Dr. Hodgins

PAPERS.

Clergy Reserves, Canada.

1819 to 1840.

PART II.

EXTRACTS of the JOURNALS of the LEGISLATIVE COUNCIL and HOUSE OF ASSEMBLY of UPPER CANADA respecting the CLERGY RESERVES.

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

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COPIES OR EXTRACTS

OF

CORRESPONDENCE

RESPECTING THE

CLERGY RESERVES IN CANADA:

1819 to 1840.

Part II.

EXTRACTS of the JOURNALS of the LEGISLATIVE COUNCIL and HOUSE OF ASSEMBLY of UPPER CANADA respecting the CLERGY RESERVES.

(1819—1840.)

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

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EXTRACTS.

Journals of the House of Assembly.

19th *June* 1819.

Mr. Nichol, seconded by Mr. Hatt, moves, "That it be resolved that an humble Address be presented to his Excellency the Lieutenant Governor, praying him to direct an Account to be transmitted to this House of the Clergy Reserves leased in this Province; the Amount paid in to the Receiver General on account of Rent for the same; together with the Appropriations of that Fund."—Which was carried.

Mr. Jones, seconded by Mr. Cameron, moves, "That Messrs. Nichol and Hatt be a Committee to draft an Address to his Excellency the Lieutenant Governor in pursuance of the Resolution of this House on the Subject of the Clergy Reserves."—Which was ordered.

2d *July* 1819.

Mr. Nichol, of the Committee to draft an Address to his Excellency the Lieutenant Governor on the Subject of the Clergy Reserves in this Province, reported, That the Committee had agreed to a Draft, which he was ready to submit to the House.

Ordered, That the Report be received; and the Draft was read the First Time.

Mr. Nichol, seconded by Mr. Hatt, moves, "That the Address to his Excellency the Lieutenant Governor on the Subject of Clergy Reserves be adopted."—Which was carried.

Mr. Nicholl, seconded by Mr. Hatt, moves, "That the Address to His Excellency the Lieutenant Governor on the Subject of Clergy Reserves be ingrossed, and read a Third Time this Day."—Which was ordered.

The Address to his Excellency the Lieutenant Governor relative to Clergy Reserves was read the Third Time, passed, and signed by the Speaker as follows:

"To his Excellency Sir Peregrine Maitland, K. C. B., Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces within the said Province.

"May it please your Excellency,

"We, His Majesty's dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, most humbly request that your Excellency would be pleased to direct the proper Officer to lay before this House an Account of the Clergy Reserves leased, with the Revenue arising therefrom, and its Appropriation up to the 31st of December last, so far as the same is ascertained."

Mr. Hatt, seconded by Mr. Nichol, moves, "That Messrs. Nelles and Cryster be a Committee to wait on his Excellency the Lieutenant Governor, to know when he will be pleased to receive the Address on the Subject of Clergy Reserves, and to present the same." Which was ordered.

5th *July* 1819.

Mr. Nelles, of the Committee to wait upon his Excellency the Lieutenant Governor with the Address of this House on the Subject of Clergy Reserves, reported that they had delivered the same, and that his Excellency was pleased to make thereto the following Reply:

"Gentlemen,

PART II.

Extracts from the Journals.

House of Assembly, 1819.

"Gentlemen,

"The Clergy Reserves, and the Revenue arising from them, an Account of which you have requested to be laid before you, are placed by the British Parliament under the Control of the King; I shall therefore pray for the Instructions of His Royal Highness the Prince Regent on the Subject of your Address."

The Journals of the Legislative Council and House of Assembly of Upper Canada for the Years 1824, 1825, 1826, *and* 1827 *have not been received by the Colonial Department.*

Resolutions relative to the Appropriation of the Clergy Reserves, passed by the Commons House of Assembly of Upper Canada in the 3d Session and 9th Parliament of 7 Geo. IV., 22d December 1826. (Abstracted from the Report of the Select Committee of the House of Commons on the Civil Government of Canada, 1828, Appendix, Page 343, the Journals of the Assembly not having been received by the Colonial Department.

1.—Resolved, That the Despatch of the Right Honourable Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, communicated to this House on the 12th instant by his Excellency the Lieutenant Governor, in answer to the Address to His Majesty of this House at its last Session respecting the Clergy Reserves, is unsatisfactory to this Assembly, inasmuch as it is silent on a material Part of the respectful Representation of this House contained in the said Address.

5.—Resolved, That the Construction given to the Imperial Act, which appropriates the Clergy Reserves to Individuals connected with the Church of England, and the Determination of the Clergy of that Church to withhold from all other Denominations of Protestants residing within the Province the Enjoyment of any Part of the Benefits arising or which may arise from the Lands so set apart, call for the immediate Attention of the Provincial Legislature to a Subject of such vital Interest to the Public in general, and that such Claim by the Protestant Episcopal Church is contrary to the Spirit and Meaning of the 31 Geo. 3., and most injurious to the Interests and Wishes of the Province.

Yeas, 28.—Nays, 3.—Majority, 25.

6.—Resolved, That a comparatively small Proportion of the Inhabitants of Upper Canada are Members of the Church of England, and therefore ought not in Justice to desire the sole Enjoyment, by their Clergy, of all the Advantages which these Lands present, to the Exclusion of their Fellow Subjects, although equally loyal and firm in their Attachment to His Majesty's Government and the Constitution.

7.—Resolved, That in a thinly inhabited Country, such as Upper Canada, where the Means of moral Instruction to the Poor are not easily obtained, it is the bounden Duty of the Parliament to afford every Assistance within its Power towards the Support of Education.

8.—Resolved, That the present Provision for the Support of District and Common Schools is quite inadequate to the Wants of the People, and ought by every reasonable Exertion to be increased, so as to place within the Reach of the poorest Inhabitant the Advantages of a decent Education.

9.—Resolved, That it is the Opinion of a great Proportion of the People of this Province, that the Clergy Lands, in place of being enjoyed by the Clergy of an inconsiderable Part of the Population, ought to be disposed of, and the Proceeds of their Sale applied to increase the Provincial Allowance for the Support of District and Common Schools, and the Endowment of a Provincial Seminary for Learning, and in aid of erecting Places of Public Worship for all Denominations of Christians.

Yeas, 31.—Nays, 2.—Majority, 29.

Resolved, That the Number of the Protestant Episcopal Church in the Provinces bears a very small Proportion to the Number of other Christians, notwithstanding the pecuniary Aid long and exclusively received from the Benevolent Society in England by the Members of that Church, and their Pretensions to a Monopoly of the Clergy Reserves.

Yeas, 30.—Nays, 3.—Majority, 27.

Journals of the House of Assembly.

17th *January* 1829.

Mr. Secretary Mudge brought down from his Excellency the Lieutenant Governor a Message, and having presented the same to the Speaker, retired.

The Speaker then announced to the House the Receipt of a Message from his Excellency the Lieutenant Governor, and rising uncovered, read the same to the House as follows:—

J. COLBORNE,

The Lieutenant Governor acquaints the House of Assembly that His Majesty's Secretary of State for the Colonies has acknowledged the Receipt of a Despatch with an Address from the House of Assembly of the last Parliament, praying that the Monies arising from the Sale of Lands set apart in this Province for the Support and Maintenance of a Protestant Clergy may be placed at the Disposal of the Legislature of the Province, for defraying the Expense of certain public Works for the internal Improvement of the Country, and for the Promotion of general Education; and praying that the University recently endowed may be established on more comprehensive Principles than those on which it is placed by the present Charter.

This Address has been laid before the King, and His Majesty has been graciously pleased to express his Satisfaction in the Assurances of Loyalty and Attachment to His Person and Government which are contained in it; and that His Majesty will at all Times receive with the most serious Attention any Representation which may be made to him by the Representatives of His faithful Subjects in Upper Canada, in Provincial Parliament assembled, for advancing the Prosperity of this important and interesting Portion of His Dominions.

The Lieutenant Governor, however, is given to understand, from the Secretary of State, that the present Statutes respecting the Appropriation of the Clergy Reverves grant a very limited discretionary Power to His Majesty's Government, and that in case a Revision of them should be deemed necessary, with a view to any Alteration in their Provisions, much Information on that Subject in all its Bearings is required, and will soon be obtained by His Majesty's Ministers.

The Lieutenant Governor has no doubt that it would be deservedly a Subject of Regret to His Majesty's Government if the Principles on which the University is founded cannot be made to accord with the general Feeling and Opinion of those for whose Advantage it was intended; and he believes that the first Change in the Charter which should be recommended, and which would conduce more than any other to its becoming eminently useful to the Province, is the connecting the Royal Grammar School with King's College, in such a Manner that its Exhibitions, Scholarships, and chief Support may depend on the Funds of that Endowment.

The Advantages that will result from an Institution conducted by Nine or Ten able Masters, under whose Tuition the Youth of the Province could be prepared for any Profession, are indisputable; and if such a School were permanently established, and the Charter so modified that any Professor shall be eligible for the Council, and that the Students in the College shall have Liberty and Faculty of taking Degrees in the Manner that shall be hereafter directed by the Statutes and Ordinances framed by His Majesty's Government, the University must flourish, and prove highly beneficial to the Colony.

Government House,
17th January 1829.

27th *January* 1829.

Mr. Perry, seconded by Mr. Thomson, moves, "That this House do resolve itself into a Committee of the Whole on Monday next, on that Part of his Excellency's Message of the Seventeenth January that relates to the Clergy Reserves in this Province:"—Which was ordered.

26th *February* 1829.

Agreeably to Notice, Mr. Perry, seconded by Mr. Hornor, moves for Leave to bring in a Bill to provide for the Sale of a Part of the Clergy Reserves in this

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Extracts from the Journals.

House of Assembly, 1829.

this Province, and that the Forty-first Rule of this House be dispensed with so far as relates to the same.

Which was granted, and the Bill read, and ordered for a Second Reading To-morrow.

Adjourned till Four o'Clock P.M. To-morrow.

27th *February* 1829.

Agreeably to the Order of the Day, the Clergy Reserves Bill was read the Second Time, and referred to a Committee of the Whole House.

Mr. Berczy was called to the Chair.

The House resumed.

Mr. Berczy reported the Bill as amended.

The Report was ordered to be received, and the Bill to be engrossed, and read a Third Time To-morrow.

28th *February* 1829.

Agreeably to the Order of the Day the Clergy Reserves Bill was read the Third Time and passed, Nem. Con.

Mr. Perry, seconded by Mr. Woodruff, moves, "That the Bill be intituled "An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province."—Which was ordered. And Messrs. Perry and Woodruff were ordered by the Speaker to carry the same up to the Honourable the Legislative Council, and to request their Concurrence thereto.

Legislative Council, 1829.

Journals of the Legislative Council.

2d *March* 1829.

A Deputation from the Commons House of Assembly brought up a Bill, intituled "An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province."

9th *March* 1829.

Ordered, That the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have remarked, that on the Delivery of the Bill, intituled "An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province," from the House of Assembly, at the Bar of this House, the usual Form of requesting the Concurrence of this House has been omitted.

11th *March* 1829.

A Deputation from the Commons House of Assembly brought up and delilivered at the Bar of this House a Message in the following Words:

"Mr. Speaker.

"The Members of this House deputed to carry to the Honourable the Legislative Council the Bill, intituled "An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province," having reported to this House that they have Reason to think that they undesignedly omitted to desire the Concurrence of that Honourable House to the same, the Assembly will take it well if the Legislative Council will overlook the Omission, and proceed upon the said Bill as if the usual Request had accompanied the same.

Commons House of Assembly, 9th March 1829. } (Signed) MARSHALL S. BIDWELL, Speaker."

Ordered, That the Bill, intituled "An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province," be now read.

The Bill, intituled "An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province," was read; and the same was ordered to be read a Second Time this Day Three Months.

House of Assembly, 1830.

Journals of the House of Assembly.

13th *January* 1830.

Agreeably to Notice, Mr. Mackenzie, seconded by Mr. Randal, moved a Series of Resolutions relative to the Appointment of a Chaplain to the House of Assembly.

The

The First Resolution was then put and carried, Nem. Con., as follows:

Resolved, That the Christians of various Denominations in this Province have already been deeply wounded in their Feelings by false and calumniating Misrepresentations, made for the Purpose of establishing an exclusive and proselyting System, which it has hitherto been attempted to strengthen and extend, by rendering subservient to it the Patronage of the Executive Government, and the unjust Appropriation of the extensive School Reserves, for the Support of an University, against the Sectarian Character of which this House can never cease solemnly to protest, as they already have done.

Present—Messrs. Baldwin, Blacklock, Brouse, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Henderson, Hornor, Ketchum, Kilborn, Lefferty, Lockwood, Longley, Lyons, M'Call, Mackenzie, Malcolm, Perry, Peterson, Randal, Geo. Rolph, Shaver, Smith, Terry, Wilkinson, James Wilson, and Woodruff.

The Second Resolution was then put and carried, Nem. Con., as follows:

Resolved, That there justly is, in the Minds of the People of this Province, a strong and settled Aversion to a dominant Church connected with the Government, and upheld by that Government in a Claim to a Monopoly of the Clergy Reserves, and to the Enjoyment of peculiar Privileges, to the Exclusion and Prejudice of various Denominations of Christians in this Province.

Present—Messrs. Baldwin, Blacklock, Brouse, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Henderson, Hornor, Ketchum, Kilborn, Lefferty, Lockwood, Longley, Lyons, M'Call, Mackenzie, Malcolm, Perry, Peterson, Geo. Rolph, Shaver, Smith, Terry, Wilkinson, James Wilson, and Woodruff.

The Third Resolution was then read as follows:

Resolved, That this House regard the Assumption by the Executive Government to appoint a Chaplain for them of the Church of England, even without previous Reference to them for the Expressions of their Feelings and Wishes on the Subject, as Part of a System conducive to the Extension and Perpetuation of this injurious and alarming Policy.

In Amendment, Mr. Dalton, seconded by Mr. Dickson, moves, "That after the Word 'Resolved' the whole be expunged, and the following inserted: 'That this House consider it an imperative Duty to mark their strong Disapprobation of the Advice which has dictated to his Excellency the Lieutenant Governor to appoint them a Chaplain without previous Reference to them for an Expression of their Feelings on the Subject, and that the said Appointment appears to be in furtherance of the exclusive Policy so universally and justly decried.'" —Which was carried Nem. Con.

Present—Messrs. Baldwin, Blacklock, Brouse, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Henderson, Hopkins, Hornor, Ketchum, Kilborn, Lefferty, Lockwood, Longley, Lyons, M'Call, Mackenzie, Malcolm, Perry, Peterson, Randal, Geo. Rolph, Shaver, Smith, Terry, Wilkinson, James Wilson, and Woodruff.

The Fourth Resolution was then read as follows:

Resolved, That this House considers it inexpedient to receive the Reverend Doctor Phillips as their Chaplain.

In Amendment, Mr. Perry, seconded by Mr. Peterson, moves, "That after the Word 'Resolved' all be expunged, and that the following be inserted: 'That this House deem it inexpedient to receive as their Chaplain any one appointed by the Executive Government.'"—On which the House divided, and the Yeas and Nays were taken as follows:

Yeas—Messrs. Baldwin, Blacklock, Brouse, Cawthra, Dalton, Fraser, Henderson, Hopkins, Hornor, Ketchum, Kilborn, Lefferty, Lockwood, Longley, Lyons, M'Call, Mackenzie, Malcolm, Perry, Peterson, Randal, Geo. Rolph, Shaver, Smith, Terry, Wilkinson, James Wilson, and Woodruff—28.

Nays—Messrs. Dickson, Ewing, and Fothergill—3.

The Question was carried in the Affirmative by a Majority of Twenty-five.

The Fifth Resolution was then read as follows:—

Resolved, That the Ministers of the different Christian Congregations in this Town be requested to officiate during the present Parliament as Chaplains to the

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the House of Assembly, under such an Arrangement as may be made by the Speaker.

In Amendment, Mr. Perry, seconded by Mr. Lyons, moves, "That after the Word 'Resolved' all be expunged, and that the following be inserted in lieu thereof:—'That the Ministers of the different Christian Congregations in this Town be requested to say Prayers in the House of Assembly during the present Parliament, under such an Arrangement as may be made by the Speaker.'"—Which was carried.

25th *January* 1830.

Agreeably to Notice, Mr. Perry, seconded by Mr. Shaver, moves for Leave to bring in a Bill to provide for the Sale of a Part of the Clergy Reserves in this Province.

Which was granted, and the Bill read, and ordered for a Second Reading To-morrow.

29th *January* 1830.

Agreeably to the Order of the Day, the Clergy Reserve Bill was read a Second Time, and referred to a Committee of the Whole House.

Mr. Shaver was called to the Chair.

The House resumed.

Mr. Shaver reported the Bill without Amendment.

The Report was received, and the Bill was ordered to be ingrossed, and read a Third Time on Monday next.

1st *February* 1830.

Agreeably to the Order of the Day, the Clergy Reserve Sale Bill was read a Third Time, and passed.

20th *February* 1830.

Mr. Perry, seconded by Mr. Smith, moves, "That a Select Committee be appointed to search the Journals of the Honourable the Legislative Council, and report to this House the Proceedings had by that Honourable House on the Bill, intituled 'An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province;'" and that Messrs. Ewing and M'Call be a Committee for that Purpose.—Which was ordered.

23d *February* 1830.

To the Honourable the House of Assembly.

Your Committee appointed to examine the Journals of the Honourable the Legislative Council, and report what Proceedings have been had by that Honourable House on the Bill, intituled "An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province," beg leave to report, "That the Bill was received and read on the First Day of February instant, the First Time."

All which is respectfully submitted.

22d February 1830. DUNCAN M'CALL, Chairman.

Legislative Council, 1830.

Journals of the Legislative Council.

1st *February* 1830.

The Bill, intituled "An Act to provide for the Disposal of a Part of the Clergy Reserves in this Province," was read.

Journals of the House of Assembly.

2d *February* 1831.

Mr. Morris gives Notice that he will, on To-morrow, move for an Address to his Excellency the Lieutenant Governor, requesting his Excellency to communicate to this House a Statement on Detail of all Monies collected in this Province by the leasing and Sale of the Clergy Reserves; also a particular Account of the Expenditure of such Monies, and the Balance now on hand, the Number of Acres of these Reserves sold in each District up to the First Day of January 1831, together with the average Price per Acre.

3d *February* 1831.

Mr. Morris, seconded by Mr. A. Fraser, moves, "That an humble Address be presented to his Excellency the Lieutenant Governor, requesting his Excellency to communicate to this House a Statement in Detail of all Monies collected in this Province by the leasing and Sale of the Clergy Reserves; also a particular Account of the Expenditure of such Monies, and the Balance now on hand, the Number of Acres of these Reserves sold in each District up to the First Day of January 1831, together with the average Price per Acre, and that Messrs. Thomson and M'Martin be a Committee to draft and report the same."—Ordered.

Mr. Thomson, from the Committee to draft an Address to his Excellency the Lieutenant Governor relative to Receipts and Expenditures of Monies arising from Clergy Reserves, reported a Draft, which was received, and read twice, adopted, and ordered to be ingrossed, and read a Third Time this Day.

Agreeably to the Order of the Day the Address to his Excellency the Lieutenant Governor for Information as to Sales and leasing of Clergy Reserves was read the Third Time, passed, and signed, and is as follows:—

To his Excellency Sir John Colborne, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

We, His Majesty's most dutiful and loyal Subjects, the Commons of Upper Canada in Provincial Parliament assembled, most respectfully request that your Excellency may be pleased to communicate to this House a Statement in detail of all Monies collected in this Province by the leasing and Sale of the Clergy Reserves; and also a particular Account of the Expenditure of such Monies, and the Balance now on hand, the Number of Acres of these Reserves sold in each District up to the 1st Day of January 1831, together with the average Price per Acre.

ARCHD. M'LEAN,
Speaker.

Commons House of Assembly,
3d Day of February 1831.

Mr. Morris, seconded by Mr. M'Martin, moves "That Messrs. Chisholm and Ingersoll be a Committee to wait on his Excellency the Lieutenant Governor, to know when he will be pleased to receive the Addresses of this House on the Subject of School Townships, the Sales by the Commissioner of Crown Lands, and the Monies raised by the leasing and Sale of Clergy Reserves, and to present the same."—Ordered.

4th *February* 1831.

Mr. Ingersoll, from the Committee to wait upon his Excellency the Lieutenant Governor with the Address of this House for Information relative to the Proceeds arising from Sales and leasing of Clergy Reserves, reported delivering the same, and that his Excellency had been pleased to make thereto the following Answer:

"Gentlemen,

"I will direct the Statements for which you apply in this Address to be laid before the House of Assembly."

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House of Assembly, 1831.

25th *February* 1831.

Mr. Bidwell, seconded by Mr. Campbell, moves, "That it be resolved that an humble Address be presented to His Majesty, setting forth that in and by an Act of the Parliament of Great Britain passed in the Thirty-first Year of the Reign of His Majesty's illustrious Father King George the Third Provision was made for the Allotment and Appropriation of One Seventh of the Land of this Province for the Support and Maintenance of a Protestant Clergy within the same; and that it was further enacted, that all and every the Rents, Profits, or Emoluments which might at any Time arise from such Lands so allotted and appropriated should be applicable solely for the Maintenance and Support of a Protestant Clergy within the Province, and to no other Purposes whatever.

"That in pursuance of the said Act such Allotment and Appropriation of Land as aforesaid have from Time to Time been reserved for the Purpose therein mentioned, which Lands are known in this Province by the Name of the Clergy Reserves. That by an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Eighth and Ninth Years of the Reign of His late Majesty George the Fourth, Provision was made for the Sale of Part of these Reserves. That these Reserves are scattered through the Country, and have derived their present Value chiefly from the Labours of the People of this Province, who belong to various Religious Denominations. That we think it our Duty to inform His Majesty that but a small Minority of the People of this Province are Members of the Church of England, and that His Majesty's Subjects in this Colony are Members of various religious Denominations, equally conscientious in their Opinion, equally attached to His Majesty's Person and Government, and equally obedient to the Laws, and meritorious in their general Conduct.

"That we consider it moreover our Duty to declare, that the Sentiments and Feelings of His Majesty's Subjects generally in this Province are strongly opposed to any Connexion between the Government and any particular Church or Churches, as well as to any Favour or Assistance on the Part of His Majesty's Government to One or more religious Denominations not equally bestowed upon all, and to the Grant by Law of any Rights, Powers, or Privileges to any such Denomination which are not extended to all.

"They desire an Equality of civil and religious Rights among all religious Denominations.

"That in these Sentiments His Majesty's faithful Commons would humbly express their most hearty Concurrence.

"That under these Circumstances His Majesty's faithful Commons have, more than once, approached the Throne to make known the Wishes of His Majesty's Subjects in relation to these Matters; and while they recollect with just Gratitude the gracious Manner in which their Representations were listened to by His late Majesty, they humbly request that inasmuch as the Objects solicited on those Occasions by His Majesty's Subjects have not yet been attained His Majesty will be pleased to take them into His most favourable Consideration.

"That His Majesty's faithful Commons, deeply impressed with the Injustice and Impolicy of excluding any of His Majesty's Subjects in this Province from an equal Share of the Benefit and Assistance to be derived from the Clergy Reserves, and sensible of the Impracticability of a just and equal Distribution of their Proceeds among all religious Denominations, as well as convinced that while they are applied in any Mode according to the Object of their original Appropriation they will furnish Occasion for endless Contentions and Jealousies, have desired that they should be sold, and the Money produced by the Sale be applied, under the Direction and Control of the Provincial Legislature, to the general Improvement of the Province, and the Support of Education. This House, therefore, have more than once passed a Bill authorizing the Sale of the said Reserves for the Purposes we have mentioned, which has failed in the other Branch of the Legislature; they have also repeatedly made known their Wishes by Address to the Throne. Entertaining still the same Sentiments, His Majesty's faithful Commons humbly request that His Majesty will be graciously pleased to recommend to His Majesty's Parliament of Great Britain and Ireland such Measures, consistent with our Constitution, as will lead to a Sale of all the Clergy Reserves in this Province, and will leave the Appropriation of all Monies arising

arising from such Sales, or from any Sale made under any Statute now in force, at the Disposal of the Provincial Legislature, for the Purposes which we have mentioned.

"That we beg leave also humbly to represent that the Charter of King's College, which we are persuaded was intended for the Benefit of His Majesty's Subjects generally, contains Principles of religious Supremacy and Exclusion in favour of the Church of England which are inconsistent with that Equality of Rights and Privileges which Christians of all Denominations in this Province deserve, and which they confidently expect from His Majesty's gracious and paternal Feelings towards them.

"That we most humbly request that His Majesty will be pleased to take the Charter into His most gracious Consideration, and to cause such a Modification to be made in its Provisions as will entirely remove from it every thing of a sectarian or exclusive Character, and adapt it to the Wants and Wishes of the People of this Province; and that Messrs. Perry and Lyons be a Committee to draft and report said Address; and that the Thirty-second Rule of this House be dispensed with so far as relates to this Motion."

In Amendment, Mr. Van Koughnett, seconded by Mr. Mac Nab, moves, "That the Question be not now put; but that the House do on To-morrow resolve itself into a Committee of the Whole upon the Resolution."

On which the House divided, and the Yeas and Nays were taken as follow:

Messrs.		YEAS.	
Attorney General,	J. Crooks,	Jessup,	Robinson,
Berczy,	W. Crooks,	Lewis,	Samson,
Boulton,	Elliott,	M'Martin,	Thomson,
Brown,	A. Fraser,	MacNab,	Van Koughnett,
Burwell,	R. Fraser.	Macon,	J. Willson,
Chisholm,	Ingersoll,	Morris,	W. Wilson.—27.
Clark,	Jarvis,	Mount,	

Messrs.		NAYS.	
Beardsley,	Duncombe,	A. M'Donald,	Roblin,
Bidwell,	Howard,	D. M'Donald,	Shaver,
Buell,	Ketchum,	Mackenzie,	White.—18.
Campbell,	Lyons,	Perry,	
Cook,	M'Call,	Randal,	

The Question of Amendment was carried in the Affirmative by a Majority of Nine, and ordered accordingly.

26th *February* 1831.

Agreeably to the Order of the Day the House went into Committee of the Whole on the Resolution relative to the Clergy Reserves.

Mr. Shaver was called to the Chair.

The House resumed.

Mr. Shaver reported Progress, and asked Leave to sit again in One Hour.

The Report was received, and Leave granted.

The House adjourned for One Hour.

The House met pursuant to Adjournment.

Agreeably to the Order of the Day, the House went again into Committee on the Resolution relative to the Clergy Reserves.

Mr. Shaver in the Chair.

The House resumed.

Mr. Shaver reported, "That the Committee had risen, and asked Leave to sit again on Monday next."

On the Question for receiving the Report the House divided, and the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Attorney General,	Cook,	A. M'Donald,	Roblin,
Boulton,	J. Crooks,	M'Martin,	Samson,
Brown,	Ingersoll,	M'Nab,	Solicitor General,
Burwell,	Jarvis,	Morris,	Van Koughnett,
Chisholm,	Jessup,	Mount,	J. Willson.—20.

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Messrs.		NAYS.	
Beardsley,	Duncombe,	D. M'Donald,	Shaver,
Bidwell,	Howard,	Mackenzie,	White.—14.
Buell,	Lyons,	Perry,	
Campbell,	M'Call,	Randal,	

The Question was carried in the Affirmative by a Majority of Six, and Leave was granted accordingly.

12th *March* 1831.

Agreeably to the Order of the Day the House went into Committee of the Whole on the Resolutions relative to Clergy Reserves, &c.

Mr. Roblin was called to the Chair.

The House resumed, the Black Rod being at the Door,

Agreeably to the Order of the Day the House went again into Committee on the Resolutions on the Subject of the Clergy Reserves.

Mr. Roblin in the Chair.

The House resumed.

Mr. Roblin reported the Resolutions.

The Report was received.

The First Resolution was read as follows:

Resolved, That by the Act of Parliament of Great Britain and Ireland, 31st Geo. 3., One Seventh of the Lands of this Province was set apart for the Support of a Protestant Clergy: That under that Act Appropriations have from Time to Time been made, and which Appropriations are, in this Province, known by the Name of "The Clergy Reserves." That these Appropriations having been generally made in Lots of 200 Acres, throughout the several Townships of this Province, the Value of the same has been much enhanced by the Settlement of the Country, and principally from the Improvement of the Lands in the Neighbourhood of such Appropriations, by the Labour of the Inhabitants, composed of various Denominations of Christians; that these Reserves being so interspersed with the Lands of actual Settlers have materially retarded the Improvement of the Country.

That by an Act passed in the Reign of His late most Gracious Majesty, Provision was made for the Sale of a Portion of the said Reserves. That it is unjust as well as impolitic to appropriate the said Lands to the Support of any one Church exclusively, and it is extremely difficult, if not altogether impracticable, to apportion or divide the same among the Clergy of all Denominations of Protestants: That a large Majority of the Inhabitants of this Province are sincerely attached to His Majesty's Person and Government, but are averse to the Establishment of any exclusive or dominant Church: That this House feels confident that to promote the Prosperity of this Portion of His Majesty's Dominion, and to foster and insure the Affection and Gratitude of the People of this Province, His Majesty will be graciously pleased to give the most favourable Consideration to the Wishes of His faithful Subjects.

That to terminate the Jealousy and Dissension which have hitherto existed on the Subject of the said Reserves, to remove a Barrier to the Settlement of the Country, and to provide a Fund available for the Promotion of Education, it is extremely desirable that the said Lands so reserved be sold, and the Proceeds arising from the Sale of the same placed at the Disposal of the Provincial Legislature, to be applied exclusively for those Purposes: That an humble Address be presented to His Majesty, setting forth the Subject of this Resolution, and praying His Majesty will be graciouly pleased to recommend to His Majesty's Parliament of Great Britain and Ireland to pass an Act to authorize the Sale of the Clergy Reserves remaining unsold, and to enable the Legislature of this Province to appropriate the Proceeds thereof in such Manner as may be considered most expedient for the Advancement of Education, and in aid of erecting Places of Public Worship for various Denominations of Christians.

In Amendment, Mr. Solicitor General, seconded by Mr. Burwell, moves, "That it be resolved that the Imperial Parliament, in pursuance of the gracious Recommendation of our late revered Sovereign Lord King George the Third, hath appropriated for the Main nance and Support of a Protestant Clergy within

within this Province, a certain Allotment of Lands usually known as "the Clergy Reserves."

That the Diffusion of Religious Knowledge and Instruction is an Object of the first Importance to the Happiness and Welfare of Mankind.

That the Land appropriated for the Support of Ministers of Religion in this Province, having been made with a view to this Object, it is repugnant to the best Interests of the Inhabitants of Upper Canada to apply them to any other Use.

That it is the Opinion of this House that an humble Address be presented to His Majesty, praying that His Majesty will not comply with any Request which may be made to recommend to Parliament the Alienation of the Clergy Reserves in this Province to any other Purpose than that for which they were set apart.

That His Majesty be at the same Time informed that it is the earnest Desire of his faithful Subjects of Upper Canada to submit to the same Imperial Parliament that conferred the Land in question to determine on such Alteration in the Distribution or Disposal thereof as in their Wisdom may be deemed best calculated to carry their original Intention into effect, and that this Desire is expressed with a view to the final Settlement of a Question which has caused much Discussion and Difference of Opinion on this important Subject among His Majesty's Subjects in Upper Canada.

On which the House divided, and the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Boulton,	Jarvis,	Robinson,	Van Koughnett.—7.
Burwell,	Lewis,	Solicitor General,	

Messrs.		NAYS.	
Beardsley,	Duncombe,	M'Call,	Randal,
Berczy,	Elliott,	D. M'Donald,	Roblin,
Bidwell,	A. Fraser,	Mackenzie,	Samson,
Campbell,	Howard,	M'Martin,	Shaver,
Chisholm,	Ingersoll,	Maçon,	White.—29.
Clark,	Jones,	Morris,	
J. Crooks,	Ketchum,	Mount,	
W. Crooks,	Lyons,	Perry,	

The Question of Amendment was decided in the Negative by a Majority of Twenty-two.

In Amendment to the First Resolution, Mr. Morris, seconded by Mr. Berczy, moves, "That the Words 'foster and ensure the Affection and Gratitude,' be expunged after the Words 'and to' and the following inserted: 'satisfy the earnest Desire.'"—Which was carried.

On the original Question as amended being put, the House divided, and the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Beardsley,	Duncombe,	Lyons,	Perry,
Berczy,	Elliott,	M'Call,	Randal,
Bidwell,	A. Fraser,	D. M'Donald,	Roblin,
Campbell,	Howard,	Mackenzie,	Samson,
Chisholm,	Ingersoll,	M'Martin,	Shaver,
Clark,	Jones,	Maçon,	White.—30.
J. Crooks,	Ketchum,	Morris,	
W. Crooks,	Lewis,	Mount,	

Messrs.		NAYS.	
Boulton,	Jarvis,	Robinson,	Van Koughnett.—7.
Burwell,	Jessup,	Solicitor General,	

The original Question, as amended, was carried in the Affirmative by a Majority of Twenty-three, and is as follows:

Resolved, That by the Act of the Parliament of Great Britain and Ireland, 31st Geo. 3d, One Seventh of the Lands of this Province were set apart for the Support of a Protestant Clergy.

That under that Act Appropriations have from Time to Time been made, and which Appropriations are in this Province known by the Name of "the Clergy Reserves;"

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Extracts from the Journals.

House of Assembly, 1831.

Reserves:" That these Appropriations having been generally made in Lots of Two hundred Acres throughout the several Townships of this Province, the Value of the same has been much enhanced by the Settlement of the Country, and principally from the Improvement of the Lands in the Neighbourhood of such Appropriations by the Labour of Inhabitants composed of various Denominations of Christians: That these Reserves, being so interspersed with the Lands of actual Settlers, have materially retarded the Improvement of the Country: That by an Act passed in the Reign of His late most Gracious Majesty Provision was made for the Sale of a Portion of the said Reserves: That it is unjust as well as impolitic to appropriate the said Lands to the Support of any One Church exclusively, and it is extremely difficult, if not altogether impracticable, to apportion or divide the same among the Clergy of all Denominations of Protestants: that a large Majority of the Inhabitants of this Province are sincerely attached to His Majesty's Person and Government, but are averse to the Establishment of any exclusive or dominant Church: That this House feels confident that to promote the Prosperity of this Portion of His Majesty's Dominions, and to satisfy the earnest Desire of the People of this Province, His Majesty will be graciously pleased to give the most favourable Consideration to the Wishes of His faithful Subjects: That to terminate the Jealousy and Dissension which have hitherto existed on the Subject of the said Reserves, to remove a Barrier to the Settlement of the Country, and to provide a Fund available for the Promotion of Education, it is extremely desirable that the said Lands so reserved be sold, and the Proceeds arising from the Sale of the same placed at the Disposal of the Provincial Legislature to be applied exclusively for those Purposes: That an humble Address be presented to His Majesty, setting forth the Subject of this Resolution, and praying His Majesty will be graciously pleased to recommend to His Majesty's Parliament of Great Britain and Ireland, to pass an Act to authorize the Sale of the Clergy Reserves remaining unsold, and to enable the Legislature of this Province to appropriate the Proceeds thereof in such Manner as may be considered most expedient for the Advancement of Education, and in aid of erecting Places of public Worship for various Denominations of Christians.

Mr. Samson, seconded by Mr. White, moves, "That Messrs. Elliott and Mount be a Committee to draft and report an Address pursuant to the Resolutions on the Subject of the Clergy Reserves."—Ordered.

Mr. Elliott, from the Select Committee to draft an Address to His Majesty grounded on the Resolution of this House relative to the future Disposition of the Clergy Reserves, reported a Draft, which was received and read, and ordered to be read a Second Time on Monday next.

House of Assembly, 1831-32.

Journals of the House of Assembly.

13th *December* 1831.

Agreeably to Notice, Mr. Samson, seconded by Mr. Clark, moves that it be

Resolved,—That by the Act of the Parliament of Great Britain, Thirty-first George III., One Seventh of the Lands of this Province was set apart for the Support of a Protestant Clergy.

That under that Act Appropriations have from Time to Time been made, and which Appropriations are in this Province known by the Name of "the Clergy Reserves:" That these Appropriations having been generally made in Lots of Two hundred Acres throughout the several Townships of this Province, the Value of the same has been much enhanced by the Settlement of the Country, and principally from the Improvement of the Lands in the Neighbourhood of such Appropriations, by the Labour of the Inhabitants composed of various Denominations of Christians: That these Reserves, being so interspersed with the Lands of actual Settlers, have materially retarded the Improvement of the Country: That by an Act passed in the Reign of His late most Gracious Majesty Provision was made for the Sale of a Portion of the said Reserves: That it is unjust as well as impolitic to appropriate the said Lands to the Support of any One Church exclusively, and it is extremely difficult, if not altogether impracticable, to apportion or divide the same among the Clergy of all

all Denominations of Protestants: That a large Majority of the Inhabitants of this Province are sincerely attached to His Majesty's Person and Government, but are averse to the Establishment of any exclusive or dominant Church: That this House feels confident, that to promote the Prosperity of this Portion of His Majesty's Dominions, and to satisfy the earnest Desire of the People of this Province, His Majesty will be graciously pleased to give the most favourable Consideration to the Wishes of his faithful Subjects: That to terminate the Jealousy and Dissension which have hitherto existed on the Subject of the said Reserves, to remove a Barrier to the Settlement of the Country, and to provide a Fund available for the Promotion of Education, it is extremely desirable that the said Lands, so reserved, be sold, and the Proceeds arising from the Sale of the same placed at the Disposal of the Provincial Legislature, to be applied exclusively for that Purpose: That an humble Address be presented to His Majesty, setting forth the Subject of this Resolution, and praying His Majesty will be graciously pleased to recommend to His Majesty's Parliament of Great Britain and Ireland to pass an Act to authorize the Sale of the Clergy Reserves remaining unsold, and to enable the Legislature of this Province to appropriate the Proceeds thereof in such Manner as may be considered most expedient for the Advancement of Education.

In amendment, Mr. Perry, seconded by Mr. Bidwell, moves, "That after the Word "Education," in the Original, the following Words be added: 'or other Improvements in which the Inhabitants of the Province will generally and equally participate.'"

On which the House divided, and the Yeas and Nays were taken as follows:

Messrs.		YEAS.		
Beardsley,	Campbell,	Howard,	Shaver.	7.
Bidwell,	Cook,	Perry,		

Messrs.		NAYS.		
Attorney General,	Crooks,	Lewis,	Samson,	
Berczy,	Duncombe,	M'Martin,	Shade,	
Boulton,	Elliott,	Maçon,	Solicitor General,	
Buell.	A. Fraser,	Morris,	Thomson,	
Burwell,	Ingersoll,	Mount,	Warren,	
Chisholm,	Jones,	Roblin,	Werden.	26.
Clark,	Ketchum,			

The Question of Amendment was decided in the Negative by a Majority of Nineteen.

In Amendment to the original Motion, Mr. Solicitor General, seconded by Mr. Burwell, moves, "That all the Words after the Word 'Resolved,' be expunged, and the following inserted: "That the Imperial Parliament, in pursuance of the gracious Recommendation of our late revered Sovereign Lord King George the Third, hath appropriated for the Maintenance and Support of a Protestant Clergy within this Province a certain Allotment of Land usually known as "the Clergy Reserves."

"That the Diffusion of Religious Knowledge and Instruction is an Object of the first Importance to the Happiness and Welfare of Mankind.

"That the Lands appropriated for the Support of Ministers of Religion in this Province, having been made with a view to this Object, it is repugnant to the best Interests of the Inhabitants of Upper Canada, to apply them to any other Use.

"That it is the Opinion of this House, that an humble Address be presented to His Majesty, praying that His Majesty will not comply with any Request which may be made to recommend to Parliament the Alienation of the Clergy Reserves in this Province to any other Purpose than that for which they were set apart.

"That His Majesty be at the same Time informed that it is the earnest Desire of His faithful Subjects, that the same Power which bestowed the Land in question should be referred to to determine on any Alteration in the Distribution or Disposal thereof which in their Wisdom may be deemed necessary to carry their original Intention into effect; and that this Desire is expressed with a View to the final Settlement of a Question which has caused much Discussion and Difference of Opinion on this important Subject among His Majesty's Subjects in Upper Canada."

 On

On which the House divided, and the Yeas and Nays were taken as follows:

Yeas.

Messieurs

Attorney General,	Burwell,	Lewis,
Boulton,	R. Fraser,	Solicitor General.—6.

Nays.

Messieurs

Beardsley,	Crooks,	M'Call,	Roblin,
Berczy,	Duncombe,	M'Martin,	Samson,
Bidwell,	Elliott,	Maçon,	Shade,
Buell,	A. Fraser,	Morris,	Shaver,
Campbell,	Howard,	Mount,	Thomson,
Chisholm,	Ingersoll,	Perry,	Warren,
Clark,	Jones,	Randal,	Werden.—30.
Cook,	Ketchum,		

The Question of Amendment was decided in the Negative by a Majority of Twenty-four.

In Amendment to the original Motion, Mr. Attorney General, seconded by Mr. Elliott, moves, "That after the Word 'Resolved' in the original Motion, the whole be expunged, and the following be inserted: 'That His late Majesty King George the Third, of illustrious Memory, was graciously pleased, by Messages to both Houses of Parliament, in the Thirty-first Year of His Reign, to express His Royal Desire that an Appropriation of Land for the Support and Maintenance of a Protestant Clergy, in proportion to the Lands already granted by His said Majesty within this Province, and that such Provision might be made with respect to all future Grants of Land, as might best conduce to the due and sufficient Support and Maintenance of a Protestant Clergy within the said Province, in proportion to such Increase as might happen in the Population and Cultivation thereof.

