

LETTERS

TO THE

HONORABLE WILLIAM MORRIS,

BEING

Strictures

ON THE CORRESPONDENCE OF THAT GENTLEMAN WITH
THE COLONIAL OFFICE,

AS A DELEGATE

FROM THE

PRESBYTERIAN BODY

IN CANADA.

BY JOHN STRACHAN, D.D. ARCHDEACON
OF YORK.

COBOURG, U.C.

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To the Editor of the Church.

Toronto, 18th November, 1837.

Rev'd. Sir;—My attention has been lately drawn by a friend to a pamphlet entitled "The correspondence of the Hon^{ble}. William Morris with the Colonial office as the Delegate from the Presbyterian body in Canada," which has been circulated in both Provinces, and obtained the notice of several respectable Journals.

Having been referred to by Lord Glenelg on the subject of the fifty-seven Rectories with which this correspondence is intimately connected, and delivered a report which will doubtless appear in due time, I felt disposed to let the matter rest in the hands of Government, for I have always been unwilling to discuss such questions in the Colony, as dangerous to the public peace. But the industrious dissemination of this pamphlet and the extraordinary nature of the letters which have passed between Mr. Morris and his constituents, since his return to the Province, has produced on the part of Churchmen a great desire to know how matters really stand. Many applications have been made to me for information, as the person supposed from my station in the Church best acquainted with the subject, and not a little censure interspersed on my seeming apathy where the interests of the Establishment are so deeply involved.

Under such circumstances, I do not feel myself any longer at liberty to withhold the information required, and have therefore to request the privilege of occupying a small portion of your ex-

celient Journal, that I may insert the substance of my recent communications to Her Majesty's Government.

As these documents will, in all probability, be called for and published during the next session of the Provincial Legislature, I do not think it necessary, on this occasion, to follow them word for word; but shall add such particulars as have appeared since they were written, and such remarks as passing occurrences may suggest.

Being naturally averse to controversy, and convinced that no benefit can arise from violence or exaggeration, it is my earnest desire, as it is my duty, to abstain from personalities, or any expressions that can by possibility give cause of just offence. I shall deal only with facts, and such reasonings and observations as these facts may fully warrant; nor shall even slanderous and false allegations on the part of the enemies of the Church produce any other retaliation than that clear and determined exposure which truth demands.

I remain, &c. &c.

JOHN STRACHAN.

LETTER I.

Toronto, 17th November, 1837.

TO THE HONBLE. WILLIAM MORRIS:

Honble. Sir:—I find, from a pamphlet entitled "The correspondence of the Honble William Morris with the Colonial office as the Delegate from the Presbyterian body in Canada," that you went to London in May last as the authorised Delegate or Agent of the Presbyterians in this Province in connexion with the Kirk of Scotland to complain of the Rectories which have been recently established, and to state various grievances under which that body suppose themselves to labour.

I am thankful that the documents which compose this pamphlet have been given to the public, as they not only present the spirit and motives which animate those whom you represent, in their hostility to the Church of England, but, at the same time, afford me a seasonable opportunity of examining the several matters of complaint. Should they be found, on such examination, in a great degree frivolous, deficient in Christian candour, and not, in all respects, consistent with truth and accuracy of statement, the blame must fall on you and your employers, who have presumed to bring them forward.

It is not one of the least of the evils arising from the representations which you have been employed to make, that they have had the unfortunate effect of inducing Lord Glenelg to believe that this Colony is distracted with religious dissensions,—a belief which seems to have been conveyed to the Royal ear, since Her most Gracious Majesty the Queen, in her maternal solicitude for the peace and happiness of her Upper Canadian subjects, commands His Lordship to inform them "That it is the earnest desire of the Queen that all the various communities of Christians existing in that part of her Majesty's dominions may unite together in the spirit of mutual toleration and good will, in the diffusion and knowledge of Christianity."

On this subject I may, with confidence, appeal to the Inhabitants of the whole Province to testify to the peaceable demean-

nour of our people from the first agitation of the question of the Clergy Reserves till your return a few weeks ago with intelligence that the Rectories had been declared illegal.

Up to this time the Clergy and friends of the Established Church have been content with quietly urging the impropriety of debating the appropriation of the Clergy Reserves in the Colony, where it might produce much angry feeling, but could never be satisfactorily disposed of, and their readiness to submit to any measure which Her Majesty in Parliament might see fit to adopt, and which should be final and unequivocal, in making such appropriations as should appear to be most consistent with a due regard to religion, to the principles of the Constitution, and to the permanent welfare and tranquillity of the Province.

The contest respecting the Clergy Reserves was commenced by the members of the Kirk, and by them it has been continued. For a time you made a common cause with other denominations against the Established Church; but since your connexion with the National Church of Scotland has been indirectly acknowledged by the General Assembly, you have deemed it prudent to drop your former associates. You made use of them as long as they could be turned to your advantage, and now you cast them off as a tattered garment, and bring forward with equal violence and pertinacity a claim to an equality with the Church of England without any regard to the provisions of the 31 Geo. 3, chap. 31, or to the smallness of your numbers.

To you and your constituents must likewise be attributed the opposition made to the Rectories; for no other denominations have had any public meetings or proceedings on the subject. Your Synod took the lead in agitation, and enjoined on their congregations the propriety of sending petitions to the Legislature; many of which, as might have been expected when so authorized, were conceived in language of great bitterness, and hostility.

Yet it is refreshing to find, amidst the reckless violence which these petitions present, one so moderate in language and fair in

principle as to meet the *desire* which our church has uniformly expressed and in which we are still ready to concur. The petition of the Minister, and Elders and members of the congregation of St. Andrew's church, Kingston, in connexion with the Kirk of Scotland, after expressing becoming confidence in the Legislative Council submit "Whether the Imperial Parliament "by their entire removal from the conflicting interests and endless variety of opinions which have for so many years agitated "the country and perplexed the Provincial Legislature in reference to the Clergy Reserves are not best qualified to explain "their own Act and definitely settle what is doubtful in the existing statute without the danger of farther disturbing the tranquillity of the Province." The petition proceeds to state, "That "the Provincial Legislature can do nothing satisfactory, however just and equitable; nor so stable as a declaratory enactment on that subject originated and passed by the Imperial "Parliament, who, it may be trusted, in explaining the provisions "of the Act will be careful to preserve our Constitution inviolate."

This is the course proposed by the Clergy of the Established Church in their various statements and petitions since the first agitation of the question of the Clergy Reserves. They have always deprecated its discussion in the Colony, and prayed that it might be referred for settlement to the Imperial Parliament; and should the result be unfavourable, it would nevertheless be their duty to submit.

Disappointed, and, as it should seem, enraged because the House of Assembly thought proper to confirm the Rectorie actually established, though it disapproved of the measure in the first instance, your constituents had again recourse to agitation. Public meetings were held in their different congregations at which Delegates were appointed to assemble in a general Convention. In this Convention certain resolutions were adopted on which was founded a petition to his late Majesty of happy memory; and you were appointed agent to carry the same to

England. On this document I shall have occasion to make some observations in a future letter: at present, I merely remark, that even this movement excited in the Colony little sympathy or attention, nor was it supposed that it would produce any particular effect at a distance. Thus seeing and believing, the Clergy and friends of the Church of England never dreamed of taking any step to counteract your representations in Downing Street, not only because they were unwilling to disturb the Colony, but because they rested a full confidence in the justice of Her Majesty's Government. They knew that the prayer of the petition was such that, if carried out to its full extent, it would not merely destroy the Church of England as an Establishment, but even render her toleration as well as all other Christian denominations in the Colony in some degree doubtful; and they did not, therefore, anticipate that a prayer so preposterous and absurd would receive special attention, much less favourable consideration. Had the prayer been for assistance in land as well as in money for the support of the Scotch Clergy, there would have been some show of reason and common sense, and it might have been preferred without offence. But the petition seeks the robbery and destruction of the Established Church, and reproaches the Government for giving her a partial security in the Province by which she may be enabled to continue, in a few parishes, her exertions in conveying the truths of the Gospel to the present and future generations.

I have the honor to be, Sir,

Your obt. humble servt.,

JOHN STRACHAN.

LETTER 2.

Toronto, 23d November, 1837.

TO THE HONBLE. WILLIAM MORRIS:

Honble. Sir,—The patient meekness and forbearance of the Clergy and Members of the Church of England, when contrasted with the blind but selfish violence of your constituents have

not been without great benefit to us in the Colony. The eyes of other denominations are opened to your true objects and their good will and respect for the religion of their Sovereign and its adherents have greatly increased. Our clergy have called no meetings, and instead of stirring up evil passion among our people, we have laboured to keep those quiet who began to be provoked at the measures of our enemies. Even at the usual meetings of the Archdeaconries no steps were taken to attract public attention; for although it be the bounden duty of the Clergy and friends of the Established Church to preserve and maintain her rights and privileges, and not to surrender them, were it in their power, without offending against conscience, their desire is, and always has been, to proceed in peace and on constitutional grounds only. It is not that the Clergy and Laity of the Established Church in this Province do not entertain strong feelings in behalf of their religion and the benefits they derive from the Constitutional Act, but they are attached by taste, habit, and affection to the Mother Country. Our Church is essentially peaceable and loyal, and to live in quiet and harmony with our neighbours, and, if possible, in peace with all men, is with us a firm and abiding principle: nor shall we be driven from this principle unless by acts of flagrant injustice. For be it remembered that our submission is to law and justice, and not to men or their opinions, however high in the legal profession or in rank and office; and if a different spirit be arising among us since your announcement that the Rectories are destroyed, it is to be attributed to the extraordinary treatment which our Church and her vested rights and privileges are receiving at the instance of the Colonial Department.

We nevertheless feel more regret than alarm at this intelligence, since we are, at the same time, informed that the objection to the Rectories rests wholly on the supposed absence of a document which has been long in existence. But had this not been the case, the Rectories are perfectly secure; for it was never heard of that the Crown, having authorised its Delegate to do a certain act, legal and beneficial in itself, did afterwards at-

tempt to invalidate that act, on no other ground and for no other reason than that its own instruction to him to do the act had not been put in the proper technical form. But even this ground, slender and untenable as it is, has fortunately for our Church, been swept away by the most express and formal instructions.

I am nevertheless free to confess that the friends of the Church of England are deeply mortified to find that the representations against the Rectories have produced the unlooked-for effect of placing Her Majesty's Secretary of State for the Colonies in apparent hostility to our unquestionable rights and privileges. In Lord Glenelg we confided as a tried and steady friend of the Constitution, and, as we looked merely for common justice, we had no reason to anticipate his opposition; nor can we account for that opposition on any other ground than that the facts of the case have never been brought fairly before him.

