	530 17 3	First half year of 1838 only.	
TOTAL	466,742 1/2	314,150 — 2	114,616 14 10 1/2	10,849 3 2	15,662 6 2 1/2	99,471 13 9	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 - - - - -	510 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 - -
	By received from the Casual and Territorial Revenue Fund under warrants - - - - -	600 - -		To paid additional stipend to the rector of York for the same period - - - - -	225 - -
				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 - -
	By received from the officers for collecting the rents of clergy reserves under lease - - - - -	630 - -		To paid additional stipend to the rector of York, in full satisfaction of all further claims on this head - - - - -	90 - -
	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 year 1831 - - - - -	100 - -
	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 -
	By received from the officer collecting the interest on clergy lands sold - - - - -	717 19 8½		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 Casual and Territorial Revenue Fund under warrants - - - - -	none.		To paid salaries to the following missionaries, for the six months from 1st July to 31st December 1832 inclusive; viz.	
				28 missionaries - £, 100 - each	
				3 ditto - 75 - "	
				5 ditto - 50 - "	
				2 ditto - 43 15 - "	
					2,362 10 -

CLERGY RESERVES, CANADA.

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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 4s. 6 d.	Year.	PAYMENTS.	Sterling, Dollars at 4s. 6 d.
		£. s. d.			£. s. d.
1833	By received from the officer collecting the interest on clergy lands sold - - - - -	637 10 11½	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 3½	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 6½
	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 11½
				To paid expenses incurred in the inspection of clergy reserves, same period - - - - -	559 12 10½

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 6 $\frac{1}{2}$	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 1 $\frac{1}{2}$		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 4 $\frac{3}{4}$		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 - - -	
				<hr/>	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	
				<hr/>	3,202 10 -
				To paid on account of the glebe houses in Carradoc and Adelaide -	118 18 1 $\frac{1}{2}$
				To paid ordinary and incidental expenses of the Clergy Corporation Office, for the year 1835 - - -	65 18 10
				<hr/>	
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 1 $\frac{1}{2}$	1836	To paid two archdeacons for the year 1836 - - - - -	1,003 14 6
	By received from the officer collecting the rents of clergy reserves under lease - - - - -	2,141 5 1 $\frac{1}{2}$		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 3 $\frac{1}{2}$		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.—	
				23 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	
				<hr/>	2,233 10 -

CLERGY RESERVES, CANADA.

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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 4s. 6d.	Year.	PAYMENTS.	Sterling, Dollars at 4s. 6d.
		£. 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 10½
				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 5½
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 - - ½	1837	To paid two archdeacons for the year 1837 - - - -	1,003 14 6
	By received from the officer collecting the rents of clergy reserves under lease - - - -	1,798 16 5		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 interest on clergy lands sold - - - -	3,499 4 1½		To paid salary to the secretary of the Clergy Corporation, for the year 1837 - - - -	270 - -
	By received from the Casual and Territorial Revenue Fund under warrants - - - -	2,588 6 8		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.— 22 missionaries £. 85 - each 1 ditto - 75 - (including arrears.) 2 missionaries - 70 - each 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 10½

