

U P P E R C A N A D A.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 14 April 1840;—*for*,

COPIES OR EXTRACTS of CORRESPONDENCE alluded to in Lord *Glenelg*'s
Despatch to Sir *Francis Head*, 7th September 1837, between himself and
Persons communicating with him on behalf of the Churches of *England*
and *Scotland*.

Colonial Office, Downing street, }
15 April 1840.

R. VERNON SMITH.

(*Mr. Vernon Harcourt.*)

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COPIES OR EXTRACTS of CORRESPONDENCE alluded to in Lord *Glenelg's* Despatch to Sir *Francis Head*, 7th September 1837, between himself and Persons communicating with him on behalf of the Churches of *England* and *Scotland*.

— No. 1. —

To the Right Honourable *Charles*, Lord *Glenelg*, one of His Majesty's Principal Secretaries of State, &c. &c. &c.

The humble Memorial of *Edward Black*, Doctor in Divinity, and Minister of St. Paul's Church, in communion with the Established Church of Scotland, in the City of Montreal, Lower Canada.

Sheweth,

THAT your Memorialist is requested, and authorized by the Presbytery of Quebec, by a minute dated the 23d day of June last, to use such measures as may be in his power to promote the interests of the Church of Scotland, in Upper and Lower Canada.

No. 1.
Memorial of Rev.
E. Black, D.D.
8 February 1837.

That, to impress upon your Lordship's attention the increasing anxiety manifested by the Scottish settlers in Upper and Lower Canada, composing as they do a considerable proportion of the Protestant population, to obtain ministers in communion with the Established Church of Scotland, your memorialist begs respectfully to state, that in 1822 the number of congregations, with ministers regularly ordained over them, in connexion with the Scottish Church, in both Upper and Lower Canada, was only six, that now the number in Upper Canada alone is 37, and in Lower Canada, 14.

That in Lower Canada, with which your memorialist is more immediately connected, there are upwards of 30 stations at which ministers are earnestly desired, but that, from the poverty of the inhabitants, they are unable to offer an adequate stipend, although most anxious to contribute liberally according to their means.

That several years ago an annual grant of 750 *l.*, subsequently increased to 1,000 *l.*, was appropriated by the Government, out of (it is believed) the funds paid by the Land Company for the ministers in connexion with the Church of Scotland in Upper Canada; but that this sum is altogether inadequate for the support of the ministers at present there, and for the increasing wants of the population of that flourishing province.

That in Lower Canada, where there are 14 congregations, who have ministers regularly ordained over them, in connexion with the Scottish Church, no support, in any shape whatever, is received from the Government, with the exception of 50 *l.* paid to the eldest Presbyterian clergyman in Montreal, now retired from all public duty, and 50 *l.* to the late minister of St. Andrew's Church, Quebec, but the last of these sums, your memorialist believes, has been refused to be continued to his successor.

That the ministers, generally, in Lower Canada, are in a state of great poverty, many of them receiving in all not more than 50 *l.* or 60 *l.* Halifax currency per annum; that several, in consequence, are about to relinquish their charges; and that a large mass of people will thus either be left in a state of religious and moral destitution, or become a prey to itinerant preachers from the United States, of "latitudinarian principles, and republican politics."

That the Crown lawyers in 1819, and a Select Committee of the House of Commons in 1827, gave it as their opinion that the seventh part of the public lands in Canada, set apart by Act of Parliament for the support of a Protestant church, and a Protestant clergy, was intended for the Presbyterian as well as for the Episcopalian Establishment.

That, in these circumstances, the Presbyterians connected with the Church of Scotland deem it inexpedient if not unjust, that while the Episcopalian Church receives a certain sum for the bishop directly from the Government,—a portion of the sum voted annually by Parliament to the Society for promoting Christian Knowledge,—and derives, it is believed, a further revenue from other sources,

besides

besides enjoying 400 acres of land, granted to each of 42 rectories in Upper Canada, the sister establishment should be so inadequately endowed in Upper Canada, and altogether overlooked in Lower Canada.

Your memorialist, therefore, trusts, that in consideration of the inadequacy of the provision made for the Presbyterian Church in the Upper Province, and the entire absence of such a provision in Lower Canada, as well as the effects which would result from a cessation of the labours of its ministers, your Lordship will take into your favourable consideration the expediency of affording immediate aid by temporary grants, till measures be adopted for admitting the Presbyterian Church to its full share of the Clergy Reserve Lands.

All which is respectfully submitted to your Lordship's consideration, by

(signed) *Edw. Black.*

No. 8, Waterloo Place, Pall Mall, London,
8 February 1837.

— No. 2. —

8, Waterloo-place, Pall Mall.

(No date. Received 15 February 1837.)

No. 2.
Rev. E. Black to
Lord Glenelg.

My Lord,

AGREEABLY to your Lordship's request, I now transmit to you the substance of what took place at the interview I had the honour to have with your Lordship yesterday.

1. That in April 1836, 57 rectories were constituted and endowed, through Sir John Colborne, in Upper Canada, in place of 42, as stated in my memorial.

2. That the amount of the sums paid to the Episcopal Church in Lower Canada, exclusive of the allowance from the Society for the Propagation of the Gospel, is 5,250*l.* 18*s.* 6*d.*

3. That the amount of the sums paid to the Episcopal Church in Upper Canada, exclusive of the allowance from the Society for the Propagation of the Gospel, was, in 1833, 12,281*l.*; in 1834, 9,602*l.*; and that I have reason to believe, that sums of a similar amount are still paid by the Government to the Episcopal Church there.

4. That in a despatch from Lord Goderich to Lord Aylmer, of the 24th December 1830 (No. 6), a sum amounting to 500*l.* was recommended to be paid to the ministers of the Presbyterian Church in Lower Canada; that when application was made by the Presbytery of Quebec to Lord Gosford, for the payment of the said sum, an answer was received from his Lordship to the effect that the instructions contained in the despatch alluded to, were set aside by subsequent arrangements made between the Imperial authorities; and that notwithstanding, all the other items contained in that despatch were paid, and have been continued to the Episcopal and Romish Churches.

5. That the clergy corporations have grossly mismanaged the Clergy Reserves, as will appear from Lord Goderich's despatch to Lord Aylmer (No. 69), dated 21 November 1831.

6. That the clerical duty done by the Scotch clergy in Montreal, and Quebec, is equal to, if not greater than, the same duty done by the Episcopal clergy.

7. That the Presbyterian population in Lower Canada is considerably greater than the Episcopal population.

8. That the entire failure of the crops in Lower Canada, last season, renders it impossible for the Presbyterian population to pay the small sums they have promised to their respective clergymen.

9. That the Presbyterian ministers in Upper and Lower Canada have acted as chaplains to His Majesty's troops at different times, without any remuneration whatever; that I, in connexion with my colleague, acted as chaplain to the 79th regiment; for the space of one year in 1828; that a separate service was regularly had for the regiment, at nine o'clock in the morning; that all hospital duties, &c. were regularly performed; and that the Rev. John Clegston of Quebec has performed, for the space of three years, the same duties to the same regiment.

10. That upwards of 18,000*l.* has been realized from the sale of the Clergy Reserves in Lower Canada, and that a much larger sum has been realized in Upper Canada.

In addition to these topics, which were discussed at the interview I had the honour

honour to have with your Lordship yesterday, I beg leave to draw your Lordship's attention to the fact,

11. That to a memorial presented by a Committee of the General Assembly of the Church of Scotland in 1827, respecting pecuniary aid to the ministers in Canada, in communion with the said church, an answer was received by the convener from His Majesty's Principal Secretary of State, bearing "that whenever a congregation in any of those provinces shall have erected a suitable place of worship, and be prepared to acknowledge the jurisdiction of the Church of Scotland, and to contribute, according to their means, towards the maintenance of a minister, upon their subscribing a memorial to the Governor in Council, the Governor will have received His Majesty's commands, authorizing him upon being satisfied, that those conditions have been duly complied with, to contribute to the support of the clergyman in such proportion, as, together with the contribution of the parties presenting the memorial, may be sufficient to afford him a competent maintenance."

1825.

I have now, my Lord, brought the claims of the Scottish Church in Canada, and the grievances of which the members of the church in Lower Canada have loudly, and for a series of years, complained, under your Lordship's consideration. Since I had the honour to meet with your Lordship, I have received a communication from Montreal, of such a nature as to make it imperative on me to return there with all convenient haste. That circumstance, coupled with the fact, that one minister in the Presbytery of Quebec has already relinquished his charge, from the utter inadequacy of the provision made for him, and that others are about to do the same from the same cause, will, I trust, induce your Lordship to give me an immediate reply to my memorial, and to this communication; and I do most earnestly entreat your Lordship, as you regard the spiritual welfare of thousands of your countrymen, to let that reply be such as will shortly insure to each of the ministers of the Scottish Church now in Lower Canada, or who may hereafter be there, a permanent annual stipend of not less than 100*l.* sterling. Although an unendowed clergyman, and representing a body unable to refund me for my expenditure, yet I shall remain in London till the end of this week, in order that I may receive your Lordship's reply, and I trust that, from the very peculiar circumstances in which I am placed, your Lordship will not disappoint me.

I have, &c.

The Right Hon. Lord Glenelg,
&c. &c. &c.

(signed) *Edw. Black.*

— No. 3. —

Sir,

Downing-street, 25 March 1837.

I AM directed by Lord Glenelg to inform you that he has had under his serious consideration your memorial of 8th ultimo, and your subsequent letter, urging the claim of the Church of Scotland in Upper and Lower Canada to receive assistance from His Majesty's Government towards the support of their ministers. This claim is founded not only on a consideration of the assistance granted to the ministers of the Church of England in those provinces, but also on the right of the clergy of the Church of Scotland to participate in the benefit of the Clergy Reserves, and on the alleged promise of assistance formerly given to that Church, and as yet unfulfilled.

On the first point, Lord Glenelg desires me to observe, that the pecuniary assistance which is at present annually voted by Parliament for ministers of the Church of England in the Canadas, is only temporary, being limited in its duration to the existence of the lives of the individuals among whom it is now distributed. You are possibly aware that in the year 1832 a pledge was given to Parliament that this country should be relieved from the expense, which up to that date it had borne, on account of the ecclesiastical establishment in the Canadian provinces. But at the same time it was found, that to carry this pledge into immediate and unqualified effect, would cause the greatest distress to those clergymen who had left this country for the Canadas with a fixed salary, and with a reasonable assurance that the salary secured to them in the first instance, would be permanently continued. His Majesty's Government therefore proposed, and the House of Commons have sanctioned, a grant to such an amount as should secure to those ministers who were actually in the

No. 3.

Sir G. Grey to
Rev. E. Black,
25 March 1837.

receipt of a salary in the Canadas, a considerable portion of their existing emoluments; on the express condition, however, which has since been strictly adhered to, that as the actual incumbents should die or be otherwise provided for, the annual grant should be proportionably diminished. Under these circumstances, Lord Glenelg fears that it would be impossible successfully to propose to Parliament a grant of money on account of the Scotch Church in the Canadas.

With respect to the right of the Church of Scotland to participate in the Clergy Reserves, I am to inform you that His Majesty's Government see no reason to doubt that the claim of the Scotch Church is warranted by the terms of the Act appropriating these reserves, and they much regret that a more liberal construction has not, from the first, been placed on the terms of that Act in this respect. The unprofitable nature of those reserves, however, until within the last few years, has scarcely admitted any question of practical importance to be raised, with reference to the claims of separate Protestant churches in the Canadas to a participation in their proceeds. You are aware that the disposal of these lands was referred in November 1831 to the Legislatures of the respective provinces, and Lord Glenelg has reason to hope that in the course of the present session of the Upper Canada Legislature, measures will have been adopted for insuring an equitable distribution of the Clergy Reserves in that province among the principal communities of Christians within it, and for thus rendering them more generally conducive to the advancement of religious instruction. In the details of this arrangement, his Lordship trusts that the members of the Church of Scotland will have no ground for complaint.

In Lower Canada, Lord Glenelg regrets that no steps have as yet been taken by the provincial Legislature for a settlement of this question, and the amount at present invested in the British funds on account of sales in that province being no more than 5,689 £., of which the interest alone is disposable, the whole available receipts are at present absorbed by the expenses of management. Should that fund be hereafter materially increased, His Majesty's Government would willingly recognize the claim of the Scotch Church to participate in it.

The last point which I am directed to notice is, the prospect of assistance to the Scotch clergy, held out by Lord Ripon's despatch of 24th December 1830, but not yet realized. It cannot be denied that, at the time of the date of that despatch, it was Lord Ripon's intention to appropriate a sum of 500 £. a year from the casual and territorial revenue of Lower Canada to the ministers of the Church of Scotland in that province. This intention, however, it appears that Lord Ripon was subsequently compelled, though doubtless with reluctance, to abandon.

At the time when his Lordship proposed to grant the sum in question to the Presbyterian clergy, he anticipated that the Legislature of Lower Canada would grant to His Majesty a civil list, and that the casual and territorial revenues might be appropriated to the objects contemplated in the despatch to which reference has been made. It is needless here to recapitulate the circumstances by which that expectation was disappointed; it is sufficient to remark, that in consequence it became absolutely necessary to apply the proceeds of the casual and territorial revenue to the current expenses of the Government, instead of those other important services to which it had been destined.

The same unfortunate state of things has since continued to exist, and the whole of the casual and territorial revenues of Lower Canada are at the present moment absorbed in the payment of those indispensable expenses, without which the government of the country could not be maintained. Under these circumstances, it is a matter of deep regret to His Majesty's Government that at the present moment they have no funds at their disposal from which they could assist the clergy of the Church of Scotland in Lower Canada. They earnestly hope, however, that the aspect of public affairs in the province may, at no remote period, be changed, and no exertion shall be wanting on their part by which the just claims of the Church of Scotland to a share of any public endowments for the maintenance of religious worship in the colony, may be recognized and enforced.

I have, &c.

Rev. E. Black, D.D.

(signed) *George Grey.*

— No. 4. —

Newton Stewart by Dumfries,
30 March 1837.

Sir,

I HAVE had the honour to receive your letter of the 25th instant, containing Lord Glenelg's answer to my memorial of the 8th of February, and to a subsequent letter transmitted to his Lordship. I have to express my regret that his Lordship has not felt himself justified in granting temporary aid to the ministers of the Scotch Church in Lower Canada, until the revenue arising from the sale of the Clergy Reserves be available to yield to them a permanent annual stipend. The Presbyterian population of Lower Canada, comprehending as it does the most numerous and respectable body of the Protestant community, cannot be expected willingly to submit longer to the partial treatment of the Government, when they see, year after year, grants of money voted to the Romish and Episcopal Churches, and all aid refused to the branch of the National Church to which they belong.

No. 4.
Rev. E. Black to
Sir G. Grey, —
30 March 1837.

I respectfully submit for Lord Glenelg's consideration, the following subjects of grievance, on the part of the Scotch Church, entirely overlooked in his Lordship's reply.

1. That the convener of the committee of the General Assembly on colonial matters (Dr. Mearns, I believe) received a despatch from the Colonial Secretary, in 1827, bearing, "that whenever a congregation in any of those provinces shall have erected a suitable place of worship, and be prepared to acknowledge the jurisdiction of the Church of Scotland, and to contribute according to their means towards the maintenance of a minister, upon their presenting a memorial to the Governor in Council, the Governor will have received His Majesty's commands, authorizing him, upon being satisfied that those conditions have been duly complied with, to contribute to the support of the clergyman in such proportion, as together with the contribution of the parties presenting the memorial, may be sufficient to afford him a comfortable maintenance."

I may be mistaken as to the year in which this despatch was sent to the convener, but I cannot be mistaken as to the fact that such a despatch was received, for I was one of those clergymen who memorialized the Governor (Lord Dalhousie), praying that his Lordship would put in force the Colonial Secretary's instructions.

2. That there is something unaccountable in the fact, that although the 500*l.* mentioned in Lord Ripon's despatch of the 24th December 1830 was not paid to the Presbyterian clergy, on the ground that the House of Assembly did not pass the Bill proposed to that body by his Lordship, yet, that all the other items mentioned in that despatch, comprehending 3,000*l.* to the Protestant bishop, 1,000*l.* to the Catholic bishop, 650*l.* to the Archdeacon of Quebec, and various other sums to the inferior Episcopal clergy, were paid, and have been continued to be paid up to this moment.

3. That it is evident a very considerable sum has been realized from the sale of Clergy Reserves in Lower Canada; that there must be something egregiously amiss in the mode of managing the fund arising from such a sale on the part of the corporation, composed as it is entirely of Episcopalians; and as it is now granted on all sides, that the Scotch Church has an equal right with the Episcopal Church to a share of these reserves, that the ministers of the Scotch Church ought in justice to have something to say in the management of that fund.

4. That within a very short period, and at the very time the Government declared they had no funds at their disposal to give a grant to the Scotch Church, the Lieutenant-Governor of Upper Canada (Sir John Colborne), endowed 57 English rectories, by granting to each of these rectories from 400 to 800 acres of land out of the very best of the Clergy Reserves.