Had His Lordship been made aware of the grave decision of the House of Assembly in favour of the Rectories, and the more than sufficient authority in possession of the Provincial Government for their erection, we cannot believe that he would have called their legality in question, much less allowed, as a nobleman of the nicest honor, an inaccurate case to have been submitted to the Law Officers of the Crown.

Happily for the peace and tranquillity of the Province, the Patents establishing the Rectories cannot be destroyed by any power known to the Constitution. This appears manifest, were other proofs wanting, from the fact that the Church of England has preserved, and lately recovered many of her endowments in the United States, viz. in New York, Vermont, New Hampshire and Virginia, &c., notwithstanding the crisis of a revolution, because they were secured by the same title as the estates of private persons:—to break down the one offered a precedent for breaking down the other; and to this men of sense and character never would submit.

The consequences however are greatly to be lamented; for, although the opinions thus obtained be negatory and nothing worth, since the Rectories have been endowed and erected in

perfect accordance with the Constitutional Statute, and cannot be abolished except by an Act of the Imperial Parliament, which can never be expected to pass, yet it has given a temporary triumph to the enemies of the Church, and produced no little irritation among her friends on finding their rights and privileges so lightly dealt with by her Majesty's Secretary for the Colonies. Our confidence in our natural and constitutional protectors has been shaken; and as we are determined to preserve, by every means in our power, our rights and privileges inviolate, we have resolved to pass all inferior authority, and to appeal to Her Majesty the Queen in Parliament, that an explanatory act may pass on the subject of the Clergy Reserves by which all questions concerning them may be set at rest for ever. In the mean time, it will still be the duty of the Clergy to discourage agitation among our people, and to persevere in the same peaceable and inoffensive course which they have hitherto pursued.

Before proceeding to the examination of the documents of which you were the bearer to England, or the representation which you had the boldness to make to the Secretary of State for the Colonies, it is material to state the grounds of your attack on the Established Church, that the public may be in full possession of the facts of the case.

1st. It appears by the report of the Commissioner of Crown Lands during the last Session of the Legislature that the Reserves set apart for the maintenance of a Protestant Clergy in accordance with 31 Geo. 3, Chap. 31, amounted on the 22d of Nov. 1836 to two millions, three hundred and fifty four thousand six hundred and thirty six acres.

2nd. The Church of England, so long as the Constitutional Act remains unaltered, lays claims to the whole of this property for the maintenance of her Clergy;—a claim which was not questioned for nearly thirty years, and which the most able Lawyers (if not politicians) still maintain to be valid, and that the Clergy of the Church of England and no other body of Clergy are contemplated by the Act.

3rd. In 1819 the Crown Lawyers of England gave an opinion that, under the 37th clause of 31st Geo. 3d, Chap. 31, the Government might apply the vested profits arising from the Reserves to the maintenance and support of the Clergy of the Church of Scotland as well as those of the Church of England, but not to the maintenance and support of Ministers of dissenting congregations.

4th. In 1838, the Select Committee of the House of Commons extend this opinion of the Crown Lawyers so as to include other Protestant denominations and declare that the intention of those who brought forward the Constitutional Act was to reserve to Government the right to apply the money to any Protestant clergy.

5th. Without presuming at present to pronounce on the accuracy of these conflicting opinions, it may be remarked that, as they are not established by any judicial proceeding, they cannot be considered final; and, in the meantime, the parties concerned are not to blame for exerting themselves, by every honourable means in their power, to make them good.

6th. On two points there is no controversy but entire agreement, 1. That the clergy of the church of England are entitled to support from the rents and profits under the 37th clause; 2. That no other church can be endowed with lands, but the church of England.

7th. In accordance with this 2nd point which is universally admitted, namely, that no other church but the church of England can be endowed with lands, Sir John Colborne, after long deliberation, did, with the advice of his Council in January 1838 erect 57 Rectories, and endowed each with about four hundred acres of land excepting two or three places which were allowed eight hundred acres in expectation of their becoming double charge. Of these Rectories, forty-four are complete; thirteen are pledged, but were not altogether finished when Sir John Colborne was recalled. The whole appropriation made to the 57 Rectories, as stated by the commissioner of crown lands,

amounts to 27,169 acres,—which taken from the whole of the Reserves 2,354,668, leaves 2,327,499 for future disposition.

8th. Had this small appropriation of land for the endowment of the Rectories interfered with the claims of other Protestant clergy, whether real or pretended, or rendered it impossible for her Majesty's Government to satisfy such claims, if discovered to be well founded, there would have been just cause of complaint;—but whatever be the value of the claims of the church of Scotland or other Protestant denominations, they remain the same, and the Government has millions of acres, if required, to give them full satisfaction. The erection and endowment of the Rectories have therefore, neither directly nor indirectly, interfered with the claims of any Protestant clergy.

9th. Under these circumstances, the natural course of proceeding would have been for the claimants, by virtue of the opinion of the crown Lawyers in 1819, and the Committee of 1828, to have urged their pretensions respectively for support, and likewise for endowments, if they thought fit; praying that if such endowments could not be legally made, the Law should be altered so as to admit them.

10th. No Protestant denomination, but that of the church of Scotland, has moved in the matter; and that body, instead of adopting this common-sense proceeding, seek first the destruction of the Rectories, and, in obtaining this moderate boon, they next desired to be raised in the Province to a legal Ecclesiastical Establishment, with the same powers, rights, privileges, and immunities as the Kirk enjoys in Scotland.

11th. From all which it appears, that the clergy and members of the church of England find themselves in a British Province compelled to resist an aggressive attack, as senseless as it is wicked, made upon them without the shadow of excuse by the clergy and members of the church of Scotland; an attack which is the more reprehensible as we have seen with pleasure, instead of murmuring, large sums of money from year to year bestowed upon that church, and glebes readily granted to her different congregations; and instead of opposing her claim to

support from Government, we have always been among its firmest advocates.

12th. In fine the church of England is, in this contest, the defendant, and is standing up against public robbery and spoliation, —to the commission of which you and your constituents are urging her Majesty's Government. Having thus stated the true nature and object of your attack upon the Established Church, I shall, in my next letter, examine the documents with which you were intrusted and your proceedings in England.

I have the honor to be, Sir,

Your obt. humble servt.

JOHN STRACHAN.

LETTER 3.

Toronto, 27th November, 1837.

TO THE HONBLE. WILLIAM MORRIS:

Sir,—On referring to the Pamphlet for your Petitions to the two Houses of Parliament and the general assembly, I find that they are omitted, and that the resolutions of the Delegates at Cobourg and the Memorial to the King, in which they are embodied, are the only documents intrusted to your care which it has been deemed convenient to publish. To them I must, therefore, confine my remarks. In these documents which are, in fact, one and the same, only two points require observation:—all other matters respecting your mission, whether of fact or argument, will be better introduced, when we come to consider your correspondence and proceedings with the Colonial office.

The memorial and resolutions are founded on a claim of right, arising, as it is said, out of the treaty of Union between England and Scotland, which took place in 1706. It is not much in favour of this alleged claim that it was never, till very lately, heard of, and that it should be first discovered in a remote colony more than a century after the treaty had been consummated. On referring to the Act of Union, I find that it expressly prevents the legal Establishment of the Church of Scotland in any part of the United Kingdom except Scotland: nothing, therefore, can be more silly than to look for religious rights and privileges in this colony as derived from that Statute. The treaty of Union between England and Scotland is a covenant of mutual concession and compromise between the two nations, for the purpose of settling all disputed points, and amalgamating them into one people; and a full communication of all other rights, privileges, and advantages is awarded to the subjects of either Kingdom, except when it is otherwise expressly agreed in the Articles themselves. Now, a community of religious privileges is expressly denied:—on this point neither party would admit the slightest compromise. We may wish that it had been otherwise, and that the treaty had been more indulgent on the subject of religion; but this subject was withdrawn from the Commissioners appointed to settle the terms of the Union: it was not suffered to become matter of dispute or even consideration; but the Parliament of each Kingdom settled, while yet separate, the question of religion in their respective dominions. Now, it is evident that a law passed by the Parliament of Scotland could have force only within the bounds of that Kingdom, for there were no colonies or dependencies; and accordingly the Statute is so worded. It is equally evident that the law, passed by the Parliament of England, extended to the colonies and dependencies of that Kingdom, as the words clearly imply. Accordingly, members of the Church of England are Dissenters in Scotland, and the least favoured Dissenters; and, on the other hand, the members of the Church of Scotland are Dissenters in England, and, by the fundamental articles of the Union, in all the colonies.

The public mind was very little enlightened on the principles of toleration in the reign of Queen Anne, and the idea of two legal religious Establishments in the same place would never have been entertained for a moment by either party. The Scotch, having no colonies, were content to secure their church within their own kingdom, while the English, possessing extensive colonies, comprehended them in their church enactment. The practice has been agreeable to this construction since the passing of the Act of Union; and the Church of England has been considered, and treated, in every colony, as the Established Church. Many of them have been regularly divided into Parishes, and the patronage retained in the Crown; and in all Commissions and Instructions to Governors and persons bearing rule in the colonies, the church of England is recognized as the Established Church.

It is, indeed, competent for the British Parliament to extend every indulgence to the Scotch church, except that of a legal establishment; but that cannot be done without infringing on the Articles of Union, which clearly define the privileges and extent of the two churches respectively. The Presbyterian church is paramount within the bounds of Scotland; the Episcopal within England, Ireland, Wales, and the town of Berwick-upon-Tweed, along the wolds and the territories thereunto belonging; which words are construed in all statutes as applying to the colonies.—That you and your constituents should desire that the terms of the Union had been different and had allowed the construction for which you contend, is very natural; but as it is not in our power to alter or amend the terms of the Union between the two Kingdoms, it appears to me not only unprofitable, but disingenuous, to endeavour so to twist and interpret them as to give an apparent support to claims to which they are directly opposed, and which were never dreamed of for more than a hundred years.