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 17	{ 2d Con. from Bay 3 do.	York - - -	800	
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. $\frac{1}{2}$ 27	1	Vaughan - -	105	
5	Rev. John Gamble Geddes - - -	Hamilton, Dis- trict of Gore -	{ 6 2	{ 13 14	Flamborough East	400	{ Patent not completed.
6	Rev. Francis Evans -	Woodhouse - -	{ S. W. $\frac{1}{4}$ 1 S. $\frac{1}{2}$ of N. $\frac{1}{4}$ 1 S. W. $\frac{1}{4}$ 2 N. p ^t 6 Pt of 10	{ 3 3 3 1 4	Woodhouse - -	402	
7	Rev. John Grier -	Ameliasburgh -	96, 102	2	Ameliasburgh -	400	{ Patent not completed.
8	Rev. F. Mack - -	Wellington-square	{ 2 10	{ 2 4	Flamborough East	400	
9	Rev. R. Blakey -	Augusta - - -	{ 18, 19, and Commons between.	4	Augusta - - -	450	
10	Rev. Samuel Armour	Cavan - - -	{ 17 10	{ 4 10	Cavan - - -	400	
11	Rev. William Macaulay	Hallowell - -	{ N. E. p ^t Block D.	-	Sophiasburgh	{ About 400.	
12	Rev. Michael Harris -	Perth - - -	{ 17 4	{ 7 1	Bathurst - - Drummond - -	200 200	
13	Rev. W. H. Gunning	Elizabethtown -	19, 20	5	Elizabethtown -	400	
14	Rev. H. Patton -	Oxford, J. D. -	{ E. $\frac{1}{4}$ 15 16 16	{ 1 1 6	Oxford, J. D. -	450	
15	Rev. John Anderson -	Bertie - - -	{ 6, 7 6, 7	{ 5 6	Bertie - - -	400	
16	Rev. R. H. D'Olier -	Peterborough -	{ 17 40 Park Lots 15 and 16 in 13 Town Lots 1, 2, 3, 4, on Hunter Water & Brock Streets - - -	{ 2 13 13 Con. 6 Con.	Smith - - - Monaghan - - Town of Peterbo- rough - - -	420	{ About 420
17	Rev. William Betteridge	Woodstock - -	{ 2 16	{ 1 5	Oxford West Oxford East	400	
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. F. B. W. $\frac{1}{4}$ 15 Bro. F. A. 27 E. $\frac{1}{4}$ 2	{ 6 Con. 7	Hamilton - -	{ About 400	
20	Rev. George Archbold	Cornwall - - -	{ 19 and W ^t 150 ac. of 38. Also a strip of land between rear boundary of town of Cornwall and front of 2d Con. of Cornwall, as reckoned by eastern bound- ary, 64 ac. - - -	{ 8	Cornwall, 350 ac.	410	

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. Centre Commons between Lots 18 & 19.	1st and 2d Con.	Williamsburgh, 37½ acres	400½	Patent not completed.
			19	1st, 3d, and 4th Con.	Of Matilda, 163 acres		
22	Rev. Dominick F. Blake	Adelaide	12, 25, 8 and 9	1st N.E.R., 1st S.E.R., Front A.	Matilda	401	
23	Rev. T. Phillips, D. D.	Etobicoke	3 and 4 W. p ^t 3	1 st range, 2 ^d range, 2d, 3d, and 4 th ranges	Etobicoke	205	
24	Rev. Edward J. Boswell	Carleton Place	26, 2	2 Con., 7	Ramsay	400	Patent not completed.
25	Rev. Mark Burnham	St. Thomas	5, 17	7, 4	Yarmouth, Southwold	400	ditto.
26	Rev. John Ratcliffe	Warwick	15 and 25	1 st S.E.R.	Warwick	400	
27	Rev. V. P. Meyerhoffer	Markham	9, 19	5, 9	Markham, Vaughan	400	
28	Rev. A. H. Burwell	Bytown	17 and 18	1 st Con. on Ottawa	Gloucester	about 400	Patent not completed.
29	Rev. James Magrath	Toronto	23, 29, 9	2 ^d E.H.S., Indian reserve on credit, part of Racey property, Toronto	Chinguacoury	about 400	ditto.
30	Rev. John Cochrane	Belleville	16 and 17 R ^t p ^t 4	3 Con., 1	Thurlow	418	
31	Parish Church	Bath	F ^t 50 ac. 12, 13 W. ¼ 14	4	Ernestown	400	
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 Dist. of Bathurst	24, 17	5, 9	Goulburn, Fitzroy	400	
36	Rev. R. Lugger	Brantford	3, 9	2, 3	Burford	400	Patent not completed.
37	Rev. Benjamin Cronyn, 2d church in township of London	London	12, 15, N.E. corner of 16, being 4½ acres deeded by Rev. Benjamin Cronyn to the Crown	Con. C., 7, 3	London	404½	
38	Rev. Romain Rolph	Amherstburg	80 and 81	7	Malden	400	
39	Rev. James Clarke	St. Catharine's	3, 3	5, 6	Grantham	400	
40	Rev. James Clarke	Louth	11, 12, 12	4, 5	Louth	300	
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, 16	1 st range, N. of S.W. R ^d , 1 Con.	Carradoc	435	Patent not completed.
44	Rev. Job Deacon	Adolphustown	24, 25, 6, 7, 8, 7, 7, 8	1 Con., N. of 3 ^d S ^t , S. of 4 th S ^t	Adolphustown, Town of Adolphus town	164	