That in accordance with the gracious Intentions expressed in the said Message, both Houses of Parliament concurred with His Message, in declaring, by an Act passed in the Thirty-first Year of His said Majesty's Reign, that a Proportion equal in Value to One Seventh of the Lands granted or to be granted by His said Majesty, His Heirs or Successors, within the said Province, should be appropriated to the Support and Maintenance of a Protestant Clergy within the same.

That Provision was also made by the said Act for constituting and erecting Parsonages or Rectories within the said Province according to the Establishment of the Church of England; and for endowing every such Parsonage or Rectory with so much of the Lands so appropriated as aforesaid as by the Executive Government of this Province might be judged expedient, but no Provision was made for appropriating any Part of the Lands towards the Support of any other Protestant Clergy.

"That Doubts have been entertained upon the Construction of the Term "Protestant Clergy," made use of in the said Act, whether the same was intended to apply exclusively to the Clergy of the Church of England, or to the Clergy of any and what other Church or Churches within the said Province.

That the Population of this Province is composed of Persons of various Christian Denominations, and that such of the Inhabitants as profess the Doctrines of the Church of England unquestionably compose but a Minority of the Whole, and consequently it would be unjust towards their fellow Subjects of other Denominations, who are equally attached to His Majesty's Person and Government, and have equal Claims upon the Protection and Royal Favour of their Sovereign, and by whose Industry the Value of the Clergy Reserves have been materially enhanced, that the whole of the said Appropriation of Lands directed by the said Act to be set apart for the Support and Maintenance of a Protestant Clergy should be applied exclusively for the Benefit of such of the Inhabitants as profess to belong to the Church of England, and for relieving them from the Necessity of contributing to the Support of their own Clergy, while others are left to make such necessary Provision for the Support of their Clergy out of their own private Means, or are driven to solicit voluntary Contributions for the Attainment of this primary Object of all Christian Communities; and that whatever might have been the Intention of Parliament in

making

making the said Appropriation, it is expedient that the said Act should be amended, and that it should be explicitly declared that the Term Protestant Clergy shall be held to embrace the Clergy of such Denominations as in England are called Dissenters, as well as the Clergy ordained according to the Rites and Ceremonies of the Established Church of England and Ireland, and that Provisions be made for carrying such Declaration into effect.

On which the House divided, and the Yeas and Nays were taken as follows:

Messieurs,		YEAS.		
Atty. General,		Burwell,	Elliott.	3.

Messieurs,		NAYS.		
Beardsley,	Cook,	Lewis,	Randal,	
Berczy,	Crooks,	M'Call,	Samson,	
Bidwell,	A. Fraser,	M'Martin,	Shade,	
Buell,	Howard,	Maçon,	Shaver,	
Campbell,	Ingersoll,	Morris,	Thomson,	
Chisholm,	Jones,	Mount,	Van Koughnett,	
Clark,	Ketchum,	Perry,	Warren.	28.

The Question of Amendment was decided in the Negative by a Majority of Twenty-five.

On the original Question the House divided, and the Yeas and Nays were taken as follows:

Messieurs,		YEAS.		
Beardsley,	Cook,	Ketchum,	Randal,	
Berczy,	Crooks,	M'Call,	Samson,	
Bidwell,	Elliott,	M'Martin,	Shade,	
Buell,	A. Fraser,	Maçon,	Shaver,	
Campbell,	Howard,	Morris,	Thomson,	
Chisholm,	Ingersoll,	Mount,	Warren.	
Clark,	Jones,	Perry,		27.

Messieurs,		NAYS.		
Atty. General,	Burwell,	Lewis,	Van Koughnett.	4.

The Question was carried in the Affirmative by a Majority of Twenty-three.

Mr. Samson, seconded by Mr. Mount, moves, "That Messrs. A. Fraser and Maçon be a Committee to draft and report an Address, pursuant to the Resolution of this House, on the Subject of the Clergy Reserves."—Ordered.

Mr. A. Fraser, from the Select Committee to draft an Address to His Majesty on the Subject of the future Disposition of the Clergy Reserves, reported a Draft, which was received and read Twice, concurred in, and ordered to be ingrossed, and read a Third Time To-morrow.

14th *December* 1831.

Agreeably to the Order of the Day, the Address to His Majesty on the Subject of the Clergy Reserves was read a Third Time.

On the Question for passing the same, the House divided, and the Yeas and Nays were taken as follows:

Messieurs,		YEAS.		
Beardsley,	Cook,	Ketchum,	Roblin,	
Berczy,	Crooks,	M'Call,	Samson,	
Bidwell,	Duncombe,	A. M'Donald,	Shade,	
Brown,	Elliott,	Morris,	Shaver,	
Buell,	Howard,	Mount,	Thomson,	
Campbell,	Ingersoll,	Perry,	Warren,	
Clark,	Jones,	Randal,	Werden.	28.

Messieurs,		NAYS.		
Atty. General,	A. Fraser,	Robinson,	Van Koughnett.	
Burwell,	Lewis,			6.

The Question was carried in the Affirmative, by a Majority of Twenty-two; and the Address was signed by the Speaker, and is as follows:

To the King's most Excellent Majesty.

Most Gracious Sovereign,

WE, Your Majesty's dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, beg leave most humbly to submit to Your Majesty that by an Act of the Parliament of Great Britain, 31 Geo. III., One Seventh of the Lands of this Province was set apart for the Support of a Protestant Clergy.

That under that Act Appropriations have from Time to Time been made, and which Appropriations are, in this Province, known by the Name of the "Clergy Reserves:" That these Appropriations having been generally made in Lots of Two hundred Acres, throughout the several Townships of this Province, the Value of the same has been much enhanced by the Settlement of the Country, and principally from the Improvement of the Lands in the Neighbourhood of such Appropriations by the Labour of Inhabitants composed of various Denominations of Christians: That these Reserves being so interspersed with the Lands of actual Settlers have materially retarded the Improvement of the Country: That by an Act passed in the Reign of His late most Gracious Majesty Provision was made for the Sale of a Portion of the said Reserves: That it is unjust, as well as impolitic, to appropriate the said Lands to the Support of any One Church exclusively, and it is extremely difficult, if not altogether impracticable, to apportion or divide the same among the Clergy of all Denominations of Protestants: That a large Majority of the Inhabitants of this Province are sincerely attached to Your Majesty's Person and Government, but are averse to the Establishment of any exclusive or dominant Church: That this House feels confident, that to promote the Prosperity of this Portion of Your Majesty's Dominions, and to satisfy the earnest Desire of the People of this Province, Your Majesty will be graciously pleased to give the most favourable Consideration to the Wishes of Your faithful Subjects: That to terminate the Jealousy and Dissension which have hitherto existed on the Subject of the said Reserves, to remove a Barrier to the Settlement of the Country, and to provide a Fund available for the Promotion of Education, it is extremely desirable that the said Lands, so reserved, be sold, and the Proceeds arising from the Sale of the same placed at the Disposal of the Provincial Legislature, to be applied exclusively for that Purpose. We therefore humbly pray that Your Majesty will be graciously pleased to recommend to Your Majesty's Parliament of Great Britain and Ireland to pass an Act to authorize the Sale of the Clergy Reserves remaining unsold, and to enable the Legislature of this Province to appropriate the Proceeds thereof in such Manner as may be considered most expedient for the Advancement of Education.

ARCHIBALD M'LEAN,
Speaker.

Commons House of Assembly, 14th December 1831.

27th *December* 1831.

The House met.

At Ten o'Clock the Speaker, Clerk, Serjeant-at-Arms, and Members present waited upon his Excellency the Lieutenant-Governor with the Address of the House to his Excellency, requesting his Excellency to transmit the Address to His Majesty on the Subject of the Clergy Reserves, and returned.

The Minutes of Yesterday were read.

The Speaker reported that the House had waited upon his Excellency the Lieutenant-Governor with its Address, requesting his Excellency to transmit the Address to His Majesty to His Majesty's Principal Secretary of State for the Colonies, and that his Excellency had been pleased to make thereto the following Answer:—

Gentlemen,

I will take an early Opportunity of transmitting to the Secretary of State for the Colonies the Address to His Majesty.

24th *January* 1832.

The House resumed to receive a Message.

Mr. Acting Secretary M'Mahon brought down from his Excellency the Lieutenant Governor a Message, which the Speaker read as follows:—

J. COL-

J. COLBORNE.

The Lieutenant Governor acquaints the House of Assembly that he has a few Hours since received from His Majesty's Government certain Information respecting the Clergy Reserves, and that he will communicate it to the House early To-morrow.

Government House,
Tuesday, 24th January 1832.

25th *January* 1832.

Mr. Acting Secretary M^c^Mahon brought down from his Excellency the Lieutenant Governor a Message, which was read as follows:

J. COLBORNE.

The Lieutenant Governor has received His Majesty's Commands to make the following Communication to the House of Assembly in reference to the Lands which, in pursuance of the Constitutional Act of this Province, have been set apart for the Support and Maintenance of a Protestant Clergy.

The Representations which have at different Times been made to His Majesty and His Royal Predecessors of the Prejudice sustained by His faithful Subjects in this Province from the Appropriation of the Clergy Reserves have engaged His Majesty's most attentive Consideration.

His Majesty has, with no less Anxiety, considered how far such an Appropriation of Territory is conducive either to the temporal Welfare of the Ministers of Religion in this Province or to their Spiritual Influence. Bound no less by his personal Feelings than by the sacred Obligations of that Station to which Providence has called him, to watch over the Interests of all the Protestant Churches within His Dominions, His Majesty could never consent to abandon those Interests with a view to any Objects of temporary and apparent Expediency.

It has therefore been with peculiar Satisfaction that in the Result of His Inquiries into this Subject His Majesty has found that the Changes sought for by so large a Proportion of the Inhabitants of this Province may be carried into effect without sacrificing the just Claims of the Established Churches of England and Scotland. The Waste Lands which have been set apart as a Provision for the Clergy of those venerable Bodies have hitherto yielded no disposable Revenue. The Period at which they might reasonably be expected to become more productive is still remote.

His Majesty has solid Grounds for entertaining the Hope that before the Arrival of that Period it may be found practicable to afford the Clergy of those Churches such a reasonable and moderate Provision as may be necessary for enabling them properly to discharge their sacred Functions.

His Majesty, therefore, invites the House of Assembly of Upper Canada to consider how the Powers given to the Provincial Legislature by the Constitutional Act to vary or repeal this Part of its Provisions can be called into exercise most advantageously for the spiritual and temporal Interests of His Majesty's faithful Subjects in this Province.

Government House,
25th January 1832.

[A similar Message sent to the Legislative Council.]

Mr. Attorney General, seconded by Mr. J. Willson, moves for Leave to bring in a Bill to revest in His Majesty the Lands set apart in this Province for the Support of a Protestant Clergy in this Province, discharged of all Trusts whatsoever for that Purpose; and that the Thirty-second Rule of this House be dispensed with for that Purpose.

Which was granted, and the Bill read.

Mr. Attorney General, seconded by Mr. Bidwell, moves, "That the Bill be read a Second Time To-morrow, and that it be the First Item on the Order of the Day."

In Amendment, Mr. Morris, seconded by Mr. Samson, moves, "That the whole of the original Motion after the Word 'moves' be expunged, and the following inserted: 'That Five hundred Copies of the Bill, and his Excellency's

PART II.

Extracts from the Journals.

House of Assembly, 1831-32.

lency's Message of this Day on the Subject of the Clergy Reserves, be printed for the Use of Members.' "

On which the House divided, and the Yeas and Nays were taken as follows:

YEAS.

Messieurs,			
Berzcy,	Ingersoll,	Maçon,	Shade,
Boulton,	Jarvis,	Morris,	Shaver,
Burwell,	Jones,	Norton,	Sol. General,
Campbell,	Ketchum,	Randall,	Van Koughnett,
Chisholm,	M'Call,	Robinson,	Werden,
Duncombe,	M'Martin,	Roblin,	J. Willson,
Elliott,	Macnab,	Samson,	W. Wilson. 28.

NAYS.

Messieurs,			
Atty. General,	Buell,	Cook,	Lyons. 7.
Bidwell,	Clark,	Howard,	

The Question was carried in the Affirmative by a Majority of Twenty-one.

The original Question as amended was then put and carried.

On the Question for the Second Reading of the Bill To-morrow the House divided, and the Yeas and Nays were taken as follows:

YEAS.

Messieurs,			
Atty. General,	Duncombe,	M'Call,	Roblin,
Berzcy,	Elliott,	D. M'Donald,	Samson,
Bidwell,	Howard,	Maçon,	Shade,
Buell,	Ingersoll,	Morris,	Shaver,
Campbell,	Jarvis,	Norton,	Werden,
Chisholm,	Ketchum,	Randal,	J. Willson,
Clark,	Lyons,	Robinson,	W. Wilson. 29.
Cook,			

NAYS.

Messieurs,			
Boulton,	Jones,	Macnab,	Van Koughnett. 7.
Burwell,	M'Martin,	Sol. General,	

The Question was carried in the Affirmative by a Majority of Twenty-two, and ordered accordingly.

Journals of the Legislative Council.

Legislative Council, 1832.

26th *January* 1832.

The Order of the Day for the House being put into a Committee of the Whole, on his Excellency's Message of Yesterday, on the Subject of the Clergy Reserves in this Province, being read, it was ordered that it be discharged, and that the same do stand upon the Order of the Day for To-morrow.

Journals of the House of Assembly.

House of Assembly, 1832.

6th *November* 1832.

Mr. Perry gives notice that he will, on To-morrow, move for Leave to bring in a Bill to dispose of the Clergy Reserves in this Province.

Mr. Attorney General gives notice that he will, on To-morrow, move for Leave to bring in a Bill to revest in His Majesty certain Lands set apart for the Support and Maintenance of a Protestant Clergy in this Province, and for discharging those Lands of the several Trusts upon which they are now held.

Agreeably

7th *November* 1832.

Agreeably to Notice, Mr. Perry, seconded by Mr. Bidwell, moves for Leave to bring in a Bill for the Disposal of the Clergy Reserves in this Province.

In Amendment, Mr. Samson, seconded by Mr. Crooks, moves, "That after the Word 'moves' the Remainder be expunged, and the following inserted: 'That an Address be presented to his Excellency the Lieutenant Governor, praying his Excellency to inform this House if any Answer has been received from His Majesty's Government to the Address of this House of last Session on the Subject of the Clergy Reserves.'"

On which the Yeas and Nays were taken as follows:

Messieurs		YEAS.	
Atty. General,	Elliott,	Morris,	Shade,
Boulton,	D. Fraser,	Merritt,	Sol. General,
Burwell,	R. D. Fraser,	Pinhey,	John Willson,
Chisholm,	Jarvis,	Samson,	Wm. Wilson.—18.
Crooks,	Macnab,		

Messieurs		NAYS.	
Bidwell,	Howard,	A. Macdonald,	Randal,
Clark,	Ketchum,	Norton,	Shaver,
Cook,	Lewis,	Perry,	Werden.—14.
Duncombe,	McCall,		

The Question of Amendment was carried in the Affirmative by a Majority of Four.

The original Question, as amended, was then put and carried.

Mr. Samson, seconded by Mr. Shade, moves, "That Messieurs Elliott and Crooks be a Committee to draft and report an Address to his Excellency the Lieutenant Governor, praying his Excellency will be pleased to inform this House if any Answer has been received to the Address of this House of last Session on the Subject of the Clergy Reserves."—Ordered.

Mr. Elliott, from the Committee to draft an Address to his Excellency the Lieutenant Governor, for Information relative to Answer to Address on Clergy Reserves, reported a Draft, which was received and read twice.

On the Question for concurring in the Address, the House divided, and the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Boulton,	D. Fraser,	A. Macdonald,	Samson,
Buell,	R. D. Fraser,	Macnab,	Shade,
Burwell,	Howard,	Morris,	Sol. General,
Cook,	Jarvis,	Merritt,	Werden,
Crooks,	Ketchum,	Perry,	J. Willson,
Duncombe,	Lewis,	Randal,	W. Wilson.—25.
Elliott,			

Messrs.		NAYS.	
Clark,	McCall,	Norton,	Shaver.—4.

The Question was carried in the Affirmative by a Majority of Twenty-one; and the Address was ordered to be engrossed, and read a Third Time To-morrow.

8th *November* 1832.

Agreeably to the Order of the Day, the Address to his Excellency the Lieutenant Governor, for Information relating to the Clergy Reserves, was read a Third Time and passed, and is as follows:

To his Excellency Sir John Colborne, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, Major General Commanding His Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, humbly request that your Excel-

lency will be pleased to inform this House if any Answer has been received to our Address of last Session to His Majesty on the Subject of the Clergy Reserves.

ARCHIBALD McLEAN,
Speaker.

Commons House of Assembly,
8th November 1832.

Mr. Samson, seconded by Mr. Crooks, moves, "That Messieurs Elliott and Shade be a Committee to wait on his Excellency the Lieutenant Governor, to ascertain when he will be pleased to receive the Address of this House on the Subject of the Clergy Reserves, and to present the same."—Ordered.

9th *November* 1832.

Mr. Elliott, from the Committee to wait upon his Excellency the Lieutenant Governor with the Address of this House, for Information relative to the Address of this House at its last Session to His Majesty, on the Subject of the future Disposition of the Clergy Reserves, reported delivering the same; and that his Excellency had been pleased to make thereto the following Answer:

Gentlemen,

I have received an Answer to the Address of the House of Assembly on the Subject of Clergy Reserves, which I shall take an early Opportunity of communicating to the House.

J. COLBORNE.

The Lieutenant Governor transmits to the House of Assembly a Copy of a Despatch* which he has received from His Majesty's Secretary of State for the Colonies respecting the Address of the House to the King of last Session on the Subject of the Clergy Reserves.

Government House,
9th November 1832.

12th *November* 1832.

Mr. Perry, seconded by Mr. Bidwell, moves for Leave to bring in a Bill for the Disposal of Clergy Reserves in this Province, and that the Thirty-first Rule of this House be dispensed with so far as relates to the same.

On which the Yeas and Nays were taken as follows:

Messrs.

YEAS.

Bidwell,	R. D. Fraser,	Merritt,	Roblin,
Buell,	Howard,	Morris,	Samson,
Clark,	Hornor,	Norton,	Shade,
Cook,	Ketchum,	Perry,	Shaver,
Crooks,	Lewis,	Pinhey,	Werden,
Duncombe,	M'Call,	Randal,	John Willson,
Elliott,	A. Macdonald,	Robinson,	Wm. Wilson.—29.
A. Fraser,			

NAY,
Mr. Burwell.—1.

The Question was carried in the Affirmative by a Majority of Twenty-eight, and the Bill was read a First Time.

On the Question for the Second Reading of the Clergy Reserves Sale Bill, To-morrow, the Yeas and Nays were taken as follows:

Messrs.

YEAS.

Bidwell,	Hornor,	Norton,	Samson,
Buell,	Howard,	Perry,	Shade,
Cook,	Ketchum,	Pinhey,	Shaver,
Crooks,	M'Call,	Randal,	Werden,
Elliott,	A. Macdonald,	Robinson,	John Willson,
A. Fraser,	Merritt,	Roblin,	Wm. Wilson.—26
D. Fraser,	Morris,		

* For Despatch, vide Clergy Reserve Papers, Part. I., p. 54.

Messrs.

Messrs.	NAYS.
Burwell,	R. D. Fraser.—2.

The Question was carried in the Affirmative by a Majority of Twenty-four.

13th *November* 1832.

Mr. Attorney General, seconded by Mr. Richard D. Fraser, moves for Leave to bring in a Bill to declare the Lands heretofore set apart for the Support of a Protestant Clergy discharged from all Trusts for that Purpose.

In Amendment, Mr. Perry, seconded by Mr. Roblin, moves, "That after the Word 'moves' in the original Motion the whole be expunged, and the following inserted: 'That so much of the Order of the Day as relates to a Notice for a Bill to invest in His Majesty the Clergy Reserves be discharged.'

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Buell,	Howard,	A. Macdonald,	Roblin,
Cook,	Hornor,	Perry,	Shaver.—11.
A. Fraser,	Ketchum,	Randal,	

Messrs.		NAYS,	
Attorney General,	Duncombe,	Jarvis,	Shade,
Boulton,	Elliott,	Morris,	Werden,
Burwell,	D. Fraser,	Pinhey,	John Willson,
Clark,	R. D. Fraser,	Robinson,	Wm. Wilson.—17.
Crooks,			

The Question was decided in the Negative by a Majority of Six.

On the original Question the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Attorney General,	Duncombe,	Jarvis,	Shade,
Boulton,	Elliott,	Morris,	Werden,
Burwell,	D. Fraser,	Pinhey,	John Willson,
Clark,	R. D. Fraser,	Robinson,	Wm. Wilson.—17.
Crooks,			

Messrs.		NAYS.	
Buell,	Hornor,	A. Macdonald,	Roblin,
Cook,	Howard,	Perry,	Shaver.—11.
A. Fraser,	Ketchum,	Randal,	

The Question was carried in the Affirmative by a Majority of Six, and the Bill was read a First Time, and ordered for a Second Reading To-morrow.

Journals of the House of Assembly.

House of Assembly, 1833-34.

2d *December* 1833.

Mr. Perry gives Notice that he will, on Thursday next, move for Leave to bring in a Bill to dispose of the Clergy Reserves in this Province.

12th *December* 1833.

Agreeably to Notice, Mr. Perry, seconded by Mr. Howard, moves for Leave to bring in a Bill to provide for the Sale and leasing of the Clergy Reserves in this Province.

Which was granted, and the Bill read, and ordered for a Second Reading To-morrow.

15th *January* 1834.

Mr. Perry, seconded by Mr. Campbell, moves, "That an humble Address be presented to his Excellency the Lieutenant Governor, requesting him to lay before this House, with as little Delay as practicable, a full and detailed Account of the Receipts and Expenditure of all Monies arising from the Sale or leasing of the Clergy Reserves in this Province, and of Glebes, Rectories, or

 Parsonages,

Parsonages, showing the Amount received and paid in each Year, from the several Sources, by whom collected, and to whom paid, and for what Object or Services; and also setting forth the Per-centage or Allowance for collecting and paying the same; and also a Statement showing how much of the Reserves has been set apart for Glebes, &c., and the Quantity so set apart in each Year; and that the Thirty-first Rule of this House be dispensed with so far as relates to the same; and that Messrs. Buell and Campbell be a Committee to draft and report the said Address."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Berczy,	Elliott,	Lewis,	Roblin,
Bidwell,	Fraser, A.	M'Martin,	Samson,
Boulton,	Fraser, D.	Macnab,	Shade,
Buell,	Fraser, R. D.	M'Neilledge,	Shaver,
Burwell,	Hornor,	Morris,	Vankoughnet,
Campbell,	Howard,	Norton,	Werden,
Chisholm,	Jarvis,	Perry,	White,
Clark,	Jones,	Randal,	Wilson, W.—33.
Crooks,			

NAY.

Mr. Brown.—1.

The Question was carried in the Affirmative by a Majority of Thirty-two.

16th *January* 1834.

Mr. Buell, from the Select Committee to draft an Address to his Excellency the Lieutenant Governor for Information relative to the Clergy Reserves, reported a Draft, which was received and read Twice, and ordered to be engrossed, and read a Third Time To-morrow.

17th *January* 1834.

Agreeably to the Order of the Day, the Address to his Excellency the Lieutenant Governor, for Information relative to selling and leasing of the Clergy Reserves, was read the Third Time, passed, and signed, Nem. Con., and is as follows:

To his Excellency Sir John Colborne, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, Major General commanding His Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subiects the Commons of Upper Canada in Provincial Parliament assembled, humbly request that your Excellency will be pleased to lay before this House, with as little Delay as practicable, a full and detailed Account of the Receipts and Expenditure of all Monies arising from the Sale or leasing of the Clergy Reserves in this Province, and of Glebes, Rectories or Parsonages, showing the Amount received and paid in each Year from the several Sources, by whom collected and to whom paid, and for what Object or Services; and also setting forth the Per-centage or Allowance for collecting and paying the same; and also a Statement showing how much of the Reserves has been set apart for Glebes, &c., and the Quantity so set apart in each Year.

ARCHIBALD M'LEAN,
Speaker.

Commons House of Assembly,
17th January 1834.

Present.—Messrs. Bidwell, Boulton, Buell, Burwell, Campbell, Chisholm, Duncombe, Alexander Fraser, Donald Fraser, Richard D. Fraser, Hornor, Howard, Jarvis, Jones, Lyon, Archibald Macdonald, Morris, Norton, Perry, Robinson, Shade, Shaver, Werden, White, John Willson, and Wm. Wilson.

Mr. Buell, seconded by Mr. Perry, moves, "That Messrs. Roblin and Shaver be a Committee to wait on his Excellency to know when he will be pleased to receive said Address, and present the same."—Ordered.

27th *January* 1834.

Mr. Roblin, from the Committee to wait upon his Excellency the Lieutenant Governor with the Address of this House for Information relative to the Clergy Reserves, reported delivering the same, and that his Excellency had been pleased to make thereto the following Answer:

Gentlemen,

I will direct the King's Receiver General, the Surveyor General, the Commissioner of Crown Lands, and the Secretary of the Clergy Corporation, to prepare the Returns which the House of Assembly request may be laid before them.

7th *February* 1834.

Mr. Morris gives Notice that he will on Monday next move an Address to His Majesty, requesting that he will be pleased to submit to the Imperial Parliament the Expediency of passing an Act to repeal so much of the Act 31 Geo. 3. Chap. 31. as declares that no Grant of Land shall be valid within this Province unless the same shall contain a Specification of One Seventh for the Support of a Protestant Clergy.

19th *February* 1834.

Agreeably to the Order of the Day the Clergy Reserve Sale Bill was read a Second Time.

On the Question for referring the same to a Committee of the Whole House, Mr. Samson, seconded by Mr. Berczy, moves in Amendment, "That the House do resolve itself into a Committee of the Whole on the Clergy Reserve Bill on To-morrow, and that the same be the first Item on the Order of the Day after referring Petitions."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Berczy,	M'Martin,	Robinson,	Vankoughnet,
Fraser, A.	Morris,	Samson,	Wilson, W.—9.
Macdonald, A.			

Messrs.		NAYS.	
Bidwell,	Cook,	Howard,	Perry,
Buell,	Duncombe,	Ketchum,	Roblin,
Campbell,	Elliott,	M'Donald, D.	Shaver,
Chisholm,	Fraser, D.	Merritt,	White.—17.
Clark,			

The Question of Amendment was decided in the Negative by a Majority of Eight.

On the Question for going into Committee of the Whole on the Bill, the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Bidwell,	Elliott,	M'Donald, D.	Roblin,
Buell,	Fraser, A.	M'Martin,	Samson,
Campbell,	Fraser, D.	Merritt,	Shaver,
Clark,	Howard,	Morris.	White,
Cook,	Ketchum,	Perry,	Wilson, W.—22.
Duncombe,	Macdonald, A.		

Messrs.	NAYS.	
Berczy,	Robinson,	Vankoughnet.—3.

The Question was carried in the Affirmative by a Majority of Nineteen, and Mr. Alexander Fraser was called to the Chair.

The House resumed.

Mr. Fraser reported that the Committee had risen for Want of a Quorum.

Present,—Messrs. Berczy, Bidwell, Buell, Campbell, Chisholm, Clark, Cook, Duncombe, Alexander Fraser, Donald Fraser, Howard, Ketchum, A. M'Donald, M'Martin, Perry, Robinson, Roblin, Samson, Shaver, Vankoughnet, and White.—21.

PART II.

Extracts from the Journals.

House of Assembly, 1833–34.

At a Quarter past Seven o'Clock P.M. the Speaker declared the House adjourned for Want of a Quorum.

20th *February* 1834.

The House met.

The Minutes of Yesterday were read.

Agreeably to the Order of the Day, the Committee of the Whole House resumed on the Clergy Reserve Bill.

Mr. Donald M'Donald in the Chair.

The House resumed.

Mr. M'Donald reported the Bill as amended.

On the Question for receiving the Report, the Yeas and Nays were taken as follows:

Messrs.		YEAS,	
Bidwell,	Cook,	Ketchum,	Samson,
Buell,	Duncombe,	M'Neilledge,	Shaver,
Campbell,	Fraser, D.	Perry,	White,
Chisholm,	Hornor,	Randal,	Wilson, W.—19.
Clark,	Howard,	Roblin,	

Messrs.		NAYS.	
Boulton,	Fraser, A.	M'Martin,	Robinson,
Burwell,	Macdonald, A.	Morris.	Vankoughnet.—9.
Crooks,			

The Question was carried in the Affirmative by a Majority of Ten, and the Report was received.

On the Question for the Third Reading of the Bill on Monday next, the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Bidwell,	Cook,	Ketchum,	Samson,
Buell,	Duncombe,	M'Neilledge,	Shaver,
Campbell,	Fraser, D.	Perry,	White,
Chisholm,	Hornor,	Randal,	Wilson, W.—19.
Clark,	Howard,	Roblin,	

Messrs.		NAYS.	
Boulton,	Fraser, A.	M'Martin,	Robinson,
Burwell,	Macdonald, A.	Morris,	Vankoughnet.—9.
Crooks,			

The Question was carried in the Affirmative by a Majority of Ten, and the Bill was ordered to be engrossed, and read a Third Time on Monday next.

Adjourned.

24th *February* 1834.

Agreeably to the Order of the Day, the Clergy Reserve Bill was read the Third Time.

On the Question for passing the Bill, Mr. Morris, seconded by Mr. Samson, moves in Amendment, "That the Bill do not now pass, but that it be referred to the Consideration of a Select Committee, to be composed of Messrs. Perry, A. Macdonald, and Duncombe, and that it be an Instruction to the said Committee to report a Bill for the Sale of the Clergy Reserves, with the following Preamble:—

"Whereas it is expedient to repeal the Law now in force which authorizes the Reservation of One Seventh of the Lands in this Province for the Support of a Protestant Clergy, and to dispose of the said Lands for the Benefit of general Education," and with such enacting Clauses as shall give to the several Sheriffs of the Province Power and Authority to sell the said Reserves.

On which the Yeas and Nays were taken as follows:—

Messieurs		YEAS.	
Berczy,	Fraser, D.	Macdonald, A.	Samson,
Chisholm,	Lewis,	Morris,	Willson, J.—9.
Fraser, A.			

Messieurs		NAYS.	
Bidwell,	Clark,	Jarvis,	Robinson,
Boulton,	Cook,	Ketchum,	Roblin,
Brown,	Crooks,	M'Donald, D.	Shaver,
Buell,	Duncombe,	M'Martin,	Vankoughnet,
Burwell,	Hornor,	Perry,	White.—23.
Campbell,	Howard,	Randal,	

The Question of Amendment was decided in the Negative by a Majority of Fourteen.

In Amendment, Mr. Vankoughnet, seconded by Mr. Burwell, moves, "That the Bill do not now pass, but that the whole be expunged from the Word 'whereas,' and the following inserted: 'by an Act passed in the Parliament of Great Britain in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province," it was amongst other Things enacted, that it should and might be lawful for His late Majesty, His Heirs and Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, to make, from and out of the Lands of the Crown within such Provinces, such Allotment and Appropriation of the Lands for the Support and Maintenance of a Protestant Clergy within the same as may bear a due Proportion to the Amount of such Lands within the same as had at any Time been granted by or under the Authority of His said late Majesty; and that upon any Grant of Lands within either of the said Provinces which should hereafter be made by or under the Authority of His Majesty, His Heirs and Successors, there should at the same Time be made in respect of the same a proportionable Allotment and Appropriation of Lands for the above mentioned Purpose within the Township or Parish to which such Lands so to be granted should appertain or be annexed, or as nearly adjacent thereto as Circumstances would admit; and that no such Grant should be valid or effectual unless the same should contain a Specification of the Lands so allotted or appropriated in respect of the Land to be thereby granted, and that such Land so allotted and appropriated should be as nearly as the Circumstances and the Nature of the Case would admit, of the like Quality as the Lands in respect of which the said Land should be so allotted and appropriated, and should be, as nearly as the Sum could be estimated at the Time of making such Grant, equal in Value to the Seventh Part of the Lands so granted; and it was thereby further enacted, that all and every the Rents, Profits, or Emoluments which might at any Time arise from such Lands so allotted and appropriated as aforesaid should be applicable solely to the Maintenance of a Protestant Clergy within the Province in which the same shall be situated, and to no other Use or Purpose whatever: And whereas various Parts of the said Clergy Reserves within this Province have been demised by Letters Patent, under the Great Seal of this Province, to divers Persons, for Terms of Years which have not yet expired: And whereas by a certain Act of Parliament of the United Kingdom of Great Britain and Ireland, passed in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, intituled, 'An Act to authorize the Sale of a Part of the Clergy Reserves in the Provinces of Upper and Lower Canada,' it is enacted, that it shall and may be lawful for the Governor, Lieutenant Governor, or Officer administering the Government of the said Provinces, or either of them, with Consent of the Executive Council appointed within such Province, for the Affairs thereof, in pursuance of any Instructions which may be issued to such Governor, Lieutenant Governor, or other Officer as aforesaid, by His Majesty, through One of His Principal Secretaries of State, to sell, alienate, and convey in Fee Simple, or for any less Estate or Interest, a Part of the said Clergy Reserves in each of the said Provinces, not exceeding in either Province One Fourth of the Reserves within such Province, upon,

 under,

under, and subject to such Condition, Provisoes, and Regulations as His Majesty by any such Instructions as aforesaid shall be pleased to direct and appoint; provided nevertheless, that the Quantity of the said Clergy Reserves so to be sold as aforesaid in any One Year, in either of the said Provinces, shall not in the whole exceed One hundred thousand Acres; provided also, that the Monies to arise by or to be produced from any such Sale or Sales shall be paid over to such Officer or Officers of His Majesty's Revenue within the said Provinces respectively as His Majesty shall be pleased to appoint to receive the same, and shall by such Officer or Officers be invested in the public Funds of the United Kingdom of Great Britain and Ireland, in such Manner and Form as His Majesty shall from Time to Time be pleased to direct; provided also, that the Dividends and Interests accruing from such public Funds so to be purchased shall be appropriated, applied, and disposed of for the Improvement of the remaining Part of the said Clergy Reserves, or otherwise for the Purposes for which the said Lands were reserved as aforesaid, and for no other Purpose whatsoever, save only so far as it may be necessary to apply the Sum or any Part thereof in or towards defraying the Expenses of or attendant upon any such Sale or Sales as aforesaid, and which Appropriations shall be so made in such Manner and Form and for such special Purposes as His Majesty from Time to Time shall approve and direct: And whereas, in pursuance of the said last-recited Act, the Lieutenant Governor for the Time being of this Province, with the Consent of the Executive Council, hath in pursuance of Instructions for that Purpose, issued by His late Majesty King George the Fourth through one of His Principal Secretaries of State, effected Sales of divers Parts of the said Clergy Reserves: And whereas by a Message of both Houses of the Provincial Legislature, bearing Date the Twenty-fifth Day of January 1832, His Excellency Major General Sir John Colborne, K. C. B., hath signified to both Houses of the Legislature of this Province His Majesty's most gracious Invitation to consider how far the Powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal that Part of its Provisions which relates to the Lands allotted and appropriated in this Province to the Support and Maintenance of a Protestant Clergy, could be called into exercise for the spiritual and temporal Interests of His Majesty's faithful Subjects in this Province; Now therefore be it, &c., That so much as is herein-before recited of the said Act of the British Parliament so passed as aforesaid in the Thirty-first Year of the Reign of His late Majesty King George the Third shall be and the same is hereby repealed.

"And be it, &c., That from henceforth no Grant heretofore made by or on behalf of His Majesty, or any of His Royal Predecessors, of any Lands situated within this Province, shall be or be deemed invalid or ineffectual, or be liable to be impeached, vacated, or set aside, by reason that any such Grant did not contain a Specification of the Lands allotted and appropriated for the Support and Maintenance of a Protestant Clergy in respect of the Lands thereby granted, but every Grant of Land within this Province heretofore made by or on behalf of His Majesty or of any of His Royal Predecessors, in which any Specifications made have been omitted, shall henceforth be and shall be deemed and taken from the Day of the Date thereof to have been as valid and effectual in the Law as though such Grants had contained the Specification aforesaid.

"And be it &c., That all the Lands heretofore appropriated within this Province for the Support and Maintenance of a Protestant Clergy, now remaining unsold, shall be and they are hereby declared to be vested in His Majesty, his Heirs and Successors, as of his and their Estate absolutely, discharged from all Trusts for the Benefit of a Protestant Clergy, and of and from all and every the Claims and Demands of such Clergy upon or in respect of the same.

"Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall take away or affect the Right or Title of any Person or Persons in or to any Lands which may by any such Person or Persons be holden or enjoyed, or which any such Person or Persons may claim to hold or enjoy by virtue of any Sale, Alienation, Conveyance, or Contract made, executed, or entered into in pursuance of the above-recited Act of Parliament passed in the Seventh and Eighth Year of His said late Majesty's Reign; but that every such Sale, Alienation, or Cortract shall be as valid and effectual in the Law, and shall henceforth have and continue to have the same Force and Effect as if this present Act had not been made: Pro-

vided

vided also, that nothing herein contained shall extend or be construed to extend to render invalid or ineffectual any Lease or Demise of any Part of the said Reserves so passed under the Great Seal of this Province as aforesaid."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Boulton,	Crooks,	Robinson,	Willson, J.—7.
Burwell,	Jones,	Vankoughnet,	

Messrs.		NAYS.	
Berczy,	Cook,	Lewis,	Randal,
Bidwell,	Duncombe,	Macdonald, A.	Roblin,
Brown,	Fraser, A.	M'Donald, D.	Samson,
Buell,	Fraser, D.	M'Neilledge,	Shade,
Campbell,	Hornor,	Merritt,	Shaver,
Chisholm,	Howard,	Morris,	White.—27.
Clark,	Ketchum,	Perry,	

The Question of Amendment was decided in the Negative by a Majority of Twenty.

On the Question for passing the Bill the Yeas and Nays were taken as follows:

Messrs.		YEAS,	
Bidwell,	Cook,	M'Donald, D.	Roblin,
Brown,	Duncombe,	M'Neilledge,	Samson,
Buell,	Hornor,	Merritt,	Shade,
Campbell,	Howard.	Perry,	Shaver,
Chisholm,	Ketchum,	Randal,	White.—22.
Clark,	Lewis,		

Messrs.		NAYS.	
Berczy,	Crooks,	Jones,	Robinson,
Boulton,	Fraser, A.	Macdonald, A.	Vankoughnet.
Burwell,	Fraser, D.	Morris,	Willson, J.—12.

The Question was carried in the Affirmative by a Majority of Ten, and the Bill was passed.

Mr. Perry, seconded by Mr. Bidwell, moves, "That the Bill be intituled 'An Act to provide for the Sale of the Clergy Reserves in this Province, for the Purposes of general Education in the same.' "

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Bidwell,	Cook,	M'Donald, D.	Roblin,
Brown,	Duncombe,	M'Neilledge,	Samson,
Buell,	Hornor,	Merritt,	Shade,
Campbell,	Howard,	Perry,	Shaver,
Chisholm,	Ketchum,	Randall,	White.—22.
Clark,	Lewis,		

Messrs.		NAYS.	
Berczy,	Fraser, A.	Macdonald, A.	Robinson.
Boulton,	Fraser, D.	Macnab,	Vankoughnet,
Burwell,	Jarvis,	Morris,	Willson, J.—14.
Crooks,	Jones,		

The Question was carried in the Affirmative by a Majority of Eight, and Messieurs Perry and Bidwell were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their Concurrence thereto.

Mr. Jarvis, seconded by Mr. Vankoughnet, moves, that Five hundred Copies of the Bill for the Sale of the Clergy Reserves, together with the Amendments moved thereto, and the Yeas and Nays taken upon the same, be printed for the Use of Members.

PART II.

Extracts from the Journals.

House of Assembly, 1833-34.

In Amendment, Mr. Perry, seconded by Mr. Howard, moves, "That 'Five hundred' be expunged from the Original, and 'One thousand' inserted."—Which was carried.

On the original Question, as amended, being put, the Yeas and Nays were taken as follows:

YEAS.

Messieurs			
Bidwell,	Cook,	Merritt,	Samson,
Boulton,	Fraser, A.	Morris,	Shade,
Buell,	Howard,	Perry,	Shaver,
Campbell,	Jarvis,	Robinson,	Vankoughnet,
Chisholm,	Lewis,	Roblin,	White.—22.
Clark,	Macdonald, A.		

NAYS.

Messieurs			
Berczy,	Crooks,	Jones,	M'Donald, D.
Brown,	Fraser, D.	Ketchum,	M'Neilledge.—9.
Burwell,			

The Question was carried in the Affirmative by a Majority of Thirteen, and ordered accordingly.

Journals of the Legislative Council.

Legislative Council, 1834.

25th *February* 1834.

His Honour the Speaker reported to the House that a Deputation from the Commons House of Assembly had brought up a Bill, intituled "An Act to provide for the Sale of the Clergy Reserves in this Province, for the Purposes of general Education in the same;" to which they requested the Concurrence of this House.