I respectfully request that I may be honoured with Lord Glenelg's opinion on the preceding subjects of grievance.

I shall continue to exert myself to the utmost in behalf of myself and of my suffering brethren, and in order that I may be enabled to do so with some effect, I have sent out to Montreal, at my own expense, a preacher of the Church of Scotland to do my duty. This arrangement will allow me to remain in this country till at least after the meeting of the General Assembly of the Church of Scotland.

I have, &c.

(signed) *Edward Black.*

Sir George Grey, Bart. M.P.
&c. &c. &c.

— No. 5. —

No. 5.

Sir G. Grey to
Rev. E. Black,
24 April 1837.

*Vide copy annexed,
p. 9.
R. Wilmot, Horton,
Esq. to the Rev.
Dr. Mearns,
9 June 1825.*

Sir,

Downing-street, 24 April 1837.

I HAVE received and have laid before Lord Glenelg your letter of the 30th ult. adverting to certain points in your former communications which you consider to have been overlooked in my letter of the 25th of March.

The first subject to which you advert is a letter, addressed to Dr. Mearns by the Secretary of State, and dated, as you suppose, in 1827, in which, on certain conditions, assistance was distinctly promised to the ministers of the Scottish Church in Canada. I did not refer to this promise in my former letter, because it was not adverted to in your memorial, and because, on reference to the correspondence of the date which you had indicated, no trace of it could be found; and I had never previously heard of its existence. On a more diligent search, however, which has been instituted since the receipt of your last letter, it appears that a communication, in the terms which you have quoted, was addressed to Dr. Mearns, by Lord Bathurst's direction, on the 9th June 1825, with this qualification, that the contribution to be made by the Government to the support of Presbyterian clergymen would necessarily be limited by the funds which it might be in the power of the Crown to appropriate to such purpose, and by the other claims which might exist on those funds.

Notwithstanding this letter, it does not appear that any corresponding instructions were transmitted to the Governors of the Canadian provinces, nor is Lord Glenelg able to account for this remarkable omission, otherwise than on the supposition that the Secretary of State did not conceive there were any funds, at the disposal of the Crown, available for the purpose in question. His Lordship, however, cannot hesitate to admit that the expectation held out by Lord Bathurst, conferred on the clergy of the Church of Scotland in Canada the strongest claim to the consideration of His Majesty's Government, in the distribution of any funds applicable in those provinces to ecclesiastical purposes, and he has every disposition to redeem the pledge which has so long remained unfulfilled, so far as the means still exist for the attainment of this object.

In Upper Canada his Lordship has reason to hope, as I informed you in my letter of the 25th ult., that, by the intervention of the local Legislature, the Clergy Reserves in that province will be rendered more conducive to the promotion of religious instruction, on a basis which will insure to the Church of Scotland a participation in their proceeds, proportionate to the relative number of its members, as compared with those of the other principal denominations of Christians in the colony.

In Lower Canada, the funds applicable to religious purposes are much more circumscribed; and although the amount at present invested in the British funds on account of sales of the Clergy Reserves in that province may, on further inquiry, prove to be greater than that which was stated in my letter of 25th ultimo, there is but little ground to expect that the interest arising from the proceeds of those sales, will at any early period, afford to His Majesty's Government the means of granting essential assistance to the Scotch Church. All the other Crown revenues in that province (as I have already had the honour to inform you) are at present necessarily applied to the indispensable services of the Government; but if a favourable change of circumstances should hereafter occur, Lord Glenelg would gladly avail himself of the first opportunity of fully redeeming the pledge given by Lord Bathurst in 1825, to which his attention has for the first time been drawn by yourself, and the obligation of which he is fully prepared to recognize.

2. You designate as unaccountable the difference between the course subsequently pursued with reference to the proposed grant of 500*l.* to the Scotch Church, and that adopted with respect to the other ecclesiastical items intended by Lord Ripon to have been placed on the casual and territorial revenue of Lower Canada; but I am to remind you that an essential difference existed between the nature of those charges. Of the latter, there was none that was for a new service, or that had not previously been provided for from other funds. Anxious, therefore, to maintain all existing interests, and to prevent the individual distress which must have followed from a sudden withdrawal of the accustomed salaries, Lord Ripon, when he found that the casual and territorial revenue was no longer applicable to the service, proposed to Parliament to provide, by an annual vote, for those clergymen who had up to that time been paid out of the Army Extraordinaries and other funds belonging to this country; on the

the express condition, however, that the grant should not be continued to any but the existing incumbents. But, in the case of the Scotch Church, no vested individual interest had been created, and, accordingly, there was no ground on which Lord Ripon could, with consistency, have applied to Parliament to realize his intentions in their behalf.

3. With regard to the amount of sales of Clergy Reserves in Lower Canada, it appears that some delay has occurred in investing the proceeds obtained in the year 1835. An investigation is now in progress, and Lord Glenelg expects at an early date to be furnished with full information on the subject. You are, however, aware that it is the interest only of the investments, which under the Act 7 & 8 Geo. 4, c. 62, can be expended.

Assuming, therefore, the largest estimate which has been made of those investments, Lord Glenelg fears that the interest will not afford any considerable fund for ecclesiastical purposes.

4. Lastly, you allude to the creation, by Sir J. Colborne, in the beginning of last year, of 57 rectories of the Church of England. With reference to this subject, I am to inform you, that as soon as His Majesty's Government were informed of these endowments, an inquiry was instituted into the circumstances under which these rectories were created, and that such inquiry which involves the question of the legal rights of the parties to the endowment in question, is now in progress.

Rev. E. Black, D.D.

I am, &c.
(signed) Geo. Grey.

COPY of a LETTER from *R. Wilmot Horton*, Esq. to the Rev. Dr. *Mearns*, dated Downing-street, 9 June 1825.

Sir,

I AM directed by Earl Bathurst to acknowledge the receipt of your letter of the 21st May ultimo., transmitting to his Lordship a memorial relating to the situation of the Presbyterian clergy in the British American Provinces, and containing answers to certain queries which had been submitted to you by this department; and I am directed by his Lordship to inform you, that whenever a congregation, in any of those Provinces, shall have erected a suitable place of worship, and be prepared to acknowledge the jurisdiction of the Church of Scotland, and to contribute according to their means towards the maintenance of a minister—upon their presenting a memorial to the Governor or the Lieutenant-governor (as the case may be) in Council, the Governor or Lieutenant-governor will have received his Majesty's commands, authorizing him, upon being satisfied that these conditions have been duly complied with, to contribute to the support of the clergyman in such proportion, as together with the contribution of the parties presenting the memorial, may be sufficient to afford him a competent maintenance; such contribution, however, being necessarily limited by the funds which it may be in the power of the Crown to appropriate to such purpose, and by the other claims which may exist upon those funds.

I have, &c.
(signed) R. W. Horton.

— No. 6. —

Sir,

Downing-street, 2 June 1837.
WITH reference to my letter of the 24th April last, on the subject of the claims of the Scotch Church in Canada to pecuniary assistance from His Majesty's Government, I am directed by Lord Glenelg to inform you, that, on application at the office of the Lords Commissioners of the Treasury, he learns that there is at present in the hands of the Paymaster of Civil Services a small unappropriated balance arising from the interest on investments in the British funds, on account of the sales of Clergy Reserves in Lower Canada.

Anxious, therefore, to realize the expectations held out to the Scotch Church by his predecessors, and to give effect to their claim to share in the benefits arising from the Clergy Reserves, as recognized by the law officers of the Crown in 1819, and by a Committee of the House of Commons in 1828, Lord Glenelg will lose no time in instructing the Earl of Gosford to pay over to the Presbytery of the Church of Scotland in Lower Canada, during the present year, the sum

of 500 *l.* Lord Glenelg will be much gratified if it should be in his power to continue to the Scotch Church in that province some assistance in future years; but he directs me to remind you, that the general question of the Clergy Reserves having, by the Act of 1791, been rendered liable to the revision of the provincial Legislatures, no permanent appropriation of the revenue arising from those reserves can now be made, and His Majesty's Government are therefore unable to offer any guarantee for the perpetuity of such assistance.

Rev. E. Black, D.D.

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

— No. 7. —

No. 7.
Rev. E. Black to
Sir G. Grey,
14 June 1837.

Sir,

Thornhill, Dumfries-shire, 14 June 1837.

I HAVE had the honour to receive your communication of the 2d inst., intimating that Lord Glenelg will lose no time in instructing the Earl of Gosford to pay over to the Presbytery of Quebec of the Church of Scotland in Lower Canada, during the present year, the sum of 500 *l.*

In my own name, and in that of my brethren, I beg that you will convey to his Lordship our grateful thanks for this mark of his regard for the welfare of the Scottish Church; it is important, as it is the first time that His Majesty's Principal Secretary of State has recognized the claims of that church to a share in the benefits arising from the Clergy Reserves. I cannot, however, but regret that Lord Glenelg had not made the grant larger, as 500 *l.* divided among 15 clergymen (the number at present in Lower Canada), leaves to each only 33 *l.* 6 *s.* 8 *d.*; nor can I admit that this grant, even admitting it to be a permanent one, is a fulfilment of the pledge given by Lord Bathurst to the Scotch Church in June 1825.

I respectfully request that Lord Glenelg will take into his consideration the propriety and justice of augmenting the grant to such an extent as will insure to each of the clergymen now in the Lower Province at least 100 *l.* each; this sum, together with the contributions of the people, is the very least on which a clergyman can support himself and his family, and less than this could not have been intended to be offered by Lord Bathurst.

The small sum paid to the clergy of the Church of Scotland in Upper Canada is taken, I believe, out of the proceeds paid to the Government by the Upper Canada Land Company. Might I respectfully suggest, that an addition to the sum already granted by Lord Glenelg to the Scotch clergy in the Lower Province might be taken out of the proceeds arising from the Land Company lately established in that province, until the proceeds from the Clergy Reserves be available for the purpose?

I am anxious to be the bearer of cheering intelligence to my brethren in Lower Canada, and I trust that I shall be honoured with a favourable reply from Lord Glenelg, addressed to me at Newton Stewart, by Dumfries, on or before the 26th inst.

Sir George Grey, Bart. M.P.
&c. &c. &c.

I have, &c.
(signed) *Edw. Black.*

— No. 8. —

No. 8.
Sir G. Grey to
Rev. E. Black,
27 June 1837.

Sir,

Downing-street, 27 June 1837.

I AM directed by Lord Glenelg to acknowledge your letter of the 14th instant, expressing the thanks of the Scotch Church in Lower Canada for the assistance which Her Majesty's Government have granted to them during the current year; but stating your regret at the small amount of the grant, and suggesting an addition to it out of the payments of the British American Land Company.

In reply, I am to express Lord Glenelg's regret that it is not in his power to adopt your suggestion. The exigencies of the public service in Lower Canada, as I have already had the honour to explain to you, are such as to absorb all the revenues in that Province at the disposal of the Crown; and it is therefore out of the power of Her Majesty's Government to grant assistance to the Scotch Church out of any other fund than the limited proceeds of the Clergy Reserve sales.

Rev. E. Black, D.D.

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

— No. 9. —

My Lord,

I AM directed by the committee in which I have the honour to preside, to forward to your Lordship the accompanying memorial, to which I entreat permission to request your favourable attention.

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

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

No. 9.
D. Macfarlan to
Lord Glenelg,
26 April 1837.

To the Right Honourable *Charles Lord Glenelg*, His Majesty's Principal Secretary of State for the Colonial Department, &c. &c.

The MEMORIAL of the General Assembly's Committee for promoting the Religious Interest of Scottish Presbyterians in the British Colonies, respectfully representeth, That—

YOUR Lordship's Memorialists, before reporting to the General Assembly their proceedings during the year, feel it their duty to bring once more under the consideration of His Majesty's Government the state of the Churches composed of their countrymen in the British colonies, both generally, and in reference to the particular circumstances of several of their number, to which the attention of the committee has been immediately called.

The memorialists beg leave to repeat the assertion of a principle which they apprehend cannot be controverted, viz. ; that by the Treaty of Union the ministers and other members of the Church of Scotland are entitled, in every colony settled or acquired since the year 1706, to be put on a perfect equality in all respects with those of the Church of England, in proportion to the number belonging respectively to each denomination ; and that even in those colonies which, having been settled before the Union, may be regarded as more peculiarly English, they are entitled at least to the favourable consideration of Government, in preference to those bodies who belong to neither establishment, and for whose principles no public or permanent pledge can be given.

The memorialists beg leave again to solicit the attention of Government to the application of the proceeds of the Clergy Reserve lands in Canada. The principle already laid down seems to them to establish fully the right of the ministers of the Church of Scotland, officiating in that colony, to a share, proportioned to the number of their flocks, of a fund reserved expressly, by its Parliamentary charter, for the support of a Protestant clergy. They regret to find, from the representations of their numerous clerical brethren officiating in the Upper Province, that even there the English Church has received more than its fair and legitimate share of the proceeds of that fund, while the Church of Scotland has enjoyed only a precarious and very inadequate provision ; and they lament that a proposal should have been made and entertained in any quarter, for admitting to a participation in the same source of emolument the Roman-catholic clergy, as well as those of other nondescript bodies, who, however respectable they may be as individuals, are not recognized by the authorities or incorporated with the constitution of the empire. Against what they conceive to be a misapplication of this fund, the memorialists, as representing an established Protestant Church, must enter their solemn protest, and express their confident hope that it will never be countenanced by the Government of a Protestant Sovereign.

The memorialists must be forgiven for urging still more earnestly on your Lordship's attention the case of their brethren and countrymen in Lower Canada, for whom, with the exception of a single clergyman, no public provision of any kind is made. Notwithstanding an assurance given by the then existing Government so far back as in 1827, "that in all cases where a suitable place of worship was erected, and a sufficient congregation assembled, the Government would supply any deficiency in a moderate income for a minister which the small means of the poor inhabitants of a newly-settled district could not supply," and that in order to give effect in part to this undertaking, a special instruction was sent by Lord Goderich to Lord Aylmer on the 29th December 1830, "to apply 500 *l.* a year, a proportion of 6,850 *l.*, out of the casual and territorial revenues, to this purpose," no such payment has been made, and "when application was made by the Presbytery of Quebec to Lord Gosford, on the 23d of February 1836, for payment of the said sum, an answer was received from his Lordship to the effect that the instructions contained in the despatch alluded to, were set aside by subsequent arrangements made between the Imperial authorities ; and this while all the other items contained in that despatch were paid, and have been continued to the Episcopal and Romish Churches."

The consequence has been, that the clergy in the Lower Province are reduced to not only poverty, but extreme distress. A sum of 200 *l.* has been lately remitted from Scotland, from the scanty funds under the management of your memorialists, to relieve them from sufferings of the greatest severity. Some of them have already, and most of the others must ere long of necessity abandon the charges which they had undertaken. The people among whom they have laboured, with others in like circumstances, constituting a very large proportion of the inhabitants, must be left in absolute ignorance and heathenism, or abandoned to the perilous ministrations of vagrant and unqualified teachers ; and all this while there exists a considerable and increasing fund, to a share in which they have a clear right, and demands on which proceeding from other quarters, and resting on claims no better founded, have been freely admitted. The memorialists feel confident that they have only to state these incontrovertible facts in order to call forth the interference of Government for correction of a state of things so anomalous and unjust.

They lament deeply that they have a similar statement of distress and destitution to make on behalf of their brethren in Nova Scotia, New Brunswick, Cape Breton, and Prince Edward's Island; the Presbyterians in those colonies are very numerous, and their number daily increasing. They are scattered over a wide extent of country, and their clergy, about 30 in number, are unable to extend their clerical duties, except to a very limited share of those who demand their ministrations and pastoral superintendence. The support of the ministers in those provinces is derived entirely from the voluntary contribution of their people, and proves, in most instances, altogether inadequate to their comfortable maintenance. A small donation, to the extent of 100 £, out of the funds, put by the contributions of their countrymen at the disposal of the memorialists, has been allowed towards the relief of their immediate and urgent necessities, but this can afford only a temporary and trifling alleviation of their sufferings; without some public provision their number, instead of being augmented in proportion to the demand for their services, must be inevitably and rapidly reduced; and the same consequences may be anticipated which have been already predicted as about to flow from the existing system in Lower Canada, and than which none can be more earnestly deprecated by every man of pious and patriotic feelings.

The memorialists would further beg leave to call your Lordship's attention to the situation of their countrymen in other colonies, whose spiritual destitution, though not so excessive as in those already referred to, is still very great, and calls loudly for the consideration of an enlightened and Christian Government.

