

OBSERVATIONS
ON THE
PROVISION MADE FOR THE MAINTENANCE
OF A
Protestant Clergy,
IN THE PROVINCES
OF
UPPER AND LOWER CANADA,
UNDER THE 31st GEO. III. CAP. 31.

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CLERGY RESERVES

IN THE

CANADAS.

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

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

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

In the British American Settlements, no attention was paid by Government to the religious instruction of the people ; they were left entirely to themselves ;

and but for the kindness of the Society for the Propagation of the Gospel in Foreign Parts, hardly one Episcopal Clergyman would have been found in British North America.

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

The effect of this was, that Emigrants belonging to the Established Church, who settled in America, not having access to their own religious ministrations, became frequently dissenters ; and when the Colonies (now the United States) rebelled, there was not among a population of nearly three millions, a single Prelate, and but very few Episcopal Clergymen.

The folly of this policy was shewn in the strongest light during the rebellion ; almost all the Episcopal Clergy and their congregations remained loyal and faithful to the King, demonstrating by their conduct, that had proper care been taken to promote a religious establishment in connexion with that of England, the revolution would not have taken place.

Aware of the pernicious effects of this narrow and unchristian policy, and sensible that the Colonists ought to be attached to the parent state by religious as well as political feelings, the great Mr. Pitt de-

terminated on forming a constitution for the Canadas, to provide for the religious instruction of the people, and to lay the foundation of an Ecclesiastical Establishment which should increase with the settlement.

This enlightened statesman, keeping in mind, that by the law of England the Church is an integral part of the state, and being well aware of the advantage which the people at large derive from this union between Church and State, was solicitous to extend to the Canadas the blessing of a constitution assimilated in every respect to that of the mother country.

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

To accomplish this noble purpose, Mr. Pitt advised that one-seventh of the lands should be set apart for the maintenance of a Protestant Clergy.

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

When the order for reserving one-seventh of the land for the maintenance of a Protestant Clergy was sent to Upper Canada, a considerable portion of the province had been already granted. To comply with the spirit of the law, the Local Government

was therefore obliged to reserve portions of land in the nearest new townships. But since that period, the Reserves have been chequered on the plan of every tract, as soon as surveyed, according to a fixed principle, which gives them no preference whatever above the adjacent lands.

The number of townships actually surveyed may be taken at 240, averaging, with a few exceptions, 66,000 acres of land each ; one-seventh of which, 9,428 acres, equals 47 reserved lots of 200 acres each ; consequently, in 240 townships, the number of such lots exceed 11,000, and contain two and one-fifth millions of acres.

But as these lands partake of the quality of those around them, many lots will be found, from various causes, unfit for cultivation ; so that the number of arable lots cannot be safely taken at more than 9,000, containing 1,800,000 acres.

Though of the whole surface of Upper Canada proper, amounting to 31 millions of acres, of which no more than 26 millions are capable of cultivation, the Clergy will ultimately possess 18,800 reserved lots of 200 acres each, or 3,760,000 acres : yet the value of this property will be much less than may at first sight be imagined ; for, if we may judge from what now takes place in the neighbouring States, each lot will not produce in a century an average rent of 20% per annum, making a total of no more than 376,000%, which, divided among two thousand Clergymen, a very small number for a country

nearly as large as England, gives only 188 $\frac{1}{2}$ to every individual.

This provision, therefore, will at no time be ample for the support of a Protestant clergy, sufficient for the wants of the population of the Canadas when fully settled ; and hitherto it has been quite inefficient, and never has supported one single Clergyman, from causes now very obvious, though not perhaps anticipated in their full extent by the distinguished Statesman, who advised the appropriation.

These causes are,

1st. The great encouragement given by the Government to settlers of good character, in bestowing upon them large portions of land on payment of a very trifling fee.

2d. The gratuitous grants of land given to such persons as retained their loyalty during the American revolutionary war, and to officers, sailors, and soldiers, who served in the late war in Europe and America.

3d. The preference given by the Colonists to lands in fee-simple to leases, even when the latter are more advantageous.

4th. The difficulty of collecting the rents from the smallness of the amount charged on each lot, and from being scattered over all the province.

5th. So long as applicants can get lands of the best quality, and in the most convenient situations for nothing, or a mere trifle, the natural consequence is, that rent for lands upon lease is almost nominal.

Before the year 1819, only about 588 leases had been granted. Since that period, applications have been more frequent; and, on the 1st of February 1825, 395 new leases had actually issued; 353 were in progress, and 71 applications had been received. So that, in five years, twice as much had been done as in the preceding 28 years. And yet, apparently favourable as this change may appear, from causes which will be stated immediately, the Clergy have very little prospect of being maintained by the rent of their lands for a very long time to come.

The increased demand for leases may be accounted for as follows :—

1st. Till 1819, the Clergy Reserves were under the management of the Executive Council; the members of which, having no particular interest in leasing them, took no pains in the matter.

2d. In 1819, the leasing, and the leasing only, was committed to the Clergy of the Established Church; for the rents being paid over to the Receiver-General, to be disposed of by the Government, according to the provisions of the 31st of Geo. III.

3d. The exertions of the Clergy in promoting leases were seconded by a change of times and circumstances, the most convenient lands are nearly all granted.

4th. The lands, which remain at the disposal of Government, are now so remote, that a lease near the market is becoming more desirable than a free grant.

5th. Emigration is another cause of the demand for leases ; for Emigrants have not the same dislike to leases as the natives, and are anxious to remain in the thick settlements ; but as there are no grantable lands in such, they are beginning to take leases.

6th. Parents are commonly desirous of settling their children near them ; and since to purchase is not always in their power, they are finding it more convenient to apply for leases.

In regard to the actual receipts of rents, it is to be remarked, that for a long time the rent was taken to pay the expence of the leases and the bonds necessary to convey the title to the applicant ; and the receipt, amounting annually to about 1,200*l.*, is farther reduced by the mileage and per centage of the Sheriffs, who are employed to collect this small sum from farms, scattered over a surface of nearly 40,000 square miles.

Since 1819, improvements have been in progress, so as to increase the receipts ; each applicant on receiving his lease pays for the same ; and greater regularity is observed in demanding and collecting the rents.

But although leases will now certainly issue much faster than they have done, yet the smallness of the amount, even if strictly collected, prevents us from hoping that the Establishment, under the present system of management, can possibly keep pace with the wants of the people, as will appear from the fact, that there are in the province about 150 town-

ships, containing from 40 to 500 families, in each of which a Clergyman might be usefully employed, and double this number will be required before the expiration of 21 years, which, at the very moderate annual stipend of 200*l.* each, would require immediately 30,000*l.* additional per annum; and in the course of 21 years, 30,000*l.* more, or in all 60,000*l.* But let us suppose only 50 Clergymen immediately necessary, and 200 at the end of 21 years, this would require an immediate revenue of 10,000*l.* per annum, and towards the end of the period 40,000*l.* more.