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	2 ^d Con.	Fredericksburgh	250	
46	Rev. William Johnson	Sandwich	3 Pt in N. $\frac{1}{2}$, 1 aux Puce and River aux Peche 8	E. of River bet. 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.	2 ^d Con. N. of road 2 ^d 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. $\frac{1}{2}$ 21 W. $\frac{1}{2}$ 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., re- serve lot bet. C. and River Speed, lots 14 and 15, di- vision A. Centre Pt of St. George's- square R. $\frac{1}{2}$ 3 and 4 Bro. 3 and 4	10 Con. 11	Guelph, 86 acres - Town of Guelph, 54 $\frac{1}{2}$ perches - Puslinch -	326	
53	The Archdeacon	Kingston	Block C. adjoining town of E. $\frac{1}{2}$ 12 13 W. $\frac{1}{2}$ 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 Wors- ley-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. Cogh- lan.
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	

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	-	-	Thorahill, 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.

Receiver-general's Office, Toronto, }
21 September 1838. }

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

CORRESPONDENCE RESPECTING

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.	
1827	- nil -	-	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	4½	6,437	—	—	—	—	
1835	-	-	-	111,275	23,415	16	11½	-	-	10,676	11	10½	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	6½	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.

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.

No. 77.
Sir G. Arthur to
Lord Glenelg,
28 Nov. 1838.

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.

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. 78.

Lord Glenelg to
Sir G. Arthur,
15 Nov. 1838.

—No. 79.—

EXTRACT of Sir *George Arthur*'s Speech to the Legislature of *Upper Canada*, at the opening of the Session, 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.

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—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.

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.

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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.

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

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 a 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.

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.

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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,

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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.

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.

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

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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

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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.*

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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

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.

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12 April 1839.

Enclosure No. 4.

Fifth Enclosure in No. 80.

BILL to reinvest in Her Majesty the Lands set apart for a Protestant Clergy.

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, 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 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,

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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

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.

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40. " Provided always, and be it further enacted by the authority aforesaid, That every such presentation of an incumbent or minister to any such parsonage or rectory, and also the enjoyment of any such parsonage or rectory, and of the rights, profits and emoluments thereof, by any such incumbent or minister, shall be subject and liable to all rights of institution and all other spiritual and ecclesiastical jurisdiction and authority which have been lawfully granted by his Majesty's royal letters patent to the Bishop of Nova Scotia, or which may hereafter by his Majesty's royal authority be lawfully granted or appointed to be administered and executed within the said provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other person or persons, according to the laws and canons of the Church of England which are lawfully made and received in England.

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

42. " Provided nevertheless, and be it further enacted by the authority aforesaid, That whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said provinces containing any provisions to vary or repeal the above-recited declaration and provisions contained in the said Act passed in the 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."

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.

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.

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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 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 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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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.

BILL to authorize the future Appropriation of the Clergy Reserves to the purposes of all recognized religious Denominations.

Enclosure (A.)

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."

Enclosure (B.) in No. 81.

No. 81.
 Sir G. Arthur to
 the Marquess of
 Normanby,
 14 May 1839.

Enclosure (B.)

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 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

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.

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.

Enclosure (C.)

No. 81.

Sir G. Arthur to
the Marquess of
Normanby,
14 May 1839.