In regard to the assertion that the 31st Geo. 3, chap. 31, is an infringement of the Union, it may be conceded that, as the Canadian Provinces were annexed to the British Empire long after

both Kingdoms had become one, it was competent for the Imperial Legislature to deal with the question of religion as might be thought most expedient. Accordingly by the 14th of Geo. 3d. chap. 83, the church of Rome is sanctioned in the Province of Quebec; and it is declared that the clergy of the said church may hold, receive, and enjoy their accustomed dues and rights; and the Statute proceeds to make some provision for a Protestant Clergy. The 31st. Geo. 3, chap. 31, confirms the dues, rights, and privileges of the Romish Clergy, and appoints a special provision in lands for the maintenance of a Protestant Clergy. The clergy, described Protestant, are clearly defined, in the different Sections, to be those of the church of England, and no mention whatever is made in the Statute of any other Protestant clergy. But, on this point, it is sufficient at present to repeat what Lord Glenelg says in his Despatch on the Rectories, now before the public: we have no concern with the question "whether the Constitution of 1791 was wisely framed or consistent with the just pretensions of each of the three Kingdoms now constituting the United Kingdom of Great Britain and Ireland. It is sufficient for us to know that the British Legislature have enacted that Law, and that the Legislature of the United Kingdom is alone capable to repeal and amend it. The duty of the Executive Government is simply to execute its provisions." There are other matters in this despatch which will be noticed in due time; but in regard to the only two points in your two documents, no farther observations appear necessary. We can neither alter nor amend the Act of Union, nor the 31st of Geo. 3d. chap. 31, and it serves no good purpose to wrangle about them as inconsistent or unconstitutional.

In order to meet the complaints made in your correspondence and proceedings with the Colonial Office with the greater convenience, they may be reduced to five :—

1st. The discouraging obstacles thrown in the way of applications for grants of Land to the Scotch congregations.

2d. The claims of the Scotch clergy to a share in the proceeds of the Reserves.

3d. The reasons upon which you condescend to offer peace to the Established Church.

4h. The opinion of the Crown Lawyers on the Rectories.

5th. Your complaint against the University of King's College.

1. In your letter to Lord Glenelg, dated 13 h July, 1837, you say "with very few exceptions, the Scots inhabitants have met "with the most discouraging obstacles to their application for "grants of land to their several churches; and when they see the "facility with which the Sister Church is provided for, they cannot but feel that a mark of inferiority has long been attempted "to be placed on them." An example from each church is then given.

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

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

Before proceeding to the consideration of the general complaint or accusation against the Colonial Government contained in the former part of this passage, it may be proper, first, to dispose of the two examples specified, and this may be done in a very satisfactory manner to all concerned, except the accusers.

The congregation of the Established Church at Toronto built a church more than forty years ago, in which the Lieutenant Governor, and both houses of the Legislature, with the military authorities and her Majesty's troops, enjoyed accommodation. At this early period several lots of land were set apart, at some

distance from the city, for a glebe and endowment, which has ever since been in possession of the successive incumbents, and have lately been attached to the Rectory. During the American war of 1812, the church was taken for an hospital, and the interior so much injured that the congregation had to expend several hundred pounds to refit it for public worship. In 1818, the church was enlarged at an expense of upwards of two thousand pounds, raised by the increasing congregation. The building being of wood soon fell into decay, and having again become far too small, it was resolved to erect a church of stone of very large dimensions to meet for a time the growing population. This edifice, (except the steeple) was finished in 1834 at an expense of more than eight thousand pounds. An organ has since been procured from London at an expense of fifteen hundred pounds; and it is estimated that when the steeple is finished and furnished with a chime of bells, the church will not have cost less than twelve thousand pounds;—all of which, with the exception of one thousand pounds sterling, or eleven hundred pounds currency, granted by Government, must be defrayed by the congregation.

For this trifling grant the Government has received accommodation for the civil and military authorities during more than forty years; and the like accommodation appropriated in the new church for the same purpose is worth upwards of two thousand pounds currency,—estimating at the rate paid by the members of the congregation now purchasing pews,—and it would readily bring that sum if offered for sale, because the Church, notwithstanding its vast dimensions, is for the third time found too small, and additional churches are already required in other quarters of the city.

Nearly seven years ago, the Presbyterians of Toronto, in connexion with the church of Scotland, built a brick church which, in its present unfinished state, cost from fifteen to sixteen hundred pounds. Of this sum members of the Established Church in the city subscribed and paid two hundred and eighty or ninety pounds. Such was the good feeling then existing between the

two denominations, and, but for the turbulence of the Kirk in the Province, the same feeling would still exist.

So long ago as the first of December 1824, a town lot consisting of half an acre was set apart as a burial ground for the Presbyterians in connexion with the Church of Scotland, and a Patent granted in trust for the same; but by the time the congregation was organized in 1830 all the building lots belonging to Government within the city had been sold or granted. On the 3d of September 1835, a grant of one hundred acres was ordered to the Scotch church at Toronto by the Lieutenant Governor in Council. On the 7th of April 1836, the Executive Council recommended, on a second petition from the Scotch congregation of the city of Toronto, "That if the Petitioners choose to relinquish the former appropriation, the Commissioner of Crown lands be instructed to set apart lands to the amount of two hundred acres in some convenient place for the purposes prayed for, and that the same be granted in trust."

Such is the true state of the two cases brought forward in accusation of the Colonial Government and in disparagement of the Established Church. The Scotch congregation was not organized till very lately, when it was not in the power of the local Government to bestow convenient grants of land; yet a burial ground was set apart, in anticipation that such a congregation would at some time be collected, and the Provincial authorities evidently shewed a friendly anxiety to do every thing possible for their accommodation.

I is a painful duty to detect and expose such inaccuracy of statement; but it is necessary, in order to defend the innocent and to show to what shifts the enemies of our church are driven, in their vain attempts to make out a case against her.

I have the honor to be, Sir,

Your obt. humble servt.,

JOHN STRACHAN.

LETTER 4.

Toronto, 30th November, 1837.

TO THE HONBLE. WILLIAM MORRIS :

Sir, In support of your general accusation against the Provincial Government, "That with a few exceptions the Scots Inhabitants have met with the most discouraging obstacles to their applications for grants of land for their several Churches," you depend most unfortunately upon a letter with a table and remarks compiled by the Rev'd William Rintoul, Moderator of the Synod, from answers to queries transmitted to certain congregations. With these documents it is very difficult to deal.—They exhibit such an absence of courtesy, and indulge in such recklessness of assertion, that it is no easy matter to speak of them in terms of decent respect. I should not have considered them deserving of the slightest attention, had they not been brought officially under the notice of Lord Glenelg by a gentleman of your rank and respectability in the Colony, and might, from their formal appearance and supposed accuracy of research, obtain a weight which they by no means deserve.

What Mr. Rintoul asserts in his letter about the arrogant claims of the Episcopallians, I pass over in silence; but when he ventures to stigmatise the new members of the council of King's College as being of the most intolerant grade, and attacks Her Majesty's Attorney General of the Province in the language of extreme rudeness, I may be permitted an expression of honest indignation. It is too much that a comparative stranger should thus speak of gentlemen of the first talents and influence in the colony—natives of the soil and universally esteemed,—but it presents a melancholy, though true specimen of the spirit which attends the violent opposition of the Scotch Presbyterians to the Established Church. One of the college councillors, this calumniated was, till very lately, a distinguished Professor and Captain of Engineers at Woolwich: the other was selected by the most respectable Presbyterian congregation in the colony, namely

that of Kingston, to present their petition on the subject of the Rectories to the Legislative Council; a duty which he faithfully discharged.

The Attorney General, Mr. Hagerman, employed his splendid eloquence and personal influence last winter to produce harmony on the subject of the Clergy Reserves, and offered the only resolution that met with general concurrence, or was calculated to calm the rising dissensions of the House of Assembly. If he gave umbrage to the Scotch Presbyterians, it was by an honest exposition of their true object; namely, the aggrandisement of their own church at the expense of the Establishment. This he did in language which was nowhere itself compared to that employed by their own members against the church of England; and for so doing he has been applauded by the most respectable and intelligent portion of the community not belonging to the church of Scotland, for all other denominations are becoming disgusted with their violent and selfish pretensions. I perceive that Mr. Rantou's letter has been omitted in the Pamphlet, and the Table only inserted; and I deeply regret that the same prudential considerations did not induce a gentleman of your known sagacity to withhold a paper so disrespectful; for, by placing it before Lord Glenelg, you have become, in some measure identified with its misstatements and calumnies.

From Mr. Rantou's table, as it was presented to Lord Glenelg, (the printed one not being exactly the same) I subjoin columns 8 and 9, being the only portions connected with the present discussion.

Columns eighth and ninth of the Rev. Wm. Rintoul's Table

TABLE 1.

<i>Name of Congregations.</i>	<i>8.h. Land from Government.</i>	<i>9.h. Application to Government & result.</i>
Ramsay,	None,	Unsuccessful.
Smith's Falls,	None,	_____
Brockville,	None,	Unsuccessful.
Kingston,	One acre,	Unsuccessful.
Belleville,	One acre and a half.	No application.
Cobourg,	None,	Unsuccessful.
Peterboro' & Cavan,	Two acres,	Unsuccessful.
Otanabee & Dum- mer Township, }	Three hundred acres.	Successful.
Scarborough,	None,	Unsuccessful.
Streetsville.	None,	No application.
Toronto City,	_____	_____
Oakville,	None,	No application.
Cornwall,	Two one acre lots, } Glebe 100 acres, }	Successful.
Amherstburg,	None,	_____
Aldborough,	None,	No application.
Niagara,	Four acres,	_____
Ancaster & Dundas,	One & one third acre,	_____
Zorra,	Two hundred acres,	Successful.
Galt,	None,	No application.
Thorold, Chippawa,	None,	No application.
Hamilton,	None,	No application.

This portion of Mr. Rintoul's table is intended to prove your accusation against the Provincial Government, "that with very few exceptions, the Scots Inhabitants have met with the most discouraging obstacles to their applications for grants of land for their several Churches," and contains twenty one applications of which three only are marked successful. Now it must

be confessed that if this statement be correct, the justice of the accusation is fairly made out. But notwithstanding the table of the ninth column, it appears, on examination, that nine only applied to Government for land and therefore the remainder could not have been refused what they never asked. Of the nine it will be proved that seven, and not three as Mr. Rintoul has it, were successful; and two not refused, but deferred; so that not one application met with a denial. The Reverend compiler has, indeed, entered a sort of saving clause in his remarks on the ninth column of his table, and I am not disposed to deprive him of its benefit. He then says, "in this column, viz. the ninth, applications are sometimes marked unsuccessful, although they had been in the first instance favourably entertained by the Governor in Council."

TABLE 2.