The Bill, intituled "An Act to provide for the Sale of the Clergy Reserves in this Province, for the Purposes of general Education in the same," was then read.

Journals of the House of Assembly.

House of Assembly, 1835.

16th *January* 1835.

Mr. Perry, seconded by Mr. Chisholm, moves for Leave to bring in a Bill for the Sale and leasing the Clergy Reserves in this Province for the Purposes of general Education, and that the Thirty-first Rule of this House be dispensed with, so far as relates to the said Bill.—Which was granted, and the Bill read.

On Motion of Mr. Perry, seconded by Mr. Shaver,

Ordered, that the Bill be referred to a Select Committee of Five Members, to examine and amend, and report the same to this House; and that Messrs. Perry, Morrison, Small, Chisholm, and Norton do compose said Committee.

10th *February* 1835.

Mr. Secretary Rowan brought down from his Excellency the Lieutenant Governor several Messages and Documents.

The Messages were read by the Speaker as follows:

J. COLBORNE.

The Lieutenant Governor, with reference to an Address last Session, transmits to the House of Assembly a Return of Lands set apart for Glebes, &c., Statements of Receipts and Payments of Monies arising from Sales of Clergy Reserves by the Commissioner of Crown Lands, and other Documents connected with the Arrangements authorized by His Majesty's Government for the Support of the Clergy. The Inspector General will furnish the Assembly with

any further Vouchers relative to these Accounts which may be required, and specified by the House.

Government House,
10th February 1835.

On Motion of Mr. Perry, seconded by Mr. Bruce,

Ordered, that the Message of his Excellency, and accompanying Documents of this Day, relative to the Clergy Reserves, be referred to the Committee to whom was referred the Clergy Reserve Bill.

21st *February* 1835.

Mr. Perry, from the Select Committee to which was referred the Bill for the Sale of the Clergy Reserves, informed the House that the Committee had agreed to report the Bill, as delivered to them for Examination, whenever the House would be pleased to receive the same.

The Report was received, and the Bill was ordered to be read a Second Time on Monday next.

2d *March* 1835.

Pursuant to the Order of the Day, the Bill to authorize the Sale of the Clergy Reserves was read the Second Time.

The House was put into Committee on the Bill.

Mr. Hopkins in the Chair.

The House resumed.

Mr. Hopkins reported that the Committee had gone through the Bill, amended the same, and submitted it for the Adoption of the House.

On the Question for receiving the Report, Mr. Morris, seconded by Mr. Walsh, moves that the Report be not received, but that the Bill be referred to the Consideration of a Select Committee, with Instructions to report to the House in what Manner the Clergy Reserves may be most usefully applied to the Support of Religion in this Province, by giving Aid to the various Denominations of Christians in the Maintenance of their religious Teachers, or in the Erection of Places of Worship, as the said Denominations may think proper.

On which the Yeas and Nays were taken as follows:

Messieurs	YEAS.		
M'Kay,	Robinson,	Walsh,	Wilkinson.—6.
Morris,	Tayler,		

Messieurs,	NAYS.		
Alway,	Lount,	Norton,	Small,
Bruce,	M'Crae,	Parke,	Smith,
Chisholm,	M'Donell of Stormont,	Perry,	Sol. General,
Cook,	M'Intosh,	Richardson,	Strange,
Duncombe of Oxford,	Mackenzie,	Roblin,	Thorburn,
Duncombe of Norfolk,	M'Micking,	Rykert,	Wells,
Durand,	Macnab,	Rymal,	Wilson,
Gibson,	Malloch,	Shaver,	Woolverton,
Gilchrist,	Moore,	Shibley,	Yager.—38.
Hopkins,	Morrison,		

The Question of Amendment was decided in the Negative by a Majority of Thirty-two, and the Report was received.

On the Question for the Third Reading of the Bill on Wednesday next, the Yeas and Nays being taken, were as follows:

Messieurs	YEAS.		
Alway,	Lount,	Norton,	Smith,
Bruce,	M'Crae,	Parke,	Strange,
Chisholm,	M'Donell of Stormont,	Perry,	Tayler,
Cook,	M'Intosh,	Richardson,	Thorburn,
Duncombe of Oxford,	Mackenzie,	Roblin,	Walsh,
Duncombe of Norfolk,	M'Micking,	Rykert,	Wells,
Durand,	Macnab,	Rymal,	Wilkinson,
Gibson,	Malloch,	Shaver,	Wilson,
Gilchrist,	Moore,	Shibley,	Woolverton,
Hopkins,	Morrison,	Small,	Yager.—40.

Messieurs NAYS.

M'Kay, Morris, Robinson, Sol. General.—4.

The Question was carried in the Affirmative by a Majority of Thirty-six, and the Bill was ordered to be read a Third Time on Wednesday next.

4th *March* 1835.

Pursuant to the Order of the Day, the Clergy Reserves Sale Bill was read a Third Time.

On the Question for passing the Bill,

Mr. Solicitor General, seconded by Mr. Boulton, moves, in Amendment, "That the Bill do pass this Day Three Months."—On which Debates ensued.

On the Question of the Solicitor General, That the Bill might pass this Day Three Months, the Yeas and Nays being taken, were as follows:

Messieurs YEAS.

Boulton, M'Lean, Robinson, Solicitor General.—4.

Messieurs NAYS.

Alway,	M'Crae,	Morris,	Smith,
Bruce,	M'Donell of Glengarry.	Morrison,	Strange,
Caldwell,	M'Donell of Stormont,	Norton,	Tayler,
Chisholm,	M'Intosh,	Parke,	Thorburn,
Cook,	M'Kay,	Perry,	Waters,
Duncombe of Norfolk.	Mackenzie,	Richardson,	Wells,
Durand,	M'Micking,	Roblin,	Wilkinson,
Gibson,	Malloch,	Rykert,	Wilson,
Gilchrist,	Merritt,	Rymal,	Woolverton,
Hopkins,	Moore,	Shaver,	Yager.—43.
Lount,		Shibley,	
		Small,	

The Question was decided in the Negative by a Majority of Thirty-nine.

In Amendment to the Question for passing the Bill,

Mr. Morris, seconded by Mr. Robinson, moves, "That the Bill do not now pass, but that it be referred to the Consideration of a Select Committee, with Instructions to report to the House in what Manner the Clergy Reserves may most usefully be applied to the Support of Religion by aiding the several Denominations of Christians in this Province in the Maintenance of their Religious Teachers."

On which the Yeas and Nays being taken, were as follows:

Messieurs YEAS.

M'Lean, Morris, Robinson, Tayler.—4.

Messieurs NAYS.

Alway,	Hopkins,	Moore,	Small,
Boulton,	Lount,	Morrison,	Smith,
Bruce,	M'Crae,	Norton,	Solicitor General,
Caldwell,	M'Donell of Stormont,	Parke,	Thorburn,
Chisholm,	M'Intosh,	Perry,	Waters,
Cook,	M'Kay,	Richardson,	Wells,
Duncombe of Norfolk.	Mackenzie,	Roblin,	Wilkinson,
Durand,	M'Micking,	Rykert,	Wilson,
Gibson,	Malloch,	Rymal,	Woolverton,
Gilchrist,	Merritt,	Shaver,	Yager.—41.
		Shibley,	

The Question of Amendment was decided in the Negative by a Majority of Thirty-seven.

On the Question for passing the Bill the Yeas and Nays being taken, were as follows:

Messieurs

YEAS.

Alway,	Lount,	Morrison,	Smith,
Bruce,	M'Crae,	Norton,	Strange,
Caldwell,	M'Donell of Stormont,	Parke,	Thorburn,
Chisholm,	M'Intosh,	Perry,	Waters,
Cook,	M'Kay,	Richardson,	Wells,
Duncombe of Norfolk,	Mackenzie,	Roblin,	Wilson,
Durand,	M'Micking,	Rykert,	Woolverton,
Gibson,	Malloch,	Rymal,	Yager.—39.
Gilchrist,	Merritt,	Shaver,	
Hopkins,	Moore,	Shibley,	
		Small,	

Messieurs

NAYS.

Boulton,	Morris,	Solicitor General,	Wilkinson.—7.
M'Lean,	Robinson,	Tayler,	

The Question was carried in the Affirmative by a Majority of Thirty-two, and the Bill was signed.

Mr. Perry, seconded by Mr. Morrison, moves, "That the Bill be intituled, "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

Which was carried, and Messrs. Perry and Roblin were ordered by the Speaker to carry the same up to the Honourable the Legislative Council, and to request their Concurrence thereto.

19th *March* 1835.

J. COLBORNE.

The Lieutenant Governor transmits to the House of Assembly Statements of the Receipts and Expenditure on account of the Sale of Crown Lands and Clergy Reserves for the Half Year ending the 31st December 1834.

Government House,
18th March 1835.

27th *March* 1835.

Message from the Legislative Council read:

Mr. Speaker,

The Legislative Council have passed the accompanying Resolutions on the Subject Matter of the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education;" to which they request the Concurrence of the Commons House of Assembly.

Legislative Council Chamber, 26th Day of March 1835.

JOHN B. ROBINSON,
Speaker.

Resolutions of Legislative Council on Clergy Reserve Bill.

Resolved, That His late Majesty King George the Third having been graciously pleased, by Message to both Houses of Parliament, to express His Royal Desire to be enabled to make a permanent Appropriation of Lands in this Province for the Support and Maintenance of a Protestant Clergy within the same, Provision was made for that Purpose by Parliament in the Statute passed in the Thirty-first Year of His Majesty's Reign, Chapter 31, by directing a Reservation of Lands to be made and set apart in the Proportion of all the Lands that should be granted by His Majesty in the said Province, and by declaring that all and every the Rents, Profits, or Emoluments which might at any Time arise from such Lands so allotted and appropriated as aforesaid should be applied solely to the Maintenance and Support of a Protestant Clergy within the Province, and to no other Use or Purpose whatever.

Resolved, That such Allotments and Appropriations as the Act directs having been made from Time to Time, and continuing to be set apart under the Designation of Clergy Reserves, a Claim was advanced in the Year 1821 on behalf of the Church of Scotland, to be allowed to share in those Reserves, or in the Rents, Profits, or Emoluments to be derived from them, which Claim was made and has been urged upon the Footing of a legal Claim, grounded on the Construction of the Statute, and on the Rights of the Church of Scotland, as a Church established in one Part of the United Kingdom.

Resolved, That it has been advanced by other Portions of the People of this Province, that all Protestant Denominations have a Right, in common

 with

PART II.

Extracts from the Journals.

House of Assembly, 1835.

with the Church of England, to have their Clergy supported from the Reserves in question, and that no exclusive Right can be vindicated under the Act in favour of any one or more Protestant Churches.

Resolved, That Efforts have also been made to procure a total Abolition of this Provision for the Support of Religion, by obtaining an Act of the Provincial Legislature, directing the Sale of the Reserves, and the Appropriation of the Proceeds to Purposes of general Education.

Resolved, That by these conflicting Claims and opposing Views in regard to a Subject of so great Interest and Importance the Minds of His Majesty's Subjects in this Province have for a long Period been rendered anxious and unsettled; and, in the Opinion of the Legislative Council, it is for many Reasons much to be desired that a speedy and final Settlement should take place of the Questions which have arisen upon the Effect of the Enactments referred to, and that it should be plainly, certainly, and firmly established to what specific Objects the Clergy Reserves shall be permanently applied.

Resolved, That the Legislative Council, confiding in the Wisdom and Justice of His Majesty and the Imperial Parliament, think it expedient and proper humbly to address His Majesty and both Houses of Parliament, representing that the Legislature of this Province has been unable to concur in any Measure respecting the Clergy Reserves; and earnestly requesting that the Imperial Parliament will, with as little Delay as possible, make such an Enactment on the Subject as cannot appear to leave any Reason for Doubt or Question in regard to the Objects to which the Proceeds of the Clergy Reserves are to be applied; and that, having Regard to the present Condition and future Welfare of this Colony, and maturely considering whatever has been urged or may be urged in regard to these Reserves, they will, by some Measure which shall be final and unequivocal, make such an Appropriation of them as shall appear to be most consistent with a due Regard to Religion, to the Principles of our Constitution, and to the permanent Welfare and Tranquillity of the Province.

Truly extracted from the Journal of the Legislative Council of the 26th Day of March 1835.

GRANT POWELL,
Clerk Legislative Council.

Mr. Perry, seconded by Mr. Bruce, moves, "That the Resolutions sent down to this House from the Honourable the Legislative Council, on the Subject of the Clergy Reserves, be referred to a Select Committee, with Power to send for Persons and Papers, and Leave to report thereon; and that Messrs. Roblin, M'Micking, Shaver, and Duncombe of Norfolk, do compose said Committee."

On which the Yeas and Nays being taken, were as follows:

Messrs.	YEAS.		
Alway,	Durand,	M'Micking,	Shibley,
Bruce,	Gilchrist,	Moore,	Smith,
Chisholm,	Hopkins,	Perry,	Thorburn,
Cook,	Lount,	Roblin,	Waters,
Cornwall,	M'Donell of Stormont,	Rykert,	Wells,
Duncombe of Oxford,	M'Intosh,	Rymal,	Wilson,
Duncombe of Norfolk,	Mackenzie,	Shaver,	Yager.—28.

Messrs.	NAYS.
Gowan,	Walsh.—2.

The Question was carried in the Affirmative by a Majority of Twenty-six, and ordered accordingly.

10th *April* 1835.

Mr. Perry, from the Select Committee to which were referred the Resolutions sent down from the Honourable the Legislative Counsel on the Subject of the Clergy Reserves, reported that the Committee had agreed to a Resolution which he was ready to submit whenever the House would be pleased to receive the same.

The Report was received, and the Resolution was read as follows:

Resolved,—That this House has repeatedly expressed their Opinion that the Lands appropriated for the Support and Maintenance of a Protestant

Clergy within this Province, commonly called "The Clergy Reserves," ought, for various Reasons, to be sold: That it would be unjust to apply the Monies arising from the Sale of the same, to the Benefit of One or more favoured Religious Denominations; and that it would be impracticable, and, for many Considerations, inexpedient, to distribute the Monies arising therefrom among all Denominations; and that this House has been unremitting in its Endeavours to procure the Sale of these Lands, and the Application of the Funds produced by such Sale to Objects of great Importance and Interest to the People of this Province: That, with this View, the House has heretofore repeatedly passed Bills providing for the Sale of the Clergy Reserves, and the Appropriation of the Monies arising therefrom, to the Support of Education; which Bills have been rejected, without Amendment, by the Legislative Council: That with the same View this House has repeatedly made known, by humble and dutiful Addresses to His Majesty, their Wishes and Opinions, and the Wishes and Opinions of His Majesty's faithful Subjects in this Province, on this highly important Subject; and this House take this Opportunity of declaring that these Wishes and Opinions, both on the Part of this House and of their Constituents, remain entirely unchanged: That during the Second Session of the last Parliament his Excellency the Lieutenant Governor, by Message, informed this House, that he had received His Majesty's Instructions to declare that the Representations which had at different Times been made to His Majesty and His Royal Predecessors, of the Prejudice sustained by His Majesty's faithful Subjects of this Province from the Appropriation of the Clergy Reserves, had engaged His Majesty's most attentive Consideration, and His Majesty has most graciously been pleased to invite the House of Assembly to consider how the Powers given to the Provincial Legislature, by the Constitutional Act, to vary or repeal the Provisions which it contains for the Allotment and Appropriation of the Clergy Reserves, could be most advantageously exercised for the Spiritual and Temporal Interests of his faithful Subjects in this Province: That this House, in compliance with His Majesty's Wishes, thus graciously expressed, and with the strong and well known Desires of His Majesty's faithful Subjects in this Province, has passed a Bill, during the present Session, to provide for the Sale of the Clergy Reserves, and to apply the Monies arising from such Sale to the Support of Education: That the Legislative Council has not passed the said Bill, has not amended it, and has not passed any other Bill on that Subject: That, under these Circumstances, this House cannot but express the extreme Astonishment with which it has received the Representations of the Legislative Council, that the Legislature of this Province has been unable to concur in any Measure respecting the Clergy Reserves; and although this House has little Expectation that the Legislative Council, as now constituted, will comply with the Wishes of the People of the Province, yet it feels bound to declare that this House is, and always has been, ready and anxious to concur in any just and reasonable Measure whatever, by which the Clergy Reserves could be applied to such useful Purposes as would be most advantageous to His Majesty's faithful People in this Province, and most conformable to their well-known Wishes: That this House cannot but express its confident Hopes that His Majesty will not be induced by any Representation, whether secret or open, to depart from the gracious Intentions which he has been pleased to intimate of complying with the earnest and repeated Solicitations of His Majesty's faithful Subjects in this Province on that Subject; that this Resolution be laid before his Excellency the Lieutenant Governor; and that his Excellency be requested to transmit the same to the Secretary for the Colonies, and call the early Attention of His Majesty's Government to the Importance of the same, to the Interest, Peace, Welfare, Prosperity, and Happiness of His Majesty's faithful People of this Province.

On Motion of Mr. Perry, seconded by Mr. Chisholm,
Ordered, That the Resolution be engrossed, and read again To-morrow.

11th *April* 1835.

Pursuant to the Order of the Day, the Resolution in relation to the future Disposition of the Clergy Reserves was read a Second Time.

 On

On the Question for adopting the same, the Yeas and Nays were taken as follows:

YEAS.

Messieurs			
Alway,	Gilchrist,	Parke,	Smith,
Bruce,	M'Intosh,	Perry,	Waters,
Chisholm,	M'Micking,	Roblin,	Wells,
Cook,	Malloch,	Rymal,	Wilson,
Duncombe of Norfolk,	Moore,	Shaver,	Woolverton,
Durand,	Morrison,	Shibley,	Yager.—24.

NAYS.

Messieurs			
Brown,	M'Lean,	Strange,	Walsh,
Caldwell,	Morris,	Tayler,	Wilkinson.—10.
M'Donnell of Glengary.	Robinson,		

The Question was carried in the Affirmative by a Majority of Fourteen, and the Resolution was adopted as follows:—

Resolved,—That this House has repeatedly expressed their Opinion, that the Lands appropriated for the Support and Maintenance of a Protestant Clergy within this Province, commonly called "The Clergy Reserves," ought, for various Reasons, to be sold: That it would be unjust to apply the Monies arising from the Sale of the same to the Benefit of one or more favoured Religious Denominations, and that it would be impracticable, and, from many Considerations, inexpedient, to distribute the Monies arising therefrom among all Denominations; and that this House has been unremitting in its Endeavours to procure the Sale of these Lands, and the Application of the Funds produced by such Sale to Objects of great Importance and Interest to the People of this Province: That with this view the House has heretofore repeatedly passed Bills providing for the Sale of the Clergy Reserves, and the Appropriation of the Monies arising therefrom to the Support of Education; which Bills have been rejected without Amendment by the Legislative Council: That with the same view this House has repeatedly made known, by humble and dutiful Addresses to His Majesty, its Wishes and Opinions, and the Wishes and Opinions of His Majesty's faithful Subjects in this Province on this highly important Subject; and this House takes this Opportunity of declaring that these Wishes and Opinions, both on the Part of this House and of its Constituents, remain entirely unchanged: That during the Second Session of the last Parliament his Excellency the Lieutenant-Governor, by Message, informed this House that he had received His Majesty's Instructions to declare that the Representations which had at different Times been made to His Majesty and His Royal Predecessors, of the Prejudice sustained by His Majesty's faithful Subjects of this Province from the Appropriation of the Clergy Reserves, had engaged His Majesty's most attentive Consideration, and His Majesty has most graciously been pleased to invite the House of Assembly to consider how the Powers given to the Provincial Legislature by the Constitutional Act to vary or repeal the Provisions which it contains for the Allotment and Appropriation of the Clergy Reserves could be most advantageously exercised for the Spiritual and Temporal Interests of His faithful Subjects in this Province. That this House, in compliance with His Majesty's Wishes thus graciously expressed, and with the strong and well-known Desires of His Majesty's faithful Subjects in this Province, has passed a Bill, during the present Session, to provide for the Sale of the Clergy Reserves, and to apply the Monies arising from such Sale to the Support of Education: That the Legislative Council has not passed the said Bill, has not amended it, and has not passed any other Bill on that Subject: That under these Circumstances this House cannot but express the extreme Astonishment with which it has received the Representations of the Legislative Council, that the Legislature of this Province has been unable to concur in any Measure respecting the Clergy Reserves; and although this House has little Expectation that the Legislative Council, as now constituted, will comply with the Wishes of the People of the Province, yet it feels bound to declare that this House is, and always has been, ready and anxious to concur in any just and reasonable Measure whatever, by which the Clergy Reserves could be applied to such useful Purposes as would be most advantageous to His Majesty's faithful People in this Province, and most conformable to their well-known Wishes: That this House cannot but express its confident Hopes that His Majesty

Majesty will not be induced by any Representation, whether secret or open, to depart from the gracious Intentions which he has been pleased to intimate of complying with the earnest and repeated Solicitations of His Majesty's faithful Subjects in this Province on that Subject: That this Resolution be laid before his Excellency the Lieutenant-Governor, and that his Excellency be requested to transmit the same to the Secretary for the Colonies, and call the early Attention of His Majesty's Government to the Importance of the same, to the Interest, Peace, Welfare, Prosperity, and Happiness of His Majesty's faithful People of this Province.

On Motion of Mr. Shaver, seconded by Mr. Roblin,

Ordered, That Messrs. Duncombe of Norfolk and Perry be a Committee to wait on his Excellency with the Resolution and present the same.

15th *April* 1835.

Mr. Perry, from the Select Committee to wait on his Excellency the Lieutenant Governor with the Address of this House requesting his Excellency to transmit to His Majesty's Government Copy of a Resolution passed by this House in relation to the Clergy Reserves, reported delivering the same, and that his Excellency had been pleased to say that he would transmit the Resolution.

Journals of the Legislative Council.

Legislative Council, 1835.

9th *March* 1835.

His Honour the Speaker reported to the House, That a Deputation from the Commons House of Assembly had brought up a Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," to which they requested the Concurrence of this House.

The Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," was read.

And it was Ordered, That the same be read a Second Time on Monday next, and that in the meantime it be printed for the Use of Members; and Ordered, That the Members in Town be summoned to attend in their Places on that Day.

16th *March* 1835.

Pursuant to the Order of the Day, the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," was read a Second Time;

And it was Ordered, That it be referred to a Select Committee, with Power to send for Persons and Papers, and to report thereon by Amendment or otherwise; and Ordered, That the Honourable Mr. Clark, the Honourable and Venerable the Archdeacon of York, and the Honourable Messieurs Markland, Elmsley, and Crooks, do compose the same for that Purpose.

20th *March* 1835.

The Honourable Mr. Markland, from the Select Committee to whom was referred the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," presented their Report.

Ordered, That it be received;

And the same was read by the Clerk as follows:—

The Select Committee appointed to report upon the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," have taken the same into consideration, and concur in not recommending it to your Honourable House, but have agreed upon certain Resolutions which they beg leave to offer for its Adoption.

Resolved, That His late Majesty King George the Third, having been graciously pleased, by Message to both Houses of Parliament, to express His Royal Desire to be enabled to make a permanent Appropriation of Lands in this Province, for the Support and Maintenance of a Protestant Clergy within the same, Provision was made for that Purpose by Parliament in the Statute passed in the 31st Year of His Majesty's Reign, Cap. 31, by directing a Reser-

vation of Lands to be made and set apart in the Proportion of all the Lands that should be granted by His Majesty in the said Province, and by declaring that all and every the Rents, Profits, or Emoluments which might at any Time arise from such Lands so allotted and appropriated as aforesaid should be applied solely to the Maintenance and Support of a Protestant Clergy within the Province, and to no other Use or Purpose whatever.

Resolved, That such Allotments and Appropriations as the Act directs having been made from Time to Time, and continuing to be set apart, under the Designation of Clergy Reserves, a Claim was advanced in the Year 1821, on behalf of the Church of Scotland, to be allowed to share in those Reserves, or in the Rents, Profits, or Emoluments to be derived from them, which Claim was made and has been urged upon the Footing of a legal Claim, grounded on the Construction of the Statute, and on the Rights of the Church of Scotland, as a Church established in one Part of the United Kingdom.

Resolved, That it has been advanced by other Portions of the People of this Province, that all Protestant Denominatians have a Right, in common with the Church of England, to have their Clergy supported from the Reserves in question, and that no exclusive Right can be vindicated under the Act in favour of any One or more Protestant Churches.

Resolved, That Efforts have also been made to procure a total Abolition of this Provision for the Support of Religion, by obtaining an Act of the Provincial Legislature directing the Sale of the Reserves, and the Appropriation of the Proceeds to the Purposes of general Education.

Resolved, That by these conflicting Claims and opposing Views in regard to a Subject of so great Interest and Importance, the Minds of His Majesty's Subjects in this Province have for a long Period been rendered anxious and unsettled, and, in the Opinion of the Legislative Council, it is for many Reasons much to be desired that a speedy and final Settlement should take place of the Questions which have arisen upon the Effect of the Enactments referred to, and that it should be plainly, certainly, and firmly established to what specific Objects the Clergy Reserves shall be permanently applied.

Resolved, That the Legislative Council, confiding in the Wisdom and Justice of His Majesty and the Imperial Parliament, think it expedient and proper humbly to address His Majesty and both Houses of Parliament, representing that the Legislature of this Province has been unable to concur in any Measure respecting the Clergy Reserves; and earnestly requesting that the Imperial Parliament will, with as little Delay as possible, make such an Enactment on the Subject as cannot appear to leave any Room for Doubt or Question in regard to the Objects to which the Proceeds of the Clergy Reserves are to be applied, and that, having regard to the present Condition and future Welfare of this Colony, and maturely considering whatever has been urged or may be urged in regard to these Reserves, they will, by some Measure which shall be final and unequivocal, make such an Appropriation of them as shall appear to be most consistent with a due Regard to Religion, to the Principles of our Constitution, and to the permanent Welfare and Tranquillity of the Province.

Ordered, That the last-mentioned Bill, and the Report of the Select Committee thereon, be referred to a Committee of the Whole House on Thursday next; and, Ordered, That the Members in Town be summoned to attend in their Places on that Day.

26th *March* 1835.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole upon the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," and the Report of the Select Committee thereon.

The Honourable Mr. Markland took the Chair.

After some Time the House resumed.

The Chairman reported, That the Committee had taken the said Bill, and the Report of the Select Committee thereon, into consideration, and recommended the Series of Resolutions therein referred to, together with a further Resolution, to the Adoption of the House.—Ordered that it be received;

And the said Resolutions were then read by the Clerk as follows:

Resolved, That His late Majesty King George the Third having been graciously pleased, by Message to both Houses of Parliament, to express His

Royal

Royal Desire to be enabled to make a permanent Appropriation of Lands in this Province for the Support and Maintenance of a Protestant Clergy within the same, Provision was made for that Purpose by Parliament in the Statute passed in the 31st Year of His Majesty's Reign, Chap. 31., by directing a Reservation of Lands to be made and set apart in the Proportion of all the Lands that should be granted by His Majesty in the said Province, and by declaring that all and every the Rents, Profits, or Emoluments which might at any Time arise from such Lands so allotted and appropriated as aforesaid should be applied solely to the Maintenance and Support of a Protestant Clergy within the Province, and to no other Use or Purpose whatever.

Resolved, That such Allotments and Appropriations as the Act directs having been made from Time to Time, and continuing to be set apart, under the Designation of Clergy Reserves, a Claim was advanced in the Year 1821, on behalf the Church of Scotland, to be allowed to share in those Reserves, or in the Rents, Profits, or Emoluments to be derived from them, which Claim was made and has been urged upon the Footing of a legal Claim, grounded on the Construction of the Statute, and on the Rights of the Church of Scotland, as a Church established in one Part of the United Kingdom.

Resolved, That it has been advanced by other Portions of the People of this Province that all Protestant Denominations have a Right, in common with the Church of England, to have their Clergy supported from the Reserves in question, and that no exclusive Right can be vindicated under the Act in favour of any One or more Protestant Churches.

Resolved, That Efforts have also been made to procure a total Abolition of this Provision for the Support of Religion, by obtaining an Act of the Provincial Legislature directing the Sale of the Reserves, and the Appropriation of the Proceeds to Purposes of general Education.

Resolved, That by these conflicting Claims and opposing Views, in regard to a Subject of so great Interest and Importance, the Minds of His Majesty's Subjects in this Province have for a long Period been rendered anxious and unsettled, and in the Opinion of the Legislative Council it is for many Reasons much to be desired that a speedy and final Settlement should take place of the Questions which have arisen upon the Effect of the Enactments referred to, and that it should be plainly, certainly, and firmly established to what specific Objects the Clergy Reserves shall be permanently applied.

Resolved, That the Legislative Council, confiding in the Wisdom and Justice of His Majesty and the Imperial Parliament, think it expedient and proper humbly to address His Majesty and both Houses of Parliament, representing that the Legislature of this Province has been unable to concur in any Measure respecting the Clergy Reserves; and earnestly requesting that the Imperial Parliament will, with as little Delay as possible, make such an Enactment on the Subject as cannot appear to leave any Room for Doubt or Question in regard to the Objects to which the Proceeds of the Clergy Reserves are to be applied, and that, having regard to the present Condition and future Welfare of this Colony, and maturely considering whatever has been urged or may be urged in regard to these Reserves, they will, by some Measure, which shall be final and unequivocal, make such an Appropriation of them as shall appear to be most consistent with a due Regard to Religion, to the Principles of our Constitution, and to the permanent Welfare and Tranquillity of the Province.

Resolved, That it is the Opinion of this Committee that the same Select Committee to whom was referred the Bill sent up from the Assembly, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," be instructed to report upon the Principles and Details of the Bill, and also upon the Provision made by Law for the Support of Religion in this Province, as well as upon the Questions which have arisen respecting it, and the Measures which have been taken in England and in this Country in relation to the same.

The said Resolutions being read a Second Time, and the Question of Concurrence put on each, they were severally agreed to by the House;

And it was Ordered, That a Copy of the first Six Resolutions be sent to the Commons House of Assembly, by the Master in Chancery, for their Concurrence.

4th *April* 1835.

The Honourable and Venerable the Archdeacon of York, from the Select Committee to whom was again referred the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," presented their further Report.

Ordered that it be received; and,

The same was then read by the Clerk.*

8th *April* 1835.

The Order of the Day being read for the House to be put into a Committee of the Whole upon the further Report of the Select Committee to whom was referred the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education,"

It was Ordered to be discharged, and that the same do stand upon the Order of the Day for To-morrow.

9th *April* 1835.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole upon the further Report of the Select Committee to whom was referred the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

The Honourable Mr. Allan took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

The House was then again put into a Committee of the Whole upon the further Report of the Select Committee to whom was referred the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

The Honourable Mr. Allan took the Chair.

After some Time the House was resumed.

The Chairman reported that the Committee had gone through the said Report of the Select Committee, and recommended the same to the Adoption of the House.

Ordered, that the Report be received;

And, Ordered, that it be referred (together with the Resolutions on the same Subject) to the same Select Committee, with Instructions to frame an Address to the King and the Two Houses of the Imperial Parliament thereon.

13th *April* 1835.

The Honourable Mr. Clark, from the Select Committee appointed to prepare an Address to His Majesty, on the Subject Matter of the Appropriation of the Clergy Reserves in this Province, reported a Draft thereof, which he read in his Place.

Ordered, that the Report be received;

And the Draft was then again read by the Clerk;

And it was Ordered, that the House be put into a Committee of the Whole presently, to take the said Address into Consideration.

The House was then put into a Committee of the Whole accordingly.

The Honourable Mr. Clark took the Chair.

After some Time the House was resumed.

* For Report, vide Part I., Clergy Reserves Papers, p. 78.

The Chairman reported that the Committee had gone through the said Address, and recommended the same without Amendment to the Adoption of the House.

Ordered, that the Report be received;

And, Ordered, that the said Address be ingrossed, and the same read a Third Time on Monday next.

Pursuant to the Order of the Day, the Address to the King on the Subject Matter of the Appropriation of the Clergy Reserves in this Province, was read a Third Time and passed,

Whereupon the Speaker signed the same.*

Ordered, that an Address be presented to his Excellency the Lieutenant Governor, in the following Words:—

To his Excellency Sir John Colborne, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

The Legislative Council have passed an humble Address to His Majesty, on the Subject of the Clergy Reserves in this Province, which they pray your Excellency will be pleased to transmit, together with the accompanying Documents, to His Majesty's Principal Secretary of State for the Colonies, to be by him laid at the Foot of the Throne.

Ordered, that the Honourable Messieurs Dickson and Crookshank be a Committee to wait upon the Lieutenant Governor to know when his Excellency would be pleased to receive this House with the Address to the King.

On Motion made and seconded, it was

Ordered, that One thousand Copies of the Resolutions, as also the Report of the Select Committee, with the Appendix and the Address to His Majesty, on the Subject Matter of the Appropriation of the Clergy Reserves in this Province, be printed in a Pamphlet Form.

14th *April* 1835.

The Honourable Mr. Dickson, from the Committee appointed to wait upon the Lieutenant Governor to know when his Excellency would be pleased to receive this House with their Address to the King on the Subject Matter of the Appropriation of the Clergy Reserves in this Province, reported that they had done so, and that his Excellency had been pleased to name this Day, at the Hour of Twelve of the Clock at Noon, for receiving the same.

At the Time appointed the Legislative Council proceeded to the Government House with their Address to the King on the Subject Matter of the Appropriation of the Clergy Reserves in this Province; and being returned,

His Honour the Speaker reported, that his Excellency had been pleased to receive the Address of this House to the King, and to reply thereto as follows:

Gentlemen,

I will take an early Opportunity of transmitting to the Secretary of State for the Colonies this Address to the King on the important Subject of the Clergy Reserves, to be laid before His Majesty.

* For Address to the King, vide Part I., Clergy Reserves Papers, p. 77.

PART II.

Extracts from the Journals.

House of Assembly, 1836.

Journals of the House of Assembly.

29th *January* 1836.

Pursuant to Notice, Mr. Perry, seconded by Mr. C. Duncombe, moves for Leave to bring in a Bill for the Sale of the Clergy Reserves in this Province for the Purposes of Education; which was granted, and the Bill read.

Ordered, that the Clergy Reserve Sale Bill be read a Second Time To-morrow.

20th *February* 1836.

Pursuant to the Order of the Day, the Clergy Reserve Bill was read a Second Time.

On the Question for the House to go into Committee of the Whole on the Bill:

In Amendment, Mr. Perry, seconded by Mr. Roblin, moves, "That the House do go into Committee on the Bill on Monday next, and that it be the first Item on the Order of the Day for that Day;" which was carried.

22d *February* 1836.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Clergy Reserve Sale Bill.

Mr. M'Crae in the Chair.

The House resumed.

Mr. M'Crae reported, that the Committee had gone through the several Clauses of the Bill, amended the same, and submitted it for the Adoption of the House.

On the Question for receiving the Report,

Mr. Solicitor General, seconded by Mr. M'Lean, moves that the Report be not now received, but that it be

Resolved, That whereas the Right Honourable the Secretary of State for the Colonies having, in his Despatch of the 5th December last addressed to his Excellency Sir Francis Bond Head, intimated that His Majesty would consider the constitutional Objections to the Interposition of the Imperial Parliament in the long-agitated Question of the Clergy Reserves at an End, if both Branches of the Legislature should unite in Application to that Body to interpose its paramount Authority: And whereas all Efforts heretofore made by the Legislative Council and House of Assembly to concur in a Measure acceptable to both on this important Subject have been ineffectual; and as there is no reason to suppose that the Differences that exist between the Council and Assembly will be reconciled, it is therefore expedient to pray for the Mediation of our Gracious Sovereign, and dutifully to express our Desire that He will be pleased to recommend to the Imperial Parliament to take the Matter into its Consideration, and to enact such Laws with respect to the future Appropriation and Management of the Clergy Reserves in this Province as shall in its Wisdom be thought most conducive to the Peace and Welfare, Moral and Religious Instruction of the People in this Province.

On which the Yeas and Nays, being taken, were as follows:

Messrs.		YEAS.	
Boulton,	M'Lean,	Robinson,	Sol. General—4.

Messrs.		NAYS.	
Bruce,	Gilchrist,	Moore,	Shibley,
Chesser,	Hopkins,	Morrison,	Smith,
Chisholm,	Lount,	Norton,	Thorburn,
Cook,	M'Donell, Glengarry,	Parke,	Walsh,
Duncombe, Oxford,	M'Donell, Stormont,	Perry,	Waters,
Duncombe, Norfolk,	M'Intosh,	Roblin,	Wilson,
Durand,	Mackenzie,	Rykert,	Woolverton,
Dunlop,	M'Micking,	Rymal,	Yager — 35.
Gibson,	Malloch,	Shaver,	

The Question was decided in the Negative by a Majority of Thirty-one, and the Report was received.

On

On the Question for the Third Reading of the Bill on Wednesday next, the Yeas and Nays were taken as follows:

Messrs.

YEAS.

Bruce,	Gilchrist,	Moore,	Shaver,
Chesser,	Hopkins,	Morrison,	Shibley,
Chisholm,	Lount,	Norton,	Smith,
Cook,	M'Donell, Stormont,	Parke,	Thorburn,
Duncombe, Oxford,	M'Intosh,	Perry,	Waters,
Duncombe, Norfolk,	Mackenzie,	Roblin,	Wilson,
Durand,	M'Micking,	Rykert,	Woolverton,
Dunlop,	Malloch,	Rymal,	Yager — 33.
Gibson,			

Messrs.

NAYS.

Boulton,	Robinson,	Solicitor General,	Walsh — 5.
M'Lean,			

The Question was carried in the Affirmative by a Majority of Twenty-eight; and ordered accordingly.

24th *February* 1836.

Pursuant to the Order of the Day, the Clergy Reserve Sale Bill was read the Third Time.

On the Question for passing the Bill, the Yeas and Nays being taken, were as follows:

Messrs.

YEAS.

Bruce,	Hopkins,	Mackenzie,	Small,
Chesser,	Lewis,	Morrison,	Smith,
Chisholm,	Lount,	Norton,	Strange,
Cornwall,	M'Crae,	Parke,	Waters,
Duncombe, Norfolk,	M'Donell, Glengarry,	Perry,	Wells,
Durand,	M'Donell, Stormont,	Roblin,	Wilson,
Dunlop,	M'Donell, Northumb.	Rykert,	Woolverton,
Gibson,	M'Intosh,	Shaver,	Yager—35.
Gilchrist,	M'Kay,	Shibley,	

Messrs.

NAYS.

Boulton,	Robinson,	Solicitor General,	Wilkinson—5.
M'Lean,			

The Question was carried in the Affirmative by a Majority of Thirty.

Mr. Perry, seconded by Mr. Lount, moves, "That the Bill be intituled 'An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education,'" which was carried; and Messrs. Perry and Lount were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their Concurrence thereto.

7th *March* 1836.

F. B. HEAD,

The Lieutenant Governor transmits to the House of Assembly the accompanying Copy of a Despatch* from His Majesty's Secretary of State for the Colonies with reference to a Resolution† of the Assembly at the last Session, on the Subject of the Clergy Reserves.

Government House,
7th March 1836.

22d *March* 1836.

Mr. Speaker reported, That the Master in Chancery had brought down from the Honourable the Legislative Council the Bill sent up from this House, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," which that Honourable House had passed, with some Amendments, to which the Concurrence of this House was requested.

* For Despatch, vide Clergy Reserves Papers, 1840, Part I., p. 113.
† For Resolution, vide Clergy Reserves Papers, Part I., p. 103.

 The

The Amendments made by the Honourable the Legislative Council in and to the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," were read the First Time, as follows:

"Amendments made by the Legislative Council in and to the Bill sent up from the Commons House of Assembly, intituled 'An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education.'

"In the Title:—After 'Act' expunge the Remainder, and insert 'to repeal Part of an Act passed in the Parliament of Great Britain, intituled 'An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the Province, and to vest certain Lands therein mentioned in His Majesty, to be applied for the Maintenance of Public Worship and the Support of Religion within this Province.'