Now the leases which have issued produce a gross revenue of about 1,200*l.*; and suppose, that during the next 21 years, five times as many are issued, and that the rents are rigidly exacted and collected, the revenue would hardly amount to 8,000*l.*, or very little more than half the sum which is now required to support such a number of Clergymen as are necessary to supply the present wants of the province.

These things pressing forcibly on the minds of the Lord Bishop of Quebec and his Clergy, and on the Lieutenant-Governor of Upper Canada and his Council, induced them to seek the power of selling the Clergy Reserves to a limited extent, as well as leasing them, leaving the proceeds to be disposed of, as provided for in the 31st of Geo. III. cap. 31; and this is the object of the bill now before Parliament.

From this measure many important advantages would result:—

1st. One-seventh of the country now locked up in

mortmain, which in some degree impedes improvement, would be made free.

2d. The means would soon be afforded to multiply Clergymen to any number that might be required.

3d. A new link of attachment would be formed with the mother country.

4th. The lessees would be more punctual in paying their rents, for fear of losing any claim to renewal or advantageous purchase.

5th. Two or three hundred Clergymen living in Upper Canada, in the midst of their congregations, and receiving the greater portion of their income from funds deposited in this country, must attach still more intimately the population of the Colony with the parent state: their influence would gradually spread; they would infuse into the inhabitants a tone and feeling entirely English, and acquiring by degrees the direction of education, which the Clergy of England have always possessed, the very first feelings, sentiments, and opinions of the youth, must become British.

It is quite evident, that in a very short time, from the new method of granting lands, and their distance, sales of Clergy Reserves will be more frequent than leases are now; nor will this be disputed by any, who consider the manners and habits of the people of the Canadas. They dislike all tenures except the fee-simple: it is, therefore, not extravagant to expect to sell 4,000 lots in the next

21 years, averaging 15*s.* per acre ; for though some might at first sell for 10*s.*, yet many would fetch 20*s.* ; and all, except bad lots, would gradually rise in price as the country was improved and became full of people. Now, 4,000 lots, averaging 15*s.* per acre, give 600,000*l.*, which, at 5 per cent., would yield a revenue of 30,000*l.*, which, added to the annual rents, accruing from leases, would amount to 38,000*l.*, a revenue sufficient to support nearly 200 Clergymen.

On these grounds, it is extremely desirable to possess the power of disposing of the Clergy Reserves to a given extent : but it must be kept in mind, that the bill now before Parliament, while authorising the sale of one-half of the Reserves, leaves the disposition of the proceeds as provided for by the 31st of Geo. III. It gives nothing to the Protestant Clergy, which they do not already possess ; it makes no other than a beneficial alteration in a provision already existing ; it does not establish the Reserves ; it only provides that they shall no longer continue unproductive. It is in perfect accordance with the Act of 1791 ; and it will remove the popular objection against the Reserves, as a barrier to improvement and internal communication. It will enable the Government to raise a fund for the support of the Established Clergy, and thus relieve Parliament from the annual grant in aid of the Society for Propagating the Gospel in Foreign Parts, in as far as respects Upper Canada. Moreover, the bill will en-

able the Stewards of the Clergy Reserves to proceed hand in hand with the Canada Land Company, in making improvements where found necessary, and in agreeing upon mutual exchanges and communications for each others' benefit.

Rise and Progress of the Feeling against the Clergy Reserves, and of the Claim to share in them, made by Persons not Ministers of the Established Church of England.

On dividing the Province of Quebec into two distinct governments, our late venerable Sovereign signified to Parliament his intention of making provision for a Protestant Clergy, by which the people might in time enjoy all the benefits of religious instruction, rightly judging that the establishment of an enlightened Clergy in the Colony would contribute more than any other measure to its happiness and prosperity. To follow up this pious and benevolent intention, and to meet the wants of the rising Church with more ease and convenience, by rendering it unnecessary for young men desirous of entering her Ministry to proceed to England for Holy Orders, as well as to perform those Episcopal functions, which are necessary to the very existence of our Church, a Bishop was appointed, retaining the former name of the Colony, that both Provinces might be included in one Diocese. The Provision allotted for the support of a Protestant Clergy was

one-seventh of the lands granted in free and common soccage, which may at present amount in Lower Canada to 500,000 acres, and in Upper Canada, as has already been stated, to 1,800,000 acres.

It is not easy to conceive any provision for the support of a religious establishment so unexceptionable; it asks nothing of any man. The whole land belonged to the Crown; five-sevenths were given away to applicants for nothing, or merely so much as was necessary to prepare the grants; one-seventh has since been sold at a very low price; and one-seventh was reserved by our late venerable Sovereign to form a support for a pious and learned Clergy, to dispense religious instruction among the people in the holy services of our Church. Was this more than a wise and reasonable measure towards advancing the future happiness of those, who were yet to become inhabitants of the Province? And did not all those who went there, go with the knowledge that provision was made for supporting the national Church by means which would take nothing from their substance, nor interfere with any plans which they might devise for maintaining any Priesthood which they liked better?

If this provision, which has been shewn to be far from excessive, were withdrawn, the Church is annihilated; but let it be confirmed and placed beyond the hope of envy, and the reach of malice, now that the question has been agitated, and before fifty years elapse, the Church will want no better de-

fenders than the representatives of the people. Till within a very few years not a whisper was ever heard against the Clergy Reserves. But in 1819 a law was passed taxing lands for the construction of roads, and as the unleased Clergy Reserves did not contribute, being still considered in the Crown, and producing no rent, some persons began to complain that they obstructed improvements, and interrupted communications. There was some foundation for this complaint, but the landholders, who complained of being unfairly taxed, went no farther than to require that the law should include all such Reserves, as were placed on public roads. To divide them among all sects, or to divert them from their original destination, was not yet imagined; on the contrary, most persons considered the provision wise, and many thought that as no quit rent was exacted in Canada, as in the other Colonies, any obstruction produced by the Clergy Reserves ought to be cheerfully borne.

It was not until 1822 that the friends of the Church of Scotland began to speak of the claim of their Ministers, at that time no more than four in number, to a share of the Reserves, but not sufficiently loud to command attention; the claim was considered idle, and supposed to proceed from a disappointment, which they had met with in an application to Government for salaries to their Ministers.