Of applications made by congregations in connexion with the Kirk of Scotland for land, and the result to September 1837, extracted from the records of the Executive Council and Surveyor General's Office.

*Names of the
Congregations.*

- KINGSTON**.—Granted on 1st Oct. 1817, one acre in the Town of Kingston, very valuable, and containing five building lots. Patents issued.
- BELLEVILLE**.—Granted 24th July 1822, lots 30 & 31 east side of Church street. Patents issued.
- OSNABURGH**.—Granted on 6th Oct. 1826, the western half of the centre common in the Township of Osnaburgh, 24 acres. Patents issued.
- WILLIAMSBURGH**.—Granted on 6th Oct. 1826, the westerly half of a strip of land situated in the centre of the Township of Williamsburgh, 70 acres. Patents issued.
- MARTIN TOWN**.—Granted on 7th Dec. 1830, west half of lot 16 on the south side of the River Aux Raisin Township of Charlottenburgh, 100 acres. Patents issued.

- MONO.**—Granted 11th Oct. 1830, west half of lot 15 in 6th concession east Hurontario street.
- PERTH.**—Granted on 12th Feb. 1831, a piece of ground in the Town of Perth being part of what is called Mount Myers, —again on the 10th Jan. 1833, lot number 36 in the 10th concession of the Township of Elmsley, 200 acres—a most valuable tract of land. Patents issued.
- CORNWALL.**—Granted 7th June 1831, easterly half of No. 5 in 2nd concession Township of Cornwall, in all 100 acres—besides two acres formerly given in the centre of the Town which is of great value. Patents issued.
- DUNDAS OR COOTE'S PARADISE.**—Granted on 3rd April 1834, Block B south of Ancaster street, village of Dundas or Coote's Paradise. Patents issued.
- LANARK.**—Granted on 3rd Feb. 1834, lot No. 22 north side of Clarence street on the 2nd concession of the Township of Lanark, and again on 2nd June 1836, Park lot No. 4 and westerly half of lot No. 2 in 2nd concession of the Township of Lanark. Patent for the 200 acres issued.
- RICHMOND.**—Granted on 11th Jan. 1834, lot No. 11 west side of Maitland street in the Town of Richmond, and lot 11 east side of Fortune street and a Park lot.
- TORONTO.**—Granted on 3rd Sept. 1835, southerly half of lot No. 2 in the 4th concession east Yonge street, 100 acres again 7th April 1836—on relinquishing the above, the Commissioner of Crown Lands is instructed to set apart 200 acres in some convenient place for the purposes prayed for—besides the Govt. lot north side of Dutchess street containing half an acre; granted a tract on 1st Dec. 1824, for a burial ground.
- PUSLINCH.**—Granted 8th Dec. 1835, half lot 28 in 8th concession of Puslinch 100 acres. Patent issued.
- ELDON.**—Granted 8th Dec. 1835, No. 6 in 4th concession of Eldon 200 acres. Patent issued.
- THORAL.**—Granted 30th May 1835, easterly half of 10 in 4th concession of Thorol. Patent issued.

- BINPROCT** —Granted 5th Nov. 1835, any crown lot which may be vacant—no selection yet made.
- BROCKVILLE**.—Granted 200 acres 2d June 1836 not yet located.
- PETERBOROUGH**.—Granted on 22d July 1836, 200 acres besides lot F fronting on Brock street, and lots 12 and 13 north of Brock street, Town of Peterborough. Patents issued.
- PICKERING**.—Granted 27th Oct. 1836, 200 acres not yet located.
- ZORRA** —Granted No. 25 in 5th concession of Zorra 200 acres clergy Reserves on 20th Oct. 1836.
- NICHOL**.—Granted 13th June 1836, No. 8 in 1st concession of Garrafraxa clergy reserves. Patent issued.
- BYTOWN**.—Granted 19th May 1836, part of lot H in concession C Township of Napanee. Patent issued.
- GANANOQUE**.—Granted on 25th July 1836, No. 5 in 2d concession Leeds Township clergy reserves. Patent issued.
- FREDERICKSBURGH**.—Granted lots 9 10 11 & 12 east side Richmond street in village of Frederickshburgh on 25 Aug. 1836.
- CAVAN**.—Granted 22d July 1836, 200 acres not yet located.
- DUMMER** —Granted 9th March 1837, west half of 6 in 4th concession.
- CHATHAM** —Granted 7th July 1837, ten acres adjoining Town of Chatham. Patent issued.
- SMITH'S FALLS**.—Granted lot No. 17 in 7th concession Township of Montague, 11th May 1837. Patent issued.
- The answer to the following applications by the Governor in Council was "that in the present state of the Clergy Reserve question, the council do not think it advisable to recommend any further appropriations."

RAMSAY.—Read in council 10th December 1836.

SCARBOROUGH.—Petition read in council 10th Dec. 1836.

WHIT CHURCH,	"	"	23d May 1836.
KING,	"	"	10th Dec. 1836.
LOCHIEL,	"	"	22d Dec. 1836.
ORO,	"	"	16th Mar. 1837.
OSGOODE,	"	"	23d Feb. 1837.
CUMBERLAND,	"	"	21st Jan. 1837.

By this table it will be seen that the applications are thirty-six :—that nineteen were successful, having located their Glebes ; four have not yet selected their Glebes ; five have received valuable town or village lots ; and eight are not refused, but deferred, pending the discussions on the question of the Clergy Reserves. On comparing the two tables, every honest man must be amazed at the gross deception which Mr. Rintoul attempted on the Secretary of State for the Colonies and to which you have had the misfortune to become a party.

It is material to remark that of all these applications only seven were made previous to 1833 : three were made in 1831, and five in 1835. All the rest were made in 1836 and 1837 — thus proving that the Scotch Congregations are of very recent organization and can therefore have had as yet little moral influence on the colony. It is farther manifest, from the second table, that the local Government has been so far from throwing obstacles in the way of applications for land, that it has been peculiarly favourable to all coming from Scotch Congregations ; and I can testify, from long experience, that the colonial authorities never failed, when in their power, to satisfy all applications for Glebes from congregations connected with the Church of Scotland.

It farther appears that there are nineteen churches in connexion with the Kirk of Scotland endowed with Glebes in the Province of Upper Canada ; which is a greater number, in proportion to the adherents of that church, than the fifty-seven Rectories to those belonging to the church of England ; and this has been done by the local Government without the slightest authority. Is it not therefore passing strange that, with a church better endowed in proportion to its claims and numbers than the church of England, you and your constituents should be so blind to your own interests as to cry out against the Rectories ?

Had you succeeded, it is quite evident that the Government would have been compelled, in common justice, to resume all the

lands conferred on your church and on other denominations, at the same moment that they abolished the Rectories.

I have the honor to be, Sir,

Your obt. humble servt.,

JOHN STRACHAN.

LETTER 5.

Toronto, 2nd December, 1837.

TO THE HONBLE. WILLIAM MORRIS:

SIR,—In your letter to Lord Glenelg, dated 13th July 1837, you complain, “that notwithstanding the opinion of the Law Officers of the Crown in 1819 in favour of the claim of the church of Scotland to a share of the proceeds of the Clergy Reserves in both the Canadas, and also the promise of Lord Bathurst in 1825, the recommendation of the committee of the House of Commons in 1828, and the message of Sir John Colborne to the Colonial Parliament of the 25th January 1832, in favour of the claim, not one farthing of the funds arising from the sale of these lands has ever been paid to the Ministers of the Scots Church in that country.”

Would not any person, on reading this passage, infer that the Ministers of the Scots Church had been left totally unprovided for; and would he not stare at the hardihood of the writer, when told that a liberal allowance had been made for their support for several years before the sale of the clergy lands commenced or even produced one farthing? Yet such is the fact. You knew or ought to have known, that the substantial part of this complaint was more than satisfied before it was made;—that had your

clergy depended upon the disposable land arising from the Clergy Reserves really sold, they would have remained several years longer without any assistance, and that the amount even now is far less than they have actually received. To reasonable people, it will, therefore, appear quite extraordinary that Government should be found fault with for not assisting your clergy from a source which yielded nothing for some time after they were provided for, and, moreover, when it did begin to yield a gradually increasing revenue, was not at the disposal of Government without the authority of some judicial proceeding or explanatory enactment.

It would, however, seem that no assistance which it is in the power of her Majesty to give, avails any thing unless it be at our expense:—otherwise, instead of complaining, you would have acknowledged with gratitude what had been done for your church, for surely the provision was not the less beneficial because the Secretary of the Colonies, discovered the means of bestowing it without laying hands on the property of the Established Church.

In regard to the opinion of the Crown Lawyers in 1819 on the subject of the Clergy Reserves, it is, as I have already remarked, far from satisfactory.

1. While it admits the clergy of the church of Scotland along with those of the church of England to share in the rents and profits arising from the reserved lands under the defective wording of one solitary clause, viz. Section 37 of 31st Geo. 3d chap. 31, it declares that the King might, under the 38th section, endow any particular Parsonage or Rectory with the whole lands allotted or appropriated in that Township or Parish. Now it is obvious that if all the lands were thus attached to Parsonages or Rectories under the 38th clause, there would be no rents or profits to divide under the 37th:—it would therefore appear to common minds, such high authority notwithstanding, that the clergy of the church of England and no other are contemplated in the Constitutional Act.

2. It is likewise to be remarked, that we have opinions which we believe far sounder in law, and from authority equally res-

pectable, in favour of this common sense construction, which declares that the provisions of the Statute contemplate the clergy of the church of England and no other body whatever.

The committee of the House of Commons in 1828 do not concur exactly in the opinion of the Crown Lawyers in 1819. They knew that no peculiar privileges could be extended to the Kirk of Scotland out of that Kingdom to which all other Presbyterian denominations were not equally entitled, for it was in evidence before them,—yet they go much farther, and state that, with respect to the distribution of the proceeds of the reserved lands generally, they are of opinion that the framers of the Act sought to reserve to Government the right to apply the money, if they thought fit, to any Protestant clergy. The committee at the same time, confirms the Abolishment of Rectories; and entertain no doubt that the intention of those persons who brought forward the measure in Parliament was to endow with Parsonage houses and Glebelands the clergy of the Church of England, at the discretion of the local Government.