"Press 1. Line 1. After 'Whereas' expunge the Remainder of the Bill, and insert 'in and by an Act of the Parliament of Great Britain passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled 'An Act to repeal certain Parts of an Act passed in the Parliament of Great Britain, intituled 'An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province,' it is among other things recited and declared, that His said late Majesty had been graciously pleased, by Message to both Houses of Parliament, to express His Royal Desire to be enabled to make a permanent Appropriation of Lands in the said Provinces for the Support and Maintenance of a Protestant Clergy within the same, in proportion to such Lands as had been already granted within the same by His Majesty; and further, that such Provision might be made with respect to all future Grants of Land within the said Provinces respectively as might best conduce to the due and sufficient Support and Maintenance of a Protestant Clergy within the said Provinces, in proportion to such Increase as should happen in the Population and Cultivation thereof: And whereas, for the Purpose of more effectually fulfilling His said Majesty's gracious Intentions as aforesaid, and of providing for the due Execution of the same in all Time to come, certain Provisions were made in and by the said Act respecting the Support and Maintenance of a Protestant Clergy within the said Provinces, which Provisions are contained in the Thirty-fifth, Thirty-sixth, Thirty-seventh, Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, and Forty-second Clauses of the said Statute passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, and are in the Words following; that is to say,

"35. And whereas by the above-mentioned Act passed in the Fourteenth Year of the Reign of His present Majesty it was declared, that the Clergy of the Church of Rome in the Province of Quebec might hold, receive, and enjoy their accustomed Dues and Rights with respect to such Persons only as should profess the said Religion; provided nevertheless, that it should be lawful for His Majesty, His Heirs or Successors, to make such Provision, out of the rest of the said accustomed Dues and Rights, for the Encouragement of the Protestant Religion, and for the Maintenance and Support of a Protestant Clergy within the said Province, as He or they should from Time to Time think necessary and expedient: And whereas by His Majesty's Royal Instructions, given under His Majesty's Royal Sign Manual on the Third Day of January in the Year of our Lord One thousand seven hundred and seventy-five, to Guy Carleton, Esquire, now Lord Dorchester, at that Time His Majesty's Captain General and Governor in Chief in and over His Majesty's Province of Quebec, His Majesty was pleased, amongst other things, to direct 'that no Incumbent professing the Religion of the Church of Rome, appointed to any Parish in the said Province, should be entitled to receive any Tithes for Lands or Possessions occupied by a Protestant, but that such Tithes should be received by such Persons as the said Guy Carleton, Esquire, His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province of

Quebec,

Quebec, should appoint, and should be reserved in the Hands of His Majesty's Receiver General of the said Province, for the Support of a Protestant Clergy in His Majesty's said Province, to be actually resident within the same, and not otherwise, according to such Directions as the said Guy Carlton, Esquire, His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province, should receive from His Majesty in that Behalf; and that in like Manner all growing Rents and Profits of a vacant Benefice should during such Vacancy, be reserved for and applied to the like Uses: And whereas His Majesty's Pleasure has likewise been signified to the same Effect in His Majesty's Royal Instructions given in like Manner to Sir Frederick Haldimand, Knight of the Most Honourable Order of the Bath, late His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province of Quebec; and also in His Majesty's Royal Instructions given in like Manner to the said Right Honourable Guy Lord Dorchester, now His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province of Quebec; be it enacted by the Authority aforesaid, That the said Declaration and Provision contained in the said above-mentioned Acts, and also the said Provision so made by His Majesty in consequence thereof, by His Instructions above recited, shall remain and continue to be of full Force and Effect in each of the said Two Provinces of Upper Canada and Lower Canada respectively, except in so far as the said Declaration or Provisions respectively, or any Part thereof, shall be expressly varied or repealed by any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, under the Restriction herein-after provided.

36. "And whereas His Majesty has been graciously pleased, by Message to both Houses of Parliament, to express His Royal Desire to be enabled to make a permanent Appropriation of Lands in the said Provinces for the Support and Maintenance of a Protestant Clergy within the same, in proportion to such Lands as have been already granted within the same by His Majesty: And whereas His Majesty has been graciously pleased by His said Message further to signify His Royal Desire that such Provision may be made with respect to all future Grants of Land within the said Provinces respectively as may best conduce to the due and sufficient Support and Maintenance of a Protestant Clergy within the said Provinces, in proportion to such Increase as may happen in the Population and Cultivation thereof; therefore, for the Purpose of more effectually fulfilling His Majesty's gracious Intentions as aforesaid, and of providing for the due Execution of the same in all Time to come, be it enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, to make, from and out of the Lands of the Crown within such Provinces, such Allotment and Appropriation of Lands for the Support and Maintenance of a Protestant Clergy within the same, as may bear a due Proportion to the Amount of such Lands within the same as have at any Time been granted by or under the Authority of His Majesty; and that whenever any Grant of Lands within either of the said Provinces shall hereafter be made by or under the Authority of His Majesty, His Heirs or Successors, there shall at the same Time be made in respect of the same a proportionable Allotment and Appropriation of Lands for the above-mentioned Purpose within the Township or Parish to which such Lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as Circumstances will admit; and that no such Grant shall be valid or effectual unless the same shall contain a Specification of the Lands so allotted and appropriated in respect of the Lands to be thereby granted; and that such Lands so allotted and appropriated shall be, as nearly as the Circumstances and Nature of the Case will admit, of the like Quality as the Lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the Time of making such Grant, equal in Value to the Seventh Part of the Lands so granted.

37. "And be it further enacted by the Authority aforesaid, That all and every the Rents, Profits, or Emoluments which may at any Time arise from such Lands so allotted and appropriated as aforesaid shall be applicable solely to

to the Maintenance and Support of a Protestant Clergy within the Province in which the same shall be situated, and to no other Use or Purpose whatever.

38. " And be it further enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, from Time to Time, with the Advice of such Executive Council as shall have been appointed by His Majesty, His Heirs or Successors, within such Province, for the Affairs thereof, to constitute and erect, within every Township or Parish which now is or hereafter may be formed, constituted, or erected within such Province, One or more Parsonage or Rectory, or Parsonages or Rectories, according to the Establishment of the Church of England; and from Time to Time, by an Instrument under the Great Seal of such Province, to endow every such Parsonage or Rectory with so much or such a Part of the Lands so allotted and appropriated as aforesaid in respect of any Lands within such Township or Parish which shall have been granted subsequent to the Commencement of this Act, or of such Lands as may have been allotted and appropriated for the same Purpose by or in virtue of any Instruction which may be given by His Majesty in respect of any Lands granted by His Majesty before the Commencement of this Act, as such Governor, Lieutenant Governor, or Person administering the Government shall, with the Advice of the said Executive Council, judge to be expedient under the then existing Circumstances of such Township or Parish.

39. " And be it further enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor, Lieutenant Governor, or Person administering the Government of each of the said Provinces respectively, to present to every such Parsonage or Rectory an Incumbent or Minister of the Church of England who shall have been duly ordained according to the Rites of the said Church, and to supply from Time to Time such Vacancies as may happen therein; and that every Person so presented to any such Parsonage or Rectory shall hold and enjoy the same, and all Rights, Profits, and Emoluments thereunto belonging or granted, as fully and amply, and in the same Manner, and on the same Terms and Conditions, and liable to the Performance of the same Duties, as the Incumbent of a Parsonage or Rectory in England.

40. " Provided always, and be it further enacted by the Authority aforesaid, That every such Presentation of an Incumbent or Minister to any such Parsonage or Rectory, and also the Enjoyment of any such Parsonage or Rectory, and of the Rights, Profits, and Emoluments thereof, by any such Incumbent or Minister, shall be subject and liable to all Rights of Institution, and all other Spiritual and Ecclesiastical Jurisdiction and Authority, which have been lawfully granted by His Majesty's Royal Letters Patent to the Bishop of Nova Scotia, or which may hereafter, by His Majesty's Royal Authority, be lawfully granted or appointed to be administered and executed within the said Provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other Person or Persons, according to the Laws and Canons of the Church of England which are lawfully made and received in England.

41. " Provided always, and be it further enacted by the Authority aforesaid, That the several Provisions herein-before contained respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces, and also respecting the constituting, erecting, and endowing Parsonages or Rectories within the said Provinces; and also respecting the Presentation of Incumbents or Ministers to the same; and also respecting the Manner in which such Incumbents or Ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express Provisions for that Purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, under the Restriction herein-after provided.

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

in

in the said Act passed in the Fourteenth Year of the Reign of His present Majesty; or to vary or repeal the above recited Provision contained in His Majesty's Royal Instructions given on the Third Day of January in the Year of our Lord One thousand seven hundred and seventy-five, to the said Guy Carleton, Esquire, now Lord Dorchester; or to vary or repeal the Provisions herein-before contained for continuing the Force and Effect of the said Declaration and Provisions; or to vary or repeal any of the several Provisions herein-before contained respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces, or respecting the constituting, erecting, or endowing Parsonages or Rectories within the said Provinces, or respecting the Presentation of Incumbents or Ministers to the same, or respecting the Manner in which such Incumbents or Ministers shall hold and enjoy the same; and also that whenever any Act or Acts shall be so passed, containing any Provisions which shall in any Manner relate to or affect the Enjoyment or Exercise of any Religious Form or Mode of Worship, or shall impose or create any Penalties, Burdens, Disabilities, or Disqualifications in respect of the same; or shall in any Manner relate to or affect the Payment, Recovery, or Enjoyment of any of the accustomed Dues or Rights herein-before mentioned; or shall in any Manner relate to the granting, imposing, or recovering any other Dues, or Stipends, or Emoluments whatever, to be paid to or for the Use of any Minister, Priest, Ecclesiastic, or Teacher, according to any Religious Form or Mode of Worship in respect of his said Office or Function, or shall in any Manner relate to or affect the Establishment or Discipline of the Church of England, amongst the Ministers and Members thereof within the said Provinces; or shall in any Manner relate to or affect the King's Prerogative touching the granting of Waste Lands of the Crown within the said Provinces; every such Act or Acts shall, previous to any Declaration or Signification of the King's Assent thereto, be laid before both Houses of Parliament in Great Britain; and that it shall not be lawful for His Majesty, His Heirs or Successors, to signify His or their Assent to any such Act or Acts until Thirty Days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts in case either House of Parliament shall within the said Thirty Days address His Majesty, His Heirs or Successors, to withhold his or their Assent from such Act or Acts; and that no such Act shall be valid or effectual to any of the said Purposes, within either of the said Provinces, unless the Legislative Council and Assembly of such Province shall, in the Session in which the same shall have been passed by them, have presented to the Governor, Lieutenant Governor, or Person administering the Government of such Province, an Address or Addresses, specifying that such Act contains Provisions for some of the said Purposes herein-before specially described, and desiring that, in order to give Effect to the same, such Act should be transmitted to England without Delay for the Purpose of being laid before Parliament previous to the Signification of His Majesty's Assent thereto.

"And whereas, since the passing of the said Act, divers Allotments and Appropriations of Land have been made within the Province of Upper Canada, in pursuance of the aforesaid Provisions for the Support and Maintenance of a Protestant Clergy, which Allotments are commonly known by the Name of Clergy Reserves, and have been made in the Proportion of One Seventh of the Lands granted or to be granted within the said Province: And whereas, of these Allotments of Land, some Portions have been demised by His said late Majesty, or His Successors, for Term of Years, and other Portions have been from Time to Time sold under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, intituled "An Act to authorize the Sale of a Part of the Clergy Reserves in the Provinces of Upper and Lower Canada," under the Provisions of which Act the Monies accruing from such Lands sold are to be appropriated, applied, and disposed of for the Purposes for which the said Lands were so reserved as aforesaid, and for no other Purpose whatsoever, and the Residue of the said Allotments or Reserves, not being leased or otherwise disposed of, continue vested in the Crown, subject to the Provisions of the Act first herein recited:

"And whereas Doubts have arisen respecting the proper legal Construction of the said Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, and it has been made a Question to what Sects or

 Denomi-

Denominations of Protestants the Term "Protestant Clergy," used in the said Act, was intended to be applicable, and what Clergy can of Right claim to participate, or can be legally admitted to participate, in the Advantages of the said Allotments or Reserves:

"And whereas the Continuance of such Doubts, and the Controversies to which they have given rise, are in a high Degree prejudicial to the Peace and good Government of this Province, and unfavourable to the Spiritual and Temporal Interests of the People thereof, and it is expedient to put an end to such Doubts and Controversies by enabling His Majesty, His Heirs or Successors, to dispose of the said Allotments or Appropriations of Land, and of the Monies which have accrued or may hereafter accrue from the Sale or other Disposal of the same, or any Part thereof, in such Manner as to His Majesty, His Heirs or Successors, may seem just and fit for the Maintenance of Public Worship and the Support of Religion within this Province:

"Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the Authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province,'" and by the Authority of the same, That the Thirty-sixth and Thirty-seventh Clauses of the said Statute, and so much of the Thirty-eighth Clause thereof as relates to the Endowment of any Parsonage or Rectory with Land, shall be and the same are hereby repealed, and that all and every the Lands which are now vested in His Majesty, and which before the passing of this Act were reserved, allotted, and appropriated for the Maintenance and Support of a Protestant Clergy within this Province, under the Authority of the said Act of the Parliament of Great Britain passed in the Thirty-first Year of His said late Majesty's Reign, shall be and remain vested in His Majesty, His Heirs and Successors, freed and absolutely discharged from all and every of the Trusts, Conditions, Limitations, or Restrictions contained in or imposed or declared by the said last-mentioned Act: Provided always, nevertheless, that the said Lands are by this Act vested in His Majesty, His Heirs and Successors, discharged from the Trusts and Conditions aforesaid, to the Intent and in order that the same Lands may be, by His Majesty, His Heirs and Successors, or by and under the Authority of the Parliament of the United Kingdom of Great Britain and Ireland, applied and appropriated, by way of Endowment or otherwise, solely for the Maintenance of Public Worship and the Support of Religion within this Province, and to no other Use or Purpose whatsoever.

II. "And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend to interfere with or make void any Grant, Sale, or Lease which before the passing of this Act may have been made of any Part or Portion of the said Allotments or Appropriations of Land called Clergy Reserves: Provided nevertheless, that the Monies which shall have arisen and accrued, and which now remain unexpended, or which shall hereafter arise and accrue, from such Sale, or in consequence of such Lease having been made, shall be applicable to the same Purposes to which the Lands so allotted and appropriated as aforesaid shall be applicable after the passing of this Act, and to no other; and that such Monies shall be paid over, applied, and accounted for in such Manner and Form as His Majesty, His Heirs or Successors, shall be graciously pleased to direct.

III. "And be it further enacted by the Authority aforesaid, That from and after the passing of this Act no Grant, Sale, Lease, or other Disposition of any of the said Allotments or Appropriations of Land, or of any Part thereof, shall be made otherwise than in pursuance of Instructions which shall from Time to Time be given by His Majesty, His Heirs or Successors, after the passing of this Act."

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
22d Day of March 1836.

On the Question for the Second Reading of the Amendments To-morrow.

In Amendment—Mr. Perry, seconded by Mr. Shibley, moves, "That the Amendments made to the Clergy Reserve Sale Bill be referred to a Select Committee, composed of Messrs. C. Duncombe, Morrison, Shaver, and M'Micking, with Power to send for Persons and Papers, and Leave to report thereon:" —Which was ordered.

7th *April* 1836.

Mr. Perry, from the Select Committee to which was referred the Amendments made by the Honourable the Legislative Council in and to the Bill intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," informed the House, "That the Committee had agreed to a Report and some Amendments to the Amendments made by the Honourable the Legislative Council, both of which he was ready to submit whenever the House would be pleased to receive the same."

The Report was received, and read as follows:

To the Honourable the Commons House of Assembly.

The Committee to which was referred the Amendments made by the Honourable the Legislative Council in and to the Bill intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," have agreed to and beg leave to make the following Report:

Your Committee have examined the Amendments to the Bill aforesaid made by the Honourable the Legislative Council, and find that nothing remains of the Bill as sent up from your Honourable House but the Word "Whereas." The Preamble adopted by the Honourable the Legislative Council consists chiefly of Extracts from the British Act 31st Geo. III. Chap. 31. The enacting Clauses adopted by the Honourable the Legislative Council are few and short, and amount merely to the Repeal of certain Portions of the said 31st of George the Third, and to vesting in His Majesty certain of the Clergy Reserves, and also the Money arising from those already sold or leased to be applied and apportioned for the Purpose of supporting Public Worship and Religion in this Province, and to no other Use or Purpose whatsoever.

Your Committee are fully impressed with the Belief that public or Government Grants to Religious Sects or Denominations are highly objectionable. To bestow them partially upon one or more religious Bodies, to the Exclusion of others of His Majesty's Subjects, would be unjust; to distribute them equally among all would be impracticable; and the Application of public Monies to such Purposes is, in the Opinion of the Committee, likely to corrupt and degrade Religion, and to endanger the Liberties of the Country, converting the Ministers of the Gospel into the Stipendiaries and Partisans of those who have the Power and Inclination to bestow these Gratuities upon them.

Your Committee would observe, that although they believe every Proposition set forth in the Preamble of the Bill sent up by your Honourable House to be strictly true and correct, and although they also believe the several Clauses of the Bill to be just and useful, yet in order to show to the Country and His Majesty's Government that your Honourable House were guided by just Principles in their Proceedings on this great and important Measure, and anxious to have the Matter settled, in short, to prove that the Object of your Honourable House is Measures, not Men, and that they are not disposed to adhere pertinaciously to any particular Mode which they might prefer in the Disposal of these Reserves, would recommend that the Amendments to the Bill be acceded to by your Honourable House, with no other Alteration than merely to direct the Proceeds of the said Reserves to be appropriated for the Purposes of general Education in such a Way and Manner as to enable all His Majesty's Subjects in this Province, of whatever Creed or Order, indiscriminately to participate in the same.

Your Committee cannot refrain, while on this Subject, from remarking on the late Proceedings in regard to the Clergy Reserves, and the Disposal of the

Proceeds arising therefrom, and which (in their Opinion) ought immediately to engage the serious Consideration of the Legislature.

It appears by a Return sent down to the House that during the last Year no less than Forty-four Parsonages or Rectories have been constituted, erected, and endowed with Portions of the Clergy Reserves, in general varying from 400 to 800 Acres, and Ministers of the Church of England have been or are to be presented to the same.

It further appears by Returns, that up to the 31st of December 1835 there had been paid into the Military Chest, arising from Sales of Clergy Reserves, rising of 61,000*l.* over and above the Sum of more than 4,000*l.* paid as Interest on the several Sales, besides the present Rent from certain Portions of them already leased, amounting to upwards of 4,000*l.* annually; all of which appears to be exclusive of the Expense incurred in selling, collecting, &c.

It further appears that the Reverend Dr. Strachan received in the Year 1835 the Sum of 300*l.* for the Purpose of aiding in the Erection of a Parsonage House for himself, which he has never used for that Purpose, but kept (according to his own Explanation) until this Time, in Hopes of procuring 200*l.* more in addition.

This is a State of Things no less alarming than disgusting, when it is considered what the prevailing Opinions and Feelings throughout the Country is known to be on this all-important and interesting Subject, and which call aloud for immediate Remedy.

All which is respectfully submitted.

PETER PERRY,
Chairman.

Committee Room, House of Assembly,
7th Day of April 1836.

The Amendments were read as follows:—

"Press 8. Line 22. of the Amendments, after the Word 'thereof' expunge the Remainder of the Preamble, and insert 'for the Purposes of general Education throughout this Province.'

"Press 9. Line 12. After the Word 'Lands' insert 'and the Proceeds arising therefrom.'

"Press 9. Line 14. After the Word 'appropriated" expunge the Remainder of the Clause, and insert 'for the Purposes of general Education throughout this Province, in such Way and Manner as to enable all His Majesty's Subjects, of every Religious Creed and Order, indiscriminately to partake in the Benefits to be derived therefrom.'

"Press 9. Line 18. Expunge the Word 'Grant.'"

The Amendments were read a Second Time, and the House was put into a Committee of the Whole on the Bill:

Mr. Donald M'Donell in the Chair.

The House resumed.

The Chairman reported that the Committee had agreed to the Amendments as amended, and submitted the same for the Adoption of the House.

The Report was received.

On the Question for the Third Reading of the Amendments, as amended, To-morrow, the Yeas and Nays were taken as follows:—

YEAS.

Messieurs
Bruce,
Chisholm,
Cook,
Duncombe, Oxford
Duncombe, Norfolk
Dunlop,
Durand,
Gibson,
Gilchrist,
Hopkins,
Lewis,
Lount,
M'Donell, Glengarry.
M'Donell, Stormont.
M'Donell, Northumb.
M'Intosh,
M'Kay,
Mackenzie,
M'Micking,
Malloch,
Merritt,
Moore,
Morrison,
Norton,
Perry,
Richardson,
Rykert,
Rymal,
Shaver,
Small,
Smith,
Thom,
Thorburn,
Waters,
Wells,
Wilson,
Woolverton,
Yager.—38.

NAYS.

Messieurs
Boulton,
Jones,
M'Lean,
Robinson,
Solicitor General.—5.

The

The Question was carried in the Affirmative by a Majority of Thirty-three, and the Amendments were ordered to be ingrossed, and read a Third Time To-morrow.

Journals of the Legislative Council.

26th *February* 1836.

The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly, had brought up a Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education;" to which they requested the Concurrence of this House.

The said Bill was then read; and it was,

Ordered, That it be read a Second Time To-morrow.

Pursuant to the Order of the Day, the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," was read a Second Time; and it was,

Ordered, That the House be put into a Committee of the Whole, on Tuesday next, to take the same into Consideration.

1st *March* 1836.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole upon the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

The Honourable Mr. Macaulay took the Chair.

After some Time the House resumed.

The Chairman reported, that the Committee had taken the said Bill into Consideration, had made some Progress therein, and asked Leave to sit again on Monday next.

Ordered, That the Report be received, and Leave granted accordingly.

7th *March* 1836.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole upon the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

The Honourable Mr. Macaulay took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

The House was then again put into a Committee of the Whole upon the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

The Honourable Mr. Macaulay took the Chair.

After some Time, the House resumed.

The Chairman reported, That the Committee had taken the said Bill into Consideration, and had made some further Progress therein, and recommended that it be referred to a Select Committee, with Instructions so to amend the said Bill as to re-invest the Clergy Reserves in the Crown, for the Support of Religion; and to report thereon,

Ordered, That the Report be received; and,

Ordered, That the said Bill be referred to a Select Committee, with Instructions so to amend the said Bill as to re-invest the Clergy Reserves in the Crown for the Support of Religion, and to report thereon; and,

Ordered, That the Honourable Messieurs Stewart, Morris, and Macaulay do compose the same for that Purpose.

F. B. HEAD.

The Lieutenant Governor transmits to the Legislative Council the accompanying Copy of a Despatch * from His Majesty's Secretary of State for the Colonies, with reference to an Address from the Legislative Council to the King at the last Session, on the Subject of the Clergy Reserves.

Government House,
7th March 1836.

* For Despatch, vide Clergy Reserves Papers, 1840, Part I., p. 103.

Part II.

Extracts from the Journals.

Legislative Council, 1836.

11th *March* 1836.

The Honourable Mr. Morris, from the Select Committee to whom was referred the Bill sent up from the Commons House of Assembly, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," reported an Amendment in and to the same.

Ordered, That the Report be received; and

The said Amendment was then read by the Clerk, as follows:

"Press 1. Line 1. After 'Whereas' expunge the Remainder of the Bill, and insert 'in and by an Act of the Parliament of Great Britain, passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province,' it is, among other things, recited and declared, that His said late Majesty had been graciously pleased, by Message to both Houses of Parliament, to express His Royal Desire to be enabled to make a permanent Appropriation of Lands in the said Provinces for the Support and Maintenance of a Protestant Clergy within the same, in proportion to such Lands as had been already granted within the same by His Majesty; and further, that such Provision might be made with respect to all future Grants of Land within the said Provinces respectively, as might best conduce to the due and sufficient Support and Maintenance of a Protestant Clergy within the said Provinces, in proportion to such Increase as should happen in the Population and Cultivation thereof: And whereas, for the Purpose of more effectually fulfilling His said Majesty's gracious Intentions as aforesaid, and of providing for the due Execution of the same in all Time to come, certain Provisions were made in and by the said Act respecting the Support and Maintenance of a Protestant Clergy within the said Provinces, which Provisions are contained in the Thirty-fifth, Thirty-sixth, Thirty-seventh, Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, and Forty-second Clauses of the said Statute passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, and are in the Words following; that is to say,

35. "And whereas by the above-mentioned Act passed in the Fourteenth Year of the Reign of His present Majesty it was declared that the Clergy of the Church of Rome, in the Province of Quebec, might hold, receive, and enjoy their accustomed Dues and Rights, with respect to such Persons only as should profess the said Religion; provided nevertheless, that it should be lawful for His Majesty, His Heirs or Successors, to make such Provision out of the rest of the said accustomed Dues and Rights for the Encouragement of the Protestant Religion, and for the Maintenance and Support of a Protestant Clergy, within the said Province, as he or they should from Time to Time think necessary and expedient: And whereas, by His Majesty's Royal Instructions, given under His Majesty's Royal Sign Manual on the Third Day of January in the Year of our Lord One thousand seven hundred and seventy-five, to Guy Carleton, Esquire, now Lord Dorchester, at that Time His Majesty's Captain General and Governor-in-Chief in and over His Majesty's Province of Quebec, His Majesty was pleased, amongst other Things, to direct, 'That no Incumbent professing the Religion of the Church of Rome appointed to any Parish in the said Province should be entitled to receive any Tithes for Lands or Possessions occupied by a Protestant, but that such Tithes should be received by such Persons as the said Guy Carleton, Esquire, His Majesty's Captain General and Governor-in-Chief in and over His Majesty's said Province of Quebec, should appoint, and should be reserved in the Hands of His Majesty's Receiver General of the said Province, for the Support of a Protestant Clergy in His Majesty's said Province, to be actually resident within the same, and not otherwise, according to such Directions as the said Guy Carleton, Esquire, His Majesty's Captain General and Governor-in-Chief in and over His Majesty's said Province, should receive from His Majesty in that Behalf; and that in like Manner all growing Rents and Profits of a vacant Benefice should,

during

during such Vacancy, be reserved for and applied to the like Uses:' And whereas His Majesty's Pleasure has likewise been signified to the same Effect in His Majesty's Royal Instructions given in like Manner to Sir Frederick Hardimand, Knight of the Most Honourable Order of the Bath, late His Majesty's Captain General and Governor-in-Chief in and over His Majesty's said Province of Quebec; and also in His Majesty's Royal Instructions given in like Manner to the said Right Honourable Guy Lord Dorchester, now His Majesty's Captain General and Governor-in-Chief in and over His Majesty's said Province of Quebec: Be it enacted by the Authority aforesaid, That the said Declaration and Provision contained in the said above-mentioned Act, and also the said Provision so made by His Majesty in consequence thereof, by His Instructions above recited, shall remain and continue to be of full Force and Effect in each of the said Two Provinces of Upper Canada and Lower Canada respectively, except in so far as the said Declaration or Provisions respectively, or any Part thereof, shall be expressly varied or repealed by any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, under the Restriction herein-after provided.

36. " And whereas His Majesty has been graciously pleased, by Message to both Houses of Parliament, to express His Royal Desire to be enabled to make a permanent Appropriation of Lands in the said Provinces for the Support and Maintenance of a Protestant Clergy within the same, in proportion to such Lands as have been already granted within the same by His Majesty: And whereas His Majesty has been graciously pleased, by His said Message, further to signify His Royal Desire that such Provision may be made with respect to all future Grants of Land within the said Provinces respectively as may best conduce to the due and sufficient Support and Maintenance of a Protestant Clergy within the said Provinces, in proportion to such Increase as may happen in the Population and Cultivation thereof: Therefore, for the Purpose of more effectually fulfilling His Majesty's gracious Intentions as aforesaid, and of providing for the due Execution of the same in all Time to come, be it enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, to make, from and out of the Lands of the Crown within such Provinces, such Allotment and Appropriation of Lands for the Support and Maintenance of a Protestant Clergy within the same, as may bear a due Proportion to the Amount of such Lands within the same as have at any Time been granted by or under the Authority of His Majesty; and that whenever any Grant of Lands within either of the said Provinces shall hereafter be made, by or under the Authority of His Majesty, His Heirs or Successors, there shall at the same Time be made, in respect of the same, a proportionable Allotment and Appropriation of Lands for the above-mentioned Purpose within the Township or Parish to which such Lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as Circumstances will admit; and that no such Grant shall be valid or effectual unless the same shall contain a Specification of the Lands so allotted and appropriated, in respect of the Lands to be thereby granted; and that such Lands so allotted and appropriated shall be, as nearly as the Circumstances and Nature of the Case will admit, of the like Quality as the Lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the Time of making such Grant, equal in Value to the Seventh Part of the Lands so granted.

37. " And be it further enacted by the Authority aforesaid, That all and every the Rents, Profits, or Emoluments which may at any Time arise from such Lands so allotted and appropriated as aforesaid shall be applicable solely to the Maintenance and Support of a Protestant Clergy within the Province in which the same shall be situated, and to no other Use or Purpose whatever.

38. " And be it further enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively,

 or

or the Person administering the Government therein, from Time to Time, with the Advice of such Executive Council as shall have been appointed by His Majesty, His Heirs or Successors, within such Province, for the Affairs thereof, to constitute and erect within every Township or Parish which now is or hereafter may be formed, constituted, or erected within such Province, One or more Parsonage or Rectory, or Parsonages or Rectories, according to the Establishment of the Church of England; and from Time to Time, by an Instrument under the Great Seal of such Province, to endow every such Parsonage or Rectory with so much or such a Part of the Lands so allotted and appropriated as aforesaid, in respect of any Lands within such Township or Parish, which shall have been granted subsequent to the Commencement of this Act, or of such Lands as may have been allotted and appropriated for the same Purpose, by or in virtue of any Instruction which may be given by His Majesty in respect of any Lands granted by His Majesty befoe the Commencement of this Act, as such Governor, Lieutenant Governor, or Person administering the Government shall, with the Advice of the said Executive Council, judge to be expedient under the then existing Circumstances of such Township or Parish.

39. "And be it further enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor, Lieutenant Governor, or Person administering the Government of each of the said Provinces respectively to present to every such Parsonage or Rectory an Incumbent or Minister of the Church of England who shall have been duly ordained according to the Rites of the said Church, and to supply from Time to Time such Vacancies as may happen therein; and that every Person so presented to any such Parsonage or Rectory shall hold and enjoy the same, and all Rights, Profits, and Emoluments thereunto belonging or granted, as fully and amply, and in the same Manner, and on the same Terms and Conditions, and liable to the Performance of the same Duties, as the Incumbent of a Parsonage or Rectory in England.

40. "Provided always, and be it further enacted by the Authority aforesaid, That every such Presentation of an Incumbent or Minister to any such Parsonage or Rectory, and also the Enjoyment of any such Parsonage or Rectory, and of the Rights, Profits, and Emoluments thereof, by any such Incumbent or Minister, shall be subject and liable to all Rights of Institution, and all other Spiritual and Ecclesiastical Jurisdiction and Authority, which have been lawfully granted by His Majesty's Royal Letters Patent to the Bishop of Nova Scotia, or which may hereafter by His Majesty's Royal Authority be lawfully granted or appointed to be administered and executed within the said Provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other Person or Persons, according to the Laws and Canons of the Church of England which are lawfully made and received in England.

41. "Provided always, and be it further enacted by the Authority aforesaid, That the several Provisions herein-before contained respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces, and also respecting the constituting, erecting, and endowing Parsonages or Rectories within the said Provinces, and also respecting the Presentation of Incumbents or Ministers to the same, and also respecting the Manner in which such Incumbents or Ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express Provisions for that Purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Succesors, under the Restriction herein-after provided.

42. "Provided nevertheless, and be it further enacted by the Authority aforesaid, That whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said Provinces, containing any Provisions to vary or repeal the above-recited Declaration and Provisions contained in the said Act passed in the Fourteenth Year of the Reign of His present Majesty, or to vary or repeal the above-recited Provision contained in His Majesty's Royal Instructions given on the Third Day of January in the Year of our Lord One thousand seven hundred and seventy-five to the said Guy Carleton, Esquire, now Lord Dorchester, or to vary or repeal the Provisions herein-before contained for continuing the Force and Effect of the said Declaration

and

and Provisions, or to vary or repeal any of the several Provisions herein-before contained respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces, or respecting the constituting, erecting, or endowing Parsonages or Rectories within the said Provinces, or respecting the Presentation of Incumbents or Ministers to the same, or respecting the Manner in which such Incumbents or Ministers shall hold and enjoy the same; and also, that whenever any Act or Acts shall be so passed containing any Provisions which shall in any Manner relate to or affect the Enjoyment or Exercise of any religious Form or Mode of Worship, or shall impose or create any Penalties, Burthens, Disabilities, or Disqualifications in respect of the same, or shall in any Manner relate to or affect the Payment, Recovery, or Enjoyment of any of the accustomed Dues or Rights herein-before mentioned, or shall in any Manner relate to the granting, imposing, or recovering any other Dues or Stipends or Emoluments whatever to be paid to or for the Use of any Minister, Priest, Ecclesiastic, or Teacher, according to any religious Form or Mode of Worship in respect of his said Office or Function, or shall in any Manner relate to or affect the Establishment or Discipline of the Church of England amongst the Ministers and Members thereof within the said Provinces, or shall in any Manner relate to or affect the King's Prerogative, touching the granting of Waste Lands of the Crown within the said Provinces, every such Act or Acts shall, previous to any Declaration or Signification of the King's Assent thereto, be laid before both Houses of Parliament in Great Britain; and that it shall not be lawful for His Majesty, His Heirs or Successors, to signify His or their Assent to any such Act or Acts until Thirty Days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts, in case either House of Parliament shall within the said Thirty Days address His Majesty, His Heirs or Successors, to withhold His or their Assent from such Act or Acts; and that no such Act shall be valid or effectual to any of the said Purposes, within either of the said Provinces, unless the Legislative Council and Assembly of such Province shall, in the Session in which the same shall have been passed by them, have presented to the Governor, Lieutenant Governor, or Person administering the Government of such Province, an Address or Addresses specifying that such Act contains Provisions for some of the said Purposes herein-before specially described, and desiring that, in order to give effect to the same, such Act should be transmitted to England without Delay, for the Purpose of being laid before Parliament previous to the Signification of His Majesty's Assent thereto.

"And whereas since the passing of the said Act divers Allotments and Appropriations of Land have been made within the Province of Upper Canada, in pursuance of the aforesaid Provisions for the Support and Maintenance of a Protestant Clergy, which Allotments are commonly known by the Name of Clergy Reserves, and have been made in the Proportion of One Seventh of the Lands granted or to be granted within the said Province: And whereas of these Allotments of Land some Portions have been demised by His said late Majesty, or His Successors, for Term of Years, and other Portions have been from Time to Time sold under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, intituled 'An Act to authorise the Sale of a Part of the Clergy Reserves in the Provinces of Upper and Lower Canada,' under the Provisions of which Act the Monies accruing from such Lands sold are to be appropriated, applied, and disposed of for the Purposes for which the said Lands were so reserved as aforesaid, and for no other Purpose whatsoever, and the Residue of the said Allotments or Reserves, not being leased or otherwise disposed of, continue vested in the Crown, subject to the Provisions of the Act first herein recited:

"And whereas Doubts have arisen respecting the proper legal Construction of the said Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, and it has been made a Question to what Sects or Denominations of Protestants the Term 'Protestant Clergy' used in the said Act was intended to be applicable, and what Clergy can of Right claim to participate or can be legally admitted to participate in the Advantages of the said Allotments or Reserves:

 "And

"And whereas the Continuance of such Doubts, and the Controversies to which they have given rise, are in a high Degree prejudicial to the Peace and good Government of this Province, and unfavourable to the spiritual and temporal Interests of the People thereof, and it is expedient to put an End to such Doubts and Controversies by enabling His Majesty, His Heirs or Successors, to dispose of the said Allotments or Appropriations of Land, and of the Monies which have accrued or may hereafter accrue from the Sale or other Disposal of the same, or any Part thereof, in such Manner as to His Majesty, His Heirs or Successors, may seem just and fit for the Maintenance of Public Worship and the Support of Religion within this Province:

"Be it therefore enacted, &c., That the Thirty-sixth and Thirty-seventh Clauses of the said Statute, and so much of the Thirty-eighth Clause thereof as relates to the Endowment of any Parsonage or Rectory with Land, shall be and the same are hereby repealed; and that all and every the Lands which are now vested in His Majesty, and which before the passing of this Act were reserved, allotted, and appropriated for the Maintenance and Support of a Protestant Clergy within this Province, under the Authority of the said Act of the Parliament of Great Britain, passed in the Thirty-first Year of His said late Majesty's Reign, shall be and remain vested in His Majesty, His Heirs and Successors, freed and absolutely discharged from all and every of the Trusts, Conditions, Limitations, or Restrictions contained in or imposed or declared by the said last-mentioned Act: Provided always nevertheless, that the said Lands are by this Act vested in His Majesty, His Heirs and Successors, discharged from the Trusts and Conditions aforesaid, to the Intent and in order that the same Lands may be by His Majesty, His Heirs and Successors, or by and under the Authority of the Parliament of the United Kingdom of Great Britain and Ireland, applied and appropriated, by way of Endowment or otherwise, solely for the Maintenance of Public Worship and the Support of Religion within this Province, and to no other Use or Purpose whatsoever.

II. "And be it further enacted, &c., That nothing in this Act contained shall extend to interfere with or make void any Sale or Lease which before the passing of this Act may have been made of any Part or Portion of the said Allotments or Appropriations of Land called Clergy Reserves: Provided nevertheless, that the Monies which shall have arisen and accrued, and which now remain unexpended, or which shall hereafter arise and accrue from such sale, or in consequence of such Lease having been made, shall be applicable to the same Purposes to which the Lands so allotted and appropriated as aforesaid shall be applicable after the passing of this Act, and to no other; and that such Monies shall be paid over, applied, and accounted for in such Manner and Form as His Majesty, His Heirs or Successors, shall be graciously pleased to direct.

"III. And be it further enacted, &c., That from and after the passing of this Act no Grant, Sale, Lease, or other Disposition of any of the said Allotments or Appropriations of Land, or of any Part thereof, shall be made otherwise than in pursuance of Instructions which shall from Time to Time be given by His Majesty, His Heirs or Successors, after the passing of this Act."

Ordered, that the foregoing Amendment be read a Second Time on Monday next; and ordered, that in the meantime Five hundred Copies thereof be printed for the Use of Members.

14th *March* 1836.

Pursuant to the Order of the Day, the Amendment of the Legislative Council made in and to the Bill sent up from the Commons House of Assembly, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," was read a Second Time;

And it was ordered that the House be put into a Committee of the Whole To-morrow, to take the same into Consideration.

15th *March* 1836.

The Order of the Day being read for putting the House into a Committee of the Whole upon the Amendment of the Council to the Bill sent up from the Assembly, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education;"

It

It was ordered to be discharged, and that the same do stand upon the Order of the Day for Monday next.

21st *March* 1836.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole upon the Amendments made by the Legislative Council to the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

The Honourable Mr. Morris took the Chair.

After some Time the House resumed.

The Chairman reported, "That the Committee had gone through the said Amendments, and had made an Amendment thereto; and recommended the Bill, as amended, to the Adoption of the House."—Ordered that the Report be received.

And the Amendment to the Amendments was then read, and adopted, as follows:

Press 9. of the Amendments, Line 18. After "void any" insert "Grant"

Ordered, that the said Amendments be ingrossed, and the said Bill, as amended, read a Third Time To-morrow.

22d *March* 1836.

Pursuant to the Order of the Day, the Bill intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," was, as amended, read a Third Time;

And it was ordered that the said Bill be further amended as follows:

In the Title.—After "Act" expunge the Remainder, and insert "to repeal Part of an Act passed in the Parliament of Great Britain, intituled 'An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province,' and to vest certain Lands therein mentioned in His Majesty, to be applied for the Maintenance of Public Worship and the Support of Religion within this Province."

The Question being put, Whether this Bill, as amended, should pass, it was carried in the Affirmative.

Whereupon the Speaker signed the Amendments;

And it was ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council has passed this Bill, with certain Amendments, to which they desire the Concurrence of the Commons House of Assembly.

8th *April* 1836.

The same Deputation had returned the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," and acquainted this House, that the Commons House of Assembly had made certain Amendments to the Amendments of the Legislative Council in and to the said Bill, to which they requested the Concurrence of this House.

The Amendments of the Commons House of Assembly made to the Amendments of the Legislative Council in and to the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," were then read as follows:

Amendments made by the Commons House of Assembly in and to the Amendments made by the Honourable the Legislative Council in and to the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

Press 8. Line 22. After the Word "thereof" expunge the Remainder of the Preamble, and insert "for the Purposes of general Education throughout this Province."

Press 9. Line 12. After the Word "Lands" insert "and the Proceeds arising therefrom"

Press 9. Line 14. After the Word "appropriated" expunge the Remainder of the Clause, and insert "for the Purposes of general Education throughout this

PART II.

Extracts from the Journals.

Legislative Council, 1836.

this Province, in such Way and Manner as to enable all His Majesty's Subjects of every religious Creed and Order indiscriminately to partake in the Benefits to be derived therefrom."

Press 9. Line 18. Expunge the Word "grant"

Ordered, That the said Amendments to the Amendments be read a Second Time To-morrow.

9th *April* 1836.

Pursuant to the Order of the Day, the Amendments of the Commons House of Assembly made to the Amendments of the Legislative Council in and to the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education," were read a Second Time;

And it was ordered, that the House be put into a Committee of the Whole on Monday next, to take the same into Consideration.

11th *April* 1836.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole upon the Amendments of the Commons House of Assembly made to the Amendments of the Legislative Council in and to the Bill, intituled "An Act for the Disposal of the Clergy Reserves in this Province for the Purposes of general Education."

The Honourable Mr. Macaulay took the Chair.

After some Time the House resumed.

House of Assembly, 1836-37.

Journals of the House of Assembly.

9th *November* 1836.

Extract of Lieut. Governor Sir F. B. Head's Speech to the Legislature of Upper Canada.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

With great Satisfaction I congratulate you on the loyal Feeling which pervades this Province, and on the Stillness and Serenity of the public Mind.

The auspicious Tranquillity of the Country offers you Advantages which the Legislature of Upper Canada has long been unhappily deprived of, and I gladly avail myself of the Opportunity, to bring before your grave Consideration some of those Subjects which the Country has now Reason to expect will be met by its Legislature with a firm Determination to bring them to a final Settlement.

The most important of these is the long-disputed Question of the Clergy Reserves.

I invite your serious Attention to this Subject, in the full Confidence that by Moderation and sound Discretion you will overcome the Obstacles that have hitherto attended its Discussion.

