

a part of the dominions of the Crown of England. So clearly is this the case that in the Act of Union with Scotland, the Presbyterian form is secured within the bounds of that Kingdom only while the Church of England is secured in England, Ireland, Wales and the town of Berwick upon Tweed, and the territories thereto belonging. Thus the Religious Establishment of England is recognised by a fundamental law to be the religious establishment of every British Colony, and was therefore that of the Province of Quebec, from the Conquest till the passing of the 14, of the late King. In that law a change was made, and the pleasure of his Majesty in regard to tithes first declared. The Roman Catholic Clergy are allowed tithes from their own people, and all the rights and dues which they had formerly enjoyed. Indeed by this Act the Roman Catholic Religion is in some respects more liberally treated than the Church of England, and this seeming preference raised a great clamour at the time although its provisions do not annul those of the 1st Elizabeth, which Establish the Protestant Religion in every Colony. But as the means of teaching it are not provided for, because the tithes to be paid by Protestant Landholders, and the profits of vacant benefices were never collected, and even if collected, were wholly inadequate, it was not possible for the King to give support under its enactments to the Clergy of his own Church, consequently, the Church of England remained as it were dead, from 1774 to 1791 a space though the principles of the British Constitution, it was the established form of worship. Not that during so long a period the King was altogether negligent of his religion, for in his Royal Instructions to his Representatives in the Colonies, he declares in express words, that the powers and privileges of an established Church, belong only to the Protestant Church of England; which instructions are still in force; and he directs that in laying out new Townships, glebes of not less than 300, and not more than 500 acres be reserved for its support.—Finding that tracts so small, could make no adequate provision, and that no tithes were ever collected from the Protestants, and that there was no support for the Protestant Clergy, actually resident within the Province, his late Majesty signified his royal desire to his Parliament, in 1791, to be enabled to make a permanent appropriation of Land, in the Colonies, for the support and maintenance of a Protestant Clergy within the same, in proportion of the Lands granted, or to be granted; and he calls upon his Parliament to make such enactments as may most effectually fulfil his Majesty's intent in this respect, by the 31 Geo. 3, chap. 31, one-seventh of the lands in Upper Canada, have been appropriated for the support and maintenance of a Protestant Clergy, and so interwoven is this appropriation with the landed property in the Province, that no Grant from the Crown is valid, unless it contains a specified reserve, equal to one-seventh of the land which it grants. It is here of importance to remark, that the phrase "a Protestant Clergy" was used in the instructions to the Governors-in-Chief, immediately after the conquest. It was used in the 14th of Geo. 3, and again in the constitutional Act of 1791, and evidently means the Clergy of the Church of England, in contradistinction to the Clergy of the Church of Rome. Soon after the passing of this law, instructions respecting the Reserves, were sent out, directing the Governor-in-Chief to devise some permanent scheme for leasing them, and which was directed to be communicated to the Bishop of Quebec, for his Lordship's information and opinion. In their report the Council states that it is of great importance that the Established Constitution in Church and State, should be so interwoven with the whole social system in Upper Canada, as to engage men's interests as well as their feelings, in its support, and make it in popular and daily estimation,—all which is no less essential to the security of Property, than to the preservation of religion, and maintenance of good order.

The King in the exercise of his Royal Prerogative, and following up the provisions of the Act, appointed a Bishop for Quebec, by which title both Provinces are included in one Diocese, and has from time to time attended to the wants of the Establishment, by constituting a Corporation of the Clergy for the management and superintendance of the Clergy Reserves, in order that this provision might be rendered more effectual, and by dividing the Diocese into Archdeaconries. In regard to the enactments of the 13 Geo. 3, cap. 31, which have respect to the appropriation for the support of a Protestant Clergy, they are all descriptive of the Church of England, and of no other Church, and from the evident care of continuing the phrase "a Protestant Clergy" from the conquest to the present time, it is manifest that it is used in contradistinction to the Roman Catholic Clergy. The Article "a" was preferred in the Royal Instructions, and in the 14th of Geo. 3d, because it is distinctive, and places the Protestant and Roman Catholic Clergy in contrast;—and because there was 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 to be made; and then a Protestant Clergy was to be introduced.