It was, however, understood, that representations had been sent home to his Majesty's Government,

and to the General Assembly by the Scotch Ministers in both Provinces, (only I believe seven in number,) claiming a share of the Reserves, as a branch of one of the national Churches, and supporting this claim under a supposed ambiguity of the term in the act "a Protestant Clergy." A counter-representation was therefore drawn up, and sent home by the Bishop of Quebec, and the Clergy of Upper Canada in 1823, though it was found unnecessary to present it, of which the following is the substance *.

" With regard to the lands set apart by the 31st of Geo. III. cap. 31, for the support of a Protestant Clergy, the Ministers of the Church of Scotland advance a claim of participation on the plea that they are included in the words ' a Protestant Clergy;' now it is humbly submitted that these words are used as contradistinguishing the Clergy of the Church of England from the Clergy of the Church of Rome, and cannot be farther extended without producing the greatest confusion; for after passing the Church of England where shall this meaning terminate? Congregationalists, Seceders, Irish Presbyterians, Baptists, Methodists, Moravians, Universalists, Quakers, Tunkers, &c. will undoubtedly prefer their claims, as they are in general more numerous than the Presbyterians in communion with the Kirk of Scotland, and should such claims be rejected, as they certainly would be, these Sectaries

* This document is so important that a farther extract is given in the Appendix.

will consider themselves greatly aggrieved by the refusal of what they would have never dreamed of asking had not so small a fraction of the population of this flourishing Province as the two congregations in communion with the Kirk of Scotland succeeded in obtaining the same object.

“ That by the 38th and 39th clauses of the said 31st of Geo. III. cap. 31, it is made lawful for his Majesty to constitute and erect within every Township or Parish, one or more Parsonage or Rectory, or Parsonages or Rectories, according to the establishment of the Church of England, and from time to time to endow any such Parsonage or Rectory with so much or such part of the lands so allotted and appropriated as aforesaid, as shall be judged expedient by the persons administering his Majesty's Government in the Province: and it is also made lawful for his Majesty, by his representative, to present to every such Parsonage or Rectory an Incumbent or Minister of the Church of England, who shall be duly ordained according to the rites of the said Church; and to supply from time to time such vacancies as may happen therein, the terms of the claim proceeding to secure such Incumbent in all the rights and emoluments of such Parsonage or Rectory, in the same manner and upon the same conditions and liable to the performance of the same duties as the Incumbent of a Parsonage or Rectory in England. But there are no clauses which make it lawful for his Majesty to do in like manner for

the Kirk of Scotland, or make any member of that Church whatsoever.

“ That the construction, which has always been put upon the Act by his Majesty’s Government, has applied to the Protestant Church of England and no other. His Majesty’s instructions declare in express words, that the powers and privileges of an Established Church in the Canadas belong only to the Protestant Church of England, which declaration necessarily excludes the Church of Scotland from all participation in the reserved lands. The appointment of a Bishop thirty years ago,—the erection of the Canadas into a Diocese according to the Establishment of the Church of England of which it forms an integral portion,—the Bishop of the See of Quebec being made subject to the Metropolitan See of Canterbury in the same manner as any Bishop of any See within the Province of Canterbury in the Kingdom of England,—by the more recent acts of his Majesty’s Government ordering the erection of Protestant Parishes according to the establishment of the Church of England, by dividing the two Provinces into Archdeaconries, and, lastly, by creating the Clergy of each Province into a corporation, in 1819, for the sole management of the lands reserved for their support. Moreover, so fully impressed was the Legislature of the Province of Upper Canada that the Reserves are to be exclusively appropriated to the support of the Church of England in this Colony, that a doubt having been suggested as

to the right of the Clergy to exact tithes, a law was passed declaring that they had no such right, his Majesty having been pleased to reserve, for the support of a Protestant Clergy in the Province, a seventh of all lands granted in lieu thereof*.

“That a sense of duty compels us most earnestly to deprecate the rivalry of the Church of England and those endless evils of dissension, competition, and irritation of which a compliance with the claims of the ministers of the Kirk of Scotland cannot fail, in our opinion, to scatter the seeds. We deprecate the creation of a particular interest to strengthen prejudices which may exist against the Establishment, not otherwise insuperable, to alienate minds which are neutral and undecided from conforming to the Church, and by so doing to cut away one of the nearest and safest bonds which might connect them with the State. We deprecate the extinction of that hope of religious unanimity in the future generations of Protestants who shall occupy these fine and extensive countries, which can only be fostered and matured under the blessing of Divine Providence by the judicious protection of the English Church Establishment already formed, and the completion of the plan already provided by the wisdom of government.”

In consequence of the representations of the ministers of the Kirk of Scotland, residing in the Canadas,

* Appendix, No. II.

to the General Assembly in Scotland, that venerable body, at their session of 1823, made through their moderator an humble request that some provision be made for their missionaries in North America, but claiming no right to the reserves in Canada, and leaving it to the wisdom of government to devise the funds which may be applicable for this purpose.

To this application a gracious answer was returned, calling upon the General Assembly to point out the places where clergymen are required, and the sum necessary to induce such as are worthy to go. That his Majesty's government has no objection to give assistance, but in the same manner as is done in England through the Society for Propagating the Gospel in Foreign Parts. And enquiry is made whether such a society exists in Scotland, and if not, what hope there is of such a society being formed to assist with its funds the same object.

Since that period assistance has been provided for Ministers of the Church of Scotland serving in Upper Canada, to such an extent as will not be required for many years, so few in number are the real members of that Church in the Province, and so little disposed are their hearers to submit to the discipline imposed.

Hitherto no proceeding of any moment respecting the Clergy Reserves had taken place in the legislature of Upper Canada; but in the session of 1824, the subject was introduced by the members in the Lower House (only two in number, who belonged to the

Kirk of Scotland). After some difficulty that House adopted five resolutions, three of which are merely introductory to the two following.

“ 4. Resolved, that if his late Majesty, when he graciously authorised an appropriation of land for the support and maintenance of a Protestant Clergy in this Province, did not contemplate a provision for the Clergy of the Church of Scotland, that they ought to come now under his Majesty’s most favorable consideration by being otherwise provided for.

“ 5. Resolved, that an humble address be presented to his Majesty, praying that his Majesty will be graciously pleased to direct such measures as will secure to the Clergy of the Kirk of Scotland residing, or who may hereafter reside, in this Province, such support and maintenance as his Majesty shall think proper.”

These resolutions were sent up to the Legislative Council for its concurrence, but after due consideration they were rejected.