Mr. Norton gives Notice, that he will, on To-morrow, move for Leave to bring in a Bill for the Sale of the Clergy Reserves, and to apply the Proceeds thereof to Purposes of Education.

18th *November* 1836.

Pursuant to Notice, Mr. Draper, seconded by Mr. Powell, moves, "That an humble Address be presented to his Excellency the Lieutenant Governor, praying for a Return of all Lands set apart in this Province, pursuant to the Statute of the Thirty-first George III., for the Support of a Protestant Clergy; showing what Portions of the same have been sold, and for what Prices; what Sums have been returned, and how and when the same have been invested; what Sums remain due; the Number of Acres unsold, and the probable Value; and the Number of Acres under Lease; and that Messrs. Boulton and Aikman be a Committee to draft and report the same.—Ordered.

Mr. Boulton, from the Committee to draft and report an Address to his Excellency the Lieutenant Governor, requesting Information on the Subject of

Lands reserved for a Protestant Clergy, reported a Draft, which was received, read Twice, concurred in, and ordered to be engrossed, and read a Third Time To-morrow.

21st *November* 1836.

Pursuant to the Order of the Day, the Address to his Excellency, for Information on the Clergy Reserves, was read the Third Time, passed, and signed, and is as follows :—

To his Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, humbly pray, That your Excellency would be pleased to lay before this Honourable House a Return of all Lands set apart in this Province, pursuant to the Statute Thirty-first George III. for the Support of a Protestant Clergy; showing what Portion of the same have been sold, and for what Prices; what Sums have been received therefor, and how and where the same have been invested; what Sums remain due; the Number of Acres remaining unsold, together with the probable Value thereof, and the Number of Acres now under Lease; the Rents received; and what Endowments, if any, have been made out of the said Reserves since the last Return.

Commons House of Assembly, 21st Day of November 1836. ARCHIBALD M'LEAN, Speaker.

On Motion of Mr. Sherwood, seconded by Mr. Cameron,

Ordered, That Messrs. Ruttan and Mallock be a Committee to wait upon his Excellency the Lieutenant Governor with the Address of this House upon the Subject of the Clergy Reserves, to know when he will be pleased to receive the same, and to present it.

23d *November* 1836.

Mr. Ruttan, from the Committee to wait upon his Excellency the Lieutenant Governor with the Address of this House on Clergy Lands, reported delivering the same, and that his Excellency had been pleased to make thereto the following Answer :—

Gentlemen,

The Returns requested in this Address are already nearly completed, and shall be laid before the House of Assembly without Delay.

8th *December* 1836.

Pursuant to Notice, Mr. Norton, seconded by Mr. Gibson, moves for Leave to bring in a Bill to dispose of the Clergy Reserves for Purposes of general Education.

Which was granted, and the Bill read the First Time.

On the Question for the Second Reading of the Bill To-morrow,

Mr. Norton, seconded by Mr. Gibson, moves in Amendment, "That the Clergy Reserve Bill be not read a Second Time To-morrow, but that it be read a Second Time on Tuesday next, and that it be the first Item on the Order of the Day, after referring Petitions."—Ordered.

13th *December* 1836.

Pursuant to the Order of the Day, the Clergy Reserve Sale Bill was read a Second Time.

The House was put into a Committee of the Whole on the Bill.

Mr. Aikman in the Chair.

At Five o'Clock, P. M. the Speaker resumed the Chair, and declared the House adjourned.

14th *December* 1836.

The House met.

Pursuant to the Order of the Day, the Committee of the Whole House on the Subject of the Bill to provide for the Sale of the Clergy Reserves resumed:

Mr. Aikman in the Chair.

At Five o'Clock P. M. the Speaker resumed the Chair, and declared the House adjourned.

15th *December* 1836.

The House met,

Pursuant to the Order of the Day, the Committee of the Whole House on the Subject of the Bill for the Sale of Clergy Reserves resumed:

Mr. Aikman in the Chair.

At Five o'Clock P. M., Mr. Speaker resumed the Chair, and declared the House adjourned.

16th *December* 1836.

The House met.

Pursuant to the Order of the Day, the Committee of the Whole House on the Subject of the Bill for the Sale of the Clergy Reserves, resumed.

Mr. Aikman in the Chair.

The House resumed.

The Chairman reported that the Committee had made some Progress, and asked Leave to sit again this Day.

The Report was received, and Leave was granted accordingly.

Pursuant to the Order of the Day, the House was again put into Committee on the Bill for the Sale of Clergy Reserves:

Mr. Aikman in the Chair.

The House resumed.

The Chairman reported, "That the Committee had agreed to a Resolution, which he was directed to submit for the Adoption of the House."

The Report was received.

The Resolution was then read as follows:—

Resolved, That it is desirable that the Lands commonly called the Clergy Reserves, and the Proceeds arising from the Sales thereof, be appropriated for the Promotion of the Religious and Moral Instruction of the People throughout this Province.

In Amendment, Mr. Rolph, seconded by Mr. Norton, moves, "That all be struck out after the Word 'Resolved,' and the following inserted: 'That it is expedient to provide for the Sale of the Clergy Reserves, and the Application of the Proceeds to the Purposes of general Education, as one of the most legitimate Ways of giving free Scope to the Progress of Religious Truth in the Community.

On which the Yeas and Nays were taken as follows:

Messrs.

YEAS.

Alway,	Detlor,	Moore,	Rykert,
Armstrong,	Duncombe, Norfolk,	Morrison,	Shaver,
Bockus,	Gibson,	Norton,	Thomson,
Cameron,	M'Donell, Stormont,	Parke,	Thorburn,
Chisholm, Glengarry,	M'Intosh,	Rolph,	Woodruff.—*22.*
Cook,	Merritt,		

Messrs.

NAYS.

Aikman,	Ferrie,	Manahan,	Richardson,
Boulton,	Gowan,	Marks,	Robinson,
Burwell,	Hotham,	M'Crae,	Ruttan,
Cartwright,	Jarvis,	M'Donell, Glengarry,	Shade,

Chisholm,

Chisholm, Halton,	Jones,	M'Donell, Northumb.	Sherwood,
Cornwall,	Kearns,	M'Kay,	Solicitor General,
Draper,	Lewis,	Murney,	Wickens.—34.
Dunlop,	Macnab,	Powell,	
Elliott,	Malloch,	Prince,	

The Question of Amendment was decided in the Negative by a Majority of Twelve.

On the original Resolution the Yeas and Nays were taken as follows:

Messrs. YEAS.

Aikman,	Elliott,	Malloch,	Prince,
Armstrong,	Ferrie,	Manahan,	Richardson,
Boulton,	Gowan,	Marks,	Robinson,
Burwell,	Hotham,	M'Crae,	Ruttan,
Cartwright,	Jarvis,	M'Donell, Glengarry,	Shade,
Chisholm, Halton,	Jones,	M'Donell, Northumb.	Sherwood,
Cornwall,	Kearns,	M'Kay,	Solicitor General,
Draper,	Lewis,	Murney,	Wickens.—35.
Dunlop,	Macnab,	Powell,	

Messrs. NAYS.

Alway,	Duncombe, Norfolk,	Moore,	Rykert,
Bockus,	Gibson,	Morrison,	Shaver,
Cameron,	M'Donell, Stormont,	Norton,	Thomson,
Chisholm, Glengarry,	M'Intosh,	Parke,	Thorburn,
Cook,	Merritt,	Rolph,	Woodruff—21.
Detlor,			

The Question was carried in the Affirmative by a Majority of Fourteen; and it was

Resolved, That it is desirable that the Lands commonly called the Clergy Reserves, and the Proceeds arising from the Sales thereof, be appropriated for the Promotion of the Religious and Moral Instruction of the People throughout this Province.

On Motion of Mr. Jones, seconded by Mr. Robinson,

Ordered, That the Resolution of this House be communicated to the Honourable the Legislative Council, and their Concurrence requested.

Adjourned.

21st *December* 1836.

Mr. Boulton, Master in Chancery, brought down from the Honourable the Legislative Council a Message, which was read as follows:

Mr. Speaker,

The Legislative Council* desire a Conference with the Commons House of Assembly on the Subject Matter of the Resolution transmitted by that House on the Sixteenth instant, relating to the Disposal of the Clergy Reserves, and have appointed the Honourable Messieurs Crooks and Macaulay to be a Committee for that Purpose, who will be ready to meet a Committee of the Assembly, in the Committee Room of the Legislative Council, at Eleven of the Clock A. M. To-morrow.

JOHN B. ROBINSON,
Speaker.

Legislative Council Chamber,
21st December 1836.

Mr. Robinson, seconded by Mr. Sherwood, moves, "That the Request of the Honourable the Legislative Council for a Conference on the Subject of the Resolution of this House, relating to the future Disposition of the Clergy Reserves, be acceded to; that Messieurs Solicitor General, Draper, Chisholm of Halton, and Gowan, be a Committee on the Part of this House to meet and confer with the Committee appointed by the Honourable the Legislative Council, at the Time and Place appointed; and that a Message be sent to that Honourable House to inform them of the same."—Which was carried, and ordered.

* The Journals of the Legislative Council of Upper Canada for 1836-1837 have not been received by the Colonial Department.

PART II.

Extracts from the Journals.

House of Assembly, 1836-37.

22d *December* 1836.

Mr. Draper, from the Committee appointed to meet the Committee of the Honourable the Legislative Council on the Subject of the Resolution passed by this House, and communicated to the Honourable the Legislative Council, on the future Disposition of the Clergy Reserves, and the Avails arising therefrom, presented a Paper which had been handed to them by the Conferees on the Part of the Honourable the Legislative Council; which was received and read as follows:

"In requesting a Conference with the House of Assembly upon the Subject of the Résolution respecting the Clergy Reserves, which has been sent up for Concurrence, the Legislative Council desire to explain to the House of Assembly, that, as they look upon the Support of the Ministers of Religion to be the surest and best Means of promoting the Religious and Moral Instruction of the People throughout this Province, they would most cordially unite with the Assembly in the Resolution sent up to them if they were at liberty to assume that in the Term 'Moral Instruction' the House of Assembly intended to include nothing distinct from or independent of Religion, but that Moral Instruction only which proceeds from inculcating the Doctrines and Precepts of the Gospel.

"That the Legislative Council, being unwilling to subject themselves to the Possibility of Misconstruction on a Point of such great and general Importance, wish to avoid being left in Doubt as to what the Assembly may have intended to embrace in the Term 'Moral Instruction;' and if the House of Assembly shall concur in thinking that the more conclusive and convenient Form of expressing explicitly their Meaning in this respect would be by some definite Measure of Appropriation, which must necessarily originate in the Assembly, the Legislative Council would much prefer having the Opportunity of exercising their Judgment upon such a Measure, to the making a mere Declaration of Opinion in Terms which may be so easily misconstrued.

"The Legislative Council beg further to assure the Assembly, that their Desire to unite with them in some definite and conclusive Settlement of this Question is strong and sincere, and that they will be found willing to go every reasonable Length in meeting the Wishes of the other Branches of the Legislature, keeping in view, as they feel bound to do, the Necessity of making an adequate Provision for the Religious Instruction of the People and the Maintenance of Public Worship throughout the Province.

"That these Objects may be most advantageously combined with Moral Instruction there can be no Doubt, but the Anxiety of the Legislative Council is to have some Intimation of the Means by which the House of Assembly would propose to combine them."

On Motion of Mr. Robinson, seconded by Mr. Prince,

Ordered, That the Report of the Conferees appointed by this House to meet the Conferees of the Honourable the Legislative Council on the Subject of the Resolution adopted by this House relative to the Clergy Reserves be referred to a Select Committee, composed of Messieurs Burwell, Draper, Armstrong, William Chisholm, Gowan, Dunlop, and Donald M'Donell, with Power to report by Bill or otherwise, and that the Twenty-ninth Rule of this House be dispensed with for that Purpose.

On Motion of Mr. Richardson, seconded by Mr. Marks,

Ordered, That the Two Petitions from the Reverend Robert M'Gill and others be referred to the Committee to whom was referred the Report of the Committee of Conference on the Report of the Clergy Reserves.

10th *January* 1837.

Mr. Gowan, seconded by Mr. W. Chisholm, moves, "That the Name of Gowan be struck out of the Committee on the Clergy Reserve Question, and the Names of Robinson and Solicitor General be added thereto."

In Amendment, Mr. Macnab, seconded by Mr. Jarvis, moves, "That all after the Word 'moves' in the original Motion be expunged, and the following inserted: 'That the Names of Robinson, Solicitor General, and Aikman, be added to the Clergy Reserve Committee.' "—Which was carried.

The original Question, as amended, was then put and carried.

11th *January* 1837.

Mr. Draper, from the Select Committee to which was referred the Report of the Select Committee of Conference on the Subject Matter of the Distribution of the Clergy Reserves, presented a Report, which was received, and read as follows:

To the Honourable the Commons House of Assembly.

The Committee to whom was referred the Report of the Committee of Conference with the Honourable the Legislative Council on the Subject of the Resolution adopted by your Honourable House respecting the Clergy Reserves, beg Leave to report, that they have passed the several Resolutions herewith submitted, in which they pray your Honourable House to concur.

All which is respectfully submitted,

W. H. DRAPER,
Chairman.

Committee Room,
11th January 1837.

Resolved, That it is not expedient, in the present Circumstances of this Province, to continue the Appropriation of the Proceeds of the Clergy Reserves to One Church only, but it will more conduce to the Welfare of this Province, and to the Religious Instruction of its Inhabitants, to apportion them among the following Churches or Bodies of Christians; that is to say,—

The Church of England.
The Synod of the Presbyterian Church in Canada in connexion with the Church of Scotland and the United Synod of Upper Canada.
The Roman Catholics.
The British and Canadian Wesleyan Methodists.
The Baptists.

That the Distribution and Expenditure of the Funds to be derived from such apportioning should be entrusted to such Person, Body, or Assembly as by the Canons, Constitution, Ordinances, or Discipline of each of the said Churches or Bodies of Christians is usually entitled to and exercises the Temporal and Ecclesiastical Control and Jurisdiction thereof, under the following Restrictions:—That the Funds be devoted in such Manner as to provide for the Religious Instruction of the People of this Province, and that an annual Account of the Expenditure be rendered to the Governor, Lieutenant Governor, or Person administering the Government of this Province, to be laid before both Branches of the Legislature.

That such Endowments as have been directed or settled for the Church of England, but have not been as yet carried into effect, should be completed in due Form of Law, the Faith of the Government being pledged thereto.

That all the Clergy Reserves should be sold in like Manner and under the same Authority as Crown Lands are or hereafter shall be disposed of; and that all accruing Payments shall be invested in such Public Funds as His Majesty may from Time to Time be pleased to direct; and that only the Dividends and Interest accruing from such Investment, as well as the Monies now invested in the Funds in England, be put at the Disposal of the respective Churches or Bodies of Christians before named; provided that not more than One hundred thousand Acres shall be sold in any One Year.

That the Proportion to be allotted to each of the said Churches be left until Returns can be obtained from the said Churches or Bodies of Christians of the Numbers of their Ministers, the Number of their actual Communicants, the Number of their existing Congregations, and of the Members composing the same, and of the estimated Number of Persons in the several Districts, being Members of the said Churches respectively, to whom at present they are unable to extend the Benefit of Religious Instruction. Such Returns to be made to the Governor, Lieutenant Governor, or Person administering the Government of this Province, to be laid before both Branches of the Legislature at their next Session, to enable them to make a just and equitable Distribution.

On Motion of Mr. Macnab, seconded by Mr. Richardson,

Ordered, That Two thousand Copies of the Report of the Select Committee on the Clergy Reserves be printed for the Use of Members.

PART II.

xtracts from the Journals.

House of Assembly, 1836-37.

2d *March* 1837.

Mr. Solicitor General, seconded by Mr. Jones, moves for Leave to bring in a Bill for the Disposal of the Clergy Reserves in this Province, and that the Thirty-first Rule of this House be dispensed with so far as relates to the same.

In Amendment, Mr. Rolph, seconded by Mr. Gibson, moves, in Amendment, the Addition of the following Words: "and that the Consideration of the same be postponed till next Session."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.		
Aikman,		Duncombe, Norfolk,	M'Intosh,	Rolph,
Alway,		Ferrie,	Merritt,	Ruttan,
Armstrong,		Gibson,	Moore,	Thomson,
Bockus,		M'Crae,	Morrison,	Thorburn,
Chisholm, Halton,		M'Donell, Stormont,	Parke,	Woodruff.—21.
Chisholm, Glengarry,				
Messrs.		NAYS.		
Boulton,	Jones,	Marks,	Robinson,	
Burwell,	Kearnes,	M'Donell, Glengarry,	Ruttan,	
Cartwright,	Macnab,	M'Donell, Northumb.	Sherwood,	
Draper,	Mallóch,	Powell,	Solicitor General,	
Elliott,	Manahan,	Prince,	Wickens.—20.	

The Question of Amendment was carried in the Affirmative by a Majority of One.

The original Question, as amended, was then put and carried, as follows:

Ordered, That Mr. Solicitor General have Leave to bring in a Bill for the Disposal of the Clergy Reserves in this Province, and that the Thirty-first Rule of this House be dispensed with so far as relates to the same, and that the Consideration of the same be postponed till next Session.

House of Assembly, 1837-38.

Journals of the House of Assembly.

29th *December* 1837.

Pursuant to Notice, Mr. Cartwright, seconded by Mr. Sherwood, moves for Leave to bring in a Bill to re-invest the Clergy Reserves in Her Majesty, for the Maintenance of Public Worship and Support of Religion within this Province.—Which was granted, and the Bill was read the First Time.

On the Question for the Second Reading of the Bill To-morrow,

In Amendment, Mr. Thorburn, seconded by Mr. Shaver, moves, "That the Second Reading of the Bill take place on this Day Three Months."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
M'Intosh,	Shaver,	Thorburn,	Woodruff.—5.
Norton,			
Messrs.		NAYS.	
Armstrong,	Detlor,	Manahan,	Richardson,
Atty. General,	Dunlop,	Marks,	Shade,
Boulton,	Ferrie,	M'Crae,	Sherwood,
Caldwell,	Gowan,	M'Kay,	Solicitor General,
Cartwright,	Lewis,	Murney,	Thomson,
Cornwall,	Malloch,	Parke,	Wickens.—24.

The Question for Amendment was decided in the Negative by a Majority of Nineteen.

In Amendment, Mr. Cartwright, seconded by Mr. Sherwood, moves, "That the Bill to reinvest the Clergy Reserves in Her Majesty be read a Second Time on the Fifteenth Day of January next, and that it be the first Item on the Order of the Day."—Which was carried, and ordered.

15th *January* 1838.

Pursuant to the Order of the Day, the Bill to reinvest the Clergy Reserves in Her Majesty was read the Second Time.

The

The House was put into a Committee of the Whole on the Bill.
Mr. Duncombe (of Norfolk) in the Chair.
The House resumed.
The Chairman reported, that the Committee had risen.
On the Question for receiving the Report, the Yeas and Nays were taken as follows:

Messrs. YEAS.

Armstrong,	Dunlop,	M'Donell of Stormont,	Richardson,
Caldwell,	Gowan,	M'Intosh,	Rykert,
Cameron,	Jarvis,	M'Lean,	Shade,
Cook,	Kearnes,	Merritt,	Shaver,
Cornwall,	Malloch,	Murney,	Sherwood,
Detlor,	M'Crae,	Morris,	Thomson,
Duncombe of Norfolk,	M'Donell of Northumberland,	Norton,	Thorburn,
			Woodruff.—29.

Messrs. NAYS.

Atty. General,	Burwell,	Ferrie,	Marks,
Bockus,	Cartwright,	Lewis,	Parke,
Boulton,	Elliott,	Manahan,	Sol. General.—12.

The Question was carried in the Affirmative by a Majority of Seventeen, and the Report was received.

19th *February* 1838.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on that Part of the Journals of last Winter Session which relates to the Report of the Select Committee on the Clergy Reserves.
Mr. Richardson in the Chair.
The House resumed.
The Chairman reported, That the Committee had agreed to a Resolution, which he was directed to submit for the Adoption of the House.
The Report was received.
The Resolution was adopted as follows:
" Resolved, That it is highly expedient and desirable that the long pending Controversy respecting the Clergy Reserve Lands should be finally settled in such a Manner that a just and equitable Distribution may be made of the Proceeds of the said Lands; that, as the Discussion of the Subject by this House is likely to engender unchristian Feelings, the said Lands, in the Opinion of this House, should be re-invested in the Crown, to be sold in the same Manner as other Crown Lands are or may be, for the Support and Maintenance of the Christian Religion within the Province, and that the Proceeds of the Lands already sold be appropriated and disposed of in like Manner."

In Amendment, Mr. Rykert, seconded by Mr. Bockus, moves, " That the Resolution do not now pass, but that it be amended by expunging all after the Word 'Resolved,' and inserting the following:—
" 'That it is inexpedient to re-invest the Lands called 'the Clergy Reserves' in the Crown; but that, in order to settle this long-pending Controversy as speedily as possible, it is expedient that the said Lands be sold, and the Proceeds thereof be paid into the Hands of the Receiver General of this Province, to be appropriated from Time to Time to such Purposes as the Legislature shall direct.'"
On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Aikman,	Detlor,	Merritt,	Shaver,
Bockus,	M'Donell of Stormont,	Parke,	Thorburn,
Chisholm of Glengarry,	M'Intosh,	Rykert,	Woodruff.—13.
Cook,			

Messrs. NAYS.

Armstrong,	Elliot,	M'Donell of Northumb.	Robinson,
Attorney General,	Ferrie,	M'Kay,	Ruttan,
Boulton,	Gamble,	M'Lean,	Shade,
Burwell,	Malloch,	Murney,	Sherwood,
Cartwright,	Manahan,	Morris,	Sol. General.
Chisholm of Halton,	Marks,	Richardson,	Thomson.—5.
Dunlop,			

The Question of Amendment was decided in the Negative by a Majority of Twelve.

In Amendment, Mr. Merritt, seconded by Mr. M'Intosh, moves, "That the Whole be expunged, and the following inserted:

"'Whereas His Majesty's Government was pleased, in the Year 1798, to grant Twelve Townships of Land (about 543,000 Acres) for the Purpose of endowing Grammar Schools within the different Districts of this Province, and in due course of Time to the Endowment of an University: And whereas 225,000 Acres of those Lands were appropriated to the Endowment of an University (King's College), also 60,000 Acres of Land for Minor College, as an Appendage to that Institution, of the choicest and most valuable of those Lands, leaving only 228,000 Acres of indifferent Lands, remotely situated, for the Support of Grammar Schools and general Education, contrary to the Interests and Feelings of the great Body of the Inhabitants of this Province: And whereas His Majesty's Government has been pleased to call upon this House to distribute the Fund arising from the Clergy Reserves for the Spiritual and Temporal Interests of His Majesty's faithful Subjects in this Province.—Resolved, That this Object would be best effected by appropriating the Proceeds of 250,000 Acres for the Support of Grammar Schools within the several Districts within this Province, out of the first Proceeds of the 2,354,000 Acres of Land which it is contemplated by this Legislature to be re-invested in the Crown.'"

On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Aikman,	Detlor,	Morris,	Shaver,
Armstrong,	Dunlop,	Parke,	Thomson,
Bockus,	M'Donell of Stormont,	Rykert,	Thorburn,
Chisholm of Glengarry,	M'Intosh,	Shade,	Woodruff.—18.
Cook,	Merritt,		

Messrs. NAYS.

Attorney General,	Elliot,	M'Donell of Northumberland,	Richardson,
Boulton,	Gamble,	M'Kay,	Robinson,
Burwell,	Malloch,	M'Lean,	Ruttan,
Cartwright,	Manahan,	Murney,	Sherwood,
Chisholm of Halton,	Marks,		Sol. General.—19.

The Question of Amendment was decided in the Negative by a Majority of One.

On the Question for adopting the Resolution, the Yeas and Nays were taken as follows:

Messrs. YEAS.

Armstrong,	Duncombe,	Marks,	Robinson,
Attorney General,	Elliot,	M'Donell of Northumberland,	Ruttan,
Boulton,	Ferrie,	M'Lean,	Shade,
Burwell,	Gamble,	Murney,	Sherwood,
Cartwright,	Malloch,		Thomson.—21.
Chisholm of Halton,	Manahan,		

Messrs. NAYS.

Aikman,	Detlor,	Merritt,	Shaver,
Bockus,	M'Donell of Stormont,	Morris,	Sol. General,
Chisholm of Glengarry,	M'Intosh,	Parke,	Thorburn,
Cook,	M'Kay,	Richardson,	Woodruff.—17.
		Rykert,	

The Question was carried in the Affirmative by a Majority of Four, and the Resolution was adopted.

On Motion of Mr. Sherwood, seconded by Mr. Boulton,

Ordered, That the Resolution be referred to a Select Committee, consisting of Messrs. Thomson and Cartwright, with Power to report thereon by Bill.

26th *February* 1838.

Mr. Sherwood, from the Committee to draft and report a Bill pursuant to the Resolution of this House on the Subject of the Clergy Reserves, reported a Draft, which was received, and read the First Time.

 Ordered,

Ordered, That the Bill to reinvest the Clergy Reserves in the Crown be read a Second Time To-morrow.

Journals of the House of Assembly.

18th *March* 1839.

Ordered, That the Notice on the Order of the Day for a Committee of the Whole on the Subject of Clergy Reserves this Day, be discharged.

19th *March* 1839.

Mr. Attorney General, seconded by Mr. Robinson, moves, "That the Petition of the Bishop and Clergy of the Established Church of England be entered on the Journals of the House."

Which was carried; and the Petition is as follows:

To the Honourable the Commons House of Assembly in Provincial Parliament assembled:

The Petition of the Clergy of the Established Church assembled under the Authority of the Lord Bishop of the Diocese,

Most humbly showeth,

That by the Act of 31st George Third, Chapter 31, One Seventh of the Lands of this Province has been set apart for the Support of a Protestant Clergy therein: That your Petitioners, after a careful and patient Investigation of all the Arguments which have been advanced on the Subject of this Reservation, continue not only unchanged, but more confirmed, in the Opinion that the Clergy Reserves were by that Act designed solely and exclusively for the Church of England:

That your Petitioners, from a careful Examination of that Act, and of every Authority which can be brought to illustrate it, can arrive at no other Conviction than that the Power delegated therein to the Provincial Legislature, "to vary or repeal" its Provisions, has no Application to the Reservations of Land which have already been made, but can be construed merely into a Permission to vary the Amount of Appropriation, or regulate it for the future:

That whereas Doubts have been raised as to the Legality of the exclusive Claim of your Petitioners to the Clergy Reserves, they have uniformly expressed a Willingness to submit the Question to a Judicial Tribunal competent to pronounce a Decision, and respectfully to yield to the Judgment which in such Case should be awarded: That against any Proposal for the Settlement of this Question which should go to alienate the Clergy Reserves from the original Object of their Appropriation, the Religious Instruction of the People of this Province, your Petitioners feel bound, by a most solemn Sense of Duty, to record their decided Protest:

That with a view to the Settlement of this Question any Plan for the Division of this Property amongst various Sects and Denominations, which would directly compromise the Principles as well as Interests of the Established Church, endanger the Cause of Protestantism, and lead to a religious Discord which must prove the fruitful and permanent Source of civil Dissension, your Petitioners are constrained from an equal Sense of Duty to oppose:

That your Petitioners feel bound to express it as their decided Conviction that the Agitation which has ensued from the Discussion of this Question, and the Excitement of which it has been rendered the Instrument, are not to be ascribed to the simple Merits of the Question itself, but to the Misrepresentation and Abuse of the Public Mind, which, in many Cases, for interested and unhallowed Purposes, have been industriously made:

That although in the Opinion of your Petitioners the Operation of the Act for the Appropriation of the Clergy Reserves, as understood by themselves, could not possibly prove a Grievance, but a Blessing of the highest Order to the Community, they do not view without Pain and Anxiety the political Disquiet and religious Animosity to which the Agitation of this Question has unhappily given rise, and that they are most desirous of its Adjustment upon some Basis which may secure the Peace as well as promote the religious Interests of the Country:

That

That from the Influence of conflicting Prejudices and Interests your Petitioners are firmly of Opinion that an impartial, equitable, and satisfactory Adjustment of the Question of the Clergy Reserves cannot be expected from the Provincial Legislature:

That your Petitioners, not deeming themselves competent to make any Concession which may compromise or appear to compromise in any Degree the Interests of the Church and their Successors in the Ministry, earnestly pray, for the Sake of Peace, a judicial Decision of the Question before a competent Tribunal, either the Judges of England or the Judicial Branch of Her Majesty's Most Honourable Privy Council; or, should this their honest Prayer be found, after every Effort unavailing, that then an Act be passed by the Provincial Legislature, reinvesting the Clergy Reserves in the Queen in Parliament, to be appropriated for the Support of a Protestant Clergy according to the Spirit and Intention of the Constitutional Act.

Your Petitioners therefore most earnestly entreat your Honourable House to use your Influence to procure such a legal Decision: And your Petitioners, as in Duty bound, will ever pray.

In the Name and on Behalf of the Clergy of Upper Canada,

G. Montreal,
George Okill Stuart, LL.D.,
Archdeacon of Kingston.
John Strachan, D.D., LL.D.,
Archdeacon of York.

Toronto, 11th October 1838.

Mr. Prince gives Notice, that he will on To-morrow move for Leave to bring in a Bill to reinvest in the Crown the Lands of this Province commonly called "The Clergy Reserves."

22d *March* 1839.

On Motion of Mr. Thomson, seconded by Mr. Chisholm of Halton,

Ordered, That the Report of the Select Committee on the Clergy Reserves be restored to the Order of the Day, and that it be the first Item, after receiving Reports, for Tuesday next.

28th *March* 1839.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole on the Report of the Select Committee on the Clergy Reserves:

Mr. M'Crae in the Chair.

The House resumed.

The Chairman reported, That the Committee had made some Progress in the Consideration of the Report, and asked Leave to sit again on Monday next.

The Report was received, and Leave granted accordingly.

On Motion of Mr. Attorney General, seconded by Cameron,

Ordered, That the Committee of the Whole on the Clergy Reserves be the first Item on the Order of the Day for Monday, after receiving Reports.

1st *April* 1839.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Report of the Select Committee on the Clergy Reserves:

Mr. M'Micking in the Chair.

The Chairman reported, That the Committee had made some further Progress in the Consideration of the Report, and asked Leave to sit again To-morrow.

The Report was received, and Leave granted accordingly.

On Motion of Mr. Sherwood, seconded by Mr. Shade,

Ordered, That the Report of the Committee of the Whole on the Clergy Reserve Question be the first Item on the Order of the Day for To-morrow, after receiving Reports.

2d *April* 1839.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Report of the Select Committee on the Clergy Reserves:

Mr. Woodruff in the Chair.

The House resumed.

The

The Chairman reported, That the Committee had agreed to several Resolutions, which he was directed to submit for the Adoption of the House.

The Report was received.

The First Resolution was read.

On the Question for passing the same,

In Amendment, Mr. Boulton, seconded by Mr. Sherwood, moves, "That the Resolution be not now put, but that the Resolutions reported be referred back to the Committee of the Whole House forthwith."—Which was carried, and the House was again put into Committee of the Whole accordingly:

Mr. Woodruff in the Chair.

The House resumed.

The Chairman reported, That the Committee had made some further Progress, and asked Leave to sit again To-morrow.

The Report was received, and Leave granted accordingly.

On Motion of Mr. Attorney General, seconded by Mr. Burwell,

Ordered, That the Committee of the Whole on the Clergy Reserves be the first Item on the Order of the Day for To-morrow, after receiving Reports.

3d *April* 1839.

Mr. Cameron, seconded by Mr. Morris, moves, in pursuance of a Resolution of this House, "That Egerton Ryerson be heard at the Bar of this House on the Clergy Reserve Question To-morrow Morning, after receiving Reports; and that the Clerk of the House be required to notify the said Egerton Ryerson of the same."

In Amendment, Mr. Solicitor General, seconded by Mr. Robinson, moves, "That all after the Word 'moves' in the Original be expunged, and the following inserted: 'That Egerton Ryerson be heard at the Bar of this House this Day Three Months.'"

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Attorney General,	Gamble,	M'Lean,	Salmon,
Boulton,	Gowan,	Murney,	Shade,
Burritt,	Kearnes,	Powell,	Sherwood,
Burwell,	Lewis,	Robinson,	Solicitor General,
Detlor,	M'Kay,	Ruttan,	Thomson.—21.
Elliott,			

Messrs.		NAYS.	
Armstrong,	Cornwall,	Merritt,	Rykert,
Bockus,	Malloch,	Morris,	Shaver,
Cameron,	M'Crae,	Parke,	Thorburn,
Chisholm of Halton,	M'Micking,	Prince,	Woodruff.—17.
Cook,			

The Question of Amendment was carried in the Affirmative by a Majority of Four.

On the original Question as amended the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Attorney General,	Gamble,	M'Lean,	Salmon,
Boulton,	Gowan,	Murney,	Shade,
Burritt,	Kearnes,	Powell,	Sherwood,
Burwell,	Lewis,	Robinson,	Solicitor General,
Detlor,	M'Kay,	Ruttan,	Thomson.—21.
Elliott,			

Messrs.		NAYS.	
Armstrong,	Cornwall,	Merritt,	Rykert,
Bockus,	Malloch,	Morris,	Shaver,
Cameron,	M'Crae,	Parke,	Thorburn,
Chisholm of Halton,	M'Micking,	Prince,	Woodruff.—17.
Cook,			

The Question as amended was carried in the Affirmative by a Majority of Four; and it was

Ordered,

Ordered, That Egerton Ryerson be heard at the Bar of this House on the Clergy Reserve Question this Day Three Months.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Clergy Reserves:

Mr. Elliott in the Chair.

The Chairman reported, That the Committee had agreed to several Resolutions, which he was directed to submit for the Adoption of the House.

The Report was received.

The First Resolution was read.

On the Question for passing the same,

In Amendment, Mr. Gowan, seconded by Mr. Gamble, moves "That the Resolution be not now put, but that the same, with the Residue of the Report of the Committee of the Whole, be referred to a Select Committee, to be composed of Messrs. Sherwood, Prince, Thomson, and Detlor, with Liberty to report by Bill or otherwise."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Armstrong,	Elliott,	Malloch,	Prince,
Attorney General,	Gamble,	Marks,	Ruttan,
Boulton,	Gowan,	Merritt,	Shade,
Burwell,	Kearnes,	Morris,	Solicitor General.—19.
Dunlop,	Lewis,	Powell,	

Messrs.		NAYS.	
Aikman,	Cook,	M'Intosh,	Salmon,
Bockus,	Cornwall,	M'Kay,	Shaver,
Cameron,	M'Crae.	Parke,	Sherwood,
Chisholm of Halton,	M'Donell of Stormont,	Rykert,	Thomson—16.

The Question of Amendment was carried in the Affirmative, by a Majority of Three, and ordered accordingly.

11th *April* 1839.

Pursuant to the Order of the Day, the House was put into a Committee of the Whole on the Report of the Select Committee on the Report of the Committee of the Whole on the Clergy Reserves.

Mr. Wickens in the Chair.

The Chairman reported, That the Committee had made some Progress in the Bill, and asked Leave to sit again To-morrow.

The Report was received, and Leave granted accordingly.

On Motion of Mr. Gowan, seconded by Mr. Solicitor General,

Ordered, That the Report of the Committee of the Whole on the Clergy Reserves be the first Item on the Order of the Day for To-morrow, after receiving Reports.

12th *April* 1839.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Report of the Select Committee on the Report of the Committee of the Whole on the Clergy Reserves.

Mr. M'Lean in the Chair.

The House resumed.

The Chairman reported, That the Committee had agreed to several Resolutions, which he was directed to submit for the Adoption of the House.

The Report was received.

The First Resolution was put as follows:—

1. Resolved, That there be reserved or purchased in each and every Township in the Province One or more Lots of Land of One hundred Acres each, for a Glebe or Residence for One or more Clergymen of the Churches of England and Scotland, to be granted or conveyed to such Clergymen for the Time being, and their Successors lawfully appointed, according to the Ecclesiastical Constitution of such Churches respectively. No such Grant or Conveyance to be made until a resident Clergyman be appointed. Provided, that no such Provision should be made for more than Two Clergymen of each Church in any One Township; and that every Clergyman already enjoying any Endowment or Provision by Grant of Lands from the Crown shall be reckoned as if he were provided for pursuant to this Resolution.

In

In Amendment, Mr. Bockus, seconded by Mr. Shaver, moves, "That all after the Word 'Resolved' be expunged, and the following inserted: 'That it is expedient to discontinue the Reservation of Lands in this Province for the Support of a Protestant Clergy, and that the Lands heretofore reserved, commonly called Clergy Reserves, be sold, and the Proceeds thereof, with the Proceeds of those already sold, be appropriated by the Legislature to the general Uses of the Province, and the Interest on such Proceeds, at the Rate of Six per Cent. per Annum, to be applied to the Purposes of general Education.'"

On which the Yeas and Nays were taken as follows:

Messrs.	YEAS.		
Armstrong,	Detlor,	M'Intosh,	Rykert,
Bockus,	Duncombe,	M'Micking,	Shaver,
Caldwell,	Mathewson,	Merritt,	Thomson,
Cameron,	M'Crae,	Morris,	Thorburn,
Cook,	M'Donell of Northumberland,	Parke,	Woodruff.—21.
Cornwall,			

Messrs.	NAYS.		
Attorney General,	Gowan,	M'Kay,	Salmon,
Burritt,	Hotham,	M'Lean,	Shade,
Burwell,	Hunter,	Murney,	Sherwood,
Chisholm of Halton,	Kearnes,	Powell,	Solicitor General,
Ferrie,	Lewis,	Richardson,	Wickens.—22.
	Malloch,	Robinson,	

The Question of Amendment was decided in the Negative by a Majority of One.

In Amendment, Mr. Cook, seconded by Mr. M'Micking, moves, "That all after the Word 'Resolved' in the original Motion be expunged, and the following inserted: 'That it is expedient that the Clergy Reserves be sold as Crown Lands now are sold, and that the Proceeds derived from such Sale, together with the Proceeds of those already disposed of, be invested in Provincial Debentures, the Interest to be derived from such Debentures to be applied to Religious and Educational Purposes, so that all Her Majesty's Subjects may equally participate in its Benefits."

On which the Yeas and Nays were taken as follows:

Messrs.	YEAS.		
Armstrong,	Cornwall,	M'Intosh,	Shaver,
Bockus,	Detlor,	M'Micking,	Thomson,
Caldwell,	Duncombe,	Merritt,	Thorburn,
Cameron,	M'Crae,	Parke,	Woodruff.—19.
Cook,	M'Donell, Northb.	Rykert,	

Messrs.	NAYS.		
Attorney General,	Hotham,	M'Kay,	Salmon,
Burritt,	Hunter,	M'Lean,	Shade,
Burwell,	Kearnes,	Morris,	Sherwood,
Chisholm, Halton,	Lewis,	Murney,	Solicitor General,
Ferrie,	Malloch,	Powell,	Wickens.—23.
Gowan,	Mathewson,	Robinson,	

The Question of Amendment was decided in the Negative by a Majority of Four.

In Amendment, Mr. Gowan, seconded by Mr. Merritt, moves, "That all after the Word 'Resolved' be expunged, and the following inserted: 'That there be reserved or purchased in each and every Township of the Province One or more Lots of Land of 100 Acres each Lot for a Glebe or Residence for One or more resident Ministers of the Churches now recognized by Law, so soon as they shall have a Congregation therein of not less than 150 Persons over the Age of Sixteen Years: Provided that nothing herein contained shall prevent the Commissioners to be appointed to carry out the Provisions of this Bill from making a suitable Provision for the Maintenance of a Minister or Ministers for such indigent Congregation or Congregations, under the Number of 150 Persons, as in their Discretion they may deem necessary, such Provision in

in no Case to exceed the Sum of 100*l.* per Annum for any One Minister, and to be reported to the Legislature at its next Meeting.

"'That the whole of the Remainder of the Clergy Reserves be sold as Crown Lands are at present sold, and that the Interest of the Proceeds thereof, with the Interest of those already sold, be paid annually to the several Bodies representing the several Protestant Denominations recognised by Law, in proportion to the Number of ascertained Ministers regularly authorized and actually officiating in the Discharge of their Ministerial Duties of each Denomination respectively, such Sum in no Case to exceed the Sum of 100*l.* per Annum for each Minister, and to be appropriated in such Manner as the respective Denominations may from Time to Time determine, according to the respective Rules and Regulations of their Church Government, and whose Religious Tenets do not prohibit their bearing Arms.

"'The surplus Interest (if any) to be expended in the Erection of suitable Places for Public Worship in the several Townships, and for the Religious and Moral Education of Youth within the same.

"'That there be secured to the Ministers of the Churches of England and Scotland at present resident in this Province the several Amounts at present paid to them; but that, on the Death or Removal from Office as a Minister of the present Incumbents, their Successors shall become subject and liable to the same Regulations as to Salary and Allowances as the other Ministers of those Churches hereafter to be appointed.

"'That the Amount of the Sales of the Clergy Reserves already invested in the English Funds, and the Proceeds of future Sales, be invested in the Debentures of this Province, in the Discretion of the Board of Commissioners hereafter to be appointed.