I have never indeed met with a single person conversant in the Law who had any doubt as to the phrase "a Protestant Clergy" in the Constitutional Act, meaning the Clergy of the Church of England. I shall therefore content myself with reading in the opinion of one of the most promising Barristers in England on the subject. "I am of opinion that the provisions of 31 Geo. 3d, are applicable only to the Clergy of the Church of England. Whatever might have been the original meaning of the expression "a Protestant Clergy" in the 14 Geo. 3, it appears to me that the subsequent instructions and message of His Majesty, recited in that Act, (and especially that which speaks of institution and of the spiritual jurisdiction of the Bishop) plainly point out that the expression is to be understood as referring to the Clergy of the Church of England only. "A Protestant Clergy" evidently means one single and entire body of persons; now the Clergy of the Church of England, and those of the Kirk of Scotland can never form one body. If therefore the Clergy of the Kirk of Scotland be let in, there is no reason why any other denomination of Dissenters should not also be admitted, and the words "a Protestant

Clergy" must then be taken to mean Protestant Ministers, or Teachers, which appears to me to be absurd. The expression was used in contradistinction to the Roman Catholic Clergy, and although I am not prepared to say that an establishment, similar to the Kirk of Scotland, might not have satisfied the words of 14 Geo. 3, yet I am quite convinced that it would not have satisfied those of the 31 Geo. 3. Being of opinion therefore, that the Acts contemplate one single body of Protestant Clergy, I have no doubt that the Clergy of the Church of England are that body; and the erecting the Provinces into a Bishoprick, and every thing done since, plainly shows that such is the right interpretation.—I am also of opinion, that the Governors of the Provinces acting under His Majesty's direction, cannot legally make any appropriation to the Ministers of other Churches. I think that nothing short of an Act of the Legislature confirmed in the Charter of April 1819, would create a difficulty in the passing of any such Act, and without a new Act, that Charter alone would almost decide the question. (Signed) JOHN PATTERSON. Temple, May 20th, 1824.

COMMUNICATIONS.

To the Hon. and Rev. Dr. Strachan, &c. &c. NO. 3.

Rev. Sir, In almost every page of your speech you entertain of yourself and your services; but in your observations on the Methodists, you elevate yourself quite beyond the ordinary height of self-importance. You say you are pleased to think that your observations have not been in vain, and yet angry as the Methodists are, they find it expedient to act in conformity to your advice; i. e. in detaching themselves from the American Conference. Now sir, so far from your advice being the cause of this contemplated measure, the Methodists and their friends in this Province, to the number of several thousand petitioned their general convention to be detached upwards of four years ago. But their general assembly, with the advice of the delegates from the British Conference, (in England) thought proper, for reasons not necessary to be explained in this place, to defer complying with the request of the petitioners, until a future period. How, then, was it by what you call your advice, that the Methodists are about dissolving all ecclesiastical connexion with the American Conference? But where or when did you give this advice? Was it in your sermon on the death of the late Bishop of Quebec; when you say, the Methodist teachers betook themselves to preaching the gospel out of ill-will, or a zeal without knowledge, whereby they are inclined to preach what they do not know, and which from their pride they disdain to learn? Was it in your letter and Chart, where you say, the Methodist teachers are rendering a large portion of the population hostile to the instructions of the country, both civil and religious? Was it in your observations on the Clergy Reserves, where you make the same remarks? Was it in your appeal to the people of England, where you manifest the same spirit? If you have given any such advice, the Methodists, as well as others, would be happy to see it; for I can assure you, it is the first we have ever heard of; and if there is any such advice in existence, I fear it is yet amongst the sealed papers of the Privy Council. To make the best of it, we are constrained at present to resolve it into the poet's *Nequeo Monstrare, et sententio tantum*. But this is not all. You exalt yourself to the highest seat of civil authority, and make the authors of certain resolutions, which censured your representations, enemies of the government. Enemies of the government! for what? for speaking against or opposing the government? No such thing. But for contradicting your statements, and endeavouring to counteract their influence.—If to contradict you is to be an enemy of the government, upwards of fifty witnesses, among whom were several members of the Legislative Council,—the House of Assembly, the Clergy of the Kirk of Scotland, a great part of the Canadian population, and yourself sometimes, are all enemies of the government; seeing that they have all contradicted you.