3. The terms upon which you propose to make peace with the Church of England.

In your letter to Lord Glenelg, dated 26th June 1837, you propose certain terms of accommodation, and you begin with remarking “that if the Members of the church of England and Scotland in Canada would lay aside all jealousy and go hand in hand together as brethren professing the same faith, they need not fear the effects of their enemies.” While making use of this sugared language, what was your object in going to England!—why the robbery and destruction of our Church, and yet your mouth speaks peace! You and your constituents have pursued us with unrelenting fury for a long series of years. You have sought, by every means, to deprive us of our vested rights, and destroy our usefulness; even to take from us the marks by which our Ecclesiastical Establishment is characterised,—our Parsonages, Rectories and endowments; and while you thus dare to trample us in the dust, you claim manses, glebes, corporations, and all the privileges of your church as in

Scotland. And when all these objects are obtained, you are disposed to remove your feet from our necks, to lift us from the ground, and to call upon us in the language of gentleness to lay aside all jealousy and walk hand in hand with our most bitter enemies and oppressors. Is not this adding insult to injury? We harbour no enmity or jealousy against you, but what you force upon us in self-defence. All that we require of you is to let us and our rights alone. We desire no collision with you nor any other denomination of christians. We have never found fault with the Government for giving you assistance, nor opposed its increase: all that we have ever desired is that your church should not be supported at the expense of ours.

You well know that from the earliest settlement of this Province, until your agitation respecting the Clergy Reserves, the greatest cordiality and indeed courtesy, prevailed among all denominations of christians and their spiritual teachers. If a change has taken place, so far as the two national churches are concerned, to which of them is it owing?

Your plan of accommodation is to give one third to the church of England; one third to the church of Scotland; and the remaining third for the support of such other denominations as Her Majesty's Government may select.

Had you gone to London merely to propose this plan, and not for the destruction of the Rectories, we should not have complained; for though we can never consent to give you any part, much less two thirds, of a property which is at present legally ours, yet it was competent for the Imperial Parliament to deal with your proposition as they might deem fit, and it would have been our duty to submit. It is, however, very clear that, if your plan had been entertained by the Government, it could have been carried into effect without interfering with the Rectories: the trifling endowments attached to them might have formed a part of the third (more than 800,000 acres) coming to the church of England; consequently, this interference was altogether gratuitous, and has served no other purpose than to excite the malignant passions of your people and a determined spirit of resis-

tance on sure. As regards the justice of your plan, nothing in its favour can be said. 1. It deprives the church of two thirds of her patrimony. 2. It gives the Kirk, whose members are not one fourth so many as those of the Church, an equal share,—that is four times their fair proportion; and this without regard to the difference of the Government of the two Churches. 3. It gives to the Kirk as much as to all other Protestant Denominations, who have the same claim; for if the 31st of Geo. 3d chap. 31, be extended in its 37th Section beyond the church of England, it includes all Protestant denominations in the Province.

But would such a distribution give satisfaction? It might be agreeable to the majority of the natives of Scotland and their descendants in the Province, but to none else. "Other denominations," says the Rev'd Mr. Nolan, a respectable Methodist clergyman, "consider their own claims upon Government full as good as the claims of the Scotch Kirk;—claims not founded in law, but in their necessity, in their usefulness, in their numbers; in their good moral conduct, in their loyalty, even in their moderation; in not tending the Government for pecuniary assistance, in not calumniating the clergy of the church, in not making an array of their numbers, though so much greater than the Scotch communion, to intimidate the church;—all which strongly recommend them to the favour of Government. "I do not mean to say that they are collectively more numerous than the Scotch communion, for that would convey a false idea of the number of the latter; but that some of the Sects individually are more numerous than the Scotch communion." — The Rev'd Mr. Alder gives similar evidence before the committee of the House of Commons. To expect that such a measure of distribution as you propose, would settle the question of the Reserves in a satisfactory manner to any but your own people, is the greatest absurdity.

And here I will observe that, however much inclined Her Majesty's Government may be, from your urgent representations, to favour the Scotch church, it will be found a matter of extreme delicacy on the part of Her Majesty's Representative in this co-

iony. Several denominations consider themselves equally respectable with that in connexion with the Kirk of Scotland, and look with great jealousy at any preference conferred upon her adherents. To the church of England, as the religion of the Sovereign, and recognised by the Constitution, they may be disposed to yield some deference; but I will venture to say that no policy will be found more unpopular, or generally offensive, than to place the Kirk of Scotland above the denominations with which it is classed in Lord Ripon's Despatch, and in the different proceedings of the Imperial Government, having for their object pecuniary assistance to different religious communities in the colony.

On reaching Liverpool, you invoked the assistance of the Rev'd Dr. McCool and the Rev'd Dr. McFarlane; and I regret that these respectable clergymen did not comply with your request. Had they done so, I am persuaded that your proceedings would have been very different both in object and temper.

Even your invitation betrays the bitterness of your spirit against the Established Church:—"as the influence of the Episcopal Church in Canada will be exerted to the utmost to counteract the object of my Mission to this country, I will feel greatly obliged, if you will have the goodness to give me a helping hand at the Colonial Office; and I suppose this can most effectually be done by engaging the support of leading members of the Legislature. Perhaps Principal McFarlane will also be kind enough to render me assistance in the way which he may think will best answer the purpose. No time ought to be lost; for if the subject is to be brought before Parliament the present Session, it cannot be taken up too soon."

You were doubtless much surprised, and perhaps not a little mortified, that we did not consider your mission of sufficient importance to write a single line, or make a single movement:—the Rectories had been established of ample authority; they had been confirmed by the Legislature; and they interfered with no claim from your church or any other denomination. Your reception, I confess, would have surprised us, if any thing in the

present times could surprise us;—but we do not believe that the leaning of the Colonial department against the Rectories proceeded from any love to your church, but from an antipathy to Church Establishments in general, which seems to have obtained a footing in high places.

Had the venerable clergymen, whom you invited, come to your aid, they would, I am fully persuaded, have advised you to pursue the same course that Dr. Mearns adopted in 1823.—This excellent person applied to Government, in the name of the General Assembly, for some provision for their Missionaries in North America, but left it to the wisdom of Government to devise the funds which may be applicable for this purpose. The answer returned was favourable, and it has been nobly fulfilled; for ever since 1826, assistance has been provided for Ministers of the church of Scotland serving in Upper Canada.

Had both or either of the Reverend Gentlemen come to your aid, they would have deprecated your attack upon the Rectories as absolute insanity; and so far would they have been from being displeased at their erection, that they would have hailed the measure as affording the best possible ground for soliciting farther aid in support of their own Church. Any attack upon the sister Establishment they would have sternly forbidden, as peculiarly dangerous in the present times, and certain to defeat your object. They too well knew the disposition of the Ministry in respect to National Churches, and the rising strength of the conservative spirit to have countenanced you in tearing to pieces the Church of the Sovereign. On the contrary, they would have urged your adoption of the substance of the resolutions of the House of Assembly in 1824 as the true ground of procedure,—namely, that the Government would take such measures, either by amending the Constitutional Act or otherwise, as would secure to the Clergy of the Kirk of Scotland, residing or who may hereafter reside in this Province, such support and maintenance as shall be thought meet.

Such a course of proceeding, instead of giving umbrage, would have united all parties in your favour; for so far are we from

being opposed to Government assisting other denominations of Christians, that we have been its constant advocates; and as respects my sentiments, I pleaded the cause of your church in 1826, as the Hon'ble Sir Robt. Wilmot Horton can testify, as well as the propriety of providing for the religious instruction of the Roman Catholics in the Province. All that we contend for is, that such aid shall not be taken out of the provision allotted to the church of England, till the Reserves produce more than that Church requires for a decent maintenance. It will be time enough to legislate regarding any surplus, when it is discovered actually to exist.

I have the honour to be, Sir,

Your obt. humble servt.

JOHN STRACHAN.

LETTER 6.

Toronto, 4th December, 1837.

TO THE HONBLE. WILLIAM MORRIS :

Sir,—I now proceed to the 4th particular, namely, the opinion of the Crown Lawyers on the Rectories.

I perceive that you were permitted to peruse the opinions of Her Majesty's Law Officers as to the legality of the Rectories lately established in this Province and likewise the despatch to His Excellency Sir Francis B. Head of the 6th July on the same subject; and I cannot help being struck with the inconvenience of communicating to parties interested the proceedings of Government on great questions still pending and in progress, since such imperfect information, as in the present instance, can only produce irritation and disappointment. Had this opinion been

founded on a correct statement of the case, it was not judicial and therefore not final; for it has never been settled by any high authority or with any degree of precision how far certain portions of the Royal Authority may or may not be well exercised by Government even without an express delegation in the Royal Commission. *Quod fieri non debet, factum valet.* There are many views, both general and legal, which may be taken of this point as it affects the existence of the Rectories, and which might shew that as they have emanated from the Crown they cannot be questioned now on a mere point of form arising from the Act of the Crown itself.

If then arguments so strong can be adduced in favour of the legality of the Rectories, had there been no farther authority than is stated in the case placed before the Crown Lawyers, their stability is rendered altogether unquestionable, when it is proved that they were erected in obedience to the fullest instructions and with every requisite formality. But on this point I do not at present enlarge, as it is fully treated in my report on Lord Glenelg's reference, the substance of which will appear in a future number of "*The Church.*"

Your 5th and last subject of complaint, the University of King's College, only requires very brief notice.

You are displeased with the composition of the College Council; but certainly with little reason. By the original charter, that body consisted of nine Members, including the Chancellor and President, all of whom, the Chancellor excepted, were to be Members of the church of England. The charter as amended increases the Council to twelve, of whom it renders seven permanent, and makes it no longer necessary that they should belong to the Established Church. The remaining five are merely temporary appointments, which must be vacated the moment that the Professors are named, and consequently are not very desirable except by friends of the Institution. It ought also to be borne in mind that it would not be easy to find in this vicinity gentlemen belonging to the Scotch church of sufficient standing and leisure to allow them to become efficient members of the

Council of the University of King's College. Under these circumstances, His Excellency induced four gentlemen of great respectability and talents to accept of seats at the Board, with the knowledge that they would be superseded in a very short time by the appointment of Professors, the five Senior of whom are entitled by the Charter to be members of the Council.

With regard to your assertion that the Bill amending the Charter of King's College passed the House of Assembly without being sufficiently understood, and that you do not consider it as expressive of the voice of more than a small minority of the Inhabitants, they are so extraordinary that I presume not to make any other reply than that the Assembly is quite able without my assistance to vindicate its own character against such aspersions, and that the amended Charter was carried on the first division by a majority of fifteen, and on the second by twenty one.