In Jamaica, a moiety of the white, with a large proportion of the coloured inhabitants are Presbyterians; and yet the Scottish Church at Kingston is, so far as is known, the only permanent Presbyterian place of worship in the island. The Legislative Assembly have passed an "Act to extend the means of Public Religion in this Island by Ministers of the Church of Scotland," to the effect, "that it shall be lawful for the justices and vestry of each parish in this island, and they are hereby authorized and empowered to raise, by a tax on the inhabitants of each parish, in the same manner and form as the other parish taxes now are, or may hereafter be raised and collected, any sum that may be necessary for the support of a clergyman of the Established Church of Scotland, not exceeding the sum of 400 £. per annum: Provided nevertheless, that such stipend for a minister shall not be so raised until the inhabitants of each such parish shall have first provided at their own expence, or by private funds, a place of worship for the purpose of this Act."

This measure, adopted by the popular branch of the Legislature, as right, fair, and reasonable, stands opposed in the Council, not, as it is believed, from any direct objection to its being adopted, but because they are not at liberty to accede to it without instructions from the Government at home.

The intercession of the Church of Scotland with your Lordship on this subject has been earnestly requested, and the memorialists cannot entertain a doubt of your acquiescing with entire approbation in a proposal originating with the colonists themselves, burdensome, if at all, to them alone, and promising to contribute so powerfully and extensively to the best interests of all classes of the inhabitants.

The good offices of the Church of Scotland with Government have also been requested on behalf of Presbyterian Churches at present existing in Grenada and Tobago, and others now in progress at Antigua and the Mauritius, for public aid to enable them to pay adequate salaries to their respective clergymen. The memorialists beg leave to recommend to your Lordship's favourable consideration the claims of all these societies of their fellow Christians, but especially that of the inhabitants of the Mauritius. Their application is subscribed by a large body of the most respectable settlers of all denominations, many of them being members, and some even clergymen of the Church of England. Their object is to provide with public worship and religious instruction not only resident natives of Scotland, but the numerous Scottish vessels which resort to the harbour. It appears from their statement that a large congregation may be expected, that the progress of vice and irreligion requires to be counteracted by the most vigorous exertions, and that a want of the means to provide an adequate remuneration for the labours of a clergyman well qualified for the duties of the situation is the chief obstacle with which they have to contend.

The memorialists beg leave, lastly, to entreat your Lordship's attention to some additional representations, which have been made to them by the Scottish inhabitants of Van Diemen's Land. It appears from these that, of date the 8th August 1836, a petition was presented to the Governor and Council of that colony, praying "the Honourable Council that, for the due support of public religion in Van Diemen's Land, the four Presbyterian churches now in existence in the colony may be placed in a situation equal in all respects to that held by the existing Episcopal churches, and that their ministers may receive support from the public revenue, equal in amount to that received by the present Episcopal ministers."

On this petition the Council, after a lengthened discussion, came to a resolution in the following words: "That it is the opinion of this Council that the ministers of the Church of Scotland be placed on the same footing, as to salary and allowances, as the chaplains of the Church of England Establishment."

Notwithstanding of this resolution, the Act for Appropriation of the Revenue, promulgated a few days after, was found to keep up the same disproportion as had formerly existed between the grants to the clergy of the two establishments; and on a remonstrance to the Governor, the petitioners were informed that "the resolution in question was passed subsequently to the estimates being laid upon Council table, and that previously to its being carried into effect by the local government, it must be submitted for the approval of the Right Honourable the Secretary of State."

Of the probable effect of this reference to the Colonial-office in Britain, no explanation was, or perhaps could be, given in the colony. Your Lordship's memorialists have great pleasure

pleasure in acknowledging the indulgent attention which has been paid to their former applications on this subject, and in bearing testimony to the grateful sense which is entertained of the parental care of Government, by their countrymen in Van Diemen's Land. Still they trust they will be forgiven for repeating that the principles, often maintained, and stated once more in the commencement of this memorial, fully justify both the resolution of the Colonial Council, and the hope which they would respectfully express of its being carried into fair and complete operation, under the directions of the important department of His Majesty's administration over which your Lordship so ably presides.

The memorialists have finally to apologize for trespassing so frequently and largely on your Lordship's attention and patience, and at the same time to express their hope of being excused, in consideration of the importance of the subject embraced in their application, the deep interest they take in the spiritual welfare of their countrymen now settled in the colonies, and their knowledge of the pious and benevolent sympathy with which your Lordship is accustomed to regard all that affects the best interests of every class of your fellow-Christians.

Signed, by order of the General Assembly's Committee for promoting the Religious Interest of Scottish Presbyterians in the British Colonies, this 22d day of April 1837,

(signed) *D. Macfarlan*, Convener.

— No. 10. —

Sir,

Downing-street, 31 May 1837.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 26th ult., transmitting a memorial of the General Assembly's Committee for promoting the Religious Interests of Scottish Presbyterians in the British Colonies.

This memorial has engaged Lord Glenelg's serious attention, and I am to address to you the following observations on the several points to which it refers.

His Majesty's Government see no reason to dissent from the general principle asserted by the memorialists; they are desirous of giving to it the fullest practical operation which the means at their disposal for this purpose will allow.

With regard to the application of the proceeds of the Clergy Reserves in Canada, Lord Glenelg directs me to observe that, notwithstanding the extent of these reserves, the profits derived from them were for many years only sufficient to defray the expense of management, and that it was not until after the passing of the Act 7 & 8 Geo. 4, c. 62, authorizing their sale, that any net sum was realized from them. While Lord Glenelg is prepared fully to admit the right of the ministers of the Church of Scotland officiating in the colony to participate in the proceeds of the fund raised from such sale, he regrets that, owing to doubts formerly entertained on the construction of the Act of 1791 on this subject, there is not at present any unappropriated revenue derived from those lands in the Upper Province out of which stipends could be immediately assigned to ministers of the Church of Scotland. In that province, however, the annual sales are so considerable, that his Lordship sees reason to hope that this difficulty may, at an early period, be overcome, even if no steps should previously be taken by the provincial Legislature for setting at rest the questions respecting the Clergy Reserves. As Lord Glenelg has not yet received the journals of the Council and Assembly, he is unable to ascertain the exact steps which have been taken on the subject during the late session; but, with reference to the protest which the memorialists have made against what they term "a misapplication of this fund," I am to call your particular attention to the 41st clause of the Constitutional Act, by which a power to vary the provisions of the Imperial Parliament, in regard to the Clergy Reserves, was especially delegated to the provincial Legislature, subject to certain specified restrictions. It is not difficult to understand the policy which dictated this provision, nor is it possible to question the wisdom of that law, which, while it set apart a fund for purposes of religious instruction, contemplated the probability of such a change of circumstances within the province in the course of its future advancement, as would render it expedient that the specific appropriation made by the Act of 1791 should be revised and altered at a later period by the local Legislature, to whom were to be confided the general interests of the province. His Majesty's Government, therefore, have neither the power nor the inclination to interfere with the proceedings of the Upper Canada Legislature on this subject, since those proceedings are founded on an enactment of the Imperial Parliament, specially designed to meet such a contingency; nor can they hesitate to express their opinion, that an attempt on the part of the Executive Government to maintain in exclusive privileges any particular communities of Christians on the American

No. 10.

Sir G. Grey to
Rev. Dr. Macfarlan,
31 May 1837.

continent, in opposition to the expressed wishes of the representatives of the people, would lead to results far from advantageous to the general interests of Christianity.

Lord Glenelg, however, has every reason to hope, that in whatever arrangement may ultimately be made in Upper Canada as to the Clergy Reserves, the claim of the Scotch Church to a fair participation in the proceeds of those lands, in proportion to the number of the members of that church in the province, will be as fully and cordially admitted by the provincial Legislature as by His Majesty's Government.

In Lower Canada, the sale of the Clergy Reserves has been very limited, and the proceeds of such sales are consequently of comparatively small amount; but as no specific appropriation of the dividends arising from the investment of such proceeds has yet been made, Lord Glenelg trusts that he shall be enabled without delay to direct the appropriation of a certain sum arising from this source in aid of the maintenance of the ministers of the Church of Scotland in that province, and that such aid will be continued so long as the distribution of this fund shall be left by the provincial Legislature in the hands of His Majesty's Government. His Lordship fully admits that the expectation held out by Lord Bathurst, in 1825, to the General Assembly of the Scotch Church, entitles the ministers of that church to the most favourable consideration in the distribution of any funds applicable to religious instruction. Nor is he disposed to question that the instruction conveyed by the Earl of Ripon to Lord Aylmer, in the month of December 1830, was intended, in some degree, to give effect to that expectation. But Lord Glenelg desires me to remind you of the circumstances which prevented the fulfilment of Lord Ripon's instruction. The assistance promised by Lord Bathurst had been expressly made contingent on the sufficiency of the funds at the disposal of the Crown to supply it. In 1830 Lord Ripon, having every reason to expect that a civil list would be granted by the Assembly of Lower Canada, proceeded to explain the manner in which the surplus of the Crown revenues (which would in that event accrue), ought to be applied; and, among other charges, he specified the grant to which you have alluded, of 500*l.* per annum to the Scotch Church; but the contingency on which Lord Ripon had calculated never came to pass, the Assembly of Lower Canada having refused to grant a civil list; it therefore became necessary to revoke the instruction of the 24th December 1830, and to apply the whole of the Crown revenues to the indispensable services of the Government. But as all the items enumerated therein, except the grant to the Scotch Church, had previously been provided from other sources, Lord Ripon, in order to prevent a large degree of individual suffering and distress, consented to apply to Parliament to provide, during the lives of the actual incumbents, and no longer, a considerable proportion of the salaries which had been formerly paid to them, and on the continuance of which they had relied when proceeding to Canada. The same unfortunate circumstances have, as you are probably aware, continued up to the present time, and His Majesty's Government are therefore at this moment without any other funds than those to which I have adverted, and which have only recently accrued, from which stipends could be assigned to the Scotch clergy in that province.

So soon as precise information can be obtained as to the amount now available from the Clergy Reserves in the Lower Province, Lord Glenelg will direct a communication to be addressed to the Rev. Dr. Black, with whom he has recently been in communication on this subject, and who has been led to expect a further answer to his application on behalf of the Church of Scotland in Lower Canada, and his Lordship trusts that it will be in the power of His Majesty's Government, to a certain extent, to relieve, from this source, the distress to which Lord Glenelg deeply regrets to learn that the ministers of the Scotch Church in that province have been exposed.

In regard to the other North American colonies, I am to observe, that the only means by which His Majesty's Government could give effect to the wishes which you have expressed on behalf of the ministers of the Scotch Church in these several colonies, is through the medium of their respective Legislatures, there being no unappropriated funds at the disposal of His Majesty's Government, out of which any provision can now be made for the maintenance of Christian ministers in those colonies. Lord Glenelg, however, trusts that the provincial Legislatures will not prove unmindful of the important interests which depend on the due support and extension of the means of religious instruction among the numerous British inhabitants of those settlements, and it will afford him sincere gratification,

tion, if the legitimate influence of the Government can be successfully exerted in inducing the local Legislatures to take the claims of the clergy of the Church of Scotland, in common with those of other Christian denominations within their respective provinces, into early and favourable consideration, with a view to provide the most effectual means of relieving the spiritual destitution under which Lord Glenelg deeply regrets to learn that so many of the members of that Church are at present suffering.

With respect to the other colonies, to which the memorialists have directed his Lordship's attention, I am to assure you of the same disposition on the part of His Majesty's Government to use the means at their disposal to give effect to the wishes which the General Assembly's Committee have expressed.

Lord Glenelg has not been able to ascertain to what particular proceeding in the Assembly of Jamaica the memorialists have referred ; nor has he been able to discover in the records of this office any information relative to it.

I am, however, to express to you his Lordship's entire concurrence in the expediency of removing any obstacle which may be supposed to exist to the operation of a disposition in the Assembly of Jamaica to provide, in the manner which appears to have been in contemplation for the maintenance of ministers of the Church of Scotland in that colony ; and although Lord Glenelg is not aware of the circumstances under which the Bill referred to in the memorial was suffered to drop, he will not fail to acquaint the Governor of Jamaica of the satisfaction with which His Majesty's Government would learn that the Colonial Legislature is disposed to resume the consideration of this important subject, in the spirit in which it appears to have been treated by the House of Assembly on the occasion adverted to in the memorial.

I am further to acquaint you, that it appears, from information lately received from the Governor of Jamaica, that the sum of 1,100 *l.* was voted by the Colonial Assembly during the last session for the Scotch Churches at Kingston and Falmouth in that island.

A despatch has also very recently been received from the Governor of Mauritius, transmitting the copy of a memorial from a number of respectable inhabitants of that colony, addressed to the Presbytery of Glasgow, praying that a provision should be made from the colonial revenue, for the payment of a stipend to a minister of the Scotch Church. Although no communication on the subject of this petition has as yet been received at this department from the Presbytery, a copy of it has been transmitted to the Lords Commissioners of His Majesty's treasury, with Lord Glenelg's recommendation, that the prayer of the petitioners should be complied with ; and his Lordship has no doubt, that he will be enabled to authorize the Governor of Mauritius to issue from the colonial treasury an adequate allowance for the maintenance of a Presbyterian minister in Mauritius.

With reference to the Australian colonies, I am to acquaint you, for the information of the Committee of the General Assembly, that it has already been determined that clergymen of the Church of Scotland should hereafter be placed in precisely the same situation as clergymen of the Church of England, so far as relates to the amount of the emolument which they will receive from the colonial treasury. In the estimates transmitted to this country from New South Wales for the year 1836, Lord Glenelg observed, that while provision had been made for an immediate increase in the number of clergymen of both churches in that colony, the stipend voted for the clergymen of the Church of England, was at the rate of 150 *l.* a year, while that for clergymen of the Church of Scotland was only at the rate of 100 *l.* a year. There did not appear to his Lordship to be any sufficient reason for this distinction, and he consequently instructed the Governor to propose to the Legislative Council, that the latter should, from the time of their severally entering on their duties, receive the same amount of stipend as that to which the additional clergymen of the Church of England were to be entitled. His Lordship has every reason to anticipate, that this recommendation will be cheerfully acceded to by the Council, especially as in the Colonial Act, which has subsequently been passed, in order to carry into effect the general ecclesiastical arrangements which His Majesty's Government have recently sanctioned in New South Wales and Van Diemen's Land, no such distinction is to be found.

Lord Glenelg trusts that the nature of these arrangements is calculated to make ample provision for the religious wants of the increasing population of Scotch Presbyterians in these colonies, provided that a sufficient number of well

qualified

qualified ministers of the Church of Scotland can be induced to avail themselves of the opening which is now afforded them for taking the spiritual charge of congregations of their countrymen who have settled in that part of the British empire. His Lordship has already received from you, with great satisfaction, the recommendation of several gentlemen for this office, and he trusts that under the existing system, not only will the present deficiency of religious instruction in connexion with the Church of Scotland be supplied, but that the means of education and religious instruction will, for the future, keep pace with the progress of emigration from Scotland to Australia, an object to which Lord Glenelg attaches the highest importance, and in the prosecution of which he is happy to have it in his power to co-operate with the Committee of the General Assembly.

Rev. Dr. Macfarlan.

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

— No. 11. —

No. 11.
Rev. Dr. Macfarlan
to Sir G. Grey,
25 July 1837.

Sir,

74, Jermyn-street, St. James's,
25 July 1837.

HAD I not been informed that you were out of town, I should have taken the liberty of introducing to you personally the gentleman who will deliver this letter, the Rev. Mr. Mathieson, one of the Presbyterian ministers of Montreal. He has been deputed by his brethren in Lower Canada to make some representations on their behalf to Her Majesty's Government, and I beg leave to recommend his statements to your favourable consideration, in the assurance that his integrity, moderation, and acquaintance with that province, entitle him to more than common attention.

The objects which he has been commissioned to promote, in so far as the interference of Government is required, I understand to be chiefly the following; viz.

1. A provision for elementary education to the Scottish Presbyterian inhabitants, to the extent of, at least, one school to each congregation connected with the Church of Scotland.

2. The foundation in King's College, Toronto, and M'Gill College, Montreal, of professorships in the various branches of liberal education, but especially in theology, in conformity to the principles of, and to be held by, professors in connexion with that church.

3. The interposition of the authority of Government, either by charter or legislative provision, for rendering the judgments of the ecclesiastical courts in Canada authoritative, and enabling them to maintain order and discipline in their body; an arrangement, the importance of which, I believe, is fully recognized by Lord Glenelg, and its necessity evinced by circumstances of recent occurrence.

4. A similar arrangement to facilitate the acquisition of property for ecclesiastical purposes, either by the courts of the church or through trustees; the system hitherto followed having been found extremely inconvenient, and in some instances almost prohibitory, of erecting new churches, even in situations where they were most urgently required. And,

5. A speedy settlement of the long-disputed question as to the application of the Clergy Reserves, so as to remove the irritation and excitement which it still occasions, and must continue to occasion, so long as it remains unsettled. It is believed that any reasonable proposal, such as to appropriate an adequate share of those funds to the branches of each of the Established Churches in the provinces, even though the surplus should be applied to general purposes of instruction, would not be objected to by the parties interested.