One objection you have against the Methodists, is the treatment they gave to the Wesleyan Missionaries, a few years ago. I do not wish to excite feelings which I believe are already buried, nor recall differences, the causes of which I have reason to think are principally removed; but, I may remark, that whatever disunion there may have been betwixt the Methodists in this Province and the Wesleyan Missionaries, it was amicably settled by the two Conferences, and did not originate in a diversity of political feeling.—In this they were all agreed, believing, teaching, and living in subjection to the powers that be.

You say you must consider the Methodist teachers hostile to the instructions of the country, so long as they show a rancorous spirit against other denominations. That this is one mark of bad citizenship, I readily grant; but I think it comes with a peculiarly ill grace from yourself. A rancorous person does indeed show himself equally unfriendly to the government, and the people of the country, in which he lives: to the government, in as much as its permanence and strength depend upon the unity of its subjects; to the people, because harmony is essential to their prosperity and happiness. But, sir, if this is a mark of true loyalty, who ought to be esteemed the most loyal yourself, or those religious denominations, whom you have, in the Pulpit, in the Legislature, and at the foot of the British throne, so wantonly attacked.

your argument, could you uncalled for reflections and crimination of them, have proceeded from a liberal policy, a charitable mind, or, to use your own criterion, a truly loyal feeling? I leave you to answer, and the reader to judge. You say, "nevertheless they (the different religious denominations) have no reason to complain, as they have never, to my knowledge, given any authentic account of themselves." You know, sir, the old adage, that none are so blind, as those who will not see. You might have known, with very little trouble, that the different denominations have given an authentic account of themselves, their teachers, their stations, their numbers in communion, &c.; and that annually, for more than thirty years past, has the Church of England done more, or as much I trust not.

You say, the Methodists in this Province in connection with the American Conference, have always shown themselves the enemies of (what you call) the Established Church. To this there is but one answer (to use your own words to Mr. Morris) which it becomes not my profession to make. It is true, the Methodists have always felt and shown a preference for the peculiarities of their own Church; and have not the Church of England, and every other religious denomination done the same? Does this show that the Methodists are enemies of the Church of England! (or of any other religious body?) By no means. On the contrary, have not the Methodists always shown a friendship towards the Clergy of the Church of England, which they (the Clergy of the Church of England) have never shown towards the Clergy of any other religious body—in allowing the Church of England Clergy to preach in their (the Methodist) Chapels, in every part of the Province, whenever they have been requested? (1.) Does this manifest the disposition, is this the action of an enemy? The Methodists, to be sure, as well as the Presbyterians and others, have been under the necessity of defending themselves, and vindicating their character, for the last year or two; but this no more proves that they are enemies of the Church of England, than for you to bind a highwayman, would prove that you are an enemy of the public peace.

You show a wish to palliate your former remarks respecting the Methodist teachers, and say, they were confined to those teachers and Preachers, who come from the United States. But in your sermon, and letter to the Under Secretary of State for the Colonies, you say the Methodist teachers have come almost universally from the United States, and, consequently, your remarks were confined to them almost universally. What reason you had to make the one or the other of these assertions, I will stop a moment to enquire. In your letter you stated that the Methodist teachers were almost universally from the United States.—This, in your speech, you seem to admit was incorrect; but insinuate that you had the opinion of others in your favour, who had had much better means of information than yourself. Now, sir, amongst fifty witnesses, examined before the Committee of the House of Assembly, not one was in your favour on this point, though they were well informed, and many of them members of your own Church. You appear to intimate that in the testimony of the Methodist teachers, it is admitted that the Methodist Clergymen came from the neighbouring Republics; and, consequently, your remarks are affirmed that four fifths of the Methodist teachers have been born and educated in his Majesty's dominions, and consequently, they never did come from the neighbouring Republic.