It is worthy of remark, that a claim of right to share in the Clergy Reserves, by the Ministers of the Church of Scotland and other denominations of Protestants, was not made till the Act settling the question of tithes had become law. This happened in February, 1823, and at the very next session of the Provincial Parliament, when the claim of tithes was by law settled against the Church, the House of Assembly sought to plunder that Church of what had been given in lieu of these tithes. On mention-

ing the iniquity of this proceeding to several members of the House of Assembly belonging to the Methodists and other dissenting persuasions, and my surprise that they had concurred in supporting the Scotch Church in its claim to a participation in the Clergy Reserves, they did not hesitate to answer, that so long as there was any doubt respecting tithes, they considered it impolitic to meddle with the Clergy Reserves, which they admitted had been given in lieu of tithes, because the Clergy of the Established Church might have said, take away our Reserves if you please, it is a matter of indifference to us, we shall in that case claim the tithes ; but now that the question regarding tithes is settled there is no danger in meddling with the Reserves, and by perseverance we may obtain some advantage.

They further stated, that they believed the Ministers of the Kirk of Scotland had no better right than any other Protestant denomination ; but that they supported their claim because, should the Scotch, under the name of a national Church, succeed, the true legal meaning of the word Clergy would be extended ; and then their claim, as they were far more numerous than the Scotch, would become irresistible.

True to these principles the other denominations, in the session of 1826, again introduced the subject of the Clergy Reserves to the House of Assembly ; but confining themselves no longer to the Church of Scotland, they claimed a share for all denominations

of Christians, even Roman Catholics. The friends of the Scotch Church were not favourable to this line of proceeding, which they might have foreseen (but what could two members do). An address was voted to the King in favour of all denominations of Christians; and what was merely suspected or only privately known, now became evident, that the majority of the House of Assembly in the former session had in view the opening of the door for all persuasions in supporting the right of the Scotch Church when singly advanced. Despairing of the concurrence of the other branches of the Legislature in an address so absurd and preposterous, it was not submitted to their consideration, but sent home as that of the House of Assembly.

The answer of his Majesty to this address not having been deemed satisfactory, the House of Assembly at their present session resumed the subject; but perceiving the absurdity of dividing the Reserves among all denominations, some of them without any distinct character and incapable of being defined, and that such division was deemed impracticable by their constituents, and had become rather a subject of ridicule than of serious consideration, they changed their ground and determined to dispose of the Reserves for the purposes of education, and instead of addressing the Imperial government, to legislate at once on the subject.

Accordingly a series of resolutions, after a long debate on the first, was adopted, and a bill founded

on these resolutions was introduced into, and carried through the House of Assembly and sent up to the Legislative Council, where it was rejected.

Now it so happens that the property of the Church is not required for the instruction of youth, for an appropriation of rather more than half a million of acres has been already made by his Majesty's government for the purposes of education, which, with the assistance given by the Provincial Legislature, is deemed sufficient not only to endow the University of Upper Canada, for the establishment of which his Majesty has been graciously pleased to grant a Royal Charter, but to aid grammar and common schools, in such a way as in time to make the system of instruction throughout the province more general and efficient than in any other part of the world.

Such is the history of the progress of the opposition to the Clergy Reserves and the changes in the mode of attack; and his Majesty's government must see, that in giving way at all in a matter which till very recently was never agitated, they will not quiet expectations but rather encourage discontent, unless they give way altogether and leave the Church of England on a level with the Dissenters.

It is not unimportant to remark, that the House of Assembly, a majority of which is so well disposed to give all denominations a share of the Church property, is not inclined to give them any other power. Even the power of marriage is denied to the dissenters generally, because in this every mem-

ber is interested. It is therefore confined to three denominations besides the Established Church, Ministers of the Church of Scotland, and Lutheran and Calvinist Clergymen, all of which must come before the Magistrates in Quarter Sessions accompanied with a number of their hearers, to shew that they have been duly ordained, and to go through certain legal forms by which they become responsible for their conduct. Several attempts have been made to extend this privilege to other sects but without success, as their teachers are either not permanently settled in one place, and not in a capacity to give proper security, or from their defective education and low station in life, might be induced, for the sake of a small fee, to connive at improper marriages, and thus produce great confusion and misery among families.

Province of Upper Canada.