Permit me to add, in my own name and in that of the committee on whose behalf I have frequently had the honour of addressing you, our earnest recommendation of those objects, as in our apprehension of great importance to the civil, and especially the religious interests, of our countrymen in Canada, and to assure you of the high esteem and respect with which

Sir George Grey, Bart.,
&c. &c. &c.

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

No. 12.

My Lord,

Tavistock Hotel, Covent-garden,
5 June 1837.No. 12.
W. Morris to
Lord Glenelg,
5 June 1837.

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

The very satisfactory assurance which I received from Mr. Stephen on Thursday last, touching the claim of the Church of Scotland to share with the Church of England, in the benefits which the funds arising from the sale of the Clergy Reserves in Canada afford, leaves me less to say on this subject than it otherwise would have been my duty to do.

And I may make the same observation respecting the recent establishment of rectories in Upper Canada, assured as I am both by Sir George Grey and Mr. Stephen, that His Majesty's Ministers had no knowledge of any proceeding by the Colonial Government to establish and endow rectories till the fact appeared in the public prints, and was spoken of in his place by a Member of the House of Commons; and that your Lordship lost no time in instituting an inquiry as to the authority by which the Executive Council had been guided in the steps taken to form these rectories; the result of which was, that an expression in one of Lord Ripon's despatches had been construed into such authority, although it is quite probable that his Lordship had no such intention.

I am happy also to find, that your Lordship has submitted the legality of the establishment and endowment in question for the opinion of His Majesty's law officers of the Crown, and that their decision may be expected in the course of a few days.

Should it appear that his Excellency the Lieutenant-Governor, with the advice of the Executive Council, had "Authority" to establish these rectories, I cannot hesitate to believe that the inhabitants, whose agent I am, will dutifully submit, with a confident expectation, however, that your Lordship will take an early opportunity of submitting to Parliament an amendment of the Imperial statute, 31 Geo. 3, c. 31, to limit the jurisdiction of the rectors to the members of the Episcopal Church, and also for other purposes connected with the interests of the churches in Canada.

Had the House of Assembly, on the 9th February last, when in committee of the whole on the report of the select committee on the petitions of the Rev. Alexander M'Naughten and others, been aware that His Majesty had not given direct authority to the Colonial Government to form these rectories, I am certain that neither the sixth resolution of the series which appears on the journals of that body, nor the amendment to it, which "regards as inviolable the rights acquired under the patents by which rectories have been endowed," would have been adopted by a majority of the members.

And I am persuaded your Lordship will concur in that opinion, seeing that the second resolution was carried by a majority of 30 to 25 (without the Speaker's vote, who I understood prepared the resolutions), and is in these words: "Resolved, that the power thus vested in the person administering the Government and the Executive Council of this province, not having been exercised for a period of nearly half a century, the inhabitants of the province had good reason to believe that no attempt would be made to carry it into effect, more especially

when the provincial Legislature had been invited to legislate by the Imperial Government in relation to the Reserves, from which all endowments must necessarily be made."

The third resolution was carried by the same majority, and is, "That the late Lieutenant-governor, with the advice of the Executive Council, established certain rectories, under the power so long suffered (in deference to public feeling) to remain dormant."

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

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

Right hon. Lord Glenelg,
&c. &c. &c.

Meeting of DELEGATES, from the several PRESBYTERIAN CONGREGATIONS of
Canada, at Cobourg.

REPORT of the Proceedings of the Meeting of Delegates from the different Presbyterian Congregations, in connexion with the Church of Scotland in Canada, held at Cobourg the 14th day of April 1837, and continued by adjournment from day to day till the 18th April 1837.

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

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

The attention of the meeting was then called by the chairman to the choice of a secretary, when H. Scobie, esq., delegate from West Gwillimbury, was appointed.

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

Messrs. John Steele, Colborne; Andrew Jeffrey, Cobourg; John Taylor, Grafton; T. A. Harper, Kingston; W. S. M'Donald, Gananoque; John Turnbull, Belleville; John A. M'Pherson, Hallowell; Alexander Morris, Brockville; James Pringle, Cornwall; John M'Lennan, Lancaster; Alexander M'Martin, Wms. Town and Martins Town; John Quarry, Dundas, Ancaster and Flamboro; L. Bell, St. Catharine's and Thorold; D. M'Laren, King; Alexander Grant, Cavan; James Hall, Peterboro; Hugh Scobie, West Gwillimbury; Dr. Walter Telfer, Toronto; A. Barker, Scarboro; Alexander Wood, Zorra; C. C. Ferrie, M. P. P. Hamilton; William Clarke, Niagara; Kenneth M'Kenzie, Smith's Falls; Robert Fairbairn, Darlington; James Wilson, Galt; David Brodie, Percy.

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

In Lower Canada, St. Andrew's Church, Montreal; St. Paul's Church, Montreal; Beauharnois, Huntingdon; Dundee.

The following resolutions were adopted.

1. Resolved, that prior to the Act of Union between the kingdoms of Scotland and England, there were established by Acts of Parliament of the separate kingdoms, within each kingdom, Protestant churches, known by the designation of the Established Church of Scotland and the Established Church of England, which churches were confirmed by the Act of Union, as they then stood by law established, and which Act provides, that there shall be a "communication of all rights, privileges, and advantages which do or may belong to the subjects of either kingdom," and which is thereby declared to be a fundamental and an unalterable part of the Act of Union.

2. Resolved, that under and by virtue of the Act of Union, the adherents to the Church of Scotland in any British colony, are entitled to a communication of all civil and religious rights, privileges, and advantages, equally with the adherents of the Church of England.

3. Resolved,

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

4. Resolved, that the Act of the Imperial Parliament, 31 Geo. 3, c. 31, is a direct violation of the Act of Union, in so far as it directs the establishment and endowment of parsonages or rectories, according to the establishment of the Church of England, and the presentation of incumbents or ministers of that church thereto, within Canada; who "shall hold the same and all rights, profits, and emoluments, thereunto belonging, or granted, as fully and amply, and in the same manner and on the same terms and conditions, and liable to the performances of the same duties, as the incumbent of a parsonage or rectory in England."

5. Resolved, that the late Lieut.-governor Sir John Colborne did unwisely erect and endow 57 rectories in this province, by virtue of the Act of Parliament above referred to, which, in deference to public opinion, had never before in that respect been acted upon, thereby giving the clergymen of the Church of England spiritual jurisdiction, not only over the members of the Church of Scotland, but also over those of other denominations, which has tended more than any other Act to diminish the estimation of a large majority of the people of Canada, of the equity and wisdom of His Majesty's Government in this province.

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

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

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

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

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

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

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

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

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

15. Resolved, that with the view of procuring every possible information respecting the state of our church, we solicit all members in connexion with us, throughout the two Pro-

vinces, to transmit a statement of such local facts, as they may be possessed of, with as little delay as possible, to the standing commission of synod, of which the Rev. W. Rintoul is convener, and that we respectfully request that the commission of synod do compile from the facts thus communicated, and any others that may come within their knowledge, general instructions for our agent, and that the secretary do transmit to the commission of synod the whole of our proceedings, to be kept among the records of their court.

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

(signed) *John Steele*, Chairman.
Hugh Scobie, Secretary.

To the King's Most Excellent Majesty.

May it please Your Majesty,

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

We beg leave most humbly to represent to your Majesty, that the churches of Scotland and England were established by Acts of the Parliament of the separate kingdoms, and were confirmed by the Act of Union, whereby a "communication of all rights, privileges and advantages," is secured to the subjects of either kingdom, and therefore the *status* of the two churches, so established, is co-ordinate in the British colonies.

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

The Act of the Imperial Parliament, 31 Geo. 3, c. 31, appears to your Majesty's petitioners, to be an infringement upon their rights, in so far as it provides for the establishment and endowment of rectories in Canada, and the presentation of incumbents or ministers of the Church of England thereto, with the powers thereby conferred on them; and the recent establishment and endowment of 57 rectories in this province, is a further infringement upon their rights, in respect that these incumbents or ministers are invested with spiritual jurisdiction, not only over your Majesty's dutiful and loyal subjects of the sister church, but also over all denominations of christians within the bounds of their separate rectories.

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

Your petitioners, therefore, in thus approaching your Majesty, most humbly pray, that your Majesty may be graciously pleased to listen to our complaints, and to take them into your royal consideration, and to adopt such measures, in terms of the Act of the General Assembly of the Church of Scotland, passed in 1833, as will constitute all sessions, presbyteries, and synods, which now are, or hereafter may be in connexion with the Church of Scotland, in Canada, into bodies corporate, to the effect of holding lands, buildings, and other property, for ecclesiastical and educational purposes, and as will give effect to the judgments and proceedings of our ecclesiastical courts in matters spiritual, in the same manner as is done in Scotland; and also such measures as will effectually remove the disabilities of which we complain, and place us on that footing, to which by the Act of Union we are entitled, but restraining both the powers of our clergy, and also those of the sister Church, to the members of their own congregations, within this province.

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

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

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

No. 13.

Sir,

Downing-street, 21 July 1837.

I AM directed by Lord Glenelg to transmit to you the accompanying copy of the answer which, by Her Majesty's commands, Lord Glenelg has transmitted to the petition to his late Majesty, of which you were the bearer.

W. Morris, Esq.

I have, &c.

(signed) *J. Stephen.*

No. 13.
J. Stephen, Esq. to
W. Morris, Esq.
21 July 1837.

21 July.

No. 14.

Sir,

Downing-street, 21 July 1837.

I TRANSMIT for your information the enclosed copy of a petition to his late Majesty from the delegates of the Presbyterian congregations in Canada, appointed to meet at Cobourg, which was placed in my hands by Mr. Morris, who is acting in this country as the agent for the petitioners. I also enclose copies of two letters addressed to me by Mr. Morris on the 13th and 17th instant.

I have laid this petition before the Queen, and have received Her Majesty's commands to instruct you to convey to the petitioners the assurance that Her Majesty's Royal prerogative will invariably be exerted in maintaining in Upper Canada those rights with which the Churches of England and of Scotland are invested by law within the province. It is the earnest desire of The Queen that the various communities of Christians existing in that part of Her Majesty's dominions may unite together, in the spirit of mutual toleration and goodwill, in the diffusion of the knowledge and the principles of Christianity.

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

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

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

I have, &c.

Sir F. B. Head, &c. &c. &c.

(signed) *Glenelg.*

No. 14.
Lord Glenelg to
Sir F. B. Head,
21 July 1837.

No. 15.

W. Morris, Esq. to
Lord Glenelg,
26 June 1837.

My Lord,

WHEN I had the honour of conversing with your Lordship, on the 22d instant, I remarked, generally, that if the members of the Churches of England and Scotland in Canada would lay aside all jealousy, and go hand in hand together as brethren professing the same faith, they need not fear the efforts of their enemies. It has since occurred to me, that your Lordship might suppose that I alluded in particular to their conflicting claims to a share of the Clergy Reserves; and as I am unwilling to be misunderstood on that point, I take the liberty of explaining what my views are regarding that very fruitful source of discontent.

Believing that the two national Churches are alone legally entitled to enjoy the advantages to be derived from the Clergy Lands reservation, and considering that it is the duty of the government of every Christian country to provide in some way or other for the spiritual wants of the people, I am of opinion that it would be an act of great injustice to the subjects of both kingdoms if these lands were applied to any other purpose than the support of religion.

But when I say this, I am free to admit that there are thousands of the inhabitants of Upper Canada, who though not members of either of the establishments, and therefore not by law entitled to enjoy a portion of these lands, (as the Methodists, for instance,) are nevertheless a loyal and deserving class of Her Majesty's subjects, and equally in need of some assistance to support their religious teachers. To those, I think a part of the lands should be given; and although many of the persons I allude to entertain a belief that the enjoyment of church property bestowed by Government is calculated to form such a connexion as might endanger the interests of religion, yet I have generally found that this objection was removed by recommending that the lands should be held in trust, for the use of the respective congregations, by a lay Board, and that the clergy should have nothing do with the management thereof.

In this way also would all connexion between the Government and the clergy be prevented, so that the temporal and spiritual affairs of the Churches would be kept distinct, and the ministers be permitted to attend to the duties of their holy calling, free from the distracting cares of worldly concerns.

With these sentiments, I could desire to see the Imperial Parliament pass an Act confirming the Church of England in the possession of one-third part of the whole of the Clergy Reserves in Canada; another third to the Church of Scotland, to be held in trust by a lay Board of members of that Church, and by them transferred to lay trustees in the several congregations, for the support and maintenance of the clergy for ever.

The other third part, or residue, to be re-invested in Her Majesty, for the support of such other denominations of Christians as Her Majesty's Government might feel disposed to protect and assist.

I am inclined to believe that this plan would meet with more general approbation than any that has yet been suggested, and be the means of harmonising the public mind, so long kept in a state of feverish excitement by the various, and in some instances unreasonable, schemes which have been put forth for the settlement of the question.

I do not hope that the Colonial Legislature will ever settle these disputes; and therefore the sooner an Imperial enactment is made, the better will it be for the interests of the colonists, as well as the satisfaction of Her Majesty's Government.

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

The Right Hon. Lord Glenelg,
&c. &c. &c.

I have, &c.
(signed) *W. Morris*,
Agent for the Scots Churches in Canada.

No. 15.

66, Jermyn-street, 26 June 1837.

No. 16.

Sir,

Downing-street, 6 July 1837.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 26th ultimo, in which you suggest the expediency of proposing to Parliament to pass an Act for the distribution of the proceeds of the Clergy Reserves in Upper Canada.

In answer, I am directed to acquaint you that, as this subject has been referred by Her Majesty's Government for the consideration of the Provincial Legislature, in pursuance of the statute 31 Geo. 3, c. 31, s. 41, which authorizes that Legislature to take cognizance of it, and to determine to what usage the Clergy Reserves shall be appropriated, Her Majesty's Government do not consider themselves justified in withdrawing the question from the consideration of that body, and in recommending to Parliament to assume the decision of it, unless the Provincial Legislature should itself invoke the interference of Parliament for the adjustment of this controversy.

Lord Glenelg is the more confirmed in this opinion, as it appears that, during the last session, the question was entertained by the Assembly; and although no Act was passed on the subject, neither of the Houses of Legislature has intimated to Her Majesty's Government any distrust of their own ability to bring the matter to a satisfactory adjustment.

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

W. Morris, Esq.

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

No. 16.

Sir G. Grey to
W. Morris, Esq.
6 July 1837.

No. 17.

My Lord,

66, Jermyn-street, St. James's, 13 July 1837.

SIR GEORGE GREY has favoured me with your Lordship's sentiments respecting the Act to amend the charter of King's College, and although I entirely concur in the principle that when an Act passes the Legislature, Her Majesty's Government should regard it as expressing the wishes of a majority of the people of the Province, yet when I know that the Act in question passed the lower House, without being sufficiently understood by many of the members, and when it is a matter of notoriety that the Legislative Council declined to make a single amendment to it, as recommended by the select committee of that body, fearful that the Bill would never return to them, your Lordship will not wonder that I do not consider it as expressive of the voice of more than a small minority of the inhabitants.

I am happy to learn, however, that your Lordship will direct Sir F. Head to convey to the council of King's College the strong recommendation of Her Majesty's Government that a theological professorship should be forthwith provided for the Church of Scotland.

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

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

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Notwithstanding

No. 17.

W. Morris, Esq. to
Lord Glenelg,
13 July 1837.

Notwithstanding the opinion of the law officers of the Crown, in 1819, in favour of the claim of the Church of Scotland to a share of the proceeds of the Clergy Reserves in both the Canadas, and also the promise of Lord Bathurst, in the year 1825, the recommendation of the Committee of the House of Commons, in 1828, and the message of Sir John Colborne to the Colonial Parliament, of the 25th January 1832, in favour of the claim, not one farthing of the funds arising from the sale of these lands has ever been paid to the ministers of the Scots Church in that country; at the same time, it is satisfactory to know that, by your Lordship's late order in favour of the clergy in Lower Canada, the principle for which we have long contended would seem to be fully recognized, and therefore it is to be hoped that justice will speedily be awarded to the ministers of the Scots Church in both Provinces.

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

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

The Episcopal congregation at Toronto received from Government several most valuable grants of land, besides a donation of 1,000*l.* to build their church; the latter was in consideration of accommodation furnished to the troops.

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

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

I would next mention the apparent design to exclude the ministers and members of the Scots Church from a voice in the council of King's College; for although the recent Act is well calculated to carry that object to the utmost extent, yet there is a power vested in the person administering the government which might be exercised in a way that would remove this ground of complaint; but I regret to say that this branch of the Lieutenant-governor's patronage or prerogative has extended to the members of the Church of England only.

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

In conclusion, may I request that your Lordship will have the goodness to
give

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

The Right Hon. Lord Glenelg,
&c. &c. &c.

I have, &c.
(signed) *W. Morris*,
Agent for the Scots Churches in Canada.

— No. 18. —

My Lord,

74, Jermyn-street, 5 August 1837.