With respect to your remark, that those teachers who have come from the U. S. are unfriendly to the institutions of the country, I beg to observe, that in coming to this Province, they must have been influenced either by a preference in favor of the institutions of the country, or a desire to do good, or both, since, in general, they are not so comfortably supported in this infant Province, as they might have been in the neighbouring Republic. Whichever motive they may have been actuated by, it is an ample security for their fidelity to the Royal Powers. This remark is confirmed by the requirements of the Methodist discipline, the evidence before the Committee, and by the decision of the House of Assembly. The hon. Wm. Dickson, in his evidence, says, that during the late war with the United States, the Methodist teachers, in the part of the Province where he resided, prompted, encouraged their congregations in defence of the country and in repelling the invasions of the enemy. Please to observe sir, this was during the late war, when many of the Methodist teachers then employed had come from the United States,—in the Niagara District, where true loyalty was put to the severest test. Yet all this does not satisfy you. Disloyalty they must be, because they are Methodists. So, in the reign of the Roman Emperor, Trajan, the bastard loyalists said, that a certain class of persons could not be friends of the Government, because they did not profess the religion of the Empire, because they were christians. You seem to think it nothing but sound policy, sterling loyalty, and scriptural christianity, to discountenance, put down, and starve the Methodists, because they are not followers of your peculiar dogmas. How very similar this policy is (I hope the spirit that dictated it is not) to that of the Barbadian Rioters in 1823, in pulling down the Wesleyan Chapel, &c. the whole of which policy was a subject of serious and severe investigation in the Imperial Parliament of 1825. "Our motives were loyal and patriotic," said these gentlemen of the first respectability, as they styled themselves, namely, to eradicate from this soil, the germ of Methodism, which is spreading its baneful influence over a certain class, and which will ultimately injure both Church and State."

You compliment the Wesleyan Methodists, that in those who have lately come from England; but this, like the policy of the Persians against the Grecian Republic, is an artful manoeuvre, to divide your opponents, in order to obtain the aid of the one to exterminate the other, till you can make the whole an easy prey. This was the plan adopted in 1811, to forward lord Sidmouth's proscriptive bill against Dissenters. That daring measure failed, and was completely counteracted by the united efforts of Dissenters; and, if Dissenters in this Province will pursue a similar course, your unparalleled measures will likewise fail.—To aid in this, the language of the "Por-

traiture of Methodism" on the Sidmouth bill, may be profitably introduced on this occasion. "If this (your) design should be carried into execution, (says the Rev. Mr. Crowther, a Wesleyan Methodist) one sort of Dissenters may be left untouched, and perhaps flattered, till the others be bound hand and foot. Dissenters of every denomination should be aware of this and unitedly oppose every infringement upon our present liberties. For if an infringement take place in one instance, it may then be more easy to make another, and another, till liberty and toleration may nearly cease to exist among us."

Your observations on religious Establishments are the next which require notice. I beg to subscribe myself, Rev. Sir, Your Very Humble Servant, E. RYERSON. Cobourg, 7th May, 1828.

(1.) It is worthy of remark, that, in one place on your Chart (viz. Hamilton, Gore District) where you say regular service is performed by a Clergyman of the Church of England, this regular service is performed in a Methodist Chapel. The Clergy of the Church of England will not admit a Methodist Clergyman to preach even in their school houses. Who, then, are the most friendly or liberal?

FOR THE UPPER CANADA HERALD. Attentive observers of passing occurrences in this Province have long regarded Doctor Strachan as the primum mobile of a politico-ecclesiastical system designed for the benefit of a favoured few, commonly called the Court or Ministerial party, but hostile to the rights and interests of the people at large, and to civil and religious liberty. Late disclosures have furnished more palpable proofs, and produced a more general conviction of the monopolising tendency of his system. It is, however, not of recent commencement, but has long been in a train of operation; and various successive steps have been attempted, with different degrees of success, to effect a gradual establishment of it.