I. THE ESTABLISHED CHURCH.

Districts.	Clergymen.	Townships.	Churches Built or Building.	Service.
Eastern District . . .	Rev. S. J. Mountain . . .	Cornwall . . .	Neat Church . . .	Regular.
	Rev. J. G. Weagart . . .	Williamsburgh . . .	Small Church . . .	Regular.
Johnston District . . .	Rev. F. Myers . . . Rev. Mr. Blakey . . . Rev. John Wenham . . . Rev. Mr. Elms . . .	Osnaburgh . . .	Small Church . . .	Regular.
		Matilda . . .	Small Church . . .	Occasional.
		Edwardsburgh . . .	Small Church . . .	Regular.
		Prescott . . .	Neat Church . . .	Regular.
		Brockville . . .	Church . . .	Regular.
Bathurst District . . .	Rev. Mr. Harris . . . Rev. Mr. Burns . . . Archdeacon Stuart . . . Chaplain to the Navy . . .	Bastard . . .	Small Church . . .	Regular.
		Younge . . .	Small Church . . .	Occasional.
		Perth . . .	Church building . . .	Regular.
		Lanark . . .	Church building . . .	Occasional.
		Richmond . . .	Church building . . .	Regular.
Midland District . . .	Rev. J. Stoughton . . . Rev. Job Deacon . . . Rev. Thomas Campbell . . .	Kingston . . .	Church . . .	Regular.
		Navy Point . . .	Church building . . .	Regular.
		Waterloo . . .	Church building . . .	Occasional.
		Bath . . .	Church . . .	Regular.
		Napane Mills . . .	Church . . .	Occasional.
Newcastle District . . .	Rev. Wm. Macaulay . . . Rev. Mr. Armour . . . Rev. J. Thompson . . .	Fredericksburgh . . .	Church building . . .	Occasional.
		Adolphus Town . . .	Church . . .	Regular.
		Hollowell . . .	Church building . . .	Occasional.
		Belville . . .	Church . . .	Regular.
		Head of the Bay . . .	Church . . .	Regular.
Home District . . .	Archdeacon Strachan . . . Dr. Phillips . . . Dr. Tunny . . . Clergyman a Lutheran, now under consideration . . .	Indian Village . . .	Church . . .	Occasional.
		Haldemand . . .	Church . . .	Occasional.
		Cobourgh . . .	Church . . .	Regular.
		Peterborough . . .	Church . . .	Regular.
		Porthope . . .	Church . . .	Occasional.
Gore District . . .	Rev. R. Leeming . . .	Cavan . . .	Church . . .	Regular.
		Whitby . . .	Church . . .	Occasional.
		York . . .	Church . . .	Regular.
		Younge Street . . .	Church . . .	Occasional.
		Purdys Mills . . .	Church building . . .	Occasional.
Niagara District . . .	Alexander Bathune . . . Robert Addison . . . Rev. Mr. Creen . . . Rev. Mr. Leeds . . . Wm. Leeming . . .	Newmarket . . .	Church building . . .	Occasional.
		Markham . . .	Church . . .	Regular.
		Etobicoke . . .	Church built . . .	Occasional.
		Toronto . . .	Church building . . .	Occasional.
		Ancaster . . .	Church . . .	Regular.
Western District . . .	Mr. Moreley . . . Rev. Mr. M'Intosh . . . Rev. Mr. Short . . . Mr. Rolph . . .	Burton . . .	Church . . .	Regular.
		Dundass . . .	Church . . .	Occasional.
		Woolwich . . .	Church . . .	Occasional.
		Indian Village . . .	Church . . .	Occasional.
		Grimsby . . .	Church . . .	Regular.
Total . . .	30 Clergymen, and one Lutheran under consideration.	Niagara . . .	Church . . .	Regular.
		Queenston . . .	Church . . .	Regular.
		St. Catherine . . .	Church . . .	Occasional.
		Cheppawa . . .	Church . . .	Regular.
		Short Hills . . .	Church . . .	Occasional.
		Fort Erie . . .	Church . . .	Regular.
		Long Point . . .	Church building . . .	Occasional.
		Indian Village . . .	Church . . .	Occasional.
		Kettle Creek . . .	Church . . .	Regular.
		Fort LaBout . . .	Church . . .	Occasional.
		London . . .	Church building . . .	Occasional.
		River Thames . . .	Church . . .	Occasional.
		Sandwich . . .	Church . . .	Regular.
		Chatham . . .	Church . . .	Regular.
		Amhersburgh . . .	Church . . .	Regular.
		New Settlement . . .	Church . . .	Regular.
		58 places where there is regular or occasional service, exclusive of frequent journeys taken by the Missionaries to the New Settlements in their neighbourhoods.	45 Churches—10 of them building.	31 Regular Parishes—27 Service occasionally.

II. MINISTERS OF THE INDEPENDANT OR PRESBYTERIAN ORDER,

And assuming the Appellation of the Presbytery of the Canadas, but having no Connection with the Kirk of Scotland.

Places of Residence.	Clergymen.	
Osnaburgh—Eastern District . . .	The Rev. J. Johnston . . .	Educated principally at Glasgow, ordained in Ireland by the Synod of Ulster, preaches at Cornwall and Osnaburgh, Eastern District.
Brockville—Johnston District . . .	The Rev. Wm. Smart . . .	Sent out to this country as a Missionary by some Society in London, settled at Brockville, Johnston District, said to be an excellent young man.
Perth—Bathurst District . . .	The Rev. Wm. Bell . . .	Educated in Scotland, ordained among the Dissenters from the Established Kirk, settled at Perth, in Bathurst District.
Bay of Quinty—Midland District . . .	The Rev. Rt. M'Duall . . .	Ordained in the United States, settled in the Bay of Quinty, Midland District, has resided in the Province many years.
York—Home District . . .	The Rev. James Harris . . .	Educated principally at Glasgow, admitted a Licentiate by the Synod of Ulster.
Markham—Home District . . .	The Rev. Wm. Jenkins . . .	Ordained in the United States for the purpose of residing among the Indians, came lately into the Province and settled in Markham.

III. MINISTERS IN COMMUNION WITH THE KIRK OF SCOTLAND.

Places of Residence.	Clergymen.	
Williamstown—Eastern District . . .	The Rev. John M'Kensie . . .	Has been about eight years in the Province, and is settled at Williamstown as Minister of a part of the late Rev. John Bethune's congregation.
District . . .	The Rev. John M'Laurie . . .	Has been about seven years in the Province and is situated at Lochiel, is Minister of another part of the late Rev. J. Bethune's congregation.
Cornwall—Eastern District . . .	Vacant	
Kingston—Midland District . . .	Vacant	

As the Methodists have no settled clergymen, it has been found difficult to ascertain the number of itinerants employed, but it is presumed to be considerable, perhaps from twenty to thirty in the whole province; one from England, settled at Kingston, appears to be a very superior person. The other denominations have very few teachers, and those seemingly very ignorant; one of the two remaining clergymen in communion with the Church of Scotland has applied to be admitted into the Established Church.

RELIGIOUS STATE
OF
UPPER CANADA.

FROM this religious picture of Upper Canada it evidently appears that the Church has made considerable progress and is rapidly extending. In 1791, there was only one English clergyman in the Province settled at Kingston, two more arrived in 1793, and for many years the number continued at six. In 1818 they amounted to twelve, in 1824 to twenty-two, and from recent ordinations they are now (in 1827,) about thirty. Since the return of peace, a great change is observable among the inhabitants, and many are become desirous of religious instruction, who used to be indifferent to it. In the old settlements, the majority of the people are becoming comfortable in their circumstances, and although not able to spare much from their earnings to support religious institutions, they would yet gladly receive the Gospel if offered to them. In many places they are coming forward with a generous zeal, highly gratifying, to build churches, and are soliciting, with anxiety, the establishment of a settled

Minister. The prospect of obtaining a respectable clergyman unites neighbourhoods together, and when he is once placed, and is of a mild, conciliating disposition, he is sure to make a congregation. For though differing in their religious views or remembering that their parents were attached to different principles, some may for a time keep aloof, yet the presence of a clergyman who merits their esteem, who has baptized the children of those he has married, prepared their youth for confirmation, and buried their dead, and who in kindness answers their doubts and removes their scruples, gradually wins them over, and all being done with affection and without the smallest appearance of authority, the settlers become accustomed to our form of worship, and collecting around him, consider themselves his flock. It is true this is the work of time, and is attended with much labour and difficulty, for the Minister is frequently much discouraged in commencing his duties by the thinness of the attendance, nor is it merely by preaching that his congregation is increased, he must visit the people at their homes, converse with them, and explain to them the necessity of turning their hearts to God. He has commonly several churches to attend, his people live scattered on their farms, cut off from that daily intercourse which polishes and softens the manners, confined to family circles, their ideas become selfish and contracted, and they are little disposed to trouble themselves about any other thing than what con-

tributes immediately to their comfort. In such circumstances, the social affections sleep or expire, their deportment becomes rough and forbidding, at one time forward and impudent, at another time awkward and sheepish. From all which, the first clergyman finds himself not only engaged to preach the Gospel, but to preach civilization. Yet little encouraging as the prospect appears, it is really astonishing how soon, through the blessing of God, a kind minister makes an impression, and how quickly, under his guidance, a change is effected in the settlement.