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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 the Marquess of
 Normanby,
 14 May 1839.

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.) in No. 81.

Enclosure (D.)

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

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 Provincial Legislature for religion and education.

No. 81.
Sir G. Arthur to
the Marquess of
Normanby,
14 May 1839.

Enclosure (D.)

— 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.

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, intitled, "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.

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.

No. 82.
Sir G. Arthur to
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8 June 1839.

This Act was passed
in 1821, and re-
ceived the royal
Assent in 1823.

No. 82.
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 the Marquess of
 Normanby,
 8 June 1839.

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 instruction.

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

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.

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 injurious

No. 82.
Sir G. Arthur to
the Marquess of
Normanby,
8 June 1839.

(A.)

No. 82.
 Sir G. Arthur to
 the Marquess of
 Normanby,
 8 June 1839.

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,

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.

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.

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.

These payments have been made in pursuance of the Despatch from the Colonial Department, dated 1st October 1831.

By its 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.)

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.

No. 82.

Sir G. Arthur to
the Marquess of
Normanby,
8 June 1839.

(B.)

No. 118.

(C.)

No. 43.

(D.)

No. 82.
 Sir G. Arthur to
 the Marquess of
 Normandy,
 8 June 1839.

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.* 8½*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,

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.

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

Rents of leased reserves	£. 3,500
Interest collected	1,100
	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.

No. 82.
Sir G. Arthur to
the Marquess of
Normanby,
8 June 1839.

(H.)

No. 82.
 Sir G. Arthur to
 the Marquess of
 Normanby,
 8 June 1839.

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.

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.*

No. 110.

No. 82.
 Sir G. Arthur to
 the Marquess of
 Normanby,
 8 June 1839.

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 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.
1829	18,014	13,229	2,466 1 3	-	-	-	1,162 19 6	645 15 6	10,762 18 9	Honourable Peter Robinson, agent for the sale of clergy reserves during this period.
1830	34,705½	23,452 4	6,216 1 11	-	-	-	829 13 2	1,034 3 4	17,236 2 1	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.
1831	28,593½	17,362 12 1½	8,010 3 11	259 14 9½	11,000	-	1,207 13 -	561 2 11½	9,352 9 2½	Honourable R. B. Sullivan, agent for the sale of clergy reserves during this period.
1832	48,424½	32,287 19	10,239 9 7½	473 17 2	8,000	-	1,010 15 -	1,322 18 2	22,048 9 4½	The proportion 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.
1833	62,282½	44,747 19 9	14,080 16 8½	854 4 3½	9,500	-	1,285 11 9½	1,840 - 7	30,607 3 -½	Honourable R. B. Sullivan, agent for the sale of clergy reserves during this period.
1834	59,326	41,376 18 7	14,467 9 5½	1,182 11 4	10,000	-	4,886 13 7½	1,614 11 4	26,909 9 1½	The proportion 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.
1835	59,003½	40,973 15 8	17,000, 3 5½	1,841 6 3½	23,000	-	2,308 16 2½	1,438 8 4	23,973 12 2½	Honourable R. B. Sullivan, agent for the sale of clergy reserves during this period.
To 13 July 1836 inclusive -	19,076	13,229 4 5	9,396 19 9	1,395 18 6	3,500	-	1,259 11 5	1,350 13 10	22,511 10 10	
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 3½	-	-	
1837	81,549	52,253 7 4	18,318 6 8	2,637 8 8	22,475 6 11	-	1,266 5 4½	2,036 2 -	33,935 - 8	
1838	21,475½	14,324 2 7	10,910 18 1	2,114 11 9	11,000	-	2,160 16 -	204 15 -	3,413 3 6	
1839, to 30 April inclusive -	9,823	5,919 5 7	*6,738 15 -	1,803 4 8	10,000	-	.336 18 4	-	200,809 18 9½	* 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	326,911 19 1	126,921 9 8½	13,646 19 -	108,475 6 11	-	15,738 17 8½	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 (F.)