"'That Three Commissioners be appointed by the Legislature to carry out the Provisions of a Bill embodying the foregoing Resolutions, who shall remain in Office for Four Years; but in case of a Vacancy by Death, Resignation, or otherwise, the Vacancy to be supplied by the Lieutenant Governor.'"

On which the Yeas and Nays were taken as follows:

Messrs.

YEAS.

Caldwell,	Ferrie,	M'Micking,	Rykert,
Chisholm of Halton,	Gowan,	Merritt,	Salmon,
Cook,	Mathewson,	Morris,	Shaver,
Duncombe,	M'Donell of Northum.	Murney,	Thompson.—16.

Messrs.

NAYS.

Alway,	Detlor,	M'Intosh,	Robinson,
Armstrong,	Dunlop,	M'Kay,	Shade,
Attorney General,	Hunter,	M'Lean,	Sherwood,
Bockus,	Kearnes,	Moore,	Solicitor General,
Burritt,	Lewis,	Parke,	Thorburn,
Burwell,	Malloch,	Powell,	Wickens,
Cameron,	M'Crae,	Prince,	Woodruff.—30.
Cornwall,	M'Donell of Stormont,		

The Question of Amendment was decided in the Negative by a Majority of Fourteen.

In Amendment, Mr. Detlor, seconded by Mr. Thomson, moves, "That the whole of the original Resolution be expunged, and the following adopted:

"'Resolved, That it is indispensably necessary that the Clergy Reserves be sold, and the Interest arising from the Proceeds be apportioned among all the Christian Denominations recognised by the Statutes or Laws of this Province; that a Board of Commissioners (to be composed of Three Members) be appointed by the Legislature, who shall hold Office for the Term of Four Years.

"'That said Board of Commissioners shall have the Management of the Interest of the Clergy Reserve Fund, with Authority to hear and determine upon all Applications, and apportion said Interest among the different Religious Denominations as aforesaid, according to the Number of accredited Ministers belonging to such Denominations (who are wholly devoted to their Ministerial Duties), and to pay over such Sum or Sums to such Person who may be officially appointed to receive the same: That each Denomination participating in the Clergy

Clergy Reserve Fund shall annually report to the Commissioners a Statement of the Purposes to which they have applied the same; all of which, together with a full Statement of the Proceedings of said Board of Commissioners, to be transmitted for the Inspection of the Legislature.' "

On which the Yeas and Nays were taken as follows .

Messrs.		YEAS.	
Armstrong,	Cornwall,	M'Crae,	Morris,
Bockus,	Detlor,	M'Donell of Stormont,	Parke,
Caldwell,	Duncombe,	M'Intosh,	Rykert,
Cameron,	Ferrie,	M'Micking,	Salmon,
Chisholm of Halton,	Mathewson,	Merritt,	Thomson.—21.
Cook,			

Messrs.		NAYS.	
Alway,	Hunter,	M'Kay,	Sherwood,
Attorney General,	Kearnes,	M'Lean,	Solicitor General,
Burritt,	Lewis,	Murney,	Thorburn,
Burwell,	Malloch,	Powell,	Wickens,
Gowan,	Marks,	Robinson,	Woodruff—23.
Hotham,	M'Donell of Northb.	Shade,	

The Question of Amendment was decided in the Negative by a Majority of Two.

In Amendment, Mr. Cameron, seconded by Mr. Shaver, moves, " That all after the Word 'Resolved' be expunged, and the following inserted: 'That the Funds now in England which have arisen from the Sale of Clergy Lands, together with the Amount due to the Government for Clergy Reserves which have been heretofore sold (but remain unpaid), be divided in the following Manner:

One Fourth to the Church of England.
One Fourth to the Church of Scotland and Synod of Canada.
One Fourth to the Methodist Churches,
One Fourth to general Education.

" 'Resolved, That all Lands which have been reserved as Clergy Reserves shall be immediately divided by Lot for the Purposes aforesaid.

" 'Resolved, That no further Reservations of Land be made as Clergy Reserves.' "

On which the Yeas and Nays were taken as follows :—

Messrs.		YEAS.		
Cameron,	Merritt,	Prince,	Shaver,	Thomson.—5.

Messrs.		NAYS.	
Alway,	Gowan,	M'Donell of Stormont,	Powell,
Armstrong,	Hotham,	M'Intosh,	Rykert,
Attorney General.	Hunter,	M'Kay,	Salmon,
Bockus,	Kearnes,	M'Lean,	Shade,
Burritt,	Lewis,	M'Micking,	Sherwood,
Chisholm of Halton,	Malloch,	Moore,	Solicitor General,
Cook,	Marks,	Morris,	Thorburn,
Cornwall,	Mathewson,	Murney,	Wickens,
Detlor,	M'Crae,	Parke,	Woodruff.—38.
Ferrie,	M'Donell of Northumberland,		

The Question of Amendment was decided in the Negative, by a Majority of Thirty-three.

In Amendment, Mr. Parke, seconded by Mr. M'Intosh, moves, " That after the Word 'Resolved' the whole be expunged, and the following inserted: 'That as several Houses of Assembly of this Province have by very large Majorities desired the Clergy Reserves to be appropriated to common School Education and general Improvements, and as a Majority of this House were elected under peculiar Circumstances, and in support of Measures entirely distinct

distinct from and of which the Clergy Reserve Question formed no Part, and as they differ so much in Opinion in the Settlement of it from all former Houses of Assembly, there are just Grounds for believing they do not truly represent the Opinions and Wishes of the People of the Province on the Subject, it would be decidedly unjust to make a Disposition of them so contrary to their often expressed Views through their Representatives and otherwise, and highly dangerous and productive of Discord to attempt a Disposition of it so contrary to their Wishes and Feelings;' Be it therefore resolved, That an Appeal be made to the People in such a Manner as to ascertain their Views and Wishes on the Subject; and that such Wishes of the People, when so obtained, be made the Ground-work for the peaceable Settlement of this exciting and important Question.

On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Alway, M'Intosh, Parke,
Cook, Moore, Woodruff.—6.

Messrs. NAYS.

Armstrong, Attorney General, Bockus, Burritt, Burwell, Caldwell, Cameron, Chisholm of Halton, Cornwall, Detlor, Dunlop, Ferrie, Gowan, Hotham, Hunter, Kearnes, Lewis, Malloch, Marks, Mathewson, M'Donell of Stormont, M'Kay, M'Lean, Merritt, Morris, Murney, Powell, Prince, Richardson, Robinson, Rykert, Salmon, Shade, Shaver, Sherwood, Solicitor General, Thomson, Thorburn, Woodruff.—39.

The Question of Amendment was decided in the Negative by a Majority of Thirty-three.

On the original Question the Yeas and Nays were taken as follows:

Messrs. YEAS.

Attorney General, Burritt, Burwell, Chisholm of Halton, Dunlop, Ferrie, Gowan, Hotham, Hunter, Kearnes, Lewis, Malloch, Marks, Mathewson, M'Kay, M'Lean, Morris, Murney, Prince, Richardson, Robinson, Shade, Sherwood, Solicitor General, Thomson, Wickens.—26.

Messrs. NAYS.

Alway, Armstrong, Bockus, Caldwell, Cameron, Cook, Cornwall, Detlor, Duncombe, M'Donnell of Stormont, M'Intosh, M'Micking, Merritt, Moore, Parke, Powell, Rykert, Salmon, Shaver, Thorburn, Woodruff—21.

The Question was carried in the Affirmative by a Majority of Five, and the Resolution was adopted as follows:

Resolved, That there be reserved or purchased in each and every Township in the Province One or more Lots of Land of One hundred Acres each for a Glebe or Residence for One or more Clergymen of the Churches of England and Scotland, to be granted or conveyed to such Clergymen for the Time being, and their Successors lawfully appointed, according to the Ecclesiastical Constitution of such Churches respectively; no such Grant or Conveyance to be made until a resident Clergyman be appointed: Provided that no such Provision shall be made for more than Two Clergymen of each Church in any one Township; and that every Clergyman already enjoying an Endowment or Provision by Grant of Lands from the Crown shall be reckoned as if he were provided for pursuant to this Resolution.

The

The Second Resolution was put as follows :—

Resolved, That a similar Reservation or Purchase of One or more Lots be made in each Circuit for the resident Ministers of the Wesleyan Methodist Church in Canada, in connexion with the English Wesleyan Conference, to be granted or conveyed in Trust for such resident Ministers for the Time being, or their Successors, under the Discipline of the said Church; provided that the Number of Circuits be limited to One hundred in the whole, and not more than Two such Lots be reserved or purchased in any One Circuit, and that no such Grant or Conveyance be made until there is a resident Minister within such Circuit for each and every such Lot, and not less than One Chapel or Place of Worship built within the Circuit.

On which the Yeas and Nays were taken as follows :—

Messrs.	YEAS.		
Atttorney General,	Hotham,	M'Lean,	Shade,
Burritt,	Hunter,	Morris,	Shaver,
Burwell,	Lewis,	Murney,	Sherwood,
Chisholm of Halton,	Malloch,	Prince,	Sol. General,
Dunlop,	Marks,	Richardson,	Thomson,
Ferrie,	Mathewson,	Robinson,	Wickens.—26.
Gowan,	M'Kay,		

Messrs.	NAYS.		
Alway,	Cornwall,	M'Intosh,	Powell,
Armstrong,	Detlor,	M'Micking,	Rykert,
Bockus,	Duncombe,	Merritt,	Thorburn,
Caldwell,	M'Donell of Stormont,	Moore,	Woodruff.—18.
Cook,		Parke,	

The Question was carried in the Affirmative by a Majority of Eight, and the Resolution was adopted.

The Third Resolution was put as follows:

Resolved, That all the Clergy Reserves now unsold, and which shall not be reserved for the foregoing Purposes, be sold under the Rules and Regulations from Time to Time in force relative to the Sale of Crown Lands: That the Proceeds of all past and future Sales, subject to the necessary Expenditure for the Purchase of Lots from Time to Time, as limited in the foregoing Resolutions, be invested in Provincial Debentures, and the Interest be disposed of as follows:

1st. To pay to each Clergyman of the Churches of England and Scotland, resident according to the First Resolution, an annual Stipend not to exceed One hundred Pounds.

2d. To pay to the Wesleyan Methodist Church in Canada, in connexion with the English Conference, or their proper Officer, a Sum not to exceed One hundred Pounds per Annum for as many Ministers of that Church as there shall be Lots granted and conveyed in each Circuit, according to the Second Resolution.

3d. The Surplus of Interest not otherwise disposed of to be expended in aid of the Erection of Places of Public Worship throughout the Province generally.

On which the Yeas and Nays were taken as follows:

Messrs.	YEAS.		
Attorney General,	Hotham,	Mathewson,	Richardson,
Burritt,	Hunter,	M'Kay,	Robinson,
Burwell,	Kearnes,	M'Lean,	Shade,
Chisholm of Halton,	Lewis,	Morris,	Sol. General,
Ferrie,	Malloch,	Murney,	Thomson,
Gowan,	Marks,	Prince,	Wickens.—24.

Messrs.	NAYS.		
Alway,	Cook,	M'Intosh,	Powell,
Armstrong,	Cornwall,	M'Micking,	Rykert,
Bockus,	Detlor,	Merritt,	Shaver,
Caldwell,	Duncombe,	Moore,	Thorburn,
Cameron,	M'Donell of Stormont,	Parke,	Woodruff—20.

The

The Question was carried in the Affirmative by a Majority of Four, and the Resolution was adopted.

The Fourth Resolution was put as follows:

Resolved, That a Board of Three Commissioners be appointed to carry out the Provisions of an Act to be passed in conformity with the foregoing Resolutions.

In Amendment, Mr. Bockus, seconded by Mr. Mathewson, moves, "That after the Word 'Resolved' the whole be expunged, and the following inserted:

"That it is expedient, for the future Peace and Welfare of this Province, that so much of an Act passed in the Parliament of Great Britain in the 31st Year of the Reign of His late Majesty King George 3d, Chap. 31., as requires One Seventh Part of the Lands of the Province to be allotted and appropriated for the Support of a Protestant Clergy therein, be repealed: That no further Allotment, Appropriation, or Reservation of Lands for such Purposes be made."

On which the Yeas and Nays were taken as follows:

YEAS.

Messrs.			
Bockus,	Detlor,	M'Micking,	Rykert,
Caldwell,	Duncombe,	Merritt,	Shaver,
Cameron,	Mathewson,	Moore,	Thorburn,
Cook,	M'Donell of Stormont,	Morris,	Woodruff.—19.
Cornwall,	M'Intosh,	Parke,	

NAYS.

Messrs.			
Alway,	Gowan,	M'Kay,	Salmon,
Armstrong,	Hotham,	M'Lean,	Shade,
Attorney General,	Hunter,	Murney,	Sherwood,
Burritt,	Kearnes,	Powell,	Solicitor General,
Burwell,	Lewis,	Prince,	Thompson,
Dunlop,	Malloch,	Richardson,	Wickens.—27.
Ferrie,	Marks,	Robinson,	

The Question of Amendment was decided in the Negative by a Majority of Eight, and the Resolution was adopted.

The Fifth Resolution was put and carried as follows:

Resolved, That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to lay this Subject before the Imperial Parliament, and to recommend the passing of an Act to give effect to so much of these Resolutions as relates to the Proceeds of Clergy Reserves sold under the Authority of the Imperial Statute.

On Motion of Mr. Gowan, seconded by Mr. M'Kay,

Ordered, That the Resolutions this Day adopted, upon the Subject of the Clergy Reserves, be referred to a Select Committee, with Liberty to report by Bill or otherwise, and that the said Committee consist of Messrs. Attorney General, Solicitor General, Prince, and Sherwood.

17th *April* 1839.

Mr. Gowan, from the Select Committee to which was referred the Resolutions adopted by this House on the Subject of the Clergy Reserves, reported the Drafts of a Bill and an Address to Her Majesty.

The Address to Her Majesty, praying that the Proceeds of the Clergy Reserves may be invested in Provincial Debentures, was read a First Time, and ordered for a Second Reading To-morrow.

The Bill was read the First Time.

Ordered, That the Bill to regulate the future Appropriation of the Clergy Reserves be read a Second Time To-morrow.

On Motion of Mr. Gowan, seconded by Mr. Bockus.

Ordered, That the Bill for the Disposition of the Clergy Reserves be the first Item on the Order of the Day for To-morrow, after receiving Reports.

18th *April* 1839.

Pursuant to the Order of the Day, the Bill to provide for the future Appropriation of the Clergy Reserves was read the Second Time.

The

The House was put into a Committee of the Whole on the Bill:
Mr. Armstrong in the Chair.

The Chairman reported, That the Committee had gone through the Provisions of the Bill, amended the same, and submitted it for the Adoption of the House.

On the Question for receiving the Report the Yeas and Nays were taken as follows:

Messrs.

YEAS.

Aikman,	Gamble,	M'Donell of Stormont,	Ruttan,
Armstrong,	Gowan,	M'Intosh,	Rykert,
Burritt,	Hotham,	M'Kay,	Shade,
Caldwell,	Hunter,	Merritt,	Shaver,
Cameron,	Kearnes,	Morris,	Sherwood,
Chisholm of Halton,	Lewis,	Parke,	Solicitor General,
Cook,	Malloch,	Powell,	Thomson,
Cornwall,	Marks,	Prince,	Wickens,
Detlor,	Mathewson,	Richardson,	Woodruff.—39.
Dunlop,	M'Crae,	Robinson,	

Messrs.

NAYS.

Alway,	Bockus,	Boulton,	Burwell,	Elliott,—5.

The Question was carried in the Affirmative by a Majority of Thirty-four, and the Report was received.

On the Question for the Third Reading of the Bill To-morrow,

In Amendment, Mr. Boulton, seconded by Mr. Elliott, moves, "That the Bill be not read a Third Time To-morrow, but that it be resolved that an humble Address be presented to Her Majesty, praying Her Majesty will be graciously pleased to submit to the Imperial Parliament the Propriety of passing an Act to alter and amend the Act 31st Geo. 3d. ch. 31. so far as relates to the Reservation of Land for the Support of a Protestant Clergy, and to provide in what Manner and to what Denomination of Protestants the Lands so reserved, or the Proceeds of any Part thereof, sold or to be sold, shall be appropriated; and also to provide that all Lands so reserved or to be reserved shall be sold by the Commissioner of Crown Lands, and the Proceeds thereof appropriated for the Purpose of upholding the Protestant Religion in such Manner as the Imperial Parliament may direct.

On which the Yeas and Nays were taken as follows:

Messrs.

YEAS.

Attorney General,	Dunlop,	Gowan,	Robinson,
Boulton,	Elliott,	M'Lean,	Wickens.—11.
Burwell,	Gamble,	Powell,	

Messrs.

NAYS.

Aikman,	Detlor,	M'Intosh,	Salmon,
Alway,	Duncombe,	M'Kay,	Shade,
Armstrong,	Hotham,	M'Micking,	Sherwood,
Bockus,	Hunter,	Merritt,	Solicitor General,
Burritt,	Kearnes,	Morris,	Thomson,
Caldwell,	Lewis,	Parke,	Thorburn,
Cameron,	Malloch,	Prince,	Woodruff.—36.
Chisholm of Halton,	Mathewson,	Richardson,	
Cook,	M'Donell of Stormont.	Ruttan,	
Cornwall,		Rykert,	

The Question of Amendment was decided in the Negative by a Majority of Twenty-five.

In Amendment, Mr. Detlor, seconded by Mr. Thomson, moves, "That the Bill be not read the Third Time To-morrow, but that it be read the Third Time on Monday next; and that One hundred Copies of the same be printed for the Use of Members."

On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Aikman,	Detlor,	M'Crae,	Rykert,
Armstrong,	Duncombe,	M'Donell of Stormont,	Shaver,
Burritt,	Hotham,	M'Micking,	Sherwood,
Caldwell,	Hunter,	Merritt,	Thomson,
Cameron,	Kearnes,	Morris,	Thorburn,
Chisholm of Halton,	Lewis,	Parke,	Wickens,
Cook,	Malloch,	Prince,	Woodruff.—30.
Cornwall,	Mathewson,		

Messrs. NAYS.

Alway,	Elliott,	M'Lean,	Ruttan,
Attorney General,	Gamble,	Powell,	Shade,
Bockus,	Gowan,	Richardson,	Solicitor General.
Boulton,	M'Intosh,	Robinson,	—17.
Burwell,	M'Kay,		

The Question was carried in the Affirmative by a Majority of Thirteen; and the Bill was ordered to be engrossed, and read a Third Time on Monday next.

22d April 1839.

On the Order of the Day for the Third Reading of the Bill to provide for future Appropriation of the Clergy Reserves being called:

In Amendment, Mr. Detlor, seconded by Mr. Aikman, moves, "That the Bill be not now read the Third Time, but that it be re-committed forthwith, for the Purpose of amending the same."

Which was carried, and the House was put into Committee of the Whole on the Bill accordingly:

Mr. Armstrong in the Chair.

The Chairman reported, That the Committee had gone through the Provisions of the Bill, amended the same, and submitted it for the Adoption of the House.

On the Question for receiving the Report the Yeas and Nays were taken as follows:

Messrs. YEAS.

Aikman,	Cornwall,	M'Crae,	Parke,
Armstrong,	Detlor,	M'Donell of Northumberland,	Ruttan,
Burritt,	Duncombe,	M'Donell of Stormont,	Shaver,
Cameron,	Hotham,	M'Intosh,	Thomson,
Chisholm of Halton,	Kearnes,		Thorburn,
Cook,	Mathewson,		Woodruff.—22.

Messrs. NAYS.

Attorney General,	Dunlop,	Merritt,	Sherwood,
Bockus,	Lewis,	Powell,	Solicitor General,
Boulton,	Malloch,	Prince,	Wickens.—18.
Burwell,	M'Kay,	Rykert,	
Cartwright,	M'Micking,	Shade,	

The Question was carried in the Affirmative by a Majority of Four, and the Report was received.

On the Question for the Third Reading of the Bill To-morrow:

In Amendment, Mr. Bockus, seconded by Mr. Rykert, moves, "That the Bill be not read a Third Time on To-morrow, but that it be resolved that it is expedient to provide for the Sale of the Lands commonly called Clergy Reserves, and the Payment of the Proceeds of all Sales, past as well as future, into the Hands of the Receiver General of this Province, for the public Use thereof."

On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Aikman,	Cornwall,	M'Donell of Stormont,	Parke,
Armstrong,	Detlor,	M'Intosh,	Rykert,
Bockus,	Duncombe,	M'Micking,	Shaver,
Chisholm of Halton,	Mathewson,	Merritt,	Thorburn,
Cook,	M'Crae,		Woodruff.—19.

Messrs.

Messrs.

Attorney General, Boulton, Burritt, Burwell, Cameron, Cartwright, Dunlop, Gamble, Hotham, Kearnes, Lewis, Malloch,

NAYS.

M'Donell of Northumberland, M'Kay, M'Lean, Powell, Prince, Ruttan, Shade, Sherwood, Solicitor General. Thomson, Wickens.—23.

The Question of Amendment was decided in the Negative by a Majority of Four.

In Amendment, Mr. Detlor, seconded by Mr. Thomson, moves, "That the Bill be read a Third Time this Day, and that the Thirty-first Rule of this House be dispensed with as far as relates to the same."

On which the Yeas and Nays were taken as follows:

Messrs.

Aikman, Cameron, Chisholm of Halton, Cook, Cornwall, Detlor, Duncombe, Kearnes, Mathewson, M'Crae,

YEAS.

M'Donell of Northumberland, M'Donell of Stormont, M'Kay, Morris, Ruttan, Shaver, Thomson, Thorburn.—18.

Messrs.

Attorney General, Bockus, Boulton, Burritt, Burwell, Dunlop, Gamble, Hotham, Lewis, Malloch, M'Intosh, M'Lean,

NAYS.

M'Micking, Parke, Powell, Prince, Rykert, Shade, Sherwood, Solicitor General, Wickens.—21.

The Question of Amendment was decided in the Negative by a Majority of Three.

On the original Question the Yeas and Nays were taken as follows:

Messrs.

Aikman, Burritt, Cameron, Chisholm of Halton, Cornwall, Detlor, Duncombe, Kearnes, Mathewson,

YEAS.

M'Crae, M'Donell of Northumberland, M'Donell of Stormont, Morris, Ruttan, Shaver, Thomson.—16.

Messrs.

Attorney General, Bockus, Boulton, Burwell, Cartwright, Cook, Dunlop, Gamble, Lewis, Malloch, M'Kay, M'Lean,

NAYS.

M'Micking, Merritt, Parke, Powell, Prince, Rykert, Shade, Sherwood, Solicitor General, Thorburn, Wickens, Woodruff.—24.

The Question was decided in the Negative by a Majority of Eight.

At Half past Two o'Clock P.M. Mr. Speaker left the Chair.

Mr. Speaker resumed the Chair.

On Motion of Mr. Prince, seconded by Mr. Ruttan,

Ordered, That the Bill disposing of the Clergy Reserves be read a Third Time on Wednesday next.

24th *April* 1839.

Pursuant to the Order of the Day, the Bill to regulate the future Appropriation of the Clergy Reserves was read the Third Time.

On the Question of the passing of the Bill,

In Amendment, Mr. Boulton, seconded by Mr. Ruttan, moves, "That the Bill do not now pass, but that all after the Second Clause in the original Bill be expunged, and the following inserted:

"And be it, &c., That the Monies to arise and be produced and henceforth received from any such Sale or Sales, after deducting the Expenses as aforesaid, shall be paid over to the Commissioner of Crown Lands, and shall be invested by him, bearing Interest at the Rate of not less than Six per Cent. per Annum.

 "And

"And be it, &c. That there shall be reserved and set apart in each and every Township in this Province, One or more Clergy Reserves, containing 100 Acres each, for Glebes or Residences for One or more Clergymen of the Churches of England, Scotland, and of the Wesleyan Methodist Church; and that as soon as there shall be One or more Clergymen of either of the said Churches respectively, duly appointed to and becoming resident in any Township, it shall be lawful for Her Majesty, Her Heirs and Successors, to grant to every such Clergyman and his Successors, to be lawfully appointed according to the Ecclesiastical Constitution of such Churches respectively, One such Lot of One hundred Acres, to be held by such Incumbent or resident Clergyman and his Successors as a Corporation Sole.

"And be it, &c., That whenever there shall not be a sufficient Number of Clergy Reserves unsold in any Township, or from Situation or other reasonable Cause a convenient Reservation for the Purposes aforesaid cannot be made in such Township, it shall and may be lawful for the Commissioner of Crown Lands and he is hereby required to purchase, at the most reasonable Prices, in his Discretion, One or more Lots containing One hundred Acres each, as Glebes or Residences for One or more Clergymen of the said Churches, which Lots, when so purchased, shall be respectively conveyed in like Manner, and for the same Purposes, and with and under the same Powers, Limitations, Provisions, and Restrictions, as are in this Act contained and expressed of and concerning Grants to be made by Her Majesty to the resident Clergymen of the said Churches.

"Provided always, and be it, &c., That nothing in this Act shall extend or be construed to extend to prevent the Bishop, Synod, or other Person or Body of and in the said Churches respectively having lawful Authority according to the Canons and Constitutions of such Churches, from removing or depriving any such Clergyman from his Office or Situation, as Incumbent or resident Clergyman of or in any such Township, and from appointing a Successor from Time to Time and as often as it may be necessary, nor to give or to vest in any such Clergyman any Right, Title, or Interest in the said Land other than that which he may hold as a Corporation Sole as aforesaid, and whi lehe shall so be the Incumbent or resident Clergyman in and for the Township wherein such Land shall lie.

"Provided always, and be it further, &c., That such Reservations, Grants, Purchases, and Conveyances shall not be made to or for more than Two Clergymen of any One of the said Churches in any One Township of this Province.

"Provided further, That every Clergyman of either of the said Churches who shall have received any Endowment or Grant of Lands from the Crown, either to or in Trust for or for the Use and Benefit of him and his Successors, as Rector or resident Minister, or otherwise, in his Character and Capacity as a Clergyman, in any Township, shall be for the Purposes herein contained considered as if such Endowment or Grant of Lands had been given or conveyed to him under the Authority and in pursuance of the Provisions of this Act.

"And be it, &c., That the annual Dividends and Interests arising from the Investment of the Proceeds of all and every Sale of Clergy Reserves in this Province, whether past or future, and wheresoever and howsoever invested, shall be appropriated and applied by the Commissioner of Crown Lands to and for the following Uses and Purposes; that is to say, to pay to each Clergyman of the Churches of England and Scotland the Amount at present received by them respectively in any Part of the Province, and in future to pay to each Clergyman of the said Churches of England and Scotland who shall be in the actual Occupation and Enjoyment of any present or future Grant or Endowment of Lands as a resident Clergyman as aforesaid the annual Stipend not to exceed 100*l.*, and after their several Payments and Appropriations, and the Payment of the necessary Charges and Expenses, to apply the Residue of such annual Interest or Dividends to pay to each Wesleyan Methodist Clergyman appointed to any Circuit in this Province 100*l.* per Annum; and also to afford Aid in the Erection of Places of Public Worship in this Province for any Denomination of Christians in such Manner as the Governor, by and with the Advice of the Executive Council, may direct.

And

"And be it, &c., That the Commissioner of Crown Lands shall once in every Year render a true and faithful Account of the Expenditure of the Monies received by him under the Authority of this Act; provided always, and be it further, &c., that nothing in this Act contained shall be construed to limit and prevent the Commissioner of Crown Lands from laying out and expending from Time to Time such Sum or Sums of Money, whether Principal Monies arising from the Sale of Clergy Reserves, or Interest accruing from the Investment thereof in Provincial Debentures, as shall be found necessary for the Purchase of any Lot or Lots of Land conveyed to and for the several Uses and Intents herein-before declared, nor for such Purpose from selling any Debenture or Debentures that he may find necessary; provided that the said Commissioner shall not lay out in the Purchase, in any One Lot of One hundred Acres, a greater Sum than Two hundred Pounds.

"And be it, &c., That it shall be the Duty of the said Commissioner of Crown Lands, and he is hereby required, to distribute and pay the several Stipends and annual Sums herein-before directed to be paid and allowed in such Manner as to give no undue Priority, Preference, or Advantage to any or either of the Churches, otherwise than is provided for by this Act.

"And be it, &c., That the said Commissioner shall once in every Year make a full and particular Return to the Lieutenant Governor of all Monies received by him, of the Amount of Monies invested, and of the Dividends thereon, the Number of Lots, and to whom granted or conveyed, the Number of Stipends paid to the Clergymen of the said Churches, and the Amount of each such Stipend, and the Return made of the Expenditure thereof, and generally of every other Matter and Thing relating to the Duty imposed by this Act; and that Copies of such annual Returns be laid before both Branches of the Legislature of this Province.

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.		
Attorney General,	Hunter,	M'Lean,	Solicitor General.	
Boulton,	Lewis,	Ruttan,		13.
Burritt,	Malloch,	Shade,		
Burwell,	M'Kay,	Sherwood,		

Messrs.		NAYS.		
Aikman,	Cornwall,	M'Donell of Northumberland.	Rykert,	
Alway,	Detlor,	M'Intosh,	Shaver,	
Bockus,	Duncombe,	Merritt,	Thomson,	
Caldwell,	Ferrie,	Moore,	Thorburn,	
Cameron,	Kearnes,	Morris,	Woodruff,	26.
Chisholm of Halton,	Mathewson,	Parke,		
Cook,	M'Donell of Stormont,	Robinson,		

The Question of Amendment was decided in the Negative by a Majority of Thirteen.

In Amendment, Mr. Thomson, seconded by Mr. M'Intosh, moves, "That the Bill do not now pass, but that it be amended by striking out the Words in the Fourth Clause, 'and where their religious Tenets do not prohibit their bearing Arms.'"

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Aikman,	Chisholm of Halton,	Mathewson,	Ruttan,
Alway,	Cook,	M'Donell of Stormont,	Rykert,
Armstrong,	Cornwall,	M'Intosh,	Shade,
Atty. General,	Detlor,	M'Lean,	Shaver,
Bockus,	Duncombe,	Merritt,	Thomson,
Burwell,	Ferrie,	Morris,	Thorburn,
Caldwell,	Kearnes,	Parke,	Wickens,
Cameron,			Woodruff.—30.

Messrs. NAYS.

Boulton,	Malloch,	M'Kay,	Sherwood,
Burritt,	M'Donell of Northumberland,	Moore,	Solicitor General.—11.
Hunter,		Robinson,	
Lewis,			

The Question of Amendment was carried in the Affirmative by a Majority of Nineteen, and ordered accordingly.

In Amendment to the original Question, Mr. Prince, seconded by Mr. Powell, moves, "That the Bill do not now pass, but that it be resolved, That so much of the Lands of this Province called the Clergy Reserves as remain unsold and unappropriated shall be, and remain vested in Her Majesty, Her Heirs and Successors, discharged from the Trusts and Conditions of a certain Act of the Imperial Parliament passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, to the Intent and in order that the same Lands may be, by and under the Authority of the Parliament of the United Kingdom of Great Britain and Ireland, applied and appropriated, by way of Endowment or otherwise, solely for the Maintenance of Public Worship and the Support of Religion within this Province, and for no other Use or Purpose whatsoever.

"Resolved, That it is inexpedient to interfere with or make void any Grant, Sale, Lease, Endowment, or other Appropriation of Land called Clergy Reserves heretofore made.

"Resolved, That it is inexpedient to make any further Grant, Sale, Lease, or other Disposition of any of the said Lands called Clergy Reserves, remaining unappropriated, otherwise than in pursuance of Instructions which shall from Time to Time be given by Her Majesty, Her Heirs or Successors, after the passing of this Act."

On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Atty. General,	Lewis,	Powell,	Sherwood,
Boulton,	M'Donell of Northumberland,	Prince,	Solicitor General,
Burwell,		Robinson,	Wickens.—14.
Dunlop,	M'Lean,	Shade,	

Messrs. NAYS.

Aikman,	Cornwall,	M'Donell of Stormont,	Parke,
Alway,	Detlor,	M'Intosh,	Ruttan,
Armstrong,	Duncombe,	M'Kay,	Rykert,
Bockus,	Ferrie,	M'Micking,	Shaver,
Burritt,	Hunter,	Merritt,	Thomson,
Caldwell,	Kearnes,	Moore,	Thorburn,
Cameron,	Malloch,	Morris,	Woodruff.—31.
Chisholm of Halton,	Mathewson,		

The Question of Amendment was decided in the Negative by a Majority of Seventeen.

In Amendment, Mr. Prince, seconded by Mr. Powell, moves, "That the Bill do not now pass, but that it be resolved, That so much of the Lands of this Province called the Clergy Reserves as remain unsold and unappropriated shall be and remain vested in Her Majesty, Her Heirs and Successors, discharged from the Trusts and Conditions of a certain Act of the Imperial Parliament passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, to the Intent and in order that the same Lands may be by Her Majesty applied and appropriated, by way of Endowment or otherwise, solely for the Maintenance of Public Worship and the Support of Religion within this Province, and to no other Use or Purpose whatsoever."

On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Attorney General,	Hotham,	M'Lean,	Shade,
Boulton,	Hunter,	Powell,	Sherwood,
Burritt,	Lewis,	Prince,	Solicitor General,
Burwell,	M'Donell of Northumberland,	Robinson,	Wickens.—17.
Gamble,			

Messrs.

Messrs.

NAYS.

Aikman,	Cook,	M'Donell of Stormont,	Parke,
Alway,	Cornwall,	M'Intosh,	Ruttan,
Armstrong,	Detlor,	M'Micking,	Rykert,
Bockus,	Duncombe,	Merritt,	Shaver,
Caldwell,	Ferrie,	Moore,	Thomson,
Cameron,	Kearnes,	Morris,	Thorburn,
Chisholm of Halton,	Malloch,		Woodruff.—28.
	M'Crae,		

The Question of Amendment was decided in the Negative by a Majority of Eleven.

In Amendment, Mr. Sherwood, seconded by Mr. Ruttan, moves, "That it be resolved, that the Clergy Reserves of Upper Canada be converted into a Fund for the Support of Religion generally within this Province; and that the Contributions out of the said Fund towards the Support of the different Christian Communions be regulated by the Extent of the voluntary Efforts which the Members of each shall make for the Promotion of the same general End.

On which the Yeas and Nays were taken as follows:

Messrs.

YEAS.

Burritt,	M'Donell of Northumberland,	Ruttan,	Wickens.—6.
Lewis,		Sherwood,	

Messrs.

NAYS.

Aikman,	Cook,	Mathewson,	Parke,
Alway,	Cornwall,	M'Crae,	Prince,
Armstrong,	Detlor,	M'Intosh,	Robinson,
Attorney General,	Duncombe,	M'Kay,	Rykert,
Bockus,	Ferrie,	M'Lean,	Shade,
Boulton,	Gamble,	M'Micking,	Shaver,
Burwell,	Hotham,	Merritt,	Solicitor General,
Caldwell,	Hunter,	Moore,	Thomson,
Chisholm of Halton,	Kearnes,	Morris,	Thorburn.—37.
	Malloch,		

The Question of Amendment was decided in the Negative, by a Majority of Thirty-one.

In Amendment Mr. Attorney General, seconded by Mr. M'Kay, moves, "That the Bill do not now pass, but that it be resolved, That, for the Purpose of removing Dissatisfaction on the Subject of the Clergy Reserves, so much of the Act of the Parliament of Great Britain passed in the Thirty-first Year of the Reign of His late most Gracious Majesty George the Third, Chap. 31. as limits the Appropriation of the said Reserves to any particular Class or Denomination of Protestant Clergy be repealed, and that the said Reserves be appropriated to the Support of the Christian Religion, in such Manner as the Lieutenant Governor, by and with the Advice of the Executive Council thereof, shall determine."

On which the Yeas and Nays were taken as follows:

Messrs.

YEAS.

Attorney General,	Lewis,	M'Kay,	Sherwood,
Boulton,	M'Donell of Northumberland.	Ruttan,	SolicitorGeneral,
Hotham,		Shade,	Wickens.—11.

Messrs.

NAYS.

Aikman,	Cook,	Mathewson,	Morris,
Alway,	Cornwall,	M'Crae,	Parke,
Armstrong,	Detlor,	M'Donell of Stormont,	Robinson,
Bockus,	Duncombe,	M'Intosh,	Ryker,
Burritt,	Dunlop,	M'Lean,	Shaver,
Burwell,	Ferrie,	M'Micking,	Thomson,
Caldwell,	Gamble,	Merritt,	Thorburn,
Cameron,	Hunter,	Moore,	Woodruff.—34.
Chisholm of Halton,	Kearnes,		

The

The Question was decided in the Negative by a Majority of Twenty-three.

In Amendment, Mr. Rykert, seconded by Mr. Woodruff, moves, "That the Bill do not now pass, but that it be resolved, That the Lands set apart from Time to Time as Reserves for the Support and Maintenance of a Protestant Clergy be sold in the same Manner as the Crown Lands in this Province; and that the Proceeds of the past and future Sales of such Lands be paid into the Hands of the Receiver General, and shall by him be invested in the Public Debentures of this Province, at an Interest of not less than Six per Cent., and the Interest and Dividends received from such Investments to be applied to the Purposes of general Education, under the Direction of the Provincial Legislature."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Alway,	Cornwall,	M'Intosh,	Parke,
Armstrong,	Detlor,	M'Micking,	Rykert,
Bockus,	Duncombe,	Merritt,	Shaver,
Caldwell,	M'Crae,	Moore,	Thorburn,
Cameron,	M'Donell of Stormont,	Morris,	Woodruff.—21.
Cook,			

Messrs.		NAYS.	
Aikman,	Ferrie,	M'Donell of Northumberland,	Ruttan,
Atty. General,	Gamble,	M'Kay,	Shade,
Boulton,	Hotham,	M'Lean,	Sherwood,
Burritt,	Hunter,	Prince,	Solicitor General,
Burwell,	Kearnes,	Robinson,	Wickens.—23.
Chisholm of Halton,	Lewis,		
	Malloch,		

The Question of Amendment was decided in the Negative by a Majority of Two.

On the original Question the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Aikman,	Cook,	Mathewson,	Morris,
Alway,	Cornwall,	M'Crae,	Parke,
Armstrong,	Detlor,	M'Donell of Northumberland,	Ruttan,
Caldwell,	Duncombe,	M'Donell of Stormont,	Shaver,
Cameron,	Ferrie,	M'Intosh,	Sherwood,
Chisholm of Halton,	Hotham,		Thomson.—24.
	Kearnes,		

Messrs.		NAYS.	
Bockus,	Hunter,	Merritt,	Shade,
Boulton,	Lewis,	Moore,	Solicitor General,
Burritt,	M'Kay,	Prince,	Thorburn,
Burwell,	M'Lean,	Robinson,	Wickens,
Gamble,	M'Micking,	Rykert,	Woodruff.—20.

The Question was carried in the Affirmative by a Majority of Four, and the Bill was passed.

Mr. Detlor, seconded by Mr. Thomson, moves, "That the Bill be intituled 'An Act providing for the future Disposal of the Clergy Reserve Lands in this Province;'" which was carried; and Messrs. Detlor and Thomson were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their Concurrence thereto.

At Half past Two of the Clock the Speaker left the Chair.

7th *May* 1839.

The Master in Chancery brought down from the Honourable the Legislative Council several Messages, and the Address to Her Majesty sent up from this House on the Subject of negotiating a Loan, and the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province,"

to

to which that Honourable House had made some Amendments, and requested the Concurrence of this House thereto.

Pursuant to the Order of the Day, the Amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," were read the Second Time.

On the Question for going into a Committee of the Whole on the same, the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Aikman,	Detlor,	M'Donell of Stormont,	Robinson,
Armstrong,	Ferrie,	M'Kay,	Ruttan,
Atty. General,	Mathewson,	M'Lean,	Shaver,
Bockus,	M'Cargar,	Merritt,	Thomson.—20.
Caldwell,	M'Donell of Northumberland,	Richardson,	
Cornwall,			

Messrs.		NAYS.	
Boulton,	M'Intosh,	Parke,	Small.—4.

The Question was carried in the Affirmative by a Majority of Sixteen, and the House was put into a Committee of the Whole on the Amendments.

Mr. Attorney General in the Chair.

8th *May* 1839.

The House met.

The Minutes of Yesterday were read.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province."

Mr. Robinson in the Chair.

The House resumed.

The Chairman reported, That the Committee had made some further Progress in the Amendments, and asked leave to sit again this Day.

The Report was received, and Leave granted accordingly.

Pursuant to the Order of the Day, the House was again put into Committee of the Whole on the Amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province:"

Mr. Malloch in the Chair.

The House resumed.

The Chairman reported, That the Committee had made some further Progress in the Amendments, and asked Leave to sit again this Day.

The Report was received, and Leave granted accordingly.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province:"

Mr. Elliott in the Chair.

The House resumed.

The Chairman reported, That the Committee had made some further Progress in the Amendments, and asked Leave to sit again this Day.

The Report was received, and Leave granted accordingly.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole on the Amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House, intituled "An

"An Act providing for the future Disposal of the Clergy Reserve Lands in this Province.

Mr. M'Lean in the Chair.

The House resumed.

The Chairman reported, That the Committee had agreed to the Amendments, with some Amendments thereto, and submitted them for the Adoption of the House.