The feelings of the members of the Legislative Council were so far from being hostile to the church of Scotland, that they unanimously adopted the report of the Select Committee of which you were a member,—recommending that a Theological Professor of the church of Scotland should be appointed as soon after the College went into operation as might be convenient.

I feel that the details into which you have compelled me to enter are becoming exceedingly tedious; but there are still two matters to be disposed of, and which, without explanation, might appear to give some slight shadow of support to the unworthy accusations, attempted to be made against the local Government and the church of England.

I beg leave, first, to premise that you are held justly amenable for the contents of all the letters and documents which you delivered to the Colonial Department, since they acquired an official character in coming from you, the acknowledged agent for the Scots church in Canada. Among these a letter (omitted in the printed Pamphlet, for what reason I know not) written by the Rev. William Rintoul, Moderator of the Synod, contains the following passage:—"that in old Townships Reserve lots are held by persons connected with the church of England ready to

" give them up to the Church ; in this way Congregations can
 " be endowed when ours are told they are all appropriated. I
 " have been told that in Whit Church many of the Reserve lots
 " are held by William Robinson of New-market."

This charge of deliberate fraud against the local Government, the clergy of the Established Church, and the supposed holders of such Reserves, the Reverend Moderator knew, or might with a little inquiry have known, to be utterly untrue. The gentleman more immediately accused, and named with so little ceremony, is well known to be incapable of lending himself to this or any other unworthy transaction ; and his letter now before me stigmatises the accusation as a foul and wretched calumny.

The same Reverend gentleman, in his notes upon his table, states the case of Niagara as one of peculiar hardship ; and as great stress is put upon it, I quote the Rev. Moderator's account in full, that there may be no mistake. In the return from Niagara Mr. McGill thus writes, " No aid from Government for building " our church. We have rather been defrauded by it of what was " justly due to us. Our church was burned down during the " late war, while occupied as a Military Hospital. All build- " ings destroyed while given up to the King's use were paid in " full out of the Military Chest ; but from some malign influence " our just claim was refused from this source. The consequence " was that we were classed among the general sufferers notwith- " standing the speciality of our case, and the special rule acted " on in similar cases ; and our claim of £600 was reduced to " £400, and this sum was not received until the present year " (1837) without interest. We reckon ourselves therefore injuri- " ously kept out of £200 by the officers of Government who re- " ported on our claims, and the interest due on £600 for more " than twenty years. We beg that the Honble. William Mor- " ris will draw the attention of His Majesty's Government to this " hardship."

The Board which sat on the War Losses was appointed by the special orders of the Secretary of State for the colonies, Lord Bathurst, and was independent in its proceedings and not under

the control of the Provincial Government. It was composed of Gentlemen of the first respectability in the colony, and each case that came before it received the most careful consideration, and was decided without fear or favour according to its merits. As regards the payments, great difficulties had to be encountered and removed, and much delay has of necessity taken place for which no one can be justly blamed. The claim for the Presbyterian Church in Niagara was brought before the Board, I believe, by Messrs. Heron and Tulin and the amount of the award has been paid on the same terms, and as soon, as that of many poor and distressed persons who lost their house and home and all they possessed, and surely more could not in reason be expected.

I find from documents before me, what would otherwise seem incredible, that the church constituting this case of hardship did not belong to a congregation of Presbyterians in connexion with the church of Scotland; that it was never occupied by such a congregation, nor was there more than one congregation of that denomination in the whole Province for many years after this church had been destroyed.

The church of Niagara was occupied by the Presbyterians who now form the United Synod or Presbytery of Upper Canada.— They were the sufferers and to them the remuneration, be it great or small, of right belongs. It is not easy to conceive a complaint so reckless or so completely discreditable in all its bearings. It is not made by the party suffering, but by one who had nothing to do in the matter, and received no damage. The documents before me likewise prove that there was no congregation in connexion with the church of Scotland organized at Niagara till 1828, or fifteen years after the church was burnt.

It was my intention to animadvert on some of the many passages of your correspondence so rudely offensive to those whom you believe hostile to the objects of your Mission, but finding it a sickening task, I forbear. Your complaints, the grounds on which they rest, and my answers are now before the public; and I have no reason to fear the inference that will be drawn from the

whole case, as now stated, by every well regulated and honourable mind. If your punishment from your own feelings be not greater, now that you have had time for reflection, than you deserve in permitting yourself to become the channel of so much calumny and falsehood, it is greater I confess than I should have been disposed to inflict. Even the just rebuke which you have lately received from a high quarter,—a rebuke the more severe because conveyed in a manner the most delicate and gentle,—would have more than satisfied me. But to find yourself associated with the contemptible and venomous writer of the last portion of the Pamphlet is a mortification altogether maddening; yet when a man listens to passion instead of reason and departs from accuracy of statement, what can he expect? The conclusion of the Pamphlet has excited the universal execration of honourable men, and reminded them of the ferocious spirit which characterised the communication signed N. M. I. L., a communication read with applause at various meetings of your constituents last spring, but of which they are now greatly ashamed, and which the author, though well known, dares not openly avow.

I remain, Sir,

Your obt. humble servant,

JOHN STRACHAN.

For the Church.

Toronto, 12th December, 1837.

My Brethren of the Clergy and Laity,

Having been referred to by Lord Glenelg on the subject of the fifty-seven Rectories and delivered a report, many of you have expressed a great desire to know something of its contents,—a desire which I consider reasonable, and now proceed to gratify.

It is quite evident that Lord Glenelg entertained doubts as to the correctness of the course he was pursuing, from the terms of reference which are as follows :

" It is of course possible that the statements on which the Law Officers of the Crown have founded their opinion may be erroneous or defective, although it is certain that the utmost care and labour have been bestowed on the investigation of the facts of the case. It is also possible that Her Majesty's legal advisers may have misapprehended the law, although it is equally clear that they have bestowed their most patient and laborious attention on the questions proposed to them. But adverting to each of these possible sources of error, my first solicitude is to ascertain whether any such mistake has really occurred.

" You will therefore have the goodness to communicate a copy of this Despatch to the Archdeacon of Toronto, who will probably think it right to lay it before the Bishop of Montreal, who is now officiating as Bishop of the diocese of Quebec, and you will invite his Lordship and the Archdeacon to inform you whether they are aware of any material fact omitted in the case laid before the Crown lawyers, or inaccurately stated there, or of any important argument which may be supposed to have escaped the notice of those learned persons. If any such error or oversight shall appear to you to have been committed, you will suspend all further proceedings till you shall have reported on the case to me, and shall have received my further instructions."

After thanking his Lordship for the opportunity thus afforded me of communicating officially the facts necessary to vindicate the course which has been pursued in this part of her Majesty's dominions, for affording in time a secure but a very moderate provision for a very small number of the resident Clergy of the Church of England, I proceed in substance as follows :—

The clear and express enactments of the Statute 31. George 3. chap. 31, providing for the erection of parishes in Upper Canada, could not for many years be acted upon in this Province,

because it continued almost a dense forest till after the American war of 1812. Few or no Reserves were leased, and consequently there were no funds at the disposal of the Government. The few clergymen of the Church of England, then resident in the colony, were supported as Missionaries by annual salaries derived from the British Government and from the Venerable Society for the Propagation of the Gospel in Foreign parts. But though the situation of the country rendered it inexpedient, or rather impossible, to erect Parsonages and Rectories, the delay did not arise from any doubt on the part of the Provincial Government that full and sufficient power was given to the Governor, or Lieut. Governor in Council, by the Royal commission and instructions with which it was accompanied. Had there been the slightest hesitation on this point in Upper Canada, it would have been removed by the proceedings in the sister Province. So far back as May 1800 a reference was made by His Excellency Robert Shore Milnes Esquire, Lieutenant Governor of the Province of Lower Canada, to the Executive Council respecting Ecclesiastical affairs. The report of the Council, signed William Osgoode, Chairman, Chief Justice of Lower Canada at that time and well known in this Colony,—a gentleman of great talents and of so distinguished legal ability as to be frequently consulted after his return to England by Mr. Pitt,—states that they had taken the subject into serious consideration and after offering their most dutiful acknowledgements to His Majesty for the distinguished manifestation of his paternal regard for the spiritual welfare of his Protestant subjects in the Province, they express their utmost readiness to enter into such measures as may be essential to the formation of a regular Church Establishment. To attain this desirable object, the Council apprehend that the two preliminary requisites are, first, the formation of such a number of parishes as, from the numbers of Protestant inhabitants dwelling in the vicinity, shall be thought expedient, and, secondly, the establishment of a parsonage, or Ecclesiastical benefice, in each of such parishes. The Council advise that, in regard to four parishes already established, viz.

Quebec, Montréal, Three Rivers, and William Henry, there shall be no interference, and conclude their report by recommending that the Attorney General be directed to give his opinion on the legal course to be taken for erecting such Protestant parishes as herein mentioned, as well as for establishing a Parsonage or Ecclesiastical benefice in each parish respectively. Soon after, the Attorney General, now Chief Justice of Lower Canada delivered an elaborate opinion; and in consequence of these proceedings, the Government of Lower Canada has, from time to time, established Rectories, besides the four already mentioned, at Dunham, St. John, La Corre, Hatley, St. Andrews, St. Thomas, Caldwell Manor, St. George Christie Manor, Drummondville, Chambly, &c. &c. In this Province, little was done till after the general peace of 1815; but since that time, such proceedings have been had as seemed best calculated to cherish, and gradually to build up the church, as a permanent Ecclesiastical Establishment, for the religious instruction of the people.

On the 9th of March 1815, the Executive Council under the administration of General Sir Gordon Drummond, in reporting on the petition of the Rev. John Strachan for remuneration for monies expended on the Parsonage house of Cornwall, for the residence of the Minister of the Church of England, recommended, "That, whenever a church is erected and a minister appointed to reside, the Wardens may be authorized to erect a Parsonage house by anticipating the produce of the Clergy Reserves in the Township by the loan of a sum not exceeding four hundred pounds,—the principal and interest of which loan shall be paid by such person as may be charged with the receipt of the Clergy rents within the Township, as they may become productive. That the charge of insurance and ordinary tenants' repairs shall be defrayed by the Incumbent, and all other repairs by such means as the building."

The report in Council, suggesting this principle for future guidance in building and erecting Parsonages, was transmitted to the Right Hon. Lord Bathurst, Principal Secretary of State, for the approbation of His Royal Highness the Prince Regent.

To this an answer was returned by Lord Bathurst, dated 10th October, 1815; "The claim of the Rev. Dr. Strachan, the present minister of York, appears, from the Report of the Council, to be deserving of consideration, and you will therefore consider yourself authorized to make the payment which they have recommended."