STATEMENT (F.)

ACCOUNT (E.) CLERGY.

	STERLING.		
	£.	s.	d.
Balance in advance, after defraying the service of 1833	-	-	-
Revenue of the year 1834	6,642	15	11
Expenditure - ditto	6,280	2	- $\frac{1}{2}$
Blue Book	£.5,979	16	9
Revenue of the year 1835	6,888	10	- $\frac{1}{2}$
Expenditure - ditto	5,736	1	1 $\frac{1}{2}$
Blue Book	£.4,676	4	2
Revenue of the year 1836	3,982	14	3 $\frac{1}{2}$
Expenditure - ditto	5,560	4	3 $\frac{1}{2}$
Blue Book	£.5,547	1	10
Revenue of the year 1837	6,403	-	6 $\frac{3}{4}$
Expenditure - ditto	5,525	11	10
Blue Book	£.4,619	12	4
Revenue of the year 1838	5,857	2	4
Expenditure - ditto	5,418	15	3
Blue Book	£.4,230	4	3

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 annually.	8. Principal and Interest due and overdue, 30 June 1839.	REMARKS.
	Six Months ending	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
1829	30 June	- - -	853 13 9	853 13 3	51 4 5	51 4 5	1,365 17 10	
-	31 December	- - -	734 14 9	734 14 9	44 1 8	44 1 8	1,153 10 7	
1830	30 June	- - -	1,830 19 9	1,830 19 9	109 17 2	109 17 2	2,819 14 3	
-	31 December	- - -	2,696 8 9	2,396 16 8	161 15 9	143 16 3	3,619 4 9	
1831	30 June	- - -	4,559 10 4	4,052 18 1	273 11 5	243 3 6	5,998 6 1	
-	31 December	- - -	1,811 1 9	1,408 12 7	108 13 4	84 10 4	2,042 8 2	
1832	30 June	- - -	4,777 19 4	3,716 4 -	286 13 7	222 19 5	5,376 19 11	
-	31 December	- - -	9,376 8 -	6,250 18 8	592 11 6	375 1 -	8,688 14 8	
1833	30 June	- - -	10,417 15 10	6,945 3 11	625 1 3	416 14 2	9,443 8 11	
-	31 December	- - -	14,997 16 11	8,332 2 9	899 17 5	499 18 7	11,081 15 -	
1834	30 June	- - -	11,948 15 9	6,638 4 3	716 18 6	398 5 10	8,629 13 5	
-	31 December	- - -	14,766 8 4	6,562 17 1	885 19 8	393 15 5	8,334 16 5	
1835	30 June	- - -	10,550 18 7	4,733 15 -	639 1 1	284 - 6	5,869 17 -	
-	31 December	- - -	18,415 17 8	6,138 12 7	1,104 19 -	368 6 4	7,427 14 9	
1836	30 June	- - -	6,997 5 8	2,332 8 7	419 16 9	139 18 11	2,752 5 4	
-	31 December	- - -	24,883 12 3	5,529 13 11	1,493 - 3	331 15 7	6,359 2 11	
1837	30 June	- - -	20,382 9 3	4,529 8 9	1,222 18 11	271 15 3	5,072 19 3	
-	31 December	- - -	21,949 2 6	2,438 15 10	1,316 18 11	146 6 6	2,658 5 7	
1838	30 June	- - -	6,253 2 -	694 15 9	375 3 9	41 13 8	736 9 5	
-	31 December	- - -	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	

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 - - - - 9,145,145
 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 - - - - 9,395,687
 Number of Acres sold - - - - 489,867½
 BALANCE - - - - 1,905,819½

Crown Lands Office, Toronto, 25 May 1839.

(signed) R. B. Saultman.

STATEMENT (H.)

Commissioner for Crown Lands Office,
Toronto, 18No. 82.
Sir G. Arthur to
the Marquess of
Normanby,
8 June 1839.
Statement (H.)