On the Question for receiving the Report,

In Amendment,—Mr. Bockus, seconded by Mr. Chisholm of Halton, moves, "That the Report be not now received, but that it be resolved, That it is expedient, for the Peace, Welfare, and good Government of this Province, that the Reservation of Lands for the Support of a Protestant Clergy cease, and that the Lands already set apart for that Purpose be sold in the same Manner as Crown Lands are now sold, and the Proceeds of such Sales be paid into the Hands of the Receiver General of this Province, for the general Uses thereof; and that an humble Address be presented to Her Majesty, praying that Her Majesty may be pleased to recommend to the Imperial Parliament to pass an Act placing the Funds arising from the Sales of Clergy Reserves, heretofore made, and invested in England, in the Hands of the Receiver General of this Province, to be placed under the Control of the local Legislature.

On which the Yeas and Nays were taken as follows :—

Messrs.		YEAS.	
Aikman,	Cook,	M'Intosh,	Small,
Alway,	Detlor,	M'Micking,	Thorburn,
Armstrong,	Ferrie,	Moore,	Woodruff.—20.
Bockus,	M'Cargar,	Parke,	
Cameron,	M'Donell of Stormont.	Rykert,	
Chisholm of Halton,		Shaver,	

Messrs.		NAYS.	
Attorney General,	Hunter,	M'Kay,	Solicitor General,
Boulton,	Kearnes,	M'Lean,	Thomson,
Elliott,	Lewis,	Ruttan,	Wickins.—18.
Gamble,	Mallock,	Shade,	
Hotham,	M'Donell of Northumberland,	Sherwood,	

The Question of Amendment was carried in the Affirmative by a Majority of Two, and ordered accordingly.

Mr. Bockus, seconded by Mr. Thorburn, moves, "That Messieurs Rykert and Chisholm of Halton be a Committee to draft and report a Bill and Address pursuant to the foregoing Resolution."

On which the Yeas and Nays were taken as follows :—

Messrs.		YEAS.	
Aikman,	Cook,	M'Intosh,	Small,
Alway,	Detlor,	M'Micking,	Thorburn,
Armstrong,	Ferrie,	Moore,	Woodruff.—20.
Bockus,	M'Cargar,	Parke,	
Cameron,	M'Donell of Stormont.	Rykert,	
Chisholm of Halton,		Shaver,	

Messieurs		NAYS.	
Attorney General,	Kearnes,	M'Kay,	Sherwood,
Boulton,	Lewis,	M'Lean,	Solicitor General,
Elliott,	Malloch,	Ruttan,	Thomson,
Gamble,	M'Donell of Northumberland.	Shade,	Wickens.—17.
Hunter,			

The Question was carried in the Affirmative by a Majority of Three, and ordered accordingly.

9th *May* 1839.

Mr. Rykert, from the Committee to draft a Bill and Address to Her Majesty, pursuant to the Resolution of this House, on the Subject of the Clergy Reserves, reported the Drafts of a Bill and Address.

The

The Report was received.

The Bill to appropriate the Clergy Reserves for general Purposes was read the First Time.

On the Question for the Second Reading of the Bill To-morrow.

In Amendment, Mr. Boulton, seconded by Mr. Cartwright, moves, "That the Bill be not read a Second Time To-morrow, but that inasmuch as the Provincial Legislature has, during several Sessions, made Attempts to appropriate the Lands called Clergy Reserves in a Manner which they considered would be more satisfactory to the Inhabitants of the Province, which Attempts have failed, it is desirable that a Subject so important and interesting to the Province should be finally settled; and that therefore it be resolved that an humble Address be presented to Her Majesty, beseeching Her Majesty to submit to the Imperial Parliament the Propriety of passing an Act to appropriate the said Reserves for the Support and Maintenance of Religion, in such Manner as the Imperial Legislature shall direct, and that the 31st Rule of this House be dispensed with for that Purpose.

On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Attorney General,	Elliott,	Lewis,	Ruttan,
Boulton,	Hotham	M'Donell of Northumberland,	Sherwood,
Burwell,	Hunter,	M'Lean,	Solicitor General.–14.
Cartwright,	Kearnes,		

Messrs. NAYS.

Aikman,	Chisholm of Halton,	M'Crae,	Shaver,
Alway,	Cook,	M'Intosh,	Small,
Armstrong,	Cornwall,	M'Micking,	Thomson,
Bockus,	Detlor,	Moore,	Thorburn,
Caldwell,	Malloch,	Parke,	Woodruff.—22.
Cameron,	M'Cargar,	Rykert,	

The Question of Amendment was decided in the Negative by a Majority of Nine.

In Amendment, Mr. Bockus, seconded by Mr. Rykert, moves, "That the Bill be not read a Second Time To-morrow, but that it be read a Second Time forthwith, and that the 40th Rule of this House be dispensed with, so far as relates to the same."

On which the Yeas and Nays were taken as follows:—

Messrs. YEAS.

Aikman,	Chisholm of Halton,	M'Crae,	Rykert,
Alway,	Cook,	M'Intosh,	Shaver,
Armstrong,	Cornwall,	M'Micking,	Small,
Bockus,	Detlor,	Moore,	Thorburn,
Caldwell,	Ferrie,	Parke,	Woodruff.—22.
Cameron,	M'Cargar,		

Messrs. NAYS.

Attorney General,	Hotham,	M'Donell of Northumberland,	Robinson,
Boulton,	Hunter,	M'Lean,	Ruttan,
Burwell,	Kearnes,	Prince,	Sherwood,
Cartwright,	Lewis,		Solicitor General.—17.
Elliott,	Malloch,		

The Question of Amendment was carried in the Affirmative by a Majority of Five, and the Bill was read the Second Time.

The House was put into a Committee of the Whole on the Bill:

Mr. Ferrie in the Chair.

The Chairman reported, That the Committee had agreed to the Bill without Amendment, and submitted it for the Adoption of the House.

On the Question for receiving the Report:

 In

In Amendment,—Mr. Burwell, seconded by Mr. Cartwright, moves, "That the Report be not received, but that it be resolved, That by the Constitution of this Province (31st Geo. 3. chap. 31.) it is provided that a Proportion equal to One Seventh of the Crown Lands granted and to be granted by Patent to Her Majesty's Subjects, should be reserved for the Support of a Protestant Clergy, and that a Specification of the Reserve so made in lieu of the Lands granted or to be granted to Individuals, should be contained in each Patent: That by the Forty-first and Forty-second Clauses of the said Act, Power is given to the Legislature of this Province to pass Laws affecting such Clergy Lands only as have been taken in Specification as aforesaid: That the waste Lands of the Crown, as they are commonly called, are the Property of the British Nation, taken from the French King in an arduous War, and at a vast Expense of their Blood and Treasure: That there is Room for Hundreds of Thousands of our Fellow Subjects of the Mother Country to be comfortably settled within the Limits of this Province, who, on their Arrival amongst us, will possess all the great constitutional Rights and Privileges which we so happily enjoy: That it was the Right of the Legislature of the Mother Country to make such an Appropriation of Lands for the Purposes of Religious Education and Instruction as to them seemed meet, and we have no Right to legislate, either directly or indirectly, upon the Lands which belong to the British Nation, and which have not been granted to any of the People whom we represent, and not taken in Specification as aforesaid: That it would be the Height of Injustice for this House to attempt dictating to the Imperial Legislature how they should pass Laws relating to Lands belonging to the Nation at large, or how they should provide for the Religious Education of Hundreds of Thousands of our Fellow Subjects yet resident in the United Kingdom, but who will immigrate to this Province in the Lapse of a few Years: That an Attempt to frustrate or contravene the established Rights of so many of our Fellow Subjects in the United Kingdom, who, on coming into this Province, and obtaining Patents for Lands containing Specifications of the Reserves made for the Support of a Protestant Clergy, in lieu of the Lands so granted to them by Patent, and preventing their Representatives in Parliament from legislating upon them as they should think fit, precisely as this House now possesses the Right to legislate upon Clergy Lands taken in Specification as aforesaid, would be a gratuitous Effort to despoil them of a Right which they now possess by the Constitution of this Province.

On which the Yeas and Nays were taken as follows:

YEAS.

Messrs.
Boulton, Cartwright, Elliott, Hotham. 5.
Burwell,

NAYS.

Messrs.
Aikman, Detlor, M'Donell of Stormont, Rykart,
Alway, Dunlop, M'Intosh, Shade,
Armstrong, Ferrie, M'Lean, Shaver,
Att^y General, Gamble, M'Micking, Sherwood,
Bockus, Hunter, Merritt, Solicitor General,
Caldwell, Kearnes, Moore, Small,
Cameron, Malloch, Parke, Thomson,
Chisholm of Halton, M'Cargar, Prince, Thorburn,
Cook, M'Crae, Robinson, Woodruff. 39.
Cornwall, M'Donell of Northumberland. Ruttan,

The Question of Amendment was decided in the Negative, by a Majority of Thirty-four.

In Amendment,—Mr. Thomson, seconded by Mr. Sherwood, moves, "That the Report be not received, but that the Bill be amended by expunging all after the Word 'Whereas,' and inserting the following: 'For the Advancement of the Christian Religion and the Promotion of good Morals in Upper Canada, it is expedient to appropriate the Lands called the Clergy Reserves, and the yearly Income arising from the Interest, Rents, and Proceeds of Sales thereof, in

in aid of the Ministers of the several Christian Denominations recognized by the Laws of this Province, and for the moral and religious Instruction of the People: Be it therefore enacted, &c. That it shall and may be lawful for the Lieutenant Governor of this Province, by and with the Advice of the Executive Council, to cause to be sold and alienated, granted, and conveyed, all or any Portion of the Clergy Reserves in this Province, in like Manner as the Clergy Reserve Lands have hitherto been sold: Provided always, that the necessary Expenses attending such Sale shall be defrayed out of the first Monies arising therefrom.

"2. And be it further enacted by the Authority aforesaid, That the Letters Patent alienating such Lands shall describe the same as Clergy Reserves, and that no further Reservation in respect of such Lands shall be necessary.

"3. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Lieutenant Governor, by and with the Advice of the Executive Council, to cause to be invested the Monies proceeding from such Sales, and also all Monies which have heretofore arisen from such Sales, in the Public Debentures of the Province, and such Investment to withdraw and change, in the Whole or in Part, from Time to Time as Circumstances may require.

"4. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Lieutenant Governor, by and with such Advice as aforesaid, in the Name of Her Majesty, Her Heirs and Successors, to grant and appropriate Portions of the said Reserves, not exceeding One hundred Acres in each Case, as Residences for officiating Clergymen or Ministers of Religion, and for the Sites of Churches, Chapels, and Places of Public Worship therein, which Grant or Appropriation shall be made to the officiating Clergyman and his Successors, as a Corporation Sole, or to Trustees named for the Purpose by the respective Congregations, as the Tenets and Discipline of such Churches or Denominations of Christians shall respectively require.

"5. And be it further enacted by the Authority aforesaid, That the said Rents and Interest Money shall be distributed annually amongst the different Christian Denominations aforesaid, in proportion to the Amount which they may severally raise within this Province by private Contributions: Provided always, that upon Application being made to the Lieutenant Governor for such Proportion of said Fund, it shall be incumbent upon such Christian Denomination or Denominations to produce satisfactory Evidence of the actual Payment of such private Contribution having been made to such Officer or Person duly appointed to receive the same: Provided also, that all Applications for such Aid shall be made on or before the First Day of May in each and every Year.

"6. And be it further enacted by the Authority aforesaid, That it shall be the Duty of each Denomination of Christians participating in the aforesaid Funds to furnish annually to the Lieutenant Governor a Statement, duly authenticated, of the Purposes to which they have applied such Aid so received.

"7. And be it further enacted by the Authority aforesaid, That Accounts of the Receipt and Expenditure, State of Investment, together with a full Report of all Proceedings under this Act, shall be laid before both Houses of the Provincial Parliament, within One Month from the Beginning of each Session.

"8. And be it further enacted by the Authority aforesaid, That the Thirty-fifth, Thirty-sixth, and Thirty-seventh Clauses of an Act passed in the Parliament of Great Britain, in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," be and the same are hereby repealed," in so far as the said Clauses confine the Disposition of the Lands mentioned therein for the Support and Maintenance of a Protestant Clergy.

"9. And be it further enacted by the Authority aforesaid, That for and notwithstanding any thing in the said last-mentioned Act contained, and also

for and notwithstanding any Act, Law, or Usage to the contrary, no Bishop, Rector, Priest, Synod, Conference, or other Church Dignitary or Government, shall levy any Tithes or Church Dues, or other compulsory Payments for the Support of Religion, or exercise any Temporal or Ecclesiastical Jurisdiction over the Laity, or over any Clergyman or Minister not belonging to his or their Church or Denomination of Christians.

"10. And be it further enacted by the Authority aforesaid, That it shall be lawful for any Clergyman or Minister of Religion belonging to any Church or Denomination of Christians referred to in this Act to celebrate Marriage according to the Forms of their respective Churches or Denominations, without any Licence from the Quarter Sessions or Qualification other than their respective Ordination or Appointment, any Law or Usage to the contrary thereof in anywise notwithstanding."

On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Kearnes,	M'Donell of Northumberland,	Ruttan,	Thomson.—6.
Lewis,		Sherwood,	

Messrs. NAYS.

Aikman,	Cook,	M'Cargar,	Prince,
Alway,	Cornwall,	M'Crae,	Robinson,
Armstrong,	Detlor,	M'Donell of Stormont.	Rykert,
Attorney General,	Dunlop,	M'Intosh,	Shade,
Bockus,	Elliott,	M'Lean,	Shaver,
Boulton,	Ferrie,	M'Micking,	Solicitor General,
Caldwell,	Gamble,	Merritt,	Small,
Cameron,	Hotham,	Moore,	Thorburn,
Chisholm of Halton,	Hunter,	Parke,	Wickens,
	Malloch,		Woodruff.—38.

The Question was decided in the Negative, by a Majority of Thirty-two, and the Report was received.

On the Question for the Third Reading of the Bill To-morrow,

In Amendment,—Mr. Thomson, seconded by Mr. Detlor, moves, "That the Bill be not read a Third Time on To-morrow, but that it be amended, by adding the Words 'for religious and educational Purposes' to the last Clause."

On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Cameron,	Ferrie,	Ruttan,	Thomson.—5.
Detlor,			

Messrs. NAYS.

Aikman,	Dunlop,	M'Donell of Stormont,	Shade,
Alway,	Elliott,	M'Intosh,	Shaver,
Armstrong,	Gamble,	M'Micking,	Small,
Attorney General,	Hotham,	Merritt,	Solicitor General,
Bockus,	Hunter,	Moore,	Thorburn,
Boulton,	Kearnes,	Parke,	Wickens,
Burwell,	Malloch,	Prince,	Woodruff.
Caldwell,	M'Cargar,	Robinson,	—35.
Cook,	M'Donell of Northumberland,	Rykert,	
Cornwall,			

The Question of Amendment was decided in the Negative by a Majority of Thirty.

In Amendment,—Mr. Small, seconded by Mr. Rykert, moves, "That the Bill be not read a Third Time To-morrow, but that it be engrossed, and read a Third Time this Day;" which was carried, and the Bill was ordered to be engrossed, and read a Third Time this Day.

The Address to Her Majesty on the Subject of the appropriating the Clergy Reserve Funds for general Purposes was read the First Time.

On the Question for the Second Reading of the Address To-morrow,

In Amendment,—Mr. Bockus, seconded by Mr. Rykert, moves, "That the Address be not read a Second Time To-morrow, but that it be read a Second Time forthwith."—Which was carried, and the Address was read the Second Time.

The House was put into a Committee of the Whole on the Address.
Mr. Detlor in the Chair.
The House resumed.
The Chairman reported, That the Committee had agreed to the Address without Amendment, and submitted it for the Adoption of the House.
The Report was received.

On the Question for the Third Reading of the Address To-morrow,
In Amendment,—Mr. Rykert, seconded by Mr. Bockus, moves, "That the Address to Her Majesty on the Subject of the Proceeds of the Clergy Reserves funded in England be read a Third Time this Day."
On which the Yeas and Nays were taken as follows:

Messrs.

YEAS.

Aikman,	Detlor,	M'Donell of Stormont,	Rykert,
Alway,	Dunlop,	M'Intosh,	Shaver,
Armstrong,	Ferrie,	Merritt,	Small,
Bockus,	M'Cargar,	Moore,	Thomson,
Cook,	M'Crae,	Parke,	Thorburn.—21.
Cornwall,			

Messrs.

NAYS.

Attorney General,	Hotham,	M'Donell of Northumberland,	Ruttan,
Boulton,	Hunter,	Prince,	Shade,
Burwell,	Lewis,	Robinson,	Solicitor General,
Cartwright,	Malloch,		Wickens.—17.
Elliott,	M'Lean,		

The Question of Amendment was carried in the Affirmative, by a Majority of Four, and the Address was ordered to be engrossed, and read a Third Time this Day.
The Chairman reported that the Committee had agreed to several Resolutions, which he was directed to submit for the Adoption of the House.
The Report was received.
The Resolutions were severally put, and carried as follows:
Resolved,—That in the Opinion of the House no Charge should be made upon the Casual and Territorial Revenue for the Support of Religion, but that all such Charges to which the Faith of Her Majesty is pledged should be transferred to and borne out of the Funds arising from Clergy Reserves; and that an humble Address should be presented to Her Majesty, praying Her to bring the Subject under the Consideration of the Imperial Parliament, in order to pass Measures authorizing such Transfer, in order to remove the Objection from the passing of this Bill, that this Revenue may hereafter be applied in paying the Interest on the Construction of our public Improvements, and promoting the general Prosperity of the Country.

Pursuant to the Order of the Day, the Bill to appropriate the Clergy Reserves to general Purposes was read the Third Time.
On the Question for passing the Bill,
In Amendment,—Mr. Cartwright, seconded by Mr. Boulton, moves, "That the Bill do not now pass, but that it pass this Day Six Months."
On which the Yeas and Nays were taken as follows:

Messrs.

YEAS.

Attorney General,	Hotham,	M'Donell of Northumberland,	Ruttan,
Boulton,	Hunter,	M'Lean,	Shade,
Burwell,	Kearnes,	Prince,	Sherwood,
Cartwright,	Lewis,	Robinson,	Solicitor General,
Gamble,	Malloch,		Wickens.—19.

Messrs.

NAYS.

Aikman,	Cook,	M'Intosh,	Shaver,
Armstrong,	Detlor,	M'Micking,	Small,
Bockus,	Ferrie,	Merritt,	Thomson,
Caldwell,	M'Cargar,	Moore,	Thorburn,
Cameron,	M'Donell of Stormont,	Parke,	Woodruff.—22.
Chisholm of Halton,		Rykert,	

The

PART II.

Extracts from the Journals.

House of Assembly, 1839.

The Question of Amendment was decided in the Negative, by a Majority of Three.

In Amendment,—Mr. Cartwright, seconded by Mr. Boulton, moves, "That the Bill do not now pass, but that the whole be expunged, and the following inserted:—'Whereas it is desirable that the Question of the Clergy Reserves should be settled, if possible: Be it therefore enacted, &c. That the Lands called and known as the Clergy Reserves be and the same are hereby invested in Her Majesty, Her Heirs and Successors, for the Support of Religion and the Maintenance of public Worship within the Province of Upper Canada, in such Manner and under such Regulations as shall be provided by the Imperial Legislature."

On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Attorney General, Boulton, Burwell, Cartwright, Gamble, Hotham, Hunter, Kearnes, M'Donell of Northumberland, Lewis, M'Lean, Prince, Robinson, Shade, Sherwood, Solicitor General, Wickens.—17.

Messrs. NAYS.

Aikman, Armstrong, Bockus, Caldwell, Cameron, Chisholm of Halton, Cook, Detlor, Ferrie, Malloch, M'Cargar, M'Donell of Stormont. M'Intosh, M'Micking, Merritt, Moore, Parke, Ruttan, Rykert, Shaver, Small, Thomson, Thorburn, Woodruff.—24.

The Question of Amendment was decided in the Negative, by a Majority of Seven.

In Amendment,—Mr. Ruttan, seconded by Mr. Kearnes, moves, "That the Bill do not now pass, but that it be amended by adding at the End of the Bill the Words 'for the Religious Instruction of the People, and for no other Purpose whatever.'"

On which the Yeas and Nays were taken as follows;

Messrs. YEAS.

Attorney General, Boulton, Cartwright, Detlor, Ferrie, Gamble, Hotham, Hunter, Kearnes, Lewis, Malloch, M'Donell of Northumberland. M'Lean, Prince, Ruttan, Shade, Sherwood, Solicitor General, Thomson, Wickens—20.

Messrs. NAYS.

Aikman, Armstrong, Bockus, Burwell, Caldwell, Cameron, Chisholm of Halton, Cook, M'Cargar, M'Donell of Stormont. M'Intosh, M'Micking, Merritt, Moore, Parke, Robinson, Rykert, Shaver, Small, Thorburn, Woodruff.—21.

The Question of Amendment was decided in the Negative, by a Majority of One.

In Amendment,—Mr. Ruttan, seconded by Mr. Kearnes, moves, "That the Bill do not now pass, but that it be recommitted, for the Purpose of amending the same, by confining the Appropriation of the Proceeds of the Clergy Reserves for Religious Instruction to the People of this Province."

On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Attorney General, Boulton, Burwell, Gamble, Hotham, Hunter, M'Donell of Northumberland. M'Lean, Shade, Sherwood, Solicitor General, Cartwright,

Cartwright,	Kearnes,	Prince,	Thomson,
Detlor,	Lewis,	Robinson,	Wickens.—22.
Ferrie,	Malloch,	Ruttan,	

Messrs. NAYS.

Aikman,	Chisholm of Halton,	M'Intosh,	Rykert,
Alway,	Cook,	M'Micking,	Shaver,
Armstrong,	M'Cargar,	Merritt,	Small,
Bockus,	M'Donell of Stormont.	Moore,	Thorburn,
Caldwell,		Parke,	Woodruff.—20.
Cameron,			

The Question of Amendment was carried in the Affirmative, by a Majority of Two, and the House was put into a Committee of the Whole on the Bill.

Mr. Gamble in the Chair.

The House resumed.

The Chairman reported, That the Committee had gone through the Provisions of the Bill, amended the same, and submitted it for the Adoption of the House.

The Report was received.

On the Question for the Third Reading of the Bill, as amended, To-morrow,

In Amendment,—Mr. Bockus, seconded by Mr. Thorburn, moves, "That the Bill be not read a Third Time To-morrow, but that it be amended by expunging the Words 'Religion and Education.'

On which the Yeas and Nays were taken as follows.

Messrs. YEAS.

Aikman,	Chisholm of Halton,	M'Micking,	Shaver,
Alway,	M'Cargar,	Merritt,	Small,
Bockus,	M'Donell of Stormont,	Moore,	Solicitor General,
Caldwell,		Parke,	Thorburn,
Cameron,	M'Intosh,	Rykert,	Woodruff.—19.

Messrs. NAYS.

Armstrong,	Detlor,	Malloch,	Ruttan,
Attorney General,	Ferrie,	M'Donell of Northumberland.	Shade,
Boulton,	Gamble,		Sherwood,
Burwell,	Hotham,	M'Lean,	Thomson,
Cartwright,	Kearnes,	Prince,	Wickens.—22.
Cook,	Lewis,	Robinson,	

The Question of Amendment was decided in the Negative, by a Majority of Three.

In Amendment,—Mr. Bockus, seconded by Mr. Thorburn, moves, "That the Bill be not read a Third Time To-morrow, but that it be read a Third Time this Day, and that the Fortieth Rule of this House be dispensed with, so far as relates to the same."

Which was carried; and the Bill, as amended, was read the Third Time.

On the Question for the passing of the Bill the Yeas and Nays were taken as follows:

Messrs. YEAS.

Aikman,	Cook,	Malloch,	Rykert,
Armstrong,	Cornwall,	M'Cargar,	Shaver,
Bockus,	Detlor,	M'Micking,	Small,
Caldwell,	Ferrie,	Merritt,	Thomson,
Cameron,	Lewis,	Ruttan,	Woodruff.—21.
Chisholm of Halton.			

Messrs. NAYS.

Alway,	Hunter,	M'Intosh,	Sherwood,
Attorney General,	Kearnes,	M'Lean.	Solicitor General,
Boulton,	M'Donell of Northumberland,	Parke,	Thorburn,
Burwell,		Prince,	Wickens.—21.
Cartwright,	M'Donell of Stormont,	Robinson,	
Gamble,		Shade,	
Hotham,			

 The

The Question was carried in the Affirmative, by the casting Vote of the Speaker, and the Bill was passed.

Mr. Bockus, seconded by Mr. Rykert, moves, "That the Bill be intituled 'An Act to dispose of the Lands commonly called 'Clergy Reserves,' and for other Purposes therein mentioned.'"

Which was carried; and Messrs. Bockus and Rykert were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to request their Concurrence thereto.

10th *May* 1839.

Pursuant to the Order of the Day, the Address to Her Majesty on the Subject of appropriating the Clergy Reserve Funds to general Purposes was read the Third Time.

On the Question for passing the Address, the Yeas and Nays were taken as follows:

Messrs. YEAS.

Aikman,	Cook,	M'Intosh,	Shaver,
Alway,	Ferrie,	Merritt,	Small,
Armstrong,	M'Cargar,	Parke,	Thomson.—15.
Cameron,	M'Donell of Stormont,	Rykert,	

Messrs. NAYS.

Boulton,	Hotham,	M'Lean,	Shade,
Burwell,	Hunter,	Prince,	Solicitor General,
Cartwright,	Lewis,	Robinson,	Wickens.—15.
Elliott,	M'Donell of Northumb.	Ruttan,	

The Question was decided in the Negative, by the casting Vote of the Speaker.

Mr. Speaker reported, "That the Master in Chancery had brought down from the Honourable the Legislative Council the Bill, intituled 'An Act to dispose of the Lands commonly called 'Clergy Reserves,' and for other Purposes therein mentioned;' to which that Honourable House had made some Amendments, and requested the Concurrence of this House thereto."

The Amendments made by the Honourable the Legislative Council in and to the Bill sent up from this House intituled "An Act to dispose of the Lands commonly called 'Clergy Reserves,' and for other Purposes therein mentioned," were read the First Time, as follows:

Press 5, Line 16.—Expunge "Provincial Legislature," and insert "Imperial Parliament."
— — Expunge "Religion and Education," and insert "Religious Purposes."

Legislative Council Chamber, Tenth Day of May 1839. } JONAS JONES, Speaker.

On the Question for the Second Reading of the Amendments To-morrow,

In Amendment, Mr. Attorney General, seconded by Mr. Robinson, moves, "That the Amendments made by the Honourable the Legislative Council in and to the Bill for the Disposal of the Clergy Reserves be read a Second Time this Day, and that the Fortieth Rule of this House be dispensed with, so far as relates to the same."

On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Atty. General,	Ferrie,	M'Rae,	Ruttan,
Boulton,	Gamble,	M'Donell of Northumberland,	Shade,
Burwell,	Hotham,	M'Lean,	Sherwood,
Cartwright,	Hunter,	Prince,	Solicitor General,
Dunlop,	Kearnes,	Robinson,	Wickens.—22.
Elliott,	Lewis,		

Messrs. NAYS.

Aikman,	Cameron,	Detlor,	Merritt,
Alway,	Chisholm of Halton,	Malloch,	Parke,
Armstrong,	Cook,	M'Donell of Stormont,	Rykert,
Bockus,	Cornwall,	M'Intosh,	Shaver.—17.
Caldwell,			

The

The Question was carried in the Affirmative, by a Majority of Five, and the Amendments were read the Second Time.

The House was put into a Committee of the Whole on the same.

Mr. M'Lean in the Chair.

The Chairman reported that the Committee had agreed to the Amendments, and submitted them for the Adoption of the House.

On the Question for receiving the Report,

In amendment,—Mr. Rykert, seconded by Mr. Bockus, moves, "That the Report be not received, but that it be resolved, that whereas by a Despatch sent down to the House of Assembly on the 25th Day of January 1832 by Sir John Colborne, from Lord Goderich, His late Majesty's Principal Secretary of State for the Colonies, we are informed, 'that it has heretofore been with peculiar Satisfaction that in the Result of His Inquiries on the Subject His Majesty has found that the Changes sought for by so large a Portion of the Inhabitants may be carried into effect without sacrificing any just Claim of the Established Churches of England and Scotland; His Majesty therefore invites the House of Assembly of Upper Canada to consider how the Powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal this Part of its Provisions, can be called into exercise most advantageously for the spiritual and temporal Interests of His Majesty's faithful Subjects in this Province;' and in another Despatch received from Lord Glenelg, Her Majesty's Principal Secretary of State for the Colonies, dated 15th December 1835, and transmitted to the House of Assembly, it is amongst other things stated, that 'Parliamentary Legislation on a Subject of exclusively internal Concern, in any British Colony possessing a Representative Assembly, is as a general Rule unconstitutional,' and 'that to withdraw from the Canadian to the Imperial Legislature the Question respecting the Clergy Reserves would be an Infringement on that cardinal Principle of Colonial Government which forbids parliamentary Interference, except in Submission to an evident and well-established Necessity:' And whereas in the Opinion of this House no such 'evident and well-established Necessity' does exist; and further, this House is also of opinion that Her Majesty's Government does not and cannot possess that full and correct Knowledge of the various and conflicting Feelings and Interests of the different religious Denominations in this Province, so indispensably necessary to secure a fair, equitable, and permanent Settlement of this long-pending, vexatious, and embarrassing Question: And whereas it would be highly incompatible with the Trust confided to us, as the free and independent Representatives of the Upper Canadian People, and contrary to their oft expressed Wishes and Interests, to transfer the Responsibility of settling so vital and important a Question, and one which so deeply involves the future Peace, Happiness, and Prosperity of all Classes of Her Majesty's faithful Subjects in this Province, from the Colonial to the Imperial Legislature.

"2. Resolved, That the Lands set apart from Time to Time as Reserves for the Support and Maintenance of a Protestant Clergy be sold in the same Manner as other Crown Lands in this Province, and that the Proceeds of the past and future Sales of such Lands be paid into the Hands of the Receiver General, to be by him invested in the Public Debentures of this Province, at Six per Cent. Interest per Annum, the said Interest or Income from such Investment to be applied to the following Purposes; that is to say, One Third for Religion, One Third for the Maintenance and Support of common Schools, and the remaining Third to general Improvements, in such Way and Manner as the Provincial Legislature shall from Time to Time direct.

"3. Resolved, That it is inexpedient to make any further Appropriations or Allotments of Lands in this Province for the Maintenance and Support of a Protestant Clergy, under the Provisions of an Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Third."

On which the Yeas and Nays were taken as follows:—

YEAS.

Messrs.

Aikman,	Chisholm of Halton,	M'Cargar,	Parke,
Alway,	Cook,	M'Donell of Stormont,	Rykert,
Armstrong,	Cornwall,	M'Intosh,	Shaver,
Bockus,	Detlor,	Merritt,	Small,
Caldwell,	Ferrie,		Thomson.—20.
Cameron,			

Messrs.

Messrs. NAYS.

Attorney General,	Gamble,	M'Crae,	Robinson,
Boulton,	Hotham,	M'Donell of Northumberland,	Ruttan,
Burwell,	Hunter,	M'Lean,	Shade,
Cartwright,	Kearnes,	Moore,	Sherwood,
Dunlop,	Lewis,	Prince,	Solicitor General,
Elliott,	Malloch,		Wickens.—23.

The Question of Amendment was decided in the Negative, by a Majority of Three.

In Amendment,—Mr. Bockus, seconded by Mr. Merritt, moves, "That the Report be not now received, but that it be received this Day Three Months."

On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Aikman,	Chisholm of Halton,	M'Donell of Stormont,	Parke,
Alway,	Cook,	M'Intosh,	Rykert,
Armstrong,	Cornwall	Merritt,	Shaver,
Bockus,	Detlor,	Moore,	Small,
Caldwell,	Ferrie,		Thomson.—21.
Cameron,	M'Cargar,		

Messrs. NAYS.

Attorney General,	Gamble,	M'Crae,	Ruttan,
Boulton,	Hotham,	M'Donell of Northumberland,	Shade,
Burwell,	Hunter,	M'Lean,	Sherwood,
Cartwright,	Kearnes,	Prince,	Solicitor General,
Dunlop,	Lewis,	Robinson,	Wickens.—22.
Elliott,	Malloch,		

The Question of Amendment was decided in the Negative by a Majority of One, and the Report was received.

Mr. Sherwood, seconded by Mr. Boulton, moves, "That the Amendments made by the Honourable the Legislative Council in and to the Bill for the Disposal of the Clergy Reserves," be concurred in.

On which the Yeas and Nays were taken as follows:

Messrs. YEAS.

Attorney General,	Gamble,	M'Crae,	Ruttan,
Boulton,	Hotham,	M'Donell of Northumberland,	Shade,
Burwell,	Hunter,	M'Lean,	Sherwood,
Cartwright,	Kearnes,	Prince.	Solicitor General,
Dunlop,	Lewis,	Robinson,	Wickens.—22.
Elliott,	Malloch,		

Messrs. NAYS.

Aikman,	Chisholm of Halton,	M'Cargar,	Parke,
Alway,	Cook,	M'Donell of Stormont,	Rykert,
Armstrong,	Cornwall,	M'Intosh,	Shaver,
Bockus,	Detlor,	Merritt,	Small,
Caldwell,	Ferrie,	Moore,	Thomson.—21.
Cameron,			

The Question was carried in the Affirmative by a Majority of One, and the Amendments were concurred in.

Messrs. Attorney General and Sherwood were ordered by the Speaker to carry the Bill up to the Honourable the Legislative Council, and to inform that Honourable House that this House had concurred in the Amendments.

11th *May* 1839.

The Address to his Excellency the Lieutenant Governor, sent down by the Honourable the Legislative Council, on the Subject of the Bill for the Disposal of the Clergy Reserves, was read the First Time.

On the Question for the Second Reading of the Address To-morrow:

In Amendment, Mr. Robinson, seconded by Mr. Attorney General, moves, "That the Address to his Excellency the Lieutenant Governor on the Subject of the Clergy Reserves be read a Second Time forthwith."

Which was carried, and the Address was read the Second Time.

Mr.

Mr. Sherwood, seconded by Mr. Boulton, moves, "That the Address be concurred in."

On which the Yeas and Nays were taken as follows:

Messrs.		YEAS.	
Attorney General,	Elliot,	Lewis,	Robinson,
Boulton,	Gamble,	Malloch,	Ruttan,
Burwell,	Hotham,	M'Donell of Northumberland,	Shade,
Cartwright,	Hunter,	Prince,	Sherwood,
Chisholm of Halton,	Kearnes,		Wickens.—19.

Messrs.		NAYS.	
Alway,	Cook,	Merritt,	Shaver,
Armstrong,	Detlor,	Moore,	Small,
Bockus,	Ferrie,	Parke,	Thomson.—14.
Cameron,	M'Intosh,		

The Question was carried in the Affirmative by a Majority of Five, and the Address was concurred in, and is as follows:

To his Excellency Sir George Arthur, Knight, Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, Major General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please Your Exbellency,

We, Her Majesty's dutiful and loyal Subjects the Legislative Council and Commons House of Assembly of the Province of Upper Canada in Provincial Parliament assembled, have passed a Bill for the Sale of the Clergy Reserves, and for placing the Proceeds of such Sales in the Hands of the Receiver General of this Province, subject to the Disposition of the Imperial Parliament, for religious Purposes, and we humbly request that in order to give Effect to the same the Bill may be transmitted to England without Delay, for the Purpose of being laid before Parliament previous to the Signification of Her Majesty's Assent thereto.

Legislative Council Chamber, Eleventh Day of May 1839. — JONAS JONES, Speaker.

Commons House of Assembly, Eleventh Day of May 1839. — ALLAN N. M'NAB, Speaker.

Mr. Cameron, from the Committee to draft an Address to his Excellency the Lieutenant Governor, praying him to transmit the several Addresses of this House to Her Majesty, reported a Draft, which was received, and read the First Time.

On the Question for the Second Reading of the Address To-morrow:

In Amendment, Mr. Robinson, seconded by Mr. Cameron, moves, "That the Address be read a Second Time forthwith."

Which was carried, and the Address was read the Second Time.

The Address was then read the Third Time, and passed, as follows:

To his Excellency Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, Major General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, beg leave to inform your Excellency, that we have passed Two several Addresses to Her most Gracious Majesty, which we respectfully request may be transmitted by your Excellency to Her Majesty's Principal Secretary of State for the Colonies, in order that the same may be laid at the Foot of the Throne.

Commons House of Assembly, Eleventh Day of May 1839. — ALLAN N. M'NAB, Speaker.

On Motion of Mr. Cartwright, seconded by Mr. Hotham:

Ordered, That Messrs. Sherwood, Prince, Shade, and Boulton, be a Committee to meet the Committee of the Honourable the Legislative Council, to wait upon his Excellency the Lieutenant Governor to know when his Excel-

PART II.

Extracts from the Journals.

House of Assembly. 1839.

lency will be pleased to receive the Two Houses with their Address to Her Majesty on the Subject of the Bill respecting the Disposal of the Clergy Reserves.

At Five of the Clock P.M. both Houses waited upon his Excellency the Lieutenant Governor with their joint Addresses to his Excellency, praying him to transmit to Her Majesty the several joint Addresses on the Subjects of the Post Office Department and the Negotiation of a Loan in England, and respecting the Conduct of Captain Drew, and also *the Bill to invest the Clergy Reserves in the Imperial Parliament;* and being returned, Mr. Speaker reported the Delivery of the same, and that his Excellency had been pleased to make thereto, respectively, the following Answer:

Honourable Gentlemen, and Gentlemen,

I shall transmit without Delay, in compliance with this joint Address of the Legislative Council and Commons House of Assembly, to the Secretary of State for the Colonies, the Bill therein referred to, for the Purpose of being laid before the Imperial Parliament previous to the Signification of Her Majesty's Assent thereto.

An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned.

Extract of Sir G. Arthur's Speech to the Legislature of Upper Canada, 11th May 1839.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

In relieving you from your legislative Duties I desire to express my Satisfaction at the Zeal and Patience you have displayed in considering the important Subjects which have engaged your Attention.

It has not surprised me that conscientious Differences of Opinion have so long led to much Embarrassment in the Disposal of the Clergy Reserves.

You were right certainly to leave no Means unattempted in order finally to settle this great Question by the Provincial Legislature; but every Expedient having failed, and all Hope being excluded of Unanimity here, I rejoice greatly that this Parliament has resolved that the Difficulties of this Subject shall not longer be suffered to excite and encourage antagonist Feeling in a Community whose common Safety requires the greatest Concord.

I shall feel it to be my Duty, to the utmost of my Knowledge and Ability, to put Her Majesty's Government in possession of the Desires and Opinions of the People of Upper Canada, regarding the public Aid to be afforded to the Maintenance of the Christian Religion in the Colony; and will without Loss of Time transmit that Bill, together with your Address thereon.

Legislative Council, 1839.

Journals of the Legislative Council.

25th *April* 1839.

A Deputation from the Commons House of Assembly brought up a Bill, intituled "An Act to provide for the future Disposal of the Clergy Reserve Lands in this Province," to which they requested the Concurrence of this House, and then withdrew.

The said Bill was then read;

And it was Ordered, That the Forty-fourth Rule of this House be dispensed with, as far as it regards the last-mentioned Bill, and that the same be read a Second Time presently.

The said Bill was then read a Second Time accordingly;

And it was Ordered, That the House be put into a Committee of the Whole this Day, to take the same into Consideration.

Ordered, That the House be put into a Committee of the Whole presently, upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province."

The House was then put into a Committee of the Whole accordingly.

The Honourable Mr. Fergusson took the Chair.

After some Time the House resumed.

The Chairman reported, That the Committee had taken the said Bill into Consideration, had made some Progress therein, and asked Leave to sit again To-morrow.

Ordered, That the Report be received, and Leave granted accordingly; and Ordered, That the Members in Town be summoned to attend in their Places on that Day.

26th *April* 1839.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province."

The Honourable Mr. Fergusson took the Chair.

After some Time the House resumed.

The Chairman reported, That the Committee had taken the said Bill into Consideration, had made some Progress therein, and recommended that it be referred to a Select Committee, to report thereon, by Amendment or otherwise.

Ordered, That the Report be received; and Ordered, That the last-mentioned Bill be referred to a Select Committee, to report thereon, by Amendment or otherwise; and Ordered, That the Honourable Messrs. Morris, Sullivan, Fergusson, John Simcoe Macaulay, and John M'Donald, do compose the same for that Purpose.

30th *April* 1839.

The Honourable Mr. Sullivan, from the Select Committee to whom was referred the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," presented their Report.

Ordered, That it be received; and,

The same was then read by the Clerk as follows:—

Your Committee, to whom was referred the Bill sent up from the Assembly, relating to the Disposal of the Clergy Reserves in this Province, have prepared the following Amendments, which they respectfully recommend for the Adoption of your Honourable House:

After "Whereas" in the Preamble, strike out the Remainder of the Bill, and insert as in the annexed Draft.

R. B. SULLIVAN,
Chairman.

Committee Room,
30th April 1839.

"For the Advancement of the Christian Religion and the Promotion of good Morals in Upper Canada, it is expedient to appropriate the Lands called Clergy Reserves, and the yearly Income arising from the Interest, Rents, and Proceeds of Sales thereof, in aid of the Maintenance of the Ministers of Religion: Be it therefore enacted, &c. That it shall and may be lawful for the Lieutenant Governor of this Province, by and with the Advice of the Executive Council, to cause to be sold and alienated, granted and conveyed, all or any Portion of the Clergy Reserves in this Province, in like Manner as other Lands of the Crown now are or shall be sold or alienated: Provided always, that the necessary Expenses attending such Sale shall be defrayed out of the first Monies arising therefrom.