Should any still feel inclined to find fault with the little progress which the Church has yet made, we answer, that considering the difficulties which she has had to encounter, her advance has been far greater than could have been reasonably expected; and that though her Churches are as yet only thinly scattered over a vast country, like the congregations of the Primitive Christians, in the days of the Apostles, it is confidently hoped that if allowed to remain at peace, and if no rivalships are cherished, the intervening spaces will soon be adorned with new congregations, till the whole population shall become united in one communion.

Let it be remembered, that the Church in Canada was for many years entirely supported out of the very limited and fluctuating revenue of the venerable the Society for Promoting the Gospel in Foreign Parts, which did its utmost to increase the number

of the Clergy, but its means were not adequate to its wishes, and at length it was obliged to solicit the aid of Government to continue and extend its efforts: accordingly a sum in aid of its funds has, since 1815, been annually voted by the Imperial Parliament. How inadequate this aid is to the necessity of the case, and indeed how little disposition the people of Great Britain have manifested towards the religious instruction of their Colonies is too well known.

That extensive settlements composed of British subjects whose loyalty has stood the most bitter trials, and whose unaffected devotedness to the constitution of the mother country, is above all praise, should be left comparatively destitute of religious instruction, and without an efficient ecclesiastical establishment to watch over their spiritual interests, is altogether incomprehensible. Can any thing attach Colonies to the parent state so strongly as a community of religious feeling? How then comes it that Great Britain, conspicuous among the nations for her high moral and intellectual qualities, and deriving much of her power, wealth, and political importance from her foreign possessions, should be so culpably negligent in what should be the first care of a Christian nation? Is it not evident that the Canadas have been left in a great measure to grope their way as they could through the darkness which surrounds them, almost totally unaided in this respect by the parent state? Does not the greater part of the population of this Diocese, notwithstanding the merito-

rious exertions of the Bishop, his scattered Clergy, and many individuals, still remain unimproved and sadly destitute of religious instruction?

POLICY.

The Church of England has no peculiar privileges in Upper Canada, except the prospect of future support from the Reserves. All denominations are equally free, and none have any political power or advantage over the other. The policy of depriving our Church of this single future advantage may be well questioned, when it is considered that her Clergy are the only religious teachers over whom the Government has any controul. Indeed the teachers of all other denominations, with the exception of the two Ministers of the Church of Scotland, four Congregationalists, and a very respectable English Missionary who presides over a congregation of Wesleyan Methodists at Kingston, are for the most part from the United States. This is notoriously the case with the Methodist teachers who, next to the Established Church, are decidedly the most numerous, and who are subject to the orders of the Conference in the United States of America. But on the question of the policy of any change that shall go to deprive the Established Church of the Reserves, I am happy to avail myself of the opinion of a dissenting clergyman, who, when the subject was brought under the notice of the public last summer

(1826), by the dissemination of a printed letter addressed to Lord Liverpool, on the claims of the Ministers of the Church of Scotland, took part in the discussion, and published a pamphlet, likewise addressed to Lord Liverpool, from which, as they may carry more weight with some than my own sentiments, I make the following extracts.

“ The fact that there are but five Clergymen of the Church of Scotland in the Upper, and only four in the Lower Province, and that there are not less than sixty Dissenting Clergymen of other denominations, is a proof that the Ministers of the Kirk are not ministers of their (*viz.* peoples’) choice. This is the true criterion by which to judge, whether or not Scotch Presbytery is agreeable to the genius of the people of Canada. That it is agreeable to the majority of the natives of Scotland and their descendants settled here, must be admitted ; but these form but a very small part of the community, and are numerous only in Quebec, Montreal, and Glengary. In Kingston they are not numerous, but the great body of the Protestant population are natives of England, Ireland, and of the Old English Colonies, now the United States, or their descendants born in Canada ; and the majority of these are much more favourably disposed to the Church than the Kirk ; and those of them who have not a decided predilection for the Church are chiefly Independents, Methodists, Lutherans, &c. It must be admitted, that some among them are far from being prejudiced in favour of the

Church, yet they appear disposed on this occasion to rally round her, and to protect her as well as themselves against the illiberal attack which is now made by the Scotch Clergy upon the Church and the dissenters. They now feel themselves called upon to make a common cause with the Church. They 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 their moderation in not teasing 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, strongly recommends them to the favour of his Majesty. . . 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 much more numerous than the Scotch Communion. The Gentleman speaks of the Methodists ; and as your Lordship knows something of the religious principles, loyalty, and good conduct of that people, I shall notice them in particular. Their congregations in the Canadas are to the congregations of the Kirk at least thirty to one ; and yet, my Lord, even these, I am led to think, would deem it unjust, were a moiety of the Reserves taken from the Church, and to the exclu-

sion of all others, given to themselves. Were an equal distribution to be made, they, as well as the Independents, &c. would, I suppose, very thankfully accept a child's part of the profits. Such an idea is, however, too chimerical to be indulged. I believe all the Sectaries know it. As, therefore, a change in their favour is not likely to take place, they will not murmur nor complain while the patrimony settled upon the Church of England by law is continued to the Ministers of the Church, whose temper and character they know; but the moment that patrimony is divided—the moment a second Religious Establishment, on an equal footing with the Church, is erected and endowed, they will consider themselves not merely neglected, but aggrieved. All the Sects acquiesce, some with a good grace enough, others, not so gracefully, in the present state of things; because it has long been the law; because they find the Church Clergy, in general, friendly and courteous, good landlords, good neighbours. But put other landlords over them, exalt another body over their heads, create a new order of things not known at present to the Constitution or the laws, and even the most moderate may think themselves justified in expressing their dissatisfaction, and they will express it strongly.”

So much for the policy of any change in the object of the Clergy Revenues, even in the opinion of a Dissenter.

Before closing this part of the subject, there are

still some matters which deserve serious consideration.

The Church of England is the only Church capable of becoming a counterpoise to the Roman Catholic persuasion, which prevails in Lower Canada, and which at this moment stands on a firmer foundation, and is infinitely better provided for than the Establishment. By the Capitulation, dated at Montreal, 8th September 1760, the inhabitants of the province of Quebec are allowed the free exercise of their religion ; but in regard to their obligation of paying tithes to the priests, they are to depend upon the King's pleasure.