£. Currency. RECEIVED from the sum of pounds instalment
on shillings and pence, currency, being the in the in
the township of lot, No. 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 instal-
ment 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.

Instalment	£.	currency, due	18
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.

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.

No. 83.
The Marquess of
Normanby to
Sir G. Arthur,
26 June 1839.

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.

My Lord,

No. 84.
Sir G. Arthur to
the Marquess of
Normanby,
27 July 1839.

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. }

Commons House of Assembly, }
11 May 1839. }

Jonas Jones,
Speaker.

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.)

COPY of a DESPATCH from Lieutenant-Governor Sir G. Arthur, K.C.H., to the Marquess of Normandy.

My Lord,

Government House, Toronto, 14 Sept. 1839.

No. 86.

Sir George Arthur to the Marquess of Normandy, 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.

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.

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	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	-	10,253
Talbot	353	166	425	355	-	-	946	43	4	238	-	285
London	9,184	3,445	2,195	1,839	-	-	7,479	4,674	622	2,979	-	8,275
Western	2,196	-	-	-	-	2,744	2,744	2,081	-	-	-	2,081
TOTAL	79,754	22,333	11,169	2,804	125	24,657 (a)	61,088	39,517	7,218	31,648 (b)	78,383	

DISTRICTS.	ROMAN CATHOLICS.	BAPTISTS.				Total.	MISCELLANEOUS.					
		Returned under the general Term of Baptists, without reference to distinction.	Open Communion.	Close Communion.	Free Will.		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.											
	Tunbers.	Moravians.	Quakers.	Society of Peace.	Universalists.	Restorationists.	Unitarians.	Latitudinarians.	Deists.	Free Thinkers.	Irvingites.	Reformers.
Eastern	-	-	14	-	25	-	-	-	-	-	-	-
Ottawa	-	-	8	-	34	-	-	-	-	-	-	-
Johnstown	-	-	357	-	113	-	-	-	17	-	-	-
Bathurst	-	-	27	-	19	-	28	-	5	-	37	-
Prince Edward	-	-	1,060	-	-	10	-	-	-	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.								Total Religious Denominations.	Total Population, according to Returns of 1839.
	Christians.	Bible Christians.	Disciples.	Mormans.	Other Denominations.	No Profession.	Liberators.	Total.		
Eastern	-	-	-	29	-	308	-	1,763	28,837	28,837
Ottawa	7	-	-	-	-	-	-	117	8,483	8,483
Johnstown	2	-	-	71	-	5,299	-	5,892	32,664	32,669
Bathurst	-	-	-	77	-	258	-	453	24,632	24,632
Prince Edward	67	-	220	-	-	-	-	1,549	12,539	14,018
Newcastle	564	270	21	76	-	1,917	-	3,798	35,145	35,146
Midland	8	-	-	10	-	780	-	1,298	14,057	38,254
Home, including City of Toronto	557	-	-	66	211	2,986	-	7,814	53,572	57,800
Niagara	76	-	95	-	-	10,247	-	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)	12,068
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,
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.

Toronto, 21 January 1840.

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

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.

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.*

Enc. 2, in No. 88.

(No. 89.)

—No. 89.—

COPY of a DESPATCH from Lord *John Russell* to the Right honourable
C. Poulett Thomson.

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.
Lord J. Russell to
Governor Thomson,
23 March 1840.

(No. 89.)

—No. 90.—

COPY of a DESPATCH from the Right honourable *C. Poulett Thomson* to
Lord *John Russell.*

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

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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 Toronto,
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

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 decision 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.

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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 Nova 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

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 sheweth,

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.*

(Separate.)

—No. 91.—

COPY of a DESPATCH from Lord John Russell to the Right honourable C. Poulett Thomson.

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 laity 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. 90.

Governor Thomson
to Lord J. Russell,
5 February 1840.

Encl. in No. 90.

* Or as the proper
designation of the
petitioners may be.

No. 91.

Lord J. Russell to
Governor Thomson,
20 March 1840.

— 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.