No. 18.
Rev. A. Mathieson
to Lord Glenelg,
5 August 1837.

I DEEM it my duty to inform you, that in conjunction with the Rev. John Machar, I was appointed by the Synod of the Presbyterian Church of Canada, in connexion with the Established Church of Scotland, to co-operate with the Hon. William Morris, in endeavouring to obtain a redress of those grievances under which our Church has long laboured, and has often complained to the parent Government,—grievances which deeply affect her moral influence in these Provinces, and are insulting to the feelings of her members, who form a very large and influential class of the colonists.

I was more particularly instructed by my co-presbyters in Lower Canada to press upon the attention of Her Majesty's Government—

First. The lamentable state of elementary education within that Province, and inquire whether a small Government grant might not be permanently appropriated to the support of schools conducted on the same principles as the parochial schools in Scotland, in which a cheap common and classical education might be given.

Second. That there is no provision whatever for the higher departments of literary and scientific education, and that, in point of fact, such education cannot now be obtained in the Province. There are indeed various well-endowed colleges, in connexion with the Romish Church; colleges, however, not really useful or available to the Protestant youth of the Province. There is, it is true, the likelihood of M'Gill College, Montreal, going speedily into operation; but it cannot be useful or successful to that extent desirable and necessary, unless a Government grant be obtained, in addition to the bequest of the testator. Besides, in a memorial to your Lordship, dated Montreal, 1st November 1836, from one of the trustees to the will of the late Hon. James M'Gill, it is stated, that one of the conditions of the bequest is, that "the Government contribute towards erecting buildings, and endowing the proposed university or college," which, if not complied with, the legacy will revert to the residuary legatee, and thus an essential benefit will be for ever lost to the Province. Independently of its being a paramount duty of every state to provide liberally the means of sound education, and also of the local advantages that would result from it, a well-endowed college, that would meet the wants and the wishes of the great proportion of the people, would be of such political utility as demands the immediate attention of Her Majesty's Government. As the case now stands, the youth of the Province are obliged to resort to the neighbouring states for that education which they cannot obtain in their own country. The ultimate effects of an extremity of this nature must be unfavourable to the existence of that connexion which subsists between these colonies and the parent country. Besides the risk of an infusion of opinions opposed to the continuance of this union, into the minds of those who will soon exercise a great influence in these Provinces, it leaves the colonists much room for envying the advantages of their neighbours, and for discontent with their own condition.

Third. In connexion with this subject, I was further instructed to urge the propriety of its being made a positive condition, on the part of Her Majesty's Government, that, in lieu of the advantages conferred by the parent state on colonial universities, and more especially on King's College, Toronto, and M'Gill College, Montreal, these institutions be established on a such a liberal foundation as to be made available to Her Majesty's subjects in the Canadas, of every denomination. That the chief qualifications required in the persons appointed to fill the chairs not expressly connected with theology shall be, superior eminence in the knowledge of those branches of education he is required to teach, and a simple declaration of his belief in the Holy Scriptures. That in each of these universities two theological faculties shall be established,

one of the Church of England, and another of the Church of Scotland. That the appointment of professors to fill the chairs of the last of these faculties shall be vested in the Synod, subject to the approval of the Crown, and that the internal management of this faculty, in so far as respects the terms, the course, and the subjects of study, shall also be under the direction of the Synod.

Fourth. To solicit a charter, or Act of incorporation, giving the power of corporate bodies to the Synods and Presbyteries established, or that hereafter may be established in connexion with the Church of Scotland; a measure essentially necessary to the due control of the Church Courts over the individual clergy, and the efficiency of the Church to promote the interests of the colony, both spiritual and secular.

Fifth. The influence of the parent Government in obtaining relief from those disabilities unjustly imposed upon our Church, a co-ordinate establishment with the Church of England, and the insulting allusions to which, by men in high official situations, have tended much to weaken the affections of the people, and if continued will detach them altogether from the Government. I particularly allude to the restraints by provincial enactments regarding marriages by ministers of the Established Church of Scotland; and the disability of any one congregation to hold more than five acres of land for ecclesiastical purposes; and the gross partiality that has continually been shown to the Church of England above the Church of Scotland, which has every claim on the protection and favour of the Government which can be urged by the Church of England.

Sixth. That the claims of the Church of Scotland to a share of the Clergy Reserves, proportioned to the number of her members in these colonies, already graciously recognized by Her Majesty's Government, shall be finally established by an Act of the Imperial Legislature, founded on some just principle of division, and thus a termination put to disputes which will be most injurious to the peace and prosperity of the colony if prolonged.

Seventh. That in all future Acts and charters for the regulation of the colonies, provision be made for the spiritual rights and interests of the members of the Church of Scotland, on the same principles, and on the same proportional extent as for those of the Church of England.

A correspondence having been entered into on some of these subjects by the Very Rev. Principal Macfarlan, and the Hon. the Under-Secretary for the Colonies, I was referred, by the Rev. Principal, to Sir George Grey, but being out of town, he could make no early appointment for receiving me; and I being under the necessity of returning shortly to Scotland, I have been bold to trouble you Lordship with this matter; and I wait to know whether it be your Lordship's pleasure to honour me with an audience, when I will endeavour to explain the views of my co-presbyters, and of their congregations, more fully on these subjects, which I believe, in general, are in harmony with a great proportion of the colonists of every denomination.

I have, &c.

(signed) *Alexander Mathieson*,
Minister of St. Andrew's Church, Montreal,
Presbytery of Quebec.

To the Right Hon. Lord Glenelg.

No. 19.
J. Stephen, Esq. to
the Rev. A. Mathieson,
7 August 1837.

— No. 19. —

Sir,

Downing-street, 7 August 1837.

I AM directed by Lord Glenelg to acknowledge your letter of the 5th instant; and in reply I am to inform you, that Lord Glenelg has already entered into a full discussion with Mr. Morris upon the claims and interests of the Church of Scotland, in Upper Canada; and, as that gentleman is stated to have been associated with you in the deputation to this country, you will readily perceive the inconvenience which must be incurred by opening again discussions which have so recently been brought to a close by your colleague. As a preliminary to any correspondence on the subject of your mission, Lord Glenelg would therefore suggest to you the propriety of informing yourself of what has already passed between this department and Mr. Morris.

I have, &c.

(signed) *Jas. Stephen*.

Rev. A. Mathieson.

— No. 20. —

Sir,

74, Jermyn-street, 9 August 1837.

No. 20.

I HAVE to acknowledge the honour of your letter of the 7th inst., informing me that Lord Glenelg has already entered into a full discussion with Mr. Morris upon the claims and interests of the Church of Scotland in Upper Canada, stating the inconvenience which must be incurred by opening again discussions which have been recently brought to a close; and as a preliminary to any correspondence on the subject, suggesting the propriety of my informing myself of what has already passed between the Colonial Department and Mr. Morris.

Rev. A. Mathieson
to J. Stephen, Esq.
9 August 1837.

I beg respectfully to state, that previous to Mr. Morris's departure for Canada, he communicated to me verbally a general outline of what had been done in the affairs of his mission.

In soliciting an audience of my Lord Glenelg, it was not my intention to renew a subject on which Her Majesty's Ministers for the Colonies had already bestowed such patient consideration, further than perhaps reiterating the propriety of the parent Government settling the long-agitated question of the Clergy Reserves, on some equitable principle of division, that would give general satisfaction to the colonists, instead of leaving the matter open to the discussion of the Provincial Parliaments, without any distinct definitions of the provisions of the original Act as a guide to their deliberations. The dangerous consequences of referring the question to the Colonial Legislature in its present shape, must be sufficiently apparent in the intemperate disputes in the House of Assembly, Upper Canada, on the 9th February last, and the subsequent excitement of the people throughout the whole Province.

On this subject also I might have considered it my duty to have given my testimony in corroboration of that of Mr. Morris, that in so far as my knowledge extends of the state of public opinion in the Provinces of Upper and Lower Canada, the scheme of division suggested by Mr. Morris would be generally acceptable to the bulk of the colonists; viz. that two-thirds of the Clergy Reserves, or of the proceeds thereof, be divided between the Established Churches of England and Scotland, according to the number of members of the respective Churches in these colonies, and that the remaining one-third be surrendered to the Crown, to be disposed of amongst those denominations who may be thought entitled to the support of the state, after having given a declaration of their religious tenets, and a guarantee that they will maintain and publish the same. On any other principle I do not see how any part of a provision made by the state for ecclesiastical purposes can constitutionally be appropriated to any denomination, other than those whose standards have been "judged agreeable to the Word of God," and "ratified by law."

Although it might be deemed imprudent to touch on any subject so delicate as one that has already obtained the sanction of the Provincial Legislature, I would have considered it my duty to have remonstrated against advising the sanction of the Crown to be given to the King's College University Bill, until such a scheme of operation be determined upon by the College Council, as many of the legislators (as I am well informed) who acceded to the passing of the Bill were led to believe would be adopted. It may be unbecoming to make any remark on the act of the Lieutenant-governor which filled up the vacancies in the College Council exclusively from members of the Church of England, although some members of the co-ordinate Church of Scotland might have been found equally well qualified to hold a place at that Board a measure, to say the least of it, little calculated to soothe feelings that have been of late so much irritated. But the outline of the plan for carrying into operation that institution which was submitted by the venerable Archdeacon Strahan for the approbation of the College Council, is so objectionable in its details, as ought to make Her Majesty's advisers pause before they would recommend the final sanction of a Bill that will be far from meeting the wishes of the colonists, until some more liberal scheme of operation be proposed and adopted. The plan submitted by the archdeacon treats with such contumelious silence at once the recommendations of the parent Government, and the often expressed wishes of the colonists, that if it be adopted, I will not hesitate to affirm that it will be the cause of renewed strifes and dissensions, most inimical to the peace and prosperity of the country. The provincial newspapers have already given ominous warning of this result, and nothing but blind infatuation will impel the prosecution of a plan that will be ultimately ruinous to the cause it is

designed to promote. If two theological faculties, one in connexion with the Church of England, and the other with the Church of Scotland, having an independent internal management, be erected on the foundation of the university, as recommended by Government; and if the classical and philosophical departments be left open to those who, believing in the authenticity and inspiration of the Holy Scriptures, are best qualified in the different branches of literature and science required to be taught, I am persuaded that it would conduce more decidedly towards preserving the Church of England entire, and promoting her prosperity, than any other scheme, while it would be more acceptable to the great bulk of the colonists themselves.

Besides these subjects, in common entrusted to me with Mr. Morris, and which, if I understood him aright, he did not follow out to a conclusion, I stated, in my letter of the 5th instant to my Lord Glenelg, that I was particularly instructed by my co-presbyters in the Lower Province to draw the attention of Her Majesty's Government to the lamentable condition of elementary education in that Province, as well as the total destitution that prevails of the means of instruction in the higher departments of literature and science. The utter inefficiency of every scheme of elementary education that has been tried in that Province, and the present destitute condition of the colony in this respect, the Report of the Royal Commissioners, although it does not enter at any length on this important subject, will abundantly show; while to those who have seriously considered the probable operation of the Normal School Bill, in the present state of the Province, there appears much cause to dread that it will only be made an instrument of political influence and intrigue, independently of its tendency to throw the education of the Protestant youth entirely into the hands of Roman-catholics.

These considerations induced my co-presbyters to instruct me to advise with the colonial department on the means best calculated to remedy an evil fraught with such pernicious consequences to the Province. Their simple object was to strengthen their own hands in the prosecution of their plans, by adopting such, if possible, as were most in harmony with the wishes of the parent Government, and thus securing its patronage and protection. If this step, which they have deemed it most advisable to follow, be found impracticable, they must resort to some other mode of bringing the subject under the consideration of the Imperial Legislature, as they can expect no redress on this subject from the Provincial Parliament as it is at present constituted, and thus perform a duty, which in conscience they feel obligated to discharge, both as ministers of the Gospel of Christ and as faithful subjects of Her Majesty.

James Stephen, Esq.
&c. &c. &c.

I have, &c.
(signed) *Alex. Mathieson.*

— No. 21. —

No. 21.
J. Stephen, Esq.
to the Rev. A.
Mathieson,
15 Aug. 1837.

Sir,

Downing street, 15 August 1837.

I HAVE received and have laid before Lord Glenelg your letter of the 9th inst. His Lordship directs me to state, that if you will take the trouble of calling at this office, Mr. Mayer, the librarian of this department, will lay before you for your perusal copies of his Lordship's communications to Mr. Morris, and of his despatches to Sir F. Head, which were founded upon the petition of which Mr. Morris was the bearer. For the reasons stated in those documents, Her Majesty's Government have been and are still unable to satisfy the wishes of the petitioners, and of Mr. Morris as their agent.

Lord Glenelg, and his Lordship's predecessors in office, have invariably entertained and expressed the most earnest solicitude to concur in promoting an effective system of public education in the Canadas, of which Christian instruction should be not merely an essential principle but the basis. Every attempt which it has hitherto been possible to make with that view, has been defeated, by the impossibility of inducing an agreement amongst the parties more immediately concerned, as to the means by which effect should be given to that design. Lord Glenelg apprehends that you ascribe to Her Majesty's Government powers for the adjustment of this most important question which they do not really possess, and which it is impossible for them to acquire. The principle so earnestly insisted upon, that the internal affairs of the Province should be

be regulated in such a manner as shall be acceptable to the Local Legislature, has, as you are well aware, been frankly admitted by Her Majesty's Government to the utmost extent which is compatible with the maintenance of the Royal prerogative, and of the relations between Great Britain and the British Provinces in North America. To reconcile with this concession the assumption and exercise by the Crown of an authority for establishing a system of public education in Upper Canada, appears to Lord Glenelg impossible. His Lordship on many other occasions, as well as on the present, has seen cause to regret that the Executive Government is held responsible for the non-performance of duties in reference to the Canadian Provinces, of which they have been rendered incapable by the recognition of that general principle to which reference has been made. He cannot, however, doubt that the Local Legislature of Upper Canada are fully alive to the obligation they have assumed of regulating these highest interests of their constituents, or that they will acquit themselves of that office with advantage to all classes of Her Majesty's provincial subjects. On their side, Her Majesty's Government, whether as administered in this kingdom or in Upper Canada, will give their aid to the utmost of their power in maturing, suggesting, and carrying into execution those plans of public improvement which may coincide with the views and be sanctioned by the concurrence of the Legislative Council and Assembly. Such schemes, however, can no longer be adopted without the express assent of those bodies on whom alone it must hereafter depend to provide the funds necessary for the accomplishment of them.

In conclusion, Lord Glenelg desires me to state, that after you shall have perused the documents to which I have referred, his Lordship will be happy to enter into any personal communication with you which you may think desirable.

Rev. Alex. Mathieson.

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

— No. 22. —

My Lord,
At a meeting of the clergy of Upper Canada, convened by the Archdeacons of Kingston and York, and held in Toronto last October, the state of spiritual destitution of vast numbers of the members of our Church, the inability to relieve it from any resources possessed by the Church, and the necessity of an appeal to the mother country, were acknowledged by all. We were appointed by our brethren to proceed as a deputation to England, and to place ourselves under the guidance of the Bishop of Quebec. The indisposition, mental and bodily, under which we found our beloved diocesan labouring, entirely precluded the hope of assistance or counsel from him. In this our peculiarly delicate and difficult position, we submitted our credentials and our cause to the Archbishop of Canterbury; and, in our proceedings, we have hitherto been sanctioned by his Grace, and by many other prelates of our Church. Our instructions were to make our cause and wants known, publicly and privately, and to the authorities, as well in Church as in State, in order that some effectual remedy might be found for an evil which, as it is yearly increasing in extent, must evolve consequences of most alarming interest to the well-being of the Province. In the hope of interesting your Lordship and the Government of his late Majesty in our cause, we ventured to solicit the honour of an interview; and, cleaving to the same hope, we again crave your Lordship's indulgence for the present communication. Ours is a duty of no mean importance; if, therefore, in the discharge of it, we should err, we trust the cause itself may not suffer by the inefficiency of its advocacy.

The urgent necessities of the Church in Upper Canada must be apparent to all who are informed on the state of the Province. In 1832, the supply of clergy was confessedly insufficient; since that year, at least 80,000 have been added to the members of our communion; and this multitude, from their extreme poverty, have been obliged to seek locations in distant and unsettled townships, far from the reach of the public means of Grace. It were vain, it were unjust, to expect that such a population should, for many years, support their clergy. They have the will to assist in erecting places of worship, and to contribute to the maintenance of ministers; but to bear the entire burden, is impossible. Will Her Majesty's Government suffer these poor emigrants, whom

No. 22.