By the fourth article of the definitive treaty of peace between France, Great Britain, and Spain, signed at Paris on 10th February 1763, His Britannic Majesty on his side agrees to grant the liberty of the Roman Catholic religion to the inhabitants of Canada ; he will, consequently, give the most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Roman Church, as far as the laws of Great Britain permit. Thus far there was merely toleration ; but by section 5th of the 14th George III., the Roman Catholic religion is fully established, in as far as respects persons of that persuasion. For it is enacted, " That the Clergy of that Church may hold, receive, and enjoy, their accustomed dues and rights, with respect to such persons only as shall profess the said religion." Hence it appears, that

the Roman Catholic Church is established to all intents and purposes, not in Lower Canada only, but also in Upper Canada ; for the 14th Geo. III. respects the province of Quebec, which at that time embraced both Canadas ; and so complete is this establishment of the Romish Church, that it cannot be touched directly or indirectly by the Colonial Legislatures.

In sections 35, 36, 37, 38, 39 and 40 of the 31st Geo. III. cap. 31, provision is made for the support of a Protestant Clergy ; but this provision is liable, under certain restrictions and limitations, pointed out in section 42, to be altered by the Provincial Legislatures. From this it appears, that the state of the two Churches is very different. The Provincial Legislatures have nothing to do, either directly or indirectly, with the Romish Church ; but the same Legislatures may vary, or repeal, or modify the 31st George III. cap. 31, as far as respects the Church of England. Nor can it be said that no evil has yet resulted from such interference. In Upper Canada, the House of Assembly has made several attempts to deprive the Church of its Reserves ; and the same branch of the Legislature in Lower Canada, the members of which are almost all Roman Catholics, addressed the King, in 1824, to distribute the Reserves in that province among all denominations of Christians.

But although the Church of England in the Ca-

nadas is not so independent of the Colonial Authorities as the Church of Rome, it is, nevertheless, the real Established Church of the two provinces, because it has been lawfully established in these Colonies by the King, who has the undoubted, and long practised prerogative to do so. His Majesty has united it with the Church of England, by forming it into a Diocese, and appointing a Bishop, who is amenable to the Archbishop of Canterbury; and also, by appointing a provision for the maintenance of the Bishop and his Clergy, and has consigned to them the spiritual instruction of his Canadian subjects. In respect to the phrase, a Protestant Clergy, which has excited so much idle discussion, the Article *a* was preferred to *the*; 1st, because it was necessary to distinguish the Protestant from the Roman Catholic Clergy, who had been mentioned and provided for in the former part of the Act; and, 2d, because there were at that time no Protestant Clergy in either province, and, therefore, the article *the* could not with propriety be made use of. A provision for a Protestant Clergy was first to be made, and then a Protestant Clergy was to be introduced, and of what Church the phraseology of sections 38, 39, and 40, of the 31st George III. cap. 31, clearly points out. They were to be of the Church of England, and of no other Church *. I decline argu-

* Appendix, No. III.

ing the necessity of some established Church, but it would be easy to shew how much this great country owes to her Religious Establishment ; and feeble as our Church in Canada still is, she is rapidly rising into efficiency, if not blighted by throwing the apple of discord into the field of her exertions.

APPENDIX.

Nº. I.

THEY trust that the plain statement of facts elucidating the religious situation of the Province, which they most respectfully submit, will not only invalidate the allegations of their opponents, but preserve to the Church of England their rights and privileges unimpaired which she has so long enjoyed in the Colonies.

That the Province of Upper Canada was settled by loyalists from the United States, formerly British Colonies, soon after the termination of the American Revolution, the greater part of whom were Episcopalians, and sincerely attached to the Church of England, a denomination of Christians ever distinguished in the Colonies on account of their affection for the parent State, and their incorruptible attachment to the King.

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

That the very little progress made by the other denominations compared with that of the Church of England, and the very recent establishment of their scanty congregations, has generally created in the minds of the people a veneration for it as the established form of worship, a light in which it has always been presented to the inhabitants of the Province from their earliest

years ; for the venerable Society for the Propagation of the Gospel in Foreign Parts, ever attentive to the spiritual wants of the Colonies, sent Missionaries to the principal stations of the Province on its first settlement, multiplying them as the population increased, till it pleased his Majesty to form Lower and Upper Canada into the diocese of Quebec, and to appoint a Bishop to cherish, extend, and govern the infant Church.

That under the superintendence of the Lord Bishop of Québec the number of clergymen of the Established Church in this part of the Diocese is at present (1823) twenty two, (in 1827, the number is about thirty,) who do not confine their services to the parishes in which they reside, but give occasional attendance in many other places, and make frequent journies into the new settlements in their vicinity, baptizing children and preaching to the people.

That nearly forty applications for clergymen have been made to the Bishop and Government from various parts of the Province, at most of which Churches are built or in progress ; and twice that number of applications may be expected before the former can be supplied ; for owing to the want of means one-fourth of the clergy necessary for the population cannot be supported. Such, indeed, is now the state of the Province, and the desire for religious instruction according to the forms and discipline of the Church of England, that many intelligent persons well acquainted with the Colony are of opinion, that along the greater part of the main road passing from one extremity of the Province to the other, a distance of nearly 600 miles, a Church might be erected and a Clergyman profitably placed at the distance of every ten miles, and this exclusively of the parishes already established.

That when new Missions are established in any quarter, not only do those persons readily join who are not yet particularly attached to any denomination, but even Presbyterians and Congregationalists attend public worship with their families, so that on many occasions the whole neighbourhood become united to the Church, and not only are their dead buried according to its

rites, but likewise the bodies of their friends and relatives are frequently collected from private places of interment, and again consigned to the grave in the public burial ground with the solemn offices of the Church. Moreover their children are baptized, educated in the bosom of the Church, and the greater number at length confirmed by the Bishop, and thus a congregation is formed in a few years strongly attached to our venerable Establishment. Even in those remote parts of the country, where the Methodist Itinerants are the most active, so soon as the population is sufficiently compact to admit and require the ministrations of a regular Clergyman, he finds his congregation increasing by the gradual accession of their more respectable adherents.

That the Church is increasing so rapidly as to offer great encouragement to respectable families to bring up their children to the sacred profession; accordingly more than thirty students are now preparing for the Church, and many more than can possibly be provided for are presenting themselves to the Lord Bishop as candidates for Holy Orders.