About the year 1819, if I rightly recollect the time, the Doctor petitioned the House of Assembly to grant a sum of money to be paid out of the Provincial treasury, for the maintenance of his theological students, in a course of preparation for taking orders in his favourite, adopted Church. If such a grant could have been obtained, it would have served the double purpose of immediate pecuniary aid, and a precedent of legislative recognition of his Church, as the established State religion of the Province.—His cunning petition was brought forward, not by his own Representative, nor by one of his own Church, but by a Representative of these Counties of Lenox and Addington, who was of a different religious denomination, and had, like one other member been elected as a friend to the people, but had diverged from his colleague's steady, straight-forward course, until he had quite changed sides, become a favourite of Dr. Strachan, and a thorough-going ministerialist. Contrary to the advice and entreaty of his patriotic colleague, he introduced the Doctor's famous Petition. That display of his political association, (although the prayer of the Petition was not granted) together with his voting against the repeal of the 4th of Geo. 3d, (better known as the *Gourlay* act) and for the bill prohibiting political meetings, commonly called the "*Gag-Law*," and other ministerial measures, disgusted the independent part of his constituents, but secured to him the Doctor's patronage, in consequence of which, official favours have, ever since, been showered down upon him, and his family, connexions, and friends, according to the well known policy of rewarding partizans, upon condition of their attachment and support to the administration. Such selfish attachment is called *loyalty*, and is a strong recommendation of this favourite of Dr. Strachan to the support of his party. Politically connected as he is, and bound by official ties, they know that, if he should be again returned to Parliament, he must, and will, of course, on all political questions, be a Representative of the Administration, on whom he is dependent, rather than of the people, whom he has once disappointed. The whole Court party therefore, devoted to Dr. Strachan, will turn out in his favour, if their leader think there is any prospect of his election. Their zeal will be still further stimulated by the consideration, that the election of such a distinguished favourite of their hon. and Rev. patron, in opposition to the present Representatives, who, besides their independence of conduct generally, were efficient members of the Committee on the *Anti-Strachan* Petitions, will, for that reason, be a more pointed triumph. The signers of these Petitions, on their part, also, should take this into consideration.

As the number of Electors in these populous Counties is great, and many of them, by reason of distance, or some other cause, are too apt to neglect attendance, unless stirred up to attend, although the ministerialists are sensible that a decided majority of the whole body of Electors is opposed to them, they may hope, by superior exertions, to bring a sufficient number to the Poll, to carry a ministerial election.

One of the Petitioners against Dr. Strachan's Chart and Charter. Hay Bay, May 27th, 1828. § Willit Casey, Esq. FOR THE UPPER CANADA HERALD. Sir,—In answer to the question as proposed by "Ratio" in your last Number—I beg to state that—Peter's Money is £220.6 And as Peter's is to John's as 7 to 64 therefore John's money is £2016.9142857 And as John's less £660.2337 is to George's as 64 to 9 therefore George's money is £190.8 Then the square of Peter's money is 48664.36 And the square of George's is 36404.64 The sum of the squares is 85069 Which was to be demonstrated. I am Sir, Your Obedient ROBERT JEFFERS. Kingston, June 9, 1828.

Sir, It becomes my duty in reply to your correspondent "A Scott" to say that every facility is afforded to all denominations of

christians in the 71 Regiment to attend their own places of worship; this truth could easily have been ascertained without having recourse to the shallow and unfounded story which has obtained publicity through the medium of your paper. The Soldiers of the 71 Regt. always get their Rights without having occasion to be importunate for them, nor do they wish for or need the interference of an anonymous Scribbler at any time. I have the honor to be Sir, Your most Obedt. Humble Servt. G. CUMING, Lt. Act'g. Adj't. 71 Regt.

The Editor of The Upper Canada Herald.

MISCELLANEOUS. From the Prince Edward Island Register, May 6.