Rev. W. Bettridge
and Rev. B.
Cronyn to Lord
Glenelg,
1 July 1837.

penury and want have driven from their father-land, to perish for lack of knowledge? Your Lordship is fully aware of the utter incapacity of the Church, by any means at her command, to supply this lamentable deficiency. The Church in Upper Canada appears, in a measure, to be abandoned by all; there is none to plead for her. The "Society for propagating the Gospel in Foreign Parts," since the withdrawal of the Parliamentary grant, and the subsequent transfer of her missionaries to the colonial treasury, has not been able to afford any assistance. Our venerable bishop's present state of incapacity for any exertion leaves us almost without a friend of any authority to advocate our cause. We perceive that the flourishing colony of Australia has obtained, under high mediation, some effectual aid from Government, and we rejoice in the intelligence. But does the Province of Upper Canada present a state of such extraordinary affluence as to render a claim for similar aid from Government unwarranted, and therefore fruitless? Surely, if the case of the two colonies be fairly considered, Upper Canada must be allowed to have an equal, if not superior, title to support. In the name of our Church, then, and of her tens of thousands of destitute members, we entreat your Lordship to stretch forth a helping hand to us. We ask for means to defray the expenses of ministers going out; we ask for means to support them when they have congregations; we ask for assistance to erect churches, on the principle established towards Australia. If 100*l.* were the minimum, and 300*l.* to 500*l.* the maximum of assistance, where equal sums could be raised in the Province, we have no hesitation in declaring it to be our perfect conviction that two years would not elapse before 100 churches would be built, and that we should then see the Church regain her high and natural position in the Province, of which her present want of means to extend her ministrations has, in a measure, deprived her. We do hope to bear back the intelligence to the anxious members of our Church that Her Majesty's Government has not cast us off in the day of our need.

In common with our revered diocesan and the clergy generally, we have long felt that the settlement of the "Clergy Reserves" question (more, perhaps, than any other measure) would directly tend to the happiness, peace, and welfare of the Province. Easy as this settlement might have been some 20 years ago, the agitation of the subject, and the acrimony of feeling arising from its discussion, have involved it in great difficulty. The Church of England has unquestionably the greatest cause for regret and complaint. She has been made the object of constant and most vituperative attacks; she has laboured, and is yet labouring under deep odium, merely because a provision had been made by an Act of the Imperial Parliament for the spiritual instruction of the inhabitants of the Province, through her instrumentality as the National Church. We hear much in England, from the Dissenters, of the horrors of endowments, and of the excellency of the voluntary principle; and yet, my Lord, in Upper Canada, where the Church's patrimony has not been irrevocably secured, as in the parent state, and where, in consequence, the hope, however faint, exists of depriving her of a portion of it, the Dissenters are seen struggling and straining every nerve to possess the "unclean thing." The Church, therefore, of all other denominations, must be desirous to see some plan carried into execution, which, while it secures to her a portion, at least, of her lawful inheritance, may shield her from the unjust assaults of her enemies.

We have read a copy of the memorial forwarded to your Lordship for presentation to his late Majesty from the delegates of the Church of Scotland, by Mr. Morris, a respected member of the Legislative Council of Upper Canada. The object of this memorial appears twofold: 1st. To complain of injustice done to the Church of Scotland by the establishment of 57 rectories in connexion with the Church of England; and, 2dly, To obtain an Act of the Imperial Parliament to constitute the synods, &c. of the Church of Scotland in Upper Canada "corporate bodies." Against the latter provision, we have nothing to object. The complaint, however, conveyed in the memorial, is objectionable, because there is no ground for it. The memorial states that the incumbents of these rectories have spiritual jurisdiction over members of the Church of Scotland and others. This can only be the case when any such members of the Church of Scotland or others may reside on the ground set apart for the church and churchyard, as this is the extent to which the spiritual jurisdiction of the rectors is assigned, in all the patents with which we are acquainted.

quainted. On this subject, we would refer your Lordship to the Solicitor-general, Mr. Draper. We were grieved to learn from your Lordship that the opinion of the law officers on the question of these rectories was unfavourable to the Church. We feel that the unsettling these endowments must be attended with difficulty and injustice; with difficulty, because much of the land so conveyed has already been leased; with injustice, because in very many cases (in our own especially) the lands had been set apart by express command of the Governor in Council, several years before the patents were issued; and because improvements have been made and houses built on these lands. Moreover, the House of Assembly of Upper Canada has distinctly recorded its opinion of the validity of these endowments, in the following resolution, passed 9th February 1837, by a majority of 33 to 20:

“Resolved, That this House regards as inviolable the rights acquired under the patents, by which rectories have been endowed, and cannot therefore either invite or sanction any interference with the rights thus established.”

The issuing of these patents was but the completion (in many cases) of acts already commenced; and indeed much, if not the whole, of the obloquy which the simultaneous establishment of these rectories caused, would have been avoided, if the endowments had been perfected at the times they were virtually made. We can, of our own knowledge, state that our late respected Lieutenant-governor was deterred from this step solely by the opposition which his plan of restricting the jurisdiction of rectors within the present confined limits met with in his executive council. We do hope Her Majesty's Government will secure to the Church of England these endowments by such alterations in the patents as the law officers may have found to be necessary.

We now address ourselves to another and leading purpose of the present communication. We have seen Mr. Morris, and conferred with him on the nature of the claims advanced by the Church of Scotland. The desire appears mutual that an amicable termination should, if possible, be effected to the question of the Clergy Reserves. From our personal knowledge of the Province and its affairs, we are satisfied that, unless such a measure be devised and carried out, it will be in vain to expect peace or happiness. The enemies of order and true religion will never lack fuel for their incendiary efforts as long as this subject remains open. We venture then to submit to your Lordship, for the consideration of Her Majesty's Government, the following suggestions, in which (as far as we know) Mr. Morris concurs. They are offered as the principle for an Act of the Imperial Parliament, or (should this not be thought expedient at present) for the government of Her Majesty's representatives and the Houses of Legislature in Upper Canada.

1. The acknowledgment of the right of the Church of England to endowments from the Clergy Reserves by the Act 31 Geo. 3, c. 31, as interpreted by the law officers in 1819, the security of her present possessions, and the allotment of a portion of the Reserves for her use and benefit for ever.

2. The allotment of a portion of the Reserves to the Church of Scotland for her use and benefit for ever. (The extent of these allotments or portions to be determined according to the numerical strength of both Churches in Great Britain; or, as it must be difficult, if not impossible, to ascertain this with accuracy, according to the proportion of the whole population of England and Scotland, assuming that the Dissenters from the Church of Scotland in Scotland are proportionably as numerous as the Dissenters from the Church of England in England. In the present state of Upper Canada, it would be impossible to ascertain the relative numbers of the two Churches.)

3. The residue of the Reserves to be re-invested in the Crown for the support and maintenance of other Protestant denominations dissenting from the two Established Churches.

We are persuaded that if this principle of allotment were admitted, the lands at present disposable might be equitably divided into three equal parts; two to be secured to the two Established Churches, in the proportion of their numbers as above alluded to, and the other third for the purpose mentioned under the third head.

We seek your Lordship's permission to present, in company with Mr. Morris,

any explanations which this subject may appear to require, and on any other referred to in this communication, privately, at your Lordship's convenience.

We have, &c.

(signed) *William Bettridge*, B.D.,
St. John's College, Cambridge,
Rector of Woodstock, Upper Canada.

Benjamin Cronyn, M.A.,
Trinity College, Dublin,
Rector of London, Upper Canada.

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

No. 23.

J. Stephen, Esq. to
the Rev. W. Bet-
tridge and Rev. B.
Cronyn,
13 July 1837.

Gentlemen,

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 1st instant.

Referring to your proposal that the support afforded by Her Majesty's Government to the Church of England in Australia should be extended to that Church in Upper Canada, Lord Glenelg directs me to call your attention to the fact that no portion of the funds applicable to the erection of churches and chapels, and the maintenance of ministers in Australia is provided by this country, but that these funds are exclusively derived from the colonies of New South Wales and Van Diemen's Land, and are appropriated under the authority of the respective governors and councils. Although Her Majesty's Government would cheerfully acquiesce in the adoption by the Legislature of Upper Canada of the principle of the measure recently introduced in Australia on this subject, and which appears to have given great satisfaction to several leading denominations of Christians in these colonies, there are circumstances which prevent the direct interference of the Government in effecting this object in Upper Canada. In the Canadian Provinces, the principle of popular representation being established on the most comprehensive basis, has led to the transfer to the two Houses of Local Legislature, and especially to the House of Assembly, of the control of the whole of the public receipt and expenditure. It is true indeed that the hereditary territorial and casual revenues have not been actually placed at their disposal; but you are aware that, in pursuance of his late Majesty's instructions, the Lieutenant-governor offered that those funds should be subjected to the appropriation of the Provincial Parliament; and although the pressure of other public business prevented the acceptance of that offer during the last Session of the Assembly, it is still binding on the faith of the Crown; and there is every reason to anticipate that in the next Session this pledge will be fulfilled. No portion, therefore, of the Provincial revenue will in that case be applicable to the important object in question, except through the intervention of the Provincial Assembly.

With reference to your proposal that Her Majesty's Government should recommend to Parliament to pass a law to adjust the claims of the different religious communions on the Clergy Reserves, Lord Glenelg directs me to remind you that both the present and the late Lieutenant-governor of the Province had, in obedience to the commands of his late Majesty, invited the Local Legislature to exercise the powers vested in them by the 41st section of the constitutional Act of the 31 Geo. 3, c. 31, for determining in what manner, and to what uses, the lands in question should be appropriated. This subject engaged the anxious deliberation of the Assembly in their last Session, nor has either House of Provincial Legislature solicited the interposition of Parliament, or expressed the slightest doubt of their own ability to bring this question to a satisfactory adjustment. Under such circumstances, Lord Glenelg cannot but think Her Majesty's Government would justly incur the reproach of a breach of faith if they should advise the Imperial Legislature to intercept the proceedings of the Legislature of the Province on this subject.

To your proposal that Her Majesty should be advised to recommend to the Local Legislature such a division of the Clergy Reserves as would appropriate two-thirds of those lands for the support of the Churches of England and Scotland, the remaining third to be appropriated by the Crown amongst all other Protestant religious societies dissenting from both Churches, Lord Glenelg directs me to answer that such a recommendation would probably be
resented

— No. 23. —

Downing-street, 13 July 1837.

resented by the Legislative Council and Assembly as an unconstitutional dictation of the provisions of a law which they were about to pass, and that the adoption of this threefold division presupposes a knowledge of local details and statistics to which Her Majesty's Government cannot lay claim. Even assuming it to be right that this general scheme of distribution should be followed, Lord Glenelg would have no means of vindicating the proposed division of the territory into three equal parts, or of showing that the proportion to be assigned to the English and Scotch Churches should not be greater or less. It is, however, his Lordship's intention to transmit to the Lieutenant-governor of Upper Canada a copy of the Act recently passed in New South Wales, for making provision for the erection of places of worship, and the maintenance of ministers. The Legislature will thus be informed of the principle on which that measure is founded; and may possibly derive some suggestions tending to facilitate the satisfactory adjustment of the question relating to the Clergy Reserves.

On the subject of the erection and endowment of rectories, Lord Glenelg infers from your letter that you have misapprehended the nature of the objection raised to that measure by the law officers of the Crown. It has no reference to the terms of the patents, but to the power of the Lieutenant-governor to issue such patents at all, consequently, there is no possible amendment of those instruments which would obviate the difficulty. It is not, however, Lord Glenelg's intention to instruct the Lieutenant-governor to act upon this opinion until he shall have communicated with the heads of the Church of England in the Province, and shall have afforded them the most ample opportunity for correcting any mis-statement of the facts on which the report of the law officers of the Crown proceeds, or any error in point of law which it may be supposed to involve.

Having thus adverted to each of the topics noticed in your letter, Lord Glenelg cannot conclude this answer to it without expressing the deep concern with which he finds himself precluded, for the reasons which I have stated, from promoting your views by the methods which you have pointed out; but I am to express his Lordship's confident anticipation that the Legislature of Upper Canada will not fail to adopt such measures as shall appear to them most conducive to effect the important object of extending the means of religious instruction among the various denominations of Christians throughout the Province.

Rev. W. Bettridge.
Rev. B. Cronyn.

I have, &c.
(signed) *Js. Stephen.*

— No. 24. —

My Lord,

London, 13 Exeter Hall, 20 July 1837.

SINCE, in conjunction with Mr. Cronyn, who is now in Ireland on the affairs of our mission, I had the honour to communicate with your Lordship, an event has occurred which, although, in mournful certainty, we have, from the very character of the malady, been anticipating for several months, still its actual occurrence cannot fail to deepen our sense of the bereavement we have sustained of a father and friend to the clergy, and to the people over whom God had in His wisdom appointed him bishop. I need scarcely say I allude to the death of the Honourable and Right Reverend the Bishop of Quebec. Of him it may be emphatically said, "The memory of the just is blessed." His memory is written in lines of imperishable affection in the hearts of all who enjoyed the privilege of intercourse with him. The loss of such a man and such a bishop would of itself be sufficient to cause unfeigned sorrow; but when with his loss we connect the sad prospect of our Church in Upper Canada, we are constrained to confess, that it would become the virgin daughter of our Zion to descend into the dust, and, with downcast look, the index of her broken spirit, to utter her mournful "Ichabod." Yes, my Lord, over the future destiny of our Church in the Province of Upper Canada, the clouds appear to settle into a gloom, through the denseness of which, faith, with her most vigorous ken, is unable to penetrate.

Bear with me, my Lord, while I endeavour, under this our heavy loss, to bring under your Lordship's consideration the actual state and certain prospects of our church, should the measure which his late Majesty's Government con-

templated

templated be carried into effect. The measure I speak of is the discontinuance of any allowance to the successor of the late Bishop, and at his death, even of that portion of his income which he resigned in favour of the Bishop of Montreal. This measure will involve two necessary results ; the actual abolition of the see of Quebec, and the virtual abolition of that of Montreal ; in other words, the destruction of the Church of England in the Canadas ; for it must be admitted, that episcopacy without a bishop is as manifest a contradiction as monarchy without a monarch. These effects appear inevitable, unless indeed an individual could be found willing to undertake the duties of the episcopacy, and possessing a sufficient private fortune to meet the unavoidable expenses attending their discharge. This favoured individual must, moreover, if he desire the efficient aid of the Bishop of Montreal, provide a sum for him, at least equal to that of which, by the death of the late Bishop, he has been deprived. Should, therefore, the measure be definitively adopted by Her Majesty's Government, our only hope must be that God would raise up such an individual to take the oversight of His people in the Canadas ; but, however we might desire and hope, we could scarcely be warranted in expecting such a succour.

It may be presumed that the reason for the adoption of such a measure by Her Majesty's Government must be, either that the Church possesses resources at her own command sufficient to meet her every exigency, or that the members of the Church are sufficiently affluent to provide voluntarily the necessary means to support the various office-bearers in it. Without one of these reasons, it would be difficult to justify a Christian Government in the abandonment of a branch of the National Church. As long as the Church is deprived of her just patrimony—the Clergy Reserves (or of such a share of them as the most biassed interpretation of her charter would concede), she is literally without resource. And with respect to the affluence of her members, and the assistance to be derived from them, an attentive consideration of the circumstances of the emigrants generally, and of the great difficulties they have for years to contend with before they attain to a comfortable sufficiency, must produce the certain persuasion that little or no present help can be expected from them. It would thus appear that neither of these reasons exists, and, therefore, that the adoption of the measure would not be justifiable. I can readily imagine that when the adoption of such a measure was originally contemplated, it was confidently expected by His Majesty's Government that the Clergy Reserves question would have been settled, and, therefore, that the first reason would exist ; that is, that the Church would be possessed of resources, which, although slender, might be expected to suffice for her immediate necessities. The adoption of this measure may, in all probability, have been contemplated simultaneously with the resolution of the Imperial Government, to leave the arrangement of the Clergy Reserves to the Provincial Legislature, and to withdraw the annual Parliamentary grant of 15,600*l.* from the Society for Propagating the Gospel in Foreign Parts, in the full confidence that ere the last year of the reduced grant had elapsed, or our late Bishop had been called to his eternal rest, the Clergy Reserves would be available for the purposes for which they were originally intended. If such was the anticipation of His Majesty's Government (and it seems a very reasonable one), it has not been realized. The Clergy Reserves are still unavailable ; ought then the adoption of the contemplated measure of the discontinuance of the allowance to the Bishop's successor to take place ? Her Majesty's Government can scarcely, without a breach of faith to the Church in Upper Canada, refuse the continuance of its support, and an increase of it, if needed, until the Church be placed in possession of her patrimony. In submitting the Clergy Reserves to the disposal of the Provincial Legislature, His Majesty's Government could never have contemplated that it would become a question of entire spoliation as regarded the Church of England, but at farthest only as an arrangement of the portion to be assigned to her. For the result of this act of concession, either the Imperial Government or the Provincial Legislature ought, in equity, to be responsible to the Church. If Her Majesty's Government decline the responsibility on the fair plea, that sufficient time has elapsed since the concession for the arrangement of this affair, then the Provincial Legislature, or (as this body may not be coerced in pecuniary matters any more than our House of Commons) the casual and territorial revenues should supply the actual need
of

of the Church. And if even these Crown revenues are under the control of the House of Assembly, there can be no question that an appeal to that House (made by any Member, whether connected with the Government or not, but still sanctioned by its influence), grounded on the equitable principle above insisted on, would be fully and fairly responded to: and I doubt not that a view of the just responsibility incurred by the Province, through the past delay of its representatives, would much contribute towards the speedy and final settlement of the question. Indeed, my Lord, may I not say that the Imperial Government has hitherto acted on this principle? Why was the payment of the missionaries transferred to the casual and territorial revenues when the annual Parliamentary grant ceased? Why did the Imperial Government make over the charge of the Bishop's income to the same source of revenue? They were the only funds then in the Province at the disposal of the Crown; and, as it appears to me, the Government justly concluded the Province should bear a burden for which the dilatoriness of its Legislature had made it accountable.