"2. And be it further enacted, &c. That the Letters Patent alienating such Lands shall describe the same as Clergy Reserves, and that no further Reservation in respect of such Lands shall be necessary.

"3. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with the Advice of the Executive Council, to cause to be invested the Monies proceeding from such Sales, and also all Monies which have heretofore arisen from such Sales, in the Public Funds, in the Name of the Receiver General in England, or in the Public Debentures of the Province; and such Investment to withdraw and change, in the whole or in part, from Time to Time, as Circumstances may require.

"4. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with such Advice as aforesaid, in the Name of

of Her Majesty, Her Heirs and Successors, to grant and appropriate Portions of the said Reserves, not exceeding One hundred Acres in each Case, as Residences for officiating Clergymen or Ministers of Religion, and for the building Churches, Chapels, and Places of Public Worship therein; and in case such Clergy Reserves shall not be found in the Neighbourhood required, to procure by Exchange of such Clergy Reserve, not exceeding One hundred Acres, or by Purchase, for any Sum not exceeding , in each Case, convenient Sites for the Purposes in this Clause mentioned, and to grant and appropriate the Lands so required for such Purposes; which Grant or Appropriation shall be made to the officiating Clergyman and his Successors as a Corporation Sole, or to Trustees named for the Purpose by the respective Congregations, as the Tenets and Discipline of such Churches or Denomination of Christians shall respectively require.

"5. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, with the Advice of the Executive Council, to order and direct, by his Warrant, the Payment of the yearly Stipends at present payable to the Clergy or Ministers of Religion, out of public Funds in this Province, to be paid out of the yearly Interest accruing on Sales of the said Clergy Reserves, and upon the Investment of the Proceeds thereof, during the Incumbency of the present Clergymen or Ministers.

"6. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with the Advice of the Executive Council, to appropriate and direct the Payment, out of the said Interest Money, of Stipends, towards the Support of Clergymen and Ministers of Religion, duly appointed, according to the Rules of their respective Church or Congregation, in the following Cases, that is to say, whenever there shall be shown to the said Lieutenant Governor in Council that there is resident within reasonable Distance of any Church, Chapel, or Place of Public Worship, a Population of Adults, who shall subscribe a Declaration, setting forth their Desire to attend such Church, Chapel, or Place of Public Worship, and shall subscribe and pay to the said Clergyman or Minister of Religion a yearly Sum of Money not less than Pounds, then and in such Case the public Stipend or Salary to be paid to such Clergyman or Minister of Religion shall be equal to the said private Subscription: Provided always that in no Case shall such public Stipend amount to more than Pounds.

"7. And be it further enacted, &c. That the Interest Money aforesaid shall be chargeable in the first place with the Stipends or Salaries of the Clergy or Ministers of Religion now paid out of any public Funds in this Province; and that in the Case of Alteration, by Death or Removal, of any of the said Incumbents, and also in case of the Establishment of new Churches, Chapels, and Places of Public Worship, the Interest Money aforesaid shall be paid and distributed as in this Act directed, Preference and Priority being given according to the Priority of Time in the building such Church, Chapel, or Place of Public Worship, and to the Priority of Time in subscribing and paying a Clergyman or Minister of Religion attached thereto, out of private Funds as aforesaid

"8. And be it further enacted, &c. That a Book shall be kept in the Office of the Provincial Secretary and Registrar, in which shall be yearly entered the Township or Place at which each Church, Chapel, or Place of Public Worship shall be erected, the Name of the officiating Clergyman, the Number of Adults attached to his Congregation, and the Name of the Church or Denomination of Christians to which he belongs; which Entries shall be founded on yearly Returns, signed by the respective Clergymen or Ministers of Religion, certified under the Hands of at least Twelve Freeholders of his Congregation.

"9. And be it further enacted, &c. That no public Aid under this Act shall be given to any Clergyman or Minister of Religion who shall not in the first place take and subscribe the Oath of Allegiance, and who is not a natural-born or naturalized Subject of the British Crown.

"10. And be it further enacted, &c. That no public Aid shall be extended to any Clergyman or Minister of Religion who shall not produce satisfactory

Proof

Proof of his Ordination and Appointment, by Authority of some Church or Denomination of Christians, having within this Province, or within Her Majesty's Dominions, due Power of Ordination and Appointment, or unless such Clergyman or Minister of Religion shall be wholly devoted to his religious Duties, without secular Employment.

" 11. And be it further enacted, &c. That in any Case of One Clergyman or Minister of Religion having the Care of Two or more Congregations, amounting in Number to One hundred Adults, who shall subscribe and declare as in the Sixth Clause of this Act mentioned, and who shall subscribe and pay towards the Support and Maintenance of such Clergyman or Minister of Religion a Sum not less than , as in the said Clause mentioned, then and in such Case, and until the said Congregation shall increase so as respectively to come within the Scope and Meaning of the said Sixth Clause, it shall and may be lawful for such public Aid and Stipend to be paid to such Clergyman or Minister of Religion, in like Manner as if the private Aid and Subscription came from One Congregation.

" 12. And be it further enacted, &c. That nothing in this Act contained shall extend or be construed to extend to interfere with or deprive any Bishop, Synod, Conference, or other Church Government of any Power of Appointment, Suspension, or Deprivation of any Clergyman or Minister of Religion, but that the Functions of Church Government in the several Churches and Denominations of Christians shall continue to be exercised as heretofore; and that no Clergyman or Minister of Religion shall be considered as having any Right to any of the public Aid, Stipend, or Land, or Benefit, other than he shall hold under during and by virtue of his Incumbency.

" 13. And be it further enacted, &c. That Accounts of the Receipt and Expenditure, State of Investment, together with a full Report of all Proceedings under this Act, shall be laid before the Houses of the Provincial Parliament within One Month from the Beginning of such Session.

" 14. And be it further enacted, &c. That the Thirty-fifth, Thirty-sixth, and Thirty-seventh Clauses of an Act passed in the Parliament of Great Britain in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled 'An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province,' be and the same are hereby repealed, in so far as the said Clauses confine the Disposition of the Lands mentioned therein to the Support and Maintenance of a Protestant Clergy.

" 15. And be it further enacted, &c. That for and notwithstanding any thing in the said last-mentioned Act contained, and also for and notwithstanding any Act, Law, or Usage to the contrary, no Bishop, Rector, Priest, Synod, Conference, or other Church Dignitary or Government, shall levy any Tithes or Church Dues, or other compulsory Payments for the Support of Religion, or exercise any Temporal or Ecclesiastical Jurisdiction over the Laity, or over any Clergy or Ministers, not belonging to his or their Church or Denomination of Christians."

On Motion made and seconded, it was

Ordered, That the last-mentioned Bill, and the Report of the Select Committee thereon, be referred to a Committee of the Whole House on Thursday next; and,

Ordered, That One hundred Copies of the Report be in the meantime printed for the Use of Members.

On Motion made and seconded, it was

Ordered, That the Petition of the Clergy of the Established Church, assembled under the Authority of the Lord Bishop of the Diocese, be now read in full by the Clerk; and

The same was then read accordingly; and it was

 Ordered

Ordered, That the said Petition be entered at length upon the Journal of this Day.*

On Motion made and seconded, it was

Ordered, That the several Petitions presented to this House during the present Session, on the Subject of the Clergy Reserves, be entered at full Length upon the Journal of this Day; and

The said Petitions are accordingly entered as follows.*

To the Honourable the Legislative Council of Upper Canada, in Provincial Parliament assembled.

The humble Memorial of the Right Reverend Alexander M'Donell, Bishop of Kingston, of his Coadjutor the Right Reverend Remegius Gaulin of the Very Reverend William P. Macdonald, of the Very Reverend Angus Macdonell, Vicars General; and of Thirty-two Catholic Priests, and Eighty-six thousand five hundred Catholics of the Province of Upper Canada,

Respectfully showeth,

That while their Fellow Colonists of other religious Denominations are urging with Vigour and Perseverance their respective Claims to a Share of the Clergy Reserves, your Memorialists beg leave to lay before your Honourable House their own Claims to a Provision from Government for the Support of their Religion, upon Grounds equally just and constitutional with any others of their Fellow Colonists:

First.—Because, on the Cession of the Province of Quebec to the British Crown, the Catholics were secured in the full Possession of all the Rights and Privileges of their Religion, as is clearly expressed in the Twenty-seventh Article of the Capitulation, which says, "the People shall be obliged by the British Government to pay to the Priests the Tithes, and all the Taxes they were used to pay under His most Christian Majesty" (not indeed, however, the Tenth Part of their Produce, as in England and Ireland, but the Six-and-twentieth Part of their Grain).

Second.—Because, on the Division of the Province of Quebec into the Provinces of Upper and Lower Canada, the Right to Tithes and other Privileges was preserved entire and undiminished to the Catholic Clergy of Upper Canada; which Right still exists, although the Poverty of the Inhabitants generally, and the utter Abhorrence of the Irish Emigrants to the obnoxious and oppressive Tribute of Tithes, induced the Catholic Clergy of Upper Canada to refrain from exacting them.

Third.—Because this Forbearance of their Clergy from exacting what is their just and lawful Due, for Fear of exciting Discontent and Disaffection in the Province, ought to be a strong additional Motive to your Honourable House to substitute a decent and adequate Provision out of the Clergy Reserves, the unconceded Lands of the Crown, or some other Funds, for the Support of their Religion, in lieu of Tithes, which your Memorialists are willing to relinquish for ever, provided such adequate Provision be secured to them.

Fourth.—Because Members of your Honourable House, of the first legal Knowledge and intimate Acquaintance with the Constitution, consider the Catholic Religion to be the Established Religion of the Province, which having been endowed and provided for on the Faith of a solemn Treaty, and your Memorialists having never done any thing to forfeit their Rights and Privileges, and relying on the Justice and Rectitude of your Honourable House, feel confident that a competent and liberal Provision shall be granted to them for the Support of their Religion.

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* Similar to the Petition in the Journals of the House of Assembly, 19th March 1839.

Fifth.—

Fifth.—Because, upon the Score of steady and unshaken Loyalty and peaceable and good Conduct, your Memorialists will not yield to any Class of Her Majesty's Subjects in this or in any other Part of the British Dominions; and they appeal with Confidence to several Members of your Honourable House for ample Testimony of the Readiness with which they upon all Occasions stept forward in defence of the Province, and of the Bravery with which they contributed to repel the Americans during the last War, and trust that not a few of the Members of your Honourable House will acknowledge that to the uncommon Exertions of the Catholics during the last General Election they owe their Seats in the present Parliament, assisting in a great measure to turn out the Radicals and disaffected, who have since become Rebels, and turned their Arms against the Country.

They also conceive that it gives them a strong Claim, not only on the Justice, but also on the Liberality of your Honourable House, that during the Agitation and Outbreak of Rebellion, which took place last Year in the Province, hardly a Catholic could be found among the Agitators, or in the Ranks of the Rebels.

Your Memorialists beg leave, in conclusion, to mention, that Four Corps of Glengarry and Two Corps of Stormont Militia, the greater Portion of whom are Catholics and under Catholic Commanders, have volunteered their Services, both this Year and last Year, to Lower Canada, and contributed very materially to put down the Rebellion, and are still embodied and doing Duty between Cornwall, Lancaster, Coteau du Lac, and St. Regis.

Having thus stated respectfully to your Honourable House their Claims and Pretensions to a competent Provision for the Support of their Religion, your Memorialists indulge sanguine Hopes that your Honourable House will grant the Prayer of your Memorialists.

And your Memorialists, as in Duty bound, will ever pray.

ALEXANDER MACDONELL,
Bishop of Kingston.
REMEGIUS GAULIN,
Bishop of Tabraca.
W. P. MACDONALD, V. G.
ANGUS MACDONELL, V. G.

To the Honourable the Legislative Council in Provincial Parliament assembled.

The Petition of the Ministers and Ruling Elders of the Commission of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland,—

Respectfully showeth,

That your Petitioners having been convened in the City of Toronto, by Appointment of Synod, and having had under Consideration the Ecclesiastical Rights and Status of the Ministers and Members of the Church of Scotland in this Province, in so far as these are affected by certain Clauses of the Act 31st Geo. III. Chap. 31, and by the Order of the Executive Council of this Province in the Year 1836, constituting and erecting certain Rectories, according to the Establishment of the Church of England, did unanimously resolve to petition the Provincial Legislature, during the present Session thereof, for the Repeal of those Clauses in the Act above mentioned which warrant the constituting and erecting of Rectories of the Church of England in this Province, so that no Dominancy may be given to the Church of England over the Church of Scotland in this Province.

May it therefore please your Honourable House to take the Premises into Consideration, and, in any Measure for the Arrangement of the Ecclesiastical Affairs of this Province which may receive your legislative Sanction, to provide effectually, by the Repeal of the Clauses referred to, and by such other Enactments

ments as may appear to be necessary, against the setting up in this Province of any Dominancy such as is herein-before mentioned.

And your Petitioners, as in Duty bound, will ever pray, &c.

In Name and by Appointment of the Commission.

ALEX. GALE,
Convener of Commission.

Unto the Honourable the Legislative Council in Provincial Parliament assembled.

The Petition of the undersigned Inhabitants of the Townships of Dumfries, Waterloo, Puslinch, and Beverley, Members and Adherents of the Synod of Upper Canada, in connexion with the Church of Scotland,—

Humbly showeth,

That the Church of Scotland, to which your Petitioners belong, is entitled, as a co-ordinate established Church of the British Empire, to the same Rights, Privileges, and Advantages within this British Colony with her Sister Church of England: That, nevertheless, your Petitioners have to complain, that in violation of our unalienable Rights as Members of the said Church, Fifty-seven Rectories of the Church of England have been established over us: That in the Appropriation of the Reserves set apart for the Support of a Protestant Clergy an almost exclusive Preference has hitherto been given to Members of the Church of England, while Attempts have been made to secure their Appropriation entirely to the Benefit of that Church: That while Applications for Government Aid, on behalf of the Clergy or Congregations of the Church of England, have been liberally attended to, Applications on behalf of the Clergy or Congregations of the Church of Scotland have been comparatively disregarded: That by these Proceedings on the Part of Government the Prosperity of the Church of Scotland has been greatly hindered, and ourselves deeply aggrieved; and that we now appeal to the Justice of your Honourable House, humbly but earnestly praying that you will be pleased to take the Premises into your serious Consideration, and that, so far as belongs to your Honourable House, these our Grievances may be redressed; that the Rectories which have been established over us be abolished; that in any Measure which may be adopted for the Appropriation of the Clergy Reserves, while the Wants of other Protestant Churches are not overlooked, the Church of Scotland in particular be admitted to a full and fair Participation with the Church of England in all the Benefits arising from them; and that, for the future, the Members of the Church of Scotland be placed, in every respect, on the same Footing with the Members of the Church of England.

[Signed by Allan Henderson and 231 others.]

To the Honourable the Legislative Council of Upper Canada in Provincial Parliament assembled.

The Petition of the undersigned Inhabitants of the Township of Dumfries and Vicinity, in the District of Gore, Province of Upper Canada,—

Humbly showeth,

That your Petitioners, with many others of Her Majesty's Subjects, have for a Series of Years protested against the Establishment or Endowment of One or more Churches in this Province, and have frequently prayed that the Proceeds of the Clergy Reserves may be applied to Purposes of general Education and internal Improvement.

That, in the Opinion of your Petitioners, to postpone the Settlement of the long-agitated Clergy Reserve Question, or to reinvest it in the Crown, would be fraught with Consequences the most alarming and dangerous to the Country, by keeping the Public Mind in a State of continual Agitation.

Your Petitioners therefore submit, that the Jealousies and Dissensions which now distract this Province would be easiest removed, the Peace, Harmony, and Loyalty of the Inhabitants most effectually secured, and the Interests of Religion itself best promoted, by appropriating the Clergy Reserves to Purposes of general Education and internal Improvement.

That

That your Petitioners are decidedly of opinion that the Education of Youth, properly directed, in the Acquisition of Knowledge, Morality, Religion, Literature, and Science, must be regarded by every enlightened and virtuous Man as a Matter of the highest and most vital Importance. But at present the Condition of most of the common Schools is so inefficient as to endanger the best Interests of the Country, and urgently demand immediate Amelioration; nor can they conceal their Opinion that it is the Duty of their Legislators to originate, foster, and patronize a general and improved System of Education.

Your Petitioners therefore humbly and earnestly pray that your Honourable House will adopt the most effectual Means to do away with the Rectory Corporations, and to appropriate the Proceeds of the Clergy Reserves to the aforementioned Purposes, as in your Wisdom may seem proper.

And your Petitioners will ever pray, &c.

[Signed by James Jackson and 364 others.]

2d *May* 1839.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," together with the Report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

The House was then again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," together with the Report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some Time the House resumed.

The Chairman reported, "That the Committee had taken the said Bill and the Report thereon into consideration, had made some Progress therein, and asked Leave to sit again To-morrow.

Ordered, that the Report be received, and Leave granted accordingly.

3d *May* 1839.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," together with the Report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

The House was then again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," together with the Report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

The House was then again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province;" together with the Report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some Time the House resumed.

The Chairman reported, That the Committee had taken the said Bill and the Report thereon again into Consideration, had made some Progress therein, and asked Leave to sit again To-morrow.

Ordered, That the Report be received, and Leave granted accordingly.

PART II.

Extracts from the Journals.

Legislative Council, 1839.

4th *May* 1839.

Pursuant to the Order of the Day, the House was again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," together with the Report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

The House was then again put into a Committee of the Whole upon the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," together with the Report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some Time the House resumed.

The Chairman reported, That the Committee had gone through the said Bill, and had made an Amendment thereto, which they recommended to the Adoption of the House.

Ordered that the Report be received; and

The said Amendment was then read by the Clerk as follows:

"Press 1. Line 1.—After 'Whereas' expunge the Remainder, and insert 'for the Advancement of the Christian Religion and the Promotion of good Morals in Upper Canada, it is expedient to appropriate the Lands called Clergy Reserves, and the yearly Income arising from the Interest, Rents, and Proceeds of Sales thereof, in aid of the Maintenance of the Ministers of Religion: Be it therefore enacted, &c. That it shall and may be lawful for the Lieutenant Governor of this Province, by and with the Advice of the Executive Council, to cause to be sold and alienated, granted and conveyed, all or any Portion of the Clergy Reserves in this Province, in like Manner as the Clergy Reserve Lands have hitherto been sold: Provided always, that the necessary Expenses attending such Sales shall be defrayed out of the first Monies arising therefrom: Provided always, that nothing herein contained shall be taken or held to interfere with any incomplete Grant, Order of Council, or other Act or Undertaking of Government heretofore made, for the granting or alienating any Portion of the said Reserves, notwithstanding that the same may be found to contain more than One hundred Acres.

"'2. And be it further enacted, &c. That the Letters Patent alienating such Lands shall describe the same as Clergy Reserves, and that no further Reservation in respect of such Lands shall be necessary.

"'3. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with the Advice of the Executive Council, to cause to be invested, the Monies proceeding from such Sales, and also all Monies which have heretofore arisen from such Sales, in the public Funds, in the Name of the Receiver General, in England, or in the public Debentures of the Province; and such Investment to withdraw and change, in the whole or in part, from Time to Time, as Circumstances may require.

"'4. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with such Advice as aforesaid, in the Name of Her Majesty, Her Heirs and Successors, to grant and appropriate Portions of the said Reserves, not exceeding One hundred Acres in each Case, as Residences for officiating Clergymen or Ministers of Religion, and for the Sites of Churches, Chapels, and Places of Public Worship therein; and in case such Clergy Reserves shall not be found in the Neighbourhood required, to procure by Exchange of such Clergy Reserve, not exceeding One hundred Acres, or by Purchase, for any Sum not exceeding 200*l.* in each Case, convenient Sites for the Purposes in this Clause mentioned, and to grant and appropriate the Lands so required for such Purposes; which Grant or Appropriation shall be made to the officiating Clergyman and his Successors as a Corporation Sole, or to Trustees named for the Purpose by the respective Congregations, as the Tenets and Discipline of such Churches, or Denomination of Christians, shall respectively require.

"'5. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, with the Advice of the Executive Council, to order and

direct,

direct, by his Warrant, the Payment of the yearly Stipends at present payable to the Clergy or Ministers of Religions out of any Public Funds in this Province to be paid out of Rents of said Reserves, and out of the yearly Interest accruing on Sales of the said Clergy Reserves, and upon the Investment of the Proceeds thereof, during the Incumbency of the present Clergymen or Ministers.

" '6. Provided always, and be it further enacted, &c. That nothing in this Act contained shall extend or be construed to extend to authorize the Payment of any Stipend towards the Support of Clergymen, and Ministers of Religion, other than such as belong to the Churches of England and Ireland, the Church of Scotland, the United Synod Presbyterians of Upper Canada, the Roman Catholic Clergy, and the Ministers of the Wesleyan Methodists: Provided further, that no Sect or Denomination shall be recognized or receive any Aid from the said Fund unless the Parties representing such Sects shall acknowledge and subscribe their Belief in the Doctrine of the Holy Trinity.

" '7. And be it further enacted, &c. That notwithstanding any thing in this Act contained it shall and may be lawful for the Lieutenant Governor, by and with the Advice of the Executive Council, to extend occasional Assistance to the Support and Maintenance of the Christian Religion, and its Ministers belonging to Denominations of Christians other than those for whom Aid is by this Act permanently provided, in the way of Grants of Portions of the said Reserves for religious Purposes, or by Appropriations of Money out of the said Interest Money.

" '8. And be it further enacted, &c., That it shall and may be lawful for the Lieutenant Governor, by and with the Advice of the Executive Council, to appropriate and direct the Payment out of the said Rents and Interest Money of Stipends towards the Support of Clergymen and Ministers of Religion, duly appointed according to the Rules of their respective Church or Congregation, in the following Cases; that is to say, whenever there shall be shown to the said Lieutenant Governor in Council that there is resident within reasonable Distance of any Church, Chapel, or Place of Public Worship a Population of Adults who shall subscribe a Declaration setting forth their Desire to attend such Church, Chapel, or Place of Public Worship, and shall subscribe and pay to the said Clergyman or Minister of Religion a yearly Sum of Money not less than 50*l.*, then and in such Case the public Stipend or Salary to be paid to such Clergyman or Minister of Religion shall be equal to the said private Subscription: Provided always, that in no Case shall such public Stipend amount to more than 200*l.*; and provided also, that the Money so subscribed shall be paid to the Treasurer of the District in which such Church, Chapel, or Place of Public Worship may be situated, for the Use of such Clergyman or Minister, and the Certificate of the said Treasurer to that Effect, transmitted to the Lieutenant Governor before any Payment is made, as provided for in this Act; but no such Stipend shall exceed the Amount mentioned in such Certificate as being actually paid to the Treasurer; which Sum shall be paid over to the Clergyman by said District Treasurer within Ten Days after receiving the same.

" '9. And be it further enacted, &c. That the Rents and Interest Money aforesaid shall be chargeable, in the first place, with the Stipends or Salaries of the Clergy, or Ministers of Religion, now paid out of any Public Funds in this Province: Provided always, that such Church, Chapel, or Place of Public Worship, whose officating Clergyman or Minister is paid out of any Public Funds of this Province, shall, upon the Death or Removal of such Clergyman or Minister, be entitled to Priority over all new Claimants as contemplated by this Act.

" '10. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with the Advice of the Executive Council, and he is hereby required, to appropriate and set apart such Portion of the Clergy Reserves, or Proceeds thereof, as may be required to form a suitable Provision for a Bishop of the Church of England, and Roman Catholic Bishop in this Province: Provided always, that the annual Income to be derived from such Appropriation shall not exceed 800*l.* for the former, and 500*l.* for the latter; and that until such Bishops shall be consecrated the Income so appropriated or set apart shall form Part of the general Fund applicable to the Purposes of this Act.

 " 11. 'And

"'11. And be it further enacted, &c. That all Applications for public Aid under this Act shall be made by Memorial to the Lieutenant Governor in Council on or before the Thirtieth Day of June in each and every Year, and the private Contributions for the Support of the respective Clergymen and Ministers of Religion shall be proved to have been duly paid before that Time, and that until the Fund arising from the Rents and Interest aforesaid shall be fully equal, after paying the Stipends and Annuities hereby charged upon the said Fund, to pay an equal Amount of Stipends to the Amounts contributed privately, the Funds remaining in the Hands of the Receiver General shall be distributed amongst the Applicants in proportion to the Amount of the private Contributions in their Favour respectively: Provided always, that no new Applications shall be favourably entertained until by the Increase of the said Fund the Stipends payable to the Clergymen or Ministers of Religion whose Applications shall have been approved shall equal the full Amount of the private Contributions, according to the true Intent and Meaning of this Act.

"'12. And be it further enacted, &c. That a Book shall be kept in the Office of the Provincial Secretary and Registrar, in which shall be yearly entered the Township or Place at which each Church, Chapel, or Place of Public Worship shall be erected; the Name of the officiating Clergyman; the Number of Adults attached to his Congregation; and the Name of the Church or Denomination of Christians to which he belongs; which Entries shall be founded on yearly Returns, signed by the respective Clergymen or Ministers of Religion, certified under the Hands of at least Twelve Freeholders of his Congregation.

"'13. And be it further enacted, &c. That no public Aid under this Act shall be given to any Clergyman or Minister of Religion who shall not in the first place take and subscribe the Oath of Allegiance, and who is not a natural-born or naturalized Subject of the British Crown.

"'14. And be it further enacted, &c. That no public Aid shall be extended to any Clergyman or Minister of Religion who shall not produce satisfactory Proof of his Ordination and Appointment, by Authority of some Church or Denomination of Christians, having within this Province, or within Her Majesty's Dominions, due Power of Ordination and Appointment, or unless such Clergyman or Minister of Religion shall be wholly devoted to his religious Duties, without secular Employment, other than the Education of Youth.

"'15. And be it further enacted, &c. That in any Case of One Clergyman or Minister of Religion having the Care of Two or more Congregations amounting in Number to One hundred Adults, who shall subscribe and declare as in the Sixth Clause of this Act mentioned, and who shall subscribe and pay towards the Support and Maintenance of such Clergyman or Minister of Religion a Sum not less than 50*l.*, as in the said Clause mentioned, then and in such Case, and until the said Congregation shall increase so as respectively to come within the Scope and Meaning of the said Sixth Clause, it shall and may be lawful for such public Aid and Stipend to be paid to such Clergyman or Minister of Religion in like Manner as if the private Aid and Subscription came from One Congregation.

"'16. And be it further enacted, &c. That nothing in this Act contained shall extend or be construed to extend to interfere with or deprive any Bishop, Synod, Conference, or other Church Government of any Power of Appointment, Suspension, or Deprivation of any Clergyman or Minister of Religion, but that the Functions of Church Government in the several Churches and Denominations of Christians shall continue to be exercised as heretofore; and that no Clergyman or Minister of Religion shall be considered as having any Right to any of the public Aid, Stipend, or Land, or Benefit, other than he shall hold under, during, and by virtue of his Incumbency.

"'17. And be it further enacted, &c. That Accounts of the Receipt and Expenditure, State of Investment, together with a full Report of all Proceedings under this Act, shall be laid before the Houses of the Provincial Parliament within One Month from the Beginning of each Session.

"'18. And be it further enacted, &c. That the Thirty-fifth, Thirty-sixth, and Thirty-seventh Clauses of an Act passed in the Parliament of Great Britain in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled "An Act to repeal certain Parts of an Act passed in the Fourteenth Year

Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," be and the same are hereby repealed, in so far as the said Clauses confine the Disposition of the Lands mentioned therein to the Support and Maintenance of a Protestant Clergy.

"'19. And be it further enacted, &c. That for and notwithstanding any thing in the said last-mentioned Act contained, and also for and notwithstanding any Act, Law, or Usage to the contrary, no Bishop, Rector, Priest, Synod, Conference, or other Church Dignitary or Government, shall levy any Tithes or Church Dues, or other compulsory Payments for the Support of Religion, or exercise any temporal or ecclesiastical Jurisdiction over the Laity, or over any Clergy or Ministers, not belonging to his or their Church or Denomination of Christians.

"'20. And be it further enacted, &c. That it shall be lawful for any Clergyman or Minister of Religion belonging to any Church or Denomination of Christians named in this Act to celebrate Marriage according to the Forms of their respective Churches or Denominations, without any Licence from the Quarter Sessions, or Qualification, other than their respective Ordination or Appointment, any Law or Usage to the contrary thereof in anywise notwithstanding.'"

The said Amendment being read a Second Time, and the Question of Concurrence put thereon, it was agreed to by the House.

On Motion made and seconded, it was

Ordered, That Two hundred Copies of the last-mentioned Bill (as amended) be printed for the Use of Members.

6th *May* 1839.

Pursuant to Order, the Bill intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," was, as amended, read a Third Time:

Whereupon it was moved and seconded, That this Bill, as amended, do not now pass, but that it be again referred to a Committee of the Whole House, for the Purpose of taking into Consideration the following Resolution:

"That the Legislative Council, confiding in the Wisdom and Justice of Her Majesty and the Imperial Parliament, think it expedient and proper to address Her Majesty, and both Houses of Parliament, representing that the Legislature of this Province has been unable to concur in any Measure respecting the Clergy Reserves, and earnestly requesting that the Imperial Parliament will, with as little Delay as possible, make such Enactment on the Subject as cannot appear to leave any Room for Doubt or Question in regard to the Objects to which the Proceeds of the Clergy Reserves are to be applied."

The Question of Concurrence being put, the same was carried in the Negative.

And it was then ordered, That the Amendments to the last-mentioned Bill be amended as follows:

In the Amendment—

Press 3. Line 15. Expunge "Methodists" and insert "Methodist Church in connexion with the British Conference."

Press 6. Line 3. After "Clergyman" insert "or Minister"

Press 6. Line 16. After "Appointment" expunge "or," and insert "and"

On Motion made and seconded, it was

Ordered, That the last-mentioned Amendments to the Amendment be engrossed, and the Bill as amended read a Third Time presently.

The same was then read a Third Time accordingly; and

The Question being put, whether this Bill, as amended, should pass, it was carried in the Affirmative:

Whereupon the Speaker signed the Amendment; and it was

Ordered, That the Master in Chancery do go down to the Assembly, and acquaint that House, That the Legislative Council have passed this Bill, with an Amendment, to which they desire the Concurrence of the Commons House of Assembly.

PART II.

Extracts from the Journals.

Legislative Council, 1839.

7th *May* 1839.

Protest of the Honourable and Venerable the Archdeacon of York, and of the Honourable J. S. Macauly, against the passing of the Bill, intituled "An Act providing for the future Disposal of the Clergy Reserve Lands in this Province," (as amended)—

DISSENTIENT:

Because we believe the Principle of the Bill to be subversive of the Form of Government under which we live, inasmuch as an Established Church is Part and Parcel of the Constitution of Great Britain and Ireland, and all their Dependencies; for without such a Church, and a Protestant Church too, the British Constitution cannot be enjoyed either at home or abroad.

Because, in our Opinion, the Bill is founded on an Assumption of Authority, which is not conferred upon the Provincial Legislature by the 31st Geo. III. chap. 31., which grants a certain Power, under special Restraints, in respect to future Clergy Reservations, but not that of distributing those already made to Purposes not contemplated in the Constitutional Act, much less of appropriating them in a Manner that leads to the utter Extinction of the Church of the Sovereign as the Established Church of the Province.

Because it was evidently the Design of the Imperial Legislature, as became a Christian Government, to establish the intimate Connexion of Church and State in this distant Portion of the Empire; but this Bill, by compelling the rapid Sale of the Clergy Reserves, at a trifling Price compared to what they would in Time obtain as Endowments, all Hope of ever having an endowed Church is not only cut off, but the wise and holy Intention of the Parent State, which was to make Provision for the Maintenance of a Protestant Clergy to instruct the Inhabitants of this Colony in the Doctrines and Duties of Christianity to the latest Posterity, is entirely frustrated.

Because the Recognition of the Roman Catholics as Sharers in the Proceeds of the Clergy Reserves is in direct Opposition to the Spirit and Enactments of the 31st Geo. III. chap. 31.; for this Body, however respectable, is expressly excluded, as being otherwise provided for.

Because the Division of the Church Property contemplated in the Bill among various Sects and Denominations, while it compromises the Principles as well as the Interests of the Established Church, endangers the Cause of Protestantism, and leads to a religious Discord, which must prove the fruitful Source of Civil Dissension, instead of Peace and Tranquillity.

Because, in a financial point of view, the Provisions of the Bill are delusive, and cannot fail of producing the most cruel Disappointments; for instead of Twelve or Sixteen Clergymen in each Township, to whom it proposes to give Stipends, the Funds derived from the Sale, or, in other Words, the Sacrifice of the Church Property, will scarcely bear the Charge of one.

Because, while the Bill makes all the Clergy and Ministers of Religion Stipendiaries and Dependents on the Colonial Government, it invests the Funds in Provincial Debentures, which are at this Moment unsaleable, and which the first financial Difficulty will sweep away, leaving the Clergy and their Families in helpless and irremediable Poverty.

Because the Bill imposes a Burden on the Provincial Government which it will be unable to bear, and which will involve it in endless Disputes with all the Denominations of professing Christians in the Province.

Because we are decidedly convinced that the Agitation produced by the Discussion of the Clergy Reserve Question, and the Excitement of which it has been rendered the Instrument, are to be chiefly ascribed to Misrepresentations and the Abuse of the Public Mind for interested and unhallowed Purposes.

Because this Bill compromises the Faith of the British Government, by destroying the Birthright of all the Members of the Established Church, who either are now in the Province or who may hereafter come into it, to all of whom the Ministrations of Religion are secured by the most solemn Pledges, and by the Law of the Land, and who are entitled to the same Protection, in regard to their Religious Institutions, as their Roman Catholic Fellow Subjects in Lower Canada, to whom the Pledges of the British Government, for the securing of their Form of Worship, and the Support of their Clergy, are not stronger than those held by the Members of the Church of England.

Because

Because the Experience of Twenty Years proves that this Question can never be satisfactorily settled in this Colony, where the Influence of conflicting Opinions, Prejudices, and Interests, together with the political and religious Animosity to which the Matter has given rise, so extensively prevail; and were further Proof wanting, it is supplied by the unjust Provisions of this Bill, which demonstrate that an impartial and equitable Adjustment of the Question of the Clergy Reserves, by the Provincial Legislature, is altogether hopeless, and prove the Necessity of reinvesting them in the Queen in Parliament, to be appropriated for the Support of a Protestant Clergy, according to the Spirit and Intention of the Constitutional Act.

In fine, we dissent from this Bill, because it promotes and encourages Error, Schism, and Dissent, against which all Christians are bound to pray; because it sacrifices to Expediency the highest and holiest Principles; and because it degrades the Clergy of the Church of England to an Equality with unauthorized Teachers, and sanctions, as far as Human Enactment can sanction, the impious Conduct of wicked Jeroboam who made Priests of the lowest of the People.

JOHN STRACHAN.
J. S. MACAULAY.

9th *May* 1839.

On Motion made and seconded, it was

Ordered, That the Nineteenth Rule of this House be dispensed with, and that the Bill to reinvest in the Crown the Lands set apart in this Province for the Maintenance of a Protestant Clergy, and commonly called the Clergy Reserves, be referred to a Committee of the Whole House this Day.

Pursuant to Order, the House was put into a Committee of the Whole upon the Bill to reinvest in the Crown the Lands set apart in this Province for the Maintenance of a Protestant Clergy, and commonly called the Clergy Reserves.

The Honourable Mr. John M'Donald took the Chair.

After some Time the House resumed.

The Chairman reported, That the Committee had gone through the said Bill, and recommended the same, without any Amendment, to the Adoption of the House.

Ordered, That the Report be received; and

Ordered, That the said Bill be ingrossed, and the same read a Third Time To-morrow.

10th *May* 1839.

Pursuant to the Order of the Day, the Bill to reinvest in the Crown the Lands set apart in this Province for the Maintenance of a Protestant Clergy, and commonly called the Clergy Reserves, was read a Third Time.

Deputations from the Commons House of Assembly brought up a Bill, intituled, "An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned," to which they requested the Concurrence of this House.

The Bill, intituled "An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned," was then read; and it was

Ordered, That the Forty-fourth Rule of this House be dispensed with as far as it regards the same, and that the said Bill be read a Second Time presently.

The same was then read a Second Time accordingly; and it was

Ordered, That the House be put into a Committee of the Whole presently, to take the said Bill into consideration.

The House was then put into a Committee of the Whole accordingly.

The Honourable Mr. John M'Donald took the Chair.

After some Time the House resumed.

The Chairman reported, That the Committee had gone through the last-mentioned Bill, and had made some Amendments thereto, which they recommended to the Adoption of the House.

Ordered, That the Report be received; and

The said Amendments were then read by the Clerk as follows:

Press 5. Line 16. Expunge "Provincial Legislature" and insert "Imperial Parliament."

Press 5, Line 16. Expunge "Religion and Education" and insert "Religious Purposes."

The said Amendments being read a Second Time, and the Question of Concurrence put on each, they were severally agreed to by the House; and it was

Ordered, That the same be ingrossed, and the said Bill, as amended, read a Third Time this Day.

Pursuant to Order, the Bill, intituled "An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned," was (as amended) read a Third Time; and,

The Question being put, Whether this Bill, as amended, should pass, it was carried in the Affirmative:

Whereupon the Speaker signed the Amendments; and it was

Ordered, That the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill with certain Amendments, to which they desire the Concurrence of the Commons House of Assembly.

11th *May* 1839.

Deputations from the Commons House of Assembly returned the Bill, intituled "An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned;" and acquainted this House, That the Commons House of Assembly had acceded to the Amendments made by the Legislative Council in and to the same.

On Motion made and seconded, it was

Ordered, That an Address be presented to his Excellency the Lieutenant Governor in the following Terms:—

To his Excellency Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal Subjects, the Legislative Council and Commons of Upper Canada in Provincial Parliament assembled, have passed a Bill for the Sale of the Clergy Reserves, and for placing the Proceeds of such Sales in the Hands of the Receiver General of this Province, subject to the Disposition of the Imperial Parliament, for religious Purposes; and we humbly request that, in order to give Effect to the same, this Bill may be transmitted to England without Delay, for the Purpose of being laid before Parliament, previous to the Signification of Her Majesty's Assent thereto.

Ordered, That the foregoing Address be sent by the Master in Chancery to the Commons House of Assembly for their Concurrence.

A Deputation from the Commons House of Assembly returned the Address to his Excellency the Lieutenant Governor on the Subject of the Bill, intituled "An Act to dispose of the Lands commonly called 'Clergy Reserves,' and for other Purposes therein mentioned," and acquainted this House, that the Commons House of Assembly had concurred in the same, and then withdrew.

On Motion made and seconded, it was,

Ordered, That a Committee be appointed to meet a Committee of the Assembly this Day at Half past Eleven o'Clock, A.M., for the Purpose of waiting on the Lieutenant Governor to know when his Excellency would receive the last-mentioned Address, and to present the same; and,

Ordered,

Ordered, That the Honourable Messieurs John Simcoe Macaulay and John M'Donald do compose the Committee on the Part of this House for that Purpose; and

Ordered, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have appointed the Honourable Messieurs John Simcoe Macaulay and John M'Donald to be a Committee on their Part, who will be ready to meet a Committee on the Part of the Commons House of Assembly this Day, at the Hour of Half past Eleven of the Clock A.M., for the Purpose of waiting upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the joint Address on the Subject of the Bill, intituled "An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned," and to present the same.

A Deputation from the Commons House of Assembly brought up, and delivered at the Bar of this House, a Message in the following Words, and then withdrew:

Mr. Speaker,

The Commons House of Assembly have appointed Four of its Members, who will be ready to meet the Committee on the Part of the Honourable the Legislative Council, to wait on his Excellency the Lieutenant Governor, to know when he will be pleased to receive the Two Houses with their Address to Her Majesty on the Subject of the Bill respecting the Disposal of the Clergy Reserves.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly,
11th Day of May 1839.

The Honourable Mr. John Simcoe Macaulay, from the joint Committee appointed to wait upon the Lieutenant Governor, to know when his Excellency would be pleased to receive the Address of both Houses on the Subject of the Bill, intituled "An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned," reported that they had done so, and that his Excellency had been pleased to receive the same, and forthwith to reply thereto as follows:

Honourable Gentlemen, and Gentlemen,

I shall transmit, without Delay, in compliance with this joint Address of the Legislative Council and Commons House of Assembly, to the Secretary of State for the Colonies, the Bill therein referred to, for the Purpose of being laid before the Imperial Parliament, previous to the Signification of Her Majesty's Assent thereto.

And his Excellency the Lieutenant Governor was pleased to reserve the following Bill for the Signification of Her Majesty's Pleasure thereon; viz. "An Act to dispose of the Lands commonly called Clergy Reserves, and for other Purposes therein mentioned."

1840.

The Journals of the Legislative Council and House of Assembly of Upper Canada for the Year 1840 *have not been received by the Colonial Department.*

PAPERS.

Clergy Reserves, Canada.

1819 to 1840.

PART II.

EXTRACTS of the JOURNALS of the LEGISLATIVE COUNCIL and HOUSE OF ASSEMBLY of UPPER CANADA respecting the CLERGY RESERVES.

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

[*Price* 1*s.* 3*d.*]

205.—II. *Under* 20 oz.