As the fund arising from the rents of Clergy reserves under loan accumulated very slowly, application was made to His Majesty's Government by the first Bishop of Quebec, soliciting that the clergy, in a corporate capacity, might be entrusted with the power of leasing; and accordingly, the corporation for managing the Clergy Reserves in Lower Canada was established by an Instrument under the Great Seal of that Province in 1816; which instrument had been originally draughted in that Colony by the Law Officers of the Crown. This draught was sent to the Secretary of State for the colonies, Lord Bathurst, for the approval of the King's Government; and it was returned with his sanction, and an order to Sir John Sherbrooke to cause Letters patent of Incorporation to be issued in the terms of the draught. A similar instrument, at the instance of the Bishop, was recommended by the Executive Council of this Province on the 20th October 1818 and was made patent under the great seal of Upper Canada on the 30th April 1819. Since that time, greater facilities have been afforded to the issue of leases, and their number has, in consequence, rapidly increased.

About the same time, the Bishop of Quebec had earnestly pressed upon the consideration of His Majesty's Government the expediency of dividing the Province into parishes; and it appears that, in consequence of His Lordship's application, an Instruction from the Secretary of State was transmitted to Mr. President Smith, then administering the Government, dated the 2d of April 1818, conveying the authority of His Royal Highness, the Prince Regent, for erecting Parsonages and Rectories in conformity to the Statute 31 George 3. chap. 31, section 38. The Instruction will speak best for itself.

Downing Street, 24 April, 1818.

Sir,

"The Bishop of Quebec has frequently brought under my consideration the advantages which would result to the interests of the Church of England in the Province under your Government from the legal establishment of parishes or rectories, in conformity with the provision contained in the 31 George 3. chap 31.

"As I entirely concur with His Lordship in the propriety of adopting a measure calculated to give to the Protestant Church in the Canadas the support which it was in the contemplation of the Parliament of this country to afford it, I have not failed to submit His Lordship's representation to the Prince Regent, and I have received his Royal Highness's commands to instruct you to take the necessary legal measures for constituting and erecting Rectories and parishes in every Township within the Province under your Government; and you will also take care that it be distinctly understood that the constitution of parishes and rectories can give no claim whatever to any Incumbent to receive tythes of the land within the limits of his parish,—all claim of that nature having been effectually annulled by the provision for the support of a Protestant Clergy made in the 31st of the King, and by the declaratory law passed by the Legislature of the Province in 1816. The endowment of the several Rectories with due portions of the Clergy Reserves will be necessarily a matter of future consideration; and until the more general settlement and cultivation of the Province shall have taken place, I consider it advisable that the management of the several Reserves should, as is the case in the Lower Province, be vested in a corporate body, or continue, as at present, under the control of the Lieutenant Governor and Executive Council.

I have the honor to be, &c.

(Signed)

BATHURST."

Mr. President Smith.

The principle already adopted in this Province for building Parsonage houses, appeared so much in accordance with the spirit of this Instruction, that the Colonial Government was encouraged to proceed, as fast as the small means at their disposal allowed, in the hope of at least furnishing, at no distant period, comfortable places of residence to the Missionaries then in the Province. As small parcels of land were attached to each Parsonage on its erection, it was believed that it would be easy to complete the endowment with due portions of the Glebes and Clergy Reserves, when the Bishop should think proper to proceed to Institution. This gradual mode of establishing the church, though necessarily slow from the smallness of the funds, was nevertheless following by degrees the increasing settlement and cultivation of the Province, and meeting, in as far as the Government was able, its growing wants for religious instruction. Upper Canada, even in 1818, was still in comparison a wilderness; and therefore no measure of a general character for constituting and erecting townships (many without any inhabitants) into parishes and rectories would have been found beneficial. Moreover, it could not be foreseen where the population would most rapidly congregate; it was, therefore, thought most useful and advisable to husband the scanty funds, and reserve them for applications from populous townships and places, as they offered, and decide upon the amount of assistance to be given according to their particular merits. In this way Parsonage Houses were built, or partly so, at Cornwall, Brockville, Bath, Cobourg and Ancaster, and promises made to many other places as soon as the growing funds arising from leases would permit.

Had not their limited means prevented the Provincial Government from proceeding to any great extent with the commands of His Royal Highness the Prince Regent, communicated in this instruction, the question of tythes at this time raised, would, till finally set at rest, have dictated the same course of proceeding. It was considered by the Government of this Province that, under the comprehensive words of the 39 section of the Statute, the regularly inducted Rector of any Parish or Rectory, erected in

pursuance of His Royal Highness's instructions, might claim to be entitled to tythes, notwithstanding the evident intention of the Statute that the Clergy of the Established Church should receive their support from the produce of the Clergy Reserves.

It was not apprehended that a claim to tythes would in fact be preferred by any Rector so inducted, but it was possible; and to prevent embarrassment and alarm, it was thought prudent not to proceed to the full extent of the Royal Instructions which had been transmitted, until an Act should be passed, by the Colonial Legislature, declaring, that no right of tythes should ensue upon the induction into any benefice in this Province.

A short Act was passed by both houses of the Legislature of the colony, declaring, "That no tythes shall be claimed, demanded, or received by any Ecclesiastical Parson, Rector or Vicar of the Protestant church within the Province, any law custom or usage to the contrary notwithstanding."

In this enactment, which the writer of this report had the pleasure of bringing forward, the friends of the church of England fully concurred; for they never desired to retain any thing, more than they were entitled to by the most obvious construction of a solemn Act of the British Parliament. This Act, being necessarily reserved for the assent of his Majesty, failed, even though noticed in the Royal instruction, to receive the requisite attention in England until the limited period of two years had elapsed, and it could not therefore become a law.

In the year 1821, a similar Bill was passed, and having received the Royal assent, was proclaimed on the 20th of February 1823.

It was this effort to renounce, on the part of the National Church, any thing which could reasonably seem invidious in the provision made by law for her support, that gave occasion to the discussion of a question, of which I may truly say that it was started with no hope of the results to which it has been unexpectedly suffered to lead.

Before it can be ultimately disposed of, it will be necessary that the sense of Parliament should be pronounced upon the ar-

gements to be deduced from history—from the principles of the Constitution—from the plain words of the Statute—from numerous other Acts of the British Parliament—and from a series of public acts in England and the Colony, in which the impressions of the Government can be very easily and satisfactorily traced. I shall say no more now on this subject, than that, if the Church of Scotland has a right to be regarded under the Act of Union as established any where out of Scotland, it was a right of which the people of Scotland, of England, and of the colonies, were all equally ignorant, until it was discovered in Upper Canada one hundred and ten years after the Act of Union; and that, if it was really intended by the British Parliament, when the 31st George 3d. chap. 31, was passed, to comprehend the clergy of the church of Scotland within the provisions of that Statute, it was an intention of which the British Government, the church of Scotland, and her clergy and adherents in and out of the Province, were evidently unconscious for thirty years after the Statute passed. Of this there is, in my opinion, satisfactory proof, both negative and positive.

In 1824 and 1825, His Majesty's Government had entered into a contract with a joint stock company for selling to them a large portion of the waste lands of the Crown at a cheap rate, and upon terms of payment very advantageous to the Company. About two millions of acres of the Clergy Reserves were to be included in this contract. But the clergy of the church of England in this Province very earnestly appealed to His Majesty's Government against this improvident alienation; and happily their appeal was not made in vain.

The Reserves were excluded from the sale; and, by agreement with the Canada Company, a block of the other waste lands of the Crown was transferred in their stead.

And further, His Majesty was graciously pleased to manifest his desire to place the Established Church in this Province upon a footing which could alone secure it against the recurrence of similar danger by transmitting through His Secretary of State for the Colonies, the late Earl Bathurst, a formal instrument,

plain and unequivocal in its terms, and which expressly conveys, in the words of the Statute, the requisite authority for establishing Rectories and Parsonages in Upper Canada and endowing them with lands at the discretion of the Governor and Council.

Downing Street, 22d July, 1825.

Sir,

"I have received His Majesty's commands to direct, that you do from time to time, with the advice of the Executive Council for the affairs of the Province of Upper Canada, constitute and erect, within every Township or Parish, which now is, or hereafter may be, formed and constituted or erected within the said Province, one or more Parsonage or Rectory or Parsonages or Rectories, according to the Establishment of the Church of England, and that you do from time to time, by an Instrument under the Great Seal of the said Province, endow every such Parsonage or Rectory with so much or such parts of the land so allotted and appropriated as aforesaid, in respect of any lands within such Township or Parish, which shall have been granted subsequently to the commencement of a certain Act of the Parliament of Great Britain passed in the 31st year of the reign of His late Majesty King George the 3d, entitled, 'An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, entitled 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, or of such lands as may be allotted and appropriated for the same purpose, by or in virtue of any Instruction which may have been given by his said late Majesty before the commencement of the said Act, as you shall, with the advice of the said Executive Council, judge to be expedient under the existing circumstances of such Township or Parish.

"You shall also 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 said church,

"and supply from time to time such vacancies as may happen
"to rent.

I have the honor to be &c.

(Signed)

BATHURST."

Major General

Sir Peregrine Maitland, K.C.B.

&c. &c. &c.

This instruction is perfectly full and complete, and has no limitations like the one transmitted to Pres. Smith. It was officially laid before the Executive Council of the time soon after its receipt; and in November 1825, the Council prepared and submitted a proposition for erecting and endowing Rectories and Parsonages. This plan was for some time under consideration, because a difference of opinion was entertained on its details.—There was a doubt as to the proper extent of the Parishes, and the portion of land which it would be expedient to annex to each. It was found that the funds, though increasing, were still inadequate to build any number of Parsonage Houses at the same time, and there was some reluctance to constitute and erect a great number of Parishes and annexing portions of wild lands yielding no profit, without at the same time bringing them partly into cultivation and building residences for the clergy. There was also a reluctance to adopt any temporary or partial arrangement, while hesitation was felt to act decisively and make a general appropriation of the Clergy Reserves by dividing the whole Province into Parishes and endowing each with a sufficient portion, while the question had been brought under the consideration of Parliament and the Government in England. These various points were made still more perplexing by the passing of 7 and 8 Geo. 4, chap. 63, authorising the sale of part of the Clergy Reserves, as it directed the monies arising from the sales to be placed in the British Funds, and so removed them from the more immediate control of the Colonial Government. Moreover, these sales frequently included Reserves under lease, by which means the proceeds arising from rents were in some degree diminished. These difficulties may well account for the delay

during the short remainder of Sir Peregrine Maitland's administration. They likewise furnished sufficient motives for inducing Sir John Colborne to take time for consideration. In the mean while aid continued to be given, as before, towards the erection of Parsonage Houses at Toronto, Port Hope, Woodstock, London, Long Point, &c., as the funds allowed. The clergy were not urgent, and did not press any general plan. Relying in the faith of Government, which they saw was doing all in its power, they waited in tranquillity,—fully assured that the interests of the Church would not be lost sight of, and that, when the proper time arrived, a general measure for constituting and erecting Parsonages and Rectories would be adopted, or as soon as means were at the disposal of the proper authorities to make it efficient.