That there is every reason to believe, that the greater proportion of all the various denominations of Protestants may be expected to conform, so as at length to include the great mass of this population, a result which appears highly probable from the following facts: 1st, The Lutheran Clergymen have generally conformed, and brought their congregations along with them. 2dly, Several *Présbyterians* or Congregational Clergymen, for both names are used promiscuously in this country, have solicited the Lord Bishop to be admitted as candidates for Holy Orders. And the only Presbyterian Clergyman in communion with the Kirk of Scotland, who lived in the Province before 1818, educated two of his sons for the Church of England, (but none for his own Church, though he had three other sons), one of whom was in orders many years before the death of his father, and the other has just been admitted. 3dly, No objection is made by parents against teaching their children the Church Catechism and the

service of the Church from the Book of Common Prayer; on the contrary, all denominations are desirous of obtaining both for their own and their families edification. 4thly, The whole neighbourhood bring their children to the resident Clergyman to be baptized, and submit in great numbers, both old and young, to the rite of confirmation, send their youth to the Sunday Schools, and allow them, after their tasks are heard, to walk in procession to the Church. In fine, there manifestly appears the fairest prospect that the Church of England, from the favorable disposition that now exists towards it, will be able to collect within its bosom the bulk of the inhabitants of the Province, should no prospect of supporting their Clergy be held out to the various Protestant denominations.

That with the exception of the Methodists who have been deserted by their brethren in England and left for instruction to Itinerants from the United states, (unless one respectable congregation at Kingston who have an excellent Missionary from England), there appears no prominent denomination of Protestants in the Province but the Established Church capable of exciting public attention; for the Congregationalists or Independent Presbyterians, who are next in number to the Methodists, have only six small congregations.

That with regard to Presbyterians in communion with the Kirk of Scotland it is with confidence affirmed, that they are the fewest in number of any Protestant denomination in Upper Canada, and possessed only one congregation in the Province from its first settlement in 1784 to 1822, a period of thirty-eight years. This congregation consisted of a small number of Loyal Highlanders, who removed from North Carolina with their Clergyman during the American Revolution; and of the officers and soldiers belonging to one or two Scotch regiments disbanded in the Colonies at the time of the peace in 1783. Finding themselves, after the death of their first Minister, scattered over an extent of country of more than 40 miles square, and being increased from natural causes and recent emigration, they divided themselves, in

1822, into three congregations instead of one, not that their numbers required the services of so many Clergymen, but because they were too distant to assemble together, and because they became dissatisfied with occasional preaching.

That a number of Presbyterians in communion with the Kirk of Scotland, assembled in the town of Kingston for the first time as a congregation in 1822, but when it was discovered that the land granted by the Provincial Government, on which to build their Church and Minister's residence, was expressly confined to a congregation and Clergyman in full communion with the Kirk of Scotland, the greater portion broke away and are now erecting a congregational meeting house, intending to choose a Minister from the United States. There is no appearance in any other part of the Province of a third congregation in communion with the Church of Scotland being formed, nor is this denomination popular, for when the people leave the Established Church they claim the privilege of electing their Minister from any quarter they please, which the Kirk denies them. Indeed the Presbyterian form of discipline and Church government is inconsistent with extension, as it cannot be complete out of Scotland, nor can its Clergy be placed in a distant Colony under vigilant superintendence.

This appears to have been the opinion of its best friends, since by the articles of union between England and Scotland Presbyterianism is confined to Scotland; but the Church of England extends to all the Colonies.

N^o. II.

*An Act relative to the right of Tithes within this Province,
(viz. Upper Canada.)*

The Royal Assent to this Bill was promulgated by proclamation, bearing date the 20th day of February, 1823.

Whereas, notwithstanding, his Majesty has been graciously pleased to reserve, for the support of a Protestant Clergy in this province, one-seventh of all lands granted therein, doubts have been suggested that the Tithe of the produce of land might still be legally demanded by the incumbent duly instituted, or Rector of any parish ; which doubt it is important to the well-doing of the Colony to remove : “ Be it enacted, by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of, and under the authority of, an Act passed in the Parliament of Great Britain, entitled, An Act to repeal certain parts of an Act passed in the fourteenth 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 ; and by the authority of the same, that no Tithes shall be claimed, demanded, or received, by any Ecclesiastical Parson, Rector, or Vicar, of the Protestant Church within this province, any law, custom, or usage, to the contrary, notwithstanding.”

N^o. III.31 *Geo. III. Cap. 31.*

Section 38. And be it enacted, by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, to authorise the Governor, or Lieutenant-Governor, of each of the said provinces respectively, or the person administering the government therein, from time to time, with advice of such Executive Council as shall have been appointed by his Majesty, his heirs or successors, within such province for the affairs thereof, to constitute and erect within every township or parish, which now is, or hereafter may be formed, constituted, or erected within such province, one or more Parsonage or Rectory, or Parsonages or Rectories, according to the Establishment of the Church of England; and from time to time, by instrument under the Great Seal of such province, to endow every such Parsonage or Rectory with so much, or such a part, of the lands so allotted or appropriated, as aforesaid, in respect of any lands within such township or parish, which shall have been granted subsequent to the commencement of this Act, or of such lands as may have been allotted or appropriated for the same purposes, by or in virtue of any instruction which may be given by his Majesty in respect of any lands granted by his Majesty before the commencement of this Act, as such Governor, Lieutenant-Governor, or person, administering the Government, shall, with the advice of the said Executive Council, judge to be expedient under the then existing circumstances of such township or parish.

Section 39. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, to authorise the Governor, Lieutenant-Governor, or person administering the government of each of the said provinces respectively, to present to every such Parsonage or Rectory an Incumbent or Minister of the Church of England, who shall have been duly ordained according to the rites of the said Church,

and to supply from time to time such vacancies as may happen therein ; and that every person so presented to any such Parsonage or Rectory shall hold and enjoy the same, and all rights, profits, and emoluments, thereunto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties as the Incumbent of a Parsonage or Rectory in England.

Section 40. Provided always, and be it further enacted, by the authority aforesaid, that every such presentation of an Incumbent or Minister to any Parsonage or Rectory, and also the enjoyment of any such Parsonage or Rectory, and of the rights and profits and emoluments thereof, by any such Incumbent or Minister, shall be subject and liable to all rights of Institution, and all other Spiritual and Ecclesiastical jurisdiction and authority, which have been lawfully granted by his Majesty's Royal Letters Patent to the Bishop of Nova Scotia, or which may hereafter, by his Majesty's royal authority, be lawfully granted or appointed to be administered and executed within the said provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other person or persons, according to the laws and canons of the Church of England, which are lawfully made and received in England.

THE END.