I entirely concur in your Lordship's opinion that Her Majesty's Government should not "break faith" with the Provincial Legislature on this subject of the Clergy Reserves, or on any other; but it would be equally incompatible with the maintenance of a sound faith, that the interests of the Church should be entirely sacrificed to a feeling of courtesy or liberality (however well meant) towards the House of Assembly. Can any doubt arise in an unbiassed mind on the meaning of the Act 31 Geo. 3, c. 31, s. 35-42? Can it be denied that the national faith is therein pledged to the Church of England, that she should have a "permanent" provision "in all time to come?" The opinion of His Majesty's law officers in 1819 is distinctly confirmatory of the right conveyed by the Act to the Church of England; for while it excludes entirely the dissenters from any participation in the lands, or in the rents or profits arising therefrom, and admits the Church of Scotland, not to any share in the lands for parochial endowments, but only in the rents or profits, it declares that His Majesty might endow any particular parsonage or rectory of the Church of England with the whole lands allotted and appropriated in each township or parish as Clergy Reserves. Is it consistent, my Lord, that this bare legal opinion in favour of the Church of Scotland should be acted on, and yet with this same opinion founded on a solemn Act of the King and Imperial Parliament in behalf of our Church, there should exist, even in appearance, a reluctance to confirm the present possessions and to extend the usefulness and efficiency of the Church of England by further grants? Is it just, is it consistent with national faith that this solemn compact between the Imperial Parliament and the Church should be violated? violated, too, in such wise, as to ensure, not the "permanent" establishment "in all time to come," but the utter ruin of that Church? These will appear, peradventure, strong expressions, but surely not stronger than the circumstances in which our Church is placed require and justify. I ask, my Lord, in what way can the Church of England be "permanently" and "in all time to come" established in Upper Canada, if it be not by providing her with bishops and ministers according to her necessities and the increase in the number of her members? Did George the Third, of pious memory, and the Imperial Parliament make such a provision? It cannot be doubted. Can, then, the Executive Government be justified in any procedure (however well-intentioned) which compromises the inalienable rights thus secured to the Church of England? If, from any cause, the well-intentioned procedure (I allude to the referring the arrangement of the Clergy Reserves question to the Provincial Legislature) succeed not as soon, or as effectually as the Imperial Government might wish, is therefore the Church vitally and irreparably to suffer? Is the "national faith" pledged to the judges and officers of the Government in Lower Canada? Can the injustice of the House of Assembly there absolve the nation and Her Majesty's Government from their solemn obligation? Was any objection raised when the Ministers of the Crown asked for money from the imperial treasury to pay these judges and officers? Would not an objection involve the necessity of shutting up the courts of justice and suspending entirely the operations of Government? Now there exists, my Lord, a strong parallelism in the case of the judges and officers in Lower Canada and the Church in Upper Canada. The delay of the House of Assembly in Upper Canada has effected for the Church what the injustice of the House of Assembly in Lower Canada has for the judges and Government

officers. Is the Church less a part of our national economy than the judges? Is the Government and nation bound to uphold the judges against any attempted infraction of their rights, from whatever quarter, or under whatever plea it may arise? It would be difficult, my Lord, to convince the clergy and members of the Church of England in Upper Canada that their claim upon the national faith and honour stands upon a less secure foundation. If the differences of the House of Assembly could have been foreseen, as resulting in a delay of years, I am persuaded the Imperial Government would never have recommended the withdrawal of the annual parliamentary grant, much less have contemplated the discontinuance of an annual sufficient income to the successors of the Bishop of Quebec. Surely a Government, possessing sufficient influence to employ, with the full approbation of the country, twenty millions of the public money for the glorious purpose of emancipating the negroes in the West Indies from their bodily thralldom, need not have feared the rebuke or opposition of any sound-hearted man in asking for a few thousands annually (until the Clergy Reserves question was settled) for the still more exalted object of furnishing the means to free from the fetters of sin, through the preaching of the Gospel, tens of thousands of our fellow-countrymen in Upper Canada. If an objector could have been found, it must have been in the ranks of those whose hatred to Christ and his Church is unblushingly avowed, and whose cry is "havock" to every time-hallowed and sacred institution. The Province of Upper Canada ought not to be abandoned to such fearful spiritual destitution by Her Majesty's Government. I humbly crave your Lordship's pardon, if, in appearance even, I should offend against the requirements of that respect which is due to "the powers that be" by the plainness of my language. I feel, because I have for years witnessed, the evils under which our Church in Upper Canada is labouring, and, as I know they are not evils of her own creating, I may be allowed to express an honest, yet respectful indignation, that she should continue unjustly to bear them.

And now suffer me, my Lord, briefly to advert to the actual state of our Church in Upper Canada. Years have passed since the late revered Bishop was in a state of health even to attempt the full performance of his multifarious and ever-increasing duties. None felt, none acknowledged, none grieved more over his own infirmities, and consequent inefficiency, than did Bishop Stewart. It was under the influence of such feelings that he besought the Government to consent to the appointment of a suffragan bishop, although at the sacrifice of one-third of his income. His request was acceded to, and Lower Canada had to rejoice in the advancement of an individual to the episcopacy whose zeal, talents, and piety had conciliated the affections, and claimed the esteem and respect of all. Scarcely had Bishop Mountain arrived in Quebec, when he set out on a tour through the Lower Province; and after journeying and labouring four months I had the pleasure to see him; and he then assured me that he had not nearly finished his intended tour, but that he must return to Quebec to recruit his failing strength. His Lordship could not, by conjecture, state when he should be able to visit the Upper Province. Now, my Lord, should the measure, so oft alluded to, be adopted by Her Majesty's Government, the Bishop of Montreal cannot be expected to visit, extensively, even Lower Canada as a bishop, because, if he did so, it must be with the certainty of involving himself in irreparable pecuniary difficulty. And if Lower Canada must be thus necessarily deprived of his episcopal services, the Province of Upper Canada could never expect a participation in them, however necessary and valuable they might be. And what must be the consequence? The Church, as such, is virtually destroyed. Many, many buildings already erected and in progress of erection in Upper Canada await the consecration of the Bishop; thousands of children are passing the age of confirmation; the clergy everywhere need the comforting and strengthening influence of their Bishop's presence to animate them onwards in their laborious path; the people, in every part, require their zeal for the Church and her ordinances to be quickened into activity by the example and exhortation of a missionary Bishop. Look, my Lord, I implore you, at the Province in its present state. Nearly, if not quite, 200,000 members of the Church of England are scattered over the vast surface of the country, buried, many of them, in the almost inaccessible depths of the forests. At least 80,000 are altogether deprived of the ordinances of the Church. The clergy (whose numbers are already deficient,

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at the lowest estimate, 100) must necessarily decrease rather than increase with the population, because there is no provision for the successors of the present incumbents. Sympathize with these ministers in the bereavement they have now sustained; contemplate seriously, my Lord, what must, humanly speaking, be the state if the Church if Her Majesty's Government abandon her; and then, my Lord, I am satisfied I shall find a ready excuse for the earnestness with which I have endeavoured to plead for our Zion. Deeply responsible am I to the Church in Upper Canada. I desire only to be able, on my return, to give a satisfactory account of my efforts rightly to discharge the duty imposed on me. If I am asked what suggestions I have to offer, I simply reply by suggesting: that another Bishop be forthwith appointed for Upper Canada, leaving it to Her Majesty's Government, as the guardians of the national faith, to provide an income, however moderate, for him and for the Bishop of Montreal; and that pecuniary assistance be afforded to the newly-appointed Bishop for the supply of such a number of ministers as the increased wants of the Church in Upper Canada may demand, until the Clergy Reserves be fairly appropriated.

I venture to enclose a Memorial to Her Majesty, as the head of the Church, expressive of our necessities. I crave permission to present it in person, as the representative of the clergy of Upper Canada; or, should it seem best, I confide it to your Lordship for presentation, in the hope and belief, that, connected as your Lordship's name has ever been, in my remembrance, with the furtherance of every good work, the prayer of the Memorial may receive your Lordship's valid support.

I conclude by humbly requesting your Lordship would make me acquainted, for the information of the Church in Upper Canada, with the resolution Her Majesty's Government may take on this, to us, important and vital subject.

I have, &c.

(signed) *William Bettridge*, B.D.
St. John's College, Cambridge,
and Pastor of Woodstock, U.C.

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

TO Her most Gracious MAJESTY, QUEEN VICTORIA, Defender of the Faith, &c. &c. &c.

The humble Memorial of *William Bettridge*, B.D. of St. John's College, Cambridge,
and Rector of Woodstock, in Your Majesty's Province of Upper Canada,

Showeth,

THAT your memorialist, with the Rev. Benjamin Cronyn, M.A. of Trinity College, Dublin, and Rector of London, in the same Province, were appointed by the archdeacons and clergy, in public meeting in Toronto, to proceed as a deputation to Great Britain to make known to the faithful in our father-land the state of spiritual destitution in which tens of thousands of our fellow-countrymen, members of the Church of England, are now placed in Upper Canada.

That your memorialist was directed by duty, as well as by inclination, to seek for counsel and support from his diocesan, the Bishop of Quebec, then in London; that, with deep grief, your memorialist learnt, on his arrival in London, the lamentable indisposition and entire incapacity, mental and bodily, with which it had pleased God to visit this venerable prelate; that, in this delicate and difficult situation, your memorialist and his coadjutor submitted their credentials and their cause to his Grace the Archbishop of Canterbury, whose entire concurrence in their proceedings hitherto has been signified to them; that many of the prelates of the Church have expressed the most lively interest and sympathy in the cause; that many of the nobility and gentry have given their contributions; that the two Universities have generously afforded their ready and liberal help; that the "Society for Propagating the Gospel in Foreign Parts" has placed 500 l. annually at the disposal of the Bishop; and that the "Society for Promoting Christian Knowledge" has voted the munificent grant of 2,000 l. towards the alleviation of the spiritual necessities of Upper Canada.

That your memorialist humbly craves permission to advert to the causes of this spiritual destitution, and the consequent necessity of an appeal to the faithful in the land. His Majesty George the Third, of pious memory, called upon Parliament, by Royal Message, in 1791, to concur with him in making a permanent appropriation of lands for the maintenance and support of a "Protestant clergy" in Upper Canada. In consequence, certain portions of land, called the Clergy Reserves, were by Statute set apart for the above object. This Statute remains in force, although its enactments have not been carried into full effect. For 30 years after the passing of this Act no doubt was entertained, or at least expressed,

of the exclusive right of the Church of England to the whole of these lands. The members of the Church of Scotland did then advance a claim to a participation in these lands, on the plea of being a national church, and of the construction of the Act itself. Other denominations of Protestants followed the example of the Church of Scotland. In the year 1819 his Majesty's law-officers expressed their opinion that the Dissenters were entirely excluded from any participation in the lands, or in the profits arising therefrom; that the Church of Scotland had no title to a share in the lands, yet that she might be allowed a portion of the rents or profits; while it is distinctly affirmed, in that opinion, that His Majesty was empowered to endow the Church of England with all the lands set apart as Clergy Reserves in each township. The declaration of this opinion was not, however, sufficiently influential to settle this long-agitated question; it continued still to furnish too fruitful a source for angry and exciting discussions, tending at once to endanger the peace and to retard the prosperity of the province. Under these circumstances, His Majesty's Government deemed it a measure of expediency to refer the adjustment of the question to the Provincial Legislature, and at the same time recommended the withdrawal of an annual Parliamentary grant of 15,000 *l.* made to the "Society for Propagating the Gospel in Foreign Parts," and announced the contemplated discontinuance of an income to the successor of the Bishop of Quebec, doubtless in the confident anticipation that the settlement of the Clergy Reserves question would be immediately effected, and, consequently, that the Church of England, being secured in the possession and enjoyment for ever, of such a portion, at least, of those lands as her numbers and condition as the national establishment might require, would be enabled to bear her own expenses. This anticipation, if ever entertained, has not been realized. His Majesty's Government has, therefore, during the protracted provincial discussions on this subject, made the casual and territorial revenues of the Province (the only revenues at the disposal of the Crown) chargeable with the reduced incomes of the missionaries of the Church, and also with that of the Bishop of Quebec; still, however, adhering to the contemplated withdrawal of its support to the successors of the Bishop and of the clergy generally. It has pleased God to call our revered and beloved diocesan to inherit the crown of righteousness reserved for him in heaven. It now becomes a question of vital interest to the Church of England (for her very existence as a church in Upper Canada is involved in its decision), whether the national faith would not be violated towards the Church by the adoption of the contemplated measure. The Church possesses no other resources than those which the wisdom and piety of George the Third and his Parliament destined for her support; from the use of these she is still excluded, not by the provisions of the Act of Parliament, not by any fault of her own, but by the interposition (however well intended) of His Majesty's Government. The members of the Church in Upper Canada are too poor to assist materially in the maintenance of ministers, much less of bishops. The consequence is inevitable; if Your Majesty abandon the Church, her proximate destruction is sealed. Episcopacy without a bishop is a manifest contradiction. It is true we have a bishop in Lower Canada; but even his income (as it was derived from the late Bishop of Quebec's personal sacrifice) ceases to exist with the late Bishop. The Bishop of Montreal cannot then be expected to visit extensively even through Lower Canada, without exposing himself to pecuniary difficulty. The Province of Upper Canada could not hope for any participation in his valuable and essential services; and therefore the Church of England in Upper Canada exists no longer. If it be pleaded that Your Majesty could not, without a breach of faith towards the Legislature of Upper Canada, withdraw from them the adjustment of this question, it may with equal force be urged, that without a breach of national faith towards the Church of England the support of Your Majesty and the Imperial Parliament cannot be withholden until the Clergy Reserves be applied to the purposes for which they were piously and originally intended.

That your memorialist humbly prays Your Majesty graciously to consider the state of the Church in Upper Canada; the appeal thus made of 200,000 of Your Majesty's loyal subjects (80,000 of whom, at least, are now utterly destitute of the public means of grace), to appoint a successor to our lamented Bishop of Quebec, causing a sufficient income to be provided for him and the Bishop of Montreal, and to afford such pecuniary assistance to the newly-appointed Bishop for the supply of ministers as the increased wants of the Church demand, until the Clergy Reserves be fairly appropriated. And may God, in his infinite mercy, dispose Your Majesty to the firm and faithful maintenance of the true religion established amongst us.

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

(signed) *William Bettridge.*

— No. 25. —

No. 25.
J. Stephen, Esq. to
the Rev. W. Bet-
tridge, 7 August
1837.

Sir,

Downing-street, 7 August 1837.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 20th ultimo, and of the accompanying Memorial addressed by you to the Queen. His Lordship has laid that Memorial before Her Majesty, who has been pleased to receive it very graciously.

Lord Glenelg desires me to assure you that there was no necessity for the apology you have made for the warmth and earnestness which you advocate the interests

interests of the Church of England in Upper Canada. Every suggestion for the protection or advancement of those interests is welcome to him.

Lord Glenelg subscribes without hesitation to many of the grounds on which the claims of the Church of England are enforced in your memorial and letter. He adopts your opinion that the provision at present made for the maintenance of the Bishop of Quebec, and the clergy of his diocese, is inadequate to the great end of maintaining the Episcopal Church where it at present exists, and of extending its operations throughout the Canadian provinces. His Lordship deprecates not less decidedly than yourself, the system which would leave the ministers of religion dependent on the precarious support of their several congregations. He is of opinion that the permanent appropriation of funds, sufficient for their decent maintenance, is to be classed amongst the first and highest objects of national policy.

It is when an advance is to be made from these general principles to the practical application of them in Upper Canada, that the real difficulty presents itself. There are only four sources from which it is possible that this demand can be satisfied. The funds might be supplied from the public revenue of Great Britain, or from the unsettled lands of the Crown in Upper Canada, or from the Clergy Reserves in the Province, or from the public revenue of the province. It is then to be considered how far each of these means is really available.