Thus matters continued for some length of time; but during the latter part of Sir John Colborne's administration the propriety of turning the lands to some account for the support of the clergy engaged the consideration of the Secretary of State, as appears from the copies of despatches which accompany my Lord Glenelg's correspondence with His Excellency the Lieutenant Governor. Indeed some such course now became absolutely necessary; for His Majesty's Government had, by its late arrangements, in some degree withdrawn from a most meritorious class of the ministers of the Church that scanty support which they had enjoyed, and which they had little reason to expect would have ever been denied them. It was, therefore, but a natural sentiment of justice which impelled Lord Glenelg to enjoin upon Sir John Colborne the reparation of the loss, by securing in a permanent manner a small fraction of that provision which an Act of the British Parliament had assured to them for their support.

Moreover, the result of the negotiations since entered into by the Secretary of State for the Colonies with the Society for the propagation of the Gospel in foreign parts being only of a temporary nature, and implying the discontinuance of any salaries to the successors of the present incumbents, the Colonial Government was obliged without delay to take such measures as might

enable it, in some degree, to meet this alarming contingency.— They were also pressed to take active steps in this behalf by the Clergy Corporation, as appears from the minutes of their proceedings on the 9th February 1835;—on which occasion the late Lord Bishop presided.

There was no necessity for considering Lord Goderich's letter an authority or instruction in accordance with the requirements of the 33d section of 31st George 3 chap. 31;—it is rather to be deemed an injunction or friendly admonition no longer to postpone, under any circumstances, doing something towards the permanent establishment of the Church. To have sent additional authority would have been superfluous, as the Royal Instructions already mentioned were, and still are, more than sufficient to enable his Excellency the Lieutenant Governor in Council to constitute and erect Parsonages and Rectories with competent endowments throughout the whole Province, instead of the very small number to which they have been unfortunately limited.

I would not presume to offer any further explanations of the delay which occurred in carrying the injunction, into effect, because Sir John Colborne is in the country and may be easily referred to.

I know, however, that the measure of constituting the Rectories was no sudden resolution, but, on the contrary, it was a long time in progress; that it was retarded by various objections upon some points of detail, as well as by the difficulties already noticed; but that, nevertheless, much progress was made in it, and all was in fact substantially executed before Sir John Colborne had the slightest intimation of an intention to supersede him in his Government.

When this intimation did arrive, His Excellency certainly manifested an unequivocal anxiety to lose no time in completing what had been much more than begun, and did hasten it as much as was in his power.

His motives for this were probably, in the first place, not to leave to the power of chance what he felt it to be his duty to secure; and, in the next place, to avoid the appearance of leaving

to his successor the performance of an act which he might imagine would, with some, injure his popularity.

However this may be, I have no doubt that the measure in question is precisely that act of Lieutenant General Colborne's administration of which the remembrance will ever be the most satisfactory to him as a man and as a Christian.

With respect to what I find has been said by the friends of the church of Scotland in regard to the ecclesiastical jurisdiction over other sects, which the endowments of these Rectories has conferred upon the church of England, it is not easy to understand how any number of persons residing in this country could prevail upon themselves to express any serious apprehensions on that score.

Parishes have, for many years, been erected within the Province of Lower Canada under the same Act of Parliament, and in the other colonies of British North America, in the West India Islands, and in New South Wales. These Rectories which are now complained of, have been established nearly two years; and the experience of the past and the observation of the present must have equally shewn that no person of any other religious community has the slightest reason to suppose that his civil or religious liberty, his person or his property, will be in any manner interfered with in consequence of these Rectories or endowments. It is, in fine, notorious that the rights of marriage, baptism and sepulture are, by the laws of the Province, common to the teachers of all other denominations with the clergy of the church of England.

Whatever, therefore, may have been stated, it is very certain that no such apprehension is, or can have been felt.

With respect to the land annexed as an endowment, it is in almost every instance an insignificant fraction of those Reserves to which the church of England in this Province has a claim which ought to be regarded as sacred.

In value it is so small as, in many places, to be chiefly acceptable to supply firewood, and in most cases, being wild and totally uncultivated, it will yield nothing without incurring a consider-

able expense. Even the very best of the endowments yield a very trifling emolument, and will not for a long time make up for the fifteen per cent recently deducted from the narrow salary of the Incumbents. Indeed these endowments, looking to futurity when the country will be populous and well cultivated, can scarcely be anticipated in any instance to supply an adequate provision for the sustenance of an educated Minister of the Gospel, and ought not therefore to have raised the jealousy of any body of Christians. It must be further borne in mind that the greater number of these endowments consists of lands which have been in possession of the several Incumbents by license of occupation from their first settlement in the mission without notice or complaint, and that the only difference now is a greater security of title.

I do not know that the establishment of the Rectories has called forth the language of complaint from any religious community except from the Church of Scotland, of whose Members it is remarkable, that their illiberal and intemperate hostility to the Church of England in this Province appears to have certainly increased in proportion to the unjust aggressions which they have made upon her rights, and the countenance which these aggressions have unexpectedly received.

Even the House of Assembly after much discussion, occasioned chiefly by the five or six members belonging to the Church of Scotland who have seats, passed the following resolution by a majority of thirteen.

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

It is true other resolutions were passed disapproving of their establishment, but to call in question the patents by which they were constituted would have been, as many of the speakers wisely averred, to disturb and unsettle the titles to property throughout the whole Province.

In recapitulation I beg to state:—

1. That however sensible I am of the consideration of His Majesty's Government in making the reference which occasions this report, I cannot but regret that, before submitting to the Crown Officers of England a statement of a case which had led to their expressing an opinion against the legal validity of the Act which has been called in question, the same inquiry was not made, which it has been thought just and prudent to institute, before their opinion should be acted upon.

2. That the case stated for the opinion of the Crown Officers must have conveyed to them clearly the impression that, from the year 1791 to the time of creating these Rectories, no authority had been conveyed from His Majesty through his Secretary of State, such as the 33th clause of the Statute Geo. 3. chap. 31 requires; that their opinion is founded upon this impression, and rests therefore upon the supposed non-existence of an instrument, two of which of different dates are now before me, and are recorded in the proceedings of the Executive Council of this Province.

3. That this provision made for the resident Clergy of the Established Church, partial and insufficient as it unfortunately is, stands upon the express provisions of an Act of Parliament and the execution of a power given by the King in exact conformity to its enactments: it cannot therefore be destroyed to gratify the uncharitable feeling of any person or party; and nothing can deprive the clergy of the Church of England in this Province of the rights thus secured to them but the over-ruling power of the same Legislature which conferred them. I need not say that an Act of Parliament which should have that for its object would be such an Act as never yet has dishonoured the supreme Council of the Empire.

I observe that the letter of Lord Glenelg suggests the possibility, though it by no means expresses an expectation or desire, that I may be found willing to surrender, or to concur in surrendering, voluntarily, the endowments which the King has annexed to the Rectories. Happily, the provident caution of Parliament has not placed it in the power of any individual to be

the instrument of so much injustice. It is not in my discretion to make any surrender of the kind. If it were, I believe it would not be necessary to assure any one who is personally acquainted with me, that I would as readily surrender my life.

I have laboured earnestly for nearly forty years, through good report and bad report, in promoting the peace and happiness of this Province, and its attachment to the Parent State. During more than thirty four years of that period I have been zealously, and I trust successfully, employed in promoting the cause of true religion, and in the discharge of the sacred duties of a Clergyman, and have uniformly acted towards all other Christian denominations with a Christian spirit, which the respectable portion of them will readily acknowledge. I am now approaching the evening of my life, and assuredly I shall never incur the reproach of having sacrificed any portion of the interests of the Church to which I have the happiness to belong, in the wild hope of conciliating her enemies, or from the culpable desire of avoiding the unpopularity which, it seems to be feared, must attach to those who fairly maintain the religion of our Sovereign and of the British Empire.

I have not failed to notice that, from the tenor of Lord Glenelg's despatch, it is to be inferred that the petitioners in the name of the Church of Scotland, have claimed for their Church the right to be treated in this part of the Queen's dominions, upon a footing of perfect equality with the United Church of England and Ireland.

It is incredible to suppose that any number of the enlightened members of the Church of Scotland can have imposed so far on their own judgment as to believe, that it was reserved for two or three laymen in the Legislature of a remote Colony, to discover rights and relations resulting from the Act of Union, which had escaped consideration and notice in all parts of the British dominions during more than a century, and which were never in the contemplation of those who were parties to that treaty. They cannot but be aware that the Act of Union did but protect the rights and privileges of the Church of Scotland within the

Kingdom of Scotland, in express words; while, in language as express, it guarded all the rights and privileges of the National Church of the Empire, in every other part of the British dominions.

They must, beyond all question, know and feel, that the claim which they have originated in Upper Canada, to constitute of right a second Church Establishment in a British Colony, is a novel pretension, at variance with the principles of the Constitution, and not to be reconciled to the frequently declared sense of Parliament, from the time of the Union to the present moment,—to the acts of the Government, both in the Mother Country and in the Colonies, or to the understanding which has universally prevailed on this point in all parts of the Empire.

And there can be as little question that they must have been exceedingly surprised at the facility with which they have been allowed to advance, step by step, in pretensions unsupported by the Constitution, by history, by law, or by reason; but which, when they are carried to their full extent, must tend to produce confusion, and to unsettle the ecclesiastical condition of the Empire.

The error will be perceived when it is perhaps too late to remedy it, and it will be found that the well established principles of the Constitution have been assented for the purpose of pursuing what will turn out to be any thing but a wise or popular course.

I remain, *my Brethren of the Clergy and Laity,*

Your affectionate Son, and devoted Servant,
JOHN STRACHAN.

FINIS.