The Legislature was prorogued yesterday after a stormy discussion between the Council and Assembly. The Council on the 21st inst. adopted a resolution to do no further business with the House of Assembly until the latter expelled from their Journals a message which they had sent to the Council the same day. With this demand the Assembly have resolved that they rather will comply. Without a material change, therefore in the councils of the country, it is in vain to expect any improvement in our condition, and it is to the wisdom of the Executive that we look for the adoption of such prompt and decisive measures as the present crisis demands.

It will be in the full recollection of our readers, that at the close of the session of 1827, the Council requested his Excellency to submit the questions in controversy between them and the Assembly, for the consideration and direction of his Majesty's Government. With this request his Excellency complied, and the result has been a letter from the Right Hon. W. Huskisson, his Majesty's principal Secretary of State for the affairs of the Colonies, addressed to the Lt. Governor of Prince Edward Island. We feel much pleasure in giving publicity to this letter; the noble and patriotic sentiments it contains, merit entire approbation, and it affords the most unequivocal acknowledgment of the sole right of the Common House of Assembly in the Colonies to originate money bills, and to appropriate and direct the uses and ends to which the revenue derived under them is to be applied—a right which the House of Assembly here have in no instance ever compromised. The letter, as received by his Excellency and by him transmitted to the Assembly, is as follows: Downing St. 30th Oct. 1827.

Sir, "With reference to your Despatch of the 15th of May, No. 9, addressed to Lord Bathurst, upon the subject of the unfortunate misunderstanding which has taken place between his Majesty's Council and the House of Assembly of Prince Edward Island. I have to express my sincere regret that any subject should have occurred to disturb the harmony of the two branches of the Legislature; whose mutual good understanding is so essential to the best interests of the Colony. The subject matter of the difference, is unfortunately one upon which the pertinacious adherence of both parties to what they respectively consider a matter of abstract right, must put an end to the business of the administration, and plunge the Colony into irretrievable difficulties.

"You will, therefore, do well to express to his Majesty's Council the regret with which I learn that they have thought fit, now, for the first time, to act upon a claim, at least, doubtful right, which has been more prudently suffered hitherto to lie dormant, which in its nature it is not very easy to reconcile to the principles of the British Constitution. "On the other hand, you will take an early opportunity of impressing upon the House of Assembly, the vital importance to the Colony of the most friendly and confidential intercourse between themselves and his Majesty's Council, and you will earnestly recommend to their adoption such a temperate and conciliatory course, as may preserve the Colony from those fatal consequences which a rupture between the two branches cannot fail to produce to those whom they sit as Representatives, and whose interest it is their first duty to uphold. I have the honor to be Sir, Your Most Obedient Humble Servant. W. HUSKISSON."

With such a document as the foregoing before them, it may occasion some surprise that his Majesty's Council here should still continue to assert their claim to deliberate separately on the items of appropriation.—Had it, instead of being a question of abstract right, been one of expediency or courtesy, in which light it has not yet been considered, what follows through a private letter, would no doubt, from the high character and acknowledged talent of the writer, have had much weight with all parties; but the attempt made so recently to call in question the exclusive privileges of the Assembly in matters of supply will render them more than ever tenacious of their rights.

Extract of a private Despatch from the Honourable William Huskisson to the Lieutenant Governor of Prince Edward Island. "A system has prevailed in some of his Majesty's Colonies, which, waving the matter of right and adopted as one of courtesy and convenience, has been attended with the best effects. The House of Assembly precede every bill of this nature by separate resolutions upon each item; these being sent up to the Council, are separately approved or rejected,—and those which have been assented to, are subsequently embodied in a bill, and pass of course. By this mode of proceeding, the public business is materially facilitated, and no opening is left for such unhappy disputes as now subsist between the Council and Assembly of Prince Edward Island. You will do well in addition to the general recommendation, contained in my public dispatch, to recommend to the House of Assembly a similar mode of proceeding."

OUR NORTH WESTERN BOUNDARY. The National Gazette publishes a proclamation of Mr. Adams, dated May 18th, containing the Convention concluded with the King of Great Britain, on our North Western Boundary, with the ratification. The Convention bears the date of the 6th August last in London. It extends into