First; The motives which oppose an application to Parliament for the support of the Canadian clergy, appear to Lord Glenelg conclusive. For many years such grants were made. The disinclination to continue them was at length indicated by the House of Commons so decidedly, that the reduced grant for this service was obtained only by a distinct pledge against the revival of the demand in favour of any bishop or clergyman who should be subsequently appointed. Even if it were possible to retract that engagement, Lord Glenelg is of opinion that the House of Commons would not regard this as a legitimate use of the revenue of the United Kingdom.

Secondly; You are aware that an Act of the Upper Canadian Legislature, passed in their last Session, has placed, the disposal of the unsettled lands of the Crown, beyond Her Majesty's controul, and that the revenue hereafter to be derived from those lands will be subject to the appropriation of the local legislature, if they shall accept the terms offered to them by his late Majesty. It would be easy, but it is for the present purpose needless to show that Her Majesty's Government have not the power, even if they had the wish, to withhold from the representatives of the people in any one province of British North America the controul of every part of the unappropriated public revenue arising within such province.

Thirdly; It is maintained not only that the clergy reserves are an available resource for the purpose in view, but that they are so solemnly dedicated by Parliament to that purpose, that the diversion of them to any other involves a direct breach of the national faith. Lord Glenelg conceives that this argument could not be maintained at all, except by detaching certain parts of the Constitutional Act of 1791 from their immediate context. You have referred to those provisions of the statute under which the Reserves were set apart for the maintenance of a Protestant clergy. But it is necessary also to advert to the succeeding section, the 41st, which in terms the most distinct and unequivocal authorizes the Colonial Legislature to pass laws for the appropriation of this property. It is obvious that the Parliament of 1791 studiously guarded themselves against devoting these lands irrevocably to uses which might at some future period be distasteful to the people and legislature of the Province. It was foreseen that the question of ecclesiastical endowments might in Canada, as elsewhere, be the fruitful source of contention, and means were accordingly provided for reserving to the legislative bodies the freedom of action necessary for encountering any such difficulty, if it should arise. The result has sufficiently established the accuracy of this anticipation; and his late Majesty's Government, in the year 1831, found it impossible to adjust the controversies which had risen respecting these reserves, except by inviting the Provincial Legislature to exercise powers thus confided to them by the Constitutional Act. If the Provincial Legislature had declined this duty, had avowed their reluctance or inability to discharge it, and had called for the intervention of the Crown or of Parliament, Her Majesty's Government might have proceeded to

to deal with the subject in question upon their own judgment. But the reverse of all this is the case. The House of Assembly have accepted the invitation made to them by the Home Government, and so lately as the spring of the present year, they were engaged in the discussion of plans for disposing of the Clergy Reserves. The question was indeed postponed, but without the slightest intimation that the House despaired of coming to a satisfactory adjustment of it.

Under such circumstances Lord Glenelg does not perceive how the authority or the legitimate influence of Her Majesty's Government could be employed to secure for the clergy of the Church of England, in Upper Canada, a provision from the Clergy Reserves. Still less can his Lordship acknowledge, that any breach of faith can be justly imputed to the British Government on account of the measure taken by the Earl of Ripon, in inviting the Provincial Legislature to discharge a duty expressly reserved to them by the Constitutional Act.

Finally ; The only other source from which a legal provision can be secured for the clergy in Upper Canada, is the public revenue of the Province. What hope may reasonably be indulged of obtaining supplies from that source, you are as able to form a judgment, as Lord Glenelg. His Lordship does not venture to anticipate what course the House of Assembly may think proper to pursue. Having now reviewed the different modes in which the object in contemplation might be attained, Lord Glenelg finds himself compelled to adopt the conclusion, that the question must await the decision of the Legislative Council and Assembly of the Province. His Lordship apprehends that you ascribe to the Executive Government powers which they do not really possess, and with which it is not in his opinion desirable that they should be invested.

I have, &c.

The Rev. Wm. Bettridge.

(signed) *Js. Stephen.*

— No. 26. —

No. 26.
Rev. A. M. Campbell to J. Stephen,
Esq.
17 May 1837.

Sir,

Trafalgar-square, 17 May 1837.

I AM directed by the Society for the Propagation of the Gospel to acquaint you, for the information of Lord Glenelg, that a despatch has been received from the Bishop of Montreal, containing a copy of letter addressed by his Lordship, in November last, to His Majesty's Commissioners for Lower Canada, and setting forth the urgent demand for the services of additional clergymen in that Province.

The Bishop prays, that His Majesty's Government will apply the sum of 600*l.* a year, arising from the sale of the Clergy Reserves in Lower Canada towards the maintenance of six additional clergymen in that Province, and the Society is willing to grant a like annual sum from its own resources towards the maintenance of the same number of additional clergymen in the Province of Upper Canada, provided the request of the Bishop of Montreal is complied with by the proper authorities.

James Stephen, Esq.
&c. &c. &c.

I am, &c.
(signed) *A. M. Campbell.*

— No. 27. —

No. 27.
Sir G. Grey to the
Rev. A. Campbell,
2 June. 1837.

Sir,

Downing-street, 2 June 1837.

I AM directed by Lord Glenelg to acknowledge your letter of the 17th ultimo, on the subject of the deficiency of the present Ecclesiastical Establishment in Canada, and expressing the willingness of the Society for the Propagation of the Gospel to contribute an additional sum of 600*l.* towards the clergy in Upper Canada, provided that a like sum, which has now accrued from the Clergy Reserves in the Lower Province, be appropriated by His Majesty's Government to the salaries of clergymen of the Church of England.

In reply I am to inform you, that Lord Glenelg has lately had before him repeated and very urgent representations from the ministers of the Church of Scotland in the Canadian Provinces, setting forth the injustice to which they have been subjected by the refusal to them of any participation in the proceeds of the Clergy Reserves, and claiming the fulfilment of expectations of pecuniary assistance held out to them many years ago by His Majesty's Government. Lord Glenelg has, under these circumstances, felt it his duty to enter into a full examination of the claims of the Scotch Church to assistance from His Majesty's Government,

Government, and after considering the correspondence which has taken place with them, more especially during the time when the seals of this office were held by the late Lord Bathurst, and advertent also to the opinion as to the construction of the Act of 1791, given by the law officers of the Crown in 1819, and adopted by a Committee of the House of Commons in 1828, he has felt himself bound to recognize the title of the Scotch Church to share in the benefits arising from the Clergy Reserves. Hitherto his Lordship has had no opportunity of giving effect to this view; and with the exception of a small allowance in Upper Canada, and a sum of 200*l.* voted annually by Parliament, the ministers of the Scotch Church in the Canadian Provinces have accordingly been left without any assistance from the Government, while the whole of the proceeds of the Clergy Reserves in the Upper Province have been appropriated to the ministers of the Church of England. The sum which has lately accrued from the sales of the Clergy Reserves in Lower Canada offers, to a certain extent, the means of remedying this inequality, and his Lordship therefore proposes to grant some immediate assistance to the Scotch Church out of the dividends arising from the investment of this fund. Under these circumstances, and as the whole amount yet received from the sale of the Clergy Reserves in the Lower Province is but small, Lord Glenelg regrets that he cannot at present entertain the proposal of the Society for the Propagation of the Gospel.

Rev. A. M. Campbell.

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

— No. 28. —

To the Right Honourable Lord *Glenelg*, His Majesty's Principal Secretary of State for the Colonial Department.

My Lord,

THE following statement, which is respectfully submitted to your Lordship's consideration, has been drawn up by certain individuals in this country, to whose knowledge the facts of the case have come, and who hope, by making them known to others, to excite the sympathy of the Christian public to supply necessities so great and urgent as those which the statement discloses.

It is submitted to your Lordship, in the hope that His Majesty's Government (upon receiving such authentication of the facts as they may require) may be induced to give the Lieutenant-governor of Upper Canada that authority to advance money towards the supply of these and similar necessities, which appears now to be withheld, and withheld as against the communion of the Church of England alone. It is not presumed to judge of the reasons which have led Government hitherto to withhold this authority. But should they be connected, either with the allowance now given for the support of individual clergymen, or with the general question of the Clergy Reserves, it is respectfully submitted, that the erection of churches and school-houses, and a provision for the religious education of the growing population, from time to time, is of greater and more permanent importance to the interests of religion than the payment of small stipends, soon altogether to cease, to particular men; and that in this more important object Government has assisted the Church of Rome, and several dissenting communities; while the stipends of our clergy, being required for their own subsistence, are of course not available for those purposes. And if the Clergy Reserves are considered to be rightfully the property, and to be a sufficient provision for all the religious purposes of our Church in that Province, it is manifest that under present circumstances no advantage can be derived from that provision, unless Government would consent to advance money upon its security.

But in case your Lordship should consider it out of the power, or inconsistent with the policy of Government, to authorise the Lieutenant-governor to give any assistance, it will be a satisfaction to those who interest themselves in the case, to have ascertained such to be the fact from your Lordship, before they proceed to circulate any statement from which it may be inferred.

I have, &c.
(signed) *William Jocelyn Palmer,*
Rector of Mixbury, Oxfordshire.

Chapel-stairs, Lincoln's-inn,
9 March 1837.

No. 28.
Rev. W. Jocelyn
Palmer to Lord
Glenelg.

STATEMENT.

THE Case of *Guelph*, in *Upper Canada*.

"Guelph is the centre of a district in Upper Canada, containing 900 square miles. Although not cleared above ten years, it is already thickly settled. The population is estimated, by the Canada Company, to amount to 3,500 souls; and the tide of emigration continues to set strongly in that direction. The population is, of course, much dispersed over the surface of the district. Above one-third of the inhabitants are attached to the communion of the Church of England; of the rest, a considerable number are rather careless about religion altogether, than attached to any other communion; and there can be no doubt that many of these would be reclaimed, if ministers and churches were supplied in a manner at all adequate to the necessities of the case. But the fact is that, until the year 1832, there was neither church nor minister in the entire district. Since that time there has been one minister residing at Guelph, and a church has been erected, capable of holding 500 persons; but, excepting at the central town, there is not now to be found, in the whole extent of 30 miles square, so much as a single school-house, or other decent building, where the people might assemble for Divine worship, and the Sacraments might be occasionally administered.

Moreover, the expense of building the church is not yet wholly defrayed; but 100*l.* having been furnished by the bishop of Quebec, another 100*l.* by the Canada Company, 180*l.* collected in England, by the exertions of Mr. Bosanquet (the chairman of the Canada Company), and another gentleman; and 337*l.* contributed by the inhabitants, (no small sum, considering the circumstances of early settlers,) there yet remains to be provided, to complete the fabric and its inclosure, the further sum of 133*l.*, upon the lowest calculation; for the greater part of which the Rev. Arthur Palmer, rector of Guelph, with six of his congregation, has given personal security. As the Provincial Government had aided the erection of a Roman-catholic chapel at Guelph, by a grant of 90*l.*, it was hoped that a similar aid might have been afforded in the present instance; but the repeated applications of the rector and his parishioners for such assistance have been attended with no success. To a memorial addressed to the present Lieutenant-governor, which was agreed upon last year at the Easter vestry meeting, and numerous signed by the parishioners, the following answer was returned, directed to one of the church-wardens:

" Sir,

" Government House, Toronto,
5 May 1836.

" I HAVE the honour to inform you that I have laid before the Lieutenant-governor your letter of the 2d instant, with its accompanying petition; and I am commanded by his Excellency to state to you that he much regrets there are no funds at his disposal from which he could afford you the assistance you desire. The sum given in aid of the Roman-catholic chapel, which you referred to, was given at the express command of the Home Government. And if the Secretary of State would sanction the grant of a similar aid in furtherance of your object, his Excellency would have much gratification in affording it.

" I have, &c.

(signed) " J. Joseph."

It may here be added, that extracts from official documents are in the hands of the framers of this statement, by which it appears that in the years 1833 and 1834 sums amounting in the whole to 5,002*l.* 2*s.* 2½*d.* were furnished by the Provincial Government, for the erection of dissenting places of worship in Upper Canada, of which sum 1,335*l.* 8*s.* 10½ was expressly given for Roman-catholic chapels; and that by a despatch from the Home Government, bearing date the 27th day of January 1834, authority was given for the continued application of 2,000*l.* per annum to similar purposes.

It is therefore most earnestly hoped, that Government, upon this representation been made to them, will consider whether it might not be consistent both with good policy and with justice to give to the Church of England, in Upper Canada, the same measure of protection and encouragement which they give
to

to other religious communities ; and, particularly to afford some timely aid in the case of the district of Guelph. In order to meet, even in a small degree, the necessities of the case, and to make any permanent provision for the religious wants of a scattered and continually increasing population, it will be necessary not only to defray the unliquidated charges of the erection of the church at Guelph, but to raise a fund which shall enable the minister and his parishioners, with the advice and direction of their bishop, to build a sufficient number of schoolhouses in different parts of that extensive district, and provide schoolmasters for the religious instruction of the rising generation. These schoolmasters may also act in a more general capacity as catechists ; and the schoolhouse itself, however humble, may constitute a room in which the sacraments may be occasionally administered, and the Word of God preached to a famishing people ; until, by the Divine blessing, labourers shall be sent forth with more abundance into the vineyard, and more appropriate and substantial buildings erected and set apart for the service of religion.

No. 29.

Sir,

Downing-street, 21 March 1837.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of 9th instant, on the subject of the insufficiency of the provision which at present exists in Upper Canada for the erection of churches and schools for the Church of England population of that Province, and urging on Her Majesty's Government the propriety of assisting this object, by a grant of public money. In support of your application, you observe, that similar assistance has at various times been granted to other communities of Christians in Upper Canada ; and an especial reference is made to a grant of 90 *l.* in aid of a Roman-catholic chapel erected at Guelph.

In reply, Lord Glenelg directs me to assure you that there is no subject connected with the Canadas in which His Majesty's Government take a more lively interest than the general extension of religious and moral instruction among the inhabitants ; and his Lordship would therefore willingly accede to your application if the means of doing so were at his disposal. His Lordship, however, regrets that there is no fund at present subject to the control of His Majesty's Government from which any grant for objects of this nature could now be made. The disposal of the Clergy Reserves in Upper Canada was submitted to the Legislature of that province so far back as November 1831, while it has recently been proposed to surrender, on certain conditions, to the Assembly the appropriation of the casual and territorial revenue, subject of course to its existing burthens. Pending the consideration of this question by the Provincial Legislature, His Majesty's Government feel that they would not be justified in imposing on the casual and territorial revenue any charges to which it was not subject at the time of the proposal of surrender, nor does the fund derived from the sales of the Clergy Reserves afford the opportunity of complying with your application, the interest arising from that fund being entirely absorbed in paying the stipends of the clergy of the Church of England.

Lord Glenelg, however, has reason to hope that the appropriation of the Reserves will, at a very early period, be settled on principles which will render them more available than they have hitherto been for the increase of the means of religious instruction in the colony, and that liberal provision will be made by the Provincial Legislature for the advancement of education. I am further to observe, that you appear to be under some misapprehension with reference to the comparative amount of assistance hitherto afforded to the members of the Church of England, and to other denominations of Christians in Upper Canada. It may be inferred, from your letter, that you imagine the latter have been placed in a more favourable position than the former in the distribution of the funds formerly at the disposal of the Government, and applicable to religious purposes. As Lord Glenelg would much regret the prevalence of so erroneous an impression, he directs me to state to you the following facts : The total pecuniary assistance granted to the clergy of the Church of England in Upper Canada, out of the proceeds of Clergy Reserves and the casual and territorial revenue, amounted, during the three years ending on 31st Decem-

No. 29.

Sir G. Grey to the
Rev. H. F. Palmer,
21 March 1837.

ber 1835, to 27,705 *l.* 2 *s.* 6 *d.*, while that granted to all the other communities of Christians in the Province, during the same period, did not exceed in the whole 17,414 *l.* 6 *s.* 10 *d.* Lord Glenelg feels that it would not have been possible for His Majesty's Government, in justice to other claims within the Province, to have devoted to objects connected with the Church of England a larger portion of the funds at their disposal for religious purposes, and the same obstacles which now prevent his Lordship from authorizing the application of a sum of money to the object stated in your letter, would equally prevent a compliance with similar requests from any other body of Christians in the Colony. It is undoubtedly true, that, of the sum hitherto allotted to other denominations, a considerable portion was expended in the erection of churches, while the portion appropriated to the Church of England was principally devoted to the payment of salaries. This difference in the application of the grants, however, proceeded from no disregard on the part of His Majesty's Government to the permanent interests of the Church of England, but from the fact that the ministers of the other communities were chiefly supported from private sources, while those of the Church of England depended altogether on the assistance of the Government. The difference in the mode of appropriation, in fact, arose solely from a consideration of the interests of the clergy of the Church of England in the Province.

Rev. H. F. Palmer,

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

UPPER CANADA.

COPIES or EXTRACTS of CORRESPONDENCE
alluded to in Lord *Glenelg's* Despatch to Sir
Francis Head, 7th September 1837, between
himself and Persons communicating with him on
behalf of the Churches of *England* and *Scotland*.

(*Mr. Vernon Harcourt.*